



MINUTES
WORKSHOP CITY COUNCIL MEETING
MONDAY, OCTOBER 21, 2019, 6:00 P.M.
NEPTUNE BEACH CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, October 21, 2019, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida

Attendance

IN ATTENDANCE:

Mayor Elaine Brown (*absent*)
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Josh Messinger
 Councilor Scott Wiley

STAFF:

Interim City Manager Leon Smith
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Finance Director Peter Kajokas
 Deputy Public Works Director
 City Clerk Catherine Ponson

**Call to
Order/Pledge
of Allegiance**

Vice Mayor Jones called the workshop meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

CITY MANAGER REPORT

**City Manager
Report**

Interim City Manager Leon Smith reported:

- Mr. Smith reported that the soft opening of the Paid Parking Program was going well and the signs would be ready this Wednesday, October 23 and still waiting on the sign posts.
- The new Community Development Director, Kristina Wright, would begin on Monday, November 4, 2019.
- The new City Manager, Stefen Wynn, would notify his Town Council Tuesday, October 23, 2019, at their meeting.

**Police Chief
Report**

Chief of Police Richard Pike reported:

- Movies with the Mayor scheduled for October 19, 2019 has been rescheduled for November 23, 2019.
- The Beaches Town Center Fall Festival scheduled for October 19, 2019, has been rescheduled for October 30, 2019.
- The Sea & Sky Air Show is scheduled for October 26 and 27, 2019. Cookies with a Cop is scheduled for November 9, 2019, at Jarboe Park.
- The Donna Run planning is well underway.
- The Police Department is proceeding with the hiring process for two new officers beginning November 2, 2019.

COMMITTEE REPORTS

- Land Use and Parks Committee Chairman Messinger reported that his committee met on two days, October 10 and October 17, 2019, and discussed Jarboe Park, the Neptune Beach Tree Mitigation and Policy Update, Stormwater Improvements, and the Proposed Lighting Ordinance Amendments.
- Strategic Planning & Visioning- Transportation/ Public Safety Committee Chairman Jones reported that the Strategic Planning and Visioning Committee met on Wednesday, October 10, 2019, and focused on the Dover, Kohl contract for the Comprehensive Plan and Land Development Code revision. The Transportation and Public Safety Committee also met on October 10, 2019, and discussed the Complete Streets CIP which includes a heat map that showcases where crashes have occurred in the last ten years which would allow location for priority improvements.
- Finance/Boards/ Charter Review Committee Chairman Wiley reported his committee met on Wednesday, October 9, 2019 and discussed the Florida Boulevard/5th Street project. The Committee also discussed a drainage project in Atlantic Beach and how it might impact Neptune Beach, grant updates and the Waste Pro rate increase notification.

Councilor Chin commented that due to the parking program being in place, there were people parking on First Street. He questioned how an enforcement mechanism would make sure those were residents. Mr. Smith stated he would communicate with the parking manager. There would be signs installed notifying residents where to park as well as newspaper and website notification.

City Attorney Zachary Roth informed the Council that in the Code of Ordinances, it refers to Code Section 2-276, which has been removed. He advised he had drafted an ordinance to correct the reference to be Section 2-446 for clarification.

PUBLIC COMMENTS

- Public Comment Dr. Erick Aguilar, Republican Candidate, U.S. House of Representatives, 4th District, introduced himself and added he was observing the different local governments in the district.

PROPOSED ORDINANCES

- Proposed Moratorium on R-4 Zoning District Lot Splitting Proposed Ordinance No. 2019- An Ordinance of the City Of Neptune Beach, Florida, Enacting A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Section 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date.

Councilor Messinger state that he and Councilor Chin were sponsoring this legislation. He added that the concern is there were a significant number of lot splits occurring, primarily in the R-4 Zoning District. The concerns are permeability of the lots, protection of the trees, parking requirements and general loss of character. Most lots are being bought by spec developers who are trying to maximize their return. In that process, there are consistently matching homes being built.

Councilor Messinger advised that this legislation halts an increase of plats. If the property is already platted as two lots with one house, the property owner has the right to utilize those two lots.

Councilor Chin agreed with Councilor Messinger and emphasized the importance of this moratorium during the Land Development Code (LDC) rewrite, especially with the threat of sea level rise and that the City is trying to update and repair the stormwater system. The stormwater system is inadequate to increasing density in the residential neighborhoods. This would give a chance to look at the mitigation methods from Dover, Kohl. He reminded everyone that the 40-foot width lot was meant to address some specific nonconformities. The original intent was not to create more lot splits by purchasing adjacent lots and dividing it up. That was an unforeseen circumstance and he looks forward to Council moving forward with this legislation.

Councilor Wiley commented that the issue of going from 40-foot lot widths to 50-foot lot width has come up before. He stated there were a lot of scenarios that could come into play. He remarked that this goes back to density and if the overall goal is to go from 40-foot lots to 50-foot lots, then address that issue.

Mr. Roth explained that the moratorium is temporary and changing the lot width would be permanent. Changing the lot width would expose the City to a claim and a moratorium would provide protection. With such a comprehensive rewrite coming up, the thought process is that there may be other items beyond lot width that come into play. Rather than doing one isolated change, it could be built into the other changes at one time and make this a temporary item.

Councilor Wiley stated that the City is looking at a one-year moratorium with the ability to extend it. He added that is unfair to someone to wait to be able to do something with their property. He said that there are other items that need to be considered regarding this.

Vice Mayor Jones remarked that a large portion of what the Council does is tied to the Land Development Code and Comprehensive Plan. The mechanics of Chapter 27 largely form the basis for decision making. He stated that the Code is antiquated, and it is time to deal with some of the issues.

Councilor Messinger stated that the intent of this legislation is how to protect the quality of life in Neptune Beach.

Vice Mayor Jones commented this is an opportunity to look at this entire community.

BY A HAND VOTE OF 3-1, THE PROPOSED ORDINANCE WAS MOVED FORWARD FOR FIRST READ ON NOVEMBER 4, 2019.

Proposed
Lighting
Ordinance
Amendments

Proposed Ordinance No. 2019- An Ordinance of the City of Neptune Beach, Florida Amending Chapter 28, Nuisances, Amended Article III, Nuisance Lighting, Sections 28-11- 28-15; and Providing an Effective Date.

Mr. Roth explained that the intent to make it clearer with the addition of definitions in order for someone to determine if they need to make changes and what those changes would be. He confirmed Councilor Chin's comment that compliance can be met by shielding and not removing the lights.

Councilor Wiley questioned if the City is still in litigation regarding the previous lighting ordinance and is the City amending the ordinance.

Mr. Roth confirmed that the City is still in litigation for the previous lighting ordinance and he is working with the attorney in that litigation. It addresses the concerns expressed in that litigation. The added language clarifies what is existing rather than adding new restrictions. Mr. Roth stated it would not bring in new properties. It is going to clarify to properties already not in compliance what they need to do to become compliant.

BY A HAND VOTE OF 3-1, THE PROPOSED ORDINANCE WAS MOVED FORWARD FOR FIRST READ ON NOVEMBER 4, 2019.

CONTRACTS / AGREEMENTS

Agreement with
Dover, Kohl &
Partners for
Comp Plan &
LDC Revision

Agreement for Professional Services for the Comprehensive Plan and Land Development Code Revision with Dover, Kohl & Partners. Mr. Roth walked Council through his changes. He reviewed some of the legal language including the terms, reimbursable expenses, the terms for Phase 3 and termination

Vice Mayor Jones remarked that with the three phases there is a robust visioning exercise to make sure we are getting everything we can out of that and maximize citizen participation. With the new Community Development Director(CDD) on board, the Comprehensive Plan, which is a set of goals, objectives and policies can be done in-house with the guidance of Dover, Kohl. Phase 3 would be based on the direction of the visioning and Comp Plan. He added that it is going to be a very effective and valuable tool and looks at it as an investment.

Mr. Roth added that he would include there could be an adjustment to the price based on the ability to do some of the tasks in-house.

Councilor Chin commented that he hoped the new CDD can help with some of the tasks to soften the cost that actually increased and he questioned that increase.

Vice Mayor Jones answered that this is the cost of doing business and the City of Neptune Beach has never done anything like this project. This price is for a vision document, an updated Comp Plan and an entire Land Development Code rewrite and this is the market rate.

Councilor Messinger stated he had concerns with the number, however, it makes it possible to partner with FDOT if the City has a plan in place with community buy-in. He added that this is a prudent investment especially with the new CDD working with the Dover, Kohl team to create a consistent work product. It is a little more than we thought, but the City is getting more than what was originally scoped out and when we look back it will be money well spent and be glad this decision was made.

Councilor Wiley commented that this is a big project and stated that \$450,000 over two years is a lot of money for a 2.5-square mile City. It was done through an RFQ process and there was no idea how much the other firms would have charged. He can't sit there and say that the amount of money sounds good. He questioned if the price is competitive.

Vice Mayor Jones stated that these were technical proposals and not bid packages and did not make a cost a basis for the decision. He added that it adds up to if the citizens of Neptune Beach deserve state of the art information that can be used as a basis for decision making.

Councilor Messinger stated that there was sticker shock and reiterated that FDOT will not fund any project not born out of the community. There is a level of risk with all investments. This is a plan that will make the City more business-friendly and will allow the residents to say this is what our town wants to look like. Dover, Kohl was selected based

on all the parameters that would best articulate Neptune Beach's vision.

Mr. Roth stated he would make the changes and present the final contract.

Councilor Chin commented there is no denying there is sticker shock, however, it is an investment for the City's future. This will take care of Code and Comp Plan rewrites in the future.

BY A HAND VOTE OF 3-1, THE CONTRACT WITH THE CITY ATTORNEY'S CHANGES BE FORWARDED TO THE NOVEMBER 4, 2019 AGENDA.

ISSUE DEVELOPMENT

Res. No. 2019-11, CDB
Reappointment

Resolution No. 2019-11, Community Development Board Reappointment. This resolution reappoints Lauren McPhaul to a second one-year term as an alternate on the Community Development Board.

CONSENSUS:

MOVE FORWARD TO THE NOVEMBER 4, 2019 CONSENT AGENDA

COUNCIL COMMENTS

Councilor Messinger stated he would sponsor the ordinance to make the Code section correction and it was moved forward to the November 4, 2019 agenda for first read.

Adjournment

There being no further business, the workshop meeting adjourned at 7:53 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved: 11/4/19