



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 18, 2005, 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 April 18, 2005 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 Harriet Pruette
Councilor Eric Pardee
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Public Services Leon Smith
Director of Finance Steve Ramsey
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following issues:

- The repaving was completed.
- One bid was received for the installation of speed humps and Finance Director Steve Ramsey would report back with budget information.
- The Public Services Department converted from using gas chlorine to liquid chlorine which increased the safety of the community.

Councilor Shealy commended City Manager Jarboe for completing 18 projects out of the 29 that were on the Action List.

Councilor Weldon stated the speed humps were included in the repaving project and questioned why they were not installed by the contractor. He asked the City Manager to bring the subject back to the Council once the affordability was determined.

Vice Mayor Pruette stated she would like to have the city get an estimate for the cost of striping First Street.

Councilor Pardee stated he had spoken with the gentleman that was in charge of the City of Jacksonville's striping regarding striping of Florida Boulevard.

Mayor Brown stated the DOT Hopkins Creek project was almost complete.

Councilor Weldon stated the extension of Hopkins Creek on the eastern segment toward Fifth Street was cluttered and asked if could be cleaned up. City Manager Jarboe responded he would approach the DOT to see if a maintenance agreement could be arranged.

PUBLIC COMMENTS

Mary Ann Padrta, 1030 Second Street, thanked the city for installing stop signs on First Street; asked that parking be added at the end of North Street; was concerned about unleashed dogs; felt landlords should be notified when an animal control citation was given to a tenant; stated she felt permits for storm doors were unnecessary; and the Board of Appeals members had been mistreated.

Dan Russell, 239 Davis Street, remarked that the large oak tree that gave his rear yard privacy from the Third Street traffic was destroyed by the past years hurricanes which is why he requested a variance to install a six foot privacy fence on his side yard facing Third Street to provide safety and security to his family.

Sybil Ansbacher, 2008 Strand, felt the memorandum from Mayor Brown and the newspaper article regarding the decision of the Board of Appeals to deny Mr. Russell a 6' privacy fence on Third Street undermined the Boards credibility.

Chris Chin, 227 Margaret Street, felt because of the memorandum and the newspaper article regarding the Board of Appeals decision to deny Mr. Russell a six foot privacy fence on Third Street the citizens no longer had confidence in the Board.

Steve Hartsaw, 301 Oleander Street, felt the city should help the residents on Third Street with some relief from the traffic and noise.

PROPOSED ORDINANCES

Ord. No. 2005-XX

ORDINANCE NO. 2005-XX AMENDING CHAPTER 6:: AN ORDINANCE OF THE CITY NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 6, SEC. 6-1 DEFINITIONS, SEC. 6-2 BIRD SANCTUARY; EXCEPTION, SEC. 6-4 NUISANCES CAUSED BY ANIMALS AND SEC. 6-32 DOGS ON THE BEACH; ADDING SEC. 6-10 INTERFERENCE WITH AUTHORIZED PERSONNEL IN PERFORMANCE OF DUTIES; BREAKING INTO OFFICIAL PROPERTY, ETC, SEC. 6-11 LEGISLATIVE FINDINGS, SEC. 6-12 INJURIES CAUSED BY ANIMALS, SEC. 6-13 DANGEROUS; CERTIFICATION OF REGISTRATION; NOTICE AND HEARING REQUIREMENTS; CONFINEMENT OF ANIMAL EXEMPTION; APPEALS; UNLAWFUL ACTS, SEC. 6-15 ATTACK OR BITE BY DANGEROUS DOG; PENALTIES; CONFISCATION; DESTRUCTION AND SEC. 6-16 BITE BY A POLICE OR SERVICE DOG; EXEMPTION FROM QUARANTINE AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe remarked that the Ordinance related to dealing with dangerous dogs.

Councilor Pardee felt the time period for barking dog disturbances should be left at the

one hour time period.

City Attorney White advised if there was a time period of one hour, City staff or the responding police officer would have to witness the dog barking for an entire hour before a citation could be issued.

Councilor Shealy was concerned about the level of code enforcement and felt it should be stricter.

City Manager Jarboe informed the council there are only one and a half employees in the animal control department and it was a seven day a week job. He added police officers were not responsible for animal control. He suggested training citizens for part time animal control duties.

Vice Mayor Pruette suggested raising the penalty of the first offense from \$25 to \$50 and the second offense from \$50 to \$75. She also suggested changing the requirement of a 12' leash to a 16' leash.

City Manager Jarboe stated he could bring before the Council a proposal to add a new animal control employee.

Vice Mayor Pruette stated she would not support adding another animal control employee. She was also concerned that only 22 animal control citations were issued within the past year and felt there should have been more.

Councilor Weldon suggested a performance evaluation of the animal control department be conducted and provided to the Council along with an explanation as to why so few citations were issued.

Vice Mayor Pruette suggested that Council receive a report each month on the number of animal control citations issued.

Consensus: **TO RAISE THE PENALTY FOR THE FIRST OFFENSE TO \$50, AND THE SECOND OFFENSE TO \$75; CHANGE THE LENGTH OF THE LEASH FROM 12' TO 16' AND FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

CONTRACTS / AGREEMENTS

Verizon **VERIZON WATER TOWER LEASE AGREEMENT:** Agreement to lease the water tower to Verizon Wireless to install, maintain and operate the radio communications equipment, antennas and appurtenances as described in the agreement.

Consensus: **FORWARD TO THE MAY CONSENT AGENDA FOR APPROVAL.**

ISSUE DEVELOPMENT

Civility Month **PROCLAMATION AND PLEDGE OF CIVILITY FOR THE MONTH OF MAY:** The attorneys for the City, County and Local Government Law Section of the Florida Bar requested the renewal of the pledge of public conduct and civility for the month of May.

City Clerk Lisa Volpe advised a vote was not necessary for the approval of a proclamation.

Consensus: **TO SUPPORT THE RENEWAL OF THE PROCLAMATION FOR THE PLEDGE OF CIVILITY FOR THE MONTH OF MAY.**

Purchase of City
Easement

PURCHASE OF CITY EASEMENT BY ADJACENT PROPERTY OWNER: City Manager Jarboe explained there was a 300 to 400 foot track of land behind Florida Boulevard that was once part of South Street. There was no infrastructure on the property and it was currently overgrown with vegetation. The city previously declared the property a wildlife and bird sanctuary. Mr. Jack Garnett of 629 Florida Boulevard requested the city allow him to purchase the portion of said property that abutted the rear of his lot and take responsibility for the maintenance.

Mr. Jack Garnett, 629 Florida Boulevard, stated he would like to purchase the portion of property abutting his yard. He would take responsibility for the maintenance and add it to the city's tax roll.

Mayor Brown stated if the city granted permission to Mr. Garnett for the purchase of the land, the city would also have to offer the same to the other adjacent property owners.

Councilor Weldon suggested leaving the property public and having the city employees properly maintain it. Vice Mayor Pruette stated she was against abandonment and felt that green spaces and bird sanctuaries within Neptune Beach are important to the community.

Councilor Pardee felt the land would be put to better use if the property owners were granted permission to incorporate it into their property thereby adding it to the tax rolls.

Consensus: **TO GATHER MORE INFORMATION AND FORWARD TO THE MAY WORKSHOP MEETING.**

Fencing along Third
Street

FENCING ALONG THIRD STREET: Mayor Brown felt the procedures the Board of Appeals that are required by ordinance to follow in order to grant a variance are inadequate, which was demonstrated by the denial of a request for Mr. Dan Russell to erect a six foot privacy fence on his side yard abutting Third Street. Mayor Brown felt the property owners along Third Street should be allowed to erect six foot privacy fences for security and buffering of traffic noises. He would like to change the ordinance to help the citizens.

City Manager Jarboe suggested allowing six foot privacy fences on Third Street with the following conditions: the fence must be setback two feet from Third Street; and landscaping must be provided for the area outside of the fence along Third Street to help buffer the sound. Mr. Jarboe added one of the problems for Mr. Russell was that he has a corner lot and corner lots are considered to have two front yards. Six foot privacy fences are not allowed by code to be erected in front yards.

Councilor Weldon felt the Board of Appeals handled the variance request professionally because the Code did not permit six foot privacy fences in front yards. He felt the issue was the beauty of community and it was important not to wall off Third Street. He suggested considering the following options: 1) decide how to implement six foot fencing on Third Street, 2) cite the existing code violators, 3) insist fences and walls along Third Street meet higher construction standards, 4) the fence or wall would need to be erected at least two feet inward of the property, and 5) the property owner would be responsible for landscaping and maintaining the area outside of the fence on Third Street. Councilor Weldon added that law abiding citizens should not be punished for requesting permits for six foot fences when others had been erected illegally and not fined or removed.

Vice Mayor Pruette stated the traffic and noise on Third Street would continue to rise in the future and six foot privacy fences were necessary and should be allowed on Third Street and Florida Boulevard to provide privacy and security for the property owners..

Councilor Shealy agreed that six foot privacy fencing should be allowed on Third Street with the requirement of at least a two foot setback and landscaping along the Third Street side of the fence.

Discussion ensued regarding types of fencing and how far the fence should be set inward of the property line.

Consensus: **ADD TO "ENCOURAGE" HIGHER CONSTRUCTION STANDARDS OF FENCES, CHANGE TWO FEET TO "THREE" FEET INWARD FROM THE PROPERTY LINE, ELIMINATE PENMAN ROAD LEAVING JUST THIRD STREET AND FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Ord. No. 2005-06

ORDINANCE NO. 2005-06, AMENDING CHAPTER E17, UNIFIED LAND DEVELOPMENT REGULATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS AMENDING SECTION 27-458 RESIDENTIAL LANDSCAPE REQUIREMENTS AND AMENDING SECTION 27-476 STREET DESIGN STANDARDS AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated during the first reading and passing of the ordinance there were concerns regarding the height of landscaping and it was brought back to workshop.

Discussion ensued regarding the height of landscaping that would be allowed on the public street ends.

Consensus: **TO LIMIT THE HEIGHT OF LANDSCAPING TO THREE FEET AND FORWARD TO THE MAY REGULAR MEETING FOR SECOND READ.**

Ord. No. 2005-08

ORDINANCE NO. 2005-08, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated concerns were brought up at first read regarding the distance between establishments and it was brought back to workshop. Discussion ensued.

Consensus: **TO ADD AN 800 FOOT DISTANCE BETWEEN ESTABLISHMENTS WITH MORE THAN 51% OF THEIR REVENUE IN ALCOHOL AND FORWARD TO THE MAY REGULAR COUNCIL MEETING FOR SECOND READ.**

Sign Ord.

REVIEW OF SIGN ORDINANCE – OBJECTIVE OF TIGHTENING CRITERIA FOR TRIGGERING COMPLIANCE WITH THE NEW ORDINANCE – COUNCILOR WELDON:

Councilor Weldon suggested strengthening the sign ordinance by making the following revisions to Section 27-573 and Section 27-592.

Section 27-573 Applicability. Add to the end of the paragraph Mere repainting or routine

maintenance of a sign shall not, in and of itself, be construed as a substantial alteration.

Section 27-592 Nonconforming Signs. Add (3)h. Any re-branding of a sign resulting from a change in franchise and/or business ownership.

Council discussed that these changes would not allow a pole sign to be left if ownership of the business changed hands.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ.**

Res. No. 2005-XX

RESOLUTION NO. 2005-XX: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR MAINTENANCE OF SR A1A (THIRD STREET), NEPTUNE BEACH, FLORIDA.

City Manager Jarboe advised that this resolution would allow him to sign the maintenance agreement with the State of Florida Department of Transportation for A1A (Third Street) .

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

Green Market

City Manager Jarboe stated the Green Market was currently operating in the K-Mart Shopping Center parking lot. He suggested moving the market and allowing it to operate out of Jarboe Park at Third Street and Florida Boulevard. The city would take a more active role in getting vendors to participate. He would bring more information to the council at a later date.

Adjournment

There being no further business, the meeting adjourned at 9:42 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____