



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 5, 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 June 5, 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.	Assistant to the City Manager Terry Klein
Vice Mayor Edward S. Jones	City Clerk Lisa Volpe, CMC
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Robert D. Shimp	Ass't to the Building Official Piper Turner
Councilor Thomas A. Tankersley	Dir. of Public Safety William Brandt
City Attorney Christopher White	Dir. of Public Services John Galen
City Manager Richard A. Linn	Finance Director John Herbst

Order Call/Pledge

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

Mayor Vaughn acknowledged Jacksonville District 3 City Councilman Jerry Holland.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Freedom Shrine

Russ Litchfield of The Jacksonville Beaches Exchange Club, presented the Freedom Shrine on the west wall of the Council Chambers. The shrine is to remind citizens of the dedication to freedom of our forefathers. The shrine is dedicated to Ron Egan. Nitesh Paryani, a student from Bowles School, gave a speech on patriotism.

VFW Presentation

The Mayor postponed due to no one being there from the VFW.

Candy Sullivan

Mayor Vaughn read a letter of appreciation for Ms. Sullivan's hard work throughout the years in organizing the Mayor's Annual Easter Egg Hunt.

Bruce Rehmer

Mayor Vaughn presented Bruce Rehmer with a proclamation commending his volunteer work in the last 25 years.

APPROVAL OF MINUTES

Motion:

TO APPROVE THE FOLLOWING MEETING MINUTES:

MAY 1, 2000, REGULAR CITY COUNCIL MEETING
MAY 15, 2000, WORKSHOP CITY COUNCIL MEETING
MAY 15, 2000, TOWN HALL MEETING

Councilor Tankersley pointed out on page 4 of May 1, 2000 Regular City Council meeting minutes, it should read "Councilor Shimp added that the changes would ~~also hurt~~ benefit him because he owned a big lot with the possibility of additions." He also stated that on page 2 of May 15, 2000 Workshop meeting, it should be land use code contract not land use code to be on June Regular City Council meeting. The City Clerk would relisten to tape to clarify.

Vice Mayor Jones added that it should be procedural not procedure on page 4 of May 1, 2000 Regular City Council Meeting minutes. He also added that "he did not agree with the issue not being placed on the agenda therefore no notice was given to the public."

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE/NONE

CITY MANAGER REPORTS

Bids for Phase 1-A
Master Utility Capital
Project

City Manager Linn asked if this item could be moved to 12I so that it could be voted on as an action item.

Moved by Shimp seconded by Patronik

Motion: **MOTION TO AMEND THE AGENDA TO PLACE BIDS FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT TO NEW BUSINESS ITEM 12I**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Lifeguard Truck

City Manager Linn announced that the eight year old lifeguard truck broke in half due to exposure to salt and sand. A new used truck was bought with convention development tax money for \$8500.

Hurricane Floyd

City Manager Linn reported that more money than was allotted was reimbursed by FEMA for Hurricane Floyd therefore some money would be returned to the state.

COMMENTS FROM THE PUBLIC

Michael Adams, 320 First Street, felt that the Proposed Land Development Regulations imposed on homeowner property rights and should not be put back in review.

Mary Truta, 701 Valley Forge Road N., was in favor of continuing to review the code.

Fred DeSapio, 114 19th Ave N., wanted the LDR to remain tabled.

Brian Greenwood, 222 Myrtle Street, favored restarting the LDR even if it meant reworking

the changes.

Steve Jarrett, 210 South Street, wanted to restart the LDR revisions.

Fred St. Clair, 627 Cherry Street, complained about the lights in the Kmart parking lot. City Manager Linn assured him the shopping center would be shielding the lights.

Bruce Rehmer, 804 McCollum Circle, asked the council to demand a written apology to him from Finance Director John Herbst over the Easter Egg Hunt.

Mark Bradsford/Miler Norton, 401 Margaret Street, stated they are restoring a 1945 fire truck like the one they used as junior fire fighters in Neptune Beach. The truck will be available to Neptune Beach for special events at no charge.

Renee Faure, 600 Second Street, was in favor of the farmer's market and the LDR revisions and hated the idea of tabling the revisions.

Kirk Cobb, 112 Orange Street, would like the farmers market in a different location than directly on First Street and opposed the LDR revisions which hurt people's property rights.

John Weldon, 108 Oak Street, was in favor of the farmer's market but wanted volunteer citizens to be in charge of permitting not the city manager. Hopkins Creek area subdivision has agreed to a 25 feet buffer zone which is a really good thing and the cul-de-sac is smaller to save some trees.

Harriet Sasser, 1020 Florida Blvd., did not like the bike path past Penman Road.

Joseph Sasser, 1020 Florida Blvd, did not like the bike path past Penman Road. It would bring more traffic into the community.

William McCants, 1126 Hagler Drive, stated he did not want the bike path past Penman Road so the trees would not be damaged.

Anne Olsen, 1101 Hagler Drive W., was opposed to the bike path and from her experience there is not enough bike traffic to require a path.

Chris Rasche, 232 Florida Blvd, was opposed to the bike path and upset that sketches were not shown to the public. She protested the process of not being able to speak when the issue came up.

Dan Dische, 224 Florida Blvd., did not favor the bike path past Penman Road and asked the money be spent on something else.

Leslie Karlin, 1506 Spindrift Circle W., liked the farmer's market but thought it needed a larger area therefore asked that not a lot of money be invested until it was viable. She does not want a bike path.

CONSENT AGENDA

USS Roosevelt
DOJ Grant

**APPROVAL OF SUPPORT OF USS ROOSEVELT AND DEPARTMENT OF JUSTICE
GRANT ACCEPTANCE:** Mayor Vaughn entertained a motion.

Moved by Jones, seconded by Shimp.

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

Roll Call Vote:

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

MOTION CARRIED

Interlocal agreement
 1/2 sales tax

INTERLOCAL AGREEMENT 1/2 CENT SALES TAX: Mayor Vaughn introduced City of Jacksonville Mayor John Delaney. City Manager Linn asked the council to amend the agenda so that Mayor Delaney could speak on the half cent sales tax and it could be voted on.

Consensus: **TO AMEND AGENDA AND ALLOW MAYOR DELANEY TO SPEAK ON THE 1/2 CENT SALES TAX.**

Mayor John Delaney of the City of Jacksonville spoke about the Better Jacksonville Plan. He stated that the proposed countywide 1/2 cent sales tax would pay for new roads, a new courthouse, arena, downtown library and beaches library branch renovation, and baseball park. The interlocal agreement would give Neptune Beach its share which would be approximately \$300,000 in the first year.

Consensus: **TO VOTE ON THE INTERLOCAL AGREEMENT TONIGHT.**

Moved by Tankersley seconded by Shimp.

Motion: **MOVE TO APPROVE THE INTERLOCAL AGREEMENT HALF CENT SALES TAX AS STATED**

Roll Call Vote:

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

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ordinance No.
 2000-04

ORDINANCE 2000-04 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF NEPTUNE BEACH TO INCLUDE THE NEW ARTICLE III AND SECTIONS THEREUNDER; ESTABLISHING THE REGULATION OF OPEN AIR MARKETS AND SALES IN THE CITY OF NEPTUNE BEACH; AND ESTABLISHING AN EFFECTIVE DATE. SPONSORED BY MAYOR VAUGHN.

The Mayor read Ordinance 2000-04 by title only. Discussion ensued about possible changes including putting permitting under the Planning and Development Review Board and/or council and having it state in all business districts not just the CBD. Discussion over whether or not it would be done on public or private property. The City Attorney was instructed to make recommended changes for the workshop and for the Planning and Development Review Board to review the ordinance before the June Workshop.

Moved by Tankersley, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-04 ON FIRST READ.**

Roll Call Vote:

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

MOTION CARRIED

Ordinance 2000-05

ORDINANCE 2000-05 FIRST READ; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING AND RESTATING THE CITY OF NEPTUNE BEACH POLICE OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM AS ADOPTED PURSUANT TO ORDINANCE NO. 1997-10, AS SUBSEQUENTLY AMENDED, TO TERMINATE THE PLAN AS TO FIREFIGHTERS AND REMOVE FIREFIGHTERS FROM THE EXISTING RETIRMENT PLAN, AND REPEALING ORDINANCE NO. 80, LEVYING AN EXCISE TAX ON FIRE INSURANCE PROVIDING FOR DEFINITIONS, PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING MISCELLANEOUS PROVISION; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM, EXECUTION AND NON ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCE; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENT; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE SERVICE; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. SPONSORED BY COUNCILOR TANKERSLEY

The Mayor read the Ordinance No. 2000-05 by title only.

Moved by Jones, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2000-05 ON FIRST READ.**

Roll Call Vote:

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

MOTION CARRIED

Recess/Reconvene

Mayor Vaughn called for a recess at 9:00 P.M. and the meeting reconvened at 9:10 P.M.

OLD BUSINESS

Bike Path

JTA BIKE PATH PROJECT -REVIEW/APPROVE/MODIFY/REJECT DESIGN SKETCH:
City Manager Linn introduced the sketch submitted by Lockhart and Associates. He suggested that instead of the bike path being carried down Florida Blvd have it go south on Penman Road to Seagate Avenue. The Council discussed alternatives and decided to bring the idea of the bike path going down Penman Road to a workshop.

Moved by Tankersley seconded by Shimp.

Motion: **TO ELIMINATE THE PORTION EAST OF CAMILLA TERRACE AND ALLOW THE PROJECT TO BE FOR BEAUTIFICATION AND TO REMOVE THE OPEN DITCH AND REPLACE IT WITH A CLUVERT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Land Development
Regulations

RECONVENE LAND DEVELOPMENT REVISION CONSIDERATION Councilor Tankersley explained that he wanted to reconvene the LDR with his changes. He read his letter of June 1, 2000 into the minutes (attached). The council discussed whether or not to proceed with the revisions.

Moved by Tankersley seconded by Shimp

Motion: **START WITH ARTICLE THIRTEEN AND MOVE ON WITH THE LAND DEVELOPMENT REGULATIONS AND INCLUDE COUNCILOR TANKERSLEY'S CHANGES IN WHAT HAS ALREADY BEEN DISCUSSED.**

For the Record Councilor Tankersley stated for the record that as part of his motion the parts of the code with his revisions will be reviewed by council.

For the Record Councilor Shimp would like to see the meeting conducted differently than the way they have been.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Photo Copy Invoice

APPROVAL OF PHOTOCOPY INVOICE IN EXCESS OF \$10,000: City Manager Linn asked that the council approve the bill for photocopying subpoena documents that was in excess of \$10,000 even after shopping.

Moved by Jones seconded by Patronik.

Motion: **MOTION TO APPROVE THE INVOICE.**

Roll Call Vote:

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

Noes: 0

Motion Carried

Personnel Policy

PERSONNEL POLICY CHANGE TO REFLECT CHANGES IN DEFINED BENEFIT PLAN City Manager Linn explained that the personnel policy still states the city has a defined benefit plan instead of the defined contribution plan that the city actually has.

Moved by Jones, seconded by Patronik

Motion: **TO APPROVE THE CHANGES IN THE PERSONNEL POLICY AS STATED IN THE AGENDA.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ultster Peace Project **ULTSTER PEACE PROJECT:** The mayor stated he put this item on the agenda at the request of Bruce Rehmer who was not present. It is a request to donate funds to children from Ireland who would like to visit the United States. There was no motion made.

City Government **CITY GOVERNMENT ROLE OF CITY COUNCILORS AND MAYOR** - Councilor Shimp stated that this was an idea some elderly citizens brought to him for each member of council to be a liaison for a particular department. Mayor Vaughn - City Manager; Councilor Shimp - Police Department; Vice Mayor Jones - Building; Councilor Patronik - Finance and Councilor Tankersley - Public Works

Consensus: **TO DISCUSS THIS ISSUE AT THE JULY WORKSHOP**

Little Red School House **DEVELOPMENT ORDER APPROVAL LITTLE RED SCHOOL HOUSE:** Linda Perschel, 1865 Nightfall Drive, and Dee Wagner, 1201 Kings Road, explained that they planned on opening a middle school with approximately 30 students in a duplex they recently purchased next to the established school.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE DEVELOPMENT ORDER AS STATED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

D. Lee Ross et al **SUBDIVISION APPROVAL D. LEE ROSS ET AL:** City Manager Linn introduced Steve Jarrett who represented the developer. Discussion included the 38 foot cul-de-sac; the retention pond that will be owned and maintained by the homeowners association and the street which will be a public road maintained by the city.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER CONTINGENT ON PERMITS OF THE ST JOHN'S RIVER WATER MANAGEMENT DISTRICT AS STATED WITH CONTINGENCIES.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Beaches Family Trust

SUBDIVISION APPROVAL BEACHES FAMILY TRUST: City Manager Linn introduced Steve Jarrett who represents the developer. Discussion included the 30 foot cul-de-sac to save two very old trees. Mr Jarrett stated he would try to get the cul-de-sac as large as possible without damaging the trees. There will be a buffer zone.

Moved by Jones, seconded by Shimp.

Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR THE BEACHES FAMILY TRUST.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Master Utility Plan
Resolution 2000-10

BID FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT: City Manager Linn stated that this was an approval for a contract with Harcon Enterprises for Phase 1 Water and Sewer Improvements Part A for \$907,065 with 20% contingency; Jim Miller of PBSJ answered questions.

Moved by Patronik seconded by Shimp.

Motion: **TO APPROVE RESOLUTION 2000-10 FOR PHASE 1-A MASTER UTILITY CAPITAL PROJECT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

LDR

Council set June 26, 2000 as the next Land Development Regulations Workshop.

Adjournment

There being no further business, the meeting adjourned at 11:00 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____