



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 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 November 1, 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.
 Vice Mayor Edward S. Jones
 Councilor Robert D. Shimp
 Councilor Thomas A. Tankersley
 Councilor Ronald D. Patronik
 City Manager Richard A. Linn
 Acting City Clerk Lisa Volpe

Director of Finance John Herbst
 Building Official Dan Arlington
 Administrative Assistant Piper Turner
 Assistant to the City Manager Laura Raccina
 Deputy City Clerk Karla Strait

Absent:
 City Attorney Christopher White

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 GUEST

Councilor Shimp introduced Eagle Scout Chris Nottingham who was in the audience to observe.

APPROVAL OF MINUTES

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

OCTOBER 4, 1999, REGULAR
OCTOBER 12, 1999, SPECIAL, ELECTION RESULTS
OCTOBER 13, 1999, SPECIAL, INDUCTION CEREMONY
OCTOBER 18, 1999, WORKSHOP
OCTOBER 18, 1999, TOWN HALL

Moved by Patronik, seconded by Shimp

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Planning & Development Councilor Shimp stated he had received a few phone calls related to Planning & Development using the term non-conformity.

For the Record Councilor Shimp stated on the record that he believed once a property was given a variance that the term non-conformity should not be used, because if given a variance it would be conforming and lawful. The statement "non-conforming" is stating that it is in violation of the law.

King Neptune Festival Councilor Shimp asked if there would be a King Neptune Festival this year. Mayor Vaughn answered no that there would not be a King Neptune Festival this year.

City Attorney White's Absence City Manager Linn announced that he received a phone call from City Attorney White stating that he had a family emergency and would not be present tonight.

CITY MANAGER REPORTS

Preservation 2000 Program Report PRESERVATION 2000 PROGRAM REPORT UPDATE: City Manager Linn reported that the city was on a list for funding of the project. Building Official Dan Arlington had mailed out letters to the owners of the two parcels off Kings Road, indicating if they were willing to sell or not. Negotiations have been started.

Town Center Water & Sewer Project Update TOWN CENTER WATER & SEWER PROJECT UPDATE: City Manager Linn announced that the Town Center Water & Sewer Project was 100% complete.

Hurricane Floyd Update HURRICANE FLOYD UPDATE / REIMBURSEMENT FROM FEMA: City Manager Linn reported that the City was requesting \$20,207 to be refunded under debris removal, protective measures and mitigation.

Veterans Plaque VETERANS' PLAQUE DEDICATION: City Manager Linn announced that each council member would receive an invitation to the Veterans Plaque Dedication at the City Hall Building on November 11, 1999, at 9:15 a.m.

IBBC Public Forum ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn announced that the Ish Brant Beautification Committee would hold a Public Forum to receive recommendations from the public on November 8, 1999, at 7:30 in the Council Chambers.

COMMENTS FROM THE PUBLIC

Buddy Crout, 1074 Kings Road, spoke about the Proposed Finance Plan for the Wastewater Treatment and stated that when he purchased his home that the price of the infrastructure was included in the price of the home, and that he has paid. Mr. Crout also expressed concern that the 6.9 million dollar loan would place the city 11 million dollars in debt.

Jim Meyers, 1001 Florida Boulevard, expressed concern about sidewalk appearances relating to graffiti.

Leslie Karlin 1506 Spindrift Circle West, requested an amendment to the Speaker Request Form in Section 2-39, Decorum by the Public, adding Decorum by Council Members.

Lena Castro, 209 Bowles Street, asked Council to conduct an inquiry into some of its members. Ms. Castro read the following, and asked for a response.

1. Were preferential considerations given to the Little Red School House, in exchange for political favors?
2. Is it acceptable behavior for a council member, running for re-election, to have their alleged misconduct disposition hearing re-set until after the election?
3. Is it acceptable behavior for a council member to be physically removed from his place of employment by law enforcement officials, and if the words "gun" or "weapon" were used, would this not raise some concerns about the mental stability of the Councilor.
4. Did Council approve and have prior knowledge of the hiring of a Drug Enforcement Officer? Why has this been a secret event, even to the point that the Mayor asks questions and Mr. Shimp tells him it's a secret? There should not be secrets unless it's illegal. We the people are entitled to know what goes on in our community by our appointed and elected officials. To say it's a secret, blows my mind, and infuriates me. Chief Brant, by his own admission, says we have no crime element, is he hiding something more from us?

Harriet Pruette, 217 ½ Magnolia Street, stated that she agreed with Buddy Crout and respected the members of the council.

Elaine Kenny, 1301 Neptune Grove Drive West, thanked Buddy Crout for his comments, and stated that she also agreed with him.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-15

ORDINANCE NO. 1999-15, FIRST READ: AN ORDINANCE AMENDING CHAPTER 23 SECTIONS 23-86 AND 23-89, BILLS AND NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE FOR FAILURE TO PAY CHARGES; RECONNECTING FEE. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-15 by title only.

Moved by Jones, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 1999-15, AS STATED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

City Clerk
Appointment

CITY CLERK APPOINTMENT: Council discussed a salary range and an advertisement for the City Clerk position, presented by City Manager Linn. A lengthy discussion ensued.

Moved by Jones, seconded by Tankersley.

Motion: **TO ADVERTISE THE CITY CLERK'S POSITION WITH A SALARY RANGE FROM \$28,000 TO \$35,500.**

Roll Call Vote:

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

MOTION CARRIED

Moved by Tankersley, seconded by Shimp.

Motion: **TO ACCEPT THE CITY CLERK ADVERTISEMENT PRESENTED BY THE CITY MANAGER.**

Roll Call Vote:

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

MOTION CARRIED

Moved by Tankersley, seconded by Jones.

Motion: **TO INCLUDE A CLOSING DATE, IN THE ADVERTISEMENT FOR ACCEPTING APPLICATIONS ON DECEMBER 31, 1999.**

Roll Call Vote:

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

MOTION CARRIED

Amended Agenda **AMENDED AGENDA** : City Manager Linn requested that the agenda be amended to add the following:

- 12G: Resolution 99-22
- 12H: Purchase of Equipment from Forfeiture Fund for Public Safety

Moved by Jones, seconded by Patronik

Motion: **TO AMEND THE AGENDA AS REQUESTED.**

Roll Call Vote:

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

MOTION CARRIED

NEW BUSINESS

Land Development Regulations **SET DATE FOR PUBLIC MEETING FOR PUBLIC INPUT FOR LAND DEVELOPMENT REGULATIONS REVISIONS:** The meeting was set for November 22, 1999 at 7:00 p.m. Councilor Shimp suggested that a copy of the revision be placed in the library for the public.

Food Lion **APPROVAL OF PRELIMINARY DEVELOPMENT ORDER FOOD LION EXPANSION:** Discussion ensued about the noise issue from the air conditioning equipment located on

the roof of the building and the lighting in the rear of the building. Council also discussed the curb cut by the Automatic Teller Machine at the traffic light between Blockbuster Video and Aqua East Surf Shop.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE PLAN AS PRESENTED WITH THE FOLLOWING EXCEPTIONS, THAT WE CORRECT THE TRAFFIC PROBLEM THAT EXISTS BEHIND BLOCKBUSTER VIDEO WITHOUT REDUCING THE AMOUNT OF PARKING FOR FOOD LION.**

Friendly Amendment **TO REQUIRE TESTING FOR NOISE PROBLEM AND LIGHTING PROBLEMS IN THE REAR OF THE BUILDING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mezza Luna

APPROVAL OF PRELIMINARY DEVELOPMENT ORDER MEZZA LUNA EXPANSION: Building Official Dan Arlington presented the development plan. Council discussed the idea of Mezza Luna and City Hall becoming attached and decided to move the issue to the next workshop meeting.

Moved by Tankersley, seconded by Vaughn.

Motion: **TO APPROVE THE FACILITIES PLAN PRELIMINARY DEVELOPMENT ORDER OF MEZZA LUNA AS STATED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Recess/Reconvene
9:00 p.m. to 9:15 p.m.

RECESS AND RECONVENE: The Mayor called for a recess at 9:00 p.m. and the meeting was reconvened at 9:15.

Water and
Wastewater Facilities
Plan

APPROVAL OF FACILITIES PLAN AND CAPITAL FINANCE PLAN FOR WATER AND WASTEWATER SYSTEM IMPROVEMENT: City Manager Linn explained the features of the water and wastewater facilities plan. He covered the present state of the water and wastewater system and the necessity to upgrade the system to meet the needs of the community. He discussed the conditions (both present and future) in the planning area and about improvements to service through implementing the project. He reminded Council that they had previously adopted the Water and Wastewater System Master Plan and explained that in order for the City to apply for State Revolving Fund (SRF) financing, it was necessary to adapt the Master Plan into the format of the facilities plan being presented. He also reminded Council that they have already considered several alternatives to accomplish the objective and approved Design Alternative #2. He then asked Director of Finance, John C. Herbst, to discuss the financial implications of the project.

Mr. Herbst started by explaining the Capital Financing Plan. He mentioned the project was to be financed by the SRF loan at 3.5 percent interest rate. The loan is to be repaid in 20 years and the dedicated revenue for loan payment is water and sewer user charges. He discussed the advantage of going for SRF loan instead of a conventional loan. He also

detailed the capital and operation and maintenance costs of the selected alternative. He reviewed the average user charge and the additional charge that a user has to pay due to the project.

Concensus: **TO COMBINE THE APPROVAL OF THE WATER FACILITIES PLAN AND THE WASTEWATER FACILITES PLAN.**

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE WATER AND WASTEWATER FACILITIES PLAN AND CAPITAL FINANCE PLAN**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution No. 99-21

RESOLUTION 99-21, APPOINTING JOSEPH SASSER TO THE PLANNING & DEVELOPMENT REVIEW BOARD:

RESOLUTION NO. 99-21

RESOLUTION APPOINTING JOSEPH SASSER AS AN ALTERNATE MEMBER OF THE PLANNING & DEVELOPMENT REVIEW BOARD

RESOLVED, the City Council of the City of Neptune Beach, Florida hereby confirms the appointment of Joseph Sasser of 1020 Florida Boulevard, to the Planning & Development Review Board as an alternate member.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held November 1, 1999.

Moved by Patronik, seconded by Vaughn.

Motion: **TO ADOPT RESOLUTION 99-21, TO APPROVE JOSEPH SASSER TO BE PLACED ON THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution No. 99-22

RESOLUTION NO. 99-22, SUPPORTING IMPROVEMENTS AT JARBOE PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN.

RESOLUTION NO. 99-22

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 is a duly constituted municipality qualified to meet the needs of its citizens, its neighbors, and its visitors; and

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

NOW, 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 \$37,500 for the current Fiscal Year.

BE IT 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.

This Resolution adopted this 1st day of November 1999, by the City Council of Neptune Beach, Florida.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 99-22.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Police Purchase

PURCHASE OF TACTICAL VESTS AND HELMETS FOR EMERGENCY RESPONSE TEAM FROM FORFEITURE FUND FOR THE PUBLIC SAFETY DEPARTMENT.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE PURCHASE OF EQUIPMENT FROM THE FORFEITURE FUND.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____