



**MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 1, 2009 AT 6:20 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 June 1, 2009 at 6:20 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
Senior Activities Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Service Leon Smith

Order Call/Pledge

Mayor Pruette called the meeting to order at 6:20 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Mayor Pruette presented a Proclamation to the Shriners proclaiming June 6, 2009, as "Shriners International Awareness Day."

APPROVAL OF MINUTES

Moved by Pardee, seconded by Tucker.

Minutes

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

MAY 4, 2009, REGULAR CITY COUNCIL MEETING
MAY 18, 2009, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5 – Lee, Pardee, Tucker, Weldon, Pruette
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Pruette stated she received a letter from the United States Post Office informing her they would be installing a drive-thru drop off mail box at the new Jacksonville Beach location.

Mayor Pruette felt Waste Pro was not using the proper equipment to help eliminate odors from the dumpsters located behind City Hall. She was also concerned Waste Pro was not taking precautions to prevent trash from falling out of the trucks.

City Manager Jarboe stated he spoke with a representative for Waste Pro and they admitted there were holes in some of their trucks. He explained the representative agreed to spray a deodorizer at the location behind city hall. He would also speak with the users of the dumpsters and ask them to keep the tops of the dumpsters closed.

CITY MANAGER REPORT

- The Duval County Beaches were recognized with an award for being one of the seven best beaches in the United States. Mayor Pruette was present at the event last Friday to speak on behalf of Neptune Beach.
- The Public Safety Department was looking into receiving a grant.

COMMENTS FROM THE PUBLIC

Barbara Jackson, Chairperson for the Ish Brant Beautification Committee, urged the Council to support the committee in applying for 501(c) 3 and non-profit status.

CONSENT AGENDA

SUN DOG DINER SIDEWALK LEASE AGREEMENT: City Manager Jarboe stated the Sun Dog Diner would like to install a retractable awning over the outdoor seating area. He felt this would enhance the appearance and provide more comfort for the outdoor diners. It would have to pass Florida Building Code requirements.

ISH BRANT BEAUTIFICATION COMMITTEE – 501(C)3 STATUS: The committee felt it would be beneficial, with Council approval, to pursue a non profit status and become a 501(c)3 in order to receive donations of money, plants, planting materials, etc.

Moved by Weldon, seconded by Tucker

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2009-04

ORDINANCE NO. 2009-04, AMENDING CHAPTER 27, ARTICLE XVIII, SECTION 27-706, NONCONFORMING DEVELOPMENT, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XVIII NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS, SECTION 27-706 NONCONFORMING DEVELOPMENT, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette read Ordinance No. 2009-04 by title only and opened the public hearing.

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

Moved by Lee, seconded by Tucker.

Motion: **TO ADOPT ORDINANCE NO. 2009-04 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2009-05

ORDINANCE NO. 2009-05, AMENDING CHAPTER 27, ARTICLE III, SECTION 27-147 REQUIRED FINDINGS, SECOND READ AND PUBLIC HEARING: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE III ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, SECTION 27-147 REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE AND PROVIDING AN EFFECTIVE DATE.

City Attorney Chris White suggested the word “any” that was previously stricken should remain in the ordinance.

Vice Mayor Weldon agreed the word “any” needed to be reinserted. He further suggested the language in paragraph read as follows: A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any purposes permitted by Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. However, the hardship cannot be created by, or be the result of, property owner’s own action, or be granted solely for the personal comfort, or convenience of the property owner or for relief from financial circumstances.

Mayor Pruette read Ordinance No. 2009-05 by title only and opened the public hearing.

Kerry Chin, Chairperson of the Planning & Development Board, questioned using the word “granting” verses “creating.”

City Attorney White stated the word “granted should be used.

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

Moved Weldon, by seconded by Lee.

Motion: **TO ADOPT ORDINANCE NO. 2009-05 ON SECOND READ AND PUBLIC HEARING WITH THE CHANGES SPECIFIED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

PDRB 09-07
912 Oceanfront
Haycook

PDRB 09-07 – REPLAT – 912 OCEANFRONT – HAYCOOK: The applicant is requesting a Replat of one beach front lot into two beach front lots. This would create one lot facing Azalea Place and a vacant lot facing Bay Street.

Vice Mayor Weldon stated he spoke with Mrs. Askew prior to the meeting and she assured

him the Replat would not cause the Bay Street access to be smaller than any other street end access.

Moved by Lee, seconded by Weldon.

Motion: **TO APPROVE PDRB 09-07 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD**

Councilor Pardee questioned if the application addressed the responsibility of establishing utilities. City Manager Jarboe suggested stating the issue as part of the motion.

Moved by Lee, seconded by Weldon.

Amended Motion: **TO APPROVE PDRB 09-07 AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD AND CLARIFY THE EXTENSION OF THE UTILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPER / LAND OWNER.**

Mrs. Loretta Haycook, 912 Oceanfront, stated she has been informed that they, as the property owners, would be responsible for any cost related to extending the Bay Street to meet the ingress and egress.

Mayor Pruette asked Mrs. Haycook to work together to protect the street end.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OPEN DISCUSSION

Mayor Pruette asked if anyone had any further comments.

Councilor Pardee suggested reviewing the section of the Code regarding sales in parking lots and vending machines.

Mayor Pruette recommended placing the issue of outdoor sales and vending machines on the June workshop agenda.

Adjournment

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

Harriet Pruette, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: