



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**AUGUST 1, 2005, 7:00 P.M.**  
CITY HALL, 116 FIRST STREET  
NEPTUNE BEACH, FLORIDA

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Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held August 1, 2005 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 Harriet Pruette  
Councilor Eric Pardee  
Councilor Larry Shealy  
Councilor John Weldon  
City Attorney Christopher White  
City Manager Jim Jarboe  
City Clerk Lisa Volpe, CMC

STAFF:

Lieutenant Anthony Carrillo  
Community Development Director Jason Cleghorn  
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 led the pledge of allegiance.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE**

**APPROVAL OF MINUTES**

Moved by Pruette, seconded by Shealy.

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

**JULY 11, 2005, BUDGET COUNCIL MEETING**  
**JULY 11, 2005, REGULAR COUNCIL MEETING**  
**JULY 18, 2005, BUDGET COUNCIL MEETING**  
**JULY 18, 2005, WORKSHOP COUNCIL MEETING**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Pruette  
Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Vice Mayor Pruette stated she would like to review the data and accident reports pertaining to the traffic east of Third Street before Chief Sembach makes his recommendation regarding speed humps.

Vice Mayor Pruette thanked the city for completing the beach walkways.

Councilor Pardee thanked Public Services for cleaning up an overgrown sidewalk area on Penman Road.

**CITY MANAGER REPORT**

The Public Services Department was in the process of completing the drainage improvements on Orange Street.

The city received more sand for the beach renourishment project than previously expected.

The Public Safety Department continued to rotate the traffic counter east of Third Street and would make a recommendation regarding placement of speed humps once completed.

The Sea Turtle Patrol had relocated sea turtle nests between North Street and Lemon Street, where they would be least disturbed by beach renourishment. The Patrol would be sending out letters to the neighbors in nesting areas that may like to see the turtles released. Beaches Energy Service had changed a number of street lights to lower wattage to help the sea turtle hatchlings.

**PUBLIC COMMENTS**

Robert McAteer, 1731 Penman Road, suggested designating an area of the beach for dogs to run unleashed for a specified amount of time after 7:00 p.m.

Candy Sullivan, 220 South Street, challenged citizens opposed to speed humps to drive over the new speed hump on South Street. She requested painting white stripes on the speed hump so it would be visible drivers. She recommended the "Speed Limit" signs and "Slow Children" signs be placed closer to Third Street and First Street so people understood the signs were for the entire two block stretch of each east/west road. She was also concerned about early morning fireworks.

Deb DeMars, 1310 Forest Avenue, opposed the special exception for Mr. and Mrs. Osborne to construct a single family dwelling on the land zoned conservation. She was concerned about flooding in the neighborhood especially her property and asked Council to deny the request.

Harriet Christovich, 110 Seagate Avenue, thanked the city for installing the speed humps. She asked if the agenda was on the website prior to the meeting. City Clerk Volpe responded the agenda was posted on the website the Wednesday or Thursday before the meeting and could also be e-mailed upon request. Ms. Christovich also suggested that comments from the public be heard when that particular item of interest came up on the agenda and not just at the beginning of the meeting.

Lynda Padrta, 1113 First Street, opposed dogs being unleashed on any public property. She questioned how animal control would identify dog owners if Neptune Beach tags were being eliminated. City Manager Jarboe responded dogs were required to have rabies tags with identification. Ms. Padrta felt hazardous driving was just as important as speeding. She was also concerned about early morning fireworks.

Violet Warzecha, 445 Davis Street, was in favor of zoning the church property on Davis Street for no more than six lots.

### CONSENT AGENDA

Res. No. 2005-06

RESOLUTION NO. 2005-06, SIDEWALK LEASE AGREEMENT: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND CARRIBBEE ASSOCIATES, LLC.

WASTE SERVICES OF FLORIDA: A 3.5% Cost of Living Increase.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

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

Noes: 0

### MOTION CARRIED

Councilor Weldon asked Mr. Brocato, owner of Carribbee Key, to have his staff observe the boundaries and exits that were established for the outdoor seating and adhere to the no smoking stipulation.

### VARIANCES

V05-18  
Stuart  
203 Ocean Front

VARIANCE REQUEST OF MR. LOUIS STUART, 203 OCEAN FRONT: Rebecca Darlington, 203 Ocean Front, representative for Mr. Stuart, explained they had approval for the reconstruction of the block wall but the deadline for the variance, which they were not aware of, had expired. So they needed to go through the process again. The wall would help to relieve some of the noise from the Lemon Bar and beach access.

Community Development Director Jason Cleghorn explained the applicant's request was to build a concrete masonry wall on his property adjacent to Lemon Street. The request for the wall would be ten feet from the beginning of the house to the end of the house, then from the end of the house to the end of the pool it would slope down to eight feet, and from the end of the pool to the end of the property slope down to six feet. The Planning and Development Review recommended approval of the request. Mr. Cleghorn stated he was not comfortable with the ten foot wall and recommended granting him a six feet wall.

City Manager Jarboe added Mr. Stuart planned on hiding the wall with landscaping that would be planted on the city right of way.

Councilor Weldon was concerned about blocking the ocean view and the protection of the oceanfront. He stated he would be willing to support an eight foot wall from the northwest edge of property to the northeast edge of the house, then slope to four foot, which was the standard height for oceanfront lots. The wall would need to be inward of the property line two to three feet for exterior landscaping of the wall.

Vice Mayor Pruette supported the recommendation of the Planning and Development Review Board. She added that Mr. Stuart's house was built before the Lemon Bar and the noise and crime associated was not anticipated.

Councilor Shealy supported Mr. Cleghorn's suggestion of the wall being erected no higher than six foot.

Councilor Pardee supported the Planning and Development Review Board recommendation. But the landscaping in the right of way could not be more than four feet high.

Moved by Weldon, seconded by Pruette.

Motion: **TO PERMIT MR. STUART TO ERECT A MASONRY WALL NO GREATER THAN EIGHT FEET IN HEIGHT FROM THE NORTHWEST CORNER OF THE PROPERTY LINE TO THE NORTHEAST CORNER OF THE DWELLING, AND THEN SLOPE TO FOUR FEET FROM THE NORTHEAST CORNER OF THE DWELLING TO THE EASTERN END OF THE PROPERTY LINE – IF THE LAND OWNER WISHES TO LANDSCAPE THE EXTERIOR SIDE OF THE WALL HE NEEDS TO POSITION THE WALL SO AS TO LEAVE ADEQUATE PROPERTY FOR LANDSCAPING PURPOSES SO THAT LANDSCAPING IS NOT INSTALLED ON PUBLIC PROPERTY.**

Councilor Weldon felt the Council was setting a negative precedent if six foot fences are allowed to go all the way the dune structure along the accesses. He indicated that property in the Central Business District was subject to change over time in order to maximize the use of the land.

For the Record Vice Mayor Pruette agreed with the eight feet height but was concerned that four feet would be too low.

Councilor Pardee stated the Board of Appeals heard and approved the request on November 19, 2003, but it had expired after one year. The Planning and Development Review Board heard the request June 21, 2005 and recommended approval. So therefore, both Boards previously approved the request.

Councilor Weldon stated the request should never have been heard by the Board of Appeals because that Board was not responsible for variances in the Central Business District. He was startled that the Planning and Development Review Board recommended approval. He explained this was not an appeal to the Council but rather a recommendation and the Council could deny or amend the request.

Roll Call Vote:

Ayes: 4 – Pardee, Pruette, Weldon, Brown.

Noes: 1 – Shealy

MOTION CARRIED

### ORDINANCES

Ord. No. 2005-13

ORDINANCE NO. 2005-13, NON – RESIDENTIAL UTILITIES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, ARTICLE IV WATER AND SEWER SERVICE CHARGES, AMENDING SECTION 23-83(G) SECURITY DEPOSITS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Vice Mayor Pruette agreed to sponsor the Ordinance.

Motion: **TO PASS ORDINANCE NO. 2005-13 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-14

ORDINANCE NO. 2005-14, SURPLUS PROPERTY, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VI FINANCE BY ADDING SECTION 2-364 SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Moved by Shealy, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-14 ON FIRST READ.**

Councilor Pardee agreed to sponsor the Ordinance.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-15

ORDINANCE NO. 2005-15, NUISANCES CAUSED BY ANIMALS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SECTION 6-4 NUISANCES CAUSED BY ANIMALS, SEC. 6-32 DOGS ON THE BEACH AND SEC. 6-33 EXCEPTIONS; DELETING SEC. 6-31 REGISTRATION AND LICENSING REQUIRED AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-15 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

**OLD BUSINESS / NONE**

**NEW BUSINESS**

Res. No. 2005-07

RESOLUTION NO. 2005-07: A RESOLUTION ESTABLISHING FEES TO BE CHARGED FOR VARIOUS APPLICATIONS.

Moved by Weldon, seconded by Pruette.

Councilor Pardee felt the boards should be trained to provide better service before the rates were increased.

Motion: **TO ADOPT RESOLUTION NO. 2005-07.**

Roll Call Vote:

Ayes: 4 – Pruette, Shealy, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Res. No. 2005-08

RESOLUTION NO. 2005-08: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FDOT.

City Manager Jarboe explained the Florida Department of Transportation paid the city to maintain Atlantic Blvd from the east end of the ICW Bridge to Florida Blvd. This Resolution allowed him to sign the agreement in order for the city to receive the money.

Moved by Weldon, seconded by Shealy.

Councilor Weldon stated and Vice Mayor Pruette agreed, if the Florida Department of Transportation was not going to keep the ditch on Fifth Street clean enough to provide efficient drainage, they should pay the city to maintain it.

Motion: **TO ADOPT RESOLUTION NO. 2005-08.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

**MOTION CARRIED**

Platting  
424 Davis St.

**APPLICATION FOR PLATTING – 424 DAVIS STREET:** Beaches Church of the Nazarene, 424 Davis Street, request to plat six new building lots. Richard Wood was present to represent the church.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE PRELIMINARY REPLAT FOR 424 DAVIS STREET – BEACHES CHURCH OF THE NAZARENE FOR SIX LOTS.**

Roll Call Vote:

Ayes: 5 – Pardee, Pruette, Shealy, Weldon, Brown.

Noes: 0

**MOTION CARRIED**

Recess/Reconvene

Mayor Brown called for a recess at 8:05 p.m. and reconvened the meeting at 8:15 p.m.

Special Exception

**APPLICATION FOR SPECIAL EXCEPTION:** Mr. & Mrs. David R. Osborn, Jr., parcel number 177484-1000, which lies adjacent to Forest Avenue, request is to construct a single family dwelling on land zoned as conservation.

Mr. David Osborne explained his family had owned this 150' x 150' piece of property for 45 years. The property was zoned conservation area in the 1990 Comprehensive Plan. He was thereby executing his right for a special exception to build a house on the lot. He submitted a letter from the Department of Environment Protection stating his property is on an upland area. He assured the council there would not be drainage problems because of the building on his property.

City Council discussed the drainage issues on Forest Blvd. City Manager Jarboe stated he would have the Public Services Department look into the drainage problems in the area to see if the city could do anything to help.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE SPECIAL EXCEPTION WITH THE STIPULATION THAT THE JURISDICTIONAL LINES ARE ACCURATE AND VERIFIED BY STAFF AND THE DWELLING IS BUILT WITH AN AVERAGE 25 FOOT BUFFER ZONE FROM THE JURISDICTIONAL LINE.**

For the Record

Councilor Weldon asked Mr. Osborne for the record if he would be willing to accept the 25 foot buffer zone. Mr. Osborne agreed to comply with the stipulation.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

V05-25  
98 Orange St.

APPLICATION FOR VARIANCE – 98 ORANGE STREET: Mr. & Mrs. James Williams, 98 Orange Street, request is to erect a six foot fence on the sides and front of the property.

Mrs. Judy Williams explained they would like to erect a five foot aluminum privacy fence on the sides and ocean side of the property in order to lower the noise level from the Orange Street beach access and keep people out of their swimming pool.

Moved by Pruette, seconded by Shealy.

Motion: **TO APPROVE THE VARIANCE REQUEST FOR MR. & MRS. WILLIAMS, 98 ORANGE STREET, AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Councilor Weldon voiced concern that the fence would obscure the ocean view and if the variance was granted it would set a precedent for other ocean front property owners to request privacy fencing as well.

Councilor Pardee stated a four foot high fence for security around the pool was permitted by State Code and asked if they would agree to a four foot fence.

Vice Mayor Pruette stated Orange Street was one of the busiest beach accesses of the three in the Central Business District. She felt a five foot fence was a fair compromise.

Roll Call Vote:

Ayes: 3 – Pruette, Shealy, Brown

Noes: 2 – Pardee, Weldon

MOTION CARRIED

V05-26  
220 First St.

APPLICATION FOR VARIANCE – 220 FIRST STREET: Mr. & Mrs. Tom Goelz, 220 First Street, request to use the existing building while adding an elevator and stairs for ADA requirements. There was no one present to represent the Goelz's.

Consensus: **TO DEFER THE VARIANCE REQUEST FOR GOELZ – 220 FIRST STREET TO THE SEPTEMBER REGULAR MEETING.**

Adjournment

There being no further business, the meeting adjourned at 8:55 p.m.

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Richard A. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

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