



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 8, 2001 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held October 8, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Robert D. Shimp
Councilor James Gilbert
Councilor Ronald Patronik
Councilor Harriett Pruette
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Finance Steve Ramsey
Director of Public Works John Galen
Building Official Dan Arlington
Assistant to the City Manager Terry Klein
Assistant to the Bldg Official Piper Turner

Absent:
City Attorney Christopher A. White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. City Manager Linn asked Jim Miller of PBS&J to conduct his presentation.

Water Lines

Mr. Miller presented the three priority water projects which are in the planning stages. Part B of Phase I includes all of the water mains east of Third Street and north of Florida Boulevard. The Florida Boulevard Project includes the main line from the water tank to Third Street. The Bal Harbour Project includes replacement of all the water mains in the Bal Harbor subdivision. Phase I Part B has been completely designed. The survey work has been completed for the other two projects and they are now in the design stage.

Mr. Miller requested City Council to approve the preparation of a package for Florida Department of Environmental Protection approval, which would include piggybacking on a JEA project using directional drilling technology. The contractor is Molehead Construction & Boring and the amount of the contract is \$1,394,972.50. If DEP does not approve the piggyback he will then bid the project.

Mr. Miller updated the council on the lift station at Third Street and Florida Blvd. He is waiting for the bond company to get back to him on the unresponsiveness of their contractor to complete the change out of the lift station from the old to the new.

City Manager Linn commented that the financing for the Part B water projects had been secured through the state revolving loan grant. He also explained that the city was on the priority list for a Disadvantaged Small Community Grant which could be used to repay the loans. He does not expect to receive the grant until 2005.

Mr. Miller commented that the new water main from the tank on Florida Blvd will help the entire city.

City Manager Linn confirmed for Mayor Brown that some of the loops were being completed in house by the City's Public Services Department.

Vice Mayor Shimp commented that with these improvements more valves would be installed and the entire city would not have to shut down for one water break.

Mr. Miller confirmed for Councilor Gilbert that hooking up to the new lines would only leave a resident without water for one or two hours.

CONSENSUS: APPROVAL OF JIM MILLER OF PBS&J TO SUBMIT PAPER WORK TO DEP TO PIGGYBACK ON JEA CONTRACT; IF REQUEST DENIED, TO GO OUT FOR BID.

Stormwater Utility

Jim Miller of PBS&J explained that his firm used aerial photography to determine the impervious surface of each property. The properties ranged from 1400 to 6000 sq. ft. They came up with an average of 3164 sq. ft. per property. To keep it simple and to use the method used by 99% of municipalities there would be two rates, one for commercial and one for residential. The residential rate is based on the average and therefore each homeowner is given an equivalent residential unit fee. The commercial rate is the residential rate divided into how many square feet they have on the property which gives the commercial property the larger burden of the cost. This allows the city not to have to survey each residential lot, only the commercial, which would save necessary staff. In order to cover the total cost of the stormwater division, the rate would have to be \$4.45 per unit. The standard for most utilities is \$3.00 which would leave the city \$86,000 short of its budget. Some cities allow the citizens to appeal with a survey to change the amount charged. Some cities split areas into watershed areas to charge different rates and some give credits to commercial properties for retention ponds. It could be added in the building code that a homeowner has to add retention to property if they go above a certain amount of lot coverage/impervious surface area.

Vice Mayor Shimp felt that people should not have to pay equally if they do not have as much impervious surface as their neighbor. Jim Miller stated the city has the option of charging a duplex as two units.

Jim Miller clarified for Councilor Patronik that apartment complexes are treated as commercial property. There are many options as far as how and who to charge what rate. If the city has to charge everyone by their exact lot size the city would have to hire more staff.

City Manager Linn clarified that the local gas tax fund is being overspent and it is necessary to have a revenue source in order to acquire some low rate loans. John Galen, Director of Public Services, clarified for Mayor Brown that EPA is causing some pressure to have a stormwater utility.

Jim Miller clarified for Councilor Gilbert that the unit size was based on 1998 aerials. Councilor Gilbert did not feel everyone should be charged the same exact amount.

John Galen asked the City Council if they wanted a storm water utility and they could look at the specifics later.

Councilor Pruette suggested adding this to the property tax so a citizen could deduct it from their taxes.

Consensus: TO AGREE TO THE CONCEPTUAL IDEA OF A STORMWATER UTILITY AND DECIDE ON THE SPECIFICS LATER.

Recess/Reconvene

Mayor Brown called for a recess at 7:00 p.m. The meeting reconvened at 7:11 p.m.

LDR

Building Official Dan Arlington began his presentation by stating all definitions were in Article One of the new code. He was not finished with adding all of the necessary definitions but would have them complete at the next LDR meeting. He would be going over the changes he felt necessary to point out and encouraged the council to ask any questions as he went along.

Building Official Arlington pointed out that there were typos throughout the document and they would be fixed at the final review. He then began reviewing his outline.

27-7 General finding. There is no legal bearing in this section. It is a description of the general intent.

27-16 Clarifies the number of dwelling units allowed on a lot. This is the first of several additions aimed at reducing density. This deletes any fraction of a unit which could be used to increase density.

27-19 Typos throughout document. Final legal and grammatical review has yet to be done.

27-24 Further enforces setback and density guidelines.

27-24 Insert "Foot-print Note" – See Section 27-706 (Reconstruction of substantially damaged or destroyed nonconforming residential structures)

Discussion about footprint bill ensued.

Consensus: ADD NOTE WITHIN THIS SECTION THAT IF SOMEONE STAYED WITHIN THE FOOTPRINT AND THE TOTAL SQUARE FOOTAGE, THE BUILDING OFFICIAL CAN ALLOW THEM TO TOTALLY TEAR DOWN THE HOUSE.

27-36 Should read that Council approves all Planning and Development Review Board (PDRB) decisions. The last sentence should read, "As such, the Board is created to recommend land use policies to the City Council and to review and approve or deny preliminary development plans..."

27-38(a)&(b) PDRB membership guidelines were changed and changed back again. No changes for this section, in this version.

27-38(h)&(i) Sections provide for PDRB subcommittees, including Architectural Review and Historic Preservation, subject to confirmation by the City Council.

Council discussed the idea of Architectural review. Mr. Arlington stated it was in the old code and it was not required in any way.

Consensus: TO STRIKE ADDED LANGUAGE OF 38 (h) and (i).

27-39(a)(4) Should read "advisory" not "final". (Council decision)

Consensus: STRIKE ALL REFERENCES TO HISTORIC PRESERVATION OR ARCHITECTURE BOARDS

Vice Mayor Shimp objected to boards telling citizens not to do things because it was not allowed in the new code, which has not been passed yet. He asked the council to take action on this.

Consensus: FOR THE CITY CLERK AND BUILDING OFFICIAL TO WRITE A MEMO TO THE BOARDS REQUESTING THEM NOT TO ADVISE CITIZENS BASED ON ANY NEW CODE THAT HAS NOT BEEN PASSED AND HAVE THIS MEMO BE FROM THE COUNCIL.

Councilor Pruette added that it may be wise to leave in the historical preservation board for future use. The council discussed this idea. Mr. Arlington stated that the last two articles of the regulations dealt with architecture and historical preservation and could be looked into at a future date.

27-39(c) Should read "...applications for preliminary development review..."

27-39 General comment. It is not specifically stated in the Code, but since the PDRB reviews all commercial development, in effect, they have been reviewing variances for commercial development (subject to Council approval) and the Board of Appeals has been reviewing variances for residential development.

27-78 It was the intent of the PDRB for the added language in Sec. 27-5(a)(2) to have been added here. A Development Permit will expire if the development activity is not continuous, including a City building inspection at least every six (6) months.

Consensus: ADD THE ABILITY TO GET AN EXTENTION OF THE SIX (6) MONTHS TO 27-78.

ADD "CONTINUOUS" IN THE DEFINITIONS SECTION

Councilor Pruette began a discussion on Planned Unit Developments.

Consensus: TO DISCUSS STRICT PUD GUIDELINES WHEN THAT SECTION OF THE CODE IS BROUGHT FOR DISCUSSION.

27-80(1) Adds "Intensification of use" to development activities requiring development review. The use of a structure is included in the term "enlarging a nonconformity" and "enlargement of a use" has been a difficult point in several discussions. This section also includes requiring a permit for adding driveways.

Consensus: ADD "INTENSIFICATION OF USE" TO THE DEFINITIONS.

27-82 The first of the three development review processes, "Conceptual review" was eliminated; leaving Preliminary and Final Review.

Consensus: TO LEAVE IN THE CONCEPTUAL REVIEW AS AN OPTION.

27-82(b) Throughout the proposed code, fees and other charges were changed from a fixed fee to an amount established by Resolution of City Council. Also, time to complete Final Development Review was changed from eight (8) to six (6) months after Preliminary Review.

27-101 New language clarifies and re-enforces that no property, within the City limits, can be subdivided without Council approval

Council discussed what a lot of record is and how a citizen would prove it.

27-101.1(b)(3) Refers to townhouses and condos. This Section helps the City to grandfather existing townhouses and condos but no new townhouses or condos should be approved without Council approval; they do not meet the other sections of this code.

27-101.1(b)(5) This situation should never happen. Residential lots are prohibited in nonresidential districts.

Consensus: TO STRIKE SECTION 27-101(b)(5)

27-102(a) It was intended to require ten (10) copies of Preliminary Plat in this section. Section 27-107(2) should still be four (4) copies.

Consensus: TO CHANGE THE WORD "DUPLICATE" TO "TEN COPIES".

STRIKE LAST "HOWEVER, NO FINAL DEVELOPMENT PLAN APPROVALS OR ORDERS SHALL BE ISSUED UNTIL THE PLATTING PROCESS HAS BEEN COMPLETED, FIRST AND FOREMOST".

27-107(4) New language requires a survey dated within 30 days of application so that the most current information is being considered.

27-109(a)(4) New language re-enforces density controls.

27-116(b)(1) Add the word "final" as in 116(b)(2).

Consensus: TO ADD THE WORD "FINAL".

27-133(a) New language is an extension of 27-39 notations, assigning commercial variances to the PDRB.

Consensus: TO ADD "COMMERCIAL".

27-144 Staff requests the following changes:

1. The specified time of notice in both paragraphs (a) and (c) should be 15 days.
2. To ensure proper delivery of notices, staff should mail them at the applicant's expense.
3. Mailing by certified mail is a change from regular mail in existing code.
4. Notifying property owners within 150 feet vs. abutting lots and lots directly across the street is an increased requirement. Required notification can go from six to twenty properties.
5. The current cost of certified mail is \$4.00.
6. In cases when the Board does not meet or the application is not considered, the notices already advertised, mailed, and posted should be adequate for the following meeting.

Consensus: TO MAKE ALL CHANGES LISTED TO SECTION 27-144.

27-187 Apparently, the State guidelines, for amending Comprehensive Plans, change regularly. The proposed code uses the most current version of F.S. 163 and Florida Administrative Code Rule 9J-11.

Discussion ensued about how to proceed next with the Land Development Code. Councilor Pruette asked why stormwater management was deleted. Mr. Arlington stated it was repetitive from another section of the code. City Clerk stated that once the definitions and the rewording on 27-24 was complete these articles would be finished.

Adjournment

There being no further business, the meeting adjourned at 9:00p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____