



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 21, 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 21, 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
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.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The city was continuing to look for options for nitrogen removal.
- The state legislative conference committee would be meeting this week.
- A mandatory meeting with Beaches Energy will be required for all contractors that wish to bid on the Kings Road Bridge Project. The meeting will be held on July 10th.
- The Dancin' in the Street event, which was held Saturday, May 19, 2007, brought in a large crowd and funding for the Town Center Agency.
- The budget process will be delayed for six weeks due to pending legislation.

PUBLIC COMMENTS

Steve Jarrett, 500 Ocean Front, felt the state did a good job regulating boat docks and this ordinance would be a burden on city staff.

Stephen Carter, 1723 Indian Woods Drive, was concerned about how the ordinance would effect his existing dock.

Letty Jolly, 2034 Shadow Lane, did not want her view of the marsh to be destroyed by boat docks and boathouses.

Steve Hould, 111 Walnut Street, favored the short term rental ordinance.

Warren Anderson, 207 Walnut Street, showed a power point presentation on how docks and boathouses would effect the view of Hopkins Creek.

Scott Adeeb, 1507 Kings Road, favored placing speed humps on Kings Road and Indian Woods Drive.

Marc Dillon, 1550 Kings Road, felt a speed hump should be placed north of the Kings Road bridge.

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 in an effort to find some reasonable compromise for the environmental protection ordinance he submitted two separate revised ordinance proposals which were in the agenda packet for council consideration.

Vice Mayor Pruette voiced concern regarding the size of docks and if they were considered accessory structures. According to the code, accessory structures could not be larger than 160 square feet. She questioned if docks would need to be added to the Table of Permissible Uses.

City Attorney White stated if docks were to be considered as accessory structures Section 27-328 would have to be amended.

City Manager Jarboe stated since docks were going to be allowed up to 1,000 square feet they would need to be separate from accessory structures.

City Attorney White explained the ordinance would have to state Section 27-328 would not apply to docks. Docks would be exempted from accessory structure size limitations because they are outlined in a separate section of the code.

Consensus: **TO INSERT LANGUAGE WITHIN THE DOCK ORDINANCE THAT WOULD EXEMPT IT FROM BEING TREATED AS AN ACCESSORY STRUCTURE.**

Councilor Weldon stated he designed the original ordinance to protect the environmentally sensitive lands represented by the Hopkins Creek Estuary. He was concerned the options proposed by Councilor Lee only regulated docks. The issue was whether the city wanted large sport fishing boats and large docks at the entrance to Hopkins Creek where it joins the intracoastal waterway. He added, if that was what the Council wanted, he would withdraw his proposal and vote on one of Councilor Lee's proposals.

Councilor Lee replied the only changes in the second proposal were regarding boat storages and shelters, increasing the terminal platform size from 200 square feet to 240 square feet, and increasing the width of the access walkway from 4 feet to 5 feet.

Mayor Brown was concerned the public was not aware of the impact the ordinance would have on existing docks. He felt it may be necessary to introduce a separate ordinance that was simple and straight forward.

Councilor Lee stated he was willing to concede on the 4 feet access walkway but the issue of boat shelters needed to be addressed.

Councilor Weldon stated the ordinance would allow boat shelters but it would be incumbent upon the property owner how they wanted to use the dock platform square feet allowance.

Councilor Pardee stated he preferred option one of Councilor Lee's proposed ordinances because it addressed only one issue.

Councilor Weldon stated he would be willing to change the language related to the stormwater runoff. But he felt the issues of buffer zones and fences were important. He also agreed to eliminate section (d) Other structures on intracoastal, lake front, marsh front, canal front or stream front lots, (1) through (5) if the council agreed to go back to the 200 square feet in size and 4 feet wide access walkway.

Mayor Brown felt strongly that section (d) needed to be deleted.

Council agreed on the following changes and amendments:

- Change the word ~~new structure~~ to dock throughout the entire ordinance.
- Section 1(a) Purpose and Intent. No changes
- Section 1(b) Site Plan. Any new ~~structure~~ dock addition to any existing ~~structure~~ dock, fence of wall or significant change of an existing property on an Intracoastal, lake front, marsh front, canal front, or stream front lot until a satisfactory site plan therefore is reviewed and approved. ~~The requirements of this section are minimum requirements, and the Building and Planning Department may impose more restrictive requirements and conditions on the height, bulk, locations and any other aspect of the proposed development where necessary in order to accomplish the purpose and intent of the section.~~
- Section 1(c)(1) Docks. A building permit is required and all construction will adhere to Florida Building Code. Construction plans for docks shall be submitted for development review. All docks facilities are subject to and shall comply with all federal and state requirements and permits, including but not limited to the requirements and permits of the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers and the U. S. Environmental Protection Agency. Permits shall be issued contingent upon receipt and conformation of require federal and state approvals.
- Section 1(c)(2) No changes
- Section 1(c)(3) No changes
- Section 1(c)(4) The access walkway of docks shall be a maximum of ~~five (5)~~ , four (4) feet in width. The terminal platform of docks shall be a maximum of ~~460~~ 200 square feet. Boards used to construct the surface of the dock shall not exceed eight (8) inches in width and shall be spaced at least ½" apart.
- Section 1(c)(5) No changes
- Section 1(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 exception to the size limits specified in this ordinance on a case by case basis.~~
- Section 1(c)(7) No Changes
- Section 1(c)(8) No Changes
- Add Section 1(c)(9) Boat Storage includes the area to store a boat and the necessary ramp/walkway to access boat if applicable. The total area calculation

for a dock includes the boat storage, ramp/walkway and any portions of the roof that hangs over the water beyond the dock platform.

- Add Section 1(c)(10) Boat Storage mechanisms can be ride on ramp, vertical wrench or any other industry acceptable standard.
- Section 1(c)(9)(11) The sale or lease of a portion of an Intracoastal, lakefront, marsh front, canal front and stream front after April 2, 2007, shall be construed as a subdivision and shall not enable the owners to make application for a dock and/or boathouse unless that subdivision has received the approval of the city council.
- Section 1(c)(10)-(12) Lighting fixtures may be installed upon docks, boat davits and boat lifts only in accordance with the following standards:
 - a. Lighting required under federal laws or regulations as an aid to navigation is permitted on the docks, boat davits and boat lifts, in accordance with United States Coast Guard standards.
 - b. Other lighting fixtures may be installed on docks only providing they are mushroom-type fixtures designed to direct light downward, installed at least 25 feet apart, not more than one foot above the surface of the dock, and limited to 25 watt incandescent yellow bulbs.
 - c. All existing lighting on docks, boat davits and boat lifts which does not conform to these standards shall be deemed nonconforming and shall be made to conform.
- Delete entire Section 1(d) Other Structures on intracoastal, lake front, marsh front, canal front or stream front lots (1) through (5).
- Section 1(e) and (f) No changes except they would now become Section (d) and (e).

Consensus: **FORWARD WITH ABOVE CHANGES, INCLUDING THE CHANGE SUGGESTED BY CITY ATTORNEY WHITE REFERRING TO SECTION 27-328, TO THE JUNE REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Recess/Reconvene Mayor Brown called a recess at 7:30 p.m. and reconvened the meeting at 7:40 p.m.

Ord. No. 2007-06 ORDINANCE NO. 2007-06, AMENDING TABLE 27-229-1: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING TABLE 27-229-1 CHANGING SIDE YARD SETBACK IN R-1 AND THE LOT SIZE FOR 35 FEET BUILDING HEIGHT AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated the following language describing how the 100 feet of lot width would be determined needed to be included in item five of the ordinance.

For lots in the R-1 zoning district that have a minimum lot size of 12,000 square feet and a 100 feet lot width as measured at the building line parallel to the front face of the house and perpendicular to the primary side yard, 35 feet of the maximum building height will be permitted so as long as the primary roof structure is built at a minimum 5/12 roof pitch and not to exceed two stories of living area.

Councilor Pruette questioned if this ordinance would allow the construction of monster homes. Community Development Director Amanda Askew stated it would depend on the floor plan. A wider one story house would allow the house to be placed closer to the side yard setback than normally allowed in the district.

Consensus: **FORWARD WITH ABOVE CHANGES TO THE JUNE REGULAR MEETING FOR SECOND READING.**

Ord. No. 2007-07

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.

City Manager Jarboe explained short term rentals were not allowed by Code because they were considered a commercial use within a residential area. However, this could not be enforced because there was no definition in the Code for short term rentals. The Planning & Development Review Board recommended the definition of short term rentals be 28 days or less.

Janelle Wilson, 3090 South Third Street, Realtor, opposed the ordinance because she felt the ordinance infringed upon private property rights.

City Manager Jarboe added if Council wanted to legalize short term rentals it would, need to be added to the Business Tax License section of the Code.

Councilor Pardee felt the problem with short term rentals could be resolved by enforcing the noise and parking ordinances. He was concerned about how the ordinance would be enforced.

Councilor Pardee questioned how the State defined "Short Term Rentals". City Attorney White stated he would have to research to find the State definition of short term rentals.

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

PUD

PLANNED UNIT DEVELOPMENT: Councilor Lee had asked Community Development Director Amanda Askew to research the possibility of adding Planned Unit Development (PUD) into the code. He suggested the PUD be allowed as a special exception in the commercial district permissible use table.

City Manager Jarboe explained the definitions of PUD and Mixed Uses were interchangeable. He further explained the definition of PUD was currently in the Comprehensive Plan and could simply be added to the Code. If Council preferred the term Mixed Use, the Comprehensive Plan would have to be amended.

Mayor Brown felt this would be a good tool for the city to be able to negotiate with developers. He compared it to the Wal-Mart development negotiations as far as details, landscaping, sound barriers, etc.

Councilor Weldon felt historically PUD's always worked for the advantage of the developer and to the disadvantage of the residential community. He felt it should be worded carefully and be limited to commercial zoned areas.

Vice Mayor Pruette stated she supported mixed use in the shopping centers. However, she would be concerned about traffic, density and over development.

Councilor Pardee stated he supported mixed use but he would also be concerned about traffic and noise control.

Consensus: **TO CONTINUE DISCUSSION OF ADDING PUD'S TO THE CODE**

Ord. No. 2007-XX

ORDINANCE NO. 2007-XX, AMENDING CHAPTER 2, ADMINISTRATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2

ADMINISTRATION, ARTICLE 2 CITY COUNCIL, SECTION 2-46, ORDINANCES, RESOLUTIONS, MOTIONS, CONTRACTS, ADDING 2-46(a)(2) AND PROVIDING AN EFFECTIVE DATE.

Councilor Pardee explained he proposed this ordinance in an effort to completely inform Council of all details and aspects of proposed ordinances before the first workshop meeting. He was interested in gathering details relating to the cost and enforcement of ordinances before first read.

Councilor Weldon felt this ordinance would add layers of staff time and delay to the process of passing needed legislation.

Councilor Pruette was concerned about the staff time and costs to prepare reports, etc.

Consensus: **NOT TO MOVE FORWARD WITH THE ORDINANCE.**

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT / NONE

Speed Humps

SPEED HUMPS – INDIAN WOODS DRIVE AND KINGS ROAD: City Manager Jarboe stated the Speed Hump Policy required the Public Safety Director TO conduct a study of the streets to determine the necessity of speed hump placements.

Public Safety Director David Sembach reported he conducted a traffic study on Kings Road and Indian Woods Drive. The study showed the 85 percentile was less than 30 miles per hour. During the time in which radar patrol vehicles were in the area no speeding citations were issued. Chief Sembach further explained that since 1985 there had only been one accident in the area, therefore, he did not feel the speed humps were necessary.

City Manager Jarboe stated the city was currently under a financial strain and trying to conservative by not funding items that were not absolutely necessary.

Councilor Weldon asked if speed humps could be considered if the property owners were willing to contribute to the cost. City Manager Jarboe replied “yes” and explained the cost was approximately \$1,000.00 per speed hump if installed by the city, which was 1/3 of the regular cost that a contractor would charge.

Councilor Lee questioned why there were so many speeding complaints from residents if there was no speeding actually occurring.

Chief Sembach explained it could be a matter of perception. There is always the exception of an occasional speeder, but it did not seem to be a continuous problem. If he felt there was a speeding problem, he would recommend a speed hump.

Councilor Lee stated he was willing to delay installing speed humps to speak with the residents again.

City Manager Jarboe stated Mr. Adeeb’s concern was toward the bridge and suggested placing a speed hump 200 feet from the south of the stop sign. Councilor Weldon stated he would like for the Public Safety Department to conduct a study on that block.

Consensus: **TO CONDUCT A SPEED HUMP/TRAFFIC STUDY ON THE SPAN OF**

KINGS ROAD BY THE BRIDGE AND COUNCILOR LEE TO SPEAK WITH THE RESIDENTS AND BRING THE RESULTS BACK TO THE COUNCIL.

Sun Dog Diner

SUN DOG DINER – REQUEST FOR OUTDOOR SEATING: City Manager Jarboe stated Sun Dog Diner has asked to have outdoor seating similar to Caribbee Key. He suggested applying the same sidewalk lease agreement rules as Caribbee Key in order to be consistent.

Curtis Winter, owner, Sun Dog Diner, 1803 Tanglewood Road, Jacksonville Beach, 32250, stated he would like to have outdoor sidewalk seating similar to Caribbee Key. A separate door would be installed for the outdoor seating area which would also help control alcohol being taken off premises.

Mayor Brown stated for the record this request and the Caribbee Key were the only locations within the city that would accommodate the use of sidewalk seating.

Councilor Weldon stated he appreciated the fact that the outdoor seating area would be non-smoking. Mr. Winter confirmed it would be non-smoking.

Councilor Weldon stated there were previous problems with the planter enclosures at Caribbee Key being moved. Mr. Winter explained their enclosure would be a permanent non moveable enclosure.

Vice Mayor Pruette voiced concern regarding the table umbrellas being able to sustain the wind. Mr. Winter stated they were still shopping for outdoor seating furniture and they were certain they could come up with something strong enough to sustain the winds. The furniture would be moved at closing time.

Councilor Pardee questioned if the request would need to be approved by the Planning & Development Review Board. City Attorney White stated he would speak with Community Development Director Amanda Askew to determine if it was necessary to go before the PDRB.

Vice Mayor Pruette asked if Mr. Winter would be willing to replace the personalized bricks that were on the sidewalk used for restaurant seating. Mr. Winter replied that he would replace each of the personalized bricks.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING. CITY ATTORNEY TO MEET WITH THE COMMUNITY DEVELOPMENT DIRECTOR TO DETERMINE IF A RECOMMENDATION FROM THE PLANNING AND DEVELOPMENT REVIEW BOARD WAS NECESSARY.**

Visioning

UPDATE ON LONG RANGE VISIONING – COUNCILOR LEE: Councilor Lee explained in the last month he held three visioning sessions with residents. The ideas from the three meetings would be consolidated outlining the priorities. He would then meet with City Manager Jarboe to discuss recommendations.

Florida Blvd.
Landscape

FLORIDA BOULEVARD LANDSCAPE PROJECT – REJECTION OF BID FROM ROYAL CONSTRUCTION GROUP: City Manager Jarboe explained the bid received from Royal Construction Group was not complete. He recommended rejection of the bid because they did not bid on the entire project. Mayor Brown suggesting placing this project on a future workshop to determine how to proceed with it.

Consensus: **FORWARD TO THE JUNE REGULAR MEETING.**

Chapter 27

CHAPTER 27 ARTICLE XVI ARCHITECTURAL REVIEW: Due to the late hour Councilor Weldon suggested deferring this agenda item.

Consensus: **TO DEFER DISCUSSION OF CHAPTER 27 - ARCHITECTURAL REVIEW.**

Adjournment

There being no further business, the meeting adjourned at 9:20 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____