



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**AUGUST 3, 2009 AT 7:10 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 August 3, 2009 at 7:10 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

## Attendance

## IN ATTENDANCE:

## STAFF:

Mayor Harriet Pruette  
 Councilor Fred Lee  
 Councilor Eric Pardee  
 Councilor Kara Tucker  
 Vice Mayor John Weldon  
 City Attorney Christopher White  
 City Manager Jim Jarboe  
 City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew  
 Director of Finance Steve Ramsey  
 Director of Public Service Leon Smith  
 Lt. Adam Militello

## Order Call/Pledge

Mayor Pruette called the meeting to order at 7:10 p.m. and asked Councilor Pardee to lead the Pledge of Allegiance.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE**

**APPROVAL OF MINUTES**

Moved by Councilor Lee seconded by Councilor Tucker.

## Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES:**  
**JULY 6, 2009, WORKSHOP CITY COUNCIL MEETING**  
**JULY 6, 2009, REGULAR CITY COUNCIL MEETING**  
**JULY 20, 2009, WORKSHOP CITY COUNCIL MEETING**

Councilor Pardee asked that on the July 20<sup>th</sup> Workshop consensus for the resolution for addressing beach related concerns to the City of Jacksonville, his disagreement to this consensus be added.

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

The Town Center group wants to place restrooms at the end of Atlantic Blvd. and they may have some money to pay for it. The Mayor indicated it would be closed when the life guards left for the day. The yearly maintenance cost would be \$3,500. Town Center has fund raisers to be able to contribute to this. The businesses do not want beach goers using their restrooms. When Town Center receives more information it will go on a workshop. Councilor Pardee commented they make really nice port-o-let. The City Manager was concerned about the maintenance.

#### **CITY MANAGER REPORT**

- He had citizen concern over repairing potholes instead of repaving roads. He had to explain the budget shortfalls.
- Take home cars actually reduces cost so the city does not have to pay stand by pay.

#### **COMMENTS FROM THE PUBLIC/NONE**

#### **CONSENT AGENDA / NONE**

#### **VARIANCES / NONE**

#### **ORDINANCES**

Ord. No 2009-06

**ORDINANCE NO. 2009-06, AMENDING CHAPTER 13, NOISE PROHIBITED, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 13, SECTION 13-5 NOISE PROHIBITED; UNNECESSARY NOISE STANDARD; STATEMENT OF INTENT; SWORN COMPLAINT REQUIRED; PROPERTY OWNER RESPONSIBILITY AND SECTION 13-6 VIOLATION; PENALTIES AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pruetto opened the public hearing.

Steve Coyote, co-owner of a duplex 213/215 Margaret Street, wanted to know if he would be financially responsible for the tickets given to his tenants. City Manager Jarboe said he would not but if the same tenant was given two tickets he would be called before the Code Enforcement Board.

Mayor Pruetto closed the public hearing.

Councilor Pardee asked to hold this ordinance to include the problems in apartment complexes. Mr. Jarboe stated chief Sembach explained the apartments were very accommodating when there were problems. Council members felt Councilor Pardee's concerns could be addressed in a separate ordinance.

Mayor Pruetto agreed to sponsor this ordinance.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO ADOPT ORDINANCE 2009-06 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 4 – Lee, Tucker, Weldon, Pruetto

Noes: 1 – Pardee

#### **MOTION CARRIED**

Ord. No. 2009-07

**ORDINANCE NO. 2009-07, ALCOHOLIC BEVERAGES, FIRST READ: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING CHAPTER 4 ALCOHOLIC BEVERAGES, SECTION 4-7 EMPLOYEES AND PROVIDING AN EFFECTIVE DATE.**

Councilor Pardee asked that staff send a reminder of state law out with their business tax license.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO PASS ORDINANCE 2009-07 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS / NONE**

**NEW BUSINESS**

V09-07  
696 Atlantic Blvd.  
Aqua East

**V09-07 / VARIANCE REQUEST FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD:** Community Development Director Amanda Askew stated it was a variance to reduce the rear yard set back in the C3 zoning district. The applicant is proposing a 2016 square foot building that is not attached to the main structure.

Terry Simmons, Fishers and Simmons Architect, in 2004 the store asked for a much larger variance but due to economic times it is on a much smaller scale today.

Vice Mayor Weldon was supportive but wanted to know why there were no windows. Mr. Simmons stated since objects would be stacked up windows would not be necessary for display. Both agreed it would be retail and not storage. Mr. Jarboe asked if there would be bathrooms. Mr. Simmons said the ones in the old store would be used. Mr. Jarboe said he should meet with the Building Official to be sure this is allowed.

Councilor Pardee brought up Ordinance 2009-05 where the city defined a hardship. He asked if the retail space could be built without the variance and where was the hardship. The architect stated it was due to financial times and if you stick to that exact definition there would be no hardships. City Attorney White stated it was up to City Council to determine if there is a hardship. Mayor Pruette pointed out the board recommended approval.

Moved by Vice Mayor Weldon

Motion: **TO APPROVE V09-07 696 ATLANTIC BLVD.**

Mayor Pruette asked for a second. Motion died due to lack of a second.

Moved by Councilor Pardee

Motion: **TO DENY V09-07 696 ATLANTIC BLVD.**

City Attorney White said this motion was not necessary the variance had already had been denied due no second for the motion to approve.

Councilor Pardee withdrew his motion.

Vice Mayor Weldon told Councilor Pardee that he could hold the Council to every little thing in the code but the next time he was pro business he would remind him of this.

PDRB09-09  
696 Atlantic Blvd.

**PDRB09-09 / DEVELOPMENT ORDER FOR AQUA EAST SURF SHOP, 696 ATLANTIC BOULEVARD**

Discussion ensued over whether this could be voted on if the variance had not been passed. City Attorney White and Community Development Director Askew agreed that they could approve with conditions.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO APPROVE THE DEVELOPMENT ORDER SUBJECT TO FOLLOWING THE REAR YARD SET BACK.**

Roll Call Vote:

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

Noes: 0

Resolution 2009-08

No. RESOLUTION NO. 2009-08: A RESOLUTION OF THE CITY OF NEPTUNE BEACH CITY COUNCIL, ACCEPTING THE DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT

Moved by Councilor Pardee, seconded by Councilor Tucker.

Motion: **TO PASS RESOLUTION 2009-08.**

Roll Call Vote:

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

Noes: 0

Resolution 2009-09

No. RESOLUTION NO. 2009-09: A RESOLUTION APPOINTING MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.

Moved by Vice Mayor Weldon, seconded by Councilor Lee.

Motion: **TO PASS RESOLUTION 2009-09 AS IT APPLIES TO TODD RUSSELL AND MARY ANN PADRTA.**

Roll Call Vote:

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

Noes: 0

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

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Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: