



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 7, 2002 AT 7:00 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 January 7, 2002, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Assistant to the City Manager Terry Klein
Councilor Ronald D. Patronik	Director of Finance Steve Ramsey
Councilor Harriet Pruette	Building Official Dan Arlington
Councilor Jimmy Gilbert	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown presented Deputy City Clerk Karla Strait with a plaque from the International Institute of Municipal Clerks for achieving the designation of Certified Municipal Clerk.

APPROVAL OF MINUTES

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

DECEMBER 3, 2001, REGULAR COUNCIL MEETING
DECEMBER 17, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Shimp felt the specifications and qualifications for the bidding of Phase I of the Water Utilities Plan were too strict and eliminated smaller companies from the bidding process. Shimp suggested postponing the pre-qualifying and reducing the qualifications. He requested that the subject be placed on the next workshop meeting for discussion.

City Manager Linn stated an official action was needed in order to cancel the bidding process. Mr. Linn supported the bid specifications as they were written by the engineer and was concerned about lack of performance and increased costs if the qualifications were reduced. Mr. Linn asked Jim Miller to estimate the additional costs the city would incur to re-bid the project.

Jim Miller, PBS&J, stated the whole job would need to be re-advertised and would take at least another 30 days. Mr. Miller estimated that it would cost the city approximately \$3,000 to \$4,000 more in bidding expenses.

Moved by Shimp, seconded by Patronik.

Motion: **TO SUSPEND THE BIDDING PROCESS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Vice Mayor
Resignation &
Reappointment

ELECTION OF NEW VICE MAYOR: Vice Mayor Shimp stated when he was elected Vice Mayor a year ago he promised he would resign the post after a year and allow a fellow council member the opportunity to serve as Vice Mayor for a year. Vice Mayor Shimp nominated Councilor Patronik for Vice Mayor and asked to place the issue on the next workshop meeting.

Councilor Pruette voiced concern about electing a new Vice Mayor because of the expenses the city would incur in ordering new business cards, stationary, etc. Councilor Pruette asked City Attorney White for a legal opinion because the Charter clearly stated that the Vice Mayor was chosen when there was an election. City Attorney White responded he would give a legal opinion at the workshop meeting.

Penman Road &
Florida Blvd.

PENMAN ROAD & FLORIDA BOULEVARD: Councilor Gilbert asked City Manager Linn if the city was responsible for the paving at Penman Road & Florida Boulevard because the center of the intersection was in need of repair. City Manager Linn responded that the paving was the responsibility of Duval County.

Atlantic Blvd.
Entrance to the City

ATLANTIC BOULEVARD – ENTRANCE TO THE CITY: Councilor Gilbert questioned who was responsible for the upkeep of the area west of Penman Road on Florida Boulevard at the entrance to the city. City Manager Linn responded that the City of Jacksonville was responsible for the upkeep of that area. Mr. Linn added the Metropolitan Planning Organization and Jacksonville Transportation Authority were currently working with landscape architects for the landscaping once the bike path was completed.

Change of Meeting
Dates

CHANGE OF WORKSHOP MEETING DATES – JANUARY & FEBRUARY 2002: City Clerk Lisa Volpe suggested changing the dates of the January and February workshop meetings. The regularly scheduled January workshop meeting would fall on Martin Luther King Day and the February meeting on Presidents Day.

Consensus: **TO HOLD THE JANUARY 2002 WORKSHOP MEETING ON TUESDAY, JANUARY 22ND AND HOLD THE FEBRUARY WORKSHOP MEETING ON MONDAY THE 25TH.**

CITY MANAGER REPORTS

Longevity Service Awards

LONGEVITY SERVICE AWARDS – EMPLOYEES: City Manager Linn stated he had spoken to and received support from the department heads on the implementation of the Longevity Service Award Program and recommended council approval.

Consensus: **TO MOVE FORWARD WITH THE EMPLOYEE LONGEVITY SERVICE AWARD PROGRAM AND ORDER THE PINS USING THE FOUR-YEAR OPTION PLAN PRESENTED BY STEVE RAMSEY.**

COMMENTS FROM THE PUBLIC

Public Comments

Larry Shealy, 1501 First Street, opposed extending the parking hours on First Street and presented an opposing petition with 130 signatures. He feared council would extend the hours without the input from residents and proposed a discussion forum.

David Baker, 1102 First Street, felt First Street was a unique street where people came from all over to walk, skate, and bicycle. Mr. Baker felt it would be a mistake to extend the parking hours on First Street and suggested allowing parking permits for residents if they needed extra parking for guests.

John Weldon, 108 Oak Street, Chairman of the Planning & Development Review Board, opposed extending the parking hours on First Street stating the parking was intended to support beach access during the sunlight hours not to provide additional parking for evening parties.

Lynda Padrta, 1113 First Street, opposed extending the parking hours on First Street and felt the hours should not be changed unless there was very good justification.

Mary Ann Padrta, 1113 First Street, opposed extending the parking hours on First Street. Ms. Padrta felt if the parking was extended more people would drink, litter on residents' lawns, and party in parked cars. She did not want to live in a party community.

Robin Thigpen, 1445 West Church Street, applauded the decision of the council to suspend the bidding process on the Water Project and reevaluate the qualifications for contractors.

CONSENT AGENDA

Water Improvement Plan

APPROVAL OF FACILITIES PLAN FOR WATER IMPROVEMENT PROJECT: City Manager Linn explained this was the facility plan on the environmental impact for the Department of Environmental Protection.

Moved by Shimp, seconded by Patronik.

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

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown
Noes: 0

MOTION CARRIED

VARIANCES

207 Walnut Street APPEAL OF DENIAL OF VARIANCE REQUEST – 207 WALNUT STREET – MR. WARREN ANDERSON: City Manager Linn asked Mr. Warren Anderson, the appellant, to present his case to the council.

For the Record Councilor Pruette stated for the record that she had spoken with Mr. Warren Anderson the previous night. Councilor Patronik and Vice Mayor Shimp had also spoken with Mr. Anderson.

Mr. Warren Anderson stated he purchased the lot because of the large front yard and had plans to build a courtyard effect with a garage in the front, a green space and small swimming pool in the middle.

His variance request to the Board of Appeals was on the following three issues:

1. An addition to the front and rear of the house.
2. A swimming pool in the front yard.
3. A detached 3-car garage apartment in the front yard.

- 1) Mr. Anderson explained that because of the 3' backyard he had contacted "Foundation Holding IV" the owner of the property to the south, immediately behind his property. Foundation Holding IV granted him the use of a 25' easement on the property. The 25' easement allowed him a 28' backyard, which he felt placed him in compliance with of the code. The Board of Appeals did not take into consideration the 25' easement but they did grant him the variance to add on to the back of the house as long as it did not encroach on the 3' backyard.
- 2) The Board of Appeals ruled against his request and denied the variance for the swimming pool. According to Building Official Dan Arlington a swimming pool was not considered a hardship and according to the Code was not allowed in front yards. Mr. Anderson argued that point with the Board but to no prevail.
- 3) The Board of Appeals also denied the variance request for the detached garage apartment and the front yard setback.

Mr. Anderson was appealing the Board of Appeals decision on the swimming pool and the 11' front yard setback. He was asking the Council to vote on a variance only on the front yard setback and not the garage apartment itself because his architect was redesigning the plans changing from a detached garage to an attached garage. Therefore the garage apartment was not before the Council because the new plans had not presented to the Board of Appeals.

Mr. Anderson asked the Council to allow him to build the swimming pool and grant him a variance on the front -yard setback for the garage apartment.

Vice Mayor Shimp felt the 3' backyard was indeed a hardship and the pool was a reasonable request as long as it was securely fenced in. Vice Mayor Shimp also felt that front yard setbacks should be consistent along the street. Mr. Anderson stated the houses on Walnut Street where all setback about 5' and he was only asking for an 11' front setback.

For the Record Councilor Pruette felt the 3' backyard was a hardship and the request was for the pool

was reasonable as long as Mr. Anderson assured the water would not drain onto the neighbor's property.

Mr. Anderson had spoken with his neighbors about the drainage and the possibility of building a retention wall between the properties. Mr. Anderson added the new plans for the garage apartment would attach the second story to the house allowing a walkway underneath. The walkway would be pervious surface and allow for drainage. Mr. Anderson assured Councilor Pruette he would work with the neighbors and do whatever was necessary to prevent drainage onto their property.

Councilor Gilbert asked Building Official Dan Arlington to state why the Board of Appeals did not approve the variance. Mr. Arlington responded the Board had listened to two presentations given by Mr. Anderson and followed the Code. Mr. Anderson bought the house knowing that it did not meet his needs. The Board granted the variance for the addition of squaring off the back of the house because it would not encroach on the 3' backyard. The Board granted him the variance for an addition on the front of the house to allow him to enlarge the master bedroom. Mr. Arlington added that a swimming pool in the front yard would be next to the neighbor's front entrance and windows. Detached garages as well as garage apartments were not allowed. Mr. Arlington quoted the Code of Ordinances, Section 27-215, Purpose and intent, 1) to regulate height and size of buildings, 2) to regulate and limit the intensity of the use of lot areas, 3) to provide for open space, 4) to classify, regulate, and restrict the location of trades and industries, and 5) to minimize the conflict between land uses. Mr. Arlington added the purpose of setbacks was to control the development of lots and restrict building. Mr. Anderson's 3' backyard was 22' short and he should have a 47' front yard. Mr. Arlington concluded that the Board of Appeals heard the presentation, considered the Code, conducted a finding of facts, and voted against the variance. Mr. Arlington asked the Council to uphold the decision of the Board of Appeals and deny the variance request.

Mayor Brown questioned Mr. Anderson if he was asking for a single variance including the pool and the front structure or two separate variances. Mr. Anderson replied his request today was to allow him the variance for the pool and an 11' front setback. If the 11' setback was granted he could take the revised plans to Mr. Arlington and have them approved without the need to appear before the Board of Appeals again for another variance.

Councilor Gilbert stated the Board of Appeals debated heavily and granted part of Mr. Anderson's request and denied other parts. He felt Mr. Anderson should take his revised plans back to the Board of Appeals. Mr. Anderson restated that he was hoping Council would approve the 11' setback conditional on the new plans.

Legal Advise City Attorney White stated the setback and the swimming pool were two separate and independent issues before the Council. He did not think the Council should rule on the setback issue because it was different from what was presented to the Board of Appeals and should be considered in light of the total project. The variance that was before the Board of Appeals was for a detached garage with a garage apartment not just the setback. He had some concern about Council granting a variance on the setback because he originally requested a setback of 8' from the Board and changed it to an 11' setback. Mr. White advised it was premature for the council to grant the variance allowing an 11' setback before the total project was considered by the Building Official and the Board of Appeals.

Vice Mayor Shimp asked City Attorney White if it would be appropriate to make a motion to allow a variance for the swimming pool. City Attorney White stated the swimming pool was a separate issue he still felt setbacks needed to be considered in light of the total project being submitted for approval.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE FOR THE SWIMMING POOL WITH THE CONDITION THAT A SIX FOOT BARRIER WALL TO PREVENT RUN OFF ON ADJACENT PROPERTY AND PRIVACY.**

Building Official Dan Arlington stated Mr. Anderson's lot was supposed to have 50' of yard space, 25' in the front and 25' in the back. If they grant the variance he would have 14'. The staff and the Board of Appeals based their decision on the code not their opinion. Swimming pools in side yards required at least 18' of clear property plus the width of pool. Mr. Arlington added the staff worked hard to enforce the code fairly and consistently and requested the Council to uphold the decision of the Board of Appeals.

Vice Mayor Shimp called the question and asked for a vote.

Roll Call Vote:

Ayes: 4 – Patronik, Pruette, Shimp, Brown

Noes: 1 – Gilbert

MOTION CARRIED

ORDINANCES

Ordinance No.
2002-01

ORDINANCE NO. 2002-01, MECHANICAL PERMIT FEES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 8-182, PERMIT FEES MECHANICAL AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette suggested that the ordinance become effective on the date that the 2003 budget takes effect. Finance Director Steve Ramsey estimated the city would lose approximately \$3,400 if the ordinance went into effect now.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE 2002-01, MECHANICAL PERMIT FEES, ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Sunset Point

REQUEST FOR FINAL PLATTING – STEVE JARRETT FOR SUNSET POINT: The Planning & Development Review Board recommended approval of the final plat for Sunset Point with the condition that any proposed construction of docks would be submitted for a development order prior to building.

City Attorney White advised he and Building Official Dan Arlington went over the plans and found some inconsistencies in the language. Mr. Jarrett agreed to make the necessary changes. Mr. White recommended Council go ahead and approve the plans and he and Mr. Jarrett would correct the grammar. Mr. Arlington also recommended approval.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE FINAL PLATTING FOR SUNSET POINT.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Leeward Landing
North

REQUEST FOR FINAL PLATTING – STEVE JARRETT FOR LEEWARD LANDING NORTH: The Planning & Development Review Board recommended approval of the final plat with the recommendation that Buddy Crout Lane start at the intersection of Kings Road and Hopkins Creek Lane, as long as it does not cause undue hardship for the current property owners.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE FINAL PLATTING FOR LEEWARD LANDING NORTH.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Mayor Brown recognized Jacksonville Beach Councilman Art Graham was in the audience.

Adjournment

There being no further business, the meeting adjourned at 8:34 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____