



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MAY 1, 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 May 1, 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.	City Manager Richard A. Linn
Vice Mayor Edward S. Jones	Assistant to the City Manager Terry Klein
Councilor Ronald D. Patronik	City Clerk Lisa Volpe, CMC
Councilor Robert D. Shimp	Deputy City Clerk Karla Strait
Councilor Thomas A. Tankersley	Building Official Dan Arlington
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 GUESTS**

Teacher of the Year

Mayor Vaughn presented Gloria Dean with a Resolution honoring her as teacher of the year.

School-Related  
Employee of the Year

Mayor Vaughn presented Holly Brumbley with a Resolution honoring her as School – Related Employee of the Year.

**APPROVAL OF MINUTES**

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

**APRIL 3, 2000, REGULAR CITY COUNCIL MEETING**  
**APRIL 10, 2000, WORKSHOP-LAND DEVELOPMENT**  
**APRIL 17, 2000, WORKSHOP CITY COUNCIL MEETING**  
**APRIL 17, 2000, TOWN HALL MEETING**  
**APRIL 24, 2000, WORKSHOP-LAND DEVELOPMENT**

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

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

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

City Clerk Lisa Volpe announced that she would be attending the annual Florida Association of City Clerk's Conference in Tampa and therefore would be absent for the May 15, 2000, Workshop Council Meeting adding that Deputy City Clerk Karla Strait would be present during her absence.

**CITY MANAGER REPORTS**

Sunday in the Park City Manager Linn reported that Sunday in the Park was a successful event however because Finance Director John Herbst was on vacation he had not received a financial statement but it looked like the event generated \$800-\$1000 in net proceeds. Mr. Linn thanked Elaine Kenny, the volunteers and the councilmen.

Easter Egg Hunt City Manager Linn announced that the Mayors Annual Easter Egg Hunt was a huge success with about 2500 people attending and thanked the Mayor, his committee and volunteers and those who donated.

Mayor Vaughn added that the delay with the fire truck seemed to be the only problem however it was handled well. Mayor Vaughn also stated that of the 2500 people that enjoyed the event 713 were children ranging in age from two to eight.

Surplus Auction City Manager Linn reported that the gross proceeds from the sale of surplus equipment were \$5149 .00.

**COMMENTS FROM THE PUBLIC**

Harriet Pruette, 217 ½ Magnolia Street, requested that the review of the Proposed Land Development Regulations be stopped and asked council to make a motion to stop it. Ms. Pruette also opposed putting an archway in Town Center.

Buddy Crout, 1074 Kings Road, felt that no one understood the Proposed Land Use Regulations and that it had gotten out of hand. He requested that the review process be delayed.

Edie Alcorn, 317 Oceanwood Drive, stated that she had a problem with lighting already and opposed the upgrading of lighting that Food Lion was proposing.

Virginia Smith, 553 Davis Street, was concerned about preserving property.

Bill Lewis, 133 Cherry Street, spoke to council about a code enforcement case against his property stating it would cost the city a lot of money to fight the case because he would continue appealing it.

Debra Patterson, 201 Cherry Street, complained about construction going on during the weekends and late at night and asked when the speed bump would be put back on Cherry Street.

Elaine Kenny, 1301 Neptune Grove Drive West, thanked everyone who participated in Sunday in the Park and felt that surplus funds from the event could be used to restore a fire truck. Ms. Kenny proposed that the city purchase a painting that Perry Russell had done of the new lifeguard station.

Michael Adams, 320 First Street, felt that the Proposed Land Development Regulations imposed on homeowner property rights and the brakes should be put on the review.

**CONSENT AGENDA**

Sewer Outfall  
Pilot Project

APPROVAL OF AMENDMENT TO THE JOINT EFFLUENT SEWER OUTFALL AND THE PILOT PROJECT FOR COMMERCIAL WASTE DISPOSAL UNITS: Mayor Vaughn entertained a motion.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

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

MOTION CARRIED

**VARIANCES / NONE**

**ORDINANCES**

Ordinance No.  
2000-02

ORDINANCE NO. 2000-02, SECOND READ AND PUBLIC HEARING: 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. SPONSOR: COUNCILOR SHIMP.

The Mayor read Ordinance 2000-02 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Shimp, seconded by Jones.

Motion: **TO ADOPT ORDINANCE NO. 2000-02 ON SECOND AND FINAL READ.**

Roll Call Vote:

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

MOTION CARRIED

Ordinance 2000-03

ORDINANCE NO. 2000-03, SECOND READ AND PUBLIC HEARING: 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.

The Mayor read the Ordinance No. 2000-03 by title only and opened the public hearing. There being no public comments, the Mayor closed the public hearing.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-03 ON SECOND AND FINAL READ.**

Roll Call Vote:

Ayes: 4 - Jones, Patronik, Tankersley, Shimp

Noes: 1 - Vaughn

MOTION CARRIED

**OLD BUSINESS**

Agenda Change Councilor Shimp asked permission of the council to bring up an issue of old business.

Consensus: **TO ALLOW COUNCILOR SHIMP TO BRING UP AN ISSUE UNDER OLD BUSINESS.**

Land Development Regulations Councilor Shimp stated that he felt council should table the review of the Proposed Land Development Regulations. Councilor Shimp added that the people he had spoken with that lived east of Third Street were opposed to changing the regulations and the people that he had spoken with that lived west of Third Street were not concerned because it did not effect them. Councilor Shimp asked for a call to vote on tabling the issue.

A lengthy discussion ensued.

For the Record Vice Mayor Jones stated on the record that council had authorized expenditures in excess of \$40,000 and he felt it would be entirely inappropriate to vote on an issue of this matter because procedure of due process would be violated and the citizens would be outraged. He did not agree with the issue not being placed on the agenda therefore no notice was given to the public.

For the Record Councilor Shimp stated on the record that his friends were the citizens of Neptune Beach that were telling him that they were opposed to the changes. Councilor Shimp added that the changes would ~~also hurt~~ benefit him because he owned a big lot with the possibility of additions. Councilor Shimp also felt that if the matter was tabled it would give the citizens more time to contact the council with their concerns and decide if they wanted the issue brought back up on the table.

For the Record Mayor Vaughn stated on the record that it was totally out of order to place an issue of such significance on the agenda and call for a vote without public notice. Mayor Vaughn further stated that the process could not possibly move any slower and that the average time a consultant spent on an issue of this magnitude was four and a half months. Mayor Vaughn stated it would be a waste of money and asked the councilors that were considering tabling the issue to seriously reconsider what they were doing.

City Manager Linn was concerned about legal issues regarding the contract with the consultants.

Moved by Shimp seconded by Tankersley.

Motion: **TO TABLE THE LAND DEVELOPMENT ORDINANCE.**

Roll Call Vote:

Ayes: 3 - Patronik, Shimp, Tankersley

Noes: 2 - Jones, Vaughn

MOTION CARRIED

**NEW BUSINESS**

Agenda Change City Manager Linn asked to amend the agenda moving items 12 D, E and F before A, B and C because the representatives were present and had been waiting.

CONSENSUS: **TO MOVE ITEMS 12 D, E AND F BEFORE ITEM 12 A.**

Special Exception Christ United Methodist Church **CONSIDERATION OF SPECIAL EXCEPTION AND DEVELOPMENT ORDER FOR CHRIST UNITED METHODIST CHURCH TO ESTABLISH A PRIVATE SCHOOL:** City Manager Linn recommended approval of the development order.

Ryan and Susan Harper were present on behalf of Christ United Methodist Church and Mr. Harper explained that the special exception request was for an addition of a private school for children with special needs.

Moved by Jones, seconded by Shimp.

Motion: **TO GRANT THE SPECIAL EXCEPTION AND APPROVE THE DEVELOPMENT ORDER FOR CHRIST UNITED METHODIST CHURCH TO ESTABLISH A PRIVATE SCHOOL AS STATED IN THE APPLICATION.**

Roll Call Vote:

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

**MOTION CARRIED**

Development Order First Interstate Developers **CONSIDERATION OF A DEVELOPMENT ORDER FOR FIRST INTERSTATE DEVELOPERS TO INSTALL 4000 WATT PARKING LIGHT FIXTURES:** City Manager Linn recommended denial of this development order to install 4000 watt parking lot lights at Food Lion.

George Bull, representative and architect for Food Lion stated that Food Lion would like to upgrade the parking lot lights from 1600 watt to 4000 watt explaining that this was one of Food Lion's standard requirements.

Moved by Tankersley, seconded by Patronik.

Motion: **DENY THE APPROVAL OF THE DEVELOPMENT ORDER AS STATED.**

Roll Call Vote:

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

**MOTION CARRIED**

K-Mart Sidewalk  
Shade System

CONSIDERATION OF A DEVELOPMENT ORDER FOR TM REALTY A.K.A. K-MART TO INSTALL A SIDEWALK SHADE SYSTEM: City Manager Linn stated that the Planning and Development Review Board recommended approval of the development order with specifications.

Frank Gabeletto, Senior Project Manager for Kmart Corporation explained that K-Mart would like to install a sidewalk shade system to protect the plants and flowers that were being displayed on the sidewalk. Mr. Gabeletto added that the system was from the Martha Stewart line, that the colors would match the store and would be 100 feet long running from the left of the facade line east toward the automotive shop but not all the way to the corner.

Moved by Jones, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR TM REALTY A.K.A. K-MART TO INSTALL A SIDEWALK SHADE SYSTEM PER APPLICATION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Lewis v. Neptune  
Beach

AUTHORIZE CITY ATTORNEY WHITE TO SERVE AS LEAD ATTORNEY IN THE MATTER OF LEWIS VS. THE CITY OF NEPTUNE BEACH, FLORIDA, CODE ENFORCEMENT BOARD: City Attorney Christopher White informed the council that the case was in litigation and it would be inappropriate to discuss it.

Moved by Jones, seconded by Patronik.

Motion: **TO AUTHORIZE CITY ATTORNEY WHITE TO SERVE AS LEAD ATTORNEY IN THE MATTER OF LEWIS VS. THE CITY OF NEPTUNE BEACH, FLORIDA, CODE ENFORCEMENT BOARD.**

Roll Call Vote:

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

Noes: 0

## Dancing in the Streets

WAIVE THE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE FOR "DANCING IN THE STREET" MAY 20, 2000: Mayor Vaughn entertained a motion.

Moved by Jones, seconded by Shimp.

Motion: **TO WAIVE THE ENFORCEMENT OF THE OPEN CONTAINER ORDINANCE FOR DANCING IN THE STREETS MAY 20, 2000, FROM 11:00 A.M. TO 10:00 P.M.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Traffic Signal  
Summer Sands

RESOLUTION OF SUPPORT FOR THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL AT BRANT BOULEVARD AND ATLANTIC BOULEVARD: Mayor Vaughn explained that the Resolution was discussed at the last Workshop Meeting and entertained a motion.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE RESOLUTION FOR SUPPORT OF THE INSTALLATION OF A TRAFFIC SIGNAL AT BRANT BOULEVARD AND ATLANTIC BOULEVARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution No.  
2000-09

RESOLUTION NO. 2000-09 ON DELAYING CONGRESSIONAL ACTION ON INTERNET TAX MORATORIUM: Mayor Vaughn explained that this was a resolution similar to the one that the City of Atlantic Beach had passed that expressed a position of the council on the congressional internet tax moratorium.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2000-09 AS STATED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Town Center Project

REVIEW FINAL OPTIONS / ARCHWAY FEATURE ELEMENT OF THE TOWN CENTER PROJECT: Mayor Vaughn presented council with a list of final site amenity options for the Town Center Project, with their approximate costs. Mayor Vaughn asked each councilor to consider the options and prioritize them explaining that he would present their recommendations at the Project Oversight Committee Meeting to be held on May 11, 2000.

Benches, receptacles and bike racks were the number one priority for Councilors Patronik, Shimp and Tankersley and Vice Mayor Jones.

The removal of the existing traffic signal was the fourth priority for Councilors Tankersley and Patronik and the fifth choice for Vice Mayor Jones.

Refurbishing the existing landscaping was the second priority for Councilors Patronik, Tankersley and Shimp and the fifth choice for Vice Mayor Jones.

The "second" block of Ocean Boulevard was the third priority for Councilors Patronik, Tankersley and Shimp and the second choice for Vice Mayor Jones.

The archway feature was the fifth priority for Councilors Patronik and Tankersley and Vice Mayor Jones

Councilor Shimp was not in favor of the archway feature or removing the existing traffic signal.

Mayor Vaughn did not give his opinion.

Resolution 2000-07 and 2000-08

RESOLUTION 2000-07 HONORING GLORIA DEAN AS TEACHER OF THE YEAR AND RESOLUTION 2000-08 HONORING HOLLY BRUMBLY AS SCHOOL RELATED EMPLOYEE OF THE YEAR: Mayor Vaughn entertained a motion to approve Resolutions 2000-07 and 2000-08 jointly.

Moved by Tankersley seconded by Shimp.

Motion: **TO APPROVE RESOLUTIONS 2000-07 AND 2000-08.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

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

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George F. Vaughn, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

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