



**MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
MONDAY, APRIL 17, 2023, 6:07 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, April 17, 2023, at 6:07 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger

STAFF:

City Attorney Zachary Roth
Interim City Manager Richard Pike
Interim Police Chief Michael Key
Community Development Director Heather Whitmore
Senior Center Director Leslie Lyne
Public Works Director Deryle Calhoun
Deputy Public Works Director Colin Moore
Project Manager Jason Lupson
City Clerk Catherine Ponson

Call to
Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:07 p.m.

DEPARTMENTAL SCORE CARD

Dept. Score
Card

The Departmental Score Cards are posted on the City website at: <https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards>.

COMMITTEE REPORTS

Transportation &
Infrastructure
Planning

Mayor Brown reported the TIP Committee would be meeting on May 5, 2023.

PUBLIC COMMENT

Public Comment

Chuck McCue, 1908 3rd Street, Neptune Beach, suggested skimming the budget of Land Use and Parks. He also stated that Dover, Kohl had given suggestions including a transportation hub at the former SunTrust Bank site.

PROPOSED ORDINANCES

Creating Section
14-12, Waste
from Tree
Trimming

Proposed Ordinance, An Ordinance Creating Section 14-12, Chapter 14 (Offenses); Governing Waste from Tree Trimming and Removal; Providing for Severability; Providing an Effective Date.

Councilor Messinger stated that residents complained recently that their tree canopies had been destroyed. Council had passed legislation protecting Heritage oaks and our character. The State greatly limited cities' ability to regulate and stop the destruction of tree canopies and quality of life. We're trying to, in any way possible, to address that issue.

Mr. Roth commented that the State has essentially completely prohibited cities from regulating the cutting of trees on residential properties. We can hold people accountable for what they do when cutting down the trees. They cut massive trees and dump them on the curb. This is a fire and public safety hazard. Commercial for profit businesses should be able to get rid of the debris. This is designed to prevent the "cut and dump." Each tree has a separate violation and they are required to give notice when a tree is cut.

Vice Mayor Chin questioned where the numbers for the penalties came from,

Mr. Roth stated they are from state statutes for Code Enforcement and it is the maximum.

Made by Messinger, seconded by Chin.

MOTION: **TO MOVE THE PROPOSED ORDINANCE CREATING SEC. 14-12, GOVERNING WASTE FROM TREE TRIMMING AND REMOVAL TO A FIRST READ ON MAY 1, 2023**

Roll Call Vote:

Ayes: 5- Livingston, Messinger, Key, Chin and Brown

Noes: 0

MOTION CARRIED

Smoking in Public
Parks/Beaches

Proposed Ordinance, Regulation of Smoking in Public Parks/Beaches.

Kimberly Mraz, Tobacco Policy Manager, and Aishiva Kothari, Community Partner Member with Tobacco Free Jacksonville. Ms. Kothari explained that this is a nonprofit organization that is a partnership of adult and youth working together to prevent tobacco use and exposure to secondhand smoke. Their goal is to promote a tobacco free atmosphere and improve the health of all Duval County residents.

Vice Mayor Chin stated that Atlantic Beach's ordinance adds a dedicated section and Jacksonville Beach's modifies existing sections.

Mr. Roth advised that Neptune Beach does not have a Code provision that has a comprehensive list regarding parks. It makes more sense to start a new section.

Councilor Livingston requested if we are considering this proposed ordinance, she would like to see the penalties and fines included.

Mayor Brown encouraged signage that prohibits smoking on our beaches.

Councilor Messinger stated that Beaches Go Green has had a large initiative in collecting cigarette butts. They had put dispensers out and collected significant amounts over the years. He is interested to see the legislation that comes before Council.

Mayor Brown expressed that the direction would be to move this forward for the May 1, 2023 agenda.

- LDC Revisions** LDC Revisions. Community Development Director Heather Whitmore explained that there are five items to be discussed. Duplexes in the RC, Landscape Buffer Adjacent to Residential Districts, and Recreational/Commercial Vehicles in Residential Districts are the three items she would like to see moved to first read. Historic Preservation as a Finding of Fact is for review discussion. Parking Fee in Lieu is an issue she would like to set some time to discuss to determine if Council wants to pass a resolution to establish these fees.
- Duplexes in the RC** Duplexes in the RC. Staff proposes to add language as a reference to LDC Table 27-239 development standards for RC Overlay Minimum Lot Area Note 10 to make it consistent with Section 27-242, Density calculations for two-family (duplex) residences east of 3rd Street.
- Vice Mayor Chin commented and Ms. Whitmore confirmed that this is adding language to a footnote in the zoning table to make it consistent with what is in the Code.
- The consensus by show of hands is to move this item forward for first read on May 1, 2023.
- Landscape Buffer Adjacent to Residential Districts** Landscape Buffer Adjacent to Residential Districts Ms. Whitmore explained this is basically a scrivener's area. This corrects a typo to reference the correct section as 27-456.
- The consensus by show of hands is to move this item forward for first read on May 1, 2023.
- Recreational/Commercial Vehicles** Recreational/Commercial Vehicles. In the recent Fall 2022 LDC update, sections of the Land Development Code regarding the parking and storage of major recreational equipment, and heavy commercial vehicles in residential districts appears to have been inadvertently removed. Staff is seeking to correct this apparent accidental deletion by adding "Section 27-335, Parking, storage or use of major recreational equipment" and "Section 27-336, Parking of heavy commercial vehicles in residential districts" back into the Land Development Code with a revised definition of heavy commercial vehicle.
- The consensus by show of hands is to move this item forward for first read on May 1, 2023.
- Historic Preservation** Historic Preservation as a Finding of Fact. The purpose of this summary is to begin to evaluate how and if the Community Development Board may or may not justify a determination to support or deny an applicant's request using a finding of fact grounded in historic preservation Land Development policies.
- Discussion ensued which included subjectivity, architectural guidelines, character and historical homes and footprints of existing homes.
- Mr. Roth stated he is hearing that we prefer to work with what we already have and utilize the tools that the Code gives us. He proposes to work with the Community Development Director and incorporate this as part of the annual training. The resources are in the Code and they should use them in analyzing the findings of fact to the extent they believe historic significance is in play for a specific application.
- Parking Fee in Lieu of Study** Parking Fee in Lieu of Study. This was added as part of the LDC update. Ms. Whitmore presented information and reviewed fees from other cities. This would be done by resolution. This needs to be established as there are applications that this would apply to.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 5-1-2023

