



MINUTES
WORKSHOP CITY COUNCIL MEETING
OCTOBER 18, 2004, AT 6:33 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 18, 2004 at 6:33 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
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

Councilor John Weldon

STAFF:

Lieutenant Anthony Carrillo
Community Development Director Jason Cleghorn
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 6:33 p.m.

PRESENTATIONS

Mayor Brown presented a plaque to the Public Safety Department for their outstanding recovery assistance during hurricane season 2004. Lieutenant Anthony Carrillo accepted the plaque on behalf of the department.

John R. Crescimbeni, former City of Jacksonville Councilman, explained he was involved with a JCCI committee that conducted a study in the spring of 2002. The study reviewed efforts to reduce litter and make Jacksonville a clean city. The City of Jacksonville proposed to adopt a Zero Tolerance Policy either by ordinance or referendum. The cost to implement the policy was an estimated 3.4 million dollars. The service districts would be given an opportunity to either be included in the policy or to opt out. If the policy was adopted by referendum of the voters it would have to be ratified by the service districts governing body.

City Attorney White questioned why we were not notified of the action before it was presented to the Jacksonville City Council. He added he had seen the material.

Councilor Pruette stated she would like to see the entire Ordinance along with background information.

Councilor Shealy was also concerned that we did not receive notice of the study beforehand.

Brenna Durden, a member of the JCCI committee, asked the Council to review the study.

City Manager Jarboe stated he would contact the Jacksonville City Council and remind them that they need to give us 7 days notice on issues that affect Neptune Beach.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

Kings Rd. Bridge	The Kings Road Bridge Project had been sent out for bids. Bids would be received and opened on November 15, 2004.
Repaving Project	The repaving had begun. Mr. Jarboe asked if Council had any other questions regarding his action list.
Public Service Facility Fencing	Mayor Brown asked Mr. Jarboe if he received any comments regarding the new fencing at the Public Service Facility. Mr. Jarboe replied he had received many complements regarding the fence and complements regarding clean up efforts after the storms.
A1A Beautification	Councilor Pruette questioned when the A1A beautification project would begin. Mr. Jarboe replied he was waiting to receive the contract from the City of Jacksonville. The contract would require initial payment from Neptune Beach and reimbursement by the City of Jacksonville.
Fl. Blvd. Landscape	Vice Mayor Gilbert asked about the status of the Florida Boulevard Landscape Design. Community Development Director Jason Cleghorn explained Mr. Goddard was still working on completing the design and he would follow up with him tomorrow.

PUBLIC COMMENTS

Leslie Karlin, felt the Ordinance defining light manufacturing affected Summer Sands subdivision and the residents should have been notified.

David Baker, 1102 First Street, was concerned that the Comprehensive Plan and the Land Development Regulations square footage requirements for duplexes did not allow him to rebuild a duplex on his property.

Randy Osborne, 1932 Strickland Road, favored adoption of the Ordinance to allow light manufacturing.

PROPOSED ORDINANCES

Light Manufacturing	<u>PROPOSED ORDINANCE REGARDING THE DEFINITION OF LIGHT MANUFACTURING AND DRAFT PERFORMANCE STANDARDS:</u> Community Development Director Jason Cleghorn prepared a memo to the City Manager regarding the definition of light manufacturing and performance standards for zoning exceptions.
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Discussion ensued regarding the definition of light manufacturing and lot size requirements.

City Manager Jarboe stated if Council moved forward the performance standards would be more important than the definition.

Brenna Durden, Development Attorney, suggested developing an overlay district. She felt it would be faster and easier. She added she would report on air permit requirements.

Vice Mayor Gilbert stated he agreed with Mr. Cleghorn's suggestions for the definition of light manufacturing. He also agreed with the suggested performance standards except for the parcel having to be at least a half acre in size.

Consensus: **TO TAKE OUT (a) "ANY PARCEL WHICH APPLIES FOR A LIGHT MANUFACTURING SPECIAL EXCEPTION MUST BE AT LEAST A HALF ACRE IN SIZE AND DRAFT AN ORDINANCE FOR FIRST READ IN NOVEMBER."**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Ord. No. 2004-17

ORDINANCE NO. 2004-17, AMENDING CHAPTER 17, TABLE 27-229-1: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17, TABLE 27-229-1, LOT AREAS, SETBACKS, AND BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated the Council had previously discussed limiting the 35 foot height limit to two story buildings and questioned why that was not included in the ordinance.

Consensus: **TO LIMIT THE 35' HEIGHT LIMIT TO TWO STORY BUILDINGS.**

Vice Mayor Gilbert questioned why the 100 foot lot width requirement was measured at the front building restriction line and not the front of the lot. Discussion ensued. The council also discussed whether or not to include zoning district R-2.

Consensus: **TO CHANGE (5) TO READ "FOR LOTS IN THE R-1 ZONING DISTRICT THAT HAVE A MINIMUM LOT SIZE OF 10,000 SQUARE FEET AND 100 FEET OF LOT WIDTH, 35 FEET OF MAXIMUM BUILDING HEIGHT WILL BE PERMITTED, SO LONG AS THE PRIMARY ROOF STRUCTURE IS BUILT AT A MINIMUM 5/12 PITCH ROOF AND DOES NOT EXCEED 2 STORIES OF LIVING SPACE."**

Recess/Reconvene

Mayor Brown called a recess at 8:20 p.m. and reconvened the meeting at 8:30 p.m.

Duplexes/Density

CODE REVISIONS CONCERNING DUPLEXES AND DENSITY: City Manager Jarboe explained currently the Land Development Regulations were in compliance with the Comprehensive Plan. The Land Development Regulations allowed for a maximum of 10 dwelling units per acre or 4,356 square feet per dwelling unit, therefore, duplexes would require a lot size of 8,712 square feet. The Land Development Regulations and the Comprehensive Plan both had to be changed if the council decided to change the lot size requirement for duplexes.

Vice Mayor Gilbert stated there were other restrictions in the Land Development Regulations regarding parking, setbacks, and impervious surface per unit. He questioned if

all of those restrictions were met why a property owner could not be allowed to rebuild a duplex. He asked if there was any other way to protect the property owner other than the Footprint Bill. He felt the Comp Plan should be updated to match the current density.

City Manager Jarboe stated the Comprehensive Plan was not intended to project the existing density. It was intended to propose the standard where the city would like to be in the future. We were trying to reach the 10 unit per acre standard that was set. It was up to the Council to determine the standards and change them in the Comp Plan if necessary.

Councilor Pruette stated the City should know exactly how many units existed. She felt the existing Comp Plan was effective since some properties had been converted from duplexes to single family homes.

A lengthy discussion ensued regarding existing duplexes, lot sizes, and the right for a property owner to rebuild a duplex.

Brenna Durden explained how many units you can have on a parcel really has nothing to do with the zoning code but has everything to do with the comp plan. The future land use map, in the comp plan, shows that an R-4 parcel is in the residential low land use designation with a maximum of 5 units per acre regardless of size or shape. If it is changed to medium density, 10 units per acre can be built and high density allows 17 units per acre. The only exception was the footprint bill if there was a natural disaster.

City Manager Jarboe asked if the density in the comp plan could be changed to allow for duplexes on smaller lots. Ms. Durden stated it could be done but was difficult.

Vice Mayor Gilbert asked if anything could be done to protect the footprint for more than just natural disasters. Ms. Durden stated a natural disaster is an unintentional act and therefore a plausible reason to be inconsistent with the density designation allowed for in the comp plan. Ms. Durden stated you need data to support that you are not actually increasing density in to convince the state to change the comp plan.

Councilor Pruette asked to find a way to decrease density but protect property rights. Councilor Shealy stated he thought the city was trying to move toward single family homes. Mayor Brown stated the 8712 feet meant no more duplexes east of third due to the small lots.

City Manager Jarboe made the suggestion to make an in depth study of what was currently in Neptune beach with an outside firm, to document the information. He could bring back a plan of action and its cost and bring it to the council.

Councilor Pruette was not in favor of spending a lot of money. City Manager Jarboe stated it could be done in house but it would not be as in depth as the state would want it and it could not be done quickly.

Mayor Brown stated the council had to be concerned over property rights as elected officials. Mr. Jarboe stated he was trying to get council where they wanted it to be. Vice Mayor Gilbert felt the comp plan was to correct when it was written and it should be corrected now.

Councilor Pruette asked what was the exposure for not following the density in the comp plan. Mr. White stated you are open to investigation with the DCA and individual lawsuits. Mr. Jarboe stated the comp plan is a set of goals the city is attempting to meet.

Councilor Pruette felt it was a persons right to be able to rebuild a duplex in a duplex zoned area.

City manager Jarboe stated staff was attempting to change the comp plan to suit council's wishes. Ms. Durden remarked the DCA has a schedule you can follow to prepare the Evaluation and Analysis Report. This may help the city focus on the issue of density east of Third Street. She suggested the city hire a consultant to figure out what is there and what is wanted and how to get there.

Discussion ensued over duplexes and triplexes and what is wanted east of Third Street.

Consensus: **FOR STAFF TO GIVE OPTIONS OF HOW TO CONDUCT A STUDY AND HOW TO CHANGE THE COMP PLAN TO SUIT THE COUNCIL'S IDEAS.**

Dune crossovers

PBS&J PROFESSIONAL AGREEMENT FOR DESIGN AND PERMITTING OF DUNE CROSSOVERS AT LEMON STREET AND HOPKINS STREET: City Manager Jarboe stated the council wanted two handicap ramps to the beach. Staff designed the ramps but has been repeatedly turned down by the Department of Environmental Protection. This is a proposal by PBSJ to draw the plans and get the permit from DEP. Staff recommends this, because this is how the City of Jacksonville Beach received the permits to build their ramps.

Councilor Pruette told council she had taken pictures for staff of Jacksonville Beach's ramps. She did not like having to pay a consultant to get the permits.

Jim Miller, PBS&J, stated the hurricanes have changed the process of permitting dune crossovers. His company would be glad to secure permits for the city.

Discussion ensued over whether or not to use a consultant. Vice Mayor Gilbert did not approve of spending \$18,000 on a consultant and felt the state should not force cities to use a consultant to help handicap citizens.

Mayor Brow recommended asking Rep. Davis to get the city the criteria for the permit. Councilor Pruette Thanked Public Service Director Leon Smith and staff for their attempts at attaining a permit.

Consensus: **FOR STAFF TO SPEAK WITH REPRESENTATIVE DON DAVIS TO FIND OUT THE CRITERIA NEEDED TO GET A PERMIT.**

Councilor Pruette suggested putting an ad in the paper about the height referendum. City Clerk Volpe stated the supervisor of Elections does run two adds for our referendum.

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____