



MINUTES
WORKSHOP CITY COUNCIL MEETING
APRIL 16, 2007 AT 6:00 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 16, 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 Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Building Official Don Ford
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

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:00 p.m. and acknowledged City of Jacksonville Councilman Art Graham was in the assembly.

PRESENTATIONS / NONE

CITY MANAGERS ACTION LIST

City Manager Jarboe reported on the following:

- The Beaches would be sponsoring the Northeast Florida League of Cities dinner meeting at the Casa Marina Hotel on May 17, 2007. Please contact City Clerk Lisa Volpe if you would like to attend.
- The city was still looking at options to reduce the sewer nitrogen level.
- The bids for the Kings Road Bridge will be received by the end of this month.
- The new computer system should be implemented within the next month or two.
- The city was considering implementing Voluntary Green Regulations for building.
- Mr. Jarboe was working with the property owners regarding the access road between the shopping centers.
- There are currently two versions of tax reform in legislation hopefully a decision will be made before the budget process begins.

PUBLIC COMMENTS

Dennis Joyce, 1998 Strand, supported the short term rental ordinance.

Susan Bollenbaugh, 2022 Shadow Lane, supported the ordinance to protect

environmentally sensitive lands.

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

Warren Anderson, 207 Walnut Street, supported Ordinance No. 2007-02, protecting environmentally sensitive lands.

Barbara Jackson, 2001 Cherokee Drive, supported the protection of environmentally sensitive lands.

Steve Jarrett, 500 Oceanfront, suggested many changes to the Ordinance No. 2007-02, protecting environmentally sensitive lands. City Manager Jarboe asked Mr. Jarrett to submit his suggestions in writing.

Dana Pardee, 1421 Penman Road, concerned about the city restricting rights of private property owners.

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.

Councilor Lee stated the area was zoned as a conservation area back in 1991 and the only permitted use was for single family homes. He recognized that the Table of Uses did not include docks or boathouses.

City Attorney White agreed the Table of Uses needed to be revised to include boathouses and docks.

Vice Mayor Pruette stated Building Official Don Ford advised her there was a potential for another 128 to 135 docks to be constructed on Hopkins Creek. Therefore, she felt it was necessary for the city to have some type of regulations.

Councilor Pardee stated the Comprehensive Plan explained the different agencies that regulated dock construction. He felt the city would be infringing on private property rights by further regulating docks.

Councilor Weldon demonstrated the size of 160 square feet dock to the assembly. He did not consider regulating construction of docks as restricting private property rights. He was concerned about commercial fisherman having access to the intra coastal waterways.

Mayor Brown asked Council to consider striking out language within the ordinance that they did not agree on.

Councilor Pardee and Mayor Brown questioned why community docks were considered in the ordinance.

Councilor Weldon responded in some situations instead of building six single docks property owners might agree to share one larger dock. However, he was willing to strike the language.

Councilor Weldon felt the ordinance also needed to address lighting issues.

Councilor Lee stated he would support the ordinance with the following revisions:

- The addition of docks and boathouses to the Table of Uses
- The addition of lighting restrictions
- Add clarification for the need for a building permit
- Comply with State and Federal regulations
- Strike (c)(6) Only one dock is permitted per platted lot with no more than one dock allowed per single family home. ~~Community docks which serve multiple lots and homes are encouraged and may be granted exceptions to the size limits specified in this ordinance on a case by case basis.~~
- Strike (a) Purpose and Intent. It is the intent of this section to insure that on intracoastal, lake front, marsh front, canal front, and stream front lots no boating hazards will be created, effective flow of storm water runoff will be maintained, water pollution from storm water runoff and other sources will be minimized. ~~Views of water from adjoining properties will not be unduly impaired, and the appearance of the shore when viewed from the water will be kept as natural as reasonably possible.~~
- Add (c)(1) Docks. A building permit is required and all construction will adhere to the Florida Building Code.
- Amend (c)(4) The access walkway of docks shall be a maximum of four (4) feet in width. The terminal platform of docks shall be a maximum of ~~400~~ 200 square feet.
- Strike (d)(4) ~~Structures on intracoastal, lakefront, marsh front, canal front, or stream front lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water. Structures in this context shall also include fences and walls. The City, may as conditions necessitate, reduce the height of structures, alter their locations, size and design so as to accomplish this objective.~~

Vice Mayor Pruette suggested holding a special workshop meeting before the May regular meeting in order to review and discuss the ordinance with the above changes.

Consensus: **REVISE THE ORDINANCE TO REFLECT THE CHANGES AND FORWARD TO A SPECIAL WORKSHOP MEETING BEFORE THE MAY REGULAR MEETING.**

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. The intent is to eliminate weekend and weekly vacation rentals.

Mayor Brown stated a (28) twenty eight or (30) thirty days rental period would be a good compromise.

Councilor Pardee felt the problems could be solved by enforcing the current ordinances and added there have been only two complaints in the last two years.

Councilor Pardee questioned how the ordinance would be enforced.

Councilor Weldon replied the ordinance would be enforced starting with a complaint to the Code Enforcement Officer.

City Manager Jarboe added that websites and local newspapers would be helpful in locating the short term rental properties.

City Manager Jarboe asked Building Official Don Ford how Atlantic Beach enforced their ordinance.

Building Official Don Ford explained Atlantic Beach enforced their ordinance by sending warning letters in response to internet advertisements and local newspaper listings for short term rentals.

Consensus: **FORWARD TO THE MAY REGULAR MEETING FOR FIRST READ AND INCLUDE LANGUAGE FOR WARNING LETTER.**

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.

Mayor Brown stated the lighting ordinance was removed from the agenda at the request of Councilor Weldon.

CONTRACTS / AGREEMENTS

Lewis, Longman, & Walker

LEWIS, LONGMAN, & WALKER, P.A.: Request for direction on invoice in the amount of \$5,196.41 for additional services rendered above the original \$10,000 fee agreement.

City Manager Jarboe stated the original agreement for the land use attorney fees was not to exceed \$10,000 without notifying the city. Their final invoice amounted to \$28,000; however, at the insistence of City Attorney White they reduced the invoice by \$13,000, leaving a balance of \$5,196.41.

Mayor Brown asked City Attorney White if was usual for attorneys fees to go over the contracted amount.

City Attorney White stated the fees were reasonable for the amount of work produced. However, because they did not bring it to the attention of the city when they approached the \$10,000 limit it would be at Councils discretion to determine whether or not the city should pay the overage.

Vice Mayor Pruette stated it was clear in the engagement letter they would bring it to the city's attention if the amount would exceed \$10,000. Therefore she was not in favor of paying the additional \$5,196.41.

Councilor Lee questioned if the engagement letter was considered a contract. City Attorney White replied "yes" the engagement letter was an enforceable contract.

Councilor Lee felt the 50% overage was too much and the Council should have been notified.

Councilor Pardee questioned what the city received from the attorneys for the \$10,000. It was his impression that the firm was to review the 60,000 square foot ordinance and compare it to the comprehensive plan.

Councilor Weldon also felt the Council should have been made aware of the overage.

Mayor Brown suggested compromising by paying half the amount of the invoice.

Consensus: **FORWARD TO THE MAY CONSENT AGENDA TO NOT PAY THE ADDITIONAL FEES OF \$5,196.41.**

ISSUE DEVELOPMENT / NONE

Councilor Lee confirmed the dates of April 26, 30th and May 1, 2007 for his Visioning Town Hall Meetings, at 6:30 p.m.

Councilor Weldon announced the Relay for Life this coming Saturday at Jarboe Park.

Adjournment

There being no further business, the meeting adjourned at 8:15 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____