



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**MARCH 12, 2007 AT 6:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held March 12, 2007 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 E. Lee  
Councilor Eric Pardee  
Councilor John Weldon  
City Attorney Chris White  
City Manager James Jarboe  
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Amanda Askew  
Director of Public Safety David Sembach

Order Call

Mayor Brown called the special meeting to order at 6:00 p.m.

City Attorney White stated the agenda needed to be amended to include the revised settlement agreement. After the last meeting, where Vice Mayor Pruette stated her concerns about the wall, Wal-Mart changed paragraphs 6a, 6b and 6c. This added the rear wall and made some minor language changes.

Moved by Pruette, seconded by Lee

Motion: **TO AMEND THE AGENDA TO INCLUDE THE REVISED SETTLEMENT AGREEMENT.**

Roll Call Vote:

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

MOTION CARRIED

Revised Settlement Agreement

REVISED SETTLEMENT AGREEMENT: City Attorney White stated the changes in 6 a and b were technical and neither he or the city manager had a problem with them and 6c added an additional screening wall.

Moved by Pruette, seconded by Lee

Motion **APPROVAL OF TECHNICAL AMENDMENTS TO THE SETTLEMENT.**

Vice Mayor Pruette voiced her concern about the screening wall. She passed out pictures of a wall used in Jacksonville Beach for the same reason. She preferred a wall across the entire back of the property.

Karl Sanders, 6 E. Bay Street, Attorney for Wal-mart, stated noise has always been a concern. The wall is not behind the building because the truck well is at the side not at the back and there is limited access in the back therefore trucks will not have a reason to be there. In order to help with the noise problem twenty magnolias will be planted, the berm is 16 and 8 feet high and there is a fountain in the retention pond. He stated after the last meeting Wal-Mart added a screening wall on the parking lot on the eastern side of the building.

Vice Mayor Pruette asked what would stop refrigerated trucks from standing in the back. Mr. Sanders said it would be in violation of the settlement and the price of gasoline would not make it beneficial.

Councilor Lee asked to clarify where the wall would be. He discussed extending the wall behind the truck turn around area. Mr. Sanders said it could possibly be done. Discussion ensued if this was a good idea or if it was possible to put a wall across the entire berm. Mr. Sanders stated vegetation may cause a problem with a wall on the berm.

Councilor Weldon agreed an additional fence behind the truck turn around area was a good idea but a fence along the entire back was not.

Vice Mayor Pruette asked how high the screening wall around the delivery area would be. Mr. Jarboe stated the intent is to shield the trucks.

Councilor Pardee added if the fountain was for aesthetics it would be blocked by additional fencing. Mr. Sander stated the fountain was for water circulation and sound buffer. He added the extra fence was a reasonable request and he could ask his clients and report back to council on April 2<sup>nd</sup>.

Vice Mayor Pruette questioned the upkeep of the property after it has been built. Mr. Sanders stated this is an ongoing partnership between Wal-Mart and the City of Neptune Beach. He felt it would be important for the city to have a good relationship with the store manager. Concerns should be brought to the manager and dealt with in a timely manner. If they are not, Mr. Sanders stated Mr. White has his phone number. Ms. Pruette stated that was for public record.

Roll Call Vote:

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

**MOTION CARRIED.**

Ordinance 2007-03

ORDINANCE 2007-03, COMMERCIAL SETBACKS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS TABLE 27-229-1 AND PROVIDING AN EFFECTIVE DATE.

Chris White stated the ordinance is an amendment to the table 27-229-1.

Moved by Pardee, seconded by Lee

Motion: **TO APPROVE ORDINANCE 2007-03**

Vice Mayor Pruette asked if the buildings along Atlantic Blvd would no longer be nonconforming. City Manager Jarboe stated in relation to this ordinance they would not be.

Councilor Pardee asked the council if they still wanted to keep the 60,000 square feet limitation in the table under footnote 6. The rest of council agreed that it should be kept even though it does not pertain to this development.

Councilor Lee asked Mr. Sanders if there were any chance in the future for Walmart to expand the store if more property became available. Mr. Sanders Stated the settlement agreement would have to be renegotiated by city council if the 60,000 square feet ordinance did not stop any further development.

Vice Mayor Pruette voiced concern over the building being left empty if the store moved or went out of business.

Councilor Weldon asked for reassurance that there would be no out parcels. Mr. Sanders stated that would have to be renegotiated in the settlement agreement and from a practical stand point there is not enough parking to support out parcels.

Councilor Lee asked Mr. Jarboe if Vice Mayor Pruette's concern about an empty building much like the old A& P happened a lot in communities. Mr. Jarboe stated the way to deal with that is through code enforcement much like the city did with the A&P. Councilor Pardee reiterated what the city manager said and that it should be used more often. Mayor Brown stated part of the problem was the property owners of the A&P. Councilor Lee commented that the city sometimes takes blame for empty stores but it is not always the case. City Manager Jarboe stated some empty stores in the city already have interested tenants. Vice Mayor Pruette stated she was considering sponsering a blight ordinance.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Brown  
Noes: 1 - Weldon

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 6:35 p.m.

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Richard Brown, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

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

