



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

Attendance

IN ATTENDANCE:

STAFF:

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

Senior Center Activities Director Leslie Lyne
 Director of Finance Steve Ramsey
 Lieutenant Anthony Carrillo
 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

RESOLUTION NO. 2006-14: A RESOLUTION OF THE CITY OF NEPTUNE BEACH HONORING FORMER COMMUNITY DEVELOPMENT DIRECTOR JSON CLEGHORN FOR SERVING THE CITIZENS OF NEPTUNE BEACH IN AN EXCELLENT MANNER DURING HIS TENURE WITH THE CITY.

Move by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION 2006-14.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pruette.

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

JULY 10, 2006, REGULAR COUNCIL MEETING
JULY 17, 2006, BUDGET COUNCIL MEETING
JULY 17, 2006, WORKSHOP COUNCIL MEETING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Vice Mayor Pruette disclosed she had spoken with Mr. Jonathon Plumb regarding his development order.

Vice Mayor Pruette stated the United States Post Office agreed to place a collection box in the Town Center area later this month.

Councilor Weldon disclosed he had spoken with Mr. Plumb regarding his development order at 2109 Atlantic Boulevard.

Councilor Lee disclosed he had spoken to a representative for the Neptune Mall regarding their development order at 241 Atlantic Boulevard.

Councilor Pardee disclosed he had spoken with a representative for Benchmark regarding their development order at 2109 Atlantic Boulevard.

City Clerk Lisa Volpe suggested rescheduling the September workshop meeting from the 18th to the 25th due to the Jaguars Monday night home game and to have an extras week between meetings.

Consensus: **TO SCHEDULE THE SEPTEMBER WORKSHOP COUNCIL MEETING FOR THE 25TH.**

CITY MANAGER REPORT

City Manager Jarboe reported the following:

- The drainage system was overworked after a rainstorm last week and there were problems with trucks creating wakes. He felt the flooding would have been worse if the tide had not been low at the time.
- He was concerned about the safety issues of trees located in the city rights of way after two large trees fell last week.

PUBLIC COMMENTS

Joe Quest, 1501 Atlantic Boulevard, thanked the Council for considering Ordinance No. 2006-10.

Chris Oakey, 620 Camellia Terrace, voiced concern regarding the enforcement of ordinances previously adopted.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-10 by title only and opened the public hearing.

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

Councilor Weldon suggested the adding the following underscored language to Section 27-227(b)(14):

(b)(14) Moving business by exception only. No more than three (3) trucks, not to exceed thirty-three (33) feet each, shall be stored on site and no storage of items to be moved shall be permitted.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2006-10 AS AMENDED ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-11

ORDINANCE NO. 2006-11, AMENDING CHAPTER 27, USES IN ZONING DISTRICTS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS SEC. 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS (B)(5) RETAIL, GENERAL AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-11 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. 2006-11 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-14

ORDINANCE NO. 2006-14, AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2006-14 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. 2006-14 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-15 **ORDINANCE NO. 2006-15, AMENDING SECTION 21, OCCUPATIONAL LICENSE TAXES, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND ADDING SECTION 21-33 AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006- 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 Pruette.

Motion: **TO ADOPT ORDINANCE NO. 2006-15, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-16 **ORDINANCE NO. 2006-16, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE"; AMENDING SECTION 2-349.5 OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-349.12, DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown read Ordinance No. 2006-16 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 Lee.

Motion: **TO ADOPT ORDINANCE NO. 2006-16 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2006-17 **ORDINANCE NO. 2006-17, AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, FIRST READ: AN ORDINANCE OF THE OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODE, SECTION 8-27, EXHIBIT A, 101 GENERAL, 101.4.2.3.2 UNSAFE BUILDINGS, 101.4.3 ELECTRICAL, SECTION 8-29 BUILDING PERMIT FEES AND SECTION 8-24 MECHANICAL**

FEES AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2006-17 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

PDRB06-07
220 First St.
Goelz

DEVELOPMENT ORDER PDRB06-07, 220 FIRST STREET – GOELZ: Consider approval of development order for Mr. and Mrs. Thomas Goelz for an addition and remodel of Cobalt Moon located at 220 First Street.

Mr. Terry Simmons, architect for the project, explained the applicant wanted to renovate the building to provide for retail sales on the first floor and a dance studio on the second floor. In addition five more parking spaces would be created and the entire building would be brought up to code.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PDRB06-07, 220 FIRST STREET, GOELZ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Fl. & 5th
Drainage Impr.

APPROVAL OF REQUEST FOR PROPOSAL DESIGN / BUILD DRAINAGE IMPROVEMENTS AT THE INTERSECTION OF FLORIDA BOULEVARD AND FIFTH STREET: City Manager Jarboe explained only one bid was received for the drainage improvements at Florida Boulevard and Fifth Street. The bid was from Gruhn May in the amount of \$77,150.00. He stated the bid was about \$2000 over what was expected but still recommended approval.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE BID RECEIVED FROM GRUHN MAY IN THE AMOUNT OF \$77,150.00 FOR THE DRAINAGE IMPROVEMENTS ON FIFTH STREET.**

Roll Call Vote:

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

Noes: 0

MOITON CARRIED

NEW BUSINESS

PDRB06-02
2109 Atlantic Bl.
Benchmark

DEVELOPMENT ORDER PDRB06-02, 2109 ATLANTIC BOULEVARD, BENCHMARK COMMERCIAL GROUP: Consider approval of development order for Mr. Jonathan Plumb, Benchmark Commercial Group to construct a 24,400 square foot office building and request to abandon the remainder of Block 3 of Prado Ferrer Grant.

Mr. Jonathan Plumb, Benchmark Commercial Group, explained the proposal was to build a 25,000 square feet professional office building of modern design. They would also be constructing a two

lane road for approximately 300 feet ending in a cul-de-sac at the north end of Marsh Point Road and landscaping the right-of-way. In return for the construction cost of approximately \$72,000 for the roadway they request that the city deed over a portion of an alleyway for the development of the site.

Councilor Weldon questioned how many parking spaces would be provided. Mr. Plumb replied there would be 63 onsite parking spaces and 10 offsite parking spaces in the right of way on Marsh Point Road.

Councilor Lee questioned the height of the building. Mr. Plumb replied the building height was just under the 35' height limit at 34'8".

Councilor Pardee was concerned the monument sign may obstruct traffic. Mr. Plumb responded the sign would be 8' x 10', would be placed in front of the building, and would not obstruct traffic.

City Clerk Lisa Volpe stated the Council would need to adopt an Ordinance to abandon the property. The first reading would be at the September regular meeting and the second reading and adoption would take place at the October regular meeting. City Attorney White stated the applicant could apply for the building permit and proceed with construction while the abandonment ordinance was going through the process.

City Attorney White explained to Mr. Plumb the city needed a survey and description of the property in order to draw up the ordinance for the abandonment of the property. Mr. Plumb stated the survey and title search on the property was completed and had been turned in to the building department.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE PDRB06-02, 2109 ATLANTIC BOULEVARD, BENCHMARK COMMERCIAL GROUP AND DIRECT STAFF AND CITY ATTORNEY WHITE TO PREPARE AN ORDINANCE FOR THE ABANDONMENT OF THE PROPERTY RELATED TO THE SITE.**

Councilor Lee questioned the concurrency issues. City Manager Jarboe responded the project met all concurrency requirements. The project did not reach the number of trips required to have a traffic impact study.

Roll Call Vote:

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

Noes 0

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10

PDRB06-08
241 Atlantic Blvd.
Southcoast **DEVELOPMENT ORDER PDRB06-08, 241 ATLANTIC BOULEVARD, SOUTHCOAST BEACHES, LLC:** Consider approval of development order for Southcoast Beaches LLC, to construct a two story building for retail sales on the first floor and office spaces on the second floor and consider allowing the balconies to extend over city right of way.

Lindley Tolbert, representing Southcoast Beaches, LLC, explained the concept of the project was to demolish the existing Neptune Mall and construct a 14,404 square feet two story commercial building to provide for retail sales on the first floor and office space on the second floor. The building would be positioned on the lot further to the east to provide a larger buffer zone on the west side abutting Second Street.

Vice Mayor Pruette questioned the amount of parking spaces that would be provided. Ms. Tolbert responded the property owned by Southcoast Capital currently had more parking spaces than the Code required for the existing retail and restaurant establishments in Town Center. They had a

total of 134 parking spaces of which they were only required to provide 86 spaces. However, they would be removing 12 of the current parking spaces in the lot to create another avenue for entering and exiting the existing parking lot. Three additional parking spaces would be added on the Atlantic Boulevard side in the city right-of-way.

Council Weldon asked if the 86 parking spaces were utilized by the properties owned by Southcoast Capital on the Atlantic Beach side of Atlantic Boulevard. Ms. Tolbert replied those spaces were not supposed to be used by those establishments. The properties on the Atlantic Beach side supported themselves for parking through the City of Atlantic Beach and had nothing to do with Neptune Beach.

Councilor Weldon again questioned if any of the 86 parking spaces in the parking lot in Neptune Beach were used to justify the developments in Atlantic Beach. Ms. Tolbert replied they were not used to justify those developments. However, they could not prevent people that were visiting other establishments from parking in their parking lot.

Vice Mayor Pruette pointed out that the signs in the parking lot allowed parking for Ragtime and other establishments on the Atlantic Beach side of Atlantic Boulevard. Ms. Tolbert replied that was because Southcoast Capital owned those buildings.

Councilor Weldon stated the plans required the removal of 12 parking spaces on the east side, 6 or 8 spaces on north side, and 8 or 10 more on the west side of the building. Ms. Tolbert explained the current building has 8 parking spaces plus the 13 spaces in the city right-of-way on the west side. They intended to remove those 13 spaces in the right-of-way and landscape that area. They also would be adding 22 parking spaces behind the building and the Code only required 21 spaces.

Councilor Weldon stated that created a net loss of 11 parking spaces in the Town Center area. Ms. Tolbert replied the net loss was actually 12 spaces.

Councilor Weldon agreed it was a nice project and he would like to see that type of building in Town Center, however, he could not support a project that would decrease the amount of parking in the Town Center area.

Councilor Weldon suggested one solution for the parking problem would be to build a parking garage in Town Center. He felt the city would be amenable to the idea of finding a way to make it attractive to Mr. Lovett and other potential partners.

Mr. Rad Lovett, Southcoast Beaches, LLC, stated the reality was that Southcoast Capital provided parking for the majority of the customers visiting Town Center establishments.

Councilor Weldon stated the city needed people in the community like Mr. Lovett to help solve the parking problem in the long term or it would get even worse.

Mr. Rad Lovett, Southcoast Beaches, LLC, pointed out the parking for the new retail and office building would mainly be used during daytime hours, making the spaces available for restaurant establishments during the evening hours.

Councilor Weldon asked if a parking garage would be totally unfeasible. Mr. Lovett asked William Ebert, ENB Architects to address the question.

Mr. William Ebert, ENB Architects, stated the cost to construct a parking garage would be approximately \$8,000 to \$10,000 per parking space.

Councilor Weldon asked if the community were to find a way to support the development of a parking garage would it be feasible to build one providing retail sales on the first floor of the building.

Mr. Lovett replied the City of Jacksonville provided incentives for developers in downtown Jacksonville for building parking garages. In order to meet the scale of a parking garage a larger

piece of property would be necessary and he did not own a larger property in Town Center.

Mr. William Ebert advised they had studied the possibility of building a parking garage. The most efficient way to build one would be to build two 60 feet wide bays totaling 120 feet wide, with 90 degree parking spaces. The Lemon Street lot was only 100' feet wide so it would not work efficiently.

Ms. Tolbert reiterated they only needed to provide 21 parking spaces by Code and their development order provided 22 parking spaces for the building. They wanted to position the building more toward the east in order to add a sidewalk and landscaping to make it pedestrian friendly. She added that theoretically they had 48 more spaces than they needed.

Mayor Brown asked if there was anyway to salvage those 12 parking spaces and still make the project attractive. Mr. Lovett stated they would consider repositioning the building more toward the west building restriction line. There would not be much space left for landscaping but there would still be enough room on the right-of-way to put in a sidewalk.

Ms. Tolbert stated another option would be to charge for parking or have people prove that they were visiting those properties that the parking provided for.

Vice Mayor Pruette questioned if Southcoast Capital owned the parking lot on Lemon Street. Mr. Lovett replied Ed Jones currently owned the property. Southcoast Capital had a long term lease agreement on the lot with an option to purchase in the year 2022.

Councilor Lee voiced concern about Southcoast Capital using a leased parking lot to meet the parking requirements. Mr. Lovett responded that it was certainly their intention to purchase the property at the end of the lease.

Councilor Pardee inquired as to how late the retail stores would stay open. Ms. Tolbert replied the retail stores would close around 8:00 p.m. Councilor Pardee asked if any of the parking spaces would be reserved. Ms. Tolbert replied if they were reserved they would only be reserved during certain daytime hours. Councilor Pardee was also concerned about the liability of the balconies on the north side of the building hanging over onto the city right-of-way, and where the water collected on the balconies would drain. Mr. Lovett replied the balconies were mainly for aesthetic appeal, they would only be 4' feet and there would be gutters on the roof of the building. Mr. Lovett acknowledged the Planning and Development Review Board also had concerns regarding the cities liability of the balconies on over the right-of-way.

City Attorney White stated the city allowed Caribbee Key to have the overhang on the city right-of-way.

City Manager Jarboe stated if the development order were approved he would require Southcoast to provide insurance indemnifying the city from any liabilities. He was also concerned about drainage off of the balconies and he felt the parking spaces should not be reserved. Ms. Tolbert explained the spaces would only be reserved Monday through Friday 9:00 a.m. to 7:00 p.m. Mr. Jarboe also voiced concern over the parking lot being leased and not owned by Southcoast.

City Attorney White explained the primary issue was the parking requirements were determined using a leased parking lot of which the city had no control over. The Council could approve the development order using the leased parking lot but would have no control over what happened in the future. Ms. Tolbert explained it would not be a smart business move on their part if they did not purchase the property.

Vice Mayor Pruette asked if they had included the outdoor dining area for Sunni Carribbee in the parking lot count. Mr. Lovett replied they did not consider parking for it because it was not his decision to allow the outdoor dining.

Councilor Weldon asked if Southcoast had any plans to expand their establishments in Town Center. Mr. Lovett answered no they did not.

Mayor Brown stated the applicant had the parking spaces that the Code required. He added they were just as much concerned about the parking issue as the city because they had a lot at stake in Town Center.

Mayor Brown asked if the Council would consider Mr. Lovett's suggestion of repositioning the building toward the west of the lot.

Councilor Pardee suggested a one story building would required less parking spaces. Ms .Tolbert stated they had enough parking spaces to meet the Code requirements.

Councilor Lee asked if Southcoast would be willing to sign an agreement relieving the city of any liability for the balconies. Mr. Lovett replied that he would sign such an agreement.

Councilor Lee questioned if the development order met the concurrency requirements. City Manager Jarboe replied the proposed development did not require a traffic study because it was under the threshold of 500 average daily trips or 50 daily trips at peak hours.

Councilor Weldon asked if the parking spaces would be standard size. Ms. Tolbert replied they would all be standard size with the exception of one handicap space.

Councilor Weldon asked if they could move the building toward the west of the lot leaving the 12 existing parking spaces. Ms. Tolbert stated that was a possibility.

Mr. Lovett stated to shift the building to the west the building would have to be smaller than he intended, but he could try to make it work. It would give back 9 spaces to the parking lot and the 3 spaces on the Atlantic Boulevard side would remain for a total of 12 more parking spaces leaving a zero net loss.

Mayor Brown asked the Council if they would consider having Mr. Lovett rework the plans and present them at the August workshop meeting.

Mr. Lovett asked if he would have to go back before the Planning and Development Review Board. City Attorney White advised that he would not need to go back before the Board.

Mr. Lovett stated it would be in the best interest of everyone if he could save the parking spaces and he would be happy to see if he could make that work.

Consensus: **TO RETURN TO THE AUGUST WORKSHOP MEETING WITH A REVISED PLAN.**

Adjournment

There being no further business, the meeting adjourned at 9:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____