



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**SEPTEMBER 20, 2004, AT 7:36 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 September 20, 2004 at 7:36 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 John Weldon  
City Attorney Christopher White  
City Manager Jim Jarboe  
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor Larry Shealy

STAFF:

Community Development Director Jason Cleghorn  
Director of Finance Steve Ramsey  
Director of Public Services Leon Smith  
Deputy City Clerk Karla Strait, CMC  
Assistant to the Building Official Piper Turner

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:36 p.m.

**PRESENTATIONS / NONE**

**COMMITTEE REPORTS / NONE**

**CITY MANAGERS ACTION LIST**

Pubic Services	Director of Public Service Director Leon Smith received notice that the fence company off loaded equipment today in preparation to begin construction of the fencing around the Water Plant as required by state security guidelines.
Repaving Project	The paving company also off loaded equipment today in preparation to begin the repaving project.
Clean Up Efforts	The Public Services Department worked aggressively cleaning up debris from the storm, moving ahead of Jacksonville Beach Electric, clearing the roads in order for power to be restored quickly. Grubbs Emergency Services brought in a lot of equipment. Waste

Services of Florida, the normal service provider under contract was also required to help. A staging area was created in Jarboe Park in which the debris has created a mound. The debris would be taken to the Jacksonville Landfill. During the storm there was extremely good cooperation between the Public Safety Department and the Public Services Department moving traffic around and keeping roads unblocked and cleared.

Councilor Weldon questioned if the temporary pump located behind Beaches Chapel operated sufficiently with all the rain from the storms. Mr. Jarboe responded Public Services kept an eye on the pump and it held up well during all the rain with no problems. He added the Water Management District might require the City to build a large reservoir in that area to pump the water to another location when it collected.

Vice Mayor Gilbert asked Mr. Jarboe about the status of the Florida Boulevard Landscaping Design. Community Development Director Jason Cleghorn replied he would inquire as to the status.

### **PUBLIC COMMENTS**

Bob Zimpfer, 2545 Watersedge Drive, thanked the city for repairing the potholes on Watersedge Drive.

Steve Hartsaw, 301 Oleander Street, thanked the Council for placing the issue of fencing on Third Street side yards on a workshop meeting agenda.

Beverly Hartsaw, 301 Oleander Street, stated she was astonished by the quick reaction of all of the city departments after the storm. She added the city did a fantastic job and it was appreciated.

Ralph LaPerna, 2507 Watersedge Drive, thanked the city for repairing the potholes on Watersedge Drive. He favored an additional charge on the utility bills for Watersedge Drive residents in order for the city to maintain the road. He also asked the city to pave Pine Place. He was also concerned about flooding.

### **PROPOSED ORDINANCES / NONE**

### **CONTRACTS / AGREEMENTS / NONE**

### **ISSUE DEVELOPMENT**

#### Short Term Rentals

SHORT TERM RENTALS FOR SUPER BOWL WEEK: Mayor Brown stated there was potential and interest at the beaches for renting private residences for the week of the Super Bowl. Mayor Brown introduced Jay Fogle, Realtor for Coldwell Banker - Walter Williams Property Rentals.

Mr. Jay Fogle explained he was one of ten rental agents working through Coldwell Banker, Walter Williams Realty, who was awarded the management for the Super Bowl Host Committee for rental properties provided for the event and the NFL. He asked the Council to consider a one time exception to the short-term rental ordinance to allow people to rent their personal residential properties and condominiums during the week of the Super Bowl. The time period of January 30, 2005 through February 7, 2005. Mr. Fogle explained the time period would not affect the Homestead Exception for personal residences as long it was rented for less than 14 days during the calendar year of 2005. The Super Bowl Host Committee had contracted out 17,000 commercial hotel rooms throughout Northeast Florida. The NFL had already assigned 15,000 of those hotel rooms. They currently had over 850 homes and condominiums signed up for the program, which only made a dent in the demand. He was hoping to be able to provide enough rentals for those visiting so

everyone would have a pleasurable experience. Historically guests have spent \$350.00 per person per day on dining and shopping. He already had a list in excess of 50 residents of Neptune Beach that had inquired about the opportunity to rent their property for the event. Mr. Fogle added the City of Atlantic Beach passed a one time special exception allowing short-term rentals for the Super Bowl. He felt it would be a good opportunity for Neptune Beach to participate in the event and generate extra income for the retailers and restaurants. The guests would be limited per house and they would be required to abide by all city ordinances.

Mr. Jarboe stated there was not a provision in the Code that allowed Council to waive the Code for certain circumstances without adopting a new ordinance. He suggested adopting an ordinance that would allow Council to waive areas of the Code for thirty days under unusual circumstances. The ordinance could also be used to waive any number of things in the Code without adopting an ordinance each time.

Councilor Pruette questioned if personal items would have to be moved out of the houses prior to the tenant's arrival. Mr. Fogle explained with each inquiry a rental agent would inspect the property to make sure it met the guidelines. The facility would have to be clean, fully furnished, and be a place you would want to stay when you were out of town on vacation. They recommended personal photos and other such personal items be removed. Most people put their personal belongings in one closet with a lock on the door.

Councilor Weldon asked what kind of provisions the rental agents were taking to insure the peace and tranquility of the community would not be disturbed. Mr. Fogle stated the guest would be paying substantial rental rates plus a security deposit. The agency would make sure the tenants understood there were guidelines they had to abide by as if they were the resident of the property. If for any reason they created a nuisance of themselves they would have nowhere else to go, except home. The majority of the rentals would be corporate where an employee would stay on behalf of their employer. Therefore they would not want to create a problem that may effect their continued employment. The security deposit would be anywhere from 50% to 100% of the weekly rate. The guest would also pay a cleaning fee and any applicable bed and sales tax. The properties were renting anywhere between \$12,000 and \$15,000 for the week with certified funds.

Councilor Weldon questioned how the guests per property would be limited. Mr. Fogle stated there was no way to govern that 100%. But the tenant would be required to sign a contract and disclose everyone that would be occupying the property.

Councilor Pruette asked if the rental agency would acquire a permit from the city for each property. Mr. Fogle stated permits had not been required from any other community.

Mr. Jarboe stated under the Code, the listing agency, Coldwell Banker, would be held accountable for any Code violations. In the event of a violation Coldwell Banker would be required to go before the Code Enforcement Board and pay any fines.

Vice Mayor Gilbert voiced concern about allowing visitors to go into the residential community when the city has already opposed commercial public events.

Mayor Brown asked for a consensus of the Council to have City Attorney White and City Manager Jarboe prepare an ordinance.

Consensus: **TO CREATE AN ORDINANCE FOR FIRST READ ON SEPTEMBER 27, 2004 AND SECOND READ ON OCTOBER 4, 2004 TO ALLOW SHORT TERM RENTALS FOR THE WEEK OF THE SUPER BOWL.**

City Manager Jarboe asked the Council if they would also like to create an ordinance waiving the Code under special circumstances.

City Attorney White stated this would allow flexibility so that a separate ordinance would not need to be adopted each time.

Consensus: **CREATE A SECOND ORDINANCE TO WAIVE THE CODE UNDER CERTAIN DETAILED CIRCUMSTANCES.**

Recess/Reconvene Mayor Brown called a recess at 8:10 p.m. and reconvened the meeting at 8:25 p.m.

Watersedge Dr. WATERSEEDGE DRIVE: Mayor Brown stated there was some debate regarding the legalities of the City maintaining Watersedge Drive.

Councilor Pruette agreed with Mayor Brown's suggestion to add a fee to the Watersedge Drive resident's utility bills to cover the cost of the city provided maintenance.

Vice Mayor Gilbert also agreed and asked City Attorney White about the legalities. He questioned who would be responsible if the property was rented, the owner or the tenant.

City Attorney White advised the problem was that Watersedge Drive was not city property. The City could not levy a special assessment on private property.

Mayor Brown stated it would not be an assessment. It would be an adjustment to the utility bill. Mr. White advised if it was not called an assessment he would still express concerns about taking over the obligation, responsibility, and associated liabilities of maintaining property that was not the responsibility of the city.

City Manager Jarboe suggested if the homeowners would form a Homeowners Association the City could go under contract with the Homeowners Association to provide the maintenance of the road. The contract would clearly state the City was providing a particular service and would not accept liability for the road.

City Attorney White stated that agreeing to restrictions on limiting the City's liability did not guarantee the City would not be liable. The City would be brought into any type of legal action that would involve the road.

City Manager Jarboe explained because the owners leased the road from J.E.A. each property owner was individually liable for the road. He advised it would be to the owners benefit to form a Homeowners Association.

Councilor Weldon suggested this would be good opportunity to study and create a master plan for a long-term solution for the Prado Ferrer community. He supported the City providing maintenance of the road until such time as a master plan was complete.

Vice Mayor Gilbert suggested placing the issue on a five-year plan.

City Manager Jarboe stated the Prado Ferrer area was not a priority during the goal-setting meeting. He advised if Council wanted to upgrade the area to a priority he would revise the goal-setting tier and report back to Council with a plan.

Light Manufacturing LIGHT MANUFACTURING: City Manager Jarboe introduced Brenna Durden, and stated she would be available to answer questions. Mayor Brown stated a cabinet manufacturing company had been in place for a number of years. The owner wanted to build a new building across the street where light manufacturing was not permitted.

Vice Mayor Gilbert stated the code did not specify if light manufacturing was allowed in the C-2 or C-3 zoning districts. He recommended light manufacturing be allowed in the C-2 and C-3 districts by special exception.

Councilor Weldon stated he would like a clearer definition of light manufacturing.

Ms. Brenna Durden stated permitting the use by special exception was appropriate. She suggested establishing special performance standard criteria for the special exception. She asked the Council to also take into consideration that under Florida case law any person who met that criteria would have a right to utilize the land for that special exception.

Consensus: **TO ALLOW LIGHT MANUFACTURING IN THE C-2 ZONING DISTRICT AS A SPECIAL EXCEPTION AND DEVELOP PERFORMANCE STANDARDS AND A DEFINITION FOR LIGHT MANUFACTURING.**

#### Duplex Lots

**DUPLEX LOTS:** City Manager Jarboe explained there were several nonconforming duplex lots within the R-4 Zoning District. The Land Development Code currently allowed one unit per 4,356 square feet requiring 8,712 square feet for a duplex. The Comprehensive plan required density not to exceed 10 living units per acre. To achieve this, the R-4 zoning district would require 4,356 square feet of land area per living unit bringing the total to 8,712 for a duplex. Mr. Jarboe stated the Comprehensive Plan and the Land Development Regulations should be consistent. Because of the conflict, the Comprehensive Plan needed to be changed to before the Land Development Regulations were.

Ms. Durden explained that some of the duplex lots would meet the lot size requirements, but because of the Comprehensive Plan you could only have one unit.

Councilor Weldon stated Council established the 10 units per acre to keep the density at a manageable level and he would like to see that remain.

Mr. Terry McCue stated he had two lots with duplexes currently on them. He would like to demolish the old duplexes and replace them with new duplexes. However, the current Code would not allow him. He felt he should be entitled to his property rights.

Vice Mayor Gilbert asked for a consensus to change the Comprehensive Plan to be consistent with the Code.

Councilor Pruette questioned exactly what would be changed. Mr. Jarboe replied it would be easier to change the Comprehensive Plan to be consistent with the current Code.

Mr. Jarboe explained that legally the Council could not change the LDR's to be different from the Comprehensive Plan. The Comprehensive Plan should be updated before a change can be made.

Ms. Durden stated the Comprehensive Plan had not been updated since 1991. She explained it would be difficult for a property owner in 2004 to argue that the density requirements took away their property rights. She cautioned that the Land Development Regulations should be as consistent with the Comprehensive Plan as much as possible. If you allowed 6,532 square feet as the minimum lot size for a duplex the Comp Plan would change to 13 units per acre.

Councilor Weldon reiterated there was already a problem with the density in the R-4 District now and felt the Council should not encourage more.

Vice Mayor Gilbert stated the existing problems were because of unregulated building. There are now guidelines such as total lot coverage, parking requirements per unit, etc. He

supported changing the Comp Plan.

Mayor Brown supported changing the Comp Plan.

Councilor Pruette stated residents had been remodeling their duplexes into single-family homes and the City needed to survey how many duplex and single family houses it now has.

Director of Community Development Jason Cleghorn stated amending the Comp Plan was a lengthy process and would require the states approval.

City Clerk Lisa Volpe suggested going ahead and adopting the Revised Land Development Regulations and then change the density in the Comprehensive Plan if the council wishes.

Mr. Jarboe suggested holding another workshop on the Land Development Regulations and have Ms. Durden return.

City Clerk Volpe stated a Special Meeting was already scheduled for Money September 27, 2004. She suggested holding the Workshop Meeting following that meeting. The Land Development Regulations could then be adopted on October 4, 2004.

Consensus: **TO HOLD A WORKSHOP MEETING AFTER THE SPECIAL MEETING ON SEPTEMBER 27, 2004 TO DISCUSS THE LAND DEVELOPMENT REGULATIONS.**

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: \_\_\_\_\_