



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 7, 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 May 7, 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 Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Community Development Director Amanda Askew
Assistant Chief Anthony Carrillo
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Director of Public Safety David Sembach
Deputy City Clerk Karla Strait, CMC

ABSENT:

City Attorney Chris White

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:00 p.m.

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 Weldon explained the ordinance had been revised to include all of the recommended changes from the April workshop. He added the second reading of the ordinance would be delayed because staff did not route it through the Planning & Development Review Board in April. Due to the delay he would like to encourage a majority of the council to impose a ninety (90) day moratorium on dock construction until the code could be updated.

Councilor Lee stated he was happy with the revised ordinance. However, he would like to take more time to review a revised version of the ordinance that was written and submitted by developer Steve Jarrett and received by the Council late Friday.

Councilor Weldon explained the additional information received came directly from the developer of Seagate Shores and asked Council to consider the source.

Councilor Pardee felt the proposed ordinance was not legally written in accordance with Section 2-46(b)(4) of the Code, because it introduced too many subjects. He asked City

Manager Jarboe to read Section 2-46(b)(4).

City Manager Jarboe read Section 2-46(b)(4) aloud for the assembly. "No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof."

Councilor Pardee stated the subjects relating to the ordinance included: new structures, additions, fences and walls, other developments, building permits, dredging, dock construction, sale or lease of lots, lighting fixtures, runoff water, storm water runoff, onsite retention, tree root systems, buffer zones for wetlands, water views, grading lots onto adjoining lots, retaining walls, defining boathouse lots, and minimum lot widths. He suggested sending the ordinance to the Planning & Development Review Board and also to adjust the ordinance to deal with one subject at a time.

Vice Mayor Pruette felt the Planning & Development Review Board should make a recommendation to the council before the next workshop. She also felt due to the many changes that a brand new ordinance would be necessary.

City Clerk Lisa Volpe explained the title of the ordinance could have been amended in order to be placed in the environmental protection article of the code. However, she spoke with Councilor Weldon, the sponsor of the bill, who wished to leave it in the Land Use Article. A separate ordinance for the permissible use and setback tables would be introduced at a future date.

Councilor Lee requested an opinion from City Attorney White advising whether or not a dock was considered an auxiliary building.

For the Record Vice Mayor Pruette stated for the record that the city did need an ordinance in reference to the protection of Hopkins Creek and she did support Council coming up with something. But it did need to go before the Planning & Development Review Board for recommendation.

Councilor Weldon voiced concern regarding the Seagate Shores Subdivision and the possibility of applications for dock permits being submitted before the ordinance was adopted. This is the purpose of imposing the 90 day moratorium.

Mayor Brown voiced concern regarding property owners with existing docks not being aware of some of the restrictions within the ordinance that may pertain to them.

Mayor Brown suggested allowing the public to speak on the issue.

PUBLIC COMMENTS

Steven Carter, 1723 Indian Woods Drive, felt the ordinance was too restrictive and was concerned about how it would affect his property with an existing dock.

Susan Bollenbaugh, 2022 Shadow Lane, favored the 90 day moratorium on dock construction and encouraged Council to move forward with the ordinance.

John Jolly, 2034 Shadow Lane, felt there should be some local control over dock construction. He also supported the ordinance and the 90 day moratorium.

Darrell Grubbs, 1919 Nightfall Drive, felt there were enough regulations from St. Johns River Water Management, the Department of Environmental Protection, and the Army Corp of Engineers. He was in opposition of the 90 day moratorium on dock construction.

Steve Jarrett, 500 Oceanfront, felt the St. Johns River Water Management District and the Department of Environmental Protection did a good enough job regulating dock construction. He also opposed the 90 day moratorium on dock construction.

Barbara Jackson, 2001 Cherokee Drive, favored the ordinance and the 90 day moratorium on dock construction.

For the Record Councilor Pardee stated for the record according to Section 2-46(b)(4) he would like to protest the way the ordinance is written because it does not comply with section 2-46-(b)(4). It deals with more than one subject. It needs to be rewritten dealing with a specific subject according to our Code before it goes to the Planning & Development Review Board or before Council again.

Mayor Brown announced City Attorney White was recovering from surgery and could not be present for the meeting tonight.

Councilor Weldon stated if a moratorium was not imposed the council has given up the beauty of the Hopkins Creek Estuary and the attempt to protect that area. He felt the large number of docks with boathouses on the west side of the Kings Road Bridge would fundamentally change the beauty of the area and dramatically impact the environmental sensitivity of an area which the council has designated a conservation area.

Vice Mayor Pruette was concerned with some of the restrictions within the ordinance and the possibility of a lawsuit.

Councilor Weldon encouraged discussion of all aspects of the ordinance and reiterated the necessity of the 90 day moratorium in order to conduct further discussion.

City Manager Jarboe stated City Attorney White advised him during a telephone conversation that Council could impose a moratorium on dock construction, for a reasonable amount of time, defined as the amount of time it would take to adopt an ordinance.

Councilor Pardee felt the ordinance singled out a specific developer and he was concerned about a future lawsuit.

City Manager Jarboe asked the Council to specify what formal opinions they wanted from City Attorney White.

Councilor Lee requested a formal opinion on whether or not a dock was considered an auxiliary building and if docks should be included on the table of uses.

Vice Mayor Pruette requested a formal opinion on whether or not a moratorium was legal considering an application for construction of a dock was submitted to the building department on Friday. However, the building department did not accept the application because it was not complete.

Consensus: **TO VOTE AT THE REGULAR MEETING TO IMPOSE A 90 DAY OR LESS MORATORIUM ON DOCK CONSTRUCTION UNTIL SUCH TIME AS COUNCIL CAN RESOLVE THE LINGERING QUESTIONS ABOUT THE EXISTING PROPOSAL.**

Adjournment

There being no further business, the meeting adjourned at 7:00 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk