



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 6, 2006 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 February 6, 2006 at 7:00 p.m., in the City Hall Council Chambers, , 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred E. Lee
Councilor Eric Pardee
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:
Councilor John Weldon

STAFF:

Director of Public Safety David Sembach
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 Councilor Lee to lead the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Res. No. 2006-02

RESOLUTION NO. 2006-02: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING FORMER PATROL OFFICER SAM BASS FOR SERVING THE COMMUNITY OF NEPTUNE BEACH IN AN OUTSTANDING MANNER FOR THIRTY YEARS.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2006-02.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown
Noes: 0

MOTION CARRIED

Mayor Brown and Chief Sembach presented the Resolution to Officer Sam Bass.

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

JANUARY 9, 2006, WORKSHOP COUNCIL MEETING
JANUARY 9, 2006, REGULAR COUNCIL MEETING
JANUARY 23, 2006, SPECIAL COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

City Clerk Lisa Volpe reminded Council that a special meeting to select a waste services provider and determine the level of garbage services was scheduled for February 13, 2006, at 6:30 p.m. and would be followed by the February workshop.

CITY MANAGER REPORT

Mayor Brown stated it was the anniversary of the City Manager's contract and his annual salary increase needed Council approval.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE COST OF LIVING SALARY INCREASE FOR CITY MANAGER JARBOE.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

City Manager Jarboe reported the following:

The demonstration for the new state requirements on sewer nitrogen levels was underway and reports would be forthcoming.

The specifications for the Request for Proposals for the Florida Boulevard Landscaping were almost complete and should be ready for advertisement this week.

The Public Services Department would soon be using the menzi muck to clear out ditches.

PUBLIC COMMENTS

The following residents spoke in opposition of speed humps:

- Robert Shord, 214 Oleander Street
- James Lee, 246 Myra Street
- Patrick Clyne, 1210 Ocean Front

The following residents spoke in favor of speed humps:

- John Reeve, 132 Hopkins Street
- Candy Sullivan, 220 South Street

CONSENT AGENDA

911 Reimbursements	<u>911 SALARY REIMBURSEMENT – INTERLOCAL AGREEMENT:</u> An annual interlocal agreement reimbursing dispatchers salaries using the 911 tax collected from the telephone service.
Beaches Resource Center	<u>BEACHES RESOURCE CENTER - \$3,000 DONATION:</u> An annual contribution request of \$3,000 supporting the Beaches Resource Center.
Tasers	<u>TASER PURCHASE FROM THE FORFEITURE FUND:</u> Purchase of tasers for the police officers.
Speed Humps	<u>REPLACEMENT OF SPEED BUMPS WITH SPEED HUMPS ON SPECIFIED STREETS:</u> To replace the old speed bumps for speed humps on the following streets: Cherry Street (200 block); Camellia Terrace Drive; Hagler Drive; South Street (400 block); Cedar Street and Hagler Drive; Goldenrod Lane and Oleander Street (200 block).

Moved by Pruette, seconded by Pardee.

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

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

VARIANCES

203 Ocean Front & 101 Lemon St.	<u>VARIANCE REQUEST OF MR. LOUIS STUART – 203 OCEAN FRONT & 101 LEMON STREET:</u> Mr. Buddy Hooten, Attorney for Louis Stuart, explained the history of the variance request. Beginning on November 19, 2003 the Board of Appeals approved the variance request for a 10' block wall to the end of the house, an 8' section from the end of the house to the end of the pool deck and a 6' section from the end of the pool deck to the end of the property for the purpose of eliminating noise. Mr. Stuart had health problems and was unable to complete the wall within the time period requirement of one year.
---------------------------------	--

The Planning & Development Review Board heard the request on June 21, 2005 and recommended Council approval.

On August 1, 2005 the City Council heard the request and recommendation of the Planning & Development Review Board. At that time they approved the request with amendments as follows: To erect a masonry wall no greater than 8' 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 on public property.

Vice Mayor Pruette asked Mr. Hooten to explain the purpose of the 10' concrete wall. Mr. Hooten replied the area is in the Central Business District and changed dramatically when the Lemon Bar was opened. Since then there has been a murder in Mr. Stuart's driveway, the noise, traffic and trash had become intolerable. The concrete wall would help eliminate some of the noise and discourage people from coming onto his property.

Discussion ensued regarding the history and height of the concrete wall. Mayor Brown felt the property was unique and the request was reasonable and not precedent setting. Vice Mayor Pruette stated the City, when they allowed the Lemon Bar, created the hardship for Mr. Stuart.

Moved by Pardee.

Motion: **TO APPROVE THE VARIANCE AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD WITH AN 8' WALL TO THE CORNER OF THE HOUSE AND THEN 6' TO THE END OF THE POOL AND 4' TO THE PROPERTY LINE WITH LANDSCAPING ON MR. STUART'S PROPERTY.**

MOTION DIED FOR LACK OF A SECOND.

Moved by Pruette, seconded by Lee.

Motion: **TO ALLOW THE 10' FROM HOUSE TO HOUSE SLOPING DOWN TO 6' AND 4' IN THE BACK WITH THE UNDERSTANDING THERE WILL BE STRUCTURAL PLANS TO THE CITY AND THERE WILL BE SOME LANDSCAPING ON BOTH SIDES.**

City Manager Jarboe stated the Building Department can not issue a permit unless it the structure complied with the Building Code.

Discussion ensued regarding landscaping.

Councilor Pardee was concerned that without the landscaping requirement the concrete wall would become susceptible to graffiti. He asked for clarification of sloping or stepping. Mr. Hooten replied the wall would step down and not slope at an angle.

City Attorney White questioned if the wall would begin at the Northwest corner of the structure or the Northwest corner of the property. Mr. Stuart responded it would begin at the property line .

City Attorney White clarified the intent of the motion was for the concrete wall to be 10 feet from the northwest corner of the property to the northeast corner of the structure and step down to 6 feet to the end of the pool area and step down to 4 feet to the remaining northeast corner of the property.

Vice Mayor Pruette agreed to amend the motion as follows:

Moved by Pruette, seconded by Lee.

Amended Motion: **FOR THE CONCRETE WALL TO BE 10 FEET FROM THE NORTHWEST CORNER OF THE PROPERTY TO THE NORTHEAST CORNER OF THE STRUCTURE AND STEP DOWN TO 6 FEET TO THE END OF THE POOL AREA AND STEP DOWN TO 4 FEET TO THE REMAINING NORTHEAST CORNER OF THE PROPERTY.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2006-01

ORDINANCE NO. 2006-01, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV, SECTION 27-595, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE XV ADVERTISING BY AMENDING SECTION 27-595 PROCEDURE FOR APPEAL AND PROVIDING AN EFFECT DATE.

Moved by Pruette, seconded by Pardee

Motion: **TO PASS ORDINANCE NO. 2006-01 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-02

ORDINANCE NO. 2006-02, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IX, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE IX TREE PROTECTION BY AMENDING SEC. 27-445(A)(4) PERMIT REQUIRED FOR TREE REMOVAL OR RELOCATIONS; SEC. 27-446(1)(D) PERMIT APPLICATION PROCEDURES; SEC. 27-448(2)(A)(7-11) CHAMPION AND HERITAGE TREES; SEC. 27-542(1) & (2) UNAUTHORIZED REMOVAL OF OR DAMAGE TO REGULATED TREES; SEC. 27-453 PROCEDURE FOR APPEAL; SEC. 27-445(10) MINIMUM LANDSCAPE REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Lee, seconded by Pruette.

Vice Mayor Pruette agreed to sponsor Ordinance No. 2006-02.

Motion: **TO PASS ORDINANCE NO. 2006-02 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2006-03

ORDINANCE NO. 2006-03, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, SECTION 27-15, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE I IN GENERAL BY AMENDING SECTION 27-15 DEFINITIONS AND PROVIDING AN EFFECTIVE DATE.

Moved by Pardee, seconded by Lee.

Councilor Pardee agreed to sponsor Ordinance No. 2006-03.

Motion: **TO PASS ORDINANCE NO. 2006-03 ON FIRST READ.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE**NEW BUSINESS**

Dev. Order
1425 Atlantic Blvd.

DEVELOPMENT ORDER – 1425 ATLANTIC BOULEVARD – ATLANTIC COAST FEDERAL: Nichole Braun, Connelly & Wicker Engineers, 1711 South Fifth Street, Jacksonville Beach, came forward and introduced herself as the representative for Atlantic Coast Federal.

City Attorney White stated the concerns of the owner of J.C. & Associates Real Estate & Investment Company, 1415 Atlantic Boulevard, regarding access to his business had been resolved.

Moved by Lee, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR – 1425 ATLANTIC BOULEVARD – ATLANTIC COAST FEDERAL AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Dev. Order
696 Atlantic Blvd.

DEVELOPMENT ORDER – 696 ATLANTIC BOULEVARD – AQUA EAST SURF SHOP: Steve Manis, Connelly & Wicker Engineers, 1711 South Fifth Street, introduced himself as the representative for Aqua East Surf Shop.

Moved by Pardee, seconded by Pruette.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 696 ATLANTIC BOULEVARD – AQUA EAST SURF SHOP AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Res. No. 2006-03

RESOLUTION NO. 2006-03: A RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING & DEVELOPMENT REVIEW BOARD, BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE RESOLUTION NO. 2006-03.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:35 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____