



**TOWN HALL MEETING  
NOVEMBER 13, 2001, 7:00 P.M.  
CITY HALL, 116 FIRST STREET,  
NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Town Hall Meeting of the City Council of the City of Neptune Beach was held November 13, 2001, 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

**Attendance**

The following Council members and staff were in attendance:

Vice Mayor Robert D. Shimp	Ass't to the Building Official Piper Turner
Councilor Ronald D. Patronik	
Councilor Jimmy Gilbert	Absent:
City Manager Richard A. Linn	Mayor Dick Brown
City Clerk Lisa Volpe, CMC	Councilor Harriet Pruette
Building Official Dan Arlington	City Attorney Christopher White

**Call to Order**

The Vice Mayor called the meeting to order at 7:00 p.m.

**Public Comments**

Vice Mayor Shimp opened the meeting. He stated he spoke with City Attorney White and was told if anyone has a deed that is dated before August 1, 1994, their property is already grandfathered.

City Clerk Volpe read a letter from Councilor Pruette into the record:

Regrettably I am unable to attend tonight's town hall meeting due to a prior commitment. Please rest assured that your elected body is all on the same team here to resolve this issue affecting you. At the November 5, 2001 regular council meeting, we passed a resolution to take proper legal steps to remedy the oversight. The city attorney and staff are working to provide us with the information we need to resolve this as quickly as possible. This issue has been placed on the workshop next Monday November 19, 2001 for discussion.

Sincerely,

Harriet Pruette

City Manager Linn stated the Mayor had a prior commitment and was unable to attend the meeting.

Sherry Nutt, 2507 Watersedge Drive, asked if the land has not been platted how can you have a deed of record.

Building Official Arlington stated the Footprint Bill allowed for anything built without the correct procedure prior to August 1994 to be grandfathered in.

Councilor Gilbert read from the code, Division 4 Minor Replat Requirements Sec 27-105 this type of replat can be approved by the city manager. The one requirement that the city does not have is a copy of the individual survey. City Manager Linn stated that he can only approve a minor replat if it is dividing one parcel into two plats and all other requirements are met. Discussion ensued that in this case the City Council would have to approve this replat. City Manger Linn stated each parcel would have to submit the deed and apply to council to have the land subdivided. Building Official Arlington said the city had no application but a letter of intent would satisfy requirements. Councilor Gilbert stated the entire development was not built in the proper way and now we have to fix the problems as they come up.

Sherry Nutt asked if her property met zoning requirements. Building Official Arlington said they did not but as long as they have a lot of record they can rebuild under the Footprint Bill. Ms. Nutt asked how this could be corrected at the property appraiser's office.

Building Official Arlington stated that regardless of any action the properties would be nonconforming and would have to be rebuilt to today's building code. He commented that the area was in R-4 and R-5 zoning which did not agree with what was there. He also mentioned that he did not believe any of the buildings had fire walls.

Ralph LaPerna, 2507 Watersedge Drive, asked if the city manager could take care of any parcels that just need to be subdivided.

City Manager Linn stated they would still have to go before council because they do not meet other criteria such as setbacks.

John Johnson, 2521 Watersedge Drive, liked the idea that he just had to bring the survey and asked if he could expect total council support.

Council agreed there was support and Vice Mayor Shimp said he had been disappointed there was no date set at the last meeting.

Linda Bassett, 2535 Watersedge Drive, stated she worked for a mortgage company and when she closed on the property she had a letter from Dan Arlington. She asked what could be done about the pot holes since the city did not own the street.

Councilor Gilbert asked about giving the street to the city. Vice Mayor Shimp asked if there were low income grants available to help the citizens. City Manager Linn stated the income level was too high for the grant status. He stated the street in front of the apartments was owned by JEA and street behind was owned by Neptune Beach but was considered wet lands.

Christie Mattox, 2507 Watersedge Drive, stated she had a FHA bond mortgage and did not want her home condemned if it was not up to code. She asked the amount of damage that could not be rebuilt. Mr. Arlington stated it would be 50% if the city did not replat the land.

Mr. Arlington explained the letter presented by Linda Bassett in August of 1999. He stated he would not be as broad if he wrote it today. He stated the city would support the letter but would be sure the that all surveys had common property lines.

Bob Zempher, 2545 Watersedge Drive, asked what the time limit was to get the survey in and how old it could be.

Mr. Arlington stated the age of survey did not seem to matter. The city manager stated the legal description had to agree with that on the deed. Vice Mayor Shimp asked if the people

could bring the survey by next Monday. City Clerk Volpe mentioned that residents may also want to bring their deed in case it was necessary. City Manager Linn questioned the liability of the city as to who will pay for the replat, which is usually paid by the developer.

Ralph LaPerna, 2507 Watersedge Drive, asked if he would have a lot and block number when it was finished.

Discussion ensued about the city paying for the replat.

Judy Bost, 115 Walnut Street, asked if there was a difference between deed of record and lot of record? The answer was yes. What happens if the footprint goes away? This is a legal question.

Mr. LaPerna asked who would be paying for the replat. City Manager Linn stated that usually the developer would pay for the replat and city would just record it., but this is a different circumstance so it would be up to the City Council.

Mr. Arlington stated he would not write such a broad letter as he did in 1999 because of problems east of Third Street. Mr. LaPerna felt that the city should take care of the entire city at the same time. Councilor Gilbert commented every situation needed to be treated separately.

Kurt Estebanez, 2505 Watersedge Drive, asked if one unit out of four on the lot was not ready with their information would they hold up the process.

Richard Keene, 733 Bay Street, stated all information is public record including surveys and deeds.

Jane Debord, 2513 Watersedge Drive, asked if they could be legal with Duval County and illegal with Neptune Beach

City Manager stated they were not lot of records. Duval County will give a deed for any amount of land even for 2 ft by 2 ft. Mr. Arlington stated the city sets guidelines of what can be done on the land the county just gives a legal description.

Vice Mayor Shimp thanked everyone for coming.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

Richard Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_