



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**NOVEMBER 10, 2008 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 6, 2008 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 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 Public Safety David Sembach  
 Director of Public Service Leon Smith

## Order Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and asked Vice Mayor Pruette to lead the pledge of allegiance.

## Elections

CERTIFICATE OF BOARD OF CANVASSERS: City Clerk Lisa Volpe stated it was necessary for Council to certify the election. The following final numbers were received this afternoon.

**MAYOR SEAT 1** whole number of votes cast was 4136 of which number

\* Harriet Pruette received 2313 votes  
 Scott Wiley received 1823 votes

**COUNCILOR SEAT 2** whole number of votes cast was 3751 of which number

Terri Hunnewell received 1844 votes  
 \* Eric Pardee received 1907 votes

**COUNCILOR SEAT 3** whole number of votes cast was 3784 of which number

Sybil Ansbacher received 1595 votes  
 \* Kara Wade Tucker received 2189 votes

Moved by Lee, seconded by Weldon.

Motion: **TO CERTIFY THE BOARD OF CANVASSERS.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Mayor Brown congratulated the winners of the election and stated this would be his last Council meeting as Mayor. He really enjoyed being a part of the City Council for the past the eight years and it was a tremendous honor to work with the Council and staff.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

Vice Mayor Pruette presented Mayor Brown with an Oscar Award on the Political Stage for Best Mayor 2000 to 2008. She also presented Mayor Brown with a plaque in appreciation for his outstanding service and dedication to the City of Neptune Beach.

**APPROVAL OF MINUTES**

Moved by Lee, seconded by Pardee.

Minutes

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

**OCTOBER 6, 2008, REGULAR CITY COUNCIL MEETING**  
**OCTOBER 20, 2008, SPECIAL CITY COUNCIL MEETING**  
**OCTOBER 20, 2008, WORKSHOP CITY COUNCIL MEETING**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Mayor Brown and each Councilor disclosed they had all either met or spoken with Sandy Brinson, Peggy Cornelius, Tom Nuijens, and Board of Appeals Chairperson Chris Chin regarding the variance appeals on the agenda.

**CITY MANAGER REPORT**

City Manager Jarboe asked Chief Sembach to give a presentation on a new feature that has been added to the City's website regarding Police Department information.

Chief Sembach stated the Police Department received an \$86,000 grant to upgrade the computer dispatch and records management system. He gave a presentation on how the new system provides information on the website relating all 911 calls and crimes in Neptune Beach.

Vice Mayor Pruette questioned the progress of the King Road Bridge repairs. City Manager Jarboe stated the materials for the sheet piling were on order and should be received within the next four to six weeks. The contractor has a six month period from the time the bid was awarded to have construction completed.

Mayor Brown welcomed Kara Wade Tucker to the meeting and congratulated her on winning the election for Seat 3.

**COMMENTS FROM THE PUBLIC**

- Leona Sheddan, 2010 Shadow Lane, Chairman of the Animal Ordinance Committee, stated the committee reviewed the Outdoor Dining Ordinance for dogs and recommended Council adopt the ordinance with an amendment that excludes dogs classified as dangerous.
- Sandy Golding, 1203 18<sup>th</sup> Avenue, Jacksonville Beach, and member of the Animal Ordinance Committee, stated she spoke with a representative from the City of Orlando regarding the Dog Dining Ordinance. The representative indicated their Ordinance has been in place for two years and they have not received any complaints. She favored adoption of the ordinance.
- Shelby Hicks, 1449 Hopkins Street, owner of Shelby's Coffee Shop, stated she has never had a problem with dogs dining outdoors at her coffee shop. She encouraged Council to adopt the Dog Dining Ordinance.
- Janet Emmick, 528 Pine Street, favored the variance appeal for 104 Davis Street, and offered to give her five minutes to Sandy Brinson.
- Sandy Brinson, 1512 Strand Street, favored approval of her appeal for 104 Davis Street. She felt the Board of Appeals did not have enough evidence to support the seven findings of facts. She read aloud Section 27-706 of the Code of Ordinances.
- Harold Mills, 106 Davis Street, favored the appeal for 104 Davis Street and offered the remainder of his allotted five minutes to Sandy Brinson.
- Sandy Brinson, 1512 Strand Street, stated Mr. Mills felt the Board of Appeals denied her husband the right to speak by saying the variance request was not the same as the 2003 request and asking him to review the new request.
- Allison Free, Palm Beach County, stated she would soon be moving to Neptune Beach and felt it was important to allow dogs to dine with their owners in outdoor restaurant seating areas.
- Arlene Mills, 106 Davis Street, favored approval of the variance appeal for 104 Davis Street and offered the remainder of her five minutes to Sandy Brinson.
- Sandy Brinson, 1512 Strand Street, felt the proceedings of the October Board of Appeals meeting was not held in the correct manner. The record indicated the Community Development Director advised the applicant that he would be able to demolish his house and rebuild it within the same footprint. Mrs. Brinson added the property at 104 Davis Street was currently under code enforcement action because the structure was unsafe. Also the applicant did not indicate any parking spaces on the site plan. The site plan showed all parking on the city right-of-way. She felt this was a huge oversight on the part of staff.
- Kerry Chin, 227-A Margaret Street, stated the Planning and Development Review Board and the Council previously denied a commercial property the ability to build across the lot line. The owner had to redesign the building in order to meet the setback requirements and replat the property. He asked Council to consider the action on that commercial property before making a decision on the Bay Street appeal.
- Emory Barnes, 104 Strand Street, favored the variance appeal for 104 Davis Street and asked if Sandy Brinson could have the remainder of his time.
- Sandy Brinson, 1512 Strand Street, felt the city was aiding the applicant by delaying code enforcement action on his property and allowing him to apply for a variance. She added the Board of Appeals suggested the applicant work with the Community Development Director and redraw the plans. She stated she resented tax dollars

being spent in this manner by the request of the Board of Appeals. By doing so, she felt the Board was seeking and manipulating evidence from the applicant. She also felt there was an appearance of impropriety when the Board invited the applicant to do something the Board would like better because it had nothing to do with gathering factual evidence under the criteria of the Code. She felt it should not be part of the procedure for the Board to ask the applicant to create plans that would appeal to Board members. The minutes from the August 4, 2008 Council meeting indicated there was discussion about an ordinance that would allow variance appeals to bypass Council and go straight to court. She felt the Council should be ultimately responsible for the decision of the Boards by hearing the variance appeals.

Todd Brown, 1512 Strand Street, favored the variance appeal for 104 Davis Street, stating he presented competent evidence from the Code, Section 27-706(3) at the Board of Appeals meeting. He presented evidence to the Board that the hearing was a rehearing of a 2003 variance request that was denied. He also told the Board there was no evidence of a hardship demonstrated by the applicant.

Sandy Brinson, 1512 Strand Street, felt the Board of Appeals overlooked competent substantial evidence for the seven finding of facts by disregarding the evidence presented at the meeting.

Hal Padgett, 1100 Seagate Avenue, opposed the variance appeal for Bay Street. He offered the remainder of his allotted time to Jeb Branham.

Jeb Branham, 3564 Bay Island Circle, Jacksonville Beach, Attorney for Thomas Nuijens, 218 Bay Street, stated the property in question was located at the corner of Second Street and Bay Street. Mr. Nuijens acquired the property via one deed in 2004 for both lot A and lot B. The lot has a duplex and one 760 square foot single family residence. Three variances were presented, one to expand a small portion for safety reasons, which was granted. He explained the variance requests that were at issue was to build a garage along the back of the single family structure and attach it to the detached structure and to build a covered porch attached to the single family residence. The Board of Appeals denied permission to build the porch due a supposed prohibition of building across lot lines. The Board of Appeals technically granted the variance to build the garage subject to meeting all lot area and setback requirements which is not granting a variance at all, it is actually denying a variance. He presented to the Board that Section 27-705(c) of the Code defined the lot as one lot. He also felt there was lack of competent substantial evidence to support the decision. The applicant would be willing to do whatever was necessary to allow the project to move forward even if that required recording deed restrictions to effectively put in the land records what is in the Code, that the two parcels should be considered an undivided parcel. They would prefer not to reconfigure the lots as suggested by staff because that would destroy the magnolia tree on the property. He asked Council to treat the property as one lot when considering the variance appeal.

Tom Nuijens, 218 Bay Street, stated he was trying to enhance the property by making improvements. He explained the property was platted before the City was incorporated when there was a completely different set of rules.

Michelle Mora, 921 Valley Forge Road East, favored the variance appeal for Peggy Cornelius and Tom Nuijens. She felt the property should be considered as one lot.

Chris Chin, 227A Margaret Street, Chair the Board of Appeals, explained she allowed Mr. Todd Brown to speak at the meeting during the Davis Street variance hearing by reopening the public hearing for him after he showed up 30 minutes late. During his comments he kept repeating for the record that this was the same exact

variance request that was presented to the Board in 2003. She explained to him that the plans had been scaled back therefore they were not the same as 2003. Mr. Mills also reviewed the new plan and stated that he had no problem with the new plan. She explained the Board has on a number of occasions worked with property owners to revise plans when it was obvious the plan presented would not work. She further explained, as to the Bay Street property, the Board considered the advice of the City Attorney and Community Development Director that the building could not cross over the lot line.

Elaine Brown, 1302 Neptune Grove Lane East, stated it has been an honor for her family to be a part of Neptune Beach and for Richard Brown to serve as Mayor for eight years.

Recess/ Reconvene Mayor Brown called a recess at 7:00 and reconvene the meeting at 7:30.

### **CONSENT AGENDA**

Public Safety Building RENAMING OF THE PUBLIC SAFETY BUILDING: Council approval to rename the Public Safety Building to James P. Kelly Memorial Police Headquarters.

Moved by Pruette, seconded by Weldon.

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

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

### **VARIANCES / NONE**

### **ORDINANCES**

Ord. No. 2008-14 ORDINANCE NO. 2008-14, ALLOWING DOGS IN OUTSIDE DINING AREAS, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS ADDING SECTION 27-339 ALLOWING DOGS IN OUTSIDE DINING AREAS UNDER CERTAIN CONDITIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown asked if Mrs. Sheddon's amendment to exclude dogs classified as dangerous had been added to the ordinance.

Vice Mayor Pruette questioned how a restaurant owner would know if a dog had been classified as dangerous.

Mrs. Sheddon replied it would not be up to the restaurant owner to determine if any dog was dangerous, it would be up to the owner of the dog.

Moved by Lee, seconded by Pardee.

Motion: **TO PASS ORDINANCE NO. 2008-14 WITH THE AMENDMENT TO EXCLUDE DOGS CLASSIFIED AS DANEROUS ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2008-15

ORDINANCE NO. 2008-15, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES, ARTICLE I IN GENERAL, SECTION 4-4 LOCATION OF ESTABLISHMENTS AND PROVIDING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2008-15 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

V08-11  
104 Davis St.  
Neptune Nest

VARIANCE APPEAL FOR V08-11 – 104 DAVIS STREET – NEPTUNE NEST PROPERTIES, LLC: The variance request is to build a two-story addition on the west side of the house. The proposed addition is completely within all setbacks, meets the lot coverage requirements and lessens the request for the variance pertaining to floor area ratio (FAR). However there are several existing non-conformities.

Councilor Weldon stated the ability for staff to provide assistance to variance applicants and to help them find reasonable solutions was appropriate and positively impacted the community. He felt staff efforts to help applicants with zoning problems should be encouraged.

Sandy Brinson asked to speak before the Council. City Attorney White stated the Council may allow her to speak. But new evidence could not be presented and they could not take her comments into consideration as part of the vote. He added the decision of the Council should be based on the record of the Board of Appeals meeting and the information contained the agenda packet.

Councilor Pardee questioned the basis for the appeal. City Attorney White stated Ms. Brinson felt there was a denial of due process and there was no competent substantial evidence to support the seven findings of facts. He explained due process involved the notice of hearing, presentation of the hearing, and the opportunity for each individual to be heard at the hearing.

Councilor Pardee questioned the concern of Ms. Brinson regarding the 2003 variance request for the same property which was denied by the Board of Appeals, upheld by the Council, and upheld by the special magistrate. City Attorney White responded requests for variances did not have time limitations.

Moved by Lee, seconded by Pardee.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS FOR VARIANCE V08-11 – 104 DAVIS STREET.**

Community Development Director Amanda Askew stated the public notice for the hearing was published 15 days prior to the meeting. Ten days prior to the hearing notices were sent to all property owners within 300 feet. The property was also posted with an orange sign 10 days prior to the meeting indicating the meeting dates. She attested that everyone who attended the hearing had the opportunity to speak.

Mayor Brown stated City Attorney White advised there were no time limitations on variance requests and the same request can be repeated. He asked if the request had been modified since 2003. Mrs. Askew concurred the Code did not have any time limitations for resubmitting variance requests. She presented a site plan for the variance request submitted in 2003 in comparison to the new 2008 request. She explained the differences were the rear yard now met the current code setback; the western side yard was reduced further than in the 2003 application, and the 2008 request met the front yard setback. The lot coverage requirements were also in conformance in the new 2008 application.

Councilor Lee asked if the current building was conforming. Mrs. Askew replied the current building is nonconforming. The existing structure encroaches into the front yard, the side yard, and the rear yard. The current building is also over the lot coverage requirement and the floor area ratio.

Councilor Lee asked if the proposed addition would bring the lot into conformity. Mrs. Askew replied it would not. In order to bring everything into conformity the structure would need to be demolished and rebuilt.

Councilor Lee asked if the variance requests added to the existing nonconformities. Mrs. Askew replied the proposed addition was completely within the setbacks. The only new variance request was an increase in the floor area ratio.

Councilor Lee questioned whether or not the Code would allow the property owner to rebuild the structure on the current footprint. City Attorney White advised the Code would allow the building to be reconstructed within the footprint.

Councilor Lee questioned if the property owner did not maintain the structure and an engineer determined the building was not structurally sound and condemned the building would the Code allow the property owner to rebuild within the exact footprint. City Attorney White advised the structure would then have to be built in conformity. Mrs. Askew added if the property owner chose to demolish the structure they would no longer have grandfathered rights and could not rebuild within the footprint.

Councilor Lee questioned what the Board of Appeals considered the hardship to be when they approved the variance request. Chair of the Board of Appeals, Chris Chin indicated she could not speak for the entire Board, however she considered the hardship a financial loss because the property would be converted from a triplex to a single family home therefore the owner would be losing income from the rental properties on the lot.

Mayor Brown felt the variance request to convert the property from a triplex to a single family was positive news for the community and questioned the concern of the opposing neighbors.

Vice Mayor Pruette was concerned the plan did not contain parking spaces and they would be building a larger structure on an already nonconforming lot.

Councilor Weldon wondered why the neighbors had a problem with the remodeling and adding 450 square feet to an existing eyesore.

Councilor Pardee stated a letter from Code Enforcement dated April 28, 2008 discussed multiple problems on the exterior of the building. He felt the building also needed an interior inspection. He stated the Council would be going against the Code to allow an addition on to a structure that had no rental activity for a 24 month period. He asked if the property owner could address the Council. City Attorney White advised any statement from the property owner would have to coincide with the record and he could not introduce any new evidence.

Mr. Ron Romeo, representative for Mr. Kawasaki, explained Mr. Hamilton represented Mr. Kawasaki at the last Board of Appeals meeting. He explained the property has been rented in the past 24 months. He added the plan has been amended from the 2003 variance request in an effort to make everyone happy. The concrete has been removed and the porches have been relocated. Instead of an outdoor stairway they added an elevator inside which has been moved back within the setback. All the other nonconformities are preexisting.

Vice Mayor Pruette questioned if loss of rental income should be considered a hardship. City Attorney White stated there could be a financial hardship if there was a severe restriction on the use of the property or if you were being deprived of the majority of the reasonable use of the property. A financial impact alone was not necessarily a hardship under the law. Vice Mayor Pruette questioned if an elevator constituted a hardship. City Attorney White replied the legal test was the hardship had to be unique to the property owner. He added the Council was to determine whether there was evidence to base the determination of hardship on not to retry the case.

Councilor Lee stated there was currently a building on the property that was considered an eyesore and they proposed converting the triplex to a single family. He questioned if those positives outweighed the existing nonconformities.

Mayor Brown felt the Board was working toward a goal of replacing the triplex with a single family unit.

Vice Mayor Pruette asked Mr. Romeo how many tenants were currently leasing the property. Mr. Romeo replied there were two or three.

Councilor Pardee stated the structure could be converted to a single family home within the existing shell without the need for a variance.

Councilor Weldon stated he would base his decision on the large representation from the neighborhood that supported the appeal.

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Pruette, Weldon

Noes: 1 – Brown

MOTION CARRIED

V08-14  
218, 226 & 228 Bay  
St.  
Nuijens / Cornelius

VARIANCE APPEAL FOR V-08-14 – 218, 226 & 228 BAY STREET – THOMAS NUIJENS AND PEGGY CORNELIUS: The variance is for Lot B to extend the existing front porch, add a covered porch on the west side of the house (that crosses over the lot line) and a garage addition onto the rear of the house.

Moved by Weldon, seconded by Lee.

Motion: **TO MODIFY THE DECISION OF THE BOARD OF APPEALS ON MR. NUIJENS PROPERTY TO GRANT THE VARIANCE WITH THE IMPOSITION OF CERTAIN CONDITIONS. THOSE CONDITIONS BEING THAT THE PROPERTY IS REPLATTED TO ACCOMADATE THE STANDARD SETBACKS BETWEEN ADJACENT PROPERTIES FOR THE WESTERN PORCH AND GARAGE ADDITION.**

Councilor Weldon stated there was no opposition from the neighborhood on this appeal. He was concerned about half of a house being located on the adjacent property. His suggestion was to replat both lots so that the structures located on each lot were separated on two separate lots. This way the properties could be sold separately in the future without having to remove part of a building or having an addition built too close to a setback. This would allow the homeowner to beautify the lot and preserve the physical

aspects of the lot and at the same time protect the long term interest of the community.

Mayor Brown supported Councilor Weldon's approach. He felt the cottage needed some upgrading.

Councilor Pardee asked if the Council could consider Section 27-705(c) of the Code. City Attorney White stated it was his opinion that Section 27-705(c) did not apply because it dealt with the division of properties and that was not the issue. The issue was whether the two separate lots should be considered as one lot because of the same property owner.

Councilor Weldon explained his motion would modify the decision of the Board of Appeals by proposing a change to the platting which would resolve the issue of building across property lines and preserve the appropriate setbacks.

Vice Mayor Pruette stated the opinion letter from City Attorney White regarding the Board of Appeals not having the authority to allow the construction of a structure across lot lines did not indicate whether it was determined by state law or case law. She questioned what law determined whether or not you could encroach on your own property.

City Attorney White responded the general intent of zoning laws was to avoid building over lot lines and building too close to lot lines. He added the adjoining lots could be replatted and combined into one.

Vice Mayor Pruette felt it was the Council's responsibility to find a way to allow people to use their property. She added there were other buildings in the city that were built across lot lines.

Mayor Brown asked City Attorney White if there was anything wrong with Councilor Weldon's motion to relocate the lot lines. City Attorney White replied that may not be acceptable to the property owner.

Councilor Weldon stated he did not want to negotiate it with the property owner. But it would be an option for them to chose or they pursue other action.

Councilor Lee questioned if the lot lines could be relocated by using a deed restriction. City Attorney White advised he would not recommend that because the Council had no control over deed restrictions.

City Manager Jarboe stated for an example there were other properties within the city that were separated illegally by the property owners bypassing the city and going straight to the Clerk of Courts to have deeds recorded without the city's knowledge.

Councilor Pardee questioned if the motion included all three variance requests or just the one to build across the lot line. Councilor Weldon felt the motion for the replat would solve all the issues so the setbacks on both lots would be adequate. It would reduce the size of Lot A and allow them to build what they wanted on Lot B.

Councilor Pardee asked to hear from the applicants.

Mr. Jeb Branham, Attorney for Ms. Cornelius, stated his opinion differed from that of City Attorney White. He felt the language in Section 27-705(c) was very clear and that it was not limited to splitting lots. It was his opinion that it referred to two or more combinations of lots with continuous frontage under single ownership being considered to be an undivided parcel. He added there were properties throughout Neptune Beach that straddled lot lines including the City Hall building. In 2006 a building permit was issued to build a structure which straddled the lot lines at the corner of Davis Street and Third Street. There was no Ordinance ever passed by the Council stating you could not build across lot lines.

Mayor Brown asked Mr. Branham to comment on the motion made by Councilor Weldon.

Ms. Cornelius stated if the lot lines were reconfigured one of the lots would not be useable without removing the huge magnolia tree. She added they would like to install a swimming pool in the future.

Vice Mayor Pruette asked City Attorney White if he had any suggestions for the Council to consider. City Attorney White replied he gave his opinion on deed restrictions. The Council could allow the property owner to build across the lot line if they so chose.

Vice Mayor Pruette did not like the suggestion to gerrymander the lot lines.

Councilor Weldon withdrew his previous motion.

Councilor Lee questioned if the lot would be nonconforming if the two lots were replatted as one lot. Community Development Director Amanda Askew replied if the two lots were combined into one lot there would be three units on one parcel which was not allowed in the R-4 district and was not supported by the Comprehensive Plan. She added the lots could be separated into three single family lots.

Mayor Brown stated he would like for Councilor Weldon to reconsider his motion.

Councilor Weldon reintroduced the motion, seconded by Lee.

Motion: **TO MODIFY THE DECISION OF THE BOARD OF APPEALS ON MR. NUIJENS PROPERTY TO GRANT THE VARIANCE WITH THE IMPOSITION OF CERTAIN CONDITIONS. THOSE CONDITIONS BEING THAT THE PROPERTY IS REPLATTED TO ACCOMADATE THE STANDARD SETBACKS BETWEEN ADJACENT PROPERTIES.**

Councilor Pardee asked if it would be a violation of the Code if the lots were replatted and the boundaries relocated so that one the lots were smaller than the other one. Mrs. Askew replied it was her opinion that it would be a violation of the Code because the lot with the duplex is currently non-conforming and no changes can be made. City Manager Jarboe stated it was his opinion that it would not be a violation of the Code.

Councilor Lee questioned the replatting of the boundaries of the lots. City Manager Jarboe stated it may violate the code since it adds another nonconforming feature to the lot.

Councilor Lee called the question. City Manager Jarboe stated it would be up to the applicant to Replat the properties.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Brown

Noes: 1 – Pruette

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 9:00 p.m.

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Richard A. Brown, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

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