



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**AUGUST 7, 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 August 7, 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  
 City Clerk Lisa Volpe, CMC  
 Building Official Dan Arlington  
 Assistant to the Building Official Piper Turner  
 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.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE**

**APPROVAL OF MINUTES**

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

**JUNE 26, 2000, SPECIAL CITY COUNCIL MEETING**  
**JUNE 26, 2000, LAND DEVELOPMENT REGULATIONS**  
**JULY 3, 2000, REGULAR CITY COUNCIL MEETING**  
**JULY 5, 2000, BUDGET WORKSHOP**  
**JULY 10, 2000, LAND DEVELOPMENT REGULATIONS**  
**JULY 17, 2000, BUDGET WORKSHOP**  
**JULY 17, 2000, SPECIAL CITY COUNCIL MEETING**  
**JULY 17, 2000, WORKSHOP CITY COUNCIL MEETING**  
**JULY 17, 2000, TOWN HALL MEETING**  
**JULY 24, 2000, LAND DEVELOPMENT REGULATIONS**  
**JULY 26, 2000, BUDGET WORKSHOP**  
**JULY 31, 2000, SPECIAL CITY COUNCIL MEETING**

Moved by Tankersley, seconded by Patronik.

## Roll Call Vote:

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

MOTION CARRIEDCOMMUNICATIONS AND CORRESPONDENCE

Councilor Shimp Councilor Shimp asked the City Manager Linn to direct the Building Official to do something about the lights from the back of a bank and an office building shining in citizens' backyards on McCollum Circle.

Amended Agenda Councilor Shimp requested that item's 12 A and 12 B be placed first on the agenda to keep the representatives that were present from having to wait.

Consensus: **TO MOVE ITEMS 12 A AND 12 B TO THE FRONT OF THE AGENDA.**

Mayor Vaughn asked that item 12 E, Board Appointments be moved to the front for the same reason.

Consensus: **TO MOVE ITEM 12 E TO THE FRONT OF THE AGENDA.**

City Manager Linn asked to amend the agenda to include items 11 C and 12 F.

Consensus: **TO ADD 11 C TO THE AGENDA UNDER OLD BUSINESS AND ITEM 12 F UNDER NEW BUSINESS.**

City Clerk City Clerk Lisa Volpe announced to the council that directions to the Annual Florida League of Cities Conference in Fort Lauderdale were in their boxes.

City Clerk Lisa Volpe reminded the council that she would be on vacation next week and Deputy City Clerk Karla Strait would be in the office for any necessary business.

CITY MANAGER REPORTS/NONECOMMENTS FROM THE PUBLIC

Richard Fail, 510 Oak Street, expressed concern about council being referred to as a combat zone. Mr. Fail was also concerned about the budget.

Buddy Crout, 1074 Kings Road, felt that the budget workshops should have begun earlier.

Robert West, 106 Hall Place, was concerned about parking at 200 First Street.

Mary Ann Padrta, 1113 First Street, read a letter from Lynda Padrta regarding density east of Third Street.

Harriet Pruette, 217 ½ Magnolia Street, suggested that allowing residents to convert from a multi family home to a single family home giving them a period of three-years in which they would be allowed to revert back to a multi family home would help to control the density. Ms. Pruette also felt that the Land Development Regulations should not be passed as one package.

NEW BUSINESS

Beaches Chapel **FINAL DEVELOPMENT ORDER FOR BEACHES CHAPEL:** Michael Altenback explained that the Beaches Chapel had asked the Planning & Development Review Board to allow them to add a facelift to the front of the gymnasium, a storage room on the side and take care of a drainage problem.

Moved by Shimp, seconded by Patronik.

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

Building Official Dan Arlington explained that the Planning & Development Review Board had made the approval contingent on council's approval of moving the easement.

Moved by Shimp, seconded by Tankersley.

Amended Motion Motion: **TO APPROVE THE FINAL DEVELOPMENT ORDER FOR THE BEACHES CHAPEL WITH CONDITIONS THAT THE RIGHT OF WAY WILL BE ACCESSIBLE.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Resource Express **FINAL DEVELOPMENT ORDER FOR RESOURCE EXPRESS:** Building Official Dan Arlington stated that the Planning & Development Review Board had denied the request and it had not been appealed.

Moved by Jones, seconded by Shimp.

Motion: **TO DENY THE FINAL DEVELOPMENT ORDER FOR RESOURCE EXPRESS.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Board Appointments **RESOLUTION 2000-15 APPOINTING AND REAPPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.**

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE BOARD APPOINTMENTS AS STATED.**

For the Record Councilor Shimp stated on the record that he would like for the paper to advertise that we needed more of cross section of people on the boards.

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**CONSENT AGENDA**

Fuel Storage Tanks **REMOVAL & INSTALLATION OF FUEL STORAGE TANKS:** Authorization to solicit bids for the removal and installation of fuel storage tanks and piping.

Spill Response Contractor **SPILL RESPONSE CONTRACTOR:** Approval of service purchase agreement for Spill Response as required by Florida Administrative Code, Rule 62-761.200(7R).

Forfeited Motorcycle FORFEITED MOTORCYCLE – SURPLUS & SALE: Declare a forfeited motorcycle surplus and authorize sale by public auction.

Moved by Jones, seconded by Shimp.

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED.

**VARIANCES**

133 Margaret Street / APPEAL OF DENIAL OF VARIANCE REQUEST FOR 113 MARGARET STREET AND  
2005 First Street 2005 FIRST STREET: Property owner Clement Harper IV explained why the Board of Appeals had denied his request for a variance.

Moved by Jones, seconded by Patronik.

Motion: **REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE REQUEST.**

Roll Call Vote:

Ayes: 2 - Jones, Patronik

Noes: 3 – Shimp, Tankersley, Vaughn

MOTION FAILED

**ORDINANCES**

Ordinance 2000-04 ORDINANCE NO. 2000-04 PUBLIC HEARING AND FINAL 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.

The Mayor read Ordinance No. 2000-04 by title only and opened the public hearing.

There being no public comments, the public hearing was closed.

Moved by Shimp, seconded by Tankersley.

Motion: **TO ADOPT ORDINANCE NO. 2000-04 ON FINAL READ AND PUBLIC HEARING AS STATED.**

Roll Call Vote:

Ayes: 4 - Jones, Tankersley, Shimp, Vaughn

Noes: 1 – Patronik

MOTION CARRIED

Ordinance 2000-06 ORDINANCE NO. 2000-06 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE

BEACH, FLORIDA CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY AND ALLEYS IN NEPTUNE BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Councilor Shimp agreed to sponsor Ordinance No. 2000-06.

Moved by Shimp, seconded by Jones.

Motion: **TO APPROVE ORDINANCE NO. 2000-06 WITH THE STIPULATION THAT IT GOES TO THE NEXT WORKSHOP MEETING FOR DISCUSSION.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ordinance 2000-07

**ORDINANCE NO. 2000-07 FIRST READ:** AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

Mayor Vaughn agreed to sponsor Ordinance No. 2000-07.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 2000-07 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ordinance 2000-08

**ORDINANCE NO. 2000-08 FIRST READ:** AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2000 BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

Councilor Tankersley agreed to sponsor Ordinance No. 2000-08.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE ORDINANCE NO. 2000-08 FOR DISCUSSION.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS**

City Manager  
Employment Contract

**APPROVAL OF EMPLOYMENT CONTRACT FOR CITY MANAGER:** Terms of employment contract discussed July 17, 2000, modified by the City Attorney and forwarded.

Moved by Tankersley, seconded by Shimp.

Motion: **TO APPROVE THE EMPLOYMENT CONTRACT FOR THE CITY MANAGER WITH THE FOLLOWING CHANGES:**

- **SECTION 2 B -CHANGE TWO YEARS TO 90 DAYS.**
- **SECTION 8 A - SAID REVIEW AND EVALUATION SHALL BE IN ACCORDANCE WITH SPECIFIC CRITERIA DEVELOPED JOINTLY NO LATER THAN DECEMBER 1, 2000, BY EMPLOYER AND EMPLOYEE.**
- **SECTION 8 B - NO LATER THAN MARCH 31 OF EACH YEAR WITH THE CITY COUNCIL.**
- **SECTION 9; CORRECTION OF THE MISPELLED WORD COUNCILOR**

Roll Call Vote:

Ayes: 3 - Jones, Shimp, Tankersley

Noes: 2 – Patronik, Vaughn

**MOTION CARRIED**

Jarboe Park Grant

**APPROVAL OF A FLORIDA RECREATIONAL DEVELOPMENT ASSSISTANCE PROGRAM (FRDAP) GRANT AGREEMENT FOR JARBOE PARK:** City Manager Linn recommended approval of the agreement and authorization for the Mayor to sign.

Moved by Tankersley, seconded by Patronik.

Motion: **TO APPROVE THE FRDAP GRANT AGREEMENT AND AUTHORIZE THE MAYOR TO SIGN IT.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Resolution No. 2000-14

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH AWARDDING THE AUTO DIALER BID TO AVTEX:** City Manager Linn recommended awarding a bid for an auto dialer to Avtex Incorporated.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE RESOLUTION NO. 2000-14.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**NEW BUSINESS**

Land Development Regulations

**ESTABLISH PROCEDURE FOR CONTINUATION OF REVIEW OF UNIFIED LAND DEVELOPMENT REGULATIONS CHAPTER 27:** Mayor Vaughn explained that a date needed to be set to decide on a procedure on how to adopt any or all of the proposed

regulations.

Consensus: **MOVE THE REVIEW OF THE ADMINISTRATIVE SECTION ON LAND USE REGULATIONS TO THE WORKSHOP MEETING.**

200 First Street

**PLANNING & DEVELOPMENT REVIEW BOARD CONSENSUS EXPRESSING CONCERN ABOUT 200 FIRST STREET:** Mayor Vaughn stated that the Planning & Development Review Board had a motion at their June 20, 2000, meeting. The motion was carried by unanimous vote going on record to City Council outlining serious concerns with a proposed coffee shop (restaurant/bar) to be located at the old Ed Smith Lumber Company project. Mayor Vaughn was concerned that the subject had not come before the council.

A lengthy discussion ensued.

For the Record

Brian Greenwood stated on the record that the Planning & Development Review Board had granted a lot of leeway to the parking at the Ed Smith project. Mr. Greenwood added that he felt the board had been misled about the use of the building.

Police Vehicle Surplus

**APPROVAL TO SURPLUS TWO POLICE VEHICLES:** City Manager Linn recommended declaring a surplus and sale of two police vehicles that had outlived their economic use.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE SURPLUS AND SALE OF THE TWO POLICE VEHICLES.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 10:17 p.m.

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George F. Vaughn, Jr., Mayor

ATTEST:

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

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