



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 16, 2005, AT 6:45 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 May 16, 2005 at 6:45 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Community Development Director Jason Cleghorn
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 6:45 p.m.

PRESENTATIONS

MPO/TIP

Debra Crammond, Representative for the Metropolitan Planning Organization, gave a presentation on the Transportation Improvement Program (TIP) for fiscal years 2005/2006 thru 2009/2010.

The following are those projects which would affect the beaches area:

- Atlantic Boulevard – Resurfacing – Mayport Road to Third Street
- Atlantic Boulevard / Hodges Boulevard – Intersection Improvements
- Atlantic Boulevard / Kernan Boulevard – Intersection Improvements
- Atlantic Boulevard / SR A1A: Traffic Signal Update at Third Street and A1A, Jacksonville Beach – Mayport Road to 9th Avenue North
- Beach Boulevard (SR 212) – Add Lanes and Reconstruct – FCCJ to San Pablo Road
- Beach Boulevard (SR 212) – Add Lanes and Reconstruct – Hodges Boulevard to San Pablo Road
- Beach Boulevard (SR 212) – Resurfacing – St. Johns Bluff Road to FCCJ

- Beach Boulevard (SR 212) – Construct new bridge at ICWW
- Beach Boulevard / Kernan Boulevard – Intersection Improvements
- Girvin Road – Construct a 4-Lane Urban Section – Mt. Pleasant Road to Atlantic Boulevard
- Hodges Boulevard – Construct 4-Lane Urban Section – Atlantic Boulevard to Beach Boulevard
- J. Turner Butler Boulevard (SR 202) Add Lanes and Reconstruct – West of Kernan Boulevard to San Pablo Road
- San Pablo Road – Construct a 3 Lane Urban Section – Atlantic Boulevard to Beach Boulevard
- State Road A1A – Resurfacing – St. Johns County Line to 34th Avenue
- State Road A1A – Resurfacing – 34th Avenue to Atlantic Boulevard.
- State Road A1A – Traffic Signal Update at Mayport Road
- State Road A1A – Traffic Signal Update – 9th Avenue North to Marsh Landing Parkway
- State Road A1A – Traffic Signals at 36th Avenue (CR 203)
- State Road A1A (Third Street South) – Add Left Turn Lane(s) – 16th Avenue South to Osceola Street

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

- The 2003/2004 fiscal year audit was complete and would be presented to the Council by the auditors at a future date.
- The Public Services Department completed the sewer repair at the 1300 block of Fourth Street.

Vice Mayor Pruette asked the City Manager to place the issue of speed humps on the June workshop agenda.

Councilor Weldon asked the City Manager if he had worked out a maintenance agreement with the Florida Department of Transportation for Hopkins Creek. City Manager Jarboe responded FDOT was reviewing the city's proposal.

PUBLIC COMMENTS

Chris Oakey, 620 Camellia Terrace Drive, was concerned about the tree removal permitting process, cracks in the new pavement, and animal control procedures.

Skip Lakey, 227 South Street, favored the installation of speed humps on South Street.

Candy Sullivan, 220 South Street, favored the installation of speed humps on South Street. She requested the City also 1) install an additional speed hump on South Street 2) paint the speed humps with stripes, and 3) add a "Slow Children" sign and a "15 mph Speed Limit" sign.

Mary Ann Padrta, 1030 Second Street, opposed the city giving away public property to private citizens.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

FDOT

FLORIDA DEPARTMENT OF TRANSPORTATION – STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT: City Manager Jarboe explained compensation from FDOT increased 3% for the year.

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

ISSUE DEVELOPMENT

Ord. No. 2005-09

ORDINANCE NO. 2005-09: ANIMALS: AN ORDINANCE OF THE CITY OF 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 DOGS, SEC. 6-14 CLASSIFICATION OF DOGS AS 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.

Vice Mayor Pruette stated the following needed to be changed: Section 6-27. Leash Required; exceptions. All dogs not on the property of the owner shall be securely fastened to a suitable leash of dependable strength not to exceed ~~twelve (12)~~ sixteen (16) feet in length held by the owner.

Vice Mayor Pruette questioned the legality of “registered owner”. Councilor Weldon suggested the following change: Section 6-1. Definitions. Owner means any person, firm, corporation or organization ~~possessing,~~ owning, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under the age of (18) eighteen, that person’s parent or guardian.

A lengthy discussion ensued regarding animal control procedures. Animal Control Officer John Webber explained the reason for the ordinance.

Consensus: **FORWARD THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

First St. R-O-W

FIRST STREET RIGHT OF WAY: City Manager Jarboe explained many years ago the City Council abandoned (40’) forty foot right-of-way on First Street to the adjacent property owners which included the sidewalk and some part of the roadway.

Mr. Dostalík, 117 Florida Boulevard, stated in an effort to protect and preserve his driveway for the future he would like to return a portion of that (40’) forty feet on First Street in exchange for the portion of right-of-way on Florida Boulevard which is his current driveway.

Randy Taylor, 1315 First Street, stated he was in the same situation as Mr. Dostalík and would also like to return a portion of the (40’) forty feet in exchange for the right of way his driveway is on.

Discussion ensued regarding ownership of the property.

Consensus: **CITY MANAGER JARBOE TO RESEARCH THE STATUS OF THE**

DEEDS FOR THE FIRST STREET RIGHTS OF WAY AND TO COLLECT MORE INFORMATION ON THE PROPERTY EXCHANGE.

Purchase of City Easement

PURCHASE OF CITY EASEMENT: City Manager Jarboe explained Mr. Garnett, 629 Florida Boulevard, was interested in purchasing the portion of city easement adjacent to the rear of his property.

Mr. Garnett explained the easement was currently overgrown with undesirable foliage and had rat problems. His desire was to acquire the 100-foot wide portion of the easement directly behind his property from the city at a fair market price.

City Manager Jarboe stated the property was declared a Wildlife Sanctuary by a former city council. He was advised by the City Attorney that if the the property was a fire threat the city could clean up the underbrush.

Vice Mayor Pruette agreed the property should be cleaned and maintained by the city. She felt because there was no more property available in Neptune Beach the easement should be kept for the citizens.

Councilor Weldon agreed the easement would be in much better condition once it was cleared and would no longer be a nuisance.

Mr. Garnett stated the city sold a triangular portion of property on Florida Boulevard to an adjacent homeowner for \$2,500 and he would like to be given the same consideration.

Consensus: **TO PROCEED WITH CLEAN UP OF THE EASEMENT AND PROVIDE MORE INFORMATION TO THE COUNCIL REGARDING THE SALE OF THE OTHER PORTION OF PROPERTY.**

BOA

PROPOSED ORDINANCE AND PROCESS CHANGES TO ASSIST THE BOARD OF APPEALS: Mayor Brown felt the variance process was designed to deny variances and needed to be revised. He stated the Board of Appeals' denial of Mr. Russell's variance request to install a six foot privacy fence on his side yard abutting Third Street demonstrated his point. After the Board denied the request Mr. Russell had no basis to appeal to the Council. The Council had to change the ordinance to allow six foot privacy fences on Third Street in certain instances, in order to alleviate Mr. Russell's concerns.

Vice Mayor Pruette thought it would be helpful to the Council if the City Attorney would review the Board verbatim and advise the Council if the applicant had valid grounds for appeal.

Councilor Shealy stated he would like to have a joint workshop meeting with the members of the Board of Appeals and City Attorney White to discuss the variance process.

Councilor Weldon felt the system was working as it should. The Board did not find a unique hardship and upheld the fence ordinance. City Council felt there was a genuine hardship for people living on Third Street and therefore changed the Code. This is how he felt the system should work.

Councilor Pardee stated he attended the last Board of Appeals meeting. He recommended that the citizens be better educated and prepared by staff before appearing before the Board. He also witnessed the Board offering options to requests in some cases and not others and felt everyone should be given the same opportunity.

Vice Mayor Pruette asked Christine Chin, Member of the Board of Appeals, to speak in reference to the Findings of Fact Sheet.

Mrs. Chin stated currently the fact sheet required members to justify their reasoning if they answered no to a finding. She felt it would be better if they justified reasoning for yes answers. She also suggested the board discuss the variance in relationship to each finding of fact. She added a workshop meeting with board members and the Council was a good suggestion.

Councilor Weldon added he would like to hold a workshop meeting with the Code Enforcement Board as well.

Consensus: **TO HOLD A JOINT MEETING WITH THE BOARD OF APPEALS AND A SEPARATE JOINT MEETING WITH THE CODE ENFORCEMENT BOARD.**

Pine Trees

TREE PROTECTION ORDINANCE: City Manager Jarboe advised staff needed to do more research on this agenda item and would bring it back to the Council.

Surplus Equipment

SURPLUS OF CITY EQUIPMENT: Approval to surplus a 1994 Ford F350 utility truck.

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

Festival in Jarboe Park

FESTIVAL IN JARBOE PARK: Councilor Pardee stated 2006 was the city's 75th anniversary and he would like the city to organize a festival in Jarboe Park to celebrate the occasion.

City Manager Jarboe stated staff would begin to organize the festival and bring back recommendations for Council review.

Consensus: **TO BEGIN THE PLANNING OF A 75TH ANNIVERSARY FESTIVAL IN JARBOE PARK.**

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____