



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 21, 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 October 21, 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
Director of Public Services Leon Smith
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: City Manager Linn reported the Ish Brant Beautification Committee continued to work on ongoing projects.

CITY MANAGERS PUNCH LIST

Jarboe Park
Improvements

JARBOE PARK IMPROVEMENTS: The Jarboe Park Improvement Project was complete and the final report had been submitted to the Department of Environmental Protection for reimbursement.

Bike Path

BIKE PATH IMPROVEMENT: The Bike Path Improvement was a project of the Department of Transportation and it had not been started.

Utility Improvements

UTILITY IMPROVEMENT PROJECT: City Manager Linn had been on vacation and missed the latest progress meeting. The engineer reported no major issues arose at the meeting.

Kings Rd. Bridge

KINGS ROAD BRIDGE: Council had approved the contract for repairs and it had been sent to the engineering firm for approval.

Underground
Containers

UNDERGROUND TRASH CONTAINERS: City Manager Linn was continuing to work with the manufacturer of the underground containers on trading in the large ones for smaller ones.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS NONE**ISSUE DEVELOPMENT**

Relay for Life

RELAY FOR LIFE PRESENTATION – AMERICAN CANCER SOCIETY: Harry Graham, President of the Beaches American Cancer Society & Austin Richmond, Special Events Manager for the American Cancer Society, explained the Relay for Life Fundraiser Event. The event was a celebration of survivorship. It helped to provide patient services and programs. Mr. Richmond asked Council for approval to hold the relay event in Jarboe Park on May 2 & 3, 2003.

Consensus: **TO APPROVE THE RELAY FOR LIFE FUNDRAISING EVENT TO BE HELD IN JARBOE PARK ON MAY 2 & 3, 2003.**

Maintenance Facility

OPERATIONS AND MAINTENANCE FACILITY REPORT – JOSE PEREZ, PQH ARCHITECTS: Jose Perez, PQH Architects, explained the diagram of the design for the new operations & maintenance facility. The design reflected the needs of the facility for the next 15 years. In summary the buildings totaled 23,995 square feet. The covered areas totaled 4,333 square feet and the open yard totaled 39,436 square feet. The estimated cost was 2.9 million dollars inclusive of his fees, construction & design.

Vice Mayor Shimp questioned if the area residents had been consulted regarding the plan. Mr. Perez replied no they had not.

City Manager Linn recommended holding an open house forum with refreshments at the Senior Activity Center to allow area residents input regarding the design. Mr. Linn added there was an area of the property that could not be used due to contamination by old diesel fuel tanks. The design was prepared to avoid that area.

Councilor Pruette voiced concerned about the cost of the project. Mr. Linn stated the source of funding for the project was from the Better Jacksonville Plan and would not impact the tax base.

Mr. Perez concluded final design would take about 4 or 5 months, the bidding and negotiation process would take approximately 2 months and estimated construction to begin in 6 to 8 months.

Consensus: **TO HOLD AN OPEN HOUSE WITH THE CITY COUNCIL AND THE AREA RESIDENTS AT THE SENIOR CENTER TO ALLOW THE RESIDENTS TO REVIEW THE PLANS.**

CBD Parking

CENTRAL BUSINESS DISTRICT PARKING ISSUES: Vice Mayor Shimp felt businesses could not function in the Town Center area due to the strict parking requirements. His purpose for placing this issue on the agenda was to allow input from the Town Center business owners.

Mayor Brown felt the parking restrictions in Town Center should be flexible in working with new businesses. It was difficult to apply the same parking ordinance in Town Center as in other business districts.

Councilor Gilbert stated the only parking problems he had seen in Town Center was on Friday and Saturday evenings after 9:00 p.m. when most of the shops were closed allowing the use of their parking for the restaurant and bar patrons. He felt the parking requirements should be flexible in order to allow the remodeling of older buildings for new businesses.

There was no consensus.

BOA Decision

REVERSAL OF BUILDING OFFICIALS DECISION BY THE BOARD OF APPEALS / PUBLIC ACCESS USAGE: Building Official Dan Arlington had denied a resident use of the city right-of-way to plant a palm tree and the decision was overturned by the Board of Appeals. Vice Mayor Shimp felt the Board of Appeals should not be allowed to give permission of use of city right-of-ways. He was also concerned because the surrounding property owners were not noticed before the palm tree was planted.

City Attorney White stated the Board of Appeals did not have jurisdiction over the determination of what happened on a city right-of-way. The city had the right at it's discretion to allow the palm tree to remain in the right-of-way.

Councilor Pruette was concerned that the palm tree was not mentioned in the public notice. She questioned what could now be done about the palm tree.

Councilor Gilbert stated the Board of Appeals was designed to deal with issues on private property only. Anything dealing with city property should be decided by the Building Official and appealed to the City Council.

Councilor Patronik felt the decision of the Board to allow the palm tree should be remanded.

City Attorney stated he could give an opinion to the City Manager as to what the options were and his opinion on the action of Board of Appeals.

Consensus: **AUTHORIZE THE CITY ATTORNEY TO GIVE A LEGAL OPINION TO THE CITY MANAGER.**

Strand & Davis
Palm Trees

Councilor Pruette stated someone planted approximately 20 palm trees on the city easement at the corner of Strand and Davis Street. She added that residents had requested that the trees be removed. She questioned when the trees were going to be removed.

City Manager Linn stated there was an order to remove the trees. Building Official Arlington stated he signed a 30 day temporary Certificate of Occupancy and the power would be turned off and the C/O revoked if the trees were not removed within the 30 days.

Councilor Pruette asked to place the issue on the agenda for the November workshop meeting to come up with a clear cut policy for use of city property, right-of-ways, and easements.

Infrastructure
Prado Ferrer

ESTIMATED COST OF PROPOSED INFRASTRUCTURE IMPROVEMENTS IN PRADO-FERRER: This issue is in regards to Steve Jarrett's development of 4 lots at the end of Oakhurst Drive through Summer Sands. The residents of Summer Sands and their Homeowners Association have been active in trying to prevent access for the development through the subdivision. Building Official Dan Arlington had prepared a break down on the direct benefit cost to each property owner regarding the city installing infrastructure to provide and alternative access through Bay Road.

Vice Mayor Shimp felt developers should develop properties and include the cost in the selling price. He was against the city-installing infrastructure in undeveloped areas.

Legal Advise City Attorney White read the following for the record:

"There was a right to be compensated through inverse condemnation when a governmental action causes a substantial loss of access to ones property even though there was no physical appropriation of the property itself. It is not necessary that there be a complete loss of access to the property."

Mr. White advised that denying access to the property could potentially result in litigation. He added you can not choose whom to assess. The assessment had to be executed on a benefit basis and could not show preference. It also had to be consistent in application.

A lengthy discussion ensued regarding who would benefit from the improvements and whether or not the city should be involved.

City Attorney White further advised "if there was a platted right-of-way on which property was purchased the purchaser was allowed to rely on that platted right-of-way to develop the property if the right-of-way is the access to the property."

Discussion continued and the issue of drainage was brought forth.

Consensus: **TO NOTIFY IN WRITING ALL RESIDENTS ON MR. ARLINGTON'S LIST "THAT THE CITY WAS CONSIDERING IMPOSING ASSESSMENTS FOR THE SAKE OF COMPLETING THE PLATTED RIGHT-OF-WAYS IN YOUR AREA – AN INFORMATIONAL MEETING WILL BE SCHEDULED" - AND HOLD A SPECIAL PUBLIC HEARING ON NOVEMBER 18, 2002, AT 7:00 P.M. OR IMMEDIATELY UPON CONCLUSION OF THE WORKSHOP MEETING STARTING AT 6:00 P.M.**

Public Notices

PUBLIC NOTICES TO ADJACENT PROPERTY OWNERS: Councilor Pruette asked the council to come to a consensus to have the city notify adjacent property owners in the central business district regarding issues being considered in their neighborhood.

City Manager Linn requested the issue be drafted in a form of an ordinance that would require when notices would be given, to whom and for what actions or events. Otherwise, he was concerned the staff would be placed in the position of always being wrong when someone was opposed to something.

Building Official Arlington stated the proposed new Land Development Regulations addressed the issue and had new guidelines for advertising.

There was no consensus.

Seawood Greenspace

SEAWOOD GREENSPACE – CLEARING OF POTATO VINES AND COMPOST: Mayor Brown voiced concern regarding the communication of the clearance of the potato vines and compost in the greenspace area. He had received pictures and complaints that the city had cleared out too much of the natural buffer.

Director of Public Services Leon Smith stated he had ceased the clearing of the greenspace temporarily. He added it was impossible to remove all of the potato vines and debris that had been dumped in the area without clearing some of the palmettos and underbrush.

Mayor Brown stated the intent was to clear the open visible stacks of debris and potato vines without clearing the palmettos or underbrush.

There was no consensus of the Council on the issue. Councilor Pruette asked to recess and Mayor Brown stated after the recess he would go directly to into public comments.

Recess/Reconvene Mayor Brown called a recess at 9:25 p.m. The meeting reconvened at 9:35 p.m.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

Michael Dunlap, 212 Lora Street, supported a new vision on parking restrictions in the Central Business District. He urged Council to resume the review of the Proposed Land Development Regulations.

Thad Mosley, 3701 Duval Drive, Jacksonville Beach, and owner of property on Orange Street, felt stricter codes were needed regarding control of variances and development orders in the Central Business District.

Michael Aston, 1523 Summer Sands Drive, President of the Summer Sands Homeowners Association, felt a lawsuit regarding access to Steve Jarrett's property through Summer Sands could be defended on the grounds of safety and infrastructure and traffic flow.

Lora Patronik, 1520 Leeward Lane, felt it was neither the city's problem nor the property owners of Leeward Landing or Summer Sands if a developer could not access his property. She did not think Buddy Crout Lane met the true legal definition of a cul-de-sac. She opposed opening the roadway through Summer Sands into Leeward Landing.

Bill Holden, 1114 Seawood Drive, urged the Council and staff to work with the residents of Lincoln Road and Seawood Drive to preserve the greenspace.

Gail Fuller, 1010 Seawood Drive, agreed with Mr. Holden.

Lynda Padrta, 1113 First Street, voiced concern about parking requirements in the Central Business District.

Ed Jones, 200 First Street, felt Town Center was considered more of a walking and bike riding area instead of a vehicle-oriented community. He felt there was a good balance in the parking.

Leslie Karlin, 1506 Spindrift Circle West, donated her 5 minutes to speak to Michael Aston. She was disappointed that Steve Jarrett did not speak.

Michael Aston, 1523 Summer Sands Drive, President of the Summer Sands Homeowners Association, stated neighborhoods should be designed to prevent through streets.

Adjournment There being no further business, the meeting adjourned at 10:08 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____