



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**AUGUST 2, 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 August 2, 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.  
 Councilor Edward S. Jones  
 Councilor Robert D. Shimp  
 Councilor Ronald D. Patronik  
 City Attorney Christopher White

City Manager Richard A. Linn  
 Acting City Clerk Lisa Volpe  
 Deputy City Clerk Karla Strait  
 Building Official Dan Arlington  
 Administrative Assistant Piper Turner  
 Director of Finance John Herbst

## Absent:

Vice Mayor Thomas A. Tankersley

## Order Call/Pledge

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

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

## IBBC Volunteer of the year

Ish Brant Beautification Committee Volunteer of the Year: Laurie Anderson, member of the Ish Brant Beautification Committee, presented Mayor Vaughn with the Volunteer of the Year award for his contributions to the committee.

## Recognition of Lonnie Key

Recognition of Lonnie Key: Mayor Vaughn presented Lonnie Key, of Dynamic Anderson Corporation, an award for his outstanding assistance with the Ish Brant Beautification Committee.

**APPROVAL OF MINUTES**

## Approval of Minutes

Moved by Patronik, seconded by Shimp.

## Motion:

**TO APPROVE THE FOLLOWING MEETING MINUTES:**

**JUNE 30, 1999 BUDGET WORKSHOP**  
**JULY 6, 1999 REGULAR**  
**JULY 19, 1999 WORKSHOP**  
**JULY 19, 1999 TOWNHALL**  
**JULY 19, 1999 BUDGET WORKSHOP**  
**JULY 22, 1999 BUDGET WORKSHOP**

## Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn  
 Noes: 0  
 Absent: 1 - Tankersley

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

Hurricane Hatties Mayor Vaughn stated that he had received a letter from Mr. H. T. Mankin, dated July 29, 1999, complaining about the noise coming from Hurricane Hatties on Atlantic Boulevard in Pablo Creek Marina located in Jacksonville.

Consensus: **TO DIRECT CITY MANAGER LINN TO TAKE ACTION TO DEAL WITH THE ISSUE AND RESPOND TO MR. MANKIN.**

Mayors Neighborhood Matching Grant Program Mayor Vaughn stated that he had received a letter addressed to the Ish Brant Beautification Committee, from John Fleming, Chief of Neighborhood Services Division, advising committee chairman Chris Tyler on the success of the committee in securing a \$5,000 grant to the Mayors Matching Neighborhood Grant Program, and personally thanked Chairman Tyler and the committee for their efforts.

K-Mart Renovations Councilor Jones expressed that he was delighted to here that K-Mart had begun renovations at the Atlantic Boulevard store and should be completed by November 1, 1999.

September Regular Council Meeting Lisa Volpe Acting City Clerk reminded the council that due to the Labor Day Holiday the September Regular City Council Meeting would be held on Tuesday, September 7, 1999.

Frank Cashman City Manager Linn informed council of the passing of Sergeant Frank Cashman's father and advised that the funeral would be held August 3, 1999 at 2:00 p.m.

All Terrain Wheelchair City Manager Linn reported that he had received a letter from Charlotte Raybrook, President of the Beaches Council for Disabled Persons, addressed to Chief Brant, advising that they had voted to donate one all terrain wheelchair for the disabled, to be placed at the lifeguard station, under the condition that the city of Neptune Beach accept the ownership and responsibility of the chair by a letter of approval from the council requesting the surf-chair. They have also agreed to assist with any repairs.

Consensus: **TO ACCEPT THE CONDITIONS AS STATED ABOVE AND HAVE CITY MANAGER LINN WRITE THE LETTER OF ACCEPTANCE.**

**CITY MANAGER REPORTS**

Grandfathering of parking spaces at Slider's Oyster Bar **GRANDFATHERING OF PARKING SPACES AT SLIDER'S OYSTER BAR:** City Manager Linn explained that he and City Attorney White had met with the owners of Slider's Oyster Bar and discussed the grandfathering of the parking spaces that would be lost due to the Town Center Project. The attorneys for both parties were working on an agreement to be recorded with the property. The final agreement would be sent to council for approval.

Shuttle Bus meeting with JTA **SHUTTLE BUS MEETING WITH JACKSONVILLE TRANSPORTATION AUTHORITY:** City Manager Linn announced that he had met with Danny Oar and Daryl Smith with Jacksonville Transportation Authority to discuss a shuttle bus service on the beaches from Mayport to Jacksonville Beach. An on line bus would be remodeled with a beach exterior and seating on either side facing each other, to make it friendlier. They will report back to Mr. Linn with a cost and feasibility.

- Recognition of Veterans Plaque for City Hall RECOGNITION OF VETERANS PLAQUE FOR CITY HALL: Mr. Linn stated that he had a request from citizen Bruce Rehmer to establish a plaque honoring veterans. He met with Mr. Rehmer and a monument distributor. A monument recognizing and honoring veterans will be placed outside the City Hall Building next to the flagpole. The ceremony is planned for Veterans Day, November 11, 1999 at 9:45 a.m.
- Dumpster Pilot Project DUMPSTER PILOT PROJECT: City Manager Linn explained that he had a meeting with representatives of BFI and Alpha Products to devise a plan to phase in a new type of commercial dumpster and collection boxes starting with the dumpsters between City Hall and the Police Station.
- Distribution of Preliminary Design Utility Improvement Project DISTRIBUTION OF PRELIMINARY DESIGN UTILITY IMPROVEMENT PROJECT: Mr. Linn passed out copies of the Preliminary Design Utility Improvement Project and encouraged council to review it, stating that it would be the backbone for the August 9, 1999 meeting with Jim Miller of Post, Buckley, Schuh, and Jernigan.
- Park Grant Application SET MEETING FOR FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR PARK GRANT APPLICATION: City Manager Linn stated that his assistant Laura Raccina would give a ten or fifteen minute report on the park grant at the August 9, 1999 meeting.
- Proposed Fiscal Year 2000 Budget PROPOSED FISCAL YEAR 2000 BUDGET: City Manager Linn advised that the proposed budget had been hand delivered to council last Friday and that a workshop meeting needed to set for discussion.

Consensus: **TO SET A BUDGET WORKSHOP MEETING FOR AUGUST 5, 1999 AT 7:00 P.M.**

#### **COMMENTS FROM THE PUBLIC**

Robert Hicks, 1449 Hopkins Creek Lane, addressed the council relating to unnecessary activity regarding committees.

Beth Tyler, 1914 First Street, expressed concern about false accusations from citizens regarding her husband Chris Tyler.

Danny Thiele, 107 Azalea Place, spoke on behalf of the Sea Turtle ordinance and asked council to support the ordinance.

Linda Padrta, 1113 First Street, spoke regarding the Mayor's Website and E-mail not being received properly as public records.

Leslie Karlin, 1506 Spindrift Circle West, commented on distrust of council and not being able to speak out during meetings. She also suggested that agenda packets be available for the public to review at the Beaches Library.

Terry Cater, 208 Cherry Street, revealed her concern about a traffic problem on Cherry Street and asked that the barricade at First Street and Cherry Street be removed.

Cecelia Peacock, 211 Cherry Street, also voiced her concern about a traffic problem on Cherry Street and requested that the barricade at First Street and Cherry Street to be removed.

J. W. Crout, 1074 Kings Road, cautioned council regarding misplaced e-mail and stated in his opinion that council should start looking at the budget earlier in the year. He was also concerned about a 23% increase in the budget. He also stated in his

opinion council should abolish the Ish Brant Beautification Committee.

Chris Oakey, 620 Camellia Terrace Drive, commended Finance Director John Herbst for getting the computer system certified for the year 2000 and asked about committee budgets and financials on previous events.

Elaine Kenny, 1301 Neptune Grove Drive East, replied that expense reports had been turned in on the Sunday in the Park event and the King Neptune Festival.

Harriet Pruette, 217½ Magnolia Street, asked about the harassment investigation between herself and Chairman of the Ish Brant Beautification Committee and stated that it was on going and that members of the Beautification Committee had political agendas. She also stated that in her opinion it was in bad taste for the beautification committee to give the Volunteer of the Year award to Mayor Vaughn. She also felt that something needed to be done about the traffic problem on Cherry Street.

#### **CONSENT AGENDA / NONE**

#### **VARIANCES / NONE**

Recess / Reconvene **RECESS AND RECONVENE:** The meeting was recessed at 8:20 and reconvened at 8:30.

#### **ORDINANCES**

Ordinance No.  
1999-01

**PUBLIC HEARING ORDINANCE NO. 1999-01, SECOND AND FINAL 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 APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-01 by title only and opened the public hearing.

Linda Padrta, 1113 First Street, felt we should give more consideration to the turtles and help insure that they are healthy and safe in the environment in the future.

Harriet Pruette, 217½ Magnolia Street, commented that Danny Theile had done an outstanding job in his efforts to protect the sea turtles request that council pass the Ordinance.

Karen Hawkins, Oceanfront, felt that it was very important and that others that live on the oceanfront do not have a problem with turning lights out. Suggested letters being passed out in the area that the turtles were hatching and urged council to do something to protect the turtles.

There being no further public comments, the public hearing was closed.

Moved by Jones, seconded by Patronik.

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

Councilor Shimp expressed his concern about the misdemeanor penalty.

City Attorney Chris White suggested the following changes to the language in Section 10 to eliminate any misdemeanor penalties.

SECTION 10. Civil and Administrative Enforcement Powers; Criminal Penalties.

- (A) The City shall have the power to enforce the provisions of this Ordinance by equitable or legal judicial proceedings, including civil infractions as set forth below, as well as by any other legal or administrative means, including code enforcement proceedings as set out in Chapter 27 of the Code of Ordinances as amended, and Section 162, Florida Statutes. Each day of any such violation shall not constitute a separate and distinct offense.
- (B) No permit may be issued by the City to improve or expand any facility constructed or modified in violation of this Ordinance, unless the violation has been corrected.
- (C) A violation of any of the provisions of this Ordinance shall be a civil infraction punishable in the same manner as a misdemeanor and punishable as provided by Section 125.69, Florida Statutes by a civil penalty in an amount not to exceed \$500. Except, any violation of this Ordinance which is also a violation of Section 370.021 Florida Statutes, shall be punishable as set forth in Section 370.021. Each day of any such violation shall not constitute a separate and distinct offense.

Moved by Jones, seconded by Patronik

Friendly Amendment: **MAKE A FEW CHANGES: SECTION 9, CITY HAS THE AUTHORITY TO NOTICE FIRST TIME VIOLATORS, CHANGE THE WORDS "HAS THE AUTHORITY TO" TO "SHALL" NOTICE FIRST TIME VIOLATORS OF THE SEA TURTLE LIGHTING ORDINANCE BY "SENDING A LETTER CERTIFIED MAIL RETURN RECEIPT REQUESTED". SECTION 10, ADOPT MR. WHITES LANGUAGE CHANGES AS NOTED ABOVE, WITH THE EXCEPTION OF THE WORD "THAT". COUNCIL TO ADOPT A GRADUATED SCHEDULE OF VIOLATIONS BEFORE MAY 1, 2000.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn  
 Noes: 0  
 Absent: 1 – Tankersley

**MOTION CARRIED**

Ordinance No.  
1999-04

**PUBLIC HEARING ORDINANCE NO. 1999-04 SECOND AND FINAL READ: SPECIAL COMMITTEES, THAT SECTION OF 2-42 OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH IS HEREBY AMENDED TO READ AS FOLLOWS AND PROVIDING AN EFFECTIVE DATE.**

The Mayor read Ordinance No. 1999-04 by title only and opened the public hearing.

Harriet Pruette, 217& 1/2 Magnolia Street, asked council not to pass the ordinance.

Leslie Karlin, 1506 Spindrift Circle West, commented that special committees and

volunteers were needed and that council should have the responsibility.

For the Record Councilor Shimp commented that the presiding officer should come before the council first before a committee is formed and give council a reason for the committee.

There being no further comments from the public, the public hearing was closed.

Moved by Jones, seconded by Shimp

Motion: **TO ADOPT ORDINANCE NO. 1999-04**

Roll call vote:

Ayes: 3 - Jones, Shimp, Vaughn

Noes: 1 - Patronik

Absent: 1 - Tankersley

**MOTION CARRIED**

Ordinance No.  
1999-07

**PUBLIC HEARING ORDINANCE NO. 1999-07 SECOND AND FINAL READ: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.08 OF THE CHARTER TO REQUIRE THE CITY CLERK TO BE APPOINTED BY THE CITY COUNCIL; TO RECEIVE THE ANNUAL SALARY AND PERFORM DUTIES AS ESTABLISHED BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.**

The Mayor read Ordinance No. 1999-07 by title only, and opened the Public Hearing.

Leslie Karlin, 1506 Spindrift Circle West, requested that council adopt the Ordinance.

There being no further comments from the public the Mayor closed the public hearing.

Moved by Jones, seconded by Patronik

Motion: **TO ADOPT ORDINANCE NO. 1999-07, AS STATED.**

Roll call vote:

Ayes: 3 – Jones, Patronik, Shimp

Noes: 1 – Vaughn

Absent: 1 - Tankersley

**MOTION CARRIED**

Ordinance No.  
1999-08

**ORDINANCE NO. 1999-08, FIRST READ: AN ORDINANCE AMENDING SECTION 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 5. UNIFORM TRAVEL POLICY AND PROCEDURES. CODE OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.**

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 1999-08 AS STATED.**

For the Record Mayor Vaughn stated, for the record, that he had many opportunities to travel on behalf of the city since he had been in office and felt that the pay policy was adequate.

Roll call vote:

Ayes: 2 – Jones, Patronik

Noes: 2 – Shimp, Vaughn

Absent: 1 - Tankersley

MOTION FAILED

Ordinance No.  
1999-09

ORDINANCE NO. 1999-09 , FIRST READ: AN ORDINANCE AMENDING SECTION 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Patronik.

Motion: TO PASS ORDINANCE NO. 1999-09 AS STATED.

Friendly Amendment: CORRECT GRAMMATICAL ERRORS, SECTION 1 (B) A PERIOD AFTER STREETS AND SECTION 22-31 (A) PERIOD AFTER REMOVED.

Roll call vote:

Ayes: 4 – Shimp, Jones, Patronik, Vaughn

Noes: 0

Absent: 1 - Tankersley

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Town Center Water  
and Sewer Project

TOWN CENTER WATER AND SEWER PROJECT: Award contract of the water and sewer project presented by Post, Buckley, Schuh and Jerringan.

Moved by Patronik, seconded by Jones.

Motion: TO AWARD THE TOWN CENTER WATER AND SEWER CONTRACT TO JOHN WOODY, INC. IN THE AMOUNT OF \$232,439.

Roll call vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 0

Absent: 1 - Tankersley

Adopt – A – Road  
Adopt – A – Street  
Program

ADOPT – A - ROAD ADOPT – A – STREET PROGRAM: Ish Brant Beautification Committee has developed this program whereby individuals, groups, clubs and / or businesses can volunteer to maintain sections of city property.

Consensus: TO FORWARD TO THE AUGUST WORKSHOP MEETING.

Adjournment

There being no further business, the meeting adjourned at 9:45 p.m.

\_\_\_\_\_  
George F. Vaughn, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, Acting City Clerk

Approved: \_\_\_\_\_