



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**JULY 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 July 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 Attorney Christopher White  
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC  
Director of Finance Steve Ramsey  
Assistant to the City Manager Terry Klein  
Building Official Dan Arlington  
Assistant to Building Official Piper Turner  
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

**COMMITTEE REPORTS**

IBBC

**ISH BRANT BEAUTIFICATION COMMITTEE:** The Ish Brant Beautification Committee was working on the completion of the beautification of the Third Street medians. They were waiting on a proposal from Brett Goddard for the design of the Seagate Avenue barrier and also working on a grant application for the buffer zone at Watersedge/Mayport Flyover ramp. Mr. Linn was working with State House Representative Don Davis on the completion of the Bike Path culvert project and would be meeting with Director of Public Services Leon Smith, Councilor Gilbert, and Streets Supervisor Paul Williams on the Florida Boulevard/Mayport Flyover.

**CITY MANAGERS PUNCH LIST**

Utility Study

**UTILITY STUDY FOR THE THREE BEACH COMMUNITIES:** The City of Atlantic Beach was currently receiving bids on a utility study that would combine the water and sewer services of the three beach communities.

Employee of the Year

**EMPLOYEE OF THE YEAR AWARD:** The City had selected Paula Kersch and Joan Martin as the employees of year. Both were chosen because they worked as a team in the Public Service Department. The ladies had worked for the City in various positions since 1998. They were currently working on the meter change out program changing the manual read meters to remote touch meters that could be downloaded into the computer billing software. The ladies were to be honored and recognized at a luncheon hosted by the Beaches Chamber of Commerce.

- Jarboe Park JARBOE PARK IMPROVEMENT: The Jarboe Park Improvement Project had been completed and the bridge was installed. There was some still some minor site work necessary that would be completed by city forces.
- Utility Improvement UTILITY IMPROVEMENT PROGRAM: A construction meeting was held last week. The Bal Harbor area was currently 80% completed. The major portion would be completed in 1 to 2 weeks and all connections completed within 3 weeks. There had only been a few complaints that had been sent to directly to PBS&J and City Manager would be following up on them.
- Kings Road Bridge KINGS ROAD BRIDGE: Proposals had been received from two engineering firms for planning and designing the repairs of the Kings Road Bridge. The Department of Transportation reported the bridge did not need to be completely replaced; it only needed to be repaired. Vice Mayor Shimp asked City Manager Linn to consider installing a catwalk for walking and fishing from the bridge.
- Underground Trash Containers UNDERGROUND TRASH CONTAINERS: Councilor Pruette requested that City Manager Linn place the underground trash containers on his punch list. She was concerned about recuperating the money the City spent on them. Mr. Linn responded the underground containers could not be used because after they were purchased BFI changed from rear-loading trucks to front-loading trucks making it impossible to unload the underground containers. He had contacted the manufacturer of the containers and they were working on trying to sell them to another city.

### PROPOSED ORDINANCES

- Permissible Land Uses ORDINANCE AMENDING TABLE 27-226-1: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING TABLE 27-16-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

An Ordinance was recently adopted adding the allowance of exercise facilities in the C-2 and C-3 districts.

Councilor Pruette suggested legalizing outdoor dining and tent dining. City Manager Linn stated outdoor dining was not addressed under the current table therefore was not prohibited nor allowed. Vice Mayor Shimp stated such facilities were at the discretion of the Building Official and permitted on an annual review basis. Building Official Dan Arlington stated a line could be added to the restaurant section of the table allowing for outdoor dining in the Central Business District, C-2 & C-3 by special exception and Council review.

Consensus: **ADD A LINE UNDER THE RESTAURANT SECTION ALLOWING FOR OUTDOOR DINING IN THE CBD, C-2, & C-3 DISTRICT BY SPECIAL EXCEPTION AND COUNCIL REVIEW AS LONG AS THERE IS AN ANNUAL REVIEW AND NO DINING ON THE PUBLIC RIGHT-OF-WAY.**

Councilor Patronik questioned the use of allowing multi-family residences in the CBD. He was concerned about condominiums being built with a height limitation of 35'.

Consensus: **TO REMOVE MULTI-FAMILY RESIDENCES FROM THE CBD AND GRANDFATHER THE EXISTING ONES.**

Daryl Grubbs, 1919 Nightfall Drive, and owner of Tradewinds Shopping Center on Atlantic Boulevard, suggested allowing wholesale sales without inventory in the C-1 & C-2

districts and wholesale sales with inventory by exception in C-2.

Building Official Dan Arlington recommended allowing wholesale sales without inventory in C-2 but felt C-1 should be protected.

Consensus: **TO ALLOW WHOLESALE SALES WITHOUT INVENTORY IN THE C-1 & C-2 DISTRICTS AND WHOLESALE SALES WITH INVENTORY BY EXCEPTION ONLY IN C-2 WITH NOTIFICATION OF THE PROPOSED BUSINESS BY ADVERTISEMENT TO ABUTTING RESIDENCES.**

Councilor Pruette questioned why the Planned Unit Development had been crossed off the table. Building Official Arlington explained the PUD should not have been on the table at all because the table allowed for a specific use in a zoning district and a PUD was a zoning district within itself.

Building Official Arlington recommended adding public parks and recreation areas in the R-4 district.

Consensus: **TO ADD PUBLIC PARKS AND RECREATION AREAS IN THE R-4 DISTRICT.**

Councilor Pruette agreed to sponsor the Ordinance amending Table 27-226-1, Permissible Uses.

Mayor Brown requested that Mr. Daryl Grubbs letter of recommended changes be recorded with the minutes.

28' Height  
Restriction

**ORDINANCE AMENDING BUILDING HEIGHT LIMITATIONS SECTION 27-239:** Councilor Gilbert was concerned about the overall esthetics of the 28' height restriction. He stated modern builders wanted to have higher ceilings in homes and felt something was needed to differentiate between a 28' flat roof and perhaps a 35' peak roof. His intent was to avoid having rows of homes on a street with 28' flat roofs. It was intended to allow condominiums to be built on First Street.

Vice Mayor Shimp felt it would be a canyon effect to allow larger homes with pitched roofs to surround the smaller homes. He felt the height limit should remain at 28'.

Councilor Patronik agreed with Vice Mayor Shimp. He felt if the height limit was raised it would continue to rise.

Councilor Pruette agreed with Vice Mayor Shimp and Councilor Patronik.

Councilor Gilbert agreed the height limit would then remain at 28' and he would not bring the subject up again.

### **CONTRACTS / AGREEMENTS / NONE**

#### **ISSUE DEVELOPMENT**

Oakhurst  
Right-of-Way

**SET ASIDE OAKHURST RIGHT-OF-WAY FROM LEEWARD LANDING TO SUMMER SANDS AS PARK LAND, COUNCILOR PATRONIK:** Councilor Patronik requested that the land between Oakhurst Drive and Leeward Landing subdivision be dedicated as parkland to prevent it from being built upon.

Part of Oakhurst Drive was already paved and discussion ensued regarding what part of the property could be dedicated as parkland.

City Manager Linn informed the Council that when any land was dedicated parkland the City and Council would no longer have any control over the land. The land would then be in the hands of the voters.

Councilor Pruette asked City Manager Linn to walk each Councilor through the property individually.

Consensus: **ASK THE STAFF TO WALK THE PROPERTY AND MAKE RECOMMENDATIONS.**

Fletcher Band  
Booster

**REQUEST FROM FLETCHER HIGH SCHOOL BAND BOOSTER FOR FUNDS:** The Fletcher High School Band had been awarded the opportunity to perform at this years Fiesta Bowl Parade and had asked the City to donate funds towards their trip.

City Manager Linn explained money from the Cable T.V. Franchise Fee Fund could be used to promote groups or events. City Manager Linn stated since the telecommunication tax was enacted last year the City would no longer be receiving the \$5,000 franchise fee each year. He asked the Council to keep that in mind while considering a donation because the money was normally used for annual city events, festivals and other activities.

Legal Advise City Attorney White advised the City could make contributions for public purposes.

Vice Mayor Shimp made a suggestion that the City could also help the students organize a fund raising event in Jarboe Park.

Mayor Brown proposed a contribution in the amount of \$1500.00.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING WITH A PROPOSED CONTRIBUTION OF \$1,500.**

First Street  
Right-of-Way

**1994 ABANDONMENT OF 40' OF FIRST STREET RIGHT-OF-WAY:** Councilor Pruette felt the ordinance that was adopted in 1994 to abandon the 40' right-of-way on First Street did not adequately describe the property. She felt a title search should be done to determine if the property was owned by fee simple or easement. She was also concerned because the abutting property owners had not requested a deed until recently and wanted to know who paid taxes on the property. Councilor Pruette felt the property was valuable to the citizens of Neptune Beach and should be taken back over by the city.

Legal Advise City Attorney White stated property could be abandoned regardless of the source of ownership and there was no statute of limitations on property abandonment.. He explained when a property was abandoned it was automatically deeded to the abutting property owners by operation of law. The only issue was whether or not the property was abandoned, and the answer was "yes it was" regardless if it was right or wrong. He added that it would be hard to challenge in court.

Vice Mayor Shimp reminded the Council he had spoken with two of the three abutting property owners and they were willing to return a portion of the property along with the sidewalk back to the City. He would be willing to speak with the third abutting property owner if the Council so wished. He felt City Attorney White should start the paper work.

Councilor Pruette stated she wanted the entire council to hear from the property owners. She felt that Vice Mayor Shimp and City Attorney White went behind closed doors and worked out a deal with the abutting property owners without allowing the council to hear

from them.

City Attorney White replied he would not accept an implication or insinuation that he had worked a "back door deal" with anyone. He added that he had not worked out an agreement with anyone on this issue.

Mayor Brown stated the issue of the abandonment was to discuss the history of the property and was not before the Council for a vote.

Consensus: **FOR STAFF TO WORK WITH CITY ATTORNEY WHITE TO SEE IF AN AJUSTMENT COULD BE MADE TO THE BOUNDARY.**

Seagate Ave.  
Abandonment

SEAGATE AVENUE DEVELOPMENT BY STEVE JARRETT: Steve Jarrett stated his proposed development for Seagate Avenue required a cul-de-sac at the end of the street and would require the city to abandon a portion of property. The parcel in question would be from the end of the cul-de-sac to the marsh. He felt if the property remained public it would not create the atmosphere desired by the homeowners and did not see the 66' strip being a benefit to the City. Mr. Jarrett agreed with the Planning & Development Review Board recommendation not to close the right-of-way and create a gated community. Mr. Jarrett added the new development would greatly enhance tax revenue for the City.

Vice Mayor Shimp felt the green space belonged to the public and he would not vote in favor of it.

Councilor Pruette agreed with Vice Mayor Shimp that it was prime property and she would not support it.

Councilor Gilbert stated he wanted to hear from the surrounding property owners whose quality of life it would impact. He had heard opposition from citizens that did not reside in the area. He questioned if the city should encourage development or hold on to a property for the principal of holding it.

Councilor Patronik stated he had received a number of opposing telephone calls and he could not support it.

Mr. Jarrett did not wish to abandon the entire development and would look at alternate designs.

City Manager Linn suggested Mr. Jarrett return to the Planning & Development Review Board with a modified plan.

Hotel Advertisements

REQUEST OF FUNDS FOR HOTEL ADVERTISEMENTS: The beaches hotels had requested the three beach cities contribute money from the Bed Tax Fund to help promote tourism in the beaches area.

Councilor Pruette stated the Financial News and Jacksonville Daily Record recently reported the beach hotels had a 98% occupancy rate.

Mayor Brown wanted to know if the other beach cities planned on making a contribution. He was concerned about the flexibility of the Bed Tax Fund.

Director of Finance Steve Ramsey stated under Florida Statute 212.305 the Bed Tax Fund could only be used to develop and acquire municipal parks, lifeguard stations, or athletic fields.

## Public Comments

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Bruce Rehmer, 804 McCollum Circle, felt it was time for the City to raise the millage rate. He suggested the property at the end of Seagate Avenue to be turned into a park or sold. Mr. Rehmer invited everyone to the VFW in Jacksonville Beach for hotdogs and hamburgers, on July 27, 2002, in honor of the end of the Korean War.

Roger Bennett, 1871 Nightfall Drive, opposed abandoning the property at the end of Seagate Avenue.

Ron Dowell, 1830 Nightfall Drive, opposed abandoning the property at the end of Seagate Avenue. He felt the property could be adequately used without abandoning the property.

Jo Anne Waddill, 115 Oleander Street, opposed abandoning any property that would benefit the citizens of Neptune Beach. She added that the City of Jacksonville was interested in purchasing the property for a natural resource area.

Dennis McClendon, 1914 Seagate Avenue, opposed abandoning the property at the end of Seagate Avenue and turned over a petition to the city clerk with 25 names of other residents that were opposed.

Sandy Leidy, 1810 Strand Street, opposed abandoning the property at the end of Seagate Avenue.

Greg Bossow, 1872 Seagate Avenue, opposed abandoning the Seagate Avenue property adding that 3 of the lots in the proposed Seagate Avenue would be in the City of Jacksonville Beach and enhance their tax rate.

Jamie Gibbs, 1309 Trailwood Court, opposed raising the 28' building height restriction to 35'.

Leslie Karlin, 1506 Spindrift Circle West, was concerned about new land uses increasing traffic on Brandt Boulevard. She felt the proposed parkland property between Summer Sands and Leeward Landing should extend to Poinciana Road.

Lynda Padrta, 1113 First Street, felt the 28' height limit should be maintained. She asked the city to appoint someone to oversee the suggested fundraiser for the Fletcher High Band. She felt there was a defect in the ordinance that was adopted in 1994 abandoning 40' of property of First Street. She requested that the Water Improvement Project be updated on the website.

Lana Huguenin, 1521 Summer Sands Drive, asked the City Manager to invite the residents of Summer Sands to look at the proposed parkland property and that it should be extended to the pavement.

## Adjournment

There being no further business, the meeting adjourned at 9:27 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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

