



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**NOVEMBER 13, 2000 AT 7:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held November 13, 2000, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

The following Council members and staff were in attendance:

Mayor George F. Vaughn, Jr.	Assistant to the City Manager Terry Klein
Councilor Thomas A. Tankersley	Building Official Dan Arlington
Councilor Ronald D. Patronik	Assistant Building Official Piper Turner
City Manager Richard A. Linn	
City Clerk Lisa Volpe CMC	ABSENT:
Deputy City Clerk Karla Strait	Councilor Robert D. Shimp
	City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Seat 3 Vacancy

APPOINTMENT FOR VACANCY ON SEAT 3: City Clerk Lisa Volpe stated that she had spoken with City Attorney White and he had advised that the charter stated that the person appointed would have to remain appointed until the next election. Mr. White also stated that according to the charter there had to be a majority vote of the remaining council and therefore would require at least three votes.

Discussion ensued.

Consensus: **TO LEAVE THE VACANCY ON THE COUNCIL AS IS UNTIL THE NEW COUNCIL TAKES OFFICE IN DECEMBER.**

Appoint Vice-Mayor

APPOINTMENT OF VICE MAYOR: Councilor Patronik nominated Councilor Tankersley to fill the title of Vice Mayor for the rest of his term.

Consensus: **TO ACCEPT TOM TANKERSLEY AS VICE MAYOR FOR THE REMAINDER OF THE TERM.**

Roll Call Vote:

Ayes:	3 – Patronik, Tankersley, Vaughn
Noes:	0
Absent:	1 - Shimp

## Variance Request

APPEAL OF VARIANCE REQUEST 114 SOUTH STREET: City Manager Linn explained that he, City Attorney White, and Building Official Dan Arlington had agreed that the variance had not been filed timely. Mr. Linn added that the applicant resubmitting the plans without a dwelling over the garage had resolved the garage issue and the remaining issue was for the main house expansion, which had been heard and denied by the Board of Appeals.

Mayor Vaughn questioned if this was the right venue for the case at this point and time, referring to a statement made by Mr. Dunlap at the Board of Appeals meeting.

Ed Jones, former council member, explained that the Board of Appeals denied the variance request for the detached garage and informed Mr. Dunlap that it would be forwarded to the September 11, 2000, Regular Council Meeting. Mr. Jones stated that City Attorney White advised at that meeting that the detached garage issue should be referred back to the Board of Appeals for an administrative decision and then come back to council *along with the issue of the denied setback*. Mr. Jones added that because the garage issue had been resolved it did not need to be referred back to the Board of Appeals and for that reason only the issue of the variance was being brought back to Council.

Building Official Dan Arlington stated that it was made very clear that only the issue of the garage would go before council and that the Board of Appeals denied the addition to the house.

Councilor Tankersley stated that he was under the impression that the variance was under appeal and explained that council could only hear what had already been presented to the Board of Appeals and that no new evidence could be heard.

City Manager Linn stated that what the Council was hearing was the *appeal of the variance* and cited Section 27-153, subsection (c) of the Neptune Beach Code of Ordinances, titled "Procedure for Appeal, that stated:

No new evidence may be presented unless it pertains to events or circumstances, which have substantially changed since the board of appeal's decision. The City Council shall uphold the decision of the Board of Appeals unless the council finds that: 1) Defects in notice or procedural due process are alleged and proven; or 2) The decision of the board of appeals is not supported by competent substantial evidence and testimony produced at the public hearing.

Mr. Clifford stated that he and his wife felt it would be best to withdraw the variance appeal at this time and proceed with the garage and deck.

## Adjournment

There being no further business, the meeting adjourned at 7:36 p.m.

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George F. Vaughn, Jr., Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_