



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 5, 2004, 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 5, 2004, 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 James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Vice Mayor Gilbert to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
DECEMBER 1, 2003, REGULAR CITY COUNCIL MEETING
DECEMBER 15, 2003, WORKSHOP CITY COUNCIL MEETING

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Gilbert asked Director of Public Works Leon Smith for an update on the Bal Harbor flooding issues. Mayor Brown stated Mr. Smith would comment on the issue under the City Manager Reports.

Councilor Pruette asked to place the stormwater system on the workshop agenda for January 12, 2004. She asked that the study for widening Penman Road include alternatives.

City Clerk Lisa Volpe stated the regular workshop meeting date of January 19, 2004 fell on Martin Luther King Jr. Day, and would be moved to January 12, 2004.

CITY MANAGER REPORTS

- Sewer Project **SEWER IMPROVEMENT PROJECT:** Director of Public Services Leon Smith explained the sewer project was moving along on schedule. The contractor was pulling out the old liner on Third Street and installing new pipe. The contractor had agreed to clean up the storage area.
- City Yard Project **CITY YARD PROJECT:** Director of Public Services Leon Smith stated the wastewater treatment plant building and the animal control building were dried in; meaning the trusses were set, the plywood was on, and the tar paper was on. The administration building should be dried in by the end of the week.
- Bal Harbor **BAL HARBOR STORM DRAINAGE:** Director of Public Services Leon Smith stated the drainage in Bal Harbor was a problem for private property owners during heavy rains when the ditches were full and when the tide was high because all of the water drained into Hopkins Creek. To help control the problem he had an access pipe for a trailer-mounted pump installed so that the water could be pumped out into the ditch. The only other solution was to install a pumping station.

PUBLIC COMMENTS

Elaine Kenny, 1301 Neptune Grove Drive West, requested permission from the Council to Chair "Sunday in the Park". She introduced Rebecca Miller who volunteered to Co-chair the event. The event would take place on April 4th or 18th.

Rick Sonner, 547 Magnolia Street, was concerned about the flooding on his property in Bal Harbor. He suggested the city install a small pump house.

Wayne Willey, 569 Bay Street, was concerned about flooding on his property in Bal Harbor.

Tim Slater, 573 Magnolia Street, was concerned about flooding on his property in Bal Harbor. He felt the problem was the amount of water going into the retention areas was increasing and the capacity of the retention areas were decreasing. He suggested the city use the funds collected for stormwater to enlarge the ditches.

Jim Clements, 616 Magnolia Street, was concerned about flooding on his property. He stated the moisture from the flooding had caused his garage floor to rise and he was concerned about the foundation of his house. He felt the problem was also a public safety issue for people that were not familiar with the area.

Leslie Karlin, 1506 Spindrift Circle West, favored approval of Resolution 2004-01. She questioned the issues of Resolution 2004-02. She stated Solantic understood the action of the Code Enforcement Board. She asked the Council to consider other

citizens rights when a religious organizations asked for exceptions.

Todd Brown, 1512 Strand Street, felt the proceedings for request for relief for 104 Davis Street was not appropriate and had no merit. He felt it would be a waste of taxpayer money because the mediation was non-binding.

Laura Patronik, 1520 Leeward Lane, opposed the widening of Penman Road. She stated the beach accesses were already protected and there was no need for surveys.

Lynda Padrta, 1113 First Street, supported surveying the beach accesses. She also supported the approval of Resolution 2004-01. She asked the Council to support the Code Enforcement Board action regarding the Solantic sign.

CONSENT AGENDA

Approve surveys for beach accesses to be completed by Boatwright Land Surveyors for \$6,000.

RESOLUTION NO. 2004-01: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA OPPOSING CREATION OF A STATE-WIDE WATER AUTHORITY, PRIVITIZATION OF WATER RIGHTS, AND THE TRANSPORT OF NORTH FLORIDA WATER RESOURCES TO CENTRAL AND SOUTH FLORIDA.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE ABOVE CONSENT AGENDA.**

Mayor Brown asked to remove the survey for beach accesses from the consent agenda and vote on each subject separately.

Councilor Weldon withdrew the motion.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE SURVEYS FOR BEACH ACCESSES TO BE COMPLETED BY BOATWRIGHT LAND SURVEYORS FOR \$6,000.00.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Weldon

Noes: 1 – Brown

MOTION CARRIED

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION NO. 2004-01.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES

104 Davis St.

VARIANCE FOR 104 DAVIS STREET – REQUEST FOR RELIEF: City Attorney White explained if a property owner sought relief under the state statute the city was required to participate and did not have the option to decline. He explained the city and the property

owner had to agree on a Special Master who would determine whether or not the action by the city unfairly restricts or imposes an undue burden on the owners use of the property. He and the attorney for the property owner agreed to use Bill Birchfield as the Special Master. Approval of the Council was necessary to set the proceedings in motion and move forward.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ACCEPT THE ADVICE OF CITY ATTORNEY WHITE AND USE BILL BIRCHFIELD AS THE SPECIAL MASTER.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2003-19

ORDINANCE NO. 2003-19, WIRELESS TELECOMMUNICATIONS FACILITY, PUBLIC HEARING AND FINAL READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REGULATING THE SITING OF WIRELESS TELECOMMUNICATION FACILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2003-19 by title only and opened the public hearing.

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

Moved by Gilbert, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-19 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS

Solantic Sign

SOLANTIC SIGN: City Attorney White stated Solantic would be moving forward with a lawsuit. The lawsuit sought relief relating to the action of the Code Enforcement Board and the subsequent action of the Council relating to the sign. He asked the Council to authorize the preparation and approval of a Resolution allowing him the authority to move forward and take all necessary action to defend the matter and prosecute any action the city may wish to take against Solantic in terms of issues discussed at the previous meeting.

Councilor Weldon asked Mr. White if the lawsuit would derail any action by the city to seek injunctive relief in the interim. Mr. White stated Solantic had asked for injunctive relief to prevent the Code Enforcement Board action from being enforced. In turn the primary offensive tactic the Council should consider was to seek injunctive relief to see that the actions of the Code Enforcement Board were enforced.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE A RESOLUTION AUTHORIZING CITY ATTORNEY CHRIS**

WHITE TO DEFEND AND PROSECUTE HOWEVER APPROPRIATELY IN RESPONSE TO THE LAWSUIT.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

NEW BUSINESS

Beaches Chapel

APPLICATION FOR SPECIAL EXCEPTION FOR BEACHES CHAPEL – 610 FLORIDA BOULEVARD: The application for the special exception was for the reconfiguration of the monument sign.

Wayne Bezman, authorized agent for Beaches Chapel, explained the request was to upgrade the existing plywood sign to match the newly remodeled church. The existing sign was 9' wide x 8' tall. The proposed new sign would be 12' wide x 8 tall'.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR BEACHES CHAPEL.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Res. No. 2004-02

RESOLUTION NO. 2004-02: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA URGING MEMBERS OF FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004 LEGISLATIVE SESSION.

Moved by Weldon, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION 2004-02.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Dial-a-Ride

REQUEST FOR DONATION FOR DIAL-A-RIDE PROGRAM: Director of the Senior Activity Center Leslie Lyne requested a donation from the city of \$1,000 for the Dial-a-Ride Program.

For the Record

Director of Finance Steve Ramsey stated for the record the last contribution to the Dial-a-Ride Program was in 2001.

Councilor Weldon felt the Council should be informed of how much money they needed in order to operate. He asked that future requests for donations include budgets and annual reports.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE A DONATION OF \$1,000 FOR THE DIAL A RIDE PROGRAM.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

LDR

LAND DEVELOPMENT REGULATIONS: Councilor Weldon asked when the next meeting for review of the Land Development Regulations would be held. Director of Community Development Jason Cleghorn replied Group 1 & 2 would be the January 12, 2004 workshop agenda.

Adjournment

There being no further business, the meeting adjourned at 8:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____