

**GULF BREEZE CITY COUNCIL
REGULAR MEETING**

**FEBRUARY 1, 2010
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes of January 19, 2010 (Regular Meeting)
4. Presentation by Heather Reed, Deadman's Island Preservation Project.
5. Ordinance No. 02-10, Amending Section 21-72 of the Municipal Code of Ordinances
Relative to Front Yard Fences
(FIRST READING)
6. **CONSENT AGENDA ITEMS:**
 - A. Discussion and Action Regarding Special Event Request from American Diabetes Association Bicycle Ride to be Held April 10, 2010, 7:00 a.m.
 - B. Discussion and Action Regarding Senior Community Service Employment Program (SCSEP)
 - C. Discussion and Action Regarding Quality Assurance for Alternative Projects Documentation
 - D. Discussion and Action Regarding Employee Wellness Assessments
 - E. Discussion and Action Regarding (1) Reduction of Expenditure from Capital Improvements and (2) Authorization to Accept \$14,583 from Santa Rosa County Intergovernmental Communication Plan
 - F. Discussion and Action Regarding Fire Department Stipend Program
 - IG Discussion and Action Regarding Additional Board Appointments

ACTION AGENDA ITEMS:

- A. Discussion and Action Regarding Ordinance No. 02-10, Amending Section 21-72 of the Municipal Code of Ordinance Relative to Allowing Front Yard Fences if Certain Criteria are Met
(COVERED UNDER ORDINANCE SECTION ABOVE)

- B. Information Items

- 6. New Business:
- 7. Open Forum
- 8. Adjournment

If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair.

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA**

The 1,144th regular meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at the Gulf Breeze City Hall on Tuesday, January 19, 2010, at 6:30 p.m.

Upon call of the roll the following Councilmen were present: Dana Morris, Joseph Henderson and Mayor Beverly Zimmern. Councilmen J. B. Schluter and Richard Fulford were out of town.

APPROVAL OF MINUTES:

Councilman Morris moved for approval of the minutes for the regular meeting held on Monday, January 4, 2010. Councilman Henderson seconded. The vote for approval was 3 - 0.

Councilman Henderson moved for approval of the minutes for the Community Redevelopment Agency meeting held on Monday, January 4, 2010. Councilman Morris seconded. The vote for approval was 3 - 0.

**ORDINANCE NO. 01-10: AMENDING SECTIONS 8-51 AND 8-56 OF THE
MUNICIPAL CODE OF ORDINANCE RELATIVE
TO STORAGE OF VEHICLES - FIRST READING**

The Ordinance was read by title only by the City Clerk. Councilman Morris moved to approve the Ordinance on First Reading and schedule the Public Hearing and Second Reading on Tuesday, February 16, 2010. Councilman Henderson seconded. The vote for approval was 3 - 0.

CONSENT AGENDA ITEMS:

RECOMMENDATION:

That City Council approve the following Consent Agenda Items: B, D, E, and G.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING DEVELOPMENT
REVIEW BOARD REFERRAL OF JANUARY 5, 2010**

Reference: Development Review Board Minutes of January 5, 2010

1. RICHARD WELLS - 116 Highpoint Drive
Requesting to Construct an Approximately 225 foot
Vinyl Seawall that will replace an existing seawall

RECOMMENDATION:

That City Council accept the project as presented.

- D. SUBJECT: DISCUSSION AND ACTION REGARDING APPRIVER-AVALEX PROJECT PARKING GARAGE, REQUEST FOR QUALIFICATIONS (RFO)**

Reference: Assistant City Manager memo dated January 13, 2010

RECOMMENDATION:

That the City Council approve the selection of Bay Design as the City's Architect for design of the AppRiver-Avaalex parking garage and direct staff to enter into negotiation with Bay Design on a contract for professional services.

- E. SUBJECT: DISCUSSION AND ACTION REGARDING LOCAL GOVERNMENT ACADEMY**

Reference: City Manager memo dated January 7, 2010

RECOMMENDATION:

That the City Council approve the Youth Academy and direct staff to implement the program at Gulf Breeze High School during the Spring semester.

- G. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM GULF BREEZE UNITED METHODIST CHURCH - ANNUAL 5K RUN, SATURDAY, FEBRUARY 20, 2010 AT 8:00 A.M.**

Reference: Deputy Police Chief memo dated January 6, 2010

RECOMMENDATION:

That the City Council approve the Methodist Church Special Event request.

Councilman Morris moved for approval of Consent Agenda Items B, D, E, and G. Councilman Henderson seconded. The vote for approval was 3 - 0.

ACTION AGENDA ITEMS:

- A. SUBJECT: **DISCUSSION AND ACTION REGARDING ORDINANCE NO. 01-10, AMENDING SECTION 8-51 AND 8-56 OF THE CODE OF ORDINANCES RELATIVE TO STORAGE OF VEHICLES**

COVERED UNDER ORDINANCE SECTION ABOVE.

- C. SUBJECT: **DISCUSSION AND ACTION REGARDING AMENDMENT TO THE CITY'S CODE OF ORDINANCES, SPECIAL EXCEPTION FOR FRONT YARD FENCES**

Reference: City Manager memo dated January 7, 2010

RECOMMENDATION:

That the City Council approve the following concepts and direct staff and City Attorney to finalize an ordinance for first reading: (1) Require fence to be attractive and an improvement to the area where it is located; (2) specify that plant material should, for the most part, shield the metal panels after three (3) years; (3) Limit the metal panel part of the fence in the front yard to six (6) feet. The brick columns can be up to eight (8) feet in height; (4) The columns be at least eight (8) feet apart to help limit the "mass" of a front yard fence; (5) and 6: Addressing the "need" - a smaller lot may not have the same need for a front yard fence as a large lot which has both frontage on a street and a rear yard on the water; and (7) Language included so that public safety personnel can always gain access to a property.

Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 3 - 0.

- F. SUBJECT: **DISCUSSION AND ACTION REGARDING VARIOUS BOARD APPOINTMENT**

Reference: City Clerk memo dated January 6, 2010

RECOMMENDATION:

That City Council appoint the following Board members:

DEVELOPMENT REVIEW BOARD: That the City Council reappoint Ms. Maureen Hill, two other full time Board members and two alternates to terms that will expire in 2012.

BOARD OF ADJUSTMENT: That the City Council appoint Ms. Ellie Ackley and Ms. Patricia Briska for a second term and two alternates to terms which will expire in 2013.

SOUTH SANTA ROSA UTILITY BOARD: That the City Council reappoint the following Board Members: Richard Fulford, Robert Sauer, Terry Mills, Otto Prochaska, Richard Snyder and Tom Naile for another term which will expire in 2012.

ADVISORY PARK BOARD: That the City Council appoint all Board members to serve another two year term that will expire in 2011 and eliminate term limitations.

Councilman Morris moved for approval. Councilman Henderson seconded. The vote for approval was 3 - 0.

**SUBJECT: DISCUSSION AND ACTION REGARDING GULF BREEZE
PEDESTRIAN OVERPASS**

Reference: Assistant City Manager memo dated January 8, 2010

This item was withdrawn for further study by staff. No action taken.

H. INFORMATION ITEMS

OPEN FORUM:

After reading in the Pensacola News Journal regarding problems Escambia County Commissioners were having with their bid process, Mr. Mike Handler, 1195 Grand Pointe, asked about the City 's bid process. The City Manager explained the processes in which the City uses, depending on the project, time frame and availability of service providers.

Mr. Handler also mentioned the draft white paper for South Santa Rosa Utility System did not include information regarding water rates. Mr. Handler was reminded that the white paper was still in draft form and subject to changes, deletions and additions.

ADJOURNMENT:

Mayor Zimmern adjourned the meeting at 6:44 p.m.

CITY CLERK

MAYOR

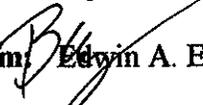


City of Gulf Breeze

OFFICE OF THE CITY MANAGER

Memorandum

To: Mayor and City Council

From:  Edwin A. Eddy, City Manager

Date: 1/28/2010

Subject: Ordinance No. 02-10, Front Yard Fences

Attached is a copy of Ordinance No. 02-10 for your consideration on First Reading on February 1, 2010. The recommendation from the Executive Committee is that this Ordinance be approved on First Reading with one change. Please see item 3 on page two of the Ordinance. The council changed the height allowed for columns to 10 feet. (Staff advised the Council that the columns next to the driveway on the Gupta's fence were higher than 8 feet.)

RECOMMENDATION:

THAT ORDINANCE 02-10 AS AMENDED BE APPROVED ON FIRST READING AND THAT A PUBLIC HEARING AND SECOND READING BE SCHEDULED FOR TUESDAY, FEBRUARY 16, 2010.

ORDINANCE NO. 02-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTION 21-72 OF THE CODE OF ORDINANCES RELATIVE TO FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council enacted certain rules and regulations regarding the design and placement of fences on residential lots; and,

WHEREAS, these rules and regulations currently preclude the placement of a fence forward of the front of a primary structure on a residential lot; and,

WHEREAS, the City Council desires to amend these rules and regulations to allow the placement of fence forward of the front of a primary structure in certain instances and when certain design criteria are met.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, as follows:

SECTION 1: Section 21-72, Fence Requirements is hereby amended to read as follows:

Sec. 21-72. Fence requirements.

- (a) No fence of any description shall be erected nearer to the front lot line than the front of the house on the lot or, in the case of a vacant lot, nearer to the front lot line than that point on the lot where a house could be located when and if built, except as follows: in the case where a house is built closer to the setback limit than a house immediately abutting, then the house further away from the front street may extend the side yard fence to a point equal to the extent of the abutting front yard fence which extends further toward the street. In no case can a side yard fence extend closer to the right-of-way than the setback limit. In the case of a corner lot no fence shall be erected nearer to the side street line than the side street setback line for that particular lot. In those instances on a corner lot in which the front of the house faces the side street lot line, then the section of fence that faces the front lot line shall not be located any closer to the front lot line than 15 feet. The maximum height of such fence shall be eight feet, except that on a corner lot, the height of such fence that protrudes beyond the side of the house facing the side street where the fence joins the house, and that portion of the fence that runs parallel with the side street side of the lot, shall not exceed 6 feet in height. All other sections of a fence located on the lot shall not exceed the maximum height of eight feet.
- (b) Special exceptions.

Fences meeting the following criteria may be located forward of the front of the house but not forward of the front lot line. The Board of Adjustment will determine if the

criteria listed below have been met in accordance with Section 20-108 of the Code of Ordinances.

1. The fence shall be decorative or ornamental in design and match the overall architectural style of the principal structure. No chain link, wire, wooden panel or picket fence shall qualify for a special exception. The design of the fence must be brick, stone or stucco columns joined by metal panels. The metal panels must be less than thirty-three percent (33%) opaque.
2. Landscaping must be installed on the street side of the fence in such a manner as to shield the metal panels from view within three (3) years from the date of construction. Plant material must consist of ornamental shrubs which grow to a height of five (5) to six (6) feet under normal conditions (Recommended species are included in Table 1. Other species with similar attributes may be utilized).
3. The maximum height of the fence panels shall not exceed six (6) feet in height; however, columns may be up to ~~eight (8)~~ ten (10) feet high. The height measurement will be taken from grade.
4. The minimum distance between columns shall be eight (8) feet. The maximum distance between columns shall be fifteen (15) feet.
5. The minimum lot or parcel size shall be three quarters (.75) of an acre. The fence may extend across adjacent lots provided that they are under common ownership.
6. The lot must have frontage on a street and the rear property line must adjoin the bay, sound or bayou.
7. Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in Section 21-265.

SECTION 2: SEVERABILITY

It is not the intent of this Ordinance to supersede or conflict with any law, rule, or regulation that has been reserved to or is preempted by laws, rules, and regulations of the State of Florida. If any section, sentence, clause, phrase, or word of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. Further, in the event that any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then it is hereby declared to be the intent of the Gulf Breeze⁴ City Council that this Ordinance be construed to the fullest extent possible in a manner that is valid

and constitutional and excepting only such portions of this Ordinance that are necessary in order for the remaining portions hereof to be valid and lawful.

SECTION 3: CONFLICT

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms herein.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective upon its adoption by the City Council of the City of Gulf Breeze.

PASSED ON FIRST READING ON THE 1st DAY OF FEBRUARY, 2010.

PUBLISHED ON THE _____ DAY OF _____, 2010.

PASSED AND ADOPTED ON THE SECOND READING ON THE _____ DAY OF _____, 2010.

CITY OF GULF BREEZE, FLORIDA

BEVERLY H. ZIMMERN, MAYOR

ATTEST:

MARITA RHODES, CITY CLERK

Councilmen Present: Dana Morris, Joseph Henderson and Mayor Beverly Zimmern
Not Present: J. B. Schluter, Richard Fulford

ACTION AGENDA ITEMS:

- A. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE NO. 02-10, AMENDING SECTION 21-72 OF THE MUNICIPAL CODE OF ORDINANCE RELATIVE TO ALLOWING FRONT YARD FENCES IF CERTAIN CRITERIA ARE MET**

Reference: City Manager memo dated January 22, 2010

RECOMMENDATION:

That Ordinance No. 02-10 be approved on First Reading and that a Public Hearing and Second Reading be scheduled for Tuesday, February 16, 2010 with the following addition: Page 2, Item 3 change the maximum column height from eight (8) feet to ten (10) feet. (The following resident spoke: Mr. Jimmy Halstead, 585 Baycliffs Road.)

- B. SUBJECT: DISCUSSION AND ACTION REGARDING PRESENTATION ON DEADMAN'S ISLAND BY HEATHER REED**

Reference: City Manager memo dated January 21, 2010

RECOMMENDATION:

No Council action necessary. Ms. Heather Reed will give a brief (ten minutes) presentation to Council at the February 1, 2010 regular meeting.

- C. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT REQUEST FROM AMERICAN DIABETES ASSOCIATION BICYCLE RIDE TO BE HELD APRIL 10, 2010, 7:00 A.M.**

RECOMMENDATION:

That the City Council approve the application for the American Diabetes Bicycle Ride to be held April 10, 2010, 7:00 a.m.

**D. SUBJECT: DISCUSSION AND ACTION REGARDING SENIOR
COMMUNITY SERVICE EMPLOYMENT PROGRAM (SCSEP)**

Reference: Parks and Recreation Director memo dated January 21, 2010

RECOMMENDATION:

That the City Council direct staff to establish the City of Gulf Breeze as a Host Agency with the Senior Community Service Employment Program.

**E. SUBJECT: DISCUSSION AND ACTION REGARDING QUALITY ASSURANCE
FOR ALTERNATIVE PROJECTS DOCUMENTATION**

Reference: Finance Director memo dated January 18, 2010

RECOMMENDATION:

That the City Council authorize staff to engage Adjusters International (AI) under the terms of a proposal presented by Adjusters International.

**F. SUBJECT: DISCUSSION AND ACTION REGARDING EMPLOYEE
WELLNESS ASSESSMENTS**

Reference: City Manager memo dated January 21, 2010

RECOMMENDATION:

That the City Council authorize staff to utilize the services of Baptist Health Care Occupational Health to conduct wellness assessments for full time City employees.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING (1) REDUCTION OF
EXPENDITURE FROM CAPITAL IMPROVEMENTS AND (2)
AUTHORIZATION TO ACCEPT \$14,583 FROM SANTA ROSA
COUNTY INTERGOVERNMENTAL COMMUNICATION PLAN**

Reference: City Manager memo dated January 22, 2010

RECOMMENDATION:

(1) That the City Council reduce the City expenditure for the Canopy Network System by \$10,000 from the 2009 Capital Improvements Fund. (Total expenditure will be \$26,583 rather than \$36,000.); and (2) Authorize staff to work with Santa Rosa County to interconnect the City's canopy system with Santa Rosa County and accept \$14,583 from the Council Intergovernmental Communication Plan.

H. SUBJECT: DISCUSSION AND ACTION REGARDING FIRE DEPARTMENT STIPEND PROGRAM

Reference: Fire Chief Memo dated January 20, 2010

RECOMMENDATION:

That the City Council approve the Fire Department's revised stipend policy and make it retroactive to January 1, 2010 with the following change: Lieutenant stipend change from \$125 to \$275 rather than \$250.

I. SUBJECT: DISCUSSION AND ACTION REGARDING ADDITIONAL BOARD APPOINTMENTS

Reference: City Clerk memo dated January 20, 2010

RECOMMENDATION:

DEVELOPMENT REVIEW BOARD: That the City Council appoint Mr. David Landfair, 701 Baycliffs Road and Mr. John Schuster, 405 Navy Cove Boulevard, to the Development Review Board, terms to expire in 2012. (Two alternates are still needed for this Board.)

BOARD OF ADJUSTMENT: That the City Council appoint Ms. Maggie Tamburro to the Board of Adjustment, term to expire 2013. (Two alternates are still needed for this Board.)

J. INFORMATION ITEMS

Architectural Review Board: That Deborah Cederquist, 204 North Sunset Blvd, be appointed to the Architectural Review Board.