



MINUTES
WORKSHOP CITY COUNCIL MEETING
July 23, 2007 AT 6:11 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 July 23, 2007 at 6:11 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
Director of Finance Steve Ramsey
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 6:11 p.m.

PRESENTATIONS

PRESENTATION OF CAFR GIVEN BY DUFRESNE & ASSOCIATES, CPA, PA: Linda Dufresne, Dufresne & Associates, presented the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2006.

CITY MANAGER'S ACTION LIST

Action List

City Manager Jarboe explained the action list was reformatted and each action was under the corresponding department.

The new air conditioning unit is being installed in the City Hall building.

Councilor Lee questioned the item on the list referring to "safety lighting in Town Center". City Manager Jarboe explained he was working with Atlantic Beach and the Department of Transportation to change the lighting structure in the Town Center area in an effort to provide better safety to Town Center patrons.

Councilor Lee questioned the progress of the new Kings Road Bridge. City Manager Jarboe replied that an engineer would be evaluating the existing bridge within the next month.

Councilor Weldon asked about request for proposals for the new Kings Road Bridge. City Manager Jarboe responded he was going to wait for the engineers report before requesting bids so that he would be better prepared to answer questions from contractors.

Vice Mayor Pruette stated the beach access on Bay Street needed attention. City Manager Jarboe informed her the contractor had been told to clean up the area.

Councilor Pardee asked about the item on the action list referring to "the city manager meeting with a representative from Home Box Office." City Manager Jarboe explained he met with a representative from HBO regarding their consideration of using Neptune Beach as a location to film a movie / documentary about Florida elections.

PUBLIC COMMENTS / NONE

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Marsh Pt. Rd.

PARKING PROBLEMS ON MARSH POINT ROAD: City Manager Jarboe explained Council received a letter from Mr. Ricky Rigsbee, 2117 Marsh Point Road, regarding the lack of parking on Marsh Point Road.

Ricky Rigsbee, 2117 Marsh Point Road and Caleb Dudley, 2115 Marsh Point Road, stated they were looking for a resolution to their parking problem on Marsh Point Road. Their visiting friends and relatives were being cited for parking violations while parked on the median and / or in the right-of-way.

Mayor Brown stated he owned the property next door to the duplex and he would like to meet with them regarding some ideas to improve their parking situation.

Consensus: **MAYOR BROWN TO MEET WITH MR. RIGSBEE AND MR. DUDLEY REGARDING IDEAS FOR PARKING.**

Fla. Blvd.

FLORIDA BOULEVARD LANDSCAPING: Mayor Brown requested that this agenda item be delayed because Jacksonville City Councilman Art Graham was out of town.

Councilor Lee asked Mr. Jarboe to consider holding a meeting with developers and businessmen in the area to have a group discussion regarding not only landscaping but additional ways to improve the Florida Boulevard corridor. He also asked to place Florida Boulevard landscaping on the August workshop meeting agenda.

Waste Collection

RESOLUTION NO. 2007-XX: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

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

Variations/Special
Exceptions

PROCEDURES REQUIRED FOR ISSUING VARIANCE REQUESTS AND SPECIAL EXCEPTIONS: City Manager Jarboe stated the current Code of Ordinances required the City Council to complete the finding of facts when hearing commercial variances and special exceptions.

City Attorney White explained the finding of facts form was currently used by the Board of Appeals and the Planning & Development Review Board when hearing variance requests. The Code required Council to fill out the same form when considering exceptions and commercial development orders requiring variances.

Councilor Weldon felt filling out the finding of facts form was appropriate for the Board of Appeals and Planning & Development Review Board to complete during their decision

making process. He did not feel it was appropriate at the Council level. He suggested revising the language in the Code to eliminate the requirement.

Vice Mayor Pruette questioned why members of the Board of Appeals were required to justify their reasoning if they answered no to one of the finding of facts, but not if they answered yes. Sybil Ansbacher, Chairman of the Board of Appeals, stated it was a regulation that if a board member answered no on a finding of fact they had to justify the reasoning. A yes answer did not require justification.

Councilor Pardee felt, because Council received copies of the boards finding of facts forms in the agenda packets for their review, it was not necessary for the Council to repeat the process.

City Attorney White stated the distinction between the two boards was that the Planning & Development Review Board only made recommendations to the Council and the Council was responsible for making the final decision. Whereas, this is different from the Board of Appeals in which case the applicant would be appealing the Board of Appeals findings.

Councilor Weldon felt this requirement limited the rights of elected officials by asking them to document in writing the basis for their decisions on routine votes. This has not been practiced in the past and he did not see any basis to begin doing so. He added that if there was a code conflict then the code needed to be revised.

Vice Mayor Pruette stated when the Board of Appeals was created it removed the politics from variance approval process. She felt the Code requirement to have Council repeat the finding of facts would introduce the politics back into the process.

City Attorney White stated if it was a consensus of the Council he and Community Development Director Askew would revise the language in the Code that required Council to fill out the finding of facts form.

Consensus: **FOR CITY ATTORNEY WHITE AND COMMUNITY DEVELOPMENT DIRECTOR AMANDA ASKEW TO REVISE THE LANGUAGE IN THE CODE TO REMOVE THE FINDING OF FACTS REQUIREMENT FOR THE COUNCIL.**

Building Signs

BUILDING SIGNS: City Manager Jarboe stated a number of variance applications had recently been received for building fascia signs. The current size limit for building fascia signs was 48 square feet. He asked Council to consider enlarging the size limit.

Councilor Weldon felt a 48 square foot fascia sign for Winn Dixie was too small. He asked that the development director do some research and advise the Council of a reasonable size limit.

Consensus: **COMMUNITY DEVELOPMENT DIRECTOR AMANDA ASKEW TO RESEARCH SIZE LIMITS FOR BUILDING FASCIA SIGNS AND REPORT BACK TO THE COUNCIL.**

Board Reorganization

DISCUSSION OF REORGANIZATION OF CITY BOARDS: Mayor Brown had written a letter to the board members regarding reorganization of the boards. The letter asked for board members to respond to the following suggestions:

- 1) Reducing the number of board members on the Board of Appeals and the Planning & Development Review Board from seven to five regular members.
- 2) Moving the meeting to daytime hours to reduce staff overtime.

3) Combining the Board of Appeals and the Planning & Development Review Board.

4) Eliminating the Code Enforcement Board and hiring a magistrate to hear code enforcement.

City Clerk Lisa Volpe stated she had received two e-mails from board members and one telephone call regarding the letter from the Mayor.

Community Development Director Askew stated she attended the monthly BOA and PDRB board meetings and questioned the board members directly. The majority of the board members did not want to combine the boards, did not want to meet during the day, and did not want to reduce the number of members. She did not comment for the Code Enforcement Board.

Vice Mayor Pruette voiced concern regarding board member absenteeism and the manner in which board members should be dismissed for missing too many meetings.

City Attorney White stated the Code Enforcement Board was set by Florida State Statute. The Florida State Statute requires the Chairman of the Code Enforcement Board grant approval for member absences and dismiss members if they missed two out of three consecutive meetings without prior approval. It is up to the chairman of the CEB to determine whether or not there is cause for the absence and approve or disapprove the absence.

City Attorney White stated the Board of Appeals and the Planning & Development Review were set up according to the Code of Ordinances. If a member missed three consecutive meetings or moved out of the city it was mandatory by Code that Council, not the board chairman, declare the seat vacant.

Mr. White suggested sending a letter to the board members reminding them of the absentee rules and explaining to the Code Enforcement Board Chairman his responsibility to grant prior approval for absences and dismiss members from the board.

City Clerk Volpe asked Council if they wanted to forward Resolution No. 2007-05, reappointing members to the boards to the August Regular Council Meeting.

Consensus: **TO FORWARD RESOLUTION NO. 2007-05 TO THE AUGUST REGULAR MEETING.**

Councilor Weldon asked the City Clerk to provide an updated attendance record along with the resolution in the agenda packet. He further suggested that due to the lack of willing participants it might be worth considering reducing the number of board members on the BOA and PDRB and hiring a magistrate for the CEB. He also felt it would be a mistake to combine the Board of Appeals and the Planning & Development Review Board.

City Attorney White asked Council if they wanted to add language in the Code to address the issue of cause for excused absences.

Consensus: **TO NOT ADD A LIST A CAUSES IN THE CODE.**

City Clerk Volpe asked how the board member should communicate his absence with the board chairman. City Attorney White stated it should be in the form of a written document through the City Clerk. The Chairman should announce at the meeting the members absence and whether or not it was excused.

Vice Mayor Pruette was opposed to hiring a magistrate. She felt the Code Enforcement Board did a good job.

Councilor Pardee felt the CEB had more flexibility in enforcement of the Code.

Councilor Lee stated the board members needed to understand the absentee guidelines. The letter to the board members should clarify that the rules would not apply to previous meetings and would apply moving forward. He would like to reduce the number of board members from seven to five.

Vice Mayor Pruette asked to hear from Chairman of the Board of Appeals Sybil Ansbacher regarding her opinion on reducing the number of board members.

Ms. Ansbacher stated her board members felt the more members the more diverse the opinion would be. There was not a problem acquiring a quorum on the BOA.

Consensus: **TO NOT HIRE A MAGISTRATE, TO GATHER MORE INFORMATION ON REDUCING THE NUMBER OF MEMBERS FROM SEVEN TO FIVE, TO NOT MOVE THE MEETINGS TO THE DAYTIME AND BRING THE ISSUE BACK UP IN SEPTEMBER.**

For the Record Councilor Weldon stated for the record he aggressively opposed moving the board meeting to during the day because was it shifted the burden for participation of board members to retirees and non-employed . It takes the young adults and professionals out of the pool. It also reduces the availability of citizens to participate in the public hearings held by the board.

Mayor Brown asked if the Boards could adjust the time of the meetings to 6:00 p.m. Councilor Weldon would not oppose the meetings starting at 6:00 p.m. but not any earlier than that.

City Hall

Councilor Pardee suggested in an effort to reduce the cost of city operations and increase city revenue, the city should consider selling the valuable property on First Street where City Hall is located and relocate city hall offices to the property housing the public services department on Forest Avenue. Part of the revenue from the sale could be used to improve and remodel the public services buildings and the senior center which could also be used to conduct public meetings.

Vice Mayor Pruette stated if City Hall operations were moved to public services property the residents would not approve of the increased traffic on Forest Avenue. She also voiced concern regarding the slow real estate market.

Councilor Weldon agreed the idea deserved consideration. He objected to downgrading the city facility.

City Manager Jarboe stated he had thought about the possibility of sectioning off the office space in the public services building and building a new City Hall on the shooting range behind the building. He did agree that traffic would be a concern and suggested having a store front area located somewhere the commercial district where citizens could pay their utility bill.

Consensus: **STAFF TO FIND OUT THE POTENTIAL MARKET VALUE OF THE CITY HALL PROPERTY AND COST TO RELOCATE.**

For the Record Councilor Weldon stated for the record that he did hear a consensus of the Council to have staff find out the potential market value of the city hall property.

City Manger Jarboe stated the staff would report back to the Council on the issue.

Adjournment

There being no further business, the meeting adjourned at 8:20 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____