



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 7, 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 September 7, 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	Acting City Clerk Lisa Volpe
Councilor Edward S. Jones	Deputy City Clerk Karla Strait
Councilor Robert D. Shimp	Building Official Dan Arlington
Councilor Ronald D. Patronik	Director of Finance John Herbst
City Attorney Christopher White	Chief of Police William Brant

Absent: None

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and introduced Joshua and Erin Rehmer who led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Approval of Minutes

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE FOLLOWING MEETING MINUTES:**

AUGUST 2, 1999, REGULAR
AUGUST 5, 1999, BUDGET
AUGUST 9, 1999, WORKSHOP
AUGUST 16, 1999, WORKSHOP
AUGUST 23, 1999, BUDGET

Friendly Amendment: **CORRECT MISPELLED WORD ON AUGUST 2, 1999, REGULAR COUNCIL MEETING MINUTES. PAGE 6 BOTTOM OF PAGE STROPPING SHOULD BE STOPPING.**

Roll Call Vote:

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

MOTION CARRIEDCOMMUNICATIONS AND CORRESPONDENCE

Harassment
Investigation

Mayor Vaughn stated that Harriet Pruette had asked him to look into her charges of harassment and stalking against Neptune Beach resident Chris Tyler and report back to her.

For the Record Mayor Vaughn: Originally Ms. Pruette's harassment and stalking claim of July 14, 1999, was investigated and the case was closed due to no evidence being found. This claim was also reiterated to the public by resident Robert L. Hicks. However, the case was then reopened after Ms. Pruette made additional claims going back as far as seven months. So to the best of my knowledge the case continues to be investigated more than 50 days after the complaint was filed.

Mr. Linn, I want to ask you, on the record, right now to give us some sort of time table for Ms. Pruette's benefit as to when this case might be resolved.

Mr. Linn: I'm not sure I can do that Mayor Vaughn, that's a police matter and I cannot interfere with the investigation.

Mayor Vaughn: I will accept your answer. The Council also received correspondence recently from Councilor Patronik's wife, Laura, stating that she was the subject of harassment by the Tyler's also. However, to the best of my knowledge, I can find no credible proof has been brought forward to substantiate the claim, which is almost one and half years old.

As to other correspondence on August 6, 1999, Robert Hicks wrote a letter to Council concerning an expenditure of \$2,700 dollars of tax money spent on legal fees to investigate a law suit against the Jacksonville Transportation Authority concerning the Atlantic Boulevard, Mayport Road Intersection Improvement Program. Mr. Hicks went on to say this is a "reckless waste of tax money for a frivolous legal action to serve the ego of one person, the Mayor". However, as each of you gentlemen know there was no city monies spent and it was the entire City Council who directed this issue to be researched.

In our last Council meeting we had three individuals come before this council and in essence state that harassing community servants is a good thing. Well I cannot disagree more and I would hope that each of you, my fellow councilmen will join me in that sentiment.

The incidents I have mentioned are already well documented and are a part of what I consider to be politics of personal destruction. Therefore, tonight I am making a request to this council and our residents to pull together and help bring an end to the politics of personal destruction in our community. Negative politics nor harassment have no place in Neptune Beach, nor in these Council Chambers. For you Councilors that are contemplating running for re-election, I ask that you run on your records and let the chips fall where they may. Lets have a good and clean campaign and turn a deaf ear to those in our community who insist upon perpetuating the negative politics in Neptune Beach. We may have our policy differences from time to time but let's give our citizens an election and a city government they can be proud of.

I wanted to make those comments on the record. If you want to discuss anything I have said I am more than willing to get into that with you at this time. If there is anything I can clarify. If not we'll move on. There being no further comments from the Council. Ms. Volpe, do you have any comments?

Ms. Volpe: No.

Mr. Linn: Nothing under correspondence and communications.

CITY MANAGER REPORTS

- Hurricane Watch **HURRICANE DENNIS WATCH ISSUED:** City Manager Linn reported that the City had been placed under a hurricane watch and that the City's Hurricane Preparedness Plan was implicated during the watch and all department heads took the steps identified in the plan and did not see any problems. However, some suggestions were made during the last staff meeting and will be followed up on.
- Adopt a Road Program **ADOPT A ROAD PROGRAM:** City Manager Linn advised that the City Attorney had reviewed the hold harmless agreement and made some recommended changes. Packets will be available this week for anyone in the community that would like to adopt a street end or road.
- Water and Sewer Project **WATER AND SEWER PROJECT:** City Manager Linn announced that the Water and Sewer Project was about a day and a half ahead of schedule. The two hundred block of First Street had been completed and the one hundred block of First Street had been started. The plan is to maintain two travel lanes of traffic in the one hundred block of First Street. There will be no parking in the one hundred block of First Street while construction is going on. Construction is anticipated to be completed in a week and a half to two weeks.
- Shuttle Bus **SHUTTLE BUS UPDATE:** City Manager Linn explained that he had contacted Danny Orr of The Jacksonville Transportation Authority. A meeting will be scheduled when Mr. Orr receives the report back on some studies that are being done on cost, feasibility and time schedules before they are ready to introduce a proposal.
- Youth Crisis Center **YOUTH CRISIS CENTER SAFE PLACE PROGRAM:** City Manager Linn advised that City Attorney White had reviewed any liability exposure the City may have and concluded that it would be minimal to none and, therefore, recommended to move forward with City Hall serving as safe house.

Consensus: **TO ALLOW THE CITY MANAGER TO MOVE FORWARD WITH CITY HALL SERVING AS A SAFE HOUSE FOR CHILDREN IN CRISIS.**

COMMENTS FROM THE PUBLIC

Richard Fail, 510 Oak Street, stated his concern about taxes being increased and felt that the Council was not listening to citizens. Mr. Fail also stated that there should be something we could do about the negative letters being written.

Aaron Grubbs, 1912 Nightfall Drive, gave a vote of confidence to Mayor Vaughn and stated that the negative people did not realize how other people are looking at them and how they are hurting our city.

Paul Hout, 209 Bowles Street, stated that he had spent his life dedicated to preserving the rights granted to us by the constitution. Whether he agrees with your opinion or not he stated that in his years of experience he had never seen the abuse of the first amendment rights of the freedom of speech that had been demonstrated in our Council Chambers. And could not understand why Councilors had allowed such disrespect not only to the mayor but also to themselves.

Robert West, 106 Hall Place, felt that the businesses should pay for a shuttle bus system if one was implemented. Mr. West was also concerned about noise and trash from businesses if they are granted a special exception for outdoor seating.

Johnnie Galiemore, Jr., 1107 South First Street, read a letter from Barbara Pettit requesting her fine to be reduced.

Bruce Rehmer, 804 McCollum Circle, stated that he believed the present Council was embarrassing themselves, friends, state and nation. He had written a letter to Mayor Vaughn requesting that a "Caution Children Playing Sign" be placed on Cedar Court entering by Cedar Street and McCollum Circle, since the request three children have almost been hit. He has received no reply.

Judy Bost, 115 Walnut Street, commented that she had not received a phone call, so she didn't know that she was supposed to make a speech and that she would prepare something for the next meeting.

CONSENT AGENDA

Approval of Design
Alternate #2

APPROVAL OF DESIGN ALTERNATE # 2: Approval of Design Alternate #2 without inclusion of a Reuse System of Design of the Phase I of the Water/Sewer Capital Improvement Project.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE DESIGN ALTERNATE NO. 2 WITHOUT A REUSE SYSTEM FOR DESIGN OF THE PHASE I OF THE WATER / SEWER CAPITAL IMPROVEMENT PROJECT.**

Roll Call Vote:

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

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-09

PUBLIC HEARING ORDINANCE NO. 1999-09, SECOND AND FINAL READ: AN ORDINANCE AMENDING CHAPTER 22, SECTIONS 22-26, 22-99, AND 22-31, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-09 by title only and opened the public hearing. There being no public comments, the public hearing was closed.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT ORDINANCE NO. 1999-09, AS STATED.**

Friendly Amendment **TO REMOVE THE ASTERISK IN THE TITLE AFTER STANDING; SECTION 22-26 PARAGRAPH (B) PERIOD AFTER STREETS; SECTION 22-26 PARAGRAPH (C) PERIOD AFTER HOURS, DELETE ON CERTAIN STREETS, DELETE THE WORD HEREIN AND REPLACE WITH THEREON, DELETE DISTRICT OR UPON ANY OF THE STREETS OR PARTS OF STREETS. AS FOLLOWS: AND REPLACE WITH CITY PERIOD. DELETE PARAGRAPH (D) ALTOGETHER.**

Roll Call Vote:

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

MOTION CARRIED

Ordinance No.
1999-10

ORDINANCE NO. 1999-10, FIRST READ: AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NEPTUNE BEACH; AMENDING SECTIONS E.01.01.02, E.02.02.10, E.02.05, E.02.05.01, E.02.05.02, E.02.06.01, E.02.06.02, F.01.01.02 AND F.01.03.04 AND DELETING PORTION THEREOF AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-10 by title only.

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 1999-10, AS STATED.**

Roll call vote:

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

MOTION CARRIED

OLD BUSINESS

Penalties for
Violations of Turtle
Protection Ordinance

ADOPT A SCHEDULE OF PENALTIES FOR VIOLATIONS OF THE TURTLE PROTECTION ORDINANCE: City Council directed the City staff to develop a schedule of penalties for violation of the Turtle Protection Ordinance. Staff recommended the following schedule:

First Notice: No charge – provide owner with a copy of ordinance via certified mail.

Second Notice: \$25.00 Fine

Third Notice: \$50.00 Fine

Fourth Notice: \$75.00 Fine

Fifth Notice: To appear before the Code Enforcement Board for further action.

The owner’s record would be cleared two years from the date of issue of the first notice.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE SCHEDULE OF PENALTIES FOR VIOLATIONS OF THE TURTLE PROTECTION ORDINANCE AS STATED.**

Roll Call Vote:

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

MOTION CARRIED

NEW BUSINESS

Resolution No. 99-18

ADOPTION OF RESOLUTION NO. 99-18: RESOLUTION APPROVING A CAPITAL IMPROVEMENT PLAN AS PART OF THE BUDGET PROCESS.

Whereas, responsible and prudent financial management involves annual long range planning to meet the anticipated needs of the city; and

Whereas, the Director of Finance has developed a five year Capital Improvement Plan in partnership with all department heads.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA; hereby adopts as part of the Fiscal Year 2000 budget process, the attached Capital Improvement Plan.

Moved by Tankersley, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 99-18 AS NOTED ABOVE.**

Roll call vote:

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

Noes: 0

MOTION CARRIED

Resolution No. 99-19 ADOPTION OF RESOLUTION NO. 99-19: RESOLUTION SUPPORTING IMPROVEMENTS AT JARBOE PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN.

WHEREAS, there is a present and growing need for outdoor recreation opportunities among persons of all ages both within the City of Neptune Beach, in the surrounding areas, and among those visiting this area; and

WHEREAS, the City of Neptune Beach recognizes this need for additional recreational opportunities; and

WHEREAS, meeting the increasing demand for recreation opportunities can best be met with improvements and additions to Jarboe Park; and

WHEREAS, the City of Neptune Beach has previously demonstrated its commitment to complying with All State laws, rules, and regulations.

, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, that the City of Neptune Beach shall include an improvement and addition project at Jarboe Park and pledges support in the amount of \$31,000 for the current Fiscal Year.

FURTHER RESOLVED that the five-year Capital Improvement Plan of the City's Comprehensive Plan is hereby amended to include the improvements to Jarboe Park as listed in the grant application to the Florida Department of Environmental Protection, providing State and/or Federal Grants to fund such additions and improvements are received.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 99-19 AS NOTED ABOVE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mayport Flyover

ATLANTIC BOULEVARD/MAYPORT ROAD INTERCHANGE PROJECT LANDSCAPE MAINTENANCE COMMITMENT: Mr. Linn affirmed that the Mayport Flyover would be a reality. Therefore, the Jacksonville Transportation Authority is requiring the city to enter into a partnership agreement with the Florida Department of Transportation on maintenance of the landscaping. Mr. Linn requested authorization from the council to enter into an agreement. Council discussed the level of landscaping and what type of agreement they would like to make.

Moved by Tankersley, seconded by Patronik.

Motion: **TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE SUBJECT OF THE ATLANTIC BEACH MAYPORT ROAD INTERSECTION IMPROVEMENT.**

For the Record Mayor Vaughn read the following letter and asked that this letter be reflected in the minutes.

It's addressed to Councilor Ed Jones, and reads as follows:

Dear Mr. Jones,

Last year on April 7, 1998 Mayor Vaughn sent a letter to Jacksonville Transportation Authority obligating the City of Neptune Beach to maintain a sprinkler system at the Atlantic Boulevard Mayport Road Exchange if the Jacksonville Transportation did install it and it appears from review of the JTA's memo dated 8-24-99 that the JTA is ready to commence the installation of a sprinkler system at that location next month.

I don't remember the City Council directing the Mayor to enter into such an agreement and this obligation enacted by the Mayor concerns me, as our city would have to maintain whatever system is installed. As a matter of fact wasn't there a consensus of Council recently that there are more suitable beautification alternatives than installing and maintaining expensive sprinkler systems. It seems more wise to go with natural vegetation, which provides natural beauty than the city to pay for water and maintenance of a sprinkler system to support non-native beautiful plantings, which a beautification committee may want to plant. And Mr. Jones I know you have publicly expressed your opinion about using natural vegetation wherever possible in our city.

As a taxpayer, I would rather not see the sprinkler systems installed throughout our city. We have better things on which to spend our city's money and our public works people can't keep up with the current workload let alone manage this additional burden. The City of Neptune Beach is not made of money so please take care of this issue. Thanks for considering my thoughts and concerns.

Mayor Vaughn requested that each Councilor go on the record if there was anyone who did not remember authorizing him to write the letter that Ms. Pruette referred to and ask them to speak up right now.

Ed Jones: I think sometimes we try to make a bigger thing out of something than it is and everyone is favor of landscaping. It's the maintenance issue that is the issue. Whether you obligate the city or do not obligate the city it doesn't really matter. You can't, you know you can't, we all know not one person can obligate the city to do anything. The issue before us tonight, is what do you want to spend on a yearly maintenance program for the landscaping that's put on the Mayport Flyover. We all want to landscape the flyover. Its how do we want to landscape it and how much money we will have to commit to maintain it. I think Busch Gardens has a bigger budget and they can afford to do all the landscaping they want. I mean that's one thing we don't have that. And I its just a matter of

how much you want the City to spend. I don't want to see the City spend a whole lot of money on maintenance of plants when there are plants that require little or no maintenance. The letter is just reflecting that we all agree on maintenance. I don't think there is method of contention other than how we want to landscape it and how much money do we want to spend on maintenance.

Mayor Vaughn: Mr. Jones apparently you don't understand what I'm trying to say here. This is just another example of more misinformation going out to our general public. The letter that Ms. Pruette is referring to here was dated April 7, 1998 and it was addressed to the Jacksonville Transportation Authority and it says:

Dear Jacksonville Transportation Authority,

This letter will serve as confirmation that it is the intent of the City of Neptune Beach to maintain an adequate sprinkler system to be installed by the Jacksonville Transportation Authority on the south side of the proposed Atlantic Boulevard Mayport Road interchange.

The landscaping throughout the interchange will enhance the visual entrance to our city. Therefore, the City of Neptune Beach is pleased to accept the responsibility of maintaining said system.

Mayor Vaughn: That letter was written as a direct result of this council instructing me to write that letter. I want there to be no misunderstanding there.

Councilor Jones stated that there was a misunderstanding there. I don't believe I authorized you to write a letter saying that we agreed to maintain irrigation systems and maintenance. Or even if we did now today we are discussing what level do we want to that. We don't need to make an issue of the letter. I'm not making an issue of it. If you want to write that, that's fine with me. But today the issue is how much money do we want to commit to maintenance. Let's just solve that problem and not try to bring in other issues. That's fine that you wrote that I don't have a problem with it but today, I'm trying to solve the issue of how much money do you want to commit to maintain the landscaping. And I'm saying we should minimize the cost of maintenance.

Mayor Vaughn stated that he wanted to make sure it was on record stating that he had not obligated the city without the council's approval.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Attorney Invoice CITY ATTORNEY INVOICE APPROVAL: Mr. Linn stated that this item should not be on this agenda but on a Workshop agenda.

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

Planning & Development Review Board SET DATES FOR PLANNING & DEVELOPMENT REVIEW BOARD PUBLIC HEARINGS: City Manager Linn stated that item was put on the agenda because the Planning and Development Review Board had a hearing last week on the land development regulations. There are no recommendations at this time. And requested this item be removed from the agenda.

AS400 Network COUNCIL APPROVAL OF AS400 NETWORK INSTALLATION AND HARDWARE NOT TO EXCEED \$10,338: City Manager Linn recommended approval of the installation and hardware due to there being a problem with the current network.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE PURCHASE OF EQUIPMENT AND INSTALLATION OF HARDWARE NOT TO EXCEED \$10,338.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Police Radios

AUTHORIZATION TO PURCHASE RADIOS FOR PUBLIC SAFETY IN EXCESS OF \$10,000: City Manager Linn recommended approval of portable radios that would be on the same frequency as Jacksonville Beach to allow communication with officers to be able to respond inside the schools and communicate with each other.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE RADIO PURCHASE FOR THE PUBLIC SAFETY DEPARTMENT IN THE AMOUNT OF \$14,676.**

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Tankerley

Noes: 1 - Vaughn

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:45 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____