



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 3, 2000 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 April 3, 2000, 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 Ronald D. Patronik
 Councilor Robert D. Shimp
 Councilor Thomas A. Tankersley
 City Attorney Christopher White

City Manager Richard A. Linn
 Assistant to the City Manager Terry Klein
 City Clerk Lisa Volpe, CMC
 Deputy City Clerk Karla Strait
 Building Official Dan Arlington
 Assistant to the Building Official Piper Turner

Order Call/Pledge

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

Agenda Change

City Attorney Christopher White requested an amendment to the agenda under new business adding item 12 (g) to ask for council's consent to hire the law firm of Bedell, Dittmar, DeVault, Pillans and Coxe, to assist the city relating to a recent grand jury subpoena.

Consensus: **TO AMEND THE AGENDA FOR THE APRIL 3, 2000, REGULAR CITY COUNCIL MEETING ADDING ITEM NUMBER 12 G TO REQUEST PERMISSION FROM COUNCIL TO HIRE THE LAW FIRM OF BEDELL, DITTMAR, DEVAULT, PILLANS AND COXE TO ASSIST THE CITY RELATING TO THE GRAND JURY SUBPOENA.**

Agenda Change

City Manager Linn requested an amendment to the agenda to delete item number 12 (a) Media One Franchise Agreement due to the absence of the Finance Director John Herbst.

Consensus: **TO AMEND THE AGENDA FOR THE APRIL 3, 2000, REGULAR CITY COUNCIL MEETING DELETING ITEM NUMBER 12 A, MEDIA ONE FRANCHISE AGREEMENT DUE TO THE ABSENCE OF THE FINANCE DIRECTOR JOHN HERBST.**

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

MARCH 6, 2000, REGULAR
MARCH 20, 2000, WORKSHOP
MARCH 20, 2000, TOWN HALL
MARCH 27, 2000, WORKSHOP

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

J.E.A. Councilor Shimp announced that he had received a phone call from John Jolly with Jacksonville Electric Authority stating that Jacksonville Electric Authority was interested in purchasing the water and sewer in Neptune Beach and requested advertising and placing this subject on the April 17, 2000, Workshop Meeting.

Jacksonville Day in Tallahassee Councilor Tankersley reported that he and Councilor Shimp attended Jacksonville Day in Tallahassee. Councilor Tankersley added that other issues discussed included a half cent county sales tax increase, doing away with the intangible tax and part of the cigarette tax, proceeding with projects to relieve traffic congestion on Atlantic Blvd., and a home rule issue which might allow Jacksonville to be the authority over our Comprehensive Plan instead of Tallahassee.

CITY MANAGER REPORTS

Water State Revolving Fund **DEPARTMENT OF ENVIRONMENTAL PROTECTION LETTER ON INCLUSION-WATER STATE REVOLVING FUND:** City Manager Linn reported that he had received a letter from the Department of Environmental Protection. The letter stated that the city was on the inclusion list for loan funding for the water portion of the Infrastructure Capital Project.

COMMENTS FROM THE PUBLIC

Elizabeth Hughes, 2229 Marsh Point Road, favored the extra \$25,000 tax exception for people aged 65 and over and the proposed bike path along Florida Boulevard. Ms. Hughes hoped that council would consider letting Jacksonville Electric Authority take over the water and sewer.

John Weldon, 108 Oak Street, on behalf of the Central Business District, asked council if they would be interested in sponsoring an ordinance to establish a produce market on Saturdays from 7:30 a.m. to 11:30 a.m. at the south end of the new Town Center development.

Harriet Pruette, 217 ½ Magnolia Street, felt that Media One should comply with their franchise agreement and be held accountable.

Agenda Change Mayor Vaughn requested an agenda change to include the discussion of the Media One

franchise agreement in response to Harriet Pruette's comments.

Councilor Shimp responded that he had called California and had been informed that Media One could not place the cable boxes underground because it would not be cost effective.

Councilor Patronik felt that the issue was that Media One was not complying with their contract and asked City Attorney Christopher White for an opinion.

City Attorney White responded that the original contract was with Continental Cable and that the equipment that had been installed by Continental Cable differed from what Media One was currently installing. Mr. White added that because the city and the populous knew that the equipment had been placed above the ground, regardless of the original contract, it could constitute a course of dealing that might modify the terms of the original contract in the event of an argument.

Councilor Tankersley pointed out that the contract was for cable television and not for all the other services that they were installing equipment for and felt that we could use that as leverage.

Lee McDonald, 1140 Florida Boulevard, stated that he had two floods in his home caused by Media One and was concerned about Media One creating future problems with the sewer.

Virginia Smith, 553 Davis Street, read the design objectives from the Proposed Land Development concerning trees and was concerned about the trees being cut down for the purpose of the proposed bike path along Florida Boulevard.

CONSENT AGENDA

Water and Sewer Project

APPROVAL FOR BIDS ON UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A: City Manager Linn requested authorization to allow the City Clerk to advertise for construction bids for Phase 1-A.

Moved by Patronik, seconded by Tankersley.

Motion: **TO APPROVE THE SOLICITATION OF BIDS FOR THE UTILITY IMPROVEMENT PROGRAM PHASE 1 WATER AND SEWER PART A.**

Roll Call Vote:

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

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance 2000-02

ORDINANCE NO. 2000-02, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 21, TAXATION, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, BY ADDING ARTICLE VI, ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS SIXTY-FIVE AND OLDER AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2000-02 ON FIRST READ, ADDING AN ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS AGED 65 AND OLDER.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance 2000-03

ORDINANCE NO. 2000-03, FIRST READ: AN ORDINANCE LEVYING AND IMPOSING A TELECOMMUNICATION SERVICE PUBLIC SERVICE TAX FOR THE INCORPORATED AREA OF NEPTUNE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 166.231 (9) (a) (2), FLORIDA STATUTES: TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: DELETING OLD SECTION 106 THROUGH SECTION 108 AND ADDING NEW SECTION 106 THROUGH SECTION 117; AND TO CREATE AN EFFECTIVE DATE.

Moved by Jones, seconded by Tankersley.

Motion: **MOTION TO PASS ORDINANCE 2000-03, ON FIRST READ LEVYING AND IMPOSING A TELE COMMUNICATION SERVICE PUBLIC SERVICE TAX.**

Roll Call Vote:

Ayes: 4- Jones, Patronik, Shimp, Tankersley

Noes: 1 - Vaughn

MOTION CARRIED

OLD BUSINESS/NONE

NEW BUSINESS

Media One Franchise Agreement

MEDIA ONE FRANCHISE AGREEMENT: Mr. Linn had requested at the beginning of the meeting that this item be deleted from the agenda due to the absence of Finance Director John Herbst.

Sale of 1975 Fire Truck

CONSIDERATION OF AN OFFER TO TRADE THE 1975 FIRE TRUCK TO FIRST COAST TECHNICAL INSTITUTE FOR \$3,000 TOWARD USAGE FEES: City Manager Linn stated the First Coast Technical Institute had proposed a \$3,000 credit, for fees and services used by Public Safety in exchange for the 1975 Fire Truck.

Moved by Jones, seconded by Tankersley.

Motion: **TO TRADE THE 1975 FIRE TRUCK TO THE FIRST COAST TECHNICAL INSTITUTE FOR \$3,000 CREDIT OF USAGE FEES.**

Roll Call Vote:

Ayes: 0

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

MOTION NOT CARRIED

Sale of 1978 Fire Truck

FIRE TRUCK TO PALM VALLEY: City Manager Linn recommended approval of donating and transferring the ownership of the Fire Truck to the Palm Valley Volunteer Fire

Department.

Moved by Shimp, seconded by Tankersley.

Motion: **TO APPROVE THE DONATION AND TRANSFER OF OWNERSHIP OF THE FIRE TRUCK TO THE PALM VALLEY VOLUNTEER FIRE DEPARTMENT.**

Roll Call Vote:

Ayes: 3 – Jones, Patronik, Shimp

Noes: 2 – Tankersley, Vaughn

MOTION CARRIED

Little Red School House

APPROVAL OF SPECIAL EXCEPTION FOR THE LITTLE RED SCHOOL HOUSE: City Manager Linn requested approval of a special exception for the Little Red School House as recommended by the Planning and Development Review Board.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE SPECIAL EXCEPTION FOR THE LITTLE RED SCHOOL HOUSE AS RECOMMENDED BY THE PLANNING AND DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Surplus Equipment

AUTHORIZATION OF CITY MANAGER TO DISPOSE OF SURPLUS EQUIPMENT THROUGH AUCTION AND/OR SEALED BID: City Manager Linn recommended the disposal of surplus equipment through auction and/or sealed bids.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE THE CITY MANAGER TO DISPOSE OF SURPLUS EQUIPMENT THROUGH AUCTION AND/OR SEALED BID NOT INCLUDING THE THREE POLICE VEHICLES THAT WERE LISTED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution No. 2000-05

RESOLUTION NO. 2000-05: A RESOLUTION APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2000-05 APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Grand Jury Subpoena **GRAND JURY SUBPOENA:** City Attorney Christopher White requested that council hire the outside law firm of Bedell, Dittmar, DeVault, Pillans, and Coxe to assist the city in dealing with the Grand Jury Subpoena and matters relating thereto.

Moved by Jones, seconded by Patronik.

Motion: **TO EMPLOY THE BEDELL, DITTMAR, DEVAULT, PILLANS, AND COXE LAW FIRM TO ASSIST THE CITY IN DEALING WITH THE GRAND JURY SUBPOENA AND MATTERS RELATING THERETO.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the meeting adjourned at 8: 00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____