



MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2008 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held March 3, 2008 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
 Vice Mayor Harriet Pruette
 Councilor Fred Lee
 Councilor Eric Pardee
 Councilor John Weldon
 City Attorney Christopher White
 City Manager Jim Jarboe
 City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew
 Senior Activities Center Director Leslie Lyne
 Director of Finance Steve Ramsey
 Director of Public Safety David Sembach

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Lee, seconded by Pruette.

Motion: **TO APPROVE THE FOLLOWING MINUTES:**

FEBRUARY 4, 2008, REGULAR CITY COUNCIL MEETING
FEBRUARY 25, 2008. WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he attended the "Mayor's Conference on Illegal Guns and Community Safety" which was hosted today by Jacksonville Mayor John Peyton. It was attended by New York City Mayor Bloomberg and other Florida Mayors.

Vice Mayor Pruette asked Council to consider adopting a Resolution to protect public land.

Councilor Pardee asked staff for an update on the Flagler Property development. City Manager Jarboe stated the Flagler Property proposed development would be heard by the Planning & Development Review Board in March.

Councilor Pardee stated the City of Jacksonville had Penman Road on schedule to be repaved. He added that he had noticed a lot of illegal snipe signs in public rights of ways which he would continue to remove.

Councilor Weldon asked if pedestrian walkways would be part of the Penman Road repaving project.

City Clerk Volpe stated the code book supplements were available.

CITY MANAGER REPORT

The Public Services Department was able to piggyback off of an Atlantic Beach contract for sewer repair projects.

Councilor Lee asked to place playground equipment on the March workshop agenda.

COMMENTS FROM THE PUBLIC

Sybil Ansbacher, 2008 Strand Street, thanked the Council for supporting her during her service on the Board of Appeals.

Lynda Padrta, 1113 First Street, opposed extending the request by Lakeshore Village to extend the Wal-Mart development.

Mary Ann Padrta, 1030 Second Street, also opposed extending the request by Lakeshore Village to extend the Wal-Mart development.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-02

ORDINANCE NO. 2008-02, AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2, ADMINISTRATIONS, ARTICLE VII BOARDS AND COMMISSIONS, ADDING SECTION 2-412 PRESIDING OFFICER OF A BOARD OR COMMISSION AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-02 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Moved by Lee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2008-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2008-03 ORDINANCE NO. 2008-03, AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, ARTICLE II GARBAGE AND TRASH, DIVISION 4 COLLECTION AND DISPOSAL SECTION 11-84 SAME – BAGGING; CUTTING TREES AND TREE LIMBS REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-03 by title only and opened the public hearing.

There being no comments from the public, the public hearing was closed.

Vice Mayor Pruette proposed amending the ordinance to add “development debris” as follows:

(a) All garden trash, including trees and tree limbs, sand and dirt and development debris, shall not be blown, swept, washed or placed onto public or private roadways or alleys or onto adjacent properties.

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2008-03 ON SECOND READ AND PUBLIC HEARING AS AMENDED.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Res. No. 2008-03 RESOLUTION NO. 2008-03: A RESOLUTION OF THE CITY NEPTUNE BEACH, FLORIDA SUPPORTING THE CONCEPT OF PLACING ART IN THE ROUNDABOUT LOCATED AT THE ENTRANCE RAMP TO THE OCEAN ON ATLANTIC BOULEVARD.

City Manager Jarboe stated Ordinance No. 2007-16 pertained to all art projects in commercial districts.

Michael Dunlap, representative for the Town Center Agency, handed out copies of a Resolution prepared by the Town Center Agency. He felt Resolution 2008-03, drafted by the City Manager was unacceptable to the Town Center Agency, because it required approval from the Planning & Development Review Board and it did not limit the art to non representational.

Councilor Weldon was concerned traditional sculptures would be excluded from the competition by limiting the submittals to abstracts. Mr. Dunlap stated the design committee felt that non-representational art would add more creativity to the competition and was a better solution for the site.

Councilor Weldon agreed the Council should maintain a simple veto on the project without the need for recommendation through the Planning & Development Review Board.

Vice Mayor Pruette asked City Attorney White if art work on public property would need a recommendation from the Planning & Development Review Board. City Attorney White replied the City had the absolute authority to govern whatever would be placed on public property.

City Manager Jarboe explained the Planning & Development Review Board was a recommendation board which only made recommendations to the Council and Council had the ability to deny or approve the board's recommendation.

Mayor Brown was concerned about approving an art project that would be placed on public property before seeing it. He felt the art work should be revealed to the Council before approval or Council should be allowed to veto the decision of the Design Committee.

Councilor Pardee was not comfortable with the Town Center Agency being in complete control over the project when an Ordinance governing art work was adopted in November. He suggested there were other property within the Town Center where the art could be placed.

City Manager Jarboe suggested forwarding the art project to the March workshop meeting.

Councilor Lee asked Mr. Dunlap to consider allowing the Council to have veto power.

Consensus: **FORWARD TO MARCH WORKSHOP.**

Res. No. 2008-04

RESOLUTION 2008-04: A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF APPEALS. ;

Council asked Board Member Bryan McDonald if he would be able to attend the board meetings without as many absents. He stated he did shift work but he would attend all meeting he was able to.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2008-04.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

Lakeshore Village /
Wal-Mart

TO DETERMINE IF ACTION IS APPROPRIATE ON THE REQUEST TO EXTEND THE LAKESHORE VILLAGE SHOPPING CENTER DEVELOPMENT ORDER FOR WAL-MART:

City Attorney White stated he received a telephone call from the Lakeshore Village Counsel informing him no deal was reached with Wal-Mart at the meeting but they still wanted a development extension.

For the Record

City Attorney White stated for the record that by agreeing to a consensus the council was in fact denying the request for the extension. The Code said that Council may grant an extension which implies the Council as taking action.

Vice Mayor Pruette stated she did not support the request for an extension because of the tri-party settlement agreement between the City, Lakeshore Village and Wal-Mart. She felt if any changes were made to the tri-party agreement Wal-Mart would also have to agree with the terms.

Moved by Pardee, seconded by Lee.

Motion: **TO DENY THE REQUEST FOR THE EXTENSION IN LIGHT OF THE EXISTING DEVELOPMENT SETTLEMENT AGREEMENT THAT IS ALREADY IN PLACE.**

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____