



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 2005, 6:08 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 September 12, 2005 at 6:08 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 6:08 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Shealy, seconded by Pruette.

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

AUGUST 1, 2005, REGULAR COUNCIL MEETING
AUGUST 15, 2005, WORKSHOP COUNCIL MEETING

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated he received a telephone call from City of Jacksonville Mayor John Peyton regarding hurricane preparedness procedures. Mayor Peyton would like to work with the beaches cities in providing information to citizens regarding the seriousness of hurricanes.

City Manager Jarboe received a letter from the Florida Department of Transportation stating they were unable to assist with the reconstruction of the Kings Road Bridge at this time, but the project would remain on the list.

Vice Mayor Pruette asked the City Manager to provide information regarding the Council's and City's role in hurricane preparedness and evacuation procedures at the September workshop meeting,

Councilor Weldon asked staff to research the weight limits and restrictions of the Kings Road Bridge for the September workshop. He felt the City of Jacksonville Beach was not taking the need for the replacement of the bridge seriously. He added since it also served Jacksonville Beach residents, the access on the Jacksonville Beach side may need to be opened.

Councilor Pardee advised that the Federal Emergency Management Association provided online disaster training. It would be useful to not only staff but city councilors.

Vice Mayor Pruette stated a hurricane relief function would be held in Town Center on Saturday, September 24th from 12:00 p.m. to 7:00 p.m. The proceeds would be donated to the American Red Cross in order to assist the victims of Hurricane Katrina.

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- He had written a letter regarding the city's accomplishments during the year that was placed at the beginning of the Fiscal Year Budget.
- The drainage project on Orange Street that was designed and completed by the Public Services Department had worked well. There was no standing water during the recent storms.
- He met with department heads regarding storm preparations during the recent hurricane watches.

Agenda Amendment City Manager Jarboe asked to move the first read of Ordinance No. 2005-18 to the beginning of the agenda.

Ord. No. 2005-18 ORDINANCE NO. 2005-18, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2004-2005, FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2005 BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005.

Moved by Shealy, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2005-18 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Don Snyder, 572 Seagate Avenue, was concerned about traffic problems during the hours before and after school. He suggested placing a stop sign at the westbound intersection of Seagate Avenue and Fifth Street, thereby creating a three way stop.

CONSENT AGENDA

Generator APPROVAL OF BID FOR PURCHASE OF A GENERATOR: Approval of bid from Flint Power Systems in the amount of \$20,750 for the purchase of a generator.

Res. No. 2005-09 RESOLUTION NO. 2005-09: A RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A MONEY PURCHASE PLAN.

Moved by Pruette, seconded by Shealy.

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2005-13 ORDINANCE NO. 2005-13, AMENDING CHAPTER 23, UTILITIES, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2005-13 by title only and opened the public hearing.

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

Moved by Weldon, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-13 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-14 ORDINANCE NO. 2005-14, AMENDING CHAPTER 2, ADMINISTRATION, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2005-14 by title only and opened the public hearing.

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

Moved by Pardee, seconded by Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2005-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-15

ORDINANCE NO. 2005-15, AMENDING CHAPTER 6, SECOND READ AND PUBLIC HEARING: 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.

Mayor Brown read Ordinance No. 2005-15 by title only and opened the public hearing.

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

Moved by Pardee, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2005-15 ON SECOND AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-19

ORDINANCE NO. 2005-19, AMENDING SECTION 9(A), QUALIFYING OF CANDIDATES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 9-5(A), QUALIFYING OF CANDIDATES AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor Ordinance No. 2005-19.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2005-19 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2005-20

ORDINANCE 2005-20, AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS & BIKEWAYS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, SECTION 27-479 SIDEWALKS AND BIKEWAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown stated that although Mr. John Brocato, owner of Caribbee Key, withdrew his request to extend the outdoor seating from 10:00 p.m. to 11:00 p.m., he felt the request was not handled properly and asked for Ordinance be placed back on the agenda.

Councilor Weldon felt once a proposal was made to the Council at a workshop meeting and forwarded for a vote by the council, the applicant should not be allowed to take the item off the agenda, only council could take something off the agenda.

Vice Mayor Pruette suggested placing language in the Ordinance that would require the establishment to hire an off duty police officer.

Councilor Shealy stated an off duty officer should not be a problem because Mr. Brocato agreed to it at the workshop meeting.

Mayor Brown stated Council had total control over the lease agreement. He felt the city should not micromanage businesses by requiring them to hire off duty police officers.

Moved by Weldon, seconded by Shealy.

Motion: **TO PASS ORDINANCE NO. 2005-20 ON FIRST READ AND FORWARD TO THE WORKSHOP FOR FURTHER DISCUSSION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

VARIANCES

V05-26
220 First St.
Goelz

VARIANCE REQUEST OF TOM AND DONNALEA GOELZ, 220 FIRST STREET: The proposed variance was for the north side setback and the number and size of parking spaces. The entire project was to renovate the structure and add an elevator to comply with fire codes. The first floor would be for retail sales and the second floor would be used as a dance studio.

Vice Mayor Pruette suggested, because the access to the parking lot was so small, that Mr. Goelz post a sign prohibiting trucks and sports utility vehicles from entering.

Moved by Shealy, seconded by Weldon.

Motion: **TO APPROVE VARIANCE REQUEST V05-26 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 7:06 p.m. and reconvened the meeting at 7:15 p.m.

NEW BUSINESS

Replat
1008 Ocean Front

APPROVAL OF REPLAT FOR MR. BARRY GRAHEK, 1008 OCEAN FRONT: Mr. Joe Cronk, Cronk Duch Architects, stated the application was to replat thereby creating two conforming lots and to allow access to the northern lot through the Bay Street beach access.

Mayor Brown asked for clarification as to Mr. John Kowkabany's concerns about the driveway. Mr. Cronk passed out an alternate drive plan that moved the driveway seven feet to the east to allow more room for a right of way in the rear of Mr. John Kowkabany's

property. Mr. Cronk explained that he spoke with the majority of abutting neighbors to address their concerns. He also reworked the house so that an adjacent property owner would have some view of the ocean.

Councilor Weldon question the turning radius of the driveway which Mr. Cronk said was the minimum for a normal vehicle to turn.

Mayor Brown complemented the proposal in keeping within the character of the neighborhood.

Councilor Weldon asked if it was now one lot. Mr. Cronk stated it was already two lots. They are just rotating the lots. Councilor Weldon asked what was Mr. Grahek's role in the process? Mr. Cronk stated when the process began Mr. Grahek was the owner but since then they closed on the property and now they were on the owner.

Mr. Cronk clarified they were going to build a new house on the northern lot and refurbish the existing house on the southern lot.

Councilor Weldon asked Mr. Cronk if they had considered access through a Palm Place easement across the southern lot. Mr. Cronk answered, they had considered all options. Palm Place is an alley and adding traffic would cause more problems.

Councilor Weldon questioned the type of material that would be used for the driveway. Mr. Cronk replied pervious architectural pavers would be used. He had also suggested landscaping but the Planning and Development review board had stated the idea was to minimize the intrusion into the right of way and maximize the effect of the beach access.

Councilor Weldon felt the northern most landscaping may leave an impression of a private drive and it would better to save all landscaping for the southern edge of the drive. Discussion ensued regarding the landscaping of the northern lot and the appearance of private property on the beach access. Especially the fact that there should not be bushes on the north side of the driveway.

Vice Mayor Pruette felt the access would be detrimentally affected especially since Mr. Haycock would be accessing his lot from the other side of the Bay Street access. This would negatively impact the access. She asked if Mr. Cronk could use the Palm Place easement for access to the northern lot and city would allow him to use the beach access until the houses was built. Mr. Cronk stated he had difficulty with this because it would require an easement between two property owners. He had discussed this with the city staff and been led to understand that type of easement would not be permanently binding. There would also be drainage issues.

Councilor Weldon pointed out there would be a lot of vegetation cut out of the access because of Mr. Haycock's impending drive. He suggested that Mr. Cronk coordinate with the property owner on the opposite side so they are consistent. This would allow for the public beach access not to appear to be private property. Councilor Shealy felt the council would need the other property owner's plan before they ask for them to coordinate. Mayor Brown did not see the need.

Vice Mayor Pruette felt there is another access to the property other than beach access. She felt the access would be adversely affected by the driveways. Mayor Brown commented that it would always be an access regardless of the driveways. Councilor Weldon stated he would support the replat and asked Mr. Cronk to be aware of the impact made by the northern access neighbors.

Mr. Cronk assured Council the driveway on the beach access would be minimal and would not be made to look as though it were a private drive. He agreed to coordinate with the other property owners.

Moved by Shealy, seconded by Pardee.

Motion: **TO APPROVE PLANNING BOARDS APPROVAL OF THE VARIANCE FOR THE REPLAT AMENDED TO INCLUDE THE MINOR ADJUSTMENT OF THE DRIVEWAY.**

Mr. Eliot Hindman, 113 Bay Street, spoke in favor of the replat.

Roll Call Vote:

Ayes: 4 – Pardee, Shealy, Weldon, Brown

Noes: 1 – Pruette.

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:48 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____