



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**APRIL 15, 2002 AT 7:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held April 15, 2002 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

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

Assistant to the City Manager Terry Klein  
Building Official Dan Arlington  
Deputy City Clerk Karla Strait, CMC

ABSENT:  
City Attorney Christopher White

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 introduced Dayne Etherton, Chairman of the Ish Brant Beautification Committee. Mr. Etherton reported the committee was working on the following projects: 1) a state grant to finish the culvert on Florida Boulevard, 2) more plants and mulch in the Butterfly Garden, 3) grants offered through the Arbor Day Foundation, 4) continuing to choose a yard of the month, 5) bids for wildflowers on Third Street. 6) beautification of the Seagate Avenue entrance, 7) grant money for sprucing up Stevens Park, 8) getting more streets adopted, 9) creating a barrier of trees at the Watersedge overpass, and 10) trees and vegetation along the beach.

Vice Mayor Shimp suggested that Mr. Etherton obtain money from the City of Jacksonville to continue planting the palm trees in the medians south on Third Street.

Councilor Pruette thanked Mr. Etherton and the committee for their hard work and dedication.

**CITY MANAGERS PUNCH LIST**

Kings Road Bridge

**KINGS ROAD BRIDGE:** City Manager Linn stated he would address the Kings Road Bridge under agenda item 5a, Architectural Services.

Flood Marking

**FLOOD MARKING ON FIRST STREET:** City Manager Linn reported the "Flood Zone" stencils had been received and the City was ready to start marking the pavement on First

Street.

- Sewer Project SEWER PROJECT – FIELD TRIP: City Manager Linn asked the Council if they would like to accompany him on a field trip to St. Augustine Beach to look at their new operating vacuum sewer system. Council agreed to two separate trips, Tuesday evening with City Manager Linn and Saturday morning with Vice Mayor Shimp.
- CAFR COMPREHENSIVE ANNUAL FINANCIAL REPORT: City Manager Linn reported the Comprehensive Annual Financial Report was complete and asked Council if they would like him to invite the auditors to a council meeting to do a presentation.
- LDR LAND DEVELOPMENT REGULATIONS REVIEW: City Manager Linn stated that due to a heavy workload Building Official Dan Arlington would not be prepared for the Land Development Regulation Review meeting scheduled April 29<sup>th</sup>. Mr. Linn asked the council if they wanted to postpone the meeting.
- Consensus: **TO POSTPONE THE LAND DELVELOPMENT REGULATIONS REVIEW FROM MONDAY, APRIL 29, 2002 TO TUESDAY, MAY 28, 2002.**
- Sunday in the Park SUNDAY IN THE PARK – APRIL 14, 2002: City Manager Linn reported “Sunday in the Park” was well attended and thanked the Council for their participation. A financial report would be forthcoming. Mr. Linn thanked Elaine Kenny who hosted the event.
- Summer Sands SUMMER SANDS – STEVE JARRETT DEVELOPMENT ISSUES: City Manager Linn stated he would address this issue under agenda item 6d, Summer Sands/Jarrett Issues.

#### **PROPOSED ORDINANCES/NONE**

#### **CONTRACT/AGREEMENTS**

- Architectural Services ARCHITECTURAL SERVICES – CITY YARD – OPERATIONS & MAINTENANCE FACILITY: City Manager Linn introduced Jose Perez of PQH Vargas. Mr. Perez agreed that a new Public Works Facility was needed and that the overhaul would help serve the taxpayers of Neptune Beach. Mr. Perez explained his services would be in phases. The first stage was the programming phase, which was to create a report, define the functions that were needed, and define the components and sizes. The next phase would be the schematic phase, which consists of 30% completed documents, the plan layout and determining construction materials. At this point he would give an opinion of probable cost for the project and the Council could make a decision on whether or not to proceed, stop, increase, or decrease the project. If Council decided to proceed they would select a delivery method of either design build, conventional method of design and bid, or have a pre-selection of bidders and create a short list. The proposed fee for these services was \$85,391.01.

Vice Mayor Shimp asked if the residential area would be taken into the consideration of the design. Mr. Perez responded that it would be necessary to take the close proximity of the residential area into consideration.

Councilor Pruette asked if the amount of \$233,000 was for the design work only. Mr. Perez responded that amount would include the final design package ready for construction. It did not include the cost of the construction.

Councilor Patronik asked if the project could be done in phases. Mr. Perez replied if the project was done in phases it would be more difficult and more expensive. He would need to know that up front in order to make recommendations on what needed to be

done first.

City Manager Linn explained the contract with PQH Vargas in the amount of \$85,391.01 would include the total development plan. Mr. Linn added at the end of 30% of the design, the first phase, the Council would choose whether or not to proceed with the project.

Councilor Pruette asked City Manager Linn to make a list of all costly capital improvements that were needed so Council could determine the priorities before making any decisions.

Councilor Gilbert was concerned about the state and national control of the property surrounding the intercoastal waterway and asked if the City would be committed to the total amount of \$85,391.01 for the project if for some reason it had to be stopped. Mr. Perez replied it would be a pay as you go contract with a termination clause and could be stopped at anytime.

Vice Mayor Shimp felt the facility was needed and it would be more expensive to it put off for the future. There was no other property in Neptune Beach to build a new city yard except the current location. Vice Mayor Shimp added the Kings Road Bridge had to be replaced.

City Manager Linn stated PQH Vargas had an excellent recommendation from the City of Jacksonville Beach and he wanted Council to be comfortable before proceeding.

Councilor Pruette asked City Manager Linn when he would start negotiations with the City of Jacksonville Beach on the franchise fee for providing electricity in the City. City Manager Linn stated he had started the negotiations. Mr. Linn added the funds for the project would come from the Better Jacksonville ½ cent tax not from the money received from the City of Jacksonville Beach.

City Manager Linn added that he spoke with the architect about the need to replace the Kings Road Bridge being a priority in the Better Jacksonville Plan Funding. Mr. Perez brought his civil engineers out to take a look at it and they proposed a fee of \$25,000 to complete a Preliminary Study.

Mr. Perez stated the structural and civil engineer met with John Galen in regards to the Kings Road Bridge and they were in the process of working with the Department of Transportation to determine if the bridge needed to be designed and built under their standards or the City of Neptune Beach's standards. If the bridge was built and supervised under the Department of Transportation standards the DOT would adopt the bridge and it would fall into their maintenance program.

Mayor Brown asked what was the next step in the process. Mr. Linn replied he wanted Council to review all the documents and forward it to the regular Council meeting agenda.

Consensus: **TO FORWARD THE ARCHITECTUAL SERVICES CONTRACT FOR THE OPERATIONS & MAINTENANCE FACILITY TO THE MAY REGULAR CITY COUNCIL MEETING.**

#### **ISSUE DEVELOPMENT**

#### Development Orders

**NOTIFICATION TO NEIGHBORS OF PROPOSED DEVELOPMENT ORDERS:** City Manager Linn stated the provisions of the Code were to give notification to neighbors of rezoning and variance requests. Council discussed different ways to notify the surrounding neighbors of development orders.

Consensus: **ADD NOTIFICATION OF NEIGHBORS ON DEVELOPMENT ORDERS TO THE CITY MANAGER'S PUNCH LIST.**

Poinciana Rd.  
Development

WORKSHOP ON POINCIANA ROAD DEVELOPMENT ORDER – SUMMER SANDS:  
City Manager Linn stated there was a series of lots along Poinciana that were platted and the developer had a right to develop them. The City could not restrict access.

Steve Jarrett, 210 South Street, the developer of the property, stated his proposal was simply for a minor replat to divide one of the lots. He proposed entering the property through the Oakhurst Drive right-of-way. He would continue the pavement down to his four lots adding a cul-de-sac at the end of Oakhurst Drive. He felt that would be the minimum impact on the residents of Summer Sands. He was not opposed to opening up Bay Street to Summer Sands.

The Council discussed alternative entrances to the development and the possibility of the City paving the streets and assessing the adjoining property owners.

Steve Jarrett stated he would not mind if the City was willing to pave the streets but the Little Red Schoolhouse would have to take on the majority of the assessment.

Mayor Brown asked City Manager Linn to get an estimate of what the cost would be for the City to pave Bay Road and Poinciana Road.

Steve Jarrett questioned the right of the City Council, under state law, to deny access to development of land on a platted lot that was a legal right of someone. If he had not requested the minor replat he would be able to start construction using the entrance without the approval of Council.

City Manager Linn stated that the Code of Ordinances dictated how the City would be developed. The Council was to entrust the staff to enforce the Code. The Code said there was a right-of-way on Poinciana Road and if a developer wanted to develop it there was no way, short of Council directing the City Manager and staff, not to grant the building permit. Mr. Jarrett was correct that if he had not tried to divide the one lot he would be able to go ahead and get the building permit and proceed with what he wanted to do without the approval of Council. Mr. Linn asked the Council to direct him not to deny Mr. Jarrett access through Summer Sands.

Vice Mayor Shimp called for a point of order and asked for a consensus that Mr. Jarrett be denied access to his development through Summer Sands. Mr. Linn strongly urged Council not to take that action until advised by the City Attorney because it may have legal consequences.

Councilor Gilbert stated he did not want Mr. Jarrett to access the development through Summer Sands. However, he did not want to risk a lawsuit that would affect the entire City. Councilor Gilbert asked for a consensus to gather more information until the legal issues had been resolved.

Councilor Pruette stated the Charter read that all powers were invested in the Council. She did not support Mr. Jarrett going through Summer Sands but she was willing to work with Mr. Jarrett through the City Attorney for a solution. Ms. Pruette added that it all boiled down to money.

Mr. Jarrett asked for a date when the decision would be made on the two alternative accesses of either Florida Boulevard to Oakhurst Drive or Bay Road.

Vice Mayor Shimp called the question. Councilor Gilbert wanted to know what the legal ramifications would be if access was denied.

Consensus: **TO NOT ALLOW STEVE JARRETT ACCESS OF HIS FOUR LOTS THROUGH SUMMER SANDS – EXPLORE ALTERNATIVES AND LEGAL RAMIFICATIONS.**

Impervious Surface **IMPERVIOUS SURFACE LIMITATION – COMPARISON OF BEACHES CITIES:** City Manager Linn stated that Building Official Dan Arlington had compared impervious surface Ordinances of the City of Jacksonville Beach and the City of Atlantic Beach. Atlantic Beach was 50% and Jacksonville Beach was 35%. Mr. Linn and Dan Arlington recommended 50%. Councilor Pruette stated she would sponsor an ordinance. Councilor Gilbert agreed to co-sponsor it. Both agreed the City should adopt this Ordinance to protect the future of Neptune Beach.

For the Record Vice Mayor Shimp stated for the record he felt the ordinance was wrong.

Consensus: **TO HAVE STAFF DRAFT AN ORDINANCE OF 50% IMPERVIOUS SURFACES WITH A TWO YEAR GRACE PERIOD.**

Summer Sands **SUMMER SANDS – STEVE JARRETT DEVELOPMENT ISSUES:** City Manager Linn reported he and Building Official Dan Arlington visited the site of Leeward Landing North. Summer Sands residents were concerned about three items. Number 1, Steve Jarrett had promised to replace the green chain link fence that was partially torn down by development. Mr. Jarrett told Mr. Linn he was willing to replace the fence or put up a privacy fence and also landscape the area. Item number two was the drainage. Mr. Linn stated the drainage had been installed according to the plans and there was not a problem. Item number three was that the road leading southwest off the cul-de-sac was too close to rear yards in Summer Sands. Mr. Linn reported the road was on the right-of-way, it was wider than anticipated and if it was an issue he would ask the developer to narrow it.

#### Public Comments

#### **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Bill Darush, 304 Sunrise Circle, stated there was a drainage problem since the Leeward Landing North was put in. The Board of Directors of Summer Sands Homeowners Association had requested the green chain link fence be replaced and extended. The road was too wide and it would help if ten or fifteen feet were taken off the north edge of it. Mr. Darush suggested that Mr. Jarrett pave Poinciana Road, put a cul-de-sac at the end coming in off Bay Road, and the City pay for the paving of Bay Street with no assessment. Mr. Darush felt Summer Sands should not be assessed for the paving because they would not benefit from the road.

JoAnn Hoffman, 130 Sand Castle Way, wanted a final decision on the access to Mr. Jarrett's property so she would be able to relax knowing it would not be allowed access through Summer Sands. Ms. Hoffman stated her house backed up to Poinciana and there was a severe drainage problem.

Michael Aston, 1523 Summer Sands Drive, questioned if the law stated the City had to pave access to the land or provide the access to the land. City Manager Linn responded that it said you could not deny access to the land.

Lynda Padrta, 1113 First Street, supported the impervious surface ordinance. She was opposed to the Council trying to take action while disregarding legal ramifications. Ms. Padrta was concerned about the residents wanting to block access to Mr.

Jarrett's development yet they were not willing to help pay for an alternate solution. Ms. Padrta was also concerned that an adjacent neighbor was not made aware of an appeal on a variance request, which he opposed at the Board of Appeals meeting, and was overturned by the Council. She felt if the Council wanted to overturn Board decisions they should change the Code to allow them the final approval.

Chip Manley, 1453 Spindrift Circle East, wanted to know exactly when Mr. Jarrett would be replacing the fence and planting shrubbery, when the pond would be cleaned up and who was responsible for taking care of the pond.

Romaine Moore, 1511 Spindrift Circle West, stated that her deck was about ten feet from the edge of the blacktop of Mr. Jarrett's development. She also felt Mr. Jarrett should be held accountable to landscape and replace the fence.

Debbie Fields, 1901 Forest Avenue, stated there were thirteen "No Parking" signs on Forest Avenue within 1½ blocks. Ms. Fields suggested using less signs or smaller signs.

Hays Bishop, 1443 Spindrift Circle East, felt Mr. Jarrett should be responsible to spray the retention pond or put a fountain in it to keep the mosquitoes away. Ms. Bishop was also concerned that without the fence children were trespassing through Summer Sands.

Lana Huguenin, 1520 Summer Sands Drive, was concerned about children getting hit by cars while crossing the street if they allowed access to Mr. Jarrett's development through Summer Sands. She felt paving Poinciana Road would add to their drainage problem. She favored the Ordinance for impervious surfaces. Ms. Huguenin added that if signs had been posted on the property to notify them of the development order they would have been put on the wrong side and they would not have seen them.

Larry Shealy, 1501 First Street, thanked the Council for doing a great job. Mr. Shealy was concerned about the legal ramifications of denying access to Mr. Jarrett's development without the City Attorney present.

#### **OPEN DISCUSSION**

Mayor Brown acknowledged that City of Jacksonville Beach Councilman Art Graham was present in the audience.

Councilor Pruette asked Steve Jarrett who would be responsible for taking care of the pond. Mr. Jarrett responded ultimately a Homeowners Association would be established and it would be the responsibility of that Association.

Councilor Pruette asked Steve Jarrett if he could give the residents of Summer Sands a date when the fence would be put up. Mr. Jarrett answered that he could not give an exact date but he would start right away to solve all the issues.

Chip Manley was not happy with Mr. Jarrett's reply and wanted an exact date when the fence would be up from Steve Jarrett.

Councilor Pruette stated that he had Council's attention and should give Mr. Jarrett a chance.

Councilor Gilbert stated the Code read that there had to be a procedural error for an

appeal from a Board and he felt procedural errors should be justified by the City Attorney in the future.

Adjournment

There being no further business, the meeting adjourned at 9:41 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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