



MINUTES
REGULAR CITY COUNCIL MEETING
DECEMBER 6, 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 December 6, 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 Attorney Christopher White
Vice Mayor Edward S. Jones	Acting City Clerk Lisa Volpe
Councilor Ronald D. Patronik	Director of Finance John Herbst
Councilor Robert D. Shimp	Building Official Dan Arlington
Councilor Thomas A. Tankersley	Director of Public Safety William Brant
City Manager Richard A. Linn	

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

City Manager Linn presented Director of Finance John Herbst with a Certificate of Achievement from the Government Finance Office Association of the United States and Canada for Financial Reporting.

City Manager Linn presented a Certificate of Accreditation, from the Commission on Accreditation for Law Enforcement Agencies, Inc. to Director of Public Safety William Brant.

APPROVAL OF MINUTES

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

NOVEMBER 1, 1999, REGULAR
NOVEMBER 15, 1999, WORKSHOP
NOVEMBER 15, 1999, TOWN HALL
NOVEMBER 22, 1999, WORKSHOP

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

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

MOTION CARRIEDCOMMUNICATIONS AND CORRESPONDENCE

Congratulations Councilor Patronik congratulated John Herbst and Chief Brant for the outstanding job they had done. Seconded by Councilor Shimp.

December Workshop Meeting Due to upcoming holidays, Acting City Clerk Lisa Volpe asked Council when the December Workshop Meeting would be held, so that she could give proper notice to the public.

Consensus: TO HOLD THE DECEMBER COUNCIL WORKSHOP MEETING ON THURSDAY DECEMBER 16, 1999 AT 7:00 P.M.

Holiday Decorations Mayor Vaughn congratulated Acting City Clerk Lisa Volpe for decorating the Council Chambers and stated that it looked very festive.

CITY MANAGER REPORTS

Fire Equipment FIRE EQUIPMENT DISPOSITION: City Manager Linn stated that he had been directed by Council at the November Workshop Meeting to research the minutes to review what actions Council had taken in regards to the leasing of the fire equipment, and stated that Council had no such consensus. City Manger Linn proposed the following four options to the Council:

1. Do nothing and keep the equipment.
2. Lease the equipment to other agencies.
3. Lease the equipment with a purchase option.
4. Sell the equipment.

Councilor Tankersley requested a report from the City Manager with input from the Public Safety Director on how they felt about the status of the city in case of fire and if it was decided to give up our equipment council would have the concurrence of the City Manager and Police Chief.

Councilor Patronik suggested a method describing the fire protection that would be received though Jacksonville and Atlantic Beach. Would the Fire Station on Seminole Road respond to calls in Neptune Beach? Councilor Patronik also asked what would happen if the fire equipment just sits there and was not maintained.

Vice Mayor Jones stated that the City Council is charged with providing the residents of Neptune Beach with the very best fire protection and safety that we could possibly have and he felt that we had accomplished that by entering into the agreement with the Duval County Fire Department. He felt that the citizens were safe, secure and protected and believed that this was better than having our own fire department because they were very well trained, had a lot of money, and had the very latest in fire equipment. Vice Mayor Jones also stated that he felt the Council was responsible for the spending of the tax money that we received from our citizens wisely and since we were protected by a very fine fire department he thought the only responsible thing to do would be to sell the equipment.

Councilor Shimp asked that City Manager Linn look into leasing the fire equipment and have the leasee maintain the upkeep and insurance.

Councilor Patronik asked what the equipment was worth, and what a lease payment would be per month or year.

City Manager Linn responded that during the budget preparation, this issue was discussed

and the Director of Finance had prepared a spreadsheet describing what the cost of maintaining a fire department would be and they could refer back to that. City Manager Linn further stated that there was no budget for a fire department this year. To keep the equipment here we would have a repair cost coming up on the 85 for leaky sills and a budget adjustment would be necessary if we were to keep it functioning. If we decide to not participate in various agreements, we would have to desolve some agreements that Council had already agreed to. City Manager Linn stated that he had received a letter from Crescent City and they were in need of the equipment.

Mayor Vaughn asked City Manager Linn what agreements he was referring to that the Council would have to address.

City Manager Linn responded that Council had approved entering into a memorandum of understanding with Atlantic Beach in response to the interlocal agreement that the City of Jacksonville enacted with Atlantic Beach whereby Atlantic Beach received funds to provide us fire protection. The memorandum had been presented to Council and was voted on and approved. City Manager Linn urged Council to consider long and hard the expense it would take to form our own fire department independent of the City of Jacksonville in the cost of equipment, insurance and man power. In training, equipment, experience, he felt that our residents would be better served by the City of Jacksonville.

Mayor Vaughn stated that he had a problem with the manner in which the City of Neptune Beach wound up without our own fire protection system in place. How our equipment was allowed to run down, the maintenance was held on that equipment allowing the pumps to become leaky, the fire services policy in this city was changed six months before the council was ever advised about it. He had serious doubts as to how binding the memo of understanding that was signed in November of 1998 was since there was a subsequent agreement between Atlantic Beach and the City of Jacksonville, when he walked the city campaigning to run for Mayor he can't count the number of people that told him we like our city being independent from Jacksonville. We like having our own police department, we like having our own fire department, and for those people he now has to tell them you no longer have a fire service provided by the municipality of the City of Neptune Beach and guess what, I didn't know anything about it until the battle was already gone and over. He was embarrassed to tell the people of our city that something of that magnitude got by this Council. That is why it continues to be on the agenda, because when this is over with he wants the people of this City to know that Council exhausted every attempt to provide our people with the very safest and most economical service we can possibly give them.

City Manager Linn stated that he felt that was what the agreement did was to provide the citizens with the most economical and safest service.

Vice Mayor Jones asked Mayor Vaughn if he wanted the taxpayers to continue to pay for equipment that we don't need.

Mayor Vaughn stated that he would not be ready to move forward on this issue until he was convinced that the system in place was in the best interest of our community.

Councilor Shimp stated a point of order that this was just a presentation by the City Manager and that the issue was supposed to go to a workshop, and requested to move on.

COMMENTS FROM THE PUBLIC

Harriet Pruette, 217 ½ Magnolia Street, commented that as a resident she was not concerned about the fire equipment, she was concerned about the lack of water pressure.

James Jamiel, 14408 Rum Keg Court, addressed the Council about Mayport Flyover buffer and stated that he owned several properties on Marsh Point Road. Mr. Jamiel suggested six-foot trees for visual relief as well as noise relief.

Judy Bost, 115 Walnut Street, spoke about the history of the Fire Department and stated that if no one wanted to take care of the fire equipment then it was time to let it go.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ordinance No.
1999-15

ORDINANCE NO. 1999-15, SECOND READ AND PUBLIC HEARING: 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 and opened the public hearing.

There being no public comments the public hearing was closed.

Moved by Jones, seconded by Shimp.

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No.
1999-16

ORDINANCE NO. 1999-16, FIRST READ: AN ORDINANCE AMENDING BY ADDING A NEW SECTION 22-25 TO CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, PARKING FOR CERTAIN PURPOSES PROHIBITED, AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-16 by title only. Sponsored by Mayor Vaughn.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 1999 –16, AS STATED.**

Roll Call Vote:

Ayes: 1 – Vaughn

Noes: 4 – Jones, Patronik, Shimp, Tankersley

MOTION NOT CARRIED

Ordinance No.
1999-17

ORDINANCE NO. 1999-17, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE III, SECTION 8-46, BUILDING AND BUILDING REGULATION, CODE OF ORDINANCES; TO ADOPT THE NATIONAL ELECTRIC CODE, 1999 EDITION AND ESTABLISHING AN EFFECTIVE DATE.

The Mayor read Ordinance No. 1999-17 by title only. Sponsored by Mayor Vaughn.

Moved by Patronik, seconded by Shimp.

Motion: TO PASS ORDINANCE NO. 1999-17, AS STATED.
Roll Call Vote:
Ayes: 5 – Jones, Patronik, Shimp, Tankersley, Vaughn
Noes: 0

MOTION CARRIED

OLD BUSINESS

Appointment date
Acting City Clerk

EXTENSION OF THE APPOINTMENT DATE FOR THE ACTING CITY CLERK: City Council had appointed Lisa Volpe as Acting City Clerk until December 31, 1999. City Council had also advertised for a City Clerk with a deadline of December 31, 1999 for applications, thus the need to extend the appointment of Lisa Volpe.

Moved by Jones, seconded by Patronik.

Motion: **TO EXTEND THE APPOINTMENT OF ACTING CITY CLERK LISA VOLPE UNTIL A SUCCESSOR IS APPOINTED CITY CLERK.**

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

MOTION CARRIED

NEW BUSINESS

Appointment of
Henry E. Baltar, Jr.

RESOLUTION NO. 1999-23 APPOINTING HENRY E. BALTAR, JR. TO THE PLANNING AND DEVELOPMENT REVIEW BOARD:

Moved by Shimp, seconded by Patronik.

Motion: **TO APPOINT HENRY E. BALTAR, JR. TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AS AN ALTERNATE MEMBER.**

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

MOTION CARRIED

Street Sweeping
Contract

STREET SWEEPING CONTRACT: City Manager Linn stated that bids were opened on October 29, 1999, for the street sweeping contract for the upcoming year and one bid was received from Surface Management Corporation in the amount of 1850.00 per month. Public Service Director John Galen recommended approval.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE STREET SWEEPING CONTRACT FOR SURFACE MANAGEMENT CORPORATION.**

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

MOTION CARRIED

Bell South Easement
Expansion

APPROVAL OF BELL SOUTH EASEMENT EXPANSION: City Manager Linn stated that he had been approached by Bell South to expand the easement. He felt that it was premature to make a decision for the following reasons: 1. Why was the original easement granted and why wasn't a lease worked out because this is not a right of way issue the city owns the land and has the right to lease it to them. 2. Why are we just giving them the use of public land without requiring something in return? City Manager Linn suggested to Council to table this issue until the workshop meeting and invite Bell South to the meeting.

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

Conceptual
Agreement

APPROVAL OF CONCEPTUAL AGREEMENT: FLORIDA COMMUNITY TRUST, HOPKINS CREEK PRESERVE: City Manager Linn stated that the city had been selected for funding to establish a preserve on Hopkins Creek and in order to move forward with the process the conceptual agreement put forth by the Department of Environmental Protection needed to be signed.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE CONCEPTUAL ORDER AS STATED AND PERMIT THE CITY MANAGER TO SIGN THE AGREEMENT AND MOVE FORWARD.**

On the Record Vice Mayor Ed Jones stated on the record that his understanding from the City Manager and the Building Official was that the only cost of going forward with the conceptual agreement was 50% of the appraisal fee which is estimated to be a total of \$2,000.

On the Record Councilor Patronik stated on the record he would go along with it however provided the city is not encumbered or required to build a canoe launch at some time in the future if the citizens do not want it.

Friendly
Amendment: **CHANGE LANGUAGE ON PAGE 13 PARAGRAPH NUMBER 1 TO READ OUTDOOR RECREATIONAL FACILITIES "MAY INCLUDE" NATURE TRAILS, A PICNIC AREA, CANOE LAUNCH, AND UNPAVED PARKING AREA AND INTERPRETIVE DISPLAYS SHALL BE PROVIDED.**

On the Record Mayor Vaughn asked that City Manager Linn's opening comments be included verbatim in the minutes.

MR. LINN: You have in your packet the conceptual agreement that was put forth by the Department of Environmental Protection grant for the Florida Protection Preservation Act where we were added to the list for funding for the Hopkins Creek Preserve. This is a step that is necessary to carry forth with that grant. I want to make Council aware that there is no condemnation or any other available to this city the sales have to be by agreement by the seller we are just another possible buyer in this. There are other people that are interested in this property. But to carry forth, we need to sign or permit me to sign this conceptual agreement to carry forth and see if we can't get a preserve out there on that property. If Dan wants to add anything to that. Dan was the one who did an excellent job of applying for this and has received high praise from them for the quality of that application. They have seen grant applications come in of lesser quality paid for by consultants. We are very pleased with our application.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Preliminary
Development Order
K – Mart Garden
Shop

APPROVAL OF PRELIMINARY DEVELOPMENT ORDER – K - MART GARDEN SHOP EXPANSION AND RENOVATION: K – Mart has introduced plans to renovate and expand the existing garden shop at its store. The Planning and Development Review Board held a public hearing on September 16, 1999. Following public comment, the Board moved to recommend approval conditioned to not permit the installation of an internally illuminated sign on the east side.

Moved by Jones, seconded by Patronik.

Motion: TO APPROVE PRELIMINARY DEVELOPMENT ORDER FOR K – MART GARDEN SHOP.

Roll Call Vote:

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

Lisa Volpe, Acting City Clerk

Approved: _____