



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 7, 2010 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 June 7, 2010, at 6:00 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 6:00 p.m. and asked Councilor Weldon to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Lee.

Minutes

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

MAY 3, 2010, REGULAR CITY COUNCIL MEETING
MAY 24, 2010, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated the agenda item for approval for the church to show movies in Jarboe Park would be added at the end of the agenda. It was mistakenly left off the agenda although it shows in the minutes it was to be voted on.

City Clerk Volpe stated the July regular meeting would fall on July 5, 2010 and City Hall would

be closed. She suggested moving the meeting to July 12, 2010.

Consensus: **TO HOLD THE JULY REGULAR MEETING ON MONDAY, JULY 12, 2010.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The 2nd Annual Beaches Challenge 5K Run and 2.5 K Walk, to benefit the Senior Activity Center, will be held Saturday, June 19, 2010 at 8:30 a.m.
- The contractor has been asked to clean up the debris along Third Street from the repaving.
- The new Publix would be opening within approximately six weeks.
- There has not been a final resolution between the property owners as to the construction of a roadway between the shopping centers.
- He would not be issuing any permits allowing bands on private properties during the 4th of July celebration.
- Finance Director Steve Ramsey is coming into the office twice a week and working from his home on 2010/2011 FY budget.

Vice Mayor Lee asked if the City had outlined a plan for cleaning up any oil that may wash ashore due to the oil spill in the Gulf of Mexico. City Manager Jarboe stated the Department of Environmental Protection had control over the situation. However, the city would be monitoring the beaches.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-10 **ORDINANCE NO. 2010-10, ADD DAY SPAS, 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 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 upscale salons in the C-1 district by special exception.

Mayor Pruette read the Ordinance 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 Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-10 ON FIRST READ AND PUBLIC HEARING.**

Councilor Weldon questioned if the parking requirements would be adequate. City Manager Jarboe explained the parking requirements for day spas were the same as shopping centers.

Councilor Pardee explained the applicant had informed him that there would be no overnight stays for medical procedures and procedures would be by appointment only.

Roll Call Vote;

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

Noes: 0

Mayor Pruetto stated she would sponsor the Ordinance.

MOTION CARRIED

Ord. No. 2010-11

ORDINANCE NO. 2010-11, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, SECTION 23-88 ADDITIONAL CHARGE FOR DELINQUENT PAYMENT, AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE; SECTION 23-90 IMPACT FEE REVENUE RESTRICTIONS AND SECTION 223-105 BILLING AND PAYMENT AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated this Ordinance would eliminate the requirement to send out second notices for water and sewer non payments.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2010-11 ON FIRST READ.**

Vice Mayor Lee asked how many customers would be affected by the Ordinance. City Manager Jarboe stated this would affect about 100 to 200 customers per month which was approximately 7% of all utility accounts. This would save the city money in staff time.

Councilor Weldon stated this was an issue regarding the level of service provided by the city and historically customers were given a second notice before their water and sewer was cut off. He wanted to debate the issue.

Mayor Pruetto stated the Ordinance would be forwarded to the June workshop meeting for further discussion before the second read.

Councilor Weldon protested not being able to discuss the Ordinance at a regular meeting.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Surplus

SURPLUS POLICE VEHICLES: City Manager Jarboe explained the police department had the following vehicles to surplus:

2003 Chevy Impala VIN # 2G1WF55KX39410324

2003 Chevy Impala VIN # 2G1WF55KX39225142

2003 Chevy Impala VIN # 2G1WF55K739217970

2004 Chevy Impala VIN # 2G1WF55K149227126

Moved by Weldon, seconded by Lee.

Motion: **TO SURPLUS THE ITEMS LISTED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Councilor Weldon stated the grant to replace these vehicles came with the requirement that the Public Safety Department pursue more aggressive DWI enforcement. City Manager Jarboe stated he would have that placed in the Cast-a-Line Newsletter.

Movies in the Park MOVIES IN THE PARK: City Manager Jarboe explained the Resurrection Anglican Church has requested permission to show movies in Jarboe Park. He was not in favor of allowing the showing of the movies in the park due to noise ordinance concerns.

Moved by Pardee, seconded by Lee.

Motion: **TO APPROVE THE MOVIES IN THE JARBOE PARK.**

Vice Mayor Lee was also concerned there would be noise complaints because the movies would not be over until after 11:00 p.m.

City Manager Jarboe previously suggested they ask the Girl Scouts if they could use the Girl Scout building inside the park to show the movies.

Mayor Pruette asked if Councilor Pardee wanted to withdraw the motion and make another or if the Council wanted to vote on the motion as is.

City Manager Jarboe stated the city has had this issue with other events in the park. If there is a noise complaint the police are required to ask them to cease and desist or issue a citation.

Councilor Pardee stated he would be favor of allowing them the opportunity.

Mayor Pruette stated they have been warned that if there was a noise complaint they would have to shut down.

Vice Mayor Lee stated as long as they knew there was a chance of being shut down he would be in favor of giving them the opportunity.

City Attorney White suggested, due to the nature of a religious group showing movies on public property, the city inquire as to what movies they intended to show.

Roll Call Vote:

Ayes: 3 – Lee, Pardee, Tucker

Noes: 2 – Weldon, Pruette

MOTION CARRIED**COUNCIL COMMENTS**

Councilor Pardee was concerned the new DUI enforcement would affect the traffic patrol. He asked Chief Sembach if there was a station closer to the beach where DUI offenders could be booked. Chief Sembach responded DUI offenders had to be taken downtown to Jacksonville by the arresting officer because they had to be present when the breathalyzer test was administered. Chief Sembach added that other beach patrols would provide back up assistance if needed.

Councilor Weldon asked what the citizens should expect. Chief Sembach explained the grant specifies the new vehicles had to be marked as police vehicles. He intended to have the markings placed on the sides. They would not be marked in the front or the rear. They would not have lights on the top and they would not have a yellow city tag. They would have a lot of lights for safety purposes and would be equipped with cameras on both the front and the rear. Perpetrators would not be able to identify the police car until they passed it or approached

either side.

Mayor Pruette stated she went before the JTA Board last week and they assured her they were working on a solution to have the dirt mound in the intracoastal removed and they may need our help in securing the permit.

City Attorney White advised the new State law effective October 1, 2009 allowed municipalities to allow outdoor doggie dining. There were some new requirements in effect. City Manager Jarboe explained our permit application would have to be amended to adhere to the new State requirement. City Attorney White advised information on dog dining permits would have to be furnished to the State.

Vice Mayor Lee thanked City Manager Jarboe and staff for cleaning the graffiti off of the fence by the Church.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: