



MINUTES
SPECIAL CITY COUNCIL MEETING
JUNE 22, 2006 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held June 22, 2006 at 6:00 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 Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Deputy City Clerk Karla Strait, CMC

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m. and announced the purpose of the meeting was to consider Ordinance No. 2006-13.

ORDINANCE NO. 2006-13, REPEALING ORDINANCE NO. 2006-28, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REPEALING ORDINANCE NO. 2006-08 AND AMENDING SECTION 27-222(2)(c) PURPOSE AND INTENT OF ZONING DISTRICTS; AMENDING SECTION 27-238 MAXIMUM LOT COVERAGE AND ADDING FOOTNOTE (6) TO TABLE 27-229-1 IN CODE OF ORDINANCES LIMITING FLOOR SPACE IN C-1, C-2, AND C-3 ZONING DISTRICTS TO 60,000 SQUARE FEET AND PROVIDING AN EFFECTIVE DATE.

City Attorney White explained other than repealing Ordinance No. 2006-08, Ordinance No. 2006-13 contained the exact same text. Representatives for Wal-Mart threatened to challenge the legality of Ordinance No. 2006-08 on the basis that it was not voted on by the Planning & Development Review Board. Therefore Ordinance No. 2006-13 if passed on first read would repeal Ordinance No. 2006-08 and pass the same. The ordinance would then be heard by the Planning & Development Review Board on June 27, 2006 and appear before Council for second read and final adoption on July 10, 2006.

City Attorney White advised Council to disclose all ex parte communications regarding this ordinance and to give the City Clerk any public record of written correspondence they may have received outside of City Hall.

Vice Mayor Pruette disclosed she had spoken with many citizens regarding Wal-Mart. She further disclosed she had briefly spoken with Mr. Karl Sanders in a telephone call to her home.

Councilor Weldon asked City Attorney White to clarify that council members were allowed to speak with board members regarding city issues outside of a public meeting. City Attorney White confirmed the Sunshine Law did not apply to council members speaking with board members regarding city issues.

Councilor Lee disclosed he discussed the ordinance with City Manager Jarboe and citizens who were both in favor of or opposed to the Wal-Mart development.

Councilor Pardee disclosed he had spoken with City of Jacksonville officials and Mr. Karl Sanders regarding Ordinance No. 2006-13.

Mayor Brown read Ordinance No. 2006-13 by title only and opened the public hearing.

John Holmes, 914 Fourth Street, felt a Wal-Mart would be an asset for the community.

Lynn Lazarus, Hopkins Street, opposed the Wal-Mart based on traffic and safety concerns.

Michael Aston, 1523 Summer Sands Drive, opposed the Wal-Mart based on additional traffic and future concerns.

Moved by Pruette, seconded by Lee.

Motion: **TO PASS ORDINANCE NO. 2006-13, ON FIRST READ AND PUBLIC HEARING.**

Councilor Pardee stated he did not see the urgency for adopting the ordinance. He suggested waiting for the completion of the traffic study and the land use attorney's advise on the legality of the ordinance before moving it forward.

City Attorney White stated he did not expect the land use attorney to advise the Council whether or not to adopt the ordinance.

Councilor Pardee stated he thought that was the reason the land use attorney was hired.

City Attorney White stated the land use attorney was hired to review the ordinance to see how it would affect the city and comprehensive plan in the future.

Roll Call Vote:

Ayes: 4 – Lee, Pruette, Weldon, Brown

Noes: 1 – Pardee

MOTION CARRIED

Councilor Weldon stated the outpouring of the community reflected a large majority of citizens that were opposed to the Wal-Mart development.

Councilor Lee was also impressed with the community involvement.

City Manager recognized Chairman of the Planning & Development Review Board Fred Cattar and thanked him for conducting the meeting and his handling of the crowd.

Adjournment

There being no further business, the meeting adjourned at 6:37 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____