



MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 6, 2003, 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held January 6, 2003, 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 Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Harriet Pruette	Director of Finance Steve Ramsey
Councilor Larry Shealy	Building Official Dan Arlington
Councilor John Weldon	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked everyone to observe a moment of silence in memory of former Mayor Ish Brant who passed away on January 2, 2003. Following the moment of silence Councilor Shealy led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Beaches Voter Challenge

In response to Mayor Brown's Beaches Voter Challenge Resolution 2002-06, following the results of the 2002 election, City of Jacksonville Beach Mayor Marsden, and City of Atlantic Beach Mayor Meserve awarded the City of Neptune Beach a plaque for achieving the highest percentage of registered voter turnout.

Councilor Pruette informed the audience that the Ordinance limiting the number of unrelated persons per household was not on the agenda. She added it would be placed on the January workshop agenda.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MINUTES AS STATED:

DECEMBER 2, 2002, REGULAR COUNCIL MEETING
DECEMBER 3, 2002, SPECIAL COUNCIL MEETING
DECEMBER 9, 2002, WORKSHOP COUNCIL MEETING
DECEMBER 16, 2002, WORKSHOP COUNCIL MEETING
DECEMBER 17, 2002, SPECIAL COUNCIL MEETING

Moved by Gilbert, seconded by Pruette.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette inquired about “road work” signs on Leeward Landing off Florida Boulevard. City Manager Linn responded the signs were in place to advise the beginning of construction of the Bike Path. The signs were required by the state to identify the work zone and limit the liability.

Councilor Shealy asked City Manager Linn to have the shrubbery that was obstructing the view of the stop sign south of Cedar Street on First Street trimmed.

City Clerk Volpe stated January’s Council Workshop meeting would fall on Martin Luther King Jr., Day and City Hall would be closed. She suggested moving the Workshop Meeting to Monday, January 27, 2003.

Consensus: **TO MOVE THE JANUARY WORKSHOP MEETING FROM THE 20TH TO THE 27TH.**

Agenda Amend. Mayor Brown amended the agenda to hear the Seagate Avenue Development Order.

NEW BUSINESS

Seagate Ave. **DEVELOPMENT ORDER – ROBERTS LAND, SEAGATE AVENUE:** Steve Jarrett explained the revised plans for the development order no longer required the city to abandon the right-of-way at the end of Seagate Avenue. He asked to withdraw the recommendation of the abandonment from his application. The new proposal was to develop the seven lots that were in compliance. The developer would pave the road and install the water, sewer and stormwater management improvements.

Councilor Gilbert asked since the Development Order was code compliant was it no longer an issue.

Legal Advise City Attorney White advised if the order was code compliant the Council would have to pass it, if not it would create other issues. He added the Council could not postpone the decision for other reasons.

Mayor Brown suggested deferring the decision because most were hearing the details for the first time and there was another presentation for the property use.

Councilor Weldon was concerned paving the driveways on the right-of-way would imply functional abandonment. Mr. Jarrett replied he would pave the road 24 feet wide to the end of the marsh to allow public access to the intra coastal.

Councilor Shealy was concerned about the legalities.

Legal Advise Attorney White replied if a developer complied with the city requirements to develop a piece of property it would be first in line whatever the other options were. If the action was postponed or denied and the developer took the City to court the court would decide if the actions taken by the Council were in good faith for legitimate reasons or if it was a delay tactic to achieve another purpose.

Mayor Brown was concerned if allowing improvements on the right-of-way would imply abandonment.

Legal Advise Attorney White stated the right-of-ways would be established in the description of the property.

Discussion ensued regarding functional abandonment verses legal abandonment.

Councilor Weldon felt because the Development Order had been revised it should be returned to the Planning & Development Review Board for recommendation.

Councilor Pruette stated the Code required homes all the way around the cul-de-sac and the development order did not met those requirements. Steve Jarrett responded the Code stated each lot would have a minimum of 35 feet along the road right-of-way and the three lots abutting the right-of-way met the requirement. Councilor Pruette agreed with Council Weldon that the Development Order should be returned to the Planning & Development Review Board for a recommendation.

Legal Advise City Attorney White stated the Council had three options: 1) take action on the Development Order, 2) not take action, or 3) return it to the Planning & Development Review Board.

Councilor Gilbert was concerned the property would be turned over to the City of Jacksonville if they were to obtain a grant for a park preserve. He did not think it would be appropriate to hear a presentation from the park grant representatives.

Discussion ensued regarding if the Development Order should be returned to the Planning & Development Review Board for a recommendation.

Moved by Shealy, seconded by Pruette.

Motion: **SEND TO THE WORKSHOP MEETING AND WAIVE SENDING IT TO THE PLANNING & DEVELOPMENT REVIEW BOARD.**

For the Record City Attorney Chris White stated on the record there was no requirement to send it back to the Planning & Development Review Board. Building Official Dan Arlington stated Section 27-28 of the Code required Council to make a decision within 20 days to either approve or deny Development Orders in the same form approved and recommended by the Planning & Development Review Board. Attorney White stated that by deferring action the Council agreed not to send it back to the PDRB.

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

Preservation Mayor Brown stated the public would like to comment on the possibility of the property becoming a park preserve if the development did not occur. Mayor Brown asked if it was improper to call on the representatives of the preservation land to clear up some misinformation.

Legal Advise City Attorney White stated it would not be appropriate to hear from the public or from the representative of the park preserve because it was not an agenda item.

Councilor Gilbert stated that should be on a workshop meeting also.

Councilor Pruette stated the developer made the park preservation an issue not the Council.

PUBLIC COMMENTS

Phillip May, 921 Thirteenth Street, Jacksonville Beach, opposed a proposed park preserve at the end of Seagate Avenue while favoring Steve Jarrett's development order.

Jerry Cordy, 1929 Seagate Avenue, opposed a proposed park preserve at the end of Seagate and favored Steve Jarrett's development order.

LaJuan Kazmierczak, 2102 Acacia Road, was against the city abandoning the right-of-way at the end of Seagate Avenue for development.

Tim Kazmierczak, 2102 Acacia Road, stated if the development was approved he would like a public access provided to the intra coastal.

Julie Anderson, 1637 Arrowhead Trail, wanted a public access provided to the intra coastal at the end of Seagate Avenue and favored Ordinance 2002-14 that provided notice of the Planning & Development Review Board.

Paul Nicholson, 222 Oleander Street, felt the city should take more time making decisions pertaining to remaining city property. He opposed a proposed park at the end of Seagate Avenue.

Bill Cissel, 1924 Seagate Avenue, favored Steve Jarrett's development at the end of Seagate Avenue stating the development would increase property values and the city's tax base. He opposed a park preserve.

John Henry David, 2035 Cherokee Drive, opposed abandoning the city right-of-way at the end of Seagate Avenue. He felt if the city allowed private driveways on the right-of-way it would imply a functional abandonment.

Craig Leidy, 1810 Strand Street, was concerned about access on all waterways. He favored the proposed park preserve on the city right-of-way at the end of Seagate Avenue. He added in any case the access should be clearly marked.

Cindy Brannon, 2020 Tara Court, favored Steve Jarrett's development order at the end of Seagate Avenue. She was opposed to a proposed park preserve due to increased traffic and maintenance.

Ron Powell, 1830 Nightfall Drive, stated if the city abandoned the right-of-way at the end of Seagate Avenue it would eliminate access to the intra coastal forever. He opposed Steve Jarrett's development order and felt the area should remain in the current natural state.

Dennis McClendon, 1914 Seagate Avenue, opposed abandoning city property. He felt if the City of Jacksonville used the property for a park preserve Neptune Beach would no longer maintain control of the property.

John Dawson, 1910 Seagate Avenue, favored Jarrett's development and opposed the proposed park preserve.

George Brew, 641 Goldenrod Lane, was concerned about what the Council would do with the right-of-way.

Lynda Padrta, 1113 First Street, thought the public access to the intra coastal proposed

by Jarrett would look more like a private driveway to the public. She was concerned about the Council modifying board recommendations. She requested an update on the water project.

Roger Bennett, 1871 Nightfall Drive, felt the city should maintain the public access to the intra coastal.

Sharon Silver, 2010 Cherokee Drive, wanted clarification of the activities of the city government boards and council actions.

Hank Baltar, 2029 Sandpiper Point, Chairman of the Planning & Development Review Board, was concerned about the changes in Steve's Jarrett's development plan and felt it should have gone back to the Planning & Development Review Board for a recommendation prior to going before the Council. He did not approve of abandoning property whether functional or legal.

Craig Porter, 2748 Seagate Avenue, favored Jarrett's development.

Mark Middlebrook, Executive Director of the Preservation Project, City of Jacksonville, Office of the Mayor, stated he was not opposing one thing over the other. They had a backup contract on the property. The Florida Forever Project allowed state funds to be used to help purchase land along the intra coastal waterways. He explained the City of Jacksonville would not have any control over the land. The only restriction would be that it had to be preserved. The property would still belong to the City of Neptune Beach.

Recess/Reconvene Mayor Brown called for a recess at 9:30 p.m. and reconvened the meeting at 9:40 p.m.

CITY MANAGER REPORTS

Water Project WATER UTILITY PROJECT: The Contractor projected the project would be completed by the end of January. City Manager Linn stated it would more likely be completed by the end of February.

Sewer Project SEWER UTILITY PROJECT: A pre-construction meeting was scheduled for January 8, 2003. The Department of Environmental Protection had approved the plans.

City Yard Project CITY YARD PROJECT: As a result of the meeting with the surrounding neighbors of the city yard the plans for the new public services facility had been slightly altered and the architect was completing the 70% drawing.

Kings Rd. Bridge KINGS ROAD BRIDGE REPAIR: Plans for the Kings Road bridge repair were expected to be completed this week. Temporary access would be provided through Jacksonville Beach. Once commenced the repairs should be completed in 90 days.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2002-14 ORDINANCE NO. 2002-14, AMENDING THE OPERATING BUDGET, SECOND READ AND PUBLIC HEARING – SPONSORED BY VICE MAYOR GILBERT, COUNCILORS PRUETTE AND SHEALY: AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2003, BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30, 2003.

City Manager Linn explained the new radio system would allow communication between other local police agencies.

Mayor Brown opened the public hearing.

Leslie Karlin, 1506 Spindrift Circle West, questioned the need for the police radios.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Shealy.

Motion: **TO ADOPT ORDINANCE NO. 2002-14, ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-01

ORDINANCE NO. 2003-01, ADDING SECTION 27-406(d) TO PROVIDE NOTICE OF MEETINGS OF THE PLANNING & DEVELOPMENT REVIEW BOARD, FIRST READ – SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-406(d), ADDING ADDITIONAL LANGUAGE RELATING TO NOTICE OF MEETINGS OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND PROVIDING AN EFFECTIVE DATE.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-01 ON FIRST READ WITH AN AMENDMENT TO CHANGE THE TIME OF NOTICE FROM 3 WEEKS TO 2 WEEKS.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

Adjournment

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

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____