



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 5, 2000, 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 August 5, 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
Vice Mayor Robert D. Shimp
Councilor Jimmy Gilbert
Councilor Ronald D. Patronik
Councilor Harriet Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Building Official Dan Arlington
Assistant to the Building Official Piper Turner
Deputy City Clerk Karla Strait, CMC

ABSENT:
City Attorney Christopher A. White

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Gilbert to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Brown recognized Janet Rolland a long time educator in the community.

APPROVAL OF MINUTES

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

JULY 1, 2002, REGULAR COUNCIL MEETING
JULY 8, 2002, BUDGET COUNCIL MEETING
JULY 11, 2002, SPECIAL COUNCIL MEETING
JULY 15, 2002, WORKSHOP COUNCIL MEETING
JULY 16, 2002, BUDGET COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown asked to place the issue of variance requests requiring approval from Homeowners Associations on the workshop meeting agenda.

Vice Mayor Shimp suggested holding the Fletcher High School Band Fund Raiser in Jarboe Park on Sunday, September 15th. He felt property owners should be notified before the city provided maintenance on an abutting right-of-way. He asked to place the issue of appointing Officer Larry Dean as the official Sergeant at Arms for the council meetings on the workshop meeting agenda.

Councilor Patronik asked to place the issue of making the roadway between Summer Sands and Leeward Landing parkland on the workshop meeting agenda.

Councilor Gilbert asked to place the issue of the cost of paving the streets in the Prado Ferrer area and assessing the property owners on the workshop meeting agenda.

Mayor Brown announced that voter registration was available at City Hall and the Senior Center.

City Clerk Volpe advised information on the Florida League of Cities Conference would be provided in Friday's hand deliveries. She also asked if the September regular meeting could be held Tuesday, September 6th because Monday was the Labor Day Holiday.

Consensus: **MOVE THE SEPTEMBER 2, 2002 REGULAR MEETING TO TUESDAY, SEPTEMBER 3, 2002 DUE TO THE LABOR DAY HOLIDAY.**

City Manager Linn stated a budget workshop meeting should be scheduled for the adoption of the budget.

Consensus: **TO HOLD A BUDGET WORKSHOP MEETING ON MONDAY AUGUST 26, 2002 AT 6:00.**

CITY MANAGER REPORTS

Utility Improvement

UTILITY IMPROVEMENT PROJECT UPDATE: City Manager Linn reported the utility improvement project in the Bal Harbor section was 90 to 95% completed. All the water lines had been installed, connected, disinfected and tested. Following approval of the testing from the Department of Environmental Protection connections to homes and new meters would be installed. The contractor would then start the final clean up of repaving the roadways, concrete, curbs, turf work, etc. The Florida Boulevard line was 40% complete. There had been some utility conflicts at the Penman Road & Florida Boulevard intersection that called for a change of routing because utility companies could not give the exact location of the lines. Phase B & C east of Third Street, had just started.

PUBLIC COMMENTS

John Northrup, 255 Myra Street, opposed increasing the millage rate. He felt the budget could be balanced without a tax increase.

Lee McDonald, 1140 Florida Boulevard, felt sub-contractors should be held responsible for repairing damaged property. He was also concerned about the utility contractors blocking traffic lanes.

Vice Mayor Shimp requested placing the issue of contractors being responsible for directing traffic when a traffic lane was blocked on the workshop council meeting agenda.

Mary Ann Padrta, 1032 Second Street, asked the city to trim the trees on the Second Street right-of-way.

Lynda Padrta, 1113 First Street, was happy that the utility project was updated on the website. She felt the city needed better utility maps. She also suggested the city could cut cost by allowing only the new council members to attend the Florida League of Cities Conference.

Sybil Ansbacher, 2008 Strand Street, Chairman of the Board of Appeals, informed the council members that the Board of Appeals always advised property owners with Homeowner Association restrictions that they needed approval from the association before beginning construction.

Leslie Karlin, 1506 Spindrifter Circle West, felt that all council members did not need to attend the Florida League of Cities Conference. She asked if the new voting machine would be used at the upcoming election and if there would be a demonstration.

City Clerk Volpe responded there was a voting machine set up for demonstrations at the Publix Super Market on Atlantic Boulevard.

Mayor Brown stated he had recently written a letter to John Stafford, Supervisor of Elections, requesting that a demonstration of the new voting equipment be provided to the public.

Larry Shealy, 1501 First Street, announced the Fletcher High School Band had raised over \$50,000 to date toward their goal for the Fiesta Bowl trip. He thanked the council for proposing a \$1,500 contribution.

Robert West, 106 Hall Place, spoke about Ordinance 2002-06, amending permissible uses. He voiced concern regarding alcohol being served at outdoor cafes. He felt it would diminish property values and quality of life.

Craig Leidy, 1810 Strand, felt the public should be more informed regarding issues before the council. He was concerned about the city abandoning right-of-ways. He felt Neptune Beach should remain as it was.

CONSENT AGENDA / NONE

VARIANCES

Variance V02-
218 Oleander St.

APPEAL ON VARIANCE APPLICATION REQUEST FOR V02-31 – KRAWIEC – 218 OLEANDER STREET: In accordance with Section 27-153, consider appeal of variance request for Mr. & Mrs. Tom Krawiec.

Mr. Tom Krawiec stated they wanted to improve their property by adding a detached garage in the front yard. The Board of Appeals denied him the variance request in February. Following Mr. Warren Anderson's appeal and approval by the city council in June to build a detached garage in his front yard, they went back to the Board of Appeals with the same request and were again denied. Because the city council set precedence by approving a similar request for Mr. Anderson they elected to appeal to the city council. The hardship was the garage had to be placed in the front yard because they did not have a backyard.

City Manager Linn stated council could only hear an appeal if there was a procedural error or lack of circumstantial evidence at the board hearing. He asked council to make a motion defining their reason for hearing the appeal. The Council did not feel it was necessary to make the motion.

Sybil Ansbacher, Chair of the Board of Appeals stated the board was doing the best they could to uphold the code. The board members were sympathetic with the Krawiec family in that there was no room to build a garage in the backyard. The board found 4 to 2 to deny the variance. The main issue of the board was Section 27-328 of the code, that stated accessory buildings shall be permitted provided the accessory building was located in the side or rear yard. The code specifically denied detached garages in front yards. She suggested a change in the code that would allow the Board of Appeals to approve detached garages by special exception.

Discussion ensued over whether or not to uphold the board's decision. Vice Mayor Shimp stated his vote did not mean he was against the board. Councilor Pruette stated the council needed to support the boards or people would stop wanting to be on them. She felt there was no procedural error in this case.

Mayor Brown opened the floor for comments from the public.

Lynda Padra, 1113 First Street, felt the council should uphold the board's decision.

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

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE.**

Roll Call Vote:

Ayes: 2 – Shimp, Brown

Noes: 3 – Gilbert, Patronik, Pruette

MOTION FAILED

City Manager Linn stated because the motion failed no action had been taken. He asked the council to entertain another motion.

Councilor Pruette asked to place the issue of detached garages on the workshop meeting agenda.

Councilor Gilbert stated it was difficult to serve on a board. He felt if there was a problem with the code the city council needed to change it and not haphazardly grant variances. He felt the council should stand behind the board's decision.

Moved by Gilbert, seconded by Pruette.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS AND DENY THE VARIANCE.**

Roll Call Vote:

Ayes: 3 – Gilbert, Patronik, Pruette

Noes: 2 – Shimp, Brown

MOTION CARRIED

816 Oceanfront

OCEANFRONT: In accordance with Section 27-153, consider appeal of variance request for Mr. William Hart.

Michael Dunlap, 212 Lora Street, architect for Mr. Hart, stated the variance was to build a detached garage in the front with a guest room above. He felt this was a model that existed as part of the history of Neptune Beach and should not have been written out of the code. The garage would cover 30% of the 5,000 square foot lot excluding the driveway. He showed a photographic example of the principle house with a drive along the side and a garage apartment in the rear. He added the detached garage with a guest room above was within the spirit and character of the community and there was not competent substantial evidence for the board to deny the variance. He asked the council to reverse the decision of the board.

Sybil Ansbacher, Chair of the Board of Appeals, stated the board voted unanimously to deny the request because it was in direct opposition to the letter and intent of the code. There were neighbors that appeared to oppose the variance and others that had written letters of objection. She felt if the council overturned the boards ruling it would create precedence and other requests would follow.

Mayor Brown opened the floor for public comments.

Julie Anderson, 1537 Arrowhead Trail, felt the council should support the board of appeals and if there was a problem with the code it should be changed.

Vice Mayor Shimp stated the council should uphold the board's decision when it was unanimous.

Thad Mosley, 3701 Duval Drive, Jacksonville Beach, stated a majority of the close neighbors opposed the addition of the second story. He asked the council to uphold the boards' decision.

Lynda Padrta, 1113 First Street, stated the detached garage apartment was clearly denied by the code.

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

Moved by Gilbert, seconded by Pruette.

Motion: **TO AFFIRM THE DECISION OF THE BOARD OF APPEALS AND DENY THE VARIANCE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called for a recess at 8:30 p.m. and the meeting reconvened at 8:40 p.m.

Agenda
Amendment

Mayor Brown amended the agenda to vote on the new business of the donation to the Fletcher High School Band for the Fiesta Bowl Parade.

NEW BUSINESS

Fletcher High
Band

APPROVAL OF A \$1,500 DONATION TO FLETCHER SENIOR HIGH SCHOOL BAND FOR THE FIESTA BOWL PARADE TRIP FROM CATV FUND:

Moved by Shimp, seconded by Patronik.

Motion: **APPROVE A DONATION OF \$1,500 FROM THE CABLE TV TRUST FUND FOR THE FLETCHER HIGH SCHOOL BAND TRIP TO THE FIESTA BOWL.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Consensus: **TO SUPPORT A FUND RAISING EVENT IN JARBOE PARK FOR THE FLETCHER HIGH SCHOOL BAND TO BE HELD ON SEPTEMBER 15, 2002.**

City of Jacksonville Beach Councilman Art Graham challenged the Neptune Beach council members to match Jacksonville Beach's council members personal contributions of \$100.00. Vice Mayor Shimp stated he would match the \$100.00 and raise it to \$150.00

ORDINANCES

Ord. No. 2002-06

ORDINANCE NO. 2002-06, AMENDING TABLE 27-226-1, PERMISSIBLE USES, FIRST READ AND PUBLIC HEARING, SPONSOR – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

City Manager Linn stated he had a request from the Planning & Development Review Board to send the ordinance back to them for recommendations before the second read.

Mayor Brown opened the floor for comments from public.

Daryl Grubbs, 1919 Nightfall Drive, stated the difference between fast food restaurants, carry out and delivery restaurants, and interior service restaurants should be better defined. He suggested eliminating the fast food restaurant category.

City Manager Linn informed that Section 27-227 Paragraph 12 defined the additional requirements for fast food restaurants.

Building Official Dan Arlington felt the three different categories for restaurants were needed.

Lynda Padrta, 1113 First Street, was in favor of passing the ordinance on first read and sending it back to the Planning & Development Review Board before second read.

Tom Whittingslow, 546 South Street, questioned the definition of outdoor dining and why it was permitted in three areas by special exception but not in the CBD.

Discussion ensued regarding annual renewal permits for outdoor dining facilities.

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

Moved by Shimp, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2002-06 ON FIRST READ AND PUBLIC HEARING AND SEND IT BACK TO THE PLANNING &**

DEVELOPMENT REVIEW BOARD FOR RECOMMENDATIONS BEFORE THE SECOND READING IN SEPTEMBER.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Board
Appointments

RESOLUTION NO. 2002-09, APPOINTING BOARD MEMBERS: A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2002-09 APPOINTING MEMBERS TO THE BOARD OF APPEALS AND THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____