



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 21, 2001 AT 7:00 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 May 21, 2001 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Finance Director Steve Ramsey
Councilor Ronald Patronik	Deputy City Clerk Karla Strait
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
Councilor J. W. "Buddy" Crout	Building Official Dan Arlington
City Attorney Christopher White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	

Call to Order/Roll Call The Mayor called the meeting to order at 7:00 p.m.

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn referred the council to a memo in the agenda packet he had written to Chairman Dayne Etherton. Mr. Linn updated that there would be a bid opening on painting, resurfacing the tennis courts, and construction of the shelters for Jarboe Park on June 6, 2001.

CITY MANAGERS PUNCH LIST

Bike Path **PENMAN ROAD BIKE PATH:** Mr. Linn reported that there was a proposal for landscaping the bike path using the Duval County Tree Mitigation Funding.

AT&T/Broadband **AT&T / BROADBAND:** Mr. Linn stated that Ann Murphy had informed him AT&T Broadband would freeze the current rates throughout the city because they did not meet their obligation of having Broadband completed by the end of the year.

PROPOSED ORDINANCES

Detached Garages **PROPOSED ORDINANCE TO DEFINE AND CONTROL DETACHED GARAGES:** City Manager Linn stated this ordinance was inspired by the Planning & Development Review Board and asked Chairman of the Board John Weldon to explain why the council was being asked to consider the ordinance.

Chairman of the Planning & Development Review Board John Weldon explained that garages were not addressed in the Land Development Code. Mr. Weldon stated that the Building Department had been receiving requests for detached garages and the code did not provide any guidance. The Planning & Development Review Board had forwarded the suggested ordinance to the council as an emergency measure to deal with the detached garages.

Vice Mayor Shimp was concerned that the ordinance would prevent the construction of garage apartments. John Weldon responded that it was not the intention of the ordinance to prevent garage apartments.

Discussion ensued about detached garage apartments and density.

Councilor Crout agreed to sponsor the ordinance to define and control detached garages.

Consensus: **FORWARD TO THE MAY REGULAR CITY COUNCIL MEETING FOR FIRST READ.**

Abandon Property

PROPOSED ORDINANCE TO ABANDON, VACATE OR CLOSE CERTAIN RIGHTS OF WAYS: City Manager Linn stated this request came in as a development order for the abandonment of certain right of ways for Dynamic Anderson. Mr. Linn added that Councilor Crout had questioned the adoption of the development order without abandoning the right-of-way first. The issue was tabled and Dynamic Anderson now had a legal description of the sections that they were asking to be vacated and abandoned.

Councilor Shimp suggested that because the Dynamic Anderson Landscape Nursery would make money off the abandonment of the property that the property should be sold to them for fair market value.

Legal Advice Attorney Chris White advised that there are restrictions and prohibitions on a municipality selling public property to private owners.

Mayor Brown inquired if it was of any value to the city to preserve the easement. City Manager Linn replied that Director of Public Services John Galen was asked to review and find out if there were any immediate concerns about utilities. Mr. Linn stated that a public right of way was for all utilities and all utilities should be contacted before it was abandoned.

Council agreed to hear from Hilton T. Meadows, Land Planner & Development Consultant for the project.

Hilton T. Meadows, 6837 Merrill Road, Jacksonville Florida, showed and reviewed a map with council which explained the specific right of way they were asking to be abandoned.

At the request of Vice Mayor Shimp, City Attorney White agreed to provide an explanation in writing on the restrictions and prohibitions of a municipality selling public property to private owners.

Legal Advice Attorney Chris White advised the city to hire a surveyor at the property owners expense to confirm the survey presented by the property owners.

Councilor Crout agreed to sponsor the ordinance to abandon property.

Consensus: **TO FORWARD TO THE REGULAR CITY COUNCIL MEETING FOR FIRST READ AND GATHER INFORMATION AND LEGAL ADVISE.**

Beach Access
Protection

PROPOSED ORDINANCE TO CONTROL USES OF BEACH ACCESSES: Councilor Pruette felt that in the spirit of the referendum that was passed several years ago the beach accesses needed to be protected.

City Manager Linn explained the purpose of this ordinance would control what happened to right of ways on beach accesses. Mr. Linn added there was currently a charter provision whereby the city could not vacate or abandon a beach access without a referendum. However, there was nothing in the ordinance about how the right of way could be used.

Consensus: **DEFER WHILE AWAITING FEED BACK FROM CITY ATTORNEY CHRIS WHITE.**

Corner Lots

ORDINANCE TO AMEND THE DEFINITION OF A CORNER LOT: Councilor Pruette felt that corner lots needed to be defined in order to help protect the beach accesses for the following reasons: 1) If they were not considered corner lots then the side setback requirement was only 7 feet and, 2) if they were considered corner lots the property owners could have the beach accesses paved.

City Manager Linn stated that the existing code defined corner lots as being abutted by two streets, not a street and a right of way. Therefore the beach accesses were not considered corner lots. However that effected the side setback requirements and fence heights, which could be up to six feet high on side property lines.

City Attorney Chris White asked each council member to contact him with suggestions.

Consensus: **DEFER WHILE AWAITING FEED BACK FROM CITY ATTORNEY CHRIS WHITE.**

Agenda Change

Mayor Brown changed the agenda to allow John Weldon to make a presentation to the council on the Land Use Regulation Revisions.

Land Use Revision

LAND USE REVISION: Chairman of the Planning & Development Review Board John Weldon explained that two years ago the city had appointed Ivey, Harris, & Walls, a professional consultant to assist in revising the land use codes. Mr. Weldon felt that due to the rapid population growth the quality of life would change if the leaders did not act to protect the city against development abuses and densification. Mr. Weldon added that the current code was not adequate to handle the fast pace of development because of the following reasons:

- Relationships between municipal boards and the city council were not clearly delineated.
- Very little guidance was offered to the boards on which to base their decision making.
- Sections of the code were confusing and conflicted with one another.
- Many important issues were not addressed at all.
- The process of applying for development orders was poorly defined.
- Definitions in general were unclear and contradictory.
- Zoning regulations did not provide adequate protection against densification in residential districts.
- Landscaping and tree protection ordinances were inadequate.
- Parking requirements were inappropriate for many areas of the city.
- Enforcement provisions were weak and ineffective.
- The code was unclear and had to be interpreted by staff and the interpretations had been inconsistent.

- The code encouraged a wide range of unnecessary variance requests.

Mr. Weldon felt an effective Land Development Code was absolutely essential to preserve the quality of life in Neptune Beach and that it was time to regroup and restart the review process that was started two years ago.

Discussion ensued about continuing the review of the Land Use Regulations.

Consensus: **TO HAVE ASSISTANT TO THE BUILDING OFFICIAL PIPER TURNER SEND OUT COPIES TO THE COUNCIL OF THE LAND USE REVIEW SHOWING WHERE WE ARE AT THIS POINT.**

CONTRACT/AGREEMENTS

Town Center Drainage **PROPOSAL FOR A STUDY OF DRAINAGE AT TOWN CENTER:** City Manager Linn had a proposal from PBS&J for \$25,500 to study the flooding at Town Center and recommended the cost be shared between Neptune Beach, Atlantic Beach, and Jacksonville.

Discussion ensued whether to spend \$25,000 for a study that may be turned down by the D.E.P. Installing a walkway/crossover that would allow beach access for the handicapped as well as the citizens and visitors when the area was flooded was discussed.

City Manager Linn stated the Department of Environmental Protection had already permitted the crossover. But the contractor went out of business. All we need to do is find a new contractor.

Consensus: **TO BUILD THE CROSSOVER.**

FOP Lodge **FOP LODGE LEASE AGREEMENT – PROVISION FOR FEE FOR CITY UTILITY AND GARBAGE SERVICE:** Mayor Brown stated that there was nothing the council could do to decrease the water payment for the F.O.P. Lodge and asked that the issue be dropped.

Florida Blvd. Landscape **PROPOSAL FOR LANDSCAPE DESIGN SERVICES FOR FLORIDA BOULEVARD:** Mr. Linn stated that Jacksonville City Councilman Jerry Holland had stepped forward with funds from the Duval County tree mitigation fund. Councilman Holland had asked for a design and estimate and Mr. Linn said Goddard design had presented a proposal for \$4900 if we received the funding.

Consensus: **FORWARD TO THE REGULAR CITY COUNCIL MEETING.**

Harcon **HARCON – UPDATE ON PHASE I:** City Manager Linn informed the Council that Harcon was no longer in business. The bonding company had assured staff that the job would be completed. Jim Miller with PBS&J prepared a punch list of things that needed to be completed by Harcon.

ISSUE DEVELOPMENT

Beaches Park Project **DONATION TO BEACHES PARK PROJECT FOR KIDS:** Sherry Nicholson had previously asked for a donation from the city for the Beaches Park for Kids Project and had been turned down. Vice Mayor Shimp asked for reconsideration due to excessive handicap accessibility.

Consensus: **FORWARD TO THE JUNE REGULAR CITY COUNCIL MEETING CONSENT AGENDA FOR A DONATION OF \$1,620.**

Neighborhood Intervention

NEIGHBORHOOD INTERVENTION / MEDIATION: Vice Mayor Shimp suggested initiating a neighborhood intervention/mediation program to settle disputes between neighbors.

Consensus: **HAVE MR. LINN CONTACT THE STATE ATTORNEY'S OFFICE TO SEE IF THEY COULD INCREASE THE INTAKE FACILITY TO INCLUDE NEPTUNE BEACH, INCREASE PUBLICITY, INVESTIGATE A LOCATION IN NEPTUNE BEACH TO USE AS A HEARING FACILITY AND ASK TO EXPAND THE JURISDICTION.**

City Manager's Goals

CITY MANAGER'S GOALS: Councilor Crout asked that this be moved to the next workshop due to the late hour.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Richard Keene, member of the Code Enforcement Board, 733 Bay Street, stated that he was currently a volunteer mediator with the State Attorney's Office and they had a program at the beaches. He added that Council could contact the State Attorney's Office to ask to involve Neptune Beach. Mr. Keene proposed a roll away crosswalk at the Town Center Lifeguard Station and wanted a traffic pattern arrangement completed on Florida Boulevard before the landscaping. He also suggested that the F.O.P. Lodge install a shallow well for irrigation.

Joanne Waddill, 115 Oleander Street, stated that she used to be a mediator for citizens disputes which met at Neptune Beach City Hall. Mrs. Waddill asked for a copy of the Florida Boulevard landscaping design.

Michael Adams, 320 First Street, was relieved that the Land Use Code was not rushed through the last council. Mr. Adams was happy with the new council.

Lynda Padrta, 1113 First Street, felt that the last council did not listen to citizens when they were reviewing the Land Use Code. She Padrta felt the financial status of companies should be checked out before they are hired. Ms. Padrta suggested a fix it up week to help seniors. She stated that illegal apartments should be enforced.

Tom Tankersley, former Vice Mayor & Councilor Member, 1038 Kings Road, asked if the ditch on Florida Boulevard would be filled in with the landscaping project. Mr. Tankersley stated that Section 27 Article IV was the biggest problem with the Land Use Regulation Revisions and asked the council to review the letter he wrote when he was on council.

Adjournment

There being no further business, the meeting adjourned at 10:04 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____