



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 7, 2010 AT 7:30 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 December 7, 2010, at 7:30 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

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

STAFF:

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

Order Call/Pledge

Mayor Pruette called the meeting to order at 7:30 p.m. and asked Councilor Tucker to lead 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:**

NOVEMBER 1, 2010, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 2010, WORKSHOP CITY COUNCIL MEETING
NOVEMBER 15, 2010 SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Weldon questioned if the pump for the package treatment plant had arrived from Italy. City Manager Jarboe responded it should arrive within two weeks.

Councilor Weldon questioned the status of the solar power grant. City Manager Jarboe stated he had received information that some manufacturers would love to be the first to install solar power for a City.

CITY MANAGER REPORT / NONE

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2010-19 **ORDINANCE NO. 2010-19, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH FLORIDA, AMENDING CHAPTER 23, UTILITIES, ARTICLE III. SEWERS AND SEWAGE DISPOSAL, SECTION 23-53 SAME RECOVERY OF CITY COSTS, AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruetto read Ordinance No. 2010-19 by title only and opened the public hearing.

City Clerk Volpe stated the ordinance numbers had been adjusted from first read.

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

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2010-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 - Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2010-20 **ORDINANCE NO. 2010-20, AMENDING CHAPTER 27, ADDING SANDWICH BOARD SIGNS, SECOND READ AND PUBLIC HEARING; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-576 DEFINITIONS AND ADDING 27-584-A SANDWICH BOARD SIGNS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruetto read Ordinance No. 2010-20 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. 2010-20 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2010-21 ORDINANCE NO. 2010-21, AMENDING CHAPTER 27, ALLOWABLE USES WITHIN ZONING DISTRICT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2010-21 by title only and opened the public hearing.

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

Moved by Tucker, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2010-21 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2010-22 ORDINANCE NO. 2010-22, AMENDING CHAPTER 13, NOISE, SECTION 13-5, NOISE PROHIBITED, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 13 NOISE, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND PROVIDING AN EFFECTIVE DATE.

City Attorney White stated this amendment corrected language in paragraph 2 to correspond with language in paragraph 1, regarding sworn complaints and/or police reports. Also in paragraph 1 the word residential was removed so it would also apply to commercial property.

Moved by Weldon, seconded by Tucker.

Motion: **TO PASS ORDINANCE NO. 2010-22 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

OLD BUSINESS

Anglican Church APPROVAL OF REQUEST FOR RESURRECTION ANGLICAN CHURCH TO USE JARBOE PARK FOR A CHRISTMAS MOVIE ON FRIDAY DECEMBER 17, 2010. City Manager Jarboe recommended approval and suggested Council allow the City Manager to approve such requests in the future.

Moved by Weldon, seconded by Tucker.

Motion: **TO DIRECT THE CITY MANAGER TO AUTHORIZE THE RESURRECTION ANGLICAN CHURCH TO USE JARBOE PARK AS LONG AS THEY MEET THE GUIDELINES.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2010-12 **RESOLUTION NO. 2010-12: A RESOLUTION AMENDING THE PERSONNEL POLICY OF THE CITY OF NEPTUNE BEACH.**

City Manager Jarboe explained this Resolution added brother-in-law and sister-in-law to the definition of "family" in the personnel policy.

Moved by Weldon, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION NO. 2010-12.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2010-13 **RESOLUTION NO. 2010-13: A RESOLUTION APPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND THE COMMUNITY DEVELOPMENT BOARD.**

Mayor Pruette asked the appointees to stand and be recognized.

Moved by Pardee, seconded by Tucker.

Motion: **TO ADOPT RESOLUTION 2010-13.**

Ayes: 4 – Pardee, Tucker, Weldon, Pruette

Noes: 0

MOTION CARRIED

CDB10-09 **Seminole Shoppes SPECIAL EXCEPTION FOR SEMINOLE SHOPPES, LLC, FOR OUTDOOR SEATING BETWEEN 626 ATLANTIC BOULEVARD AND 620 ATLANTIC BOULEVARD.**

Mr. Michael Hirschberg, representative for Hurricane Wings and Grill, explained the Community Development Board recommended approval of the special exception for outdoor dining with the condition that there be no outdoor music acts or amplified activity. The applicant did not intent to establish a bar like atmosphere but they would like to be allowed to play low level music outdoors in an effort to drown out some of the noise from Atlantic Boulevard.

Councilor Pardee disclosed he had spoken with Mr. Hirschberg regarding the request prior

to the meeting.

Councilor Weldon asked if staff was agreeable to changing the condition to allow low level music outdoors. City Manager Jarboe suggested making the condition subject to the noise ordinance. Community Development Askew stated because the property did not abut residential property and staff was okay with low level music. Mayor Pruette stated she would support it but if there were complaints the owners would be hearing from the city.

Moved by Pardee, seconded by Tucker.

Motion: **TO APPROVE CDB10-09, 626 TO 620 ATLANTIC BOULEVARD, SPECIAL EXCEPTION FOR OUTDOOR SEATING SUBJECT TO THE EXISTING NOISE ORDINANCE.**

Roll Call Vote:

Ayes: 4 – Pardee, Tucker, Weldon , Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Pardee felt Council needed to discuss possible changes regarding the people dressed/acting as Santa, Mrs. Santa, and the Elves at the annual Christmas in the Park event.

Mayor Pruette stated he could place the issue on a workshop.

Adjournment

There being no further business, the meeting adjourned at 7:52 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: