

CITY OF ST. AUGUSTINE, FLORIDA

Planning and Zoning Board Meeting  
June 3, 2008

The Planning and Zoning Board met in formal session at 2:00 P.M., Tuesday, June 3, 2008, in the Alcazar Room at City Hall. The meeting was called to order by Deltra L. Long, Chairperson, and the following were present:

**1. ROLL CALL**

Deltra L. Long, Chairperson  
John Valdes, Vice-Chairman  
Carl Blow  
Gerald Dixon

Absent: Grant Misterly  
William Leary

City Staff: Mark Knight, Director, Planning & Building Department  
David Birchim, Planning Manager  
Robin Upchurch, Assistant City Attorney  
Carly Mason, Recording Secretary

**2. APPROVAL OF MINUTES –  
May 6, 2008 Regular Meeting**

The minutes of the May 6, 2008 Regular PZB meeting were approved as presented.

**3. Exception**

**Item 3 (a) 2008- 0024<sup>1</sup>**  
**Joseph Homann Scooter Pro, LLC–**  
**Applicant (Previously Tabled)**  
**Philip Martocci – Owner**  
**551 Anastasia Boulevard**

**To allow a scooter rental, sales and repair.**

Ms. Upchurch explained that the item should be tabled, because they were in the middle of litigation and needed more time.

**MOTION**

**Mr. Valdes MOVED to TABLE case 2008-0024 until July 1, 2008. The motion was SECONDED by Mr. Blow.**

**VOTE ON MOTION**

**AYES: Valdes, Blow, Dixon, Long**  
**NAYES: NONE**  
**MOTION CARRIED UNANIMOUSLY**

**Item 3 (b) 2008-0055**  
**Medina Jenkins and Warren Merrill –**  
**Applicant (Previously Tabled)**  
**Medina Jenkins – Owners**  
**48 Spanish Street**

**To allow a bar/tavern with food service as a permissible use by exception.**

Mr. Birchim delivered the staff report and said staff indicated that the board could approve a use by exception to allow a bar/tavern at the location if the board determined that there were no negative impacts to the surrounding properties

<sup>1</sup> Item # 2008-0024 tabled until July 1, 2008 meeting

Exparte Communication:

Mr. Valdes, Ms. Long, and Mr. Blow said they had spoken to Todd Grant regarding sound proofing the building.

Todd Grant asked that the item be tabled until July 1, 2008 to allow time for the applicant to meet with the neighbors. He explained that after the May 6, 2008 meeting he had gathered phone numbers from neighbors to set up a meeting. He said he had spoken with Mr. Banta, but he showed no interest in meeting with the applicant. He explained that Mr. Merrill did not like conflict, and he was making every effort to address the concerns of the neighborhood.

Mr. Merrill said his application was tabled, because 50% of food sales could not be guaranteed. He said his goal was to have a place where people could have a drink and something to eat. He added that he wanted to supply coupons, and freebies to the public. He noted that the public had concerns about the noise level. He provided a letter that showed the steps that would be taken to reduce the noise; however, the residents had not seen the letter. He said that upstairs would be residential, and currently he had no plans to use amplified music outside. He indicated that he would be removing the outside wall to provide more seating and would be installing sound deadening material with multiple layers on the interior walls. He indicated that he would box in all the windows to help absorb vibrations, and he had spoken to Mr. Valdes about different sound deadening products. He indicated that he always had a door person to keep track of underage customers as well as intoxicated customers and would use cameras to see what was going on at all times. He said all employees would be drug screened before and during their employment, and he also inventoried alcohol twice a week. He noted that the cameras helped as a back-up to see if

employees were abusing the alcohol. He indicated that he researched the HP-3 zoning and found that by modifying the exterior building he could draw more pedestrians to his business.

Ms. Long reported that 20 certified notices were mailed and eight were returned opposed, zero were sent back in favor, and one had comments as follows:

- The noise level from a bar/tavern would interfere with guests comfort in the bed and breakfast
- Purchased residential property two years ago
- Opposed to the use of liquor in the neighborhood; however, beer and wine would be okay
- If approval was made in spite of the neighbors objections, please insist on a provision banning amplified music outside

Public Hearing opened.

Robert Hall said he had been out of town for the last meeting. He said that the situation when alcohol was sold could get out of control. He said the noise could drive neighbors out and cause the bed and breakfast to lose customers. He said that Spanish and Charlotte Streets were considered the back streets, because deliveries and trash were collected at Spanish Street. He said the bar closure time was a concern. He said the police had not done much to assist the neighbors regarding noise levels. He said one sergeant had control of the decibel meter, and he did not work on weekends. He concluded that his main concern was outside amplification.

Mr. Blow said that Mr. Merrill had provided a letter stating there would be no music outside after 9:00 p.m. He asked how Mr. Hall felt about that.

Mr. Hall replied that he felt the proposal would still have a negative impact on the neighbors.

Public hearing closed.

Mr. Grant addressed some of Mr. Hall's concerns and said that if the business was sold the new applicant would have to go through all of the same procedures. He said that Mr. Merrill was trying to abide by the neighbors wishes. He felt that a lot of the neighbor's concerns were the result of the current owners.

Mr. Valdes said he appreciated the fact that the applicant was trying his best to secure the sound deadening material for the neighbors. He questioned whether the board could put a specific condition on the application if approved.

Mr. Knight replied that it would be stated as a condition for granting the use by exception.

Mr. Valdes said sound proofing the first floor windows was a great idea; however, he questioned the use of the deck.

Mr. Merrill explained that the northside ramp would be moved to the rightside of the wall to allow the patrons more sitting room on the deck. He mentioned that the ramp would also be used for food deliveries.

Mr. Valdes said he had some concerns regarding the deck, because he felt that it would put patrons in a sound tunnel. He recommended installing a 3 ½ foot ramp to comply with ADA requirements. He said another concern was the trash and breaking bottles to recycle.

Mr. Merrill said the bottles would be taken to the recycle depository the next morning to help reduce the noise level in the evenings.

Mr. Valdes questioned whether a fryulator would be installed, because they were going to serve food.

Mr. Merrill's response was affirmative. He added that the noise material he was going to use would secure sound up to 40 decibels.

Mr. Blow asked the applicant what his thoughts were about no amplification outside.

Mr. Merrill replied that he wanted to have a person playing an acoustical guitar with a microphone.

Ms. Upchurch said that no amplified music would mean no amplifiers could be used such as microphones, electric guitars, or anything that required electricity.

Ms. Long said that the applicant should reconsider the wording regarding amplified music.

Mr. Blow questioned the applicant's knowledge of alcohol and last call times.

Mr. Merrill said that last call would be at 12:30 a.m., and all bartenders would be required to attend training sessions.

Mr. Valdes expressed concern about the noise situation for neighbors if bartenders worked late and smoked and drank outside.

Ms. Long expressed concern because the tax figures were based on residential instead of a commercial building. She expressed appreciation for the photos of the sound deadening products. She expressed further concern about the lack of public comment, as during the previous meeting more residents attended and voiced their concerns. She questioned whether the residents had been properly notified.

Mr. Blow questioned whether a similar application could be approved in the future if they denied the application.

Mr. Knight replied that if it was for food sales it could be granted.

Mr. Blow said if the board denied the application a similar business without amplification could open, and the neighborhood could still have the same problems.

Ms. Long questioned whether the music from surrounding businesses could be justified if the application was denied.

Mr. Knight replied that a similar business obtained a use by exception that did not specify amplification, and it was operating as a restaurant and allowed to use amplified music.

Ms. Long asked Mr. Merrill to respond to the idea of having the music inside, but no amplified music outside.

Mr. Merrill said that he would be willing to change the level of amplified music; however, he would still want some sort of ambience music outside.

Mr. Valdes said it sounded like it was all or nothing regarding noise. He said the board needed to come up with an exception for a certain amount of decibels for the applicant to comply with, which should help the neighbors concerns.

Ms. Upchurch said that Sergeant Braddock would demonstrate the sound meters, and answer questions later in the meeting.

Mr. Merrill said he would follow the ordinance, and if the ordinance was changed he would adapt.

Ms. Long asked if the applicant would be willing to table the item until the next

meeting. She suggested obtaining signatures from the neighbors to verify his intentions, hold a brainstorming session with the neighbors, and have a law enforcement officer attend the meeting to measure legal sound decibels.

Mr. Merrill replied that his loan agreement would conflict with tabling, and he requested a vote on the application.

Mr. Knight responded to Mr. Blow's question, and he said that an application could be approved with a contingency, such as a timeframe. He suggested a contingency for ambient music for six months as a trial period to test the noise level for neighbors.

Ms. Upchurch recommended against using the word ambient, because it could be interpreted in different ways.

Mr. Valdes asked how the applicant felt about the suggested contingency.

Mr. Grant said would be fine; however, he would like to have some sort of speakers outside to play some sort of music.

Mr. Blow expressed concern that if the application was approved, the board could not turn back the clock. He said all of the residents seemed to be against approval.

Mr. Grant said that the property was not likely to revert to residential; however, it could be a restaurant.

Mr. Blow responded that if the board approved the application the residents would have no recourse, plus the board would not be able to change the outcome.

Mr. Knight reiterated the importance of the board making a decision, because the applicant had a time limit on his bank loan.

Irene Arriola said all of the residents were friends. She commented that she met with

Mr. Grant after the previous meeting to exchange phone numbers. She spoke to Mr. Banta at great length collecting his thoughts and ideas for the proposed business.

Ms. Long questioned whether she would approve or deny the application.

Ms. Arriola replied that she could not answer that question, but she said that from her point of view the applicant seemed like a good businessman.

Mr. Valdes questioned whether the board could add a contingency that if the applicant received a specific number of citations the application could be revoked.

Mr. Knight replied that it was his understanding that the current owners had only received one citation.

Shelby Spinaweber, realtor for Warren Merrill, said that they had been looking for property for over a year. She said she was in favor of the application, because it was the right location for Mr. Merrill's business.

#### **MOTION**

**Mr. Valdes MOVED to approve Item 2008-0055 with the conditions applied from the applicants "To Whom It May Concern" letter and the exception that the outdoor music would be reviewed in 12 months. Motion SECONDED by Ms. Long.**

#### **VOTE ON MOTION**

**AYES: Valdes, Long**

**NAYES: Blow, Dixon**

**MOTION FAILED 2/2**

#### **4. Variance**

#### **Item 4 (a) 2008-0068<sup>2</sup>**

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<sup>2</sup> Application Withdrawn

#### **Irene Arriola – Applicant** **John and Ruth Cahill – Owner** **30 Bay Street**

**To encroach into the required side and rear yard building setbacks to construct a studio/guesthouse.**

#### **Item 4 (b) 2008-0066** **City of St. Augustine – Owner/Applicant** **865 Fish Island Road**

**To exceed the maximum height for a telecommunications tower.**

Mr. Birchim delivered the staff report and stated that based on a review of section 28-29, staff found that the board could approve a variance at 865 Fish Island Road, without the support of evidence to the contrary.

Public hearing opened but there was no response.

Ms. Long reported that no comments were sent because the City of St. Augustine was the only property within 150 feet of 865 Fish Island Road.

Mr. Birchim commented that the City had posted a sign disclosing the meeting on the closest right-of-away.

Mr. Valdes asked how close the two towers would be.

Mr. Birchim responded approximately 80 feet. He said they also had a cell tower in Pomar Park.

#### **MOTION**

**Ms. Long MOVED to approve case 2008-0066 to construct a 150 foot telecommunications tower adjacent to an existing 350 foot tower, which was keeping in harmony with the spirit and intent of the City Code. The motion was SECONDED by Mr. Dixon.**

**VOTE ON MOTION**

**AYES:** Long, Dixon, Valdes, Blow  
**NAYES:** None  
**MOTION CARRIED UNANIMOUSLY**

**5. Conservation Zone Development**

**Item 5 (a) 2008-0060**

**Michael D. Byrne – Owner/Applicant**  
**112 Nesmith Avenue**

**To remove a 36 inch (dbh) oak tree in the building footprint of a proposed single family home.**

Mr. Birchim delivered the staff report and stated that based on review of section 11-29, staff found that the board could approve tree removal at the location, without the support of evidence to the contrary.

**Exparte Communication:**

Ms. Long and Mr. Blow reported that they drove by the site.

Public hearing opened, but there was no response.

Ms. Long said that 17 certified notices were mailed and two were returned in favor, none were opposed and one had comments.

Mr. Blow questioned whether the application was for a replat to create conforming lots.

Mr. Birchim's response was affirmative.

**MOTION**

**Mr. Valdes MOVED to approve 2008-0060 to remove a 36 inch Oak Tree to allow for construction of a single family home. The motion was SECONDED by Mr. Blow.**

**VOTE ON MOTION**

**AYES:** Valdes, Blow, Dixon, Long  
**NAYES:** None  
**MOTION CARRIED UNANIMOUSLY**

**Item 5 (b) 2008-0067**

**Howard Davis – Applicant**  
**No Limit Entertainment, LLC – Owners**  
**24 and 26 Palmetto Avenue**

**To remove trees on the property in conjunction with the development of a restaurant.**

Mr. Birchim delivered the staff report and based on a review of section 11-29, staff found that the Board could approve tree removal at the location, without the support of evidence to the contrary.

**Exparte Communication:**

Mr. Blow and Mr. Valdes reported that they visited the site.

Mr. Davis said that the site plan indicated that the one 24 inch Oak Tree would remain. He said the dark red spots on the site plan were the three trees that he was asking to remove.

Public hearing opened.

Paul Beachum said he lived directly across the street from the area to be developed, and he felt the most impact from the proposed construction. He clarified that a Pecan and Palm Tree would be torn down. He said he was against the applicant cutting down trees that were 10 inches in diameter or larger. He expressed concern about the removal of the asbestos shingles. He said he contacted the city and was told the applicant would not need a permit because it was a residential property, and he was told that the asbestos need to be watered down before removal. He said he also contacted the EPA and was told that the shingles had not been properly removed.

Mr. Beachum said he wanted something to be done in regards to the asbestos lying around on the property. He suggested having someone come out and properly remove the asbestos. He stated that he

hated to see the trees be torn down and a restaurant put in there place.

Mary Davis concurred and stated that she had contacted the EPA as well. She provided the board with a map and photos that showed the asbestos lying on the grounds. She was concerned that not all of the trees marked had been mentioned. She concluded that she was opposed of the application.

Cathy Mitchell expressed concern that proper procedures for the removal of the trees was acknowledged.

Public hearing closed.

Ms. Long said that 37 certified notices were mailed and one was returned in favor, six were opposed, four had comments, and one was opposed with comments. She summarized the comments as follows:

- Opposed of all tree removal especially the large Oak Tree and against using Palmetto Avenue as a parking place.
- Opposed to the removal of trees over 10 inches in diameter, would like the applicant to be considerate when installing dumpsters, would also like the parking controlled
- Would like restaurant positioned so that trees would not be removed

Mr. Davis said the property was zoned CL-2 and the owner wanted to build a restaurant and remove trees. He said the owner had no connection of a triple x company based out of Nevada. He said the permit requested was for the removal of the four trees. He said that seven of the remaining Palm Trees would be relocated to another part of the lot. He said the 60 inch Golden Oak was part of the reason the property was purchased. He said the landscaping had to be done, and they would make sure they comply with the city. He said they

would be using pavers and gravel for the street.

Mr. Blow asked Mr. Davis about the stormwater drains.

Mr. Birchim said the applicant had to comply with the city and water management. He added that they would be using the paver stone.

Mr. Blow said they planned on saving the 24 inch Oak, and he asked about the curb.

Mr. Davis replied that they wanted a retainer curb. He said that they would expand the curb up to eight inches. He said that Mr. Knight suggested using gravel around the existing trees.

Ms. Long asked if the existing trees would have gravel or some sort of landscape around them.

Mr. Davis said some of the trees would be surrounded by grass or landscaping material.

Mr. Blow asked if the applicant had elevation plans of the property, and the response was no.

Mr. Blow questioned how the board could make sure that the applicant stuck to the requirements the board proposed and approved.

Mr. Knight responded that the board could add a stipulation to the motion stating the requirements. He said if someone knowingly killed a tree Code Enforcement would be involved, and the violator would face a \$5,000 fine per tree.

Mr. Blow said that he would like to see a plan on how the large Oak Tree would be saved.

Mr. Davis replied that Mr. Lippi was the horticulturist handling the removal of the limbs. He said all of the limbs to the north and west had been butchered throughout the years and would be examined. He said the limbs facing south would be removed and he mentioned that the Oak Tree was one of the reasons that the owner purchased the property.

Mr. Valdes asked what the property would be worth with the oak tree.

Mr. Davis said that he did not think it would change the selling price of the property.

Mr. Valdes asked what his price would be for replacing the tree from a landscaping point of view.

Mr. Davis replied that no value could replace the oak tree.

Mr. Blow questioned whether the parking situation and noise level would be a problem.

Mr. Davis replied that he would talk to the current owner about the cost of installing a solid wall to block noise.

Mr. Blow asked if the applicant would be willing to table the item until the next meeting and bring back more information regarding the trees. He said what bothers him most was that people say one thing and then do the opposite.

Ms. Long questioned the trees that were going to be removed.

Mr. Knight said that most of the trees could be administratively approved for removal; however, the tree in question was the one 24 inch oak tree.

Mr. Valdes said he was concerned about the root shield and how far the root structure would go out. He also wanted to know what

type of pavers would be used. He said that he liked the fact that Mr. Lippi was involved.

#### **MOTION**

**Mr. Valdes MOVED to approve the conversation zone development 2008-0067 for the removal of the trees as specified in the sight plan offered to the board to include the 24 inch Rain Tree, relocation of the 20 inch Palm, and the removal of the 24 inch Oak Tree. The motion was SECONDED by Ms. Long.**

#### **VOTE ON MOTION**

**AYES: Valdes, Long, Blow, Dixon**

**NAYES: NONE**

**MOTION CARRIED UNANIMOUSLY<sup>3</sup>**

#### **6. Rezoning**

##### **Item 6 (a) 2008-0069**

**Michael Seymour and David Ponce, Jr. –**

**Applicants**

**Conch House Builders, LLC – Owners**

**45 & 57 Comares Avenue,**

**600 & 604 Anastasia Boulevard**

**12 Inlet Place**

Mr. Birchim delivered the staff report and said that staff found the rezoning process was a legislative act of the City Commission. He said that Planning and Zoning Board was responsible for making formal recommendations to the City Commission concerning rezoning. Staff does not make recommendations concerning legislative acts.

#### **Experte Communication:**

All board members reported that they were familiar with the site.

Ellen Avery-Smith said that the applicants were present as well as the landscape architects and engineers. She handed out an information packet and said the

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<sup>3</sup> A brief recess was taken from 4:55 p.m. to 5:05 p.m.

application was for a PUD, and she would discuss how the plans would change the current status. She said the docks would stay the same, and the waterway would not be affected.

Don Evans, President of the Evans Group, said that he was brought on board because of his work at locations such as Driftwood Beach. He said that Conch House had been their since the 1950's, and they had studied and embraced the history of the location. He showed a map of the Conch House and the proposed renovations. He said that the dock would not be altered. He said the first and second floor along with the space for the dock master would be less than 35 feet. He pointed out that he added stairs and an elevator for easy access to the three stories. He designed a lighthouse to serve as a landmark for the Conch House. He said the footprint of the buildings located near the docks had not been changed, but they added stories. He said they designed a conference center to attract more people. He mentioned that they would also have a compactor to house trash in one location.

Mr. Dixon questioned the path that employees would take to the compactor.

Mr. Evans explained the route, and added that they would redo the Palapas to meet ADA Requirements. He said there was a ten foot landscape buffer, but he would add a roof for more coverage, and cabanas for privacy, and there would be an glass enclosed pool available year round. He said that everything on the site was available from the greeters' site. He referred to some of the problems that Reggae Sunday had created in the past. He said the issue had been parking, as people parked on the residential streets. He said any excess parking would be placed at an offsite parking lot and guests would be shuttled to their destination. He said parapet walls would be installed, except at the elevator. He concluded that they would

do everything they could to keep the Conch House development.

Mr. Dixon said that the applicant was asking for ten exceptions, but he wanted to know what they were offering.

Mr. Evans replied that they would be giving the public a whole new Conch House that would include parking and a conference center.

Mr. Dixon questioned how the operation was intended to run. He further questioned the number of boat slips that had been sold and whether they would be sold as private slips.

Mr. Ponce replied that he did not intend to sell more than 70% of the slips, because under the declaration of covenants, an association could be formed. He said all the delivery trucks would be parked at the south end of the parking lot to avoid traffic. He said the charter fleet and the raging water sports would remain.

Mr. Dixon questioned whether the issue of hauling food and supplies back and forth from the parking lot had been addressed. He said there were currently carts used for hauling items back and forth. He concluded that those were some of the items he would like to see addressed.

Mr. Ponce replied that they would have a cart deposit located on the property, and the matter would be further addressed.

Mr. Blow said that the project would be a working waterfront as defined in the Florida Statutes. He said he wanted the PUD to be bulletproof, and he wanted to be sure the property stayed in the Ponce's hands.

Ms. Avery-Smith addressed Mr. Blow's concern and said the legislature had modified the working waterfronts definition to further protect working waterfronts. She

added that the project would provide a financial incentive for the community.

Ms. Long questioned whether construction would continue considering the bankruptcy issue.

Mr. Ponce's response was affirmative, and he attempted to address Mr. Dixon's comments about what the applicant would give back to the community.

Mr. Dixon interjected that he agreed with the concept of trying to save the Conch House; however, he had some concerns about parking. He said that considering parking for employees and the public, there should be 875 parking spaces.

Ms. Avery-Smith said that if the board looked at the staff report on page ten, staff had concluded the need for 372 spaces, but the applicant would provide 444 parking spaces.

Mr. Dixon replied that he did not believe staff had accounted for the open deck area and Mr. Birchim agreed.

Ms. Long asked if the spaces would be 9 x 18 or 9.5 x 18 and the response was 9 x 18.

Mr. Dixon said that no parking requirements had been considered for the conference center. He said parking was a real problem that should be addressed. He added that the Conch House had built a structure over the waterway without approval.

Mr. Ponce said that Reggae Sunday could not continue with the new construction design.

Ms. Avery-Smith referred to the submittal listed below.

- Page three, Information regarding the project summary

- Page four, Development standards were listed
- Page five, Maximum lot coverage
- Page five item two, Maximum building height requirements
- Page five section three, setbacks for the rear yard went out into the water
- Page six, condominium units would be put in a pool and those units would be rented out as hotel rooms
- Parking section would be revised and the parking stalls would be nine foot eight inches and there would be landscaping
- Ten foot masonry wall and landscaping would help reduce noise and would be installed around the entire perimeter of the lot
- Page eight, the footprint would not change
- Page eight, included the timeline of the development as well as the phases of Development
- Page eight, date of completion was expected within 10 years of the effective date of the PUD and the development must commence within two years of the PUD Approval
- Page nine, signage and the billboard

Ms. Avery-Smith said they would add the comments in regards to the working waterway, and she would work with the City for the placement of utilities.

Public hearing opened and comments from the general public that disapproved of the application were heard; Clyde Murphy, Reverend Thomas DeSue, Lonnie DeSue, Sydney McKenna, Henry Vorpe, Peter Larkner, and Leslie Goode.

Comments from the aforementioned included the following:

- Parking
- Obstructed view
- Building height
- Lighting

- Blocked airflow
- Atmosphere
- Pedestrian traffic
- Public access to waterway
- Would there be a casino

Comments from the general public that approved of the application were heard; Steve Skylar, and Vernon GrandGeorge.

Comments from the aforementioned included the following:

- Enjoyed the atmosphere
- Important part of neighborhood

Ms. Long commented that the board was there to decide what was best for the public as well as the applicant.

Mr. Blow questioned the building that would house the dock master.

Ms. Avery-Smith replied to comments regarding a casino assured that they had no intentions to build a casino.

Mr. Birchim said that the PUD ran with the land, which meant the owner would have to go before the board to make changes.

Ms. Long said 144 certified notices were mailed 15 were returned in favor, 21 were opposed and 23 had comments including the following:

- Encroachment would change the neighborhood
- Conch House builders needed to provide sufficient parking spaces and marina slips
- Quiet residential community should be protected
- Community already had one marina on Salt Run
- Parking and pedestrian safety were currently compromised

Mr. Ponce said he had planned to talk to the neighbors; however, he lost a close friend over the Memorial Day weekend and was unable to do so.

Ms. Avery Smith responded to the public comments and said that they would be reworking the PUD. She said that they had to link the two properties together to provide parking, and they planned to resubmit the text.

Mr. Blow asked how the property on the westside was zoned, and the reply was RS-1. He said that the facility had to be regularly dredged, which he would like to see included in the site plan.

Mr. Ponce replied that they had slurry trucks that would be kept for the offload from the dredge, which was a cleaner process.

Mr. Blow asked if he planned to keep the offloading of dredge spoil into trucks onsite and the answer was affirmative.

Mr. Dixon suggested that the board provide direction for the building height, parking, and the lighthouse.

Mr. Valdes replied that he felt the application required a special meeting.

## **MOTION**

**Mr. Blow MOVED to table the PUD application until July 16, 2008 at 2:00 p.m. The motion was SECONDED by Ms. Long.**

## **VOTE ON MOTION**

**AYES: Blow, Long, Valdes, Dixon**

**NAYES: None**

**MOTION CARRIED UNANIMOUSLY**

## **7. Other Business**

Sergeant Braddock gave an overview of the sound testing equipment. He said that

sometimes the police ran into a situation where a resident wanted to make a complaint, but did not want to provide them with any information. He said that after setting up the equipment he read the meter in one minute increments and if there were three violations within an hour he would issue a citation. He said that the decibels at night could change within three decibels. He said that the meter results held up in court, and concluded that it was a good product.

Ms. Upchurch questioned whether there should be three violations within one hour or three violations within a certain period of time.

Sergeant Braddock explained that the ordinance stated that he must read the meter in 30 second intervals. He said he notated every time the meter exceeded the decibel reading and with three occurrences within an hour a citation would be issued.

Ms. Upchurch questioned the number of officers qualified to use the meter.

Sergeant Braddock replied that all of the Corporals and most of the Sergeants were authorized to use the meter. He demonstrated the meter and the difference of decibels using a radio. He said the meter could only be used under 12 mph winds. He said that 55 decibels would be allowed during the week day until 10:00 p.m. and 11:00 p.m. on the week nights.

Mr. Blow questioned whether a complaint would it be measured from the property line, and the answer was affirmative.

Ms. Upchurch explained that the device was much like a radar gun that measured sound.

Sergeant. Braddock concluded that he took a course provided by Rutgers University for the use of the meter.

## **8. Appeals**

(None)

## **9. Conflict of Interest Statements**

(None)

## **10. Adjournment**

Having had no further business, Ms. Long adjourned the meeting at 7:31 P.M.<sup>4</sup>

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Deltra L. Long, Chairperson

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<sup>4</sup> Transcribed by Carly Mason