



MINUTES
WORKSHOP CITY COUNCIL MEETING
FEBRUARY 25, 2008, 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 February 25, 2008 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
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Assistant Chief Anthony Carrillo
Director of Public Services Leon Smith
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.

CITY MANAGER'S ACTION LIST

Action List

CITY MANAGER ACTION LIST: City Manager Jarboe reported on the following:

The City Attorney was absent and at home recovering from surgery. He would be available via telephone if legal advice was necessary during the meeting.

The State of Florida has completed their review of the Kings Road Bridge plans and determined that a submerge permit would not be required. The city is still waiting for the City of Jacksonville to complete their review.

A sewer main had to be repaired today and the Public Services Department was currently working on other sewer projects.

Vice Mayor Pruette questioned when residents would be able to connect to the new underground electric system. City Manager Jarboe explained the City of Jacksonville Beach would notify homeowners when the underground electric was available to them.

Councilor Lee questioned the progress of the Florida Boulevard Landscaping Project. City Manager Jarboe replied the funding for the project was no longer available.

Councilor Weldon asked if the city would be able to receive bids for underground utility connections. He felt this would lower the connection cost for homeowner's and make the connection cost equal for each homeowner. City Manager Jarboe stated the connection

fee would have to be determined for each house. He felt it would be impossible for an electric company to bid on such a project due to the variations of lot sizes and home sizes.

PRESENTATIONS / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Community Garden

COMMUNITY GARDEN PROPOSAL: City Manager Jarboe stated if Council agreed to the community garden proposal a joint agreement would need to be developed to create a formal entity and guidelines.

Councilor Pardee expressed concern regarding the location of the proposed community garden, because the Charter stated the city could not fence off any part of a park or parklands. He suggested looking into other locations.

Consensus: **FORWARD TO THE MARCH WORKSHOP MEETING AND HAVE THE CITY MANAGER LOOK INTO OTHER LOCATIONS, CREATE GUIDELINES AND A LEADERSHIP GROUP.**

PUBLIC COMMENTS

The following citizens spoke in favor of a community garden:

- Jennifer McCharen, 2745 Oak Street #4, 32205
- Gretchen Ferrell, 1166 Third Avenue North, Jacksonville Beach
- Laurie Clarke, 420 South Street
- Roselle Van Nostand, 1641 Landing Lane
- Kelly Johnson, 519 Lora Street

The following citizens spoke in opposition of the Ordinance regulating parking of Boats and Recreational Vehicles:

- Wayne Scarborough, Jr., 224 Bowles Street
- Patrick Lanahan, 234 Florida Boulevard
- Ty Petway, 215 Davis Street

Lynda Padrta, 1113 First Street, opposed extending the development order for Wal-Mart.

Michael Aston, 1523 Summer Sands Drive, opposed extending the development order for Wal-Mart and favored the creation of a Revitalization Committee.

PROPOSED ORDINANCES

ORDINANCE NO. 2008-XX, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V ACCESSORY STRUCTURES AND USES, SECTION 27-225 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND BOATS AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon explained the ordinance would allow the parking of boats and recreational vehicles in front yards as long as they were completely under a covered carport and not within the required front setback.

City Manager Jarboe stated the current code did not allow parking of boats and recreational vehicles in front yards and those that were currently parked in front yards were in violation. He suggested Council change the Code if they wanted to allow boats and RV's to be parked in front yards.

Councilor Pardee was concerned about the city becoming a giant Home Owners Association. He felt the Code was clearly written and did not require any changes.

Vice Mayor Pruette also felt the current code did not require changes.

For the Record Councilor Weldon stated for the record it would be a huge mistake to change the code to allow boats and recreational vehicles to be parked in front yards.

Consensus: **TO DEFER THE ORDINANCE CHANGE AND GATHER MORE INFORMATION FROM CITIZENS.**

ISSUE DEVELOPMENT

Lakeshore / Wal-Mart **LAKESHORE VILLAGE SHOPPING CENTER – EXTENSION OF FINAL DEVELOPMENT ORDER FOR WAL-MART:** Michael Plaster, general partner for Lakeshore Village, stated Wal-Mart has signed a twenty year lease agreement on the Atlantic Boulevard property. In January, Lakeshore Village received a letter from Wal-Mart stating they were terminating the 20 year lease agreement. However, Lakeshore Village believed Wal-Mart had no legal right to terminate the agreement and therefore they were requesting the final development order for Wal-Mart be extended.

Vice Mayor Pruette stated she did not support the request for an extension because of the tri-party settlement agreement between the City, Lakeshore Village and Wal-Mart. She felt if any changes were made to the tri-party agreement Wal-Mart would also have to agree with the terms.

Mr. Bullock, Attorney for Lakeshore Village, stated he also felt the tri-party settlement agreement was binding to all three parties. However, he felt the Ordinance allowed the city to extend the time period.

Mr. Bullock further explained Lakeshore Village wrote a letter to Wal-Mart requesting that they rescind their "Letter of Termination" and comply with the terms of the 20 year lease agreement. He added that representatives from Lakeshore Village would be meeting with Wal-Mart representatives on Monday, March 3rd. They would have more information Monday evening.

Mayor Brown suggested extending the development order for 30 days to allow Lakeshore Village to gather more information.

Councilor Lee asked Mr. Bullock and Mr. Plaster if they felt Neptune Beach had fulfilled their portion of the tri-party agreement. Mr. Bullock replied they felt Neptune Beach has acted in good faith.

Councilor Pardee suggested holding a special meeting before the March workshop meeting to vote on the request for an extension.

Councilor Weldon was concerned about city's liability if they were to show favoritism of one party over the other. He asked if Lakeshore Village would still be willing to comply with the terms in paragraph 11a of the agreement and give the city \$25,000 on the 2nd of April as written.

Mr. Bullock stated the \$25,000 was going to be paid through Wal-Mart per the terms and provisions of their lease agreement.

Councilor Weldon stated he could not support the request for the extension of the development order because of the issue of favoritism and the \$25,000 was not guaranteed.

Vice Mayor Pruette stated she would not support the extension due to the legal liability and she felt the third party should also be involved in any changes to the settlement agreement.

Mayor Brown stated he would support a 30 day extension and allow Lakeshore Village to gather more information.

Councilor Pardee supported a 30 day extension and suggested waiting until the March 3rd meeting to hear from City Attorney White.

Consensus: **FORWARD TO THE MARCH 3RD REGULAR MEETING.**

Surf Camp

SURF CAMP PROPOSAL – NICOLE DE VENOGUE AND JULIE GEISSMANN: Nicole de Venogue and Julie Geissmann explained their proposal. They would like to hold a small neighborhood surf camp during the summer months for the next five years. The two preferred sites were at the end of Florida Boulevard or Atlantic Boulevard.

Discussion ensued regarding the surf camp being run independently or under the Senior Centers 501C3 with the Director of Senior Center coordinating.

Councilor Weldon stated if they wanted to operate the surf camp as independent contractors the city would have to ask for bid proposals.

City Manager Jarboe stated there were a number of new issues brought up that he needed to discuss with Ms. de Venogue and Ms. Geissmann. He asked to forward the surf camp to the March workshop meeting.

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

Town Center

PLACEMENT OF ART IN TOWN CENTER – TOWN CENTER AGENCY: Michael Dunlap, representative for Town Center explained the Town Center Board would like to hold a competition for artists to compete on the development of an art sculpture to be placed in the Town Center roundabout. The competition would be judged by a jury committee.

Vice Mayor Pruette stated Neptune Beach did not have funds to donate towards the sculpture. She also felt a statue or sculpture in the roundabout would block the scenic view of the ocean and she suggested placing the sculpture in a different location.

Mayor Brown voiced concern about other annual events that were held in the roundabout area.

Mr. Dunlap explained they would like to reveal the sculpture at the Dancin' in the Streets festival May 17th.

Councilor Lee stated he would like more information. He added the city did not have funds to donate toward the sculpture but he may be interested in a personal donation.

Councilor Weldon felt the roundabout was an ideal site for a statue or sculpture.

Councilor Lee asked Mr. Dunlap if Atlantic Beach had approved proposal. Mr. Dunlap replied this would be an item on the Atlantic Beach meeting agenda March 10th.

Consensus: **HAVE THE CITY MANAGER DRAFT A RESOLUTION AND FORWARD TO THE MARCH REGULAR MEETING**

Ed Jones, 200 First Street, clarified the only site Town Center was interested in placing the art was in the Town Center roundabout. He added he was embarrassed that Council did not obtain legal advice from the City Attorney on Lakeshore Village's request to extend the Wal-Mart development order.

Adjournment

There being no further business, the meeting adjourned at 8:08 pm.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____