



MINUTES
WORKSHOP CITY COUNCIL MEETING
SEPTEMBER 16, 2002 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 September 16, 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
Building Official Dan Arlington
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

AGENDA AMENDMENTS

First St.
40' Abandonment

FIRST STREET, 40' ABANDONMENT, SIDEWALK – CITY ATTORNEY CHRIS WHITE:
City Attorney White advised the Council action in 1994 to abandon the 40' right of way on First Street was valid in terms of procedural requirements and could not be reversed. He added that it was not legally necessary for the City to issue a deed or provide a letter to the property owners relating to the abandonment. He asked for a consensus of the Council not to issue any deeds.

Consensus: **NOT TO ISSUE ANY DEEDS ON THE 40" ABANDONMENT ON FIRST STREET.**

Mayor Brown questioned if would be advisable to communicate with the property owners with an objective of adjusting the abandonment to place the sidewalk in the city right-of-way. City Attorney White responded it would be ideal to have a meeting with all of the property owners to reach a consensus relating to the property that included the sidewalk. If the property owners held fast on the 40' abandonment then the City would be faced with whether or not the sidewalk would need to be removed. He asked for a consensus to organize a meeting with the property owners.

Consensus: **TO ALLOW CITY ATTORNEY WHITE TO ORGANIZE A MEETING WITH THE PROPERTY OWNERS OR THEIR REPRESENTATIVES, THE CITY MANAGER AND HIMSELF, REGARDING THE SIDEWALK.**

Ord. No. 2002-06

ORDINANCE NO. 2002-06 – PERMISSIBLE USES TABLE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

City Manager Linn advised there was inconsistency in allowing residential dwellings in commercial districts on Table 27-226-1. Section 27-225 of the Code expressly prohibited residential dwellings in the C-1, C-2, C-3 and the Central Business District and would also need to be amended. City Manager Linn recommended tabling the permissible uses ordinance and voting on both the table and footprint bill at the same time to eliminate the inconsistency.

Consensus: **TO AMEND SECTION 27-225 BY DELETING THE WORDING “EXPRESSLY PROHIBIT RESIDENTIAL BUILDINGS IN THE CENTRAL BUSINESS DISTRICT” AND FORWARD TO FIRST READ IN OCTOBER AND SECOND READ IN NOVEMBER AND TABLE THE PERMISSIBLE USE ORDINANCE FOR SECOND READ IN NOVEMBER.**

Footprint Bill

ORDINANCE – FOOTPRINT BILL: City Manager Linn recommended removing the clause “within a residential area” located in Sec. 27-706(c).

City Manager Linn advised the Footprint Bill only allowed residences within a residential district to be rebuilt after a natural disaster without the need for a variance. Therefore, the residences within the commercial district were excluded.

Consensus: **TO STRIKE THE WORDING “WITHIN A RESIDENTIAL AREA” FROM SECTION 27-706(C) AND INCLUDE BUSINESSES ALONG WITH THE ENTIRE CITY IN THE FOOTPRINT BILL AND FORWARD TO FIRST READ IN OCTOBER AND SECOND READ IN NOVEMBER.**

Paul Hardin, 1301 Riverplace Boulevard, representative for property owners affected by the table change, stated the owners were concerned about their vested rights. He stated adding the exception would be burdensome for the property owners and would also require the City to set up criteria. He respectfully suggested that Council reevaluate the position of requiring an exception of a permitted right.

Seawood Dr.

SEAWOOD DRIVE BUFFER / GREENSPACE – COUNCILOR GILBERT: Councilor Gilbert had mailed out a survey to the residents of Seawood Drive and Lincoln Road. The results found that the biggest problem in the greenspace was the overgrowth of the potato vines and everyone agreed they needed to be tamed. There was also a concern regarding who was responsible for the maintenance of the privacy fence and the dumping in the area. He recommended that the city provide a user-friendly clearing of the vines.

Mayor Brown reported he had spoken with the Department of Agriculture and they suggested cutting the vines at the base carefully to avoid damaging the trees and plants and treat the base with roundup. They further advised the use of roundup on public property must be regulated and performed by a certified technician and the vines should be cut at the first frost to save clean up time.

Vice Mayor Shimp was concerned about spending tax dollars to maintain the area. He felt the neighbors should work together on the maintenance. He did not feel the fence was the responsibility of the city. He felt neighbors in conflict should take it up with the State Attorney's office for neighborhood intervention.

Councilor Pruette felt the City should remove the fence. She concurred with Councilor Gilbert regarding the City cleaning out the area and getting the potato vines under control. Then allowing the residents take over the maintenance.

City Manager Linn stated City Attorney White had informed the Council at the last meeting that the fence was not the responsibility of the city. Mr. Linn felt it would not be a good use of city funds to repair and maintain privacy fences installed by developers because the city did not require the developer to erect it. The developer put up the fence for his personal benefit. He stated he would need to speak with the Director of Public Services to figure the cost of clearing the potato vines.

Consensus: **TO ALLOW CITY MANAGER LINN TO SPEAK WITH THE DIRECTOR OF PUBLIC SERVICES TO FIGURE THE COST CLEARING THE POTATO VINES AND REPORT TO THE COUNCIL AT THE NOVEMBER WORKSHOP.**

COMMITTEE REPORTS

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification Community would be meeting with Brett Goddard to discuss the Waters Edge buffer zone. The committee was also working on Florida Boulevard, shrubbery to compliment the palm trees in the medians on A1A, and a design for landscaping First Street and Seagate Avenue.

CITY MANAGERS PUNCH LIST

Jarboe Park Improvements **JARBOE PARK IMPROVEMENTS:** City Manager Linn stated the Jarboe Park Improvement project had been completed; he was waiting on the final paperwork before removing the item from the punch list.

Bike Path **BIKE PATH IMPROVEMENT:** City Manager Linn reported the Department of Transportation had a contractor in place to begin construction of the bike path from Atlantic Boulevard to Camellia Terrace within 30 days.

Underground Trash Containers **UNDERGROUND TRASH CONTAINERS:** City Manager Linn reported he was negotiating with the manufacturer of the underground trash containers to trade the large containers for 17 smaller containers to be placed at the beach accesses.

Fletcher High Band Benefit **FLETCHER HIGH BAND BENEFIT:** City Manager Linn thanked everyone who participated in the benefit for the Fletcher High School Band. There were donations from Winn Dixie, Publix, Food Lion, David Cole, and Tom Whittingslow.

PROPOSED ORDINANCES

Ordinance Political Signs **ORDINANCE – POLITICAL CAMPAIGN SIGNS:** City Manager Linn recommended amending the Code by striking out Sec. 27-583(b) 6c and renumbering Sec. 27-583(b) 6-d to Sec. 27-583 (b) 6c.

Councilor Pruette agreed to sponsor the ordinance.

Consensus: **ACCEPT THE RECOMMENDATION OF THE CITY MANAGER AND FORWARD THE ORDINANCE TO THE OCTOBER REGULAR MEETING.**

CONTRACTS / AGREEMENTS

Kings Road Bridge **DESIGN CONSULTANTS FOR REPAIRS TO KINGS ROAD BRIDGE:** City Manager Linn recommended the selection of Pitman-Hartenstein as the Design Consultants for the Kings Road Bridge Repair Project in the amount \$63,466 and forwarding to the October

regular city council meeting for approval.

Vice Mayor Shimp recommended including a catwalk for walking across or fishing from the bridge.

Consensus: **TO UPDATE THE PROPOSAL TO INCLUDE THE DESIGN OF A CAT WALK AND FORWARD TO THE OCTOBER REGULAR MEETING AND FORWARD TO THE OCTOBER REGULAR MEETING.**

ISSUE DEVELOPMENT

Taxi Cab
Parking

TAXI CAB PARKING ONLY – REDUCTION OF SPACES: City Manager Linn stated he had been asked by the town center merchants to reduce the three reserved taxi cab parking spaces in Town Center because they were not being used. He recommended reducing the number of reserved spaces to one.

Consensus: **TO REDUCE THE AMOUNT OF TAXI CAB PARKING IN TOWN CENTER FROM THREE TO ONE.**

Recess/Reconvene

Mayor Brown called a recess at 8:26 p.m. and reconvened the meeting at 8:37 p.m.

Infrastructure
Prado Ferrer

INFRASTRUCTURE IMPROVEMENTS PRADO FERRER (BAY ROAD – KINGS ROAD) – COUNCILOR GILBERT: Councilor Gilbert stated the City was asked to prepare a cost estimate on paving and infrastructure on the remainder of the streets off Florida Boulevard in the Prado Ferrer section. Mr. Steve Jarrett, a private property developer, had prepared a cost estimate in the amount of \$176,000.

Mr. Steve Jarrett explained the cost estimate was \$176,000. He added it would be the Council’s decision on how to distribute the costs fairly to the property owners.

Discussion ensued regarding the cost and the notification of the property owners.

Councilor Pruette stated she felt there was still an unresolved issue in the Poinciana Prado-Ferrer area.

Vice Mayor Shimp stated there were other areas within the city that were not developed and the city should develop those areas as well. Councilor Gilbert agreed the other areas should be done as well.

Consensus: **TO CLEARLY IDENTIFY THE REMAINING AREAS WITHIN THE CITY THAT WERE NOT DEVELOPED.**

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Kyle Kahlhaas, 1016 Lincoln Road, stated because the city owned the greenspace he felt the city should maintain the potato vines to keep them from growing onto private properties.

Teresa McMahon, 1032 Lincoln Road, was concerned about the dumping on the greenspace owned by the city. She did not understand why the city did not maintain the property.

Steve Jarrett, 210 South Street, thanked the Council members for volunteering and sacrificing their time to serve to the city.

Lynda Padrta, 1113 First Street, felt the Kings Road Bridge should be made handicap

accessible; the city should remove the fence on the city owned greenspace between Lincoln Road and Seawood Drive if it was dangerous; homeowners should be responsible for their own fences; and she would like the city to discontinue maintaining the right-of-ways on First Street.

David Baker, 1102 First Street, felt the developer should have set up a homeowners association for the residents and the association would have been responsible for the maintenance of the greenspace. He questioned why the developer turned over the property to the city. He was also concerned about shrubbery, tree growth and parked cars on the sidewalk. He suggested the city create an area for residents to dump yard trimmings.

Michael Aston, 1523 Summer Sands Drive, asked council to also consider the storm water run off on the Prado Ferrer area.

Patrick Mills, 1108 Seawood Drive, stated he was willing to cooperate with the neighbors in keeping the greenspace area maintained. He also was concerned about the area that was cleared and asked the city to plant some trees to fill the void.

Steve Jarrett, 210 South Street, developer for the Seawood subdivision, stated the residents asked him to erect the fence to allow the buffer between the subdivisions.

Councilor Pruette requested the city policy concerning the issue of trimming city easements be placed on the agenda for the October Workshop Council Meeting.

Adjournment

There being no further business, the meeting adjourned at 9:26 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____