



**MINUTES
REGULAR CITY COUNCIL MEETING
JULY 9, 2007 AT 6:00 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 July 9, 2007 at 6:00 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Christopher White

Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Pruette, seconded by Pardee.

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

JUNE 4, 2007, REGULAR CITY COUNCIL MEETING
JUNE 18, 2007, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated the police department did an excellent job maintaining the crowds on July 4th.

Mayor Brown acknowledged that Leslie Karlin, resident of Summer Sands recently passed away. She was a well known and active citizen in the city and within the Summer Sands community. She will be greatly missed.

City Clerk Volpe stated, if the Council were interested she would invite the First Amendment Foundation to hold a seminar at City Hall to update Council and Board members on the Sunshine Law.

Consensus: **TO HAVE CITY CLERK VOLPE SCHEDULE A SEMINAR WITH THE FIRST AMENDMENT FOUNDATION AND INVITE THE COUNCIL AND BOARD MEMBERS TO ATTEND.**

Councilor Weldon disclosed he spoke with Ms. Susan Green and Mr. Tim Green regarding the Starbuck's special exception and development order.

Vice Mayor Pruette disclosed she spoke with Susan Green and Tim Green regarding Starbuck's. She also spoke with Mr. Curtis Winter regarding the special exception for outdoor dining at Sun Dog Seafood and Steak

Councilor Lee and Councilor Pardee disclosed they also spoke with the applicants for Starbucks and Sun Dog.

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The police department did an outstanding job maintaining the crowds during the July 4th holiday.
- Chief Sembach has started paying off-duty lifeguards to aide with beach clean up.
- The building department received an application to demolish the old Neptune Theater.
- There was no information on when construction of the Wal-Mart would begin.

PUBLIC COMMENTS / NONE

CONSENT AGENDA

T-Mobile	<u>T – MOBILE SOUTH, LLC, WATER TANK LEASE AGREEMENT:</u> Approval of the water tank lease agreement for T-Mobile South, LLC.
2020 Seagate Ave.	<u>BUILDING PERMIT APPLICATION FOR DOCK, 2020 SEAGATE AVENUE, MR. STEVE JARRETT:</u> Approval of dock permit application for a dock, located at 2020 Seagate Avenue.
Res. No. 2007-06 ICMA	<u>RESOLUTION NO. 2007-06:</u> A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE CITY'S RETIREMENT PLAN SECTION 410 MONEY PURCHASE PLAN ICMA-RC PLAN #10 9246 AND SECTION 457 DEFERRED COMPENSATION PLAN ICMA-RC PLAN #30 3545 TO ALLOW PARTICIPANTS TO TAKE LOANS FROM THE PLAN.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS

Waste Pro

WASTE PRO USA, INC.: Request for consumer price index adjustment.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE CONSUMER PRICE INDEX ADJUSTMENT FOR WASTE PRO.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

NEW BUSINESS

Res. No. 2007-07

RESOLUTION NO. 2007-07: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA EXPRESSING SERIOUS CONCERN ABOUT INCREASES IN HURRICANE EVACUATION TIMES AND ADVERSE TRANSPORTATION IMPACTS TO AN ALREADY CONGESTED SECTION OF ATLANTIC BOULEVARD RELATED TO THE PROPOSED DEVELOPMENT OF FOUR 144 FEET TALL CONDOMINIUM BUILDINGS, WITH 590 RESIDENTIAL UNITS, ON LAND NOW OCCUPIED BY THE MOODY SHIPYARD.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2007-07 AND FORWARD TO THE COMMUNITY DEVELOPMENT AGENCY.**

Roll Call Vote:

Ayes: 3 – Lee, Pruette, Weldon

Noes: 2 – Pardee, Brown

MOTION CARRIED

PDRB07-06
207 Atlantic Blvd.

PDRB07-06, APPLICATION FOR SPECIAL EXCEPTION FOR MR. CURTIS WINTERS D/B/A SUN DOG SEAFOOD AND STEAK, 207 ATLANTIC BOULEVARD: Request for special exception to allow outdoor seating and dining area.

City Manager Jarboe stated the special exception was required for outdoor dining. The lease agreement would be under the same lease terms as Carribee Key.

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR SUN DOG SEAFOOD AND STEAK FOR AN OUTDOOR SEATING AND DINING AREA.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res.No. 2007-08

RESOLUTION NO. 2007-08: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA AUTHORIZING THE LEASE AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH, FLORIDA AND MR. CURTIS WINTERS D/B/A SUN DOG SEAFOOD AND STEAK.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE RESOLUTION NO. 2007-08.**

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

MOTION CARRIED

PDRB-V07-07
220 First St.

PDRB-V07-07, APPLICATION FOR VARIANCE FOR MR. AND MRS. TOM GOELZ, 220 FIRST STREET: Variance request for north side yard, parking requirements, parking space width, dumpster and landscape area.

Patricia Goelz stated the existing building was structurally unsound and they plan to demolish the structure and build a new two-story building.

Councilor Weldon questioned if the square footage would be increased. Mr. Terry Simmons, architect for the Goelz’s, replied the square footage would be exactly the same with a total of 4,972 with 2,550 square of retail on the first floor and 2,442 square feet on the second floor to be used as a dance studio. The new building would look similar in style to the old building except it will be square on the lot.

Councilor Lee questioned the issues with the dumpster. Mr. Simmons stated they were currently working on an agreement to share a garbage dumpster with Slider’s Restaurant.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE VARIANCE REQEUST FOR MR. AND MRS. TOM GOELZ, 200 FIRST STREET.**

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

MOTION CARRIED

PDRB07-07
220 First St.

PDRB07-07, APPLICATION FOR FINAL DEVELOPMENT ORDER FOR MR. AND MRS. TOM GOELZ, 220 FIRST STREET: Request to demolish existing structure and build a new structure for retail and studio use.

Moved by Weldon, seconded by Pruette.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MR. AND MRS. TOM GOELZ, 220 FIRST STEET.**

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

MOTION CARRIED

PDRB07-08
327 Atlantic Blvd.

PDRB07-08, APPLICATION FOR SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD: Request for special exception to allow outdoor dining and fast food restaurant for Starbuck’s Coffee.

Move by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD FOR OUTDOOR DINING AND FAST FOOD FOR STARBUCK'S.**

Mrs. Susan Green, Green & Kupperman, Inc. disclosed on the record that she had met and spoken with council members prior to the meeting. The request was to convert the existing drive thru bank and ATM to a walk up and drive thru for Starbuck's Coffee.

Vice Mayor Pruette felt due to the location it was very important that they keep the area neat and clean. Ms. Green went on the record to state they were committed to keeping the area clean.

Councilor Weldon questioned if they intended to have a designated non-smoking area. Ms. Green went on record to state that would make every effort to set up an non-smoking area.

City Manager Jarboe stated because this was a special exception the Council could make them create a non-smoking area as a part of the conditions to the special exception.

Mr. Tim Green, Development Manager for Starbuck's, stated he would designate a non-smoking area; however he could not stop customers from smoking. He suggested if the city had an issue with smoking in public places that they should adopt an ordinance prohibiting smoking in outdoor public places.

For the Record Councilor Weldon stated he would be comfortable if Mr. Green would agree to place the following statement on the record: "for the life of this store Starbuck's is making a commitment to at least provide a non smoking area for those of us who like to drink Starbuck's coffee but don't want to do it with someone smoking on top of them", and Mr. Green agreed with the statement on the record.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD FOR OUTDOOR DINING AND FAST FOOD FOR STARBUCK'S.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PDRB07-09
327 Atlantic Blvd.

PDRB07-09, APPLICATION FOR FINAL DEVELOPMENT ORDER FOR NEPTUNE PLAZA, LLC, 327 ATLANTIC BOULEVARD: Request to convert the existing drive thru ATM to a walk up and drive thru for Starbuck's Coffee.

Councilor Weldon questioned the proposed signage plan. Ms. Susan Green replied there would be one monument sign on Third Street facing south. The plan also proposed a small directional sign along Third Street indicating the entrance to the drive-thru and another small direction sign indicating the exit along Atlantic Boulevard. Ms. Green added for the record the signs would be two (2) square feet. Community Development Director Askew stated she and the City Manager discussed these signs and considered them monument signs. If Council did not allow for them the applicant would have to get a variance. City Clerk Volpe stated it would be a good idea to include the directional signs in the motion.

Moved by Pruette, seconded by Lee.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR NEPTUNE PLAZA, LLC , 327 ATLANTIC BOULEVARD FOR STARBUCK'S.**

Moved by Pruette, seconded by Lee.

Friendly Amendment: **TO ALLOW THE DIRECTIONAL SIGNAGE AS PROPOSED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PDRB07-10
240 Third St.

PDRB07-10, APPLICATION FOR SPECIAL EXCEPTION FOR MS. ROBERTA ROBSON, 240 THIRD STREET: Request to convert the old Taco Bell to a Smoothie King and to allow for an outdoor dining and fast food restaurant.

Jason Luther and Kris Risch, representatives for Smoothie King, stated they would be partners in the new Smoothie King franchise. They intended to remodel the existing the structure for use as a drive-thru.

Councilor Weldon questioned the number of outdoor seats. Mr. Luther replied the outdoor seating area would consist of two tables with four chairs; however they would like to add more if the number of parking spaces allowed. There would be no indoor seating.

Councilor Weldon questioned the signage. Mr. Luther explained they would not be using the existing pole sign and the new sign would comply with the new sign ordinance.

Councilor Weldon asked if they would have a designated non-smoking area. Mr. Luther responded they would put no smoking signs on the tables and promote the area as non-smoking.

Councilor Pardee questioned when the remodeling project would begin. Mr. Luther replied they were currently working with Ms. Robson to finalize the lease agreement and needed her commitment before they would begin construction.

Councilor Weldon asked if the drive thru arrangement would affect the office parking to the south side of the property. Mr. Luther answered the drive thru would not affect the existing office parking area.

Moved by Pruette, seconded by Pardee.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR MS. ROBERTA ROBSON, 240 THIRD STREET, FOR SMOOTHIE KING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CPA07-01
Tucker Trust

CPA07-01, APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT, FOR MR. JOHNNY TUCKER TRUST, TO CHANGE PROPERTIES FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL HIGH DENSITY: Request to change property real estate numbers 172394-0020, 178897-0000, and 172394-0000, located south of Lemon Street and approximately 155 feet east of Eleventh Street from low density residential to commercial

high density.

City Clerk Lisa Volpe explained staff just became aware that an amendment to the Comprehensive Plan had to be processed in Ordinance form requiring two public hearings. The first reading could be in August and the second reading in September.

City Manager Jarboe suggested holding a special meeting before the July workshop for first read and having the second reading in August.

City Clerk Volpe stated because of the notice requirements for the Ordinance and public hearings this would only be possible if the July workshop meeting was moved from the 16th to the 23rd.

Consensus: **TO HOLD A SPECIAL MEETING BEFORE THE JULY WORKSHOP MEETING ON THE 23RD, FOR FIRST READ OF THE ORDINANCE TO AMEND THE COMPREHENSIVE PLAN.**

Z07-01
Tucker Trust

Z07-01, APPLICATION FOR REZONING FOR MR. JOHNNY TUCKER TRUST FOR REAL ESTATE NUMBERS 172394-0020, 178897-0000 AND 172394-0000: Request to rezone properties from residential R-2 to Commercial C-3.

City Manager Jarboe stated this would be done at the same time as the comprehensive plan amendment.

OPEN DISCUSSION

Due to the state's Property Tax Reform, Council suggested ways to supplement the city's revenue. Suggestions included parking meters and parking garages.

Councilor Weldon suggested staff set up a meeting with property owners, developers and representatives of Neptune Beach and Atlantic Beach to discuss a joint venture to address parking.

City Manager Jarboe stated staff would do some research and provide information back to the Council.

Adjournment

There being no further business, the meeting adjourned at 7:25 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____