



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**AUGUST 19, 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 August 19, 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	City Manager Richard A. Linn
Vice Mayor Robert A. Shimp	City Clerk Lisa Volpe, CMC
Councilor James Gilbert	Director of Finance Steve Ramsey
Councilor Ronald A. Patronik	Assistant to the City Manager Terry Klein
Councilor Harriet Pruette	Building Official Dan Arlington
City Attorney Christopher White	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 committee was continuing working with ongoing projects. PBS&J provided a complimentary drawing & estimate for piping on Florida Boulevard that would be submitted along with the request to State Representative Don Davis for state funding.

Bikeway Report      **BEACHES BIKEWAY REPORT:** Brett Goddard, facilitator for the beaches bikeway design, gave a summary of the priority bikeway routes that were chosen by the public at three separate advertised public meetings. The priorities were based on the amount of usage and destinations. The Neptune Beach priority routes were identified as: 1) Florida Boulevard from Atlantic Boulevard down to Penman Road, and First Street, 2) Florida Boulevard and Penman Road south of Florida Boulevard and Third Street south of Florida Boulevard, and 3) Penman Road from Atlantic Boulevard down to Florida Boulevard and portions of Kings Road and Seagate Avenue. He asked the Council to make a decision to accept the report as it was, make modifications, or do nothing.

**CITY MANAGERS PUNCH LIST**

Utility Improvement      **UTILITY IMPROVEMENT PROGRAM:** City Manager Linn explained he had invited Jeff Norcross, Representative for Utilx, the contractor for the water project, to attend the meeting. Mr. Norcross was present to give a brief report and answer any questions relating to the project.

Mr. Norcross reported they had received very few complaints, which they responded to immediately. The project was proceeding at a very good pace and was right on schedule.

Bal Harbour would be completed by the end of the week and they would start tying in homes to the new services this week. The asphalt, curb and concrete work would be completed this week with the exception of 3 or 4 driveways that would be replaced by the first of next week. They would then proceed up Florida Boulevard north on First Street working the alleyways and streets to the east then turn south on Second Street and complete the tie ins between First Street and Second Street. The working environment had been very satisfactory and they worked well with the city employees. Mr. Norcross answered questions from the council relating to concerns about water pressure and traffic lane closures. Council members commended Mr. Norcross for the good work they were doing.

**Bike Path**

**BIKE PATH IMPROVEMENT:** The Bike Path Improvement on Florida Boulevard was to begin construction on September 12, 2002.

**Underground Trash Containers**

**UNDERGROUND TRASH CONTAINERS:** City Manager Linn was currently negotiating with the manufacturer of the underground garbage containers for an even trade of the 7 large bins that could not be used for 20 smaller bins that could be used on the beach.

Vice Mayor Shimp and other council members described how the small bins would be used on the beach as they saw in Boca Raton during the Florida League of Cities Conference last week.

**PROPOSED ORDINANCES**

**PORF AMENDMENT**

**ORDINANCE AMENDING POLICE PENSION FUND:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING THE CITY OF NEPTUNE BEACH POLICE OFFICERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 2000-05, AMENDING SECTION 1, DEFINITIONS, TO AMEND THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 24, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 26, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 27, PRIOR POLICE SERVICES; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Scott Christiansen, Attorney for the Police Officers' Retirement Board recommended updating the ordinance to be in compliance with state statutes.

City Manager Linn recommended forwarding the ordinance to first read and inviting Scott Christiansen, the PORF Board attorney to attend the meeting.

Vice Mayor Shimp agreed to sponsor the ordinance.

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

**CONTRACTS / AGREEMENTS / NONE**

**ISSUE DEVELOPMENT**

**Naming of Alley**

**NAMING OF ALLEY OFF FIRST STREET:** Councilor Pruette explained several property owners abutting the alley on First Street had approached her with a petition to name an abutting alleyway Ocean Place. She supported naming the alleyway and asked the

council to consider it.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR COUNCIL MEETING FOR A MOTION OR RESOLUTION.**

#### Green Space

**GREEN SPACE AND NOTICE TO RESIDENCE OF CITY WORK:** Vice Mayor Shimp requested combining this agenda item with agenda item 6-F. He was concerned about city employees cleaning up city property without notifying the abutting property owners that took care of the property. He asked the following citizens to state their concerns to the Council:

Charles Richardson, 1300 Forest Avenue, complained he had a nice green wall of shrubs all the way down Forest Avenue behind his house before city employees left stubble and roots sticking up 2 to 3 inches while trimming the shrubs to allow school children to walk down Forest Avenue. He added that in the six years he had lived there he trimmed the hedges back off the sidewalk each year before school started.

Patrick Mills, 1108 Seawood Drive, stated the Seawood subdivision of 10 lots off Florida Boulevard had a green area across the street. He was upset that city employees cleared a 3-foot area because of a complaint from a neighbor on Lincoln Road that backed up to the area. He added in the process of clearing the city employees cut down trees including one oak tree about 4 inches in diameter. He had purchased shrubs to plant to help fill the void. He felt he should have been notified by the city and had an equal voice in the situation.

Vice Mayor Shimp asked Council to direct City Manager Linn to have city employees go back and clean it up.

Bill Holden, 1114 Seawood Drive, stated the neighbors had maintained the green space area for the last 8 years and felt they should have been notified before it was cleared by the city.

City Manager Linn stated he would take a landscaper and look at it the following day.

Mayor Brown asked how the residents of Seawood could adopt the area. City Manager Linn stated a program was in place that would give them the responsibility for maintaining the area.

#### 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 roadway between Summer Sands and Leeward Landing be dedicated as parkland to prevent the roadway from connecting the two subdivisions in the future.

Mayor Brown questioned how to officially close the road to make sure the roads would not connect. City Attorney White advised closing the road would only be temporary. To close the road permanently it would have to be abandoned.

Councilor Gilbert suggested temporarily closing the road until a permanent solution was found.

Consensus: **TO TEMPORARILY CLOSE THE ROADWAY AND HAVE THE CITY ATTORNEY AND CITY MANAGER REVIEW HOW TO PERMANENTLY CLOSE THE ROAD LEGALLY.**

#### Assessment

**RECOVERY OF COST FOR WATER & SEWER REPAIRS AND INSTALLATION – 1807**

- 1807 Penman Rd. PENMAN ROAD: City Manager Linn explained the expense of the city to install new water & sewer lines at 1807 Penman Road, where the lines were severed, amounted to a total of \$4,499.46. The Code allowed the City to recover the cost. He recommended placing a lien on the property of \$4,499.46 and working out a payment plan with the property owner.
- City Attorney White stated the ordinance read the lien had to be paid within three months or it would earn 8% interest. He advised the lien should be filed as soon as possible before the property was sold.
- Consensus: **FILE A LIEN ON THE PROPERTY AND WORK OUT A PAYMENT PLAN WITH THE PROPERTY OWNER.**
- Sergeant at Arms NAMING OFFICER LARRY DEAN OFFICIAL SERGEANT AT ARMS: Vice Mayor Shimp removed this item from the agenda.
- Notification of Work NOTIFICATION TO RESIDENTS OF CITY WORK – VICE MAYOR SHIMP: This item was discussed with the above green space item.
- Recess/Reconvene Mayor Brown called for a recess at 8:35 p.m. and reconvened the meeting at 8:45 p.m.
- Detached Garages DETACHED GARAGES – APPEAL PROCESS: Councilor Pruette felt the detached garage ordinance should be reviewed because of the recent variance requests for detached garages to be located in the front yard.
- Council members felt detached garages should be allowed in front yards under certain circumstances.
- City Manager Linn stated the Board of Appeals could grant a variance to allow detached garages in front yards based on the finding of facts on a case-to-case basis.
- Vice Mayor Shimp suggested all variances require final approval from the Council.
- Councilor Pruette stated the neighboring city councils did not hear appeals for variances, the requester had to take it to court.
- City Manager Linn recommended amending the code to separate detached garages from the accessory buildings to avoid tool sheds and other types of accessory buildings from being placed in front yards.
- Discussion ensued relating to the duties of the Board of Appeals and whether residents that were denied a variance should be able to appeal to the Council or take it to court.
- City Manager Linn stated the job of the Board of Appeals was to interpret the legislation passed by the Council. The challenge to the Council was to write good legislation that the Board could interpret.
- Councilor Patronik agreed to sponsor an ordinance that would allow the council the final decision in the approval of all variance requests.
- Consensus: **TO AMEND THE ORDINANCE TO ALLOW DETACHED GARAGES IN FRONT YARDS.**
- Variances – HOA APPROVAL OF VARIANCES FOR PROPERTIES LOCATED WITHIN A HOME OWNERS ASSOCIATION: City Manager Linn recommended adding a clause on the variance application which would read: The Granting of a Variance by the City of Neptune

Beach does not relieve the property owner of any additional restrictions on the owner such as Homeowner Covenants or Deed Restrictions.

Consensus: **TO MODIFY THE VARIANCE APPLICATION BY ADDING THE CLAUSE.**

Political Signs

TWO-WEEK TIME PERIOD FOR PLACEMENT OF POLITICAL SIGNS: Councilor Pruette questioned the 2-week time period of placement of political signs before the election. She felt more time should be allowed.

Consensus: **FOR THE CITY MANAGER NOT TO ENFORCE THE TIME LIMIT PROVISIONS OF THE SIGN ORDINANCE FOR THE SEPTEMBER PRIMARY ELECTION AND FOR THE CITY ATTORNEY TO FIND OUT WHAT WOULD BE REASONABLE AND FORWARD TO THE SEPTEMBER REGULAR MEETING.**

Public Comments

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Lynda Padrta, 1113 First Street, favored the placement of underground trash containers on the beach. She discouraged allowing detached garages in front yards and felt the time period for political signs should be enforced.

Laura Patronik, 1520 Leeward Lane, favored and encouraged the permanent closure of the roadway between Leeward Landing and Summer Sands.

Michael Aston, 1523 Summer Sands Drive, suggested creating a definition that would denote a dedicated green space verses a park for naming the roadway between Leeward Landing and Summer Sands that would permanently close the area.

Lana Huguenin, 1521 Summer Sands Drive, suggested claiming the roadway between Leeward Landing and Summer Sands as an easement.

Jim Miller, 1633 Hopkins Creek Lane, member of the Board of Appeals, felt the ordinance for detached garages was too flexible and needed to be amended.

Leslie Karlin, 1506 Spindrift Circle West, asked the Council to be aware that the Boards work very hard for the community and did not take their duties lightly.

Adjournment

There being no further business, the meeting adjourned at 10:00 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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