



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**NOVEMBER 17, 2003, 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 November 17, 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  
Vice Mayor James Gilbert  
Councilor Harriet Pruette  
Councilor Larry Shealy  
Councilor John Weldon  
Interim City Manager & Public Safety Director William Brandt  
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn  
Assistant to the City Manager Terry Klein  
Director of Finance Steve Ramsey  
Director of Public Services Leon Smith  
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

**PRESENTATIONS**

**BEACHES RESOURCE CENTER:** Rick Carper, Chairman, Beaches Resource Center Oversight Committee, asked the City to contribute \$4,000 to the Beaches Resource Center Foundation to be used for funding literacy and other programs at the Beach.

Consensus: **FORWARD TO DECEMBER REGULAR MEETING CONSENT AGENDA.**

**TRAFFIC STUDY – VOLKERT & ASSOCIATES:** Jerry Dabkowski, P.E. and Angelo Rao, P.E., representatives from Volkert & Associates, presented the traffic study east of Third Street. They recommended replacing the speed bumps on east/west streets and Strand Street with speed humps or speed tables and installing the appropriate warning signs prior to the installation. Mr. Angelo Rao also recommended that some type of action be taken on First Street for the continual use of non-motorized users.

Discussion ensued regarding cost of the speed humps in conjunction with the repaving.

**COMMITTEE REPORTS / NONE**

### CITY MANAGERS PUNCH LIST

Water Project	<u>WATER IMPROVEMENT PROJECT:</u> The water project was complete. There were still issues with Utilex regarding payment and liquidated damages to be determined through mediation.
Sewer Project	<u>SEWER IMPROVEMENT PROJECT:</u> The sewer project was proceeding along on schedule. The contractor had started piping along Third Street. There were also some point repairs on Third Street.
Public Services Facility	<u>PUBLIC SERVICES FACILITY:</u> The construction of the new public works facility was proceeding on schedule. The contractor had started the block walls on two of the buildings. The footers and rough plumbing were complete on the remaining two buildings.
Hopkins Creek	<u>HOPKINS CREEK:</u> The Florida Department of Transportation was seriously considering installing retaining walls as opposed to culvert.

### PUBLIC COMMENTS

Sybil Ansbacher, 2008 Strand Street, Chairman of the Board of Appeals, opposed Ordinance No. 2003-16. She suggested reviewing the Code regarding the variance process. She thanked Council for considering the donation to the Beaches Resource Center where she worked as a mental health counselor.

Lynda Padrta, 1113 First Street, approved of the traffic study, approved of Ordinance No. 2003-16, opposed Ordinance No. 2003-18, opposed the outdoor seating for Sunny Caribbee, and favored protecting the beach accesses.

Michael Dunlap, 212 Lora Street, opposed Ordinance 2003-16 and supported the outdoor seating arrangement for Sunny Caribbee.

Chris Chin, 227A Margaret Street, Member of the Board of Appeals, opposed Ordinance 2003-16.

Steve Jarrett, 221 South Street, suggested moving forward with the review and modifications of the Land Development Regulations.

Claire Zaiser, 111 Davis Street, felt the historic district east of Third Street should be separated having different zoning requirements than other areas of the city. She suggested postponing the second reading of Ordinance No. 2003-16 until after a public hearing was held.

Recess/Reconvene	Mayor Brown called for a recess at 8:12 p.m. and reconvened the meeting at 8:25 p.m.
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### PROPOSED ORDINANCES

Ord. No. 2003-16	<u>ORDINANCE NO. 2003-16, VARIANCE APPEALS – SPONSOR VICE MAYOR GILBERT:</u> AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-153 PROCEDURE FOR APPEAL AND AMENDING SECTION 27-154 PETITION FOR CERTIORARI AND PROVIDING AN EFFECTIVE DATE.
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Vice Mayor Gilbert stated the ordinance would have variance appeals bypass the council and be settled in circuit court. He felt the variance appeal process should be more consistent. He asked council members to dedicate one day a month to review the Land Development Regulations. He also expressed concern regarding the appointment and orientation of board members. He also felt an attorney should be present at the Board of Appeals meetings.

Mayor Brown stated he appreciated the work of the board. He felt the finding of facts should be modified to allow more flexibility for the Board to approve variance requests.

Councilor Pruette suggested asking the city attorney to meet with the Council and members of the Board of Appeals each January to remind them of their role in the variance process. She also felt an attorney should be present at the Board of Appeals meetings. She asked that all new board members receive a copy of Chapter 27 of the Code.

Councilor Weldon stated when it came to appeals the Council's role was to determine only if the Board handled the request properly not to rehear the case. He felt if there was a consistent problem with the ability to build on lots or reduce a triplex to a single family the code needed some adjustment and Council should focus on changing the Code.

Councilor Shealy agreed the focus should be on changing the Code to allow more flexibility for variance approvals. He also agreed with holding a public hearing and dedicating one Monday a month for the review of the Land Development Regulations.

Mayor Brown suggested the Council and members of the Board of Appeals hold a joint meeting to discuss the variance process and possible adjustments to the Code. He asked Vice Mayor Gilbert if he wanted to defer the Ordinance.

Vice Mayor Gilbert stated he would dismiss the Ordinance if Council would consent to dedicating one Monday a month starting in December to review the Land Development Regulations. He added that Council members should be actively recruiting citizens to serve on the various boards.

Council Weldon asked staff to implement an orientation package for the board members.

Consensus: **TO AGREE TO DEDICATE ONE MONDAY A MONTH STARTING IN DECEMBER TO REVIEW THE LAND DEVELOPMENT REGULATIONS.**

**VICE MAYOR GILBERT TABLED ORDINANCE 2003-16.**

Ord. No. 2003-18

**ORDINANCE NO. 2003-18, GARAGES – SPONSOR, VICE MAYOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-328(a)(1) ACCESSORY BUILDINGS AND PROVIDING AN EFFECTIVE DATE.**

Vice Mayor Gilbert stated the current code did not allow detached garages in front yards. The proposed ordinance would allow single story detached garages in front yards if they were within the setbacks.

Councilor Shealy stated he would prefer all requests for detached front yard garages require a variance.

Councilor Weldon felt the ordinance should require windows on the front of the garage facing the street and the garage door on the side. He also felt a detached garage should be connected to the house by a breezeway or lanai and that the garage match the exterior of the house.

Vice Mayor Gilbert asked if an open breezeway from the garage to the house was currently considered an attached garage and if the ordinance was needed.

Community Development Director Jason Cleghorn stated each request for a detached garage should go through the variance process and he felt the ordinance was not needed.

Councilor Weldon suggested adopting a resolution stating it was the opinion of the Council that the Board interpret rear loaded lots as a hardship.

Community Development Director Jason Cleghorn suggested the Council adopt a policy statement stating that a rear loaded lot should be considered a hardship for the purpose of allowing a detached garage in the front yard.

Michael Dunlap, architect, favored the idea of establishing an overlay district east of Third Street to define a more compatible set of codes. He added that it was very rare for someone to build a detached garage in the front yard.

Consensus: **CREATE A COUNCIL POLICY STATING THAT IN SPECIFIC CASES WHERE HOMES ARE ON THE REAR OF THE PROPERTY AND THERE IS NO POSSIBILITY OF BUILDING A GARAGE IN THE SIDE OR REAR YARD THE COUNCIL WOULD INTERPRET THAT AS A HARDSHIP FOR THE BENEFIT OF THE BOARD OF APPEALS VARIANCE PROCESS.**

#### Signs

**PROPOSED SIGN ORDINANCE – COUNCILOR WELDON:** Councilor Weldon suggested adopting a sign ordinance that would phase out the large pole signs to ground based monument signs and reduce the square footage of signs to 100 square feet. This would coincide with Atlantic Beach's sign ordinance.

Vice Mayor Gilbert agreed the ordinance would establish a more uniform look. He suggested a 10-year or 15 year phase out period.

Councilor Weldon asked for a consensus to instruct staff to rewrite the sign ordinance using the Atlantic Beach sign ordinance as a model or template, adding a 10-year phase out period for the pole signs and forward it first read within three months.

Consensus: **INSTRUCT STAFF TO REWRITE THE SIGN ORDINANCE USING THE ATLANTIC BEACH SIGN ORDINANCE AS A MODEL ADDING A 10 YEAR PHASE OUT PERIOD FOR POLE SIGNS – FORWARD TO FIRST READ WITHIN THREE MONTHS.**

#### **CONTRACTS / AGREEMENTS**

#### Kings Rd. Bridge

**KINGS ROAD BRIDGE ENGINEERING SERVICES:** Requests for qualifications for engineering services for the replacement of the Kings Road Bridge were received on October 24<sup>th</sup>. Director of Public Services Leon Smith, City Engineer John Galen, and Interim City Manager Chief Brandt met with the five short listed organizations and recommended negotiating a proposal with G.A.I. for the engineering services.

Consensus: **FORWARD TO THE DECEMBER REGULAR MEETING CONSENT AGENDA.**

#### **ISSUE DEVELOPMENT**

#### Sunny Caribbee

**SUNNY CARIBBEE DEVELOPMENT ORDER:** Mr. John Brocato, Owner of Sunny Caribbee, submitted an application to provide outdoor seating for the restaurant.

Mayor Brown felt the proposal for outdoor seating was suitable for the atmosphere of Town Center. He suggested the city negotiate a lease with Mr. Brocato for the use of the right-of-way. He also requested Mr. Brocato reduce his proposed amount of tables to eight.

Mr. John Brocato stated he was hoping to provide his customers with the choice of dining outdoors. His request was to use of the right-of-way on the Atlantic Beach side of the

restaurant from the outside wall of building to the columns. The sidewalk on the other side of the columns would be unobstructed. He had reduced the amount of tables to 15. Mike Armeono, insurance agent with Harding & Associates, stated Mr. Brocato had adequate insurance coverage.

Councilor Weldon stated Atlantic Beach did not allow outdoor alcohol sales. He asked Mr. Brocato if alcohol would be served. Mr. Brocato responded "yes" that he did intend to serve alcohol. Interim City Manager Chief Brandt stated the Code did permit alcohol to be served outdoors with a special occupational license.

Councilor Weldon felt the city should be compensated for the use of the right-of-way. He was concerned that other businesses would also want to provide outdoor seating and the right-of-way would turn into a smoking section.

Mr. Brocato stated he did not object to paying market value to lease the right-of-way. He agreed to limit the smoking area.

Councilor Pruette was also concerned that other businesses would request outdoor seating and the city should come up with a policy and adopt an ordinance. She agreed with the lease arrangement and suggested a trial period.

Mr. Brocato replied there were a lot of expenses involved in setting up. He suggested a six-month trial period with an option to renew.

Councilor Shealy was concerned about the open container law and how to keep customers from wondering off with drinks. Mr. Brocato replied customers would enter and exit the outdoor area through the side door of the restaurant and planters would be placed around the edges. He added staff and management would be on site.

Councilor Pruette was concerned people would not be able to view their bricks if they were inside that area. Mr. Brocato agreed to relocate the bricks at his expense if there was a problem.

Mayor Brown stated the sidewalk on Atlantic Boulevard was wider than other areas and that would deter other businesses from requesting outdoor seating.

Councilor Weldon brought up parking issues.

Mayor Brown asked if there was a consensus to look closer at the details and concerns.

Councilor Weldon suggested working through the negotiation process and see if it works then memorialize it in an ordinance.

Consensus: **FORWARD TO JANUARY WORKSHOP ASK MR. BROCATO TO COME UP WITH A REASONABLE PRICE PER SQUARE FOOT AND ADDRESS CONCERNS FOR ALCOHOL AND SMOKING.**

Recess/Reconvene

Mayor Brown called a recess at 10:10 p.m. and reconvened the meeting at 10:20.

Beach Accesses

**BEACH ACCESSES:** Councilor Pruette felt now that the moratorium was in place eliminating development of the beach accesses for one year it was time for the Council to address the future protection of the beach accesses.

Councilor Pruette requested a legal opinion from City Attorney Chris White on whether or not there was a way to restrict beach accesses from residential development and uses and if they could be dedicated as parks or greenspace. She agreed that a survey should be done on all

the beach accesses.

Consensus: **TO ASK CHRIS WHITE FOR A LEGAL OPINION AND DIRECT STAFF TO GET A COST FOR SURVEYS OF THE BEACH ACCESSES.**

Condos **CONDOS:** Councilor Pruette stated the Community Development Director provided an eleven-page memo on the subject of condominiums and it was determined there was no ability to restrict condominiums. The height limit would prevent high-rise condos.

Greenscape **GREENSCAPE:** Community Development Director Jason Cleghorn explained Greenscape was a nonprofit organization that donated trees for planned projects. He stated a landscape plan was necessary so they could determine how many trees they would provide. Once the landscape plan was complete an application could be filled out. Mayor Brown asked Mr. Cleghorn to get some bids from landscape architects. Councilor Pruette agreed.

Water Plant Fencing **WATER PLANT FENCING:** Director of Public Services Leon Smith contacted four fencing companies for bids on the construction of a concrete fence around the water plant. He recommended Duratek to construct the fence for the cost of \$57,980. The cost also included fencing around the lift station. Director of Finance Steve Ramsey stated the funds could come from the Better Jacksonville Plan if there was enough money left over after the construction of the new Kings Road Bridge.

Adopt an Area **ADOPT AN AREA AGREEMENT:** Councilor Pruette stated the new adopt an area agreement would replace the old adopt a road program.

Councilor Weldon asked if staff had reviewed the revised agreement.

Consensus: **HAVE STAFF REVIEW THE AGREEMENT.**

Councilor Weldon stated he did not want to receive anonymous e-mails and asked for a consensus that they not be copied out to the Council. City Clerk Lisa Volpe responded the policy was to copy out all incoming mail. She added she would reply to the anonymous e-mails and request their name and address.

Consensus: **CONSULT WITH CITY ATTORNEY AS TO WHETHER OR NOT ANONYMOUS E-MAILS SHOULD BE COPIED OUT.**

Adjournment There being no further business, the meeting adjourned at 10.55 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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