



**MINUTES
REGULAR CITY COUNCIL MEETING
JULY 12, 2010 AT 6:15 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 12, 2010, at 6:15 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

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

Public Safety Director Chief David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:15 p.m. and asked Councilor Pardee to led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Weldon.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES AS AMENDED.**

Councilor Pardee asked to amend the consensus on page 3 of the Workshop meeting to read as follows: To continue sending out second notices and do not send to second read.

**JUNE 7, 2010, REGULAR CITY COUNCIL MEETING
JUNE 21, 2010, WORKSHOP CITY COUNCIL MEETING**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

July 4th Celebration Mayor Pruette asked Chief Sembach to report on the July 4th Holiday activities. Chief Sembach explained the activities in the city this past 4th of July has improved. The Jacksonville Sherriff's Office supplied 5 horses, 6 patrol officers and 1 sergeant. There was one big party on the 400 block of Lora Street and there was about 400 people in the street. They only had to make five arrests. There were five loud party citations issued. There was only one fight, four thefts and no house burglaries were reported.

Councilor Tucker brought up an e-mail regarding the JSO horses defecating on the beach. City Manager Jarboe stated that was a minor issue and the issue will be part of the planning for next year.

Mayor Pruette thanked Councilor Tucker for calling JTA regarding a complaint from a citizen about a bus going off route and dropping an inebriated person into a residential neighborhood.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He has been in negotiations with the two unions.
- A 30 day notification is required for the draft permit for operation of the sewer plant.
- There was a concern regarding arsenic showing up in the fluid in the sewer plant that turned out to be a problem with the lab testing.
- The Village Inn and PJ's Sports Grill have closed.

Councilor Tucker stated Danail Durbec with Clean it up Green it Up Jacksonville, would be photographing her at the part of Florida Boulevard that she adopted on Monday, July 19th. If any other Council members would like to be included in the photo, they were welcome to come.

Mayor Pruette stated City Manager Jarboe would be giving information regarding the upcoming hurricane season at the next workshop meeting.

City Clerk Lisa Volpe stated the September Regular Meeting will be on Tuesday, September 7th, due to the Labor Day Holiday.

COMMENTS FROM THE PUBLIC / NONE**CONSENT AGENDA**

- JTA Beaches Trolley – \$1,000 Contribution
- RESOLUTION NO. 2010-05: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- TMDL – Improvements – Bids / To award the bid to WPC, Industrial Contractors
- Employee Health Insurance / To approve the new health insurance plan offered by AvMed.
- Waste Pro – Side Yard Pick-up – To approve the elimination of side yard pick-up.
- 2010 Lower St. Johns River Tributaries Basin Management Action Plan II / To approve the agreement

Moved by Weldon, seconded by Lee.

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-10

ORDINANCE NO. 2010-10, AMENDING CHAPTER 27, ADDITION OF DAY SPA, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, IN GENERAL, SECTION 27-15, DEFINITIONS, ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND TABLE 27-540-1 OFF-STREET PARKING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would allow Day Spas in the C-1 district.

Mayor Pruette read Ord. No. 2010-10 by title only and opened the public hearing.

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

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-10 ON SECOND READ AND PUBLIC HEARING.**

Mayor Pruette asked if Council wanted to add language that would more clearly define not allow tattooing as a service. City Manager Jarboe stated the tattooing would not be allowed.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2010-12

ORDINANCE NO. 2010-12, AMENDING CHAPTER 27, DRIVE THRU, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, ARTICLE IV, LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance defined that all drive thru windows be located to the side or rear of the building and away from the principle abutting thoroughfares by special exception.

Mayor Pruette read Ordinance No. 2010-12 by title only and opened the public hearing.

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

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-12 ON FIRST READ.**

Mayor Pruette agreed to sponsor Ordinance 2010-12.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2010-13

ORDINANCE NO. 2010-13, ADDING SECTION 22-5, IMMOBILIZING OF VEHICLES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 22-5 IMMOBILIZING OF VEHICLES AND AMENDING 22-26 SCHEDULE OF STREETS, DISTRICT AND ZONES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance would help enforce payment of parking tickets by allowing police officers to place a boot a vehicle after having three unpaid parking tickets.

Moved by Lee, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-13 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Lemon St.
Right-of-way

LEMON STREET RIGHT-OF-WAY – RESTRICTIVE COVENANT: City Manager Jarboe stated this would allow the owner of the property to develop the property for commercial use. It also indemnifies the City.

City Attorney White stated he received and reviewed all necessary documents and they were ready for approval.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE THE DECLARATION OF RESTRICTIVE COVENANT ALONG WITH THE LEMON STREET RIGHT-OF-WAY AGREEMENT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

PDRB10-04
750 Third St.

PDRB10-04 – SPECIAL EXCEPTION – 750 THIRD STREET: Mayor Pruette explained Mr. Smith had called and informed her that he and his staff were out of town and could not attend the meeting.

Councilor Weldon encouraged the Council to be cautious and reluctant when making these special exceptions for the C-1 district.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE PDRB10-04 AS THE PLANNING BOARD RECCOMENDED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2010-06 RESOLUTION NO. 2010-06: A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF APPEALS.

Pruette moving Mr. Trefinger from an alternate member to a regular member.

Moved by Lee, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2010-06.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee asked if there would be another workshop meeting in July. City Clerk Volpe stated there would be a workshop meeting on Monday, July 19, 2010.

Councilor Weldon asked if the topic of consolidating the Board of Appeals and the Planning & Development Review Board would be on the July 19th workshop agenda. City Clerk Volpe replied “yes” as well as the subject of a magistrate in lieu of the Code Enforcement Board.

Adjournment There being no further business, the meeting adjourned at 6:45 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: