



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 21, 2009, AT 6:12 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held September 21, 2009 at 6:12 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
Councilor Kara Tucker
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Senior Activity Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll
Call

Mayor Pruette called the meeting to order at 6:12 p.m.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The City would be receiving a \$950,000 grant from the St. Johns River Water Management District.
- Police grant of about \$370,000 is in the works.

Councilor Lee stated for the benefit of the audience that the \$950,000 grant would be used to solve the nitrogen issue and water reuse.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, felt the sanitation fees were not fair to those who did not generate much trash. She suggested the City consider the possibility of having citizens pay for trash by the bag. She opposed smoking in outdoor dining areas. She also opposed the City abandoning or allowing use of public rights-of-ways.

Tim Slater, 573 Magnolia Street, felt public property should be preserved.

PROPOSED ORDINANCES

Alcoholic
Beverages

ORDINANCE NO. 2009-XX, CHAPTER 4, ALCOHOLIC BEVERAGES; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 PERSONS NOT HOLDING AN ALCOHOLIC BEVERAGES LICENSE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the Ordinance needed to be amended as follows for clarification purposes. Section 4-7. Persons no holding an alcoholic beverage license. It shall be unlawful for any person(s) or business operating for profit, but not licensed to sell alcoholic beverages within the city, to sell, serve, give away or dispense alcoholic beverages or allow the same to be consumed upon any business, ~~Premises between the hours of 2:00 a.m. and 7:00 am. all days of the week.~~

Vice Mayor Weldon stated he would sponsor the ordinance.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Use of Public
Rights of Way

USE OF PUBLIC RIGHTS-OF-WAY: Councilor Pardee stated he would like to hear the opinion of the City Attorney on use of the city rights-of-way.

Mayor Pruette stated she requested a legal opinion from City Attorney White.

City Attorney White advised rights-of-ways were held in trust for the use of the public. There was a difference between the use of a right-of-way and abandonment of a right-of-way. Abandonment is the conveyance of the right-of-way to a third party for whatever reason. The city has the authority to adopt an Ordinance preventing the use of rights-of-way or Council could allow uses on a case by case basis. The city has the authority to allow reasonable use of rights-of-way but not to the extent that the rights-of-way are closed off from all public access or use.

Councilor Pardee questioned if it was legal for the City to lease rights-of-way. He felt leasing rights-if-way that were adjacent to private property could be a benefit to the city.

Vice Mayor Weldon felt rights-of-way belong to the citizens. He agreed Council should review requests for uses on a case by case basis. He also felt there should be justification that the use is in the best interest of the community before the city allows the use of or abandoned any city property. He added that just because a citizen owned property adjacent to the right-of-way did not give that give person any better claim to the property.

Councilor Tucker agreed the Council needed legal advice from the City Attorney before allowing further uses of City rights-of-ways.

City Attorney White stated he would prepare an overview to present to Council showing what Florida law has allowed and disallowed relating to use of public property.

Consensus: **HAVE THE CITY ATTORNEY PREPARE AN OVERVIEW.**

Councilor Lee asked City Attorney White to review how the City handled public rights-of-way in the past.

Councilor Pardee stated the Planning and Development Review Board has asked Council for direction on the issue.

Outdoor Seating

OUTDOOR SEATING: City Manager Jarboe explained the owners of Sun Dog Diner and Caribbee Key have requested that the outdoor dining areas remain open until 2:00 a.m. They were currently closed at 12:00 a.m. Director of Public Safety Sembach advised Council he was okay with allowing to the outdoor dining to remain open until 2:00 as long as there was an off duty police officer present on weekends and during large events.

Vice Mayor Weldon stated he was not opposed to allowing the outdoor dining areas to remain open until 2:00 a.m. as long as they agreed to have security as requested by Chief Sembach. He also asked the owners to treat the area as they would the inside and have a last call at 1:30 a.m.

Mayor Pruette asked the owners about the non-smoking issue and cleaning up the cigarette butts from the fronts of the restaurants. Mr. Brocato, owner of Carribbee Key replied his employees clean the sidewalk when they open the restaurant at 9:00 a.m. He stated he would also add the Ordinance No. to the no smoking signs on the tables.

Mr. Winter, owner of Sun Dog Diner, stated due to security reasons, he also cleaned the sidewalks in the morning.

Councilor Pardee stated he would agree to support extending the hours until last call at 1:30 a.m. He felt the smokers outside on the sidewalk were not necessarily the responsibility of the restaurant owners.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING.**

Community Development Director Askew stated this would change Chapter 27.

Councilor Pardee was concerned about the effect of the changes to Chapter 27 on other outdoor dining areas.

City Manager Jarboe stated the hours of operation would be changed in the lease agreements.

Councilor Weldon stated the Council could not control outdoor dining on private property. City Manager Jarboe stated the Council could control outdoor dining hours because it is only permitted by exception.

Res. No. 2009-13

RESOLUTION NO. 2009-13: A RESOLUTION IN SUPPORT OF BEACHES VETERAN SERVICE ORGANIZATION'S "ARMED FORCES COMMUNITY CONVENANT" PROGRAM.

Consensus: **FORWARD TO THE OCTOBER REGULAR MEETING.**

Agenda Packets

Vice Mayor Weldon asked the Council to give City Clerk Volpe direction on preparing the Council agenda packets.

Consensus: **TO GO BACK TO THE OLD WAY OF PREPARING AGENDA PACKETS USING ONE SIDED COPIES WITH DIVIDING TABS**

BETWEEN AGENDA ITEMS, AND BIND USING THE BLUE COVER.

Adjournment

There being no further business, the meeting adjourned at 6:54 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____