



**MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 2, 2009 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 March 2, 2009 at 6:00 p.m., in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Harriet Pruette
Vice Mayor John Weldon
Councilor Fred Lee
Councilor Eric Pardee
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 David Sembach
Director of Public Service Leon Smith
Deputy City Clerk, Karla Strait, CMC

ABSENT:

Councilor Kara Tucker

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Attorney Chris White to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented "Employee of the Year" Runner Up Awards to Crew Chief Otis Green, and Deputy City Clerk Karla Strait.

Mayor Pruette then presented the "Employee of the Year" Award to Accounts Payable Clerk Cheryl Rhoden.

APPROVAL OF MINUTES

Moved by Weldon, seconded by Pardee.

Minutes

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

**JANUARY 26, 2009, WORKSHOP CITY COUNCIL MEETING
FEBRUARY 3, 2009, REGULAR CITY COUNCIL MEETING**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Lee advised he met with the School Advisory Committee for Neptune Beach Elementary School regarding the school zone. They indicated they were committed to relocating the poles for the school zone signs once the road was resurfaced. The committee also agreed to paint school zone markings on Florida Boulevard.

CITY MANAGER REPORT

- He was working with the City of Jacksonville regarding the stimulus package. He met with his department heads regarding what the City might be eligible for.
- The Kings Road Bridge was close to completion.
- There was a lot of development activity going on in the city and he would inform the Council in the near future.
- Foreclosure and pre-foreclosure sales were creating Code Enforcement issues.
- The City of Jacksonville agreed to install a crosswalk on Penman Road.

COMMENTS FROM THE PUBLIC / NONE

CONSENT AGENDA

SUNDOG DINER – SIDEWALK LEASE AGREEMENT

STREET SWEEPER – LEASE / PURCHASE

Moved by Lee, seconded by Weldon.

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

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-01

ORDINANCE NO. 2009-01, AMENDING CHAPTER 27, ARTICLE 1 ADMINISTRATIVE AND ENFORCEMENT BODIES, FIRST READ AND PUBLIC HEARING; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE II ADMINISTRATIVE AND ENFORCEMENT BODIES, DIVISION 2 PLANNING AND DEVELOPMENT REVIEW BOARD, SECTION 27-41 VOTING AND QUORUM AND DIVISION 3 BOARD OF APPEALS, SECTION 27-50 VOTING AND QUORUM AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette agreed to sponsor this Ordinance.

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

Moved by Pardee, seconded by Lee

Motion: **TO PASS ORDINANCE NO. 2009-01 ON FIRST READ.**

Roll Call Vote:
 Ayes: 4 – Lee, Pardee, Weldon, Pruette
 Noes: 0

MOTION CARRIED

Ord. No. 2009-02 ORDINANCE NO. 2009-02, AMENDING THE OPERATING BUDGET FOR 2009 FIRST READ: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.

City Manager Jarboe stated the Ordinance would create a contingency fund, using reimbursement money from FEMA, allocating \$2,500 to the Beaches Trolley, \$1,500 to Dial-A-Ride, and \$2,500 to the Beaches Resource Center.

Mayor Pruette agreed to sponsor this Ordinance.

Moved by Lee, seconded by Weldon

Councilor Pardee stated he would vote “no” because he was uncomfortable allocating the money before it was received. He was concerned that something more important may arise that the city may need to use the money for.

Councilor Weldon questioned if the entire \$7,800 amount of the reimbursement from FEMA would be dedicated to the contingency fund. City Manager Jarboe replied the money allocated for the fund was \$6,500. Councilor Weldon responded it was his impression the \$6,500 would be allocated but that the entire amount would be placed in the fund. Councilor Lee stated that was his recollection as well and suggested listening to the tape recording of the workshop meeting.

For the Record Councilor Weldon stated for the record he felt the allocations in the contingency fund were valid and important activities, particularly the Beaches Resource Center and Dial a Ride. He also felt the Beaches Trolley was a very valuable contribution to the community. He felt they were worthy allocations of tax payer resources. He would support the Ordinance because he felt those three allocations were critical in the community. But for future reference when speaking about a certain number he would appreciate it if the numbers were not shifted. All he was talking about at the workshop meeting was the amount that would be allocated at one particular time, not that the amount of the overall contingency fund would be reduced. He felt there was confusion about the overall amount.

Motion: **TO PASS ORDINANCE NO. 2009-02 ON FIRST READ.**

Roll Call Vote:
 Ayes: 3 – Lee, Weldon, Pruette
 Noes: 1 – Pardee

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

V09-01 & PDRB 09-01 VARIANCE REQUEST, 110 PENMAN ROAD PDRB 09-01, PRELIMINARY DEVELOPMENT ORDER AND V09-01: Mr. Ryan Verney, representative for Verney architects.

Councilor Weldon stated the plan presented would double the space of the existing building. He questioned what the space would be used for. Mr. Verney stated it was his client’s intention to have a Jiu-Jitsu Studio Upstairs.

Councilor Weldon questioned if the existing parking would accommodate the use. Mr. Verney replied "Yes".

Councilor Weldon was concerned the property owner would request another variance for parking in the future in order to utilize the space for something more intensive.

Councilor Lee questioned if the owner was willing to comply with the replacement of the current sign. Mr. Verney replied "yes".

Councilor Lee questioned if the monument sign would reduce the amount of parking spaces required for the usage. City Manager Jarboe replied if there was not enough room for the monument sign without the removal of a parking space the sign would have to be placed on the building.

Mayor Pruette asked where the sign would be placed on the property. Mr. Verney replied the sign would be placed within property boundaries and it would be a monument sign as required by the Code.

Mayor Pruette was concerned the monument sign would create a problem with traffic visibility. Community Development Director Amanda Askew stated the sign would have to sit back far enough on the property as to not create a hazard or the sign would need to be placed on the building itself. The maximum combined total of building signage would be 30 square feet.

Kelly Beech, property and business owner, 110 Penman Road, stated she would like to have as much signage as the Code allowed and they were willing to conform to the Code.

Moved by Weldon, seconded by Lee

Motion: **TO AFFIRM THE DECISION OF THE PLANNING AND DEVELOPMENT REVIEW BOARD SUPPORTING VARIANCE V09-01 FOR MS. KELLY BEACH AT 110 PENMAN ROAD WITH THE PROVISION THAT SIGNAGE WILL CONFORM TO EXISTING CODE AND THAT NO ADDITIONAL PARKING SPACES WILL BE GRANTED FOR USES NOT ANTICIPATED IN THIS APPLICATION.**

Councilor Pardee suggested in the future that all problems and issues relating to development orders be resolved before the Council meetings so the applicants could provide any additional information prior to the meeting.

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

Moved by Weldon, seconded by Lee

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR MS. KELLY BEACH AT 110 PENMAN ROAD.**

Roll Call Vote:

Ayes: 4 – Lee, Pardee, Weldon, Pruette

Noes: 0

MOTION CARRIED

PDRB 09-02

PDRB 09-02, 1935 ATLANTIC BOULEVARD, SPECIAL EXCEPTION: The applicants, Mr. Mike Hesford, Vice President of Florida Cabinet Distributors, and Stephen Suss, President of Florida Cabinet Distributors introduced themselves to the Council.

Councilor Lee asked the applicants if they would be willing to remove the septic tank system and hook up to city water and sewer. Mr. Hesford stated they would like to have city water and sewer but they did not own the property.

Mayor Pruette asked City Manager Jarboe to clarify if city water and sewer was available in that area. City Manager Jarboe stated he was under the impression that city water and sewer was available and would follow up with the Public Services Department.

Councilor Pardee questioned if the applicants would be relocating their current spray booth from Atlantic Beach to the new location. Mr. Hesford replied "yes" the automotive spray booth would be inspected and meet all Code requirements.

Councilor Pardee stated he was a mechanical inspector for the City of Jacksonville and advised the applicant to have the booth inspected before relocating it to ensure that it would meet the code requirement and fit into the new space.

City Manager Jarboe advised the applicants that it would not be an easy task to relocate the spray booth. He suggested the applicants meet with the Building Official because he would be responsible for the inspection.

Mayor Pruette asked the applicant why they decided to relocate the spray booth now from the Atlantic Beach location to the Neptune Beach location. The applicants stated the business would be more efficient without having to move the cabinets from one location to the other.

Vice Mayor Weldon stated it was clear when the special exception was granted for the applicant to build prefabricated cabinets that there would not be a spray booth because he was concerned about it backing up to residential property. He asked the applicant why he felt he should now change his mind. The applicant responded they originally planned to sell prefabricated cabinets however prefabricated cabinet sales have gone down and they are now doing more custom work.

Vice Mayor Weldon asked the applicants to address his concerns regarding the residential neighborhood. The applicant explained the spray booth would be enclosed and the fumes would exit the building through a roof exhaust fan. All of the chemicals would be inside the building.

Vice Mayor Weldon felt allowing the spray booth would create a light industrial area next to a residential areas and he would vote "no" for that reason.

Mayor Pruette asked if the Fire Marshall would be inspecting the property on a regular basis. City Manager Jarboe replied the applicant would have to obtain a building permit. The spray booth would be governed by Florida Statutes not city code.

Mayor Pruette stated the Planning and Development Review Board recommended approval and asked Council if there was a motion.

Moved by Pardee, seconded by Lee

Vice Mayor Weldon asked the Council to clarify if a tie would mean an approval or a denial of the motion. The Council clarified that a tie vote would be considered a denial of the motion unless another motion was made after the original motion.

Motion: **TO ACCEPT PDRB 09-02.**

Roll Call Vote:
Ayes: 3 – Lee, Pardee, Pruette.
Noes: 1 – Weldon

MOTION CARRIED

OPEN DISCUSSION / NONE

Adjournment

There being no further business, the meeting adjourned at 6:58 p.m.

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____