



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**JULY 6, 2009 AT 6:05 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 6, 2009 at 6:05 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

## Attendance

## IN ATTENDANCE:

Mayor Harriet Pruette  
 Councilor Fred Lee  
 Councilor Eric Pardee  
 Councilor Kara Tucker  
 Vice Mayor 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  
 Director of Public Service Leon Smith

## Order Call/Pledge

Mayor Pruette called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

Mayor Pruette presented a Proclamation of Esteem to Father William Kelly for his 50<sup>th</sup> Anniversary of ministry to the community.

**APPROVAL OF MINUTES**

Moved by Lee, seconded by Pardee.

## Minutes

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

**JUNE 1, 2009, SPECIAL CITY COUNCIL MEETING**  
**JUNE 1, 2009, REGULAR CITY COUNCIL MEETING**  
**JUNE 15, 2009, WORKSHOP CITY COUNCIL MEETING**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Pruette thanked the Public Service Department and Public Safety Department for doing a good job during the July 4<sup>th</sup> Holiday.

Mayor Pruette asked Council to direct City Manager Jarboe on how they wanted to review the budget process for the fiscal year 2009-2010.

Councilor Pardee stated the City of Jacksonville regulated vending machines in the Historic Springfield District but did not regulate them in other areas of the city.

Councilor Pardee stated the city website now allowed citizens to search Council meeting minutes for specific subjects.

#### **CITY MANAGER REPORT**

- There were no major incidents reported during the Fourth of July Holiday.
- There would be a short delay preparing the water bills this month because the Meter Reader has been out sick.
- Senior Activity Center Director Leslie Lyne was organizing a Beaches Challenge 5K Run.

Senior Activities Center Director Leslie Lyne explained the Beaches Challenge 5K Run would take place on August 15<sup>th</sup> at 8:30 a.m. on the beach. The proceeds would benefit programs offered at the Neptune Beach Senior Activities Center.

#### **COMMENTS FROM THE PUBLIC**

#### **CONSENT AGENDA**

Crafternoon

CRAFTERNOON: Approval to hold the Crafternoon Event in Jarboe Park.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

#### **VARIANCES / NONE**

#### **ORDINANCES**

Ord. No. 2009-06

ORDINANCE NO. 2009-06, AMENDING CHAPTER 13, NOISE, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 13, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND SECTION 13-6 VIOLATION; PENALTIES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Ordinance was designed to quiet certain sections of the city. This would allow police officers the discretion to ticket the defendant on the first offense instead of giving a warning. It also allowed code enforcement action to be taken after two violations instead of three.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE ORDINANCE 2009-06 ON FIRST READ.**

Councilor Pardee disagreed with allowing code enforcement action to be taken against the property owner after only two violations. He felt this would not be fair to absentee property owners.

Councilor Lee stated he has received numerous complaints from citizens regarding noise and he supported the ordinance.

Vice Mayor Weldon supported the ordinance. He felt if the property owners did not take responsibility for their tenants the noise problem would never be solved.

Councilor Tucker also voiced support for the ordinance.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

### OLD BUSINESS

Nuijens

APPROVAL OF RESOLUTION FOR NUIJENS: Declaration of Restrictive Covenant for Nuijens, 218 Bay Street, for the City of Neptune Beach to treat the property as one lot for all purposes.

City Attorney White explained this was a result of the shade meeting and was not a part of the public record at this point. He further explained the Declaration of Restrictive Covenant reflected the terms of the agreement accepted by the Counsel for Mr. Nuijens.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE DECLARATION OF RESTRICTIVE CONVENANT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Nitrogen

NITROGEN REDUCTION OVERVIEW AND RECOMMENDATION: City Manager Jarboe explained at the previous workshop meeting that the consulting engineers recommended the use of a “fixed film media” process to reduce nitrogen levels. This would be the least expensive method to meet the Department of Environmental Protection’s required level of nitrogen reduction.

Moved by Weldon, seconded by Tucker

Motion: **TO APPROVE THE RECOMENDATION OF THE CITY MANAGER FOR THE NITROGEN REDUCTION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

### NEW BUSINESS

Res. No. 2009-07     RESOLUTION NO. 2009-07: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Moved by Lee, seconded by Tucker.

Motion:         **TO APPROVE RESOLUTION NO. 2009-07.**

Roll Call Vote:

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

Noes:         0

MOTION CARRIED

Adjournment         There being no further business, the meeting adjourned at 6:30 p.m.

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Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: