



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**OCTOBER 1, 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 October 1, 2007 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

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

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

ABSENT:

Mayor Richard A. Brown

Order Call/Pledge

Vice Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Chris White to led the pledge of allegiance.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

Vice Mayor Pruette presented a Proclamation, a key to the city and a framed photograph of Town Center, to Patsy Bishop in recognition of her service on the Town Center Merchants Association.

Vice Mayor Pruette presented the Employee of the Year Award and a \$500.00 bonus check to Utility Crew Chief Jeff Paul.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE A \$500.00 BONUS CHECK FOR EMPLOYEE OF THE YEAR JEFF PAUL.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette  
 Noes: 0

**MOTION CARRIED**

**APPROVAL OF MINUTES**

Moved by Weldon, seconded by Lee.

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

**SEPTEMBER 4, 2007, REGULAR CITY COUNCIL MEETING**  
**SEPTEMBER 17, 2007, SPECIAL CITY COUNCIL MEETING**  
**SEPTEMBER 17, 2007, WORKSHOP CITY COUNCIL MEETING**  
**SEPTEMBER 24, 2007, WORKSHOP CITY COUNCIL MEETING**  
**SEPTEMBER 24, 2007, SPECIAL CITY COUNCIL MEETING**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Pruette, Weldon

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Lee invited the public to the Neptune Beach Elementary School Fall Festival, Saturday, October 13, 2007 from 10:00 a.m. to 2:00 p.m. He asked Council members to attend and participate in judging the best booth contest.

**CITY MANAGER REPORT**

City Manager Jarboe reported on the following:

- The drainage on First Street was working.
- Public Services Department worked to remove the dead fish on the beach that were washed up by the red tide.
- Chief Sembach informed him that crime has slowed down in the city.

Councilor Weldon questioned the toxicity of the red tide. City Manager Jarboe stated he was informed it could be harmful to people with sever allergies.

City Clerk Lisa Volpe stated City Attorney Chris White wanted to schedule a shade meeting before the October 15, 2007 at 5:30 p.m. Councilor Weldon responded he would be out of the country and would not be able to attend the October 15, 2007 meeting.

**PUBLIC COMMENTS**

Michael Ashton, 1523 Summer Sands Drive, passed out copies of murals he obtained from various websites and copies of letters written by the Mayor of Fort Myers. He supported murals and felt they would be an enhancement to the city.

**CONSENT AGENDA**

Non Profit Org.

**APPROVAL OF DONATIONS TO NON-PROFIT ORGANIZATIONS:**

<u>Organizations</u>	<u>2006 Contributions</u>	<u>2007 Contributions</u>
Fireworks	\$ 5,000.00	\$ 5,000.00
Playground (sidewalk)	5,000.00	None
F.A.C.E.	1,775.00	1,775.00
Beaches Resource Center	3,000.00	3,000.00

Dial-A-Ride	1,500.00	1,500.00
Futch Park**	None	1,500.00
Sea & Sky Show**	<u>None</u>	<u>2,000.00</u>
	<u>Totals</u>	<u>\$16,225.00</u>
		<u>\$14,775.00</u>

Sun Dog Sign

APPROVAL OF SUN DOG DINER SIGN: Councilor Pardee asked what exactly the city was approving. City Clerk Volpe, stated at the September workshop meeting council agreed to give approval to place a sign on the public right-of-way of the new outdoor seating enclosure and Curtis Winter, owner, would decrease the existing signage in order to comply with the limited sign space requirement.

Moved by Weldon, seconded by Lee.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

**VARIANCES / NONE**

**ORDINANCES**

Ord. No. 2007-15

ORDINANCE NO. 2007-15, NONCONFORMING SIGNS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-707 NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Pruette read Ordinance No. 2007-15 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 Lee.

Motion: **TO ADOPT ORDINANCE NO. 2007-15 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

**OLD BUSINESS**

Caribbee Assoc.

SIDEWALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES, LLC: Approval of the sidewalk lease agreement for Caribbee Associates outdoor seating arrangement located on public right-of-way.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE SIDEWALK WALK LEASE AGREEMENT FOR CARIBBEE ASSOCIATES AND FORWARD MR. BROCATO'S REQUEST TO EXTEND THE HOURS OF OPERATION FROM 11:00**

**P.M. TO 12:00 A.M. AND INCREASE THE RENT BASED ON THE CPI TO THE OCTOBER WORKSHOP.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette.

Noes: 0

MOTION CARRIED

**NEW BUSINESS**

241 Atlantic Blvd. REVISED PLAT – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC &  
Replat SOUTHCOAST CAPITAL PARTNERSHIP: Vice Mayor Pruette stated Ms. Tolbert, representative for Southcoast Capital Partnership, was not present. Community Development Director Amanda Askew stated she spoke with the representative and she informed her that she would be present for the meeting.

Recess/Reconvene Vice Mayor Pruette recessed the meeting at 6:20 p.m. to allow Ms. Tolbert an opportunity to arrive.

Ms. Tolbert arrived and the meeting reconvened at 6:30 p.m.

Community Development Director Amanda Askew explained the revision of the plat created Parcel C. The proposed revised plat met all city requirements. There were also eight variances associated with the project. The replat must be filed and recorded before a building permit could be issued.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE THE REVISED PLAT SUBMITTED BY SOUTHCOAST BEACHES, LLC AND SOUTHCOAST CAPITAL PARTNERSHIP.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

241 Atlantic Blvd. VARIANCES – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC &  
Variances SOUTHCOAST CAPITAL PARTNERSHIP: Community Development Director Amanda Askew explained the first variance request was on the western side facing Second Street, the applicant was asking to reduce the side yard setback to zero. The second variance was to allow the Second Street balcony to encroach over the city right-of-way. The third variance was to allow the balcony to encroach over city right-of-way on Atlantic Boulevard. The fourth variance was to reduce the minimum parking space size from 10' x 20' to 9' x 18'. The fifth variance was to reduce the required number of parking spaces for the project. The sixth variance was to eliminate the onsite dumpster requirement. The seventh variance was to eliminate the requirement to landscape the perimeter adjacent to the parking area abutting Second Street. The eighth variance request was to eliminate the required loading space.

City Manager Jarboe stated the Planning & Development Review Board recommended approval on all of the variance requests.

Councilor Weldon questioned if there would be an agreement to indemnify and hold harmless the city from any liability relating to the extension of the balconies into the city right-of-way. Ms. Tolbert responded yes there would be such an agreement. City Attorney White stated the agreement to indemnify the city of the liability would need to be a condition of the variance and development order.

Councilor Weldon questioned if Southcoast would be responsible for maintaining the area underneath the balcony on Second Street. Ms. Tolbert they would take responsibility for the maintenance of the area.

Councilor Weldon questioned if Southcoast had any plans to install security lighting in the parking area between their property and the Public Safety Building. Ms. Tolbert replied they did have plans to install security lighting. Councilor Weldon asked that security lighting also become a condition on approval of the variance

For the Record

Councilor Weldon stated on the record that the traffic volume for the proposed development did not require a traffic study. However if the building usage was to significantly change in the future a traffic study and a new planning and development process may be required.

Councilor Pardee questioned where the delivery trucks would unload merchandise for the retail stores. Ms. Tolbert replied the trucks would unload merchandise in the existing parking lot. City Manager Jarboe explained that currently the city ticketed delivery trucks found blocking traffic after 10:00 a.m.

Councilor Pardee asked Chief Sembach if he felt the reduction in the size of parking spaces would create any problems. Chief Sembach responded he felt there was not enough room for vehicles to back out of the parking area for the parking spaces on the eastern side. Vice Mayor Pruette agreed there could be problem with backing out of the parking area and suggested they revisit the parking with Chief Sembach before it was completed. Councilor Pardee suggested designating the two eastern most parking spaces and the northwest corner parking space for compact cars only.

Councilor Lee questioned the time frame for construction. Ms. Tolbert replied they would like to begin construction in December.

Vice Mayor Pruette explained Southcoast would have the option in the future to replace the sidewalk on Second Street and install parking spaces.

For the Record

Councilor Weldon stated for the record he disagreed with eliminating the sidewalk and adding parking spaces. He felt the buffer was needed between the building and Second Street.

Moved by Weldon, seconded by Pardee.

Motion: **TO APPROVE ALL EIGHT OF THE VARIANCES REQUESTED BY THE APPLICANT AND RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD WITH THE FOLLOWING CONDITIONS:**

- 1.) **THERE WILL BE AN INDEMNIFICATION AGREEMENT BETWEEN THE APPLICANT AND THE CITY AND GENERAL LIABILITY INSURANCE IN THE AMOUNT OF ONE MILLION (\$1,000,000) PER PERSON AND TWO MILLION (\$2,000,000) PER OCCURRENCE WITH THE CITY NAMED AS ADDITIONAL INSURED.**
- 2.) **THE DEVELOPER AGREES TO MAINTAIN THE RIGHT OF WAY LANDSCAPING WHICH WOULD BE COMPATIBLE WITH OTHER LANDSCAPING IN TOWN CENTER.**
- 3.) **THE DEVELOPER AGREES TO HAVE LIGHTING IN THE PARKING LOT IN THE SAME STYLE OF TOWN CENTER LIGHTING**
- 4.) **THE DEVELOPER AGREES TO KEEP THE SIDEWALK CLEAN.**

- 5.) THE TWO EASTERN MOST PARKING SPACES AND THE NORTHWEST CORNER PARKING SPACE WILL BE DESIGNATED FOR COMPACT CARS.
- 6.) ANY INTENSIFICATION OF USE ON THE PROPERTY WOULD NEED A NEW DEVELOPMENT ORDER TO DEAL WITH TRAFFIC CONCURRENCY.

City Manager Jarboe stated due to the right-of-way encroachments it would be necessary for Southcoast to obtain a right-of-way permit for the development.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette  
Noes: 0

MOTION CARRIED

241 Atlantic Blvd.  
Development Order

DEVELOPMENT ORDER – 241 ATLANTIC BOULEVARD – SOUTHCOAST BEACHES, LLC & SOUTHCOAST CAPITAL PARTNERSHIP: Community Development Director Amanda Askew explained the first floor of the building would be used for retail sales and the second floor would be used as office space.

Moved by Lee, seconded Weldon.

Motion: TO APPROVE THE FINAL DEVELOPMENT ORDER TO INCLUDE ALL OF THE CONDITIONS PREVIOUSLY INCLUDED ON THE GRANTING OF THE VARIANCES TO BE INCLUDED AS CONDITIONS FOR THE FINAL DEVELOPMENT ORDER.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette  
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:03 p.m.

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

ATTEST:

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Lisa Volpe, CMC, City Clerk

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