



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**MARCH 19, 2007 AT 6:00 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 March 19, 2007 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Mayor Richard Brown  
Vice Mayor Harriet Pruette  
Councilor Eric Pardee  
Councilor John Weldon  
City Attorney Chris White  
City Manager Jim Jarboe  
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew  
Senior Activities Center Director Leslie Lyne  
Director of Finance Steve Ramsey  
Director of Public Services Leon Smith  
Director of Public Safety David Sembach  
Deputy City Clerk Karla Strait, CMC

ABSENT:

Councilor Fred Lee

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:00 p.m. City Clerk Volpe stated Councilor Lee was out of town.

**PRESENTATIONS / NONE**

**CITY MANAGERS ACTION LIST**

City Manager Jarboe reported on the following:

- Residents connecting up to the new underground electric will be required to obtain a permit from the city.
- The drainage project at Fifth Street and Florida Boulevard should be completed this week and the fencing completed next week.
- The city was still working on options to lower the nitrogen level.

**PUBLIC COMMENTS**

Shannon Desmond, 813 Cherry Street, was concerned about the development of the Lakeshore Village / Wal-Mart property.

Steven Carter, 1723 Indian Woods Drive, felt additional restrictions were not necessary for construction of docks.

Mike Austin, 1125 14<sup>th</sup> Street, Jacksonville Beach, felt the Department of Environmental Protection did a good job regulating the construction of docks and the city should

focus on laws regarding maintenance of docks.

Pat Hazouri, 207 Florida Boulevard, was concerned about pedestrian crossings on Third Street / A1A.

Douglas Adams, 800 Davis Street, supported the lighting ordinance.

### **PROPOSED ORDINANCES**

Ord. No. 2007-02

ORDINANCE NO. 2007-02, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE IV, LAND USE, ADDING SECTION 27-243, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS AND PROVIDING AN EFFECTIVE DATE.

Andrew Sears, Environmental Supervisor, Northeast District of Department of Environmental Protection, explained the process and procedures required by the DEP for property owners to obtain a permit for construction of private docks.

Mr. Sears further explained that an aquatic preserve is an area of state owned sovereign submerged lands which is considered to have heightened aesthetic recreational or ecological value. The criteria for use of sovereign submerged lands that apply within aquatic preserves are actually stricter than they would be in Hopkins Creek or the St. Johns River. In order to designate an area an aquatic preserve one must apply to the Board of Trustees.

For the Record Councilor Weldon asked Mr. Sears for the record, if the state law prohibited a municipality from further restricting criteria for construction of docks. Mr. Sears replied there was absolutely nothing in the state law prohibiting additional restrictions on construction of docks.

For the Record Councilor Weldon asked Mr. Sears for the record, if the Department of Environmental Protection encouraged people outside of a defined aquatic preserve to comply with the criteria for aquatic preserve. Mr. Sears replied "yes" that ultimately their objective is to minimize the use of sovereign submerged lands.

For the Record Councilor Weldon asked Mr. Sears for the record, if he felt there were serious issues developing with the number and size of docks that were being constructed. Mr. Sears responded there were certainly a lot of docks being built, many without permits. The issue of riparian view has become more prevalent. The department was trying to ensure that the resource itself remains intact to the greatest extent possible.

For the Record Councilor Pardee asked Mr. Sears for the record, if the city denied a property owner a permit to construct a dock if that property owner would have the right to sue the city. Mr. Sears replied whenever environmental regulations are applied to private properties there is always the possibility of a property owner filing a lawsuit.

Councilor Weldon asked former council member Leslie Lyne to explain why the council had the area designated a preserve.

For the Record Former Council Member Leslie Lyne explained she was on the city council when the area was designated a conservation area. The intent at the time was to preserve this prestigious area for the future. They did not know at the time that they could have designated it as an "aquatic preserve" or they would have taken the necessary steps to do so.

Councilor Weldon asked that Mrs. Lyne's comments go on the record.

Vice Mayor Pruette asked City Attorney White if this ordinance prevented property owners from building docks. City Attorney Chris White stated property owners could still construct docks under the state guidelines without any city guidelines.

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

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

#### Short Term Rentals

**ORDINANCE NO. 2007-XX, SHORT TERM RENTALS:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 ARTICLE I, SECTION 27-15 DEFINITIONS, ADDING THE DEFINITION OF SHORT TERM RENTALS, AND AMENDING ARTICLE IV, LAND USE, SECTION 27-225(1) AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon felt short term rentals diminished the quality of life of the surrounding neighbors. This ordinance would not allow rentals for less than ninety (90) days.

City Manager Jarboe felt a thirty (30) days rental period was reasonable.

Councilor Pardee felt the problems could be solved by enforcing the current ordinances.

Council discussed if this ordinance was necessary.

Consensus: **FORWARD TO THE APRIL WORKSHOP MEETING.**

#### Lighting

**ORDINANCE NO. 2007-XX, LIGHTING:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 28 NUISANCES SECTION 28-5 ILLUSTRATIVE ENUMERATION AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon was concerned about private outdoor lighting reflecting onto private neighboring properties and into private neighboring homes.

City Attorney White felt the language in the ordinance should be less subjective. Councilor Weldon agreed to have City Attorney White amend the language.

Councilor discussed whether or not this ordinance was necessary.

Tim Ingram, 113 Pine Street, spoke in favor of the lighting ordinance.

Consensus: **FORWARD TO THE APRIL WORKSHOP MEETING.**

#### Concurrency

**ORDINANCE NO. 2007-XX, CONCURRENCY:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-350, PROCEDURE FOR APPLYING FOR AND ISSUING A CONCURRENCY CERTIFICATE AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated this ordinance would allow the city manager to determine whether or not a development required a traffic study. Such traffic study would be commissioned by the city at the expense of the developer.

Councilor Pardee commented that the traffic study the city commissioned for Lakeshore Village was incorrect.

For the Record City Manager Jarboe stated for the record the traffic study prepared by Martha Moore for the city was correct. It was the one prepared by Lakeshore Village that was incorrect.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR FIRST READ AND PLANNING & DEVELOPMENT REVIEW BOARD IN APRIL.**

Roll Call Vote:

Ayes: 3 – Pruette, Weldon, Brown

Noes: 1 – Pardee

Per Diem

ORDINANCE NO. 2007-XX, PER DIEM: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2 ADMINISTRATION BY AMENDING SECTION 2-355 SUBSISTENCE AND PROVIDING AN EFFECTIVE DATE.

This ordinance would allow employee meal per diem to be given based on Internal Revenue Service standards.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR APPROVAL**

**CONTRACTS / AGREEMENTS / NONE**

**ISSUE DEVELOPMENT**

Aqua East  
Shauna Moore

VARIANCE REQUEST OF SHUANA MOORE / AQUA EAST SURF SHOP – 696 ATLANTIC BOULEVARD: Community Development Director Amanda Askew explained the variance request was previously granted by the Council in May of 2005 however, the applicant allowed the variance to expire.

Allison Forsyth, 696 Atlantic Boulevard, Aqua East Surf Shop, explained she had an easement from Lakeshore Village for overflow parking and drainage. Lakeshore Village had been placed on notice not to remove the existing drainage pipe.

Councilor Weldon expressed concern regarding impervious surface and asked if they could minimize the impervious surface to the 75% requirement.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING AND HAVE AQUA EAST ADDRESS THE IMPERVIOUS SURFACE AT THAT TIME.**

Surplus Vehicle

SURPLUS VEHICLE: City Manager Jarboe explained the animal control truck would be sold for parts. Council approval was necessary because the sales amount could exceed the city managers approval limit of \$750.00.

Consensus: **FORWARD TO THE APRIL REGULAR MEETING FOR APPROVAL.**

City Manager Jarboe stated he would like to prepare a resolution recognizing Neptune Beach Elementary School Principle Sharon Kinske for her retirement and supporting her for the Principle of the Year Award.

Vice Mayor Pruette asked to prepare a resolution recognizing Jack Gillrup, Chief, Disabled Services Division, for his retirement and for his assistance in obtaining Handicap Beach Wheelchairs.

Adjournment

There being no further business, the meeting adjourned at 8:59 pm.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

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