



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 3, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held May 3, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.	City Manager Richard A. Linn
Vice Mayor Thomas A. Tankersley	City Attorney Christopher A. White
Councilor Edward S. Jones	Director of Finance John Herbst
Councilor Robert D. Shimp	Administrative Assistant Lisa Volpe
Councilor Ronald D. Patronik	Deputy City Clerk Karla Strait
City Clerk Becky E. Hanks, CMC/AEE	Building Official Dan Arlington

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS - NONE

APPROVAL OF MINUTES

Approval of Minutes

Moved by Tankersley, seconded by Jones.

Motion: **TO ADD THE APRIL 5, 1999 MINUTES TO THE AGENDA FOR APPROVAL.**

Roll Call Vote;

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn
 Noes: 0

MOTION CARRIED.

Moved by Tankersley, seconded by Jones.

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES:**
APRIL 5, 1999, REGULAR
APRIL 19, 1999, SPECIAL
APRIL 19, 1999, TOWN HALL

Roll Call Vote:

Ayes: 5 – Jones, Shimp, Tankersley, Patronik, Vaughn
 Noes:

MOTION CARRIED.**COMMUNICATIONS AND CORRESPONDENCE**

- Subgrant Application No. 00-017 Beach Access Beach Access: Mayor Vaughn advised that he received a letter from Ralph Cantral, Executive Director with Florida Coastal Management Program, stating that due to limited funding the city grant application for beach access improvements could not be approved for fiscal year 1999-2000.
- Short Term Rentals Short Term Rentals: Council discussed recent correspondence regarding short-term rentals and the need to set a policy. The City Manager reported that he was actively working with the Code Enforcement Board and Building Official on the issue. Council agreed to add this to the City Managers Punch List.
- Sunshine Law Sunshine Law: Councilor PatroniK stated that any violations of the Florida Sunshine Law should be referred to the State Attorneys Office.
- Mayport Flyover Mayport Flyover: Vice Mayor Tankersley and Mayor George Vaughn gave a report on a meeting they attended in Atlantic Beach regarding the Mayport Flyover.
- Town Center Taxi Cab Stand Town Center: Vice Mayor Tankersley and Councilor Jones stated that the Town Center Board approved a taxi cab stand in the circle at Town Center. The City Manager stated that he would place this item to his punch list.
- The CAFR Report AUDIT The Comprehensive Annual Financial Report: City Manager Linn stated that the Comprehensive Annual Financial Report was completed and copied to each Council member. The auditors will be here to answer questions anyone may have at the Workshop City Council Meeting on May 17, 1999.
- Hurricane Emergency Preparedness Plan Hurricane Emergency Preparedness Plan: City Manager Linn gave Council a current copy of the Hurricane Emergency Preparedness Plan to review before the Special Council Meeting, Monday, May 10, 1999.
- City Manager's Performance Evaluation City Managers Annual Performance Evaluation: At the City Manager's request, his Annual Performance Review was scheduled for the May 17, Workshop Council Meeting.

CITY MANAGER REPORTS

- Advanced Debris Management Seminar Advanced Debris Management Seminar: City Manager Linn and Building Official Dan Arlington attended an Advanced Debris Management Workshop at the Emergency Operations Center in Jacksonville. Recommendations and suggestions for the City Council's approval, will be forthcoming.

COMMENTS FROM THE PUBLIC

Danny Thiele, 107 Azalea Place, requested that after adoption of Turtle Protection Ordinance 1999-01, a workshop be conducted for concerned citizens.

Bob Hicks, 1449 Hopkins Creek Lane, complimented the Public Safety Department for looking after his property while he and his wife were on an extended vacation. He also, objected to a memo sent from the Mayor to the City Manager regarding a situation that took place on April 12, 1999.

Debbie McDonald, 2020 Shadow Lane, objected to a canoe launch in Neptune Beach.

Harriet Pruette, 217½ Magnolia Street, stated that there was a sign on Midway advertising

resort property in a residential area. She also commended Councilor Shimp for sponsoring Ordinance No. 1999-02 regarding parking on private property, and expressed her disappointment that it was not placed on tonight's agenda.

Mrs. Moore, 225 Margaret Street, received clarification on the difference between residential and city property parking as it related to Ordinance No. 1999-02.

CONSENT AGENDA

PBS&J Addendum 3
Task No. 3 MUP

PROFESSIONAL SERVICES AGREEMENT WITH PBS&J, ADDENDUM NO. 3, TASK NO. 3, UTILITY IMPROVEMENTS EAST OF THIRD STREET: The Scope of Work under Addendum 3, Task 3, to the agreement between the City Neptune Beach and PBS&J included professional engineering services to prepare plans, specifications, contract documents, and permit applications; and provide bid negotiation services and construction phase services for utility improvements east of Third Street (SR A1A) and bounded by Atlantic Boulevard on the north, and Seagate Avenue on the south, as set forth in the document entitled "Water and Wastewater Systems Master Plan", adopted by the City Council on August 7, 1998. Amount not to exceed \$833,900.

Moved by Tankersley, seconded by Patronik.

Motion: TO APPROVE ADDENDUM NO. 3 TASK NO. 3 PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH AND JERNIGAN, AS NOTED ABOVE.

Roll Call Vote:

Ayes: 5-Jones, Shimp, Tankersley, Patronik, Vaughn
Noes: 0

MOTION CARRIED.

VARIANCES-NONE

ORDINANCES

Ordinance No.
1999-01

ORDINANCE NO. 1999-01, FIRST READ: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE AND CITATION, PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITIONS; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA PROVIDING INTERPRETATION; PROVIDING SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-01 by title only.

Moved by Tankersley, seconded by Patronik.

Motion: TO PASS ORDINANCE NO. 1999-01, AS STATED.

Roll Call Vote:

Ayes: 5-Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

Consensus: **FORWARD TO THE MAY 17, 1999 TOWN HALL MEETING FOR PUBLIC INPUT.**

Ordinance No.
1998-22

PUBLIC HEARING ORDINANCE NO. 1998-22, SECOND AND FINAL READ: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA TO INCLUDE A NEW CHAPTER 28, ENTITLED "NUISANCES," PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1998-22 by title only and opened the public hearing. There being no public comments, the public hearing was closed.

For information: Ordinance No. 1998-22, specifically, addresses conditions or nuisances not currently contained in the Code.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1998-22, DRAFT NO. 3.**

Roll Call Vote:

Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED.

OLD BUSINESS

FIND Grant

FLORIDA INLAND NAVIGATION DISTRICT GRANT: FIND Grant Application for a canoe launch. Council discussed locations for a canoe launch, and the feasibility of withdrawing the application.

Moved by Jones, seconded by Patronik.

Motion: **TO DIRECT THE CITY MANAGER TO NOT PURSUE LOCATING A CANOE LAUNCH IN THE CITY OF NEPTUNE BEACH, BUT TO PURSUE THE APPLICATION TO ALLOW THE FUNDS TO BE USED AT DUTTON ISLAND FOR THE CITY OF ATLANTIC BEACH. IF THE TERMS OF THE GRANT WILL ALLOW IT.**

Roll Call Vote:

Ayes: 4 – Jones, Tankersley, Shimp, Patronik
Noes: 1- Vaughn

MOTION CARRIED.

Grant Application for
Preserving Natural
Land.

GRANT APPLICATION FOR PRESERVING NATURAL LAND. Building Official Dan Arlington was given the privilege of floor to speak on a Florida Communities Trust Non-Matching Grant that the city could use to purchase and preserve in its natural state unbuildable land located off Kings Road, just north of the Kings Road Bridge. Said land consisted of 2.9 acres at a cost of \$297,000. In addition, access land to Kings road can be purchased since the 2.9 acres is landlocked.

Consensus: **TO SUPPORT MOVING FORWARD WITH SAID APPLICATION, AS NOTED ABOVE**

Mayport Flyover

MAYPORT FLYOVER ON ATLANTIC BOULEVARD: Council discussed the need for the Mayport Flyover Project and concluded that it would not be beneficial to our city.

Moved by Jones, seconded by Patronik.

Motion: **THE MAYOR WILL PREPARE A RESOLUTION OPPOSING THE MAYPORT FLYOVER AND SEND TO THE APPROPRIATE OFFICIALS.**

WHEREAS, it is proposed by the Jacksonville Transportation Authority to construct a flyover superstructure at the intersection of Atlantic Boulevard and Mayport Road for the purpose of providing a solution to current congestion problems; and

WHEREAS, there is sufficient concern throughout the community questioning the need for the construction of a flyover superstructure and;

WHEREAS, the flyover superstructure will be a visual eyesore to our City and contribute to noise and pollution levels thereby negatively impacting the quality of life; and

WHEREAS, the flyover superstructure will not solve the problem since traffic will continue to backup, because there are no provisions to improve traffic flow on Mayport Road; and

WHEREAS, other existing, unfinished and on-going major construction projects further compound traffic problems in areas already experiencing serious congestion and traffic delay, including but not limited to:

- Atlantic Boulevard between St. Johns Bluff Road and the Intercoastal Waterway
- Beach Boulevard at Southside Boulevard
- J.Turner Butler Boulevard between Southside Boulevard and the Intercoastal Waterway

WHEREAS, other major construction projects are planned and will come on line before the above mentioned projects are completed adding even greater traffic congestion and delays, including but not limited to:

- Atlantic Boulevard Bridge at Pablo Creek
- Wonder wood Connector
- McCormick Bridge on Beach Boulevard at Intercoastal waterway
- Beach Boulevard between Florida Community College South Campus and Highway A1A

WHEREAS, with a cost of approximately ten million dollars the construction of the flyover does not represent the best use of limited tax dollars and these funds could be directed toward another construction project of demonstrably greater necessity in regards to public safety and the needs of the effected beach communities.

WHEREAS, construction of the Wonderwood Connector will provide an alternate route for a significant portion of the traffic currently using the Atlantic Boulevard / Mayport Road corridor, thereby, reducing traffic levels at this interchange.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA:

SECTION 1. That the City Council of the city of Neptune Beach, Florida, hereby expresses the need for greater community input and consideration by the Jacksonville Transportation Authority for present and future projects effecting our City.

SECTION 2. That the City Council of the City of Neptune Beach, Florida, hereby expresses, by unanimous vote, opposition to the construction of the flyover superstructure.

SECTION 3. EFFECTIVE DATE. The Resolution shall become effective upon adoption

Roll Call Vote:

Ayes: Jones, Patronik, Shimp, Tankersley, Vaughn

Noes: 0

MOTION CARRIED

NEW BUSINESS

Supporting Naval Air Show

RESOLUTION NO. 99-12: A RESOLUTION OF THE CITY OF NEPTUNE BEACH IN SUPPORT OF THE US NAVY PRESENTING THEIR ANNUAL AIR SHOW AT NAVAL AIR STATION MAYPORT IN THE FALL OF 2000 AND THEREAFTER ROTATING SHOWS BETWEEN NAVAL AIR STATION JACKSONVILLE AND NAVAL STATION MAYPORT.

WHEREAS, the closure of the naval Air Station at Cecil Field provides the Naval Station at Mayport the opportunity to host the annual Navy Air Show in the fall of 2000; and

WHEREAS, the Navy Air Show was held at the Beaches several years ago and was very well received by the Beach communities; and

WHEREAS, the Navy Air Show is a family oriented activity that would provide residents and visitors a first rate show featuring the Blue Angels; and

WHEREAS, the show would benefit the business community by bringing visitors to the area during the off season; and

WHEREAS, Neptune Beach supports their Navy neighbors and would enjoy the opportunity to partner with the Navy in hosting the annual air show.

NOW THEREFORE BE IT RESOLVED THAT:

SECTION 1. The City of Neptune Beach encourages the Navy to bring their annual air show to Naval Station Mayport for the fall of 2000.

SECTION 2. The city of Neptune Beach Further encourages that future shows rotate between Naval Station Mayport and Naval Air Station Jacksonville.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 99-12, AS NOTED ABOVE.**

Roll Call Vote:

Ayes: 5 – Tankersley, Patronik, Jones, Shimp, Vaughn

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9: 05 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Becky E. Hanks, CMC/AAE, City Clerk

Approved: _____