



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 5, 2017, 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 July 5, 2017, at 6:00 pm in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Scott Wiley
Councilor Richard Arthur
Councilor Rory Diamond
Councilor Fred Jones
City Manager Andrew Hyatt
Deputy City Manager Amanda Askew
City Attorney Patrick Krechowski
City Clerk Catherine Ponson

STAFF:

Chief of Police Richard Pike
Director of Finance Steve Ramsey
Building Official Don Ford
IT Administrator David Hargrove
Director of Public Works Leon Smith

Call to Order
/Pledge

Mayor Brown called the meeting to order. Councilor Diamond led the Pledge of Allegiance.

AWARDS / PRESENTATION / RECOGNITION OF GUEST-NONE

APPROVAL OF MINUTES

Minutes

Made by Diamond, seconded by Wiley.

MOTION: TO APPROVE THE FOLLOWING MINUTES:

JUNE 5, 2017, REGULAR CITY COUNCIL MEETING
JUNE 19, 2017, WORKSHOP CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 5-Arthur, Diamond, Jones, Wiley, Brown.

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown commended Chief Pike and the Police Department on a great job during the July 4th holiday.

Chief Pike gave a brief overview of the events from July 4th. He stated First Street was closed to vehicular traffic and six Police Officers were added in that area. He commented that this was the best year ever as far as the incidents that were reported.

Mayor Brown explained the City has invested in a drone and it was used on July 4th. The drone will be used for public safety. IT Director David Hargrove presented some of the footage taken on July 4th.

CITY MANAGER REPORT

City Manager Hyatt reported the following:

- He thanked City staff for a successful July 4th holiday.
- The Hopkins Street walkover is complete and work on the Davis Street walkover will begin and then Florida Boulevard.
- The three Council committees; Land Use/Parks, Transportation/Public Safety, and Finance/Boards/Charter Review will meet on the first Wednesday of the month at 7:45 a.m., 1:00 p.m. and 3:00 p.m., respectively.
- A Jarboe Park Master Plan communication meeting for public input will be held on July 26th, 2017, at 6:00 p.m. at the Beaches Branch Library.
- Letters have been sent to business owners with dumpsters located in the City's right-of-way.
- The City drone has been registered with the FAA (Federal Aeronautics Association), and it typically stays around 100 to 125 feet in the air.

PUBLIC COMMENTS

BeeJay Lester, 907 Second Street, Neptune Beach, spoke regarding fireworks in her neighborhood. She added she had concerns about the drone flying over. She stated she supported the backyard hens ordinance. She commented that there should be regulations for unusual pets.

Cynthia Kastner, 400 Penman Road, Neptune Beach, Chairman of the Board of Trustees of Christ United Methodist, stated the church is on the agenda for approval of a special exception application. She explained the request is for a larger, cinder block building that will be painted, have the same roof line and also be used for storage. She requested the Council approve the application.

Chuck McCue, 1908 Third Street, Neptune Beach, stated his support of the backyard hens ordinance for the educational and nutritional value and they would also provide entertainment.

Katie Devane, 573 Oleander Street, Neptune Beach, stated that due to the closeness of the homes in Neptune Beach, it would be difficult to contain the effects of the chickens in just the designated areas.

Joyce Devane, 120 Lora Street, Neptune Beach, commented how perfect Neptune Beach looked after the July 4th holiday. She stated she had concerns with the backyard hens ordinance. She questioned if there is a veterinarian should a chicken get sick. She added that chickens would attract predators and their food would attract rodents.

Renee' Garrett, 1001 Oceanwood Drive South, Neptune Beach, stated her support of the backyard hens ordinance. She reiterated the educational value of the chickens.

CONSENT AGENDA-NONE**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS**

CDB17-05
400 Penman
Road

CDB17-05 –400 Penman Road (Christ United Methodist Church), Special Exception.

Mayor Brown explained the Community Development Board recommended approval of the special exception.

Made by Diamond, seconded by Wiley.

MOTION: TO APPROVE CDB17-05 FOR THE SPECIAL EXCEPTION

Roll Call Vote:

Ayes: 5–Diamond, Jones, Arthur, Wiley, Brown

Noes: 0

MOTION CARRIED

CDB17-06
Replat of Lots
9 & 10 of
Horne's

CDB17-06 – Replat of lots 9 & 10 of Horne's.

Mayor Brown explained the Community Development Board recommended approval of the replat.

MOTION: TO APPROVE CDB17-06 FOR THE REPLAT

Roll Call Vote:

Ayes: 5–Jones, Arthur, Diamond, Wiley, Brown

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. 2017-08
Backyard
Hens
Pilot Program

Ordinance No. 2017-08, Backyard Hens Pilot Program, Second Read and Public Hearing: An ordinance of the City of Neptune Beach, Florida, amending Chapter 6 to create Article V, a pilot program for permitting backyard hens in certain residential districts subject to a one-time fee of \$50; limiting the number of permits issued under the pilot program to 25; providing for a sun-setting of the pilot program after eighteen months; providing for evaluation and reporting of the pilot program by the City Council after twelve months; providing for severability; providing an effective date.

Mayor Brown opened the public hearing.

Kyle McBride, 527 South Street, Neptune Beach, stated his support of the backyard hen ordinance. He added it puts an emphasis on food and where it comes from.

Stefanie Ventimiglia, 404 Davis Street, Neptune Beach, stated she is in favor of the backyard hen ordinance and that it is a pilot program and should be given a try.

Josh Messinger, 220 Hopkins Street, commented he is in favor of the backyard hen ordinance. He stated he does not perceive it as being an issue.

There being no additional comments, the hearing was closed.

Made by Diamond, seconded by Wiley.

AMENDED MOTION: TO AMEND ORDINANCE 2017-08 TO ALLOW BACKYARD HENS IN R-1 AND R-2 ZONING DISTRICTS AND REQUIRE A MINIMUM SQUARE FOOTAGE OF 7,500 SQUARE FEET

Councilor Diamond commented on the amount of feedback he has received regarding this issue. He has suggested a middle ground for everyone. The basic idea of the amendment is to restrict backyard hens to R-1 and R-2 zoning districts and then extend it to R-3 and R-4 if the pilot program works.

Councilor Arthur stated that the purpose of a pilot program is to see where it will work and where it will not. He added there is no evidence to support what is needed in this area and it does not make sense to have a pilot program and restrict it to certain zoning districts.

Vice Mayor Wiley questioned the boundaries of the R-1 and R-2 zoning districts.

Community Development Director Amanda Askew answered that all of the residential area east of A1A is zoned R-4. The R-3 zoning district is between A1A and 5th Street, south of Davis Street.

Councilor Jones and Mayor Brown agreed with Councilor Arthur.

AMENDED MOTION FAILED BY A HAND VOTE OF 3-2

Made by Arthur, seconded by Jones.

MOTION: TO PASS ORDINANCE 2017-08 AS WRITTEN.

Vice Mayor Wiley reminded the Council that the setback on accessory buildings is very close and the placement of the coop would put it very near the neighbor's backyard. He stated he does not support this ordinance. He questioned what would happen at the end of the pilot program.

Councilor Arthur explained that the ordinance states that at the end of the pilot program, staff will review what issues occurred and what was learned. He added that there are issues with all animals that need to be addressed.

Mayor Brown added that if there are complaints, Council should be informed.

Roll Call Vote:

Ayes:	4 – Arthur, Diamond, Jones, Brown
Noes:	1 – Wiley

MOTION CARRIED

Ord. 2017-09
Chapter 6,
Animals

Ordinance No. 2017-09, Chapter 6 (Animals) amending the Definition for Poultry, Second Read and Public Hearing: An ordinance of the City of Neptune Beach, Florida, amending Chapter 6, Animals; Article I, In General; Section 6-1 Definitions; and providing an effective date.

The public hearing was opened by Mayor Brown. There being no comments, the hearing was closed.

MOTION: TO PASS ORDINANCE 2017-09.

Roll Call Vote:

Ayes: 4 – Diamond, Jones, Arthur, Brown
 Noes: 1 – Wiley

MOTION CARRIED

Ord. 2017-10
 Chapter 27
 Unified Land
 Development
 Regulations

Ordinance No. 2017-10, Chapter 27 Definitions of Household Pets, Second Read and Public Hearing: An ordinance of the City of Neptune Beach, Florida, amending Chapter 27, Unified Land Development Regulations; Article I, Section 27-15 Definitions; and providing an effective date.

The public hearing was opened by Mayor Brown. There being no comments, the hearing was closed.

Made by Arthur, seconded by Jones.

MOTION: TO PASS ORDINANCE 2017-10

Roll Call Vote:

Ayes: 4 – Jones, Arthur, Diamond, Brown
 Noes: 1 – Wiley

MOTION CARRIED

Ord. 2017-18
 Chapter 8,
 Buildings and
 Building
 Regulations

Ordinance No. 2017-18, Chapter 8, Building and Building Regulations, Second Read and Public Hearing: An ordinance of the City Of Neptune Beach, Florida, amending Chapter 8, Buildings and Building Regulations; Section 8-5 Firewall Required, Article II Building Code; Section 8-26 Florida Building Code, Section 8-27 Same – Amended Exhibit A, Section 8-28 Fire Districts Established Section 8-29 Building Permit Fees, Section 8-30 Persons Exempt From Paying Fees, Section 8-31 Electrical Fees – Imposed; Amount, Section 8-32 Same-Payment Prior To Permit Issuance; Section 8-33 House Meters, Section 8-34 Plumbing Fees – Imposed Amount, 8-35 Mechanical Fee – Imposed; Article III - Property Maintenance Code Section. 8-51 - International Property Maintenance Code – Adopted, Section 8-52 Same-Amended; Division 3 - Beachfront Lighting To Protect Marine Turtles, Section 8-244 – Definitions, Section 8-245 - Standard For New Development; Article X Moving Of Structure, Division 2 – Permit, Section 8-326 – Required, Section 8-327 – Application, Section 8-328 – Fee, Section 8-329 Certificate Of Compliance, Section 8-333 Reserved; and providing an effective date.

The public hearing was opened by Mayor Brown. There being no comments, the hearing was closed.

Made by Wiley, seconded by Arthur.

MOTION: TO PASS ORDINANCE 2017-18.

Roll Call Vote:

Ayes: 4 – Arthur, Jones, Wiley, Brown
 Noes: 1 – Diamond

MOTION CARRIED

Ord. 2017-19
Chapter 6,
Animals

Ordinance No. 2017-19, Chapter 6 Animals, First Read and Public Hearing: An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 6, Animals; Article I, Section 6-14 Classification of Dogs as Dangerous; Certification of Registration; Notice and Hearing Requirements; Confinement of Animal; Exemption; Appeals; Unlawful Acts and Providing an Effective Date.

The public hearing was opened by Mayor Brown. There being no comments, the hearing was closed.

Made by Diamond, seconded by Arthur.

MOTION: TO PASS ORDINANCE 2017-19 ON FIRST READ.

Roll Call Vote:

Ayes: 5 – Diamond, Jones, Arthur, Wiley, Brown.
Noes: 0

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

1401 Atlantic
Blvd, Lease
Agreement

1401 Atlantic Blvd – Lease agreement for Red Roof Inn.

Councilor Arthur commented that he does not support leasing the right-of-way at no cost as it may be challenged in the future as to why it is being done for this particular business.

Councilor Diamond stated that all property is unique and does not see a problem.

Made by Diamond, seconded by Wiley.

MOTION: TO EXECUTE LEASE AGREEMENT, 1401 ATLANTIC BOULEVARD

Roll Call Vote:

Ayes: 4 – Jones, Diamond Wiley, Brown.
Noes: 1 – Arthur

City Attorney
Contract

City Attorney Contract

Made by Diamond, seconded by Wiley.

MOTION: TO APPROVE CITY ATTORNEY CONTRACT

Roll Call Vote:

Ayes: 5 – Arthur, Diamond, Jones, Wiley, Brown.
Noes: 0

MOTION CARRIED

Resolution No. Resolution 2017-07 –A Resolution Appointing Members to the Community
 2017-07, New Redevelopment Agency
 Community
 Development
 Board (CDB)
 Members

Made by Wiley, seconded by Diamond.

MOTION: TO APPROVE RESOLUTION 2017-07

Roll Call Vote:

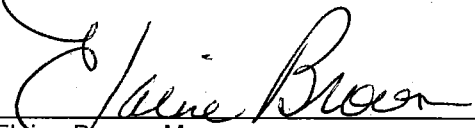
Ayes: 5 – Jones, Arthur, Diamond, Wiley, Brown.
 Noes: 0

COUNCIL COMMENT


Councilor Diamond thanked Officer Brian Waldrep for his participation at the Brix Taphouse Charity Event held on July 1, 2017.

Vice Mayor Wiley thanked the Neptune Beach Police Department for presenting a public safety demonstration to the Beaches Boys and Girls Club.

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


 Elaine Brown, Mayor

Attest:


 Catherine Ponson, City Clerk

Approved: 8/7/17

