



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 5, 2011 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 December 5, 2011, 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 Kara Tucker
Councilor Richard Arthur
Councilor John Jolly
Councilor Eric Pardee
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Krechowski to lead the pledge of allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Mayor Pruette recognized Mr. Gregory Sample with the Saint Johns River Water Management District. He would be returning in January with information regarding new regulations.

APPROVAL OF MINUTES

Moved by Jolly, seconded by Tucker.

Vice Mayor Tucker asked to amend the November 21, 2011, workshop meeting minutes to reflect that she would sponsor Resolution 2011-09, regarding tobacco sales and Councilor Jolly had agreed to co-sponsor the Resolution.

Minutes

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

NOVEMBER 7, 2011, REGULAR CITY COUNCIL MEETING
NOVEMBER 21, 2011, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS & CORRESPONDENCE

Mayor Pruette thanked staff for their efforts in pulling together the annual “Christmas in the Park” event.

CITY MANAGER REPORT

City Manager Jarboe thanked Mr. Sample, representative for the Saint Johns River Water Management District, for funding 50% of the nitrogen project.

City Manager Jarboe stated Holiday lights would be installed on Third Street and at the Florida Boulevard and Forest Avenue five way intersection this week. The money for the decorations would come out of the holiday fund.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2011-23 Budget ORDINANCE NO. 2011-23, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2011, BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011.

City Manager Jarboe explained the Public Safety Department received a grant to purchase two vehicles and help to pay overtime salaries. This Ordinance will incorporate the grant money into the FY 2010-2011 budget.

Mayor Pruette read Ordinance No. 2011-23 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 Jolly.

Motion: **TO ADOPT ORDINANCE NO. 2011-23 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Ord. No. 2011-25 Flood Plain ORDINANCE NO. 2011-25, AMENDING FLOOD PLAIN, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING AND DELETING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; SEC. 27-3. AUTHORITY, SEC. 27-15.

DEFINITIONS, SEC. 27-150. SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS, SEC. 27-402. APPLICABILITY, SEC. 27-403, FINDINGS OF FACT, SEC. 27-404. PURPOSE AND INTENT, SEC. 27-405. GENERAL PROVISIONS, SEC. 27-406. DEFINITIONS, SEC. 27-407. ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS, COASTAL HIGH HAZARD DISTRICTS AND SHALLOW FLOODING DISTRICTS, SEC. 27-408. CERTIFICATION REQUIRED SEC. 27-410. STANDARDS FOR REDUCING FLOOD HAZARDS IN COASTAL HIGH HAZARD DISTRICTS, SEC. 27-411. STANDARDS FOR REDUCING FLOOD HAZARDS IN SHALLOW FLOODING DISTRICTS, SEC. 27-412. PERMIT AND APPROVAL PROCEDURES, SEC. 27-413. PROCEDURE FOR APPEAL, SEC. 27-414. ADMINISTRATION, SEC. 27-416. MANUFACTURED BUILDINGS, SEC. 27-417. RECREATION VEHICLES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this Ordinance is required by the State and the Florida Building Code. If we are not consistent with the State and Building Code, insurance companies could charge a higher rate to our citizens for homeowners insurance. The ordinance will need to be amended again in March 2012, due to additional changes.

Mayor Pruetto read Ordinance No. 2011-25 by title only and opened the public hearing.

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

Moved by Jolly, seconded by Pardee.

Mayor Pruetto stated for the record Councilor Pardee would be the sponsor.

Motion: **TO ADOPT ORDINANCE NO. 2011-25 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruetto

Noes: 0

MOTION CARRIED

Ord. No. 2011-26
Temp. Signs

ORDINANCE NO. 2011-26, TEMPORARY SIGNS, 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, AMENDING SECTION 27.583 PERMITTED TEMPORARY SIGNS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruetto explained this Ordinance would allow temporary signs to be used for 30 days to promote new businesses.

Mayor Pruetto read Ordinance No. 2011-26 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 Arthur.

Motion: **TO PASS ORDINANCE NO. 2011-26 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruetto

Noes: 0

MOTION CARRIED

City Clerk Volpe stated second read and public hearing for this Ordinance would be in February. It has to go before the Community Development Board for recommendation and they were not meeting in December.

OLD BUSINESS / NONENEW BUSINESS

CDB11-05
200 Third St.
Denny's

CDB11-05, DEVELOPMENT ORDER, G & R QUIAT PARTNERSHIP LLC, DENNY'S 200 THIRD STREET; Mayor Pruette stated Mr. Jake Yakobi in the audience if there were any questions from the Council. The Community Development recommended approval.

City Manager Jarboe stated this was before Council for approval because the structure was not within the original footprint.

Moved by Tucker, seconded by Jolly.

Motion: TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

CDB11-06
1585 Atlantic Bl.
Wipeout Grill

CDB11-06, DEVELOPMENT ORDER, TRADEWINDS PLAZA, LLC, WIPEOUT GRILL, 1585 ATLANTIC BOULEVARD; Mayor Pruette stated Mr. Scott Perry, representative for Wipeout Grill, was in audience if there were any questions from the Council.

City Manager Jarboe stated Wipeout Grill would like approval to build a roof over the existing deck.

Moved by Pardee, seconded by Tucker.

Motion: TO APPROVE THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT BOARD WITH THOSE CONDITIONS SET FORTH BY THE CDB.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-08

RESOLUTION NO. 2011-08: A RESOLUTION APPOINTING MEMBERS TO THE POLCIE OFFICERS RETIREMENT BOARD.

Mayor Pruette stated she would like to have the Chairperson of the Police Officers Retirement Fund Board come before the Council in January.

City Manager Jarboe stated Carl Hashey was a retired air traffic controller and has been very active on the Police Officers Retirement Fund Board.

Moved by Tucker, seconded by Jolly.

Motion: **TO APPROVE RESOLUTION NO. 2011-08 APPOINTING CARL HASHEY TO THE POLICE OFFICERS PENSION BOARD.**

Councilor Jolly stated he reviewed the actuarial report and has some questions for the Board Chairman. City Manager Jarboe asked Council to let him know what questions they would like answered in writing. This would prepare the board representative to answer specific questions at the meeting.

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

Res. No. 2011-09 **RESOLUTION NO. 2011-09: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, URGING TOBACCO RETAILERS TO ADOPT A VOLUNTARY RETAIL POLICY TO PROHIBIT AND / OR RESTRICT THE SALE AND MARKETING OF CANDY FLAVORED TOBACCO IN THE CITY OF NEPTUNE BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Tucker, seconded by Jolly.

Councilor Pardee questioned if there were currently any violations for the sale or marketing of tobacco in the City. City Manager Jarboe stated the only possible violation would be if K-mart was selling pipes. He added this was a voluntary request as a Resolution and would not be enforced as an Ordinance.

Motion: **TO APPROVE RESOLUTION 2011-09.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2011-10 **RESOLUTION NO. 2011-10: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLOIRDA, SUPPORTING A FAIR SHARE OF THE FLEET'S DISTRIBUTION OF ASSETS TO NAVAL STATION MAYPORT.**

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE RESOLUTION NO. 2011-10.**

Roll Call Vote:

Ayes: 4 – Arthur, Jolly, Tucker, Pruette

Noes: 1 – Pardee

MOTION CARRIED

Surplus Items **SURPLUS ITEMS FROM PUBLIC SERVICES:** City Manager Jarboe explained the request is for approval to sell a used tractor and mower attachment that are in poor condition.

Moved by Jolly, seconded by Tucker.

Motion: **TO APPROVE THE SURPLUS OF THE EQUIPMENT.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Pardee, Tucker, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette wished everyone a nice Holiday Season.

Councilor Jolly stated it was his understanding that our Mayor was summoned to go to the City of Jacksonville to meet with Mayor Brown’s staff. He commended Mayor Pruette for not attending that meeting. He felt the City of Jacksonville should not summons our Mayor to a meeting. Mayor Pruette responded the City of Jacksonville has not yet responded to the joint letter from the City of Neptune Beach and the City of Atlantic Beach regarding tipping fees.

City Manager Jarboe wished everyone a Merry Christmas and a Happy New Year. He felt it had been a great year of accomplishments for the City.

City Clerk Volpe stated the January regular meeting date falls on the New Years Day holiday and the January workshop meeting falls on Martin Luther King Day. She asked which dates Council would prefer to meet in January.

Consensus: **TO HOLD THE JANUARY REGULAR MEETING ON TUESDAY, JANUARY 3RD AND THE JANUARY WORKSHOP MEETING ON TUESDAY, JANUARY 17TH.**

Adjournment

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

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: