



**MINUTES
REGULAR CITY COUNCIL MEETING
JULY 7, 2008 AT 6:45 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 July 7, 2008 at 6:45 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

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

Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

ABSENT:

Councilor John Weldon

Order Call/Pledge

Mayor Brown called the meeting to order at 6:45 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pardee, seconded by Pruette.

Minutes

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

JUNE 2, 2008, REGULAR CITY COUNCIL MEETING
JUNE 16, 2008, SPECIAL CITY COUNCIL MEETING
JUNE 16, 2008, WROKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

CONSENT AGENDA

Auditors

SELECTION OF AUDITORS: To select Masters, Smith & Wisby to serve as auditors for the city for a period of three years.

Moved by Pruette, seconded by Pardee.

Motion: **TO SELECT AS AUDITOR MASTERS, SMITH, & WISBY.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes 0

Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE: City Manager Jarboe stated the Kings Road Bridge Bids were opened on June 19, 2008. The bid was separated into two parts. One for the Beam and Pile repairs and one for the Bulkhead Wall Replacement. The results were reviewed by our engineers and City Attorney White. In both bids Cline Construction was the lowest bidder meeting all the requirements. The City of Jacksonville Beach was contributing \$50,000 towards the repairs and a DOT grant would cover another \$100,000. The total cost for the city would be \$205,000. He recommended awarding both bids to Cline Construction.

Moved by Pruette, seconded by Lee.

Motion: **TO AWARD THE LOW RESPONSIVE BID TO CLINE CONSTRUCTION ONE FOR THE BULKHEAD WALL REPLACEMENT BID OF \$247,752.09 AND THE OTHER FOR BEAM AND PILE REPAIRS FOR \$107,939.19**

Councilor Lee voiced concern regarding the safety of the bridge once it was repaired. He asked the engineer to confirm the experience of Cline Construction. Nina Sickler, engineer, explained Cline Construction has been in business since 1996. They were pre-qualified by the Florida Department of Transportation. They had successfully completed over 30 similar jobs and she was confident they had the qualifications and met the job requirements.

Councilor Pardee asked the engineer to describe the construction repairs. Ms. Sicker explained the three major repairs that would take place and the materials that would be used during the construction. Councilor Pardee was concerned the clearance under the bridge would be reduced. Ms. Sickler assured him that the clearance of the bridge would not be reduced.

Councilor Pardee questioned if a warranty for the repairs would be provided. Ms. Sickler explained a warranty was not explicitly stated in the bid. However, because they were being installed by certified installers, the materials used would be covered by the manufacturer.

Vice Mayor Pruette questioned the time length of construction. Ms. Sickler stated the repairs should take no longer than six months and the bridge would be closed less than two months. Vice Mayor Pruette added she was glad to see the repairs were underway and hopeful that no more problems would arise.

City Manager Jarboe stated Jacksonville Beach would open the rear entrance during the construction period.

Mayor Brown stated he would like to recognize the cooperation of Jacksonville Beach for their opening the rear entrance and contributing \$50,000 towards the cost of the repairs for the bridge.

Councilor Pardee questioned the weight limit of the bridge and asked if the garbage trucks and other heavy vehicles would be able to use the bridge. City Manager Jarboe replied that he would prefer that heavy trucks continue to use the rear entrance provided by Jacksonville

Beach.

Mayor Brown thanked the Public Services Department for maintaining and keeping the bridge safe during the process.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown
Noes: 0
Absent: 1 – Weldon

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he received many positive comments from citizens regarding crowd control on the Fourth of July and the good job put forth by the Public Safety Department.

Vice Mayor Pruette stated she received many positive comments from citizens regarding the crowd control by the Public Safety Department during the Fourth of July holiday. She also heard many comments regarding the quick clean up by the Public Services Department.

CITY MANAGER REPORT

- The Town Center grease inspection project was ongoing.
- City Manager Jarboe thanked Chief Sembach for keeping the streets safe during the Fourth of July.
- He encouraged Council to pass the outside sales ordinance.
- He thanked Mayor Brown for sending a letter to the editor regarding the inspection report received by Public Services Department.
- The Public Services Department did an excellent job cleaning up after the Fourth of July Holiday.

COMMENTS FROM THE PUBLIC

Lang Chaires, 533 Magnolia Street, thanked Council for returning his calls and helping to solve his problems with the community garden. He also expressed appreciation for the appearance of Jarboe Park.

VARIANCES / NONE

ORDINANCES

Ord. No. 2008-05

ORDINANCE NO. 2008-05, OUTDOOR SALES – SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B) (5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance allowed businesses to hold eight outdoor sales per calendar year for up to sixteen days per year.

Vice Mayor Pruette felt this would help small businesses in the city.

Mayor Brown read Ordinance No. 2008-05 by title only and opened the public hearing.

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

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2008-05 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Ord. No. 2008-07

ORDINANCE NO. 2008-07 – ANIMALS – SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 6-17 ANIMALS CAUSING INJURY, ADDING SECTION (b) AND DELETING SECTION 6-29 PERSONS BITTEN MUST REPORT TO POLICE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2008-07 by title only and opened the public hearing.

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

Move by Pruette, seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2008-07 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Ord. No. 2008-08

ORDINANCE NO. 2008-08, AMENDING QUALIFYING DATES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 9 ELECTIONS SECTION 9-5 QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-08 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Councilor Lee agreed to sponsor Ordinance No. 2008-08.

Ord. No. 2008-09

ORDINANCE NO. 2008-09, AMENDING POLICE OFFICERS' RETIREMENT SYSTEM, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-346, MEMBERSHIP; AMENDING SECTION 2-347, BOARD

OF TRUSTEES; AMENDING SECTION 2-349-5 OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349-15, DOMESTIC RELATIONS ORDERS; RETIREE DIRECTED PAYMENTS; EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR CODIFICATIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Director of Finance Steve Ramsey explained the following changes to the plan:

- Allows the police chief to opt out of the retirement plan
- Allows DROP participants to be elected to serve on the Board but they could not vote to elect a trustee to the Board
- Begins the PLOP program
- Allows direct deductions for insurance out of retirement payments.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE 2008-09 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS

EAR Report

COMMUNITY ISSUES FOR EVALUATION APPRAISAL REPORT: City Manager Jarboe stated the report needed to be approved by the Council and forwarded to the State. This is in preparation of the 20 year Comprehensive Plan.

Councilor Pardee thanked the Planning & Development Board for their hard work on the Evaluation Appraisal Report.

Moved by Pruette, seconded by Pardee.

Motion: **ISSUES IDENTIFIED BE APPROVED AND FORWARDED TO THE STATE.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Res. No. 2008-12

RESOLUTON NO. 2008-12: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD.

Mr. Patrick Krechowski introduced himself to the Council.

Council Members thanked each appointee for volunteering to serve on the Board.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2008-12.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

City Manager Jarboe reported the parking in Town Center has become less of a problem. Mayor Brown replied this could be due to the trolley service running on Friday, Saturday, and Sunday.

Councilor Pardee asked to place the issue of land use for gasoline stations on the August workshop agenda.

NEW BUSINESS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____