



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

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Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held August, 2007 at 6:00 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 Lee  
 Councilor Eric Pardee  
 Councilor John Weldon  
 City Attorney Christopher White  
 City Manager Jim Jarboe  
 City Clerk Lisa Volpe, CMC

## STAFF:

Community Development Director Amanda Askew  
 Senior Activities Center Director Leslie Lyne  
 Director of Finance Steve Ramsey  
 Director of Public Safety David Sembach  
 Director of Public Services Leon Smith

## 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 Lee.

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

**JULY 9, 2007, REGULAR CITY COUNCIL MEETING**  
**JULY 23, 2007, SPECIAL CITY COUNCIL MEETING**  
**JULY 23, 2007, WORKSHOP CITY COUNCIL MEETING**

Councilor Weldon asked to amend page 7 of the July 9, 2007 minutes as follows:

July 9<sup>th</sup>, page 7: 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 ~~supplement revenues~~ address parking.

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pardee read the following statement in regard to an e-mail he received and an editorial that was printed in the *Beaches Leader* to clarify his proposal to sell City Hall.

I would like to take at least \$1 million dollars and invest it in an account that is earmarked solely for gaining interest that will be used for reduction of property tax millage rate for all Neptune Beach property owners. With a \$7 million dollar budget this is a significant amount that can be applied toward cost reduction. Only in an emergency and by a super majority Council vote can this money be spent otherwise. After a 5 or 10 year period the city can revisit this and can vote to change its use. The money will still be there. The employees currently in the City Hall building can be relocated to existing buildings at the public works facility. The Council can meet in the existing buildings as well. Some money can cover the cost of renovation or a small addition. Building new facilities to replace this building is completely out of the question and would negate the effort to reduce taxes on our homeowners. We need a City Hall, not a Taj Mahal. As far as traffic issues for the Forest Boulevard and Kings Road area, a window and/or deposit box can remain at the current location at the police building so that citizens can continue to pay their bills in person at the same location if they want to. The new Neptune Beach computer system allows people to pay their water bill online right now; our citizens need to be made aware of this. Any other traffic that would be traveling to City Hall would be offset by people that live in this area now who would not be driving to the current location. Seniors who are already at the Senior Center can do their business in one place. Public Works and City Hall employees would not have to drive from one place to the other to have a meeting. The fueling facility it at the public works location now so getting gas would not require an extra trip. The average Neptune Beach resident does not travel to City Hall now and will not go there if it is relocated. I think we have an opportunity to show our citizens that we can cut costs without reducing services and can give them some of their money back in the form of a tax reduction. Maybe the school board could do the same with their building and further reduce ever increasing taxes. To do nothing or make excuses for not pursuing real tax relief is not an option and I am personally a little tired of it. I can only hope that my fellow councilors would like to actually reduce property taxes along with me.

City Clerk Volpe stated due to the Labor Day holiday the September regular meeting and budget meeting would be held Tuesday, September 4, 2007.

**CITY MANAGER REPORT**

City Manager Jarboe reported on the following:

- He was trying to get the Jacksonville Transportation Authority to complete their environmental project on the Intra Coastal Waterway.
- He was working with the Town Center merchants to clean up the Town Center area.
- He has met with Jacksonville Beach City Manager George Forbes in reference to the parking study. He and Mayor Brown also met with the Mayor and City Manager of Atlantic Beach in reference to Town Center parking.

**PUBLIC COMMENTS**

Michael Aston, 1523 Summer Sands Drive, thanked the Council for passing a resolution in opposition to the Moody Project. He also was opposed to selling the City Hall property.

Barry Grahek, 1403 Ocean Front, asked the city for relief regarding his code enforcement violation and the recommendation of City Attorney White to

foreclose on his property.

**CONSENT AGENDA / NONE**

**VARIANCES / NONE**

**ORDINANCES**

Ord. No. 2007-08 ORDINANCE NO. 2007-08, AMENDING THE 2010 FUTURE LAND USE MAP, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING THE 2010 FUTURE LAND USE MAP, AS ADOPTED ORDINANCE 90-6-9, AS AMENDED, SAID ORDINANCE NUMBER 2007-08, WHICH SHALL CHANGE THE LAND USE DESIGNATION AS ESTABLISHED ON THE 2010 FUTURE LAND USE MAP (FLUM) FOR LANDS AS DESCRIBED HEREIN FROM RESIDENTIAL , LOW DENSITY, TO COMMERCIAL HIGH PROVIDING FOR INTENT; AUTHORITY; FINDINGS, OF CONSISTENCY; FINDINGS OF FACT; SEVERABILITY; RECORDATION AND AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2007-08 by title only and opened the public hearing.

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

Mayor Brown agreed to sponsor the Ordinance.

Moved by Pruette, seconded by Pardee.

Motion: **TO ADOPT ORDINANCE NO. 2007-08 ON SECOND READ AND PUBLIC HEARING.**

For the Record Vice Mayor Pruette asked Kenny Richards, Tucker Rental, on the record, if he planned to deed a right-of-way to the city for a roadway, once the ordinance was passed.

Mr. Richards replied that he would be happy to deed the city a right-of-way as it would be a benefit to both Tucker Rentals and Wal-Mart. He was having a problem determining exactly where to locate the roadway in an effort to allow for the best use of the remaining property.

City Manager Jarboe requested that the location of the roadway be determined before the ordinance was passed. He asked that it be placed on the August workshop meeting.

City Attorney White stated the rezoning of the property was conditioned upon the roadway. He agreed the issue should be forwarded to the August workshop meeting.

Councilor Weldon questioned why Wal-Mart had not been involved in the discussion of the location of the road. City Manager Jarboe stated there were too many concessions asked of Wal-Mart. He asked if there was a representative for Wal-Mart in the assembly.

Jason Gabriel, 6 East Bay Street, Suite 500, Edwards, Cohen, Law Firm, and attorney representing Wal-Mart, stated that Wal-Mart would abide by the terms of the settlement agreement with the city. He quoted from the agreement that: "Wal-mart will cooperate with allowing an access connection to the Wal-Mart site as long as it does not hinder or otherwise interfere with the daily operations and business conducted on the property and as long as the right-of-way was provided." He explained that Wal-Mart needed to be provided with an accurate right-of-way plan that was signed and sealed so that they could assess the reasonableness of the connection. Wal-Mart representatives were willing to meet and correspond with the Mr. Richards.

Ord. No. 2007-09      ORDINANCE NO. 2007-09, REZONING, SECOND READ AND PUBLIC HEARING: AN ORDINANCE REZONING APPROXIMATELY 1.5+ ACRES PARCEL OF LAND LOCATED SOUTH OF LEMON STREET 155+ EAST OF ELEVENTH STREET FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL HIGH DENSITY; PROVIDING AN EFFECTIVE DATE.

Consensus:      **FOR BOTH SIDES TO MEET WITH THE CITY MANAGER THIS WEEK TO RESOLVE THE LOCATION OF THE ROAD – AND DEFER ORDINANCE NO. 2007-08 AND ORDINANCE NO. 2007-09 UNTIL IT IS APPROPRIATE TO TAKE TO A WORKSHOP.**

Ord. No. 2007-10      ORDINANCE NO. 2007-10, AMENDING CHAPTER 27- AMENDING ARTICLE III, PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-145.2 PROCEDURES FOR APPLYING FOR AND ISSUING A VARIANCE FOR PROPERTY LOCATED WITHIN THE C-1, C-2, C-3, CBD AND CONSERVATIONS ZONING DISTRICTS, AMENDING SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE, AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor the Ordinance.

Moved by Weldon, seconded by Pruette.

Motion:      **TO PASS ORDINANCE NO. 2007-10 ON FIRST READ.**

Roll Call Vote:

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

Noes:      0

**MOTION CARRIED**

Ord. No. 2007-11      ORDINANCE NO. 2007-11, AMENDING CHAPTER 27, AMENDING ARTICLE III, PROCEDURES FOR APPLYING AN ISSUING A SPECIAL EXCEPTION, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES SECTION 27-159(D) PROCEDURES FOR APPLYING FOR AND ISSUING A SPECIAL EXCEPTION AND SECTION 27-160 REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon agreed to sponsor the Ordinance.

Councilor Weldon suggested amending the Ordinance as follows: 1) delete the duplicated paragraph (d) and, 2) Section 27-160. Required findings needed to issue a special exception should read as follows: The planning and development review board may not ~~grant~~ recommend for approval, ~~and the city council may not grant~~ for a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

Moved by Weldon, seconded by Pruette.

Motion:      **TO PASS ORDINANCE NO. 2007-11 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2007-12 ORDINANCE NO. 2007-12, AMENDING BUILDING SIGNS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT CODE ARTICLE XV ADVERTISING SECTION 27-585 A BUILDING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated this ordinance increased the maximum size of building signs from forty-eight (48) square feet to two hundred (200) square feet, depending upon the width of the building or the individual commercial unit that the sign was intended.

City Clerk Volpe reminded council they were passing the version on their desk not in their agenda packet.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2007-12 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

**OLD BUSINESS**

Res. No. 2007-05 RESOLUTION NO. 2007-05: A RESOLUTION REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD, BOARD OF APPEALS AND PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Weldon, seconded by Lee.

City Attorney White explained a letter would be sent to all board members regarding absenteeism and procedures for removing board members from the boards.

Motion: **TO APPROVE RESOLUTION NO. 2007-05.**

Councilor Pardee requested to vote on each reappointment separately.

Consensus: **TO VOTE ON REAPPOINTING EACH BOARD MEMBER SEPARATELY.**

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT CONSTANCE GREEN TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT CYNTHIA BAINES TO THE BOARD OF APPEALS**

Roll Call Vote:  
Ayes: 4 – Lee, Pruette, Weldon, Brown  
Noes: 1 – Pardee

MOTION CARRIED

Moved by Weldon, seconded by Lee.

Motion: **TO REAPPOINT KERRY CHIN TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

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

MOTION CARRIED

Res. No. 2007-10 **RESOLUTION NO. 2007-10: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.**

Moved by Weldon, seconded by Pardee.

Motion: **TO ADOPT RESOLUTION NO. 2007-10.**

Roll Call Vote:  
Ayes: 4 – Lee, Pardee, Weldon, Brown  
Noes: 1 – Pruette

MOTION CARRIED

**NEW BUSINESS / NONE**

**OPEN DISCUSSION**

Councilor Lee stated the public misconceived the issue of the proposal to sell the City Hall property. He felt council members should bring ideas up for discussion during a public meeting instead of preparing a written statement.

Councilor Weldon asked City Attorney White if the Council had any role in the foreclosure of Mr. Grahek’s property. City Attorney White responded the Council had no role in the Code Enforcement action against Mr. Grahek.

Adjournment There being no further business, the meeting adjourned at 6:50 p.m.

\_\_\_\_\_  
Richard A. Brown, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

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