



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 5, 2001 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 February 5, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Dick Brown	City Clerk Lisa Volpe, CMC
Vice Mayor Robert Shimp	Deputy City Clerk Karla Strait
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
Councilor Ronald Patronik	Finance Director Steve Ramsey
Councilor Buddy Crout	Building Official Dan Arlington
City Attorney Christopher White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	

Order Call/Pledge

The Mayor called the meeting to order at 7:00 p.m. and asked Lynda Padrta to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

JANUARY 8, 2001, REGULAR COUNCIL MEETING
JANUARY 22, 2001, WORKSHOP COUNCIL MEETING
JANUARY 22, 2001, TOWN HALL MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
 Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Code Enforcement

Vice Mayor Shimp stated he had received a complaint from the owner of Tangerine Apartments about non-enforcement of the parking ordinance. Mr. Shimp asked that this

issue be placed on the Workshop Agenda.

Town Center Cleanup	Vice Mayor Shimp stated he had observed pieces of glass on the sidewalk outside of Papa Joe's on a Friday evening. Mr. Shimp requested this issue be placed on the Workshop Agenda.
Code Enforcement	Councilor Pruette requested that a discussion of code enforcement be included in the Workshop Agenda.
Dogs on Beach	Mayor Brown proposed that the ordinance restricting the hours dogs were allowed on the beach be reviewed at the workshop meeting.
Legislative Action Day	City Clerk Lisa Volpe advised council members to contact the Clerk's office if they were interested in attending Legislative Action Day.
February Workshop	City Clerk Lisa Volpe informed the council that the regularly scheduled Workshop Meeting for February would fall on Presidents' Day and that City Hall would be closed. Ms. Volpe requested that the Workshop Meeting be moved to February 26, 2001.

CITY MANAGER REPORTS

FL League of Cities Meeting	City Manager Linn stated the Northeast Florida League of Cities meeting would be held in Starke this month and asked council members to contact his office if anyone would like to attend.
Sexual Assault	City Manager Linn reported the media had misinformed the public on two issues involving the sexual assault that occurred on First Street. Mr. Linn stated the media reported that the perpetrator was hiding in the bushes at Oleander Street when in fact he was not. Mr. Linn added the other misinformation to the public was that our police department did not offer counseling to the victim through the Rape Victim Advocacy when in fact it was offered and recommended by the police department on two occasions and declined by the victim both times.

COMMENTS FROM THE PUBLIC

Public Comments	Steve Rosenbloom, 1417 Beach Ave., Atlantic Beach, explained the goal of Greenscape was to preserve the tree canopy and the flowering tree sale was the only means of funding. Mr. Rosenbloom asked council to reconsider sponsoring the sale.
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Moved by Crout, seconded by Pruette.

Motion: **TO NAME GREENSCAPE AS A SPONSORED EVENT.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Leslie Karlin, 1506 Spindrifft Circle, asked if any action had been taken on her request to redecorate the council chambers with artwork of students from the local schools. City Manager Linn answered that her suggestion had been taken into consideration. Ms. Karlin felt that a member of the Code Enforcement Board should be present at workshop meetings that involved code enforcement discussions. Ms. Karlin was also concerned about the increase in Neptune Beach businesses that had been going out of business and suggested forming an ad hoc committee to advise new businesses.

Edward Lane, 1735 Beach Avenue, Atlantic Beach, attorney retained by South Coast

Capital Partnership to address the development order concerning 200 First Street stated that the current parking situation at 200 First Street was inadequate and requested denial of the development order on behalf of South Coast Capital.

Jo Anne Waddill, 115 Oleander Street, was concerned about the hedges on the corner of Oleander and asked the City Manager when they would be trimmed. City Manager Linn responded that Building Official Dan Arlington had sent out a letter informing the property owner to comply by February 8, 2001, by either removing or trimming the hedges to the 4-foot requirement. Mr. Linn added that if he did not comply before the deadline, the city would take care of it.

A lengthy discussion ensued.

Moved by Crout, seconded by Pruette.

Motion: **TO INSTRUCT THE CITY MANAGER TO BRING THE HEDGES AT THE OLEANDER STREET END UP TO CODE WITHIN 15 DAYS.**

Legal Advice

City Attorney White cautioned council that the issue needed to go through the Code Enforcement Board.

Amended Motion: **CHANGE THE MOTION TO REMOVE THE HEDGES.**

Legal Advice

Mayor Brown asked City Attorney White if it was appropriate to make a motion during a public hearing. City Attorney White advised if the council was going to take formal action that it should be on the agenda to allow the public to speak for or against it.

MOTION WITHDRAWN

Steve Leitman, 1820 Strand Street, was concerned about the safety at the Oleander Street end. He felt the hedges blocked the line of sight for approaching traffic and someone was going to get hurt.

Harriet Christovich, 110 Seagate Ave, felt that the south end of First Street needed to be cleaned up and should be sufficiently marked to alert drivers that they cannot get through to the other end because of the barricades.

Steve Leitman, 1820 Strand Street, asked if the Adopt-A-Street End program gave Ms. Waddill permission to maintain the bushes at the Oleander Street end. City Manager Linn answered no, that the trimming of the bushes was the responsibility of the city. Mr. Linn explained that the Adopt-A-Street End program was a program that the Ish Brant Beautification Committee brought to Council requesting to adopt public areas under certain terms and agreements. Mr. Linn added that Mr. Steel, owner of the property in question, had also requested to adopt that street.

On the Record Councilor Pruette asked on the record what the city was going to do concerning the problem with the overgrown hedges at the end of Oleander Street. City Manager Linn responded that Building Official Dan Arlington had written a letter to Mr. Steel, owner of the property, allowing him until February 8, 2001, to comply with the city code. Mr. Linn added if he did not comply with the code that the city would trim it down to the 4' maximum or eliminate the hedge entirely.

Lynda Padrta, 1113 First Street, stated that she would like to see the bushes at the end of Oleander Street be cut down completely and asked council not to approve the development order for 200 First Street.

David Baker, 1102 First Street, felt the City Manager should be able to maintain the city

codes without direction from the council.

Kristie Pecci, 5419 Basque Court, Jacksonville, property manager for the owner of the parking lots in Town Center, stated the parking lots were maintained strictly for patrons of their tenants. Ms. Pecci urged council to deny the new development order for 200 First Street due to the inadequate parking that currently existed at the property. Ms. Pecci added that because of the problem the parking lot owner was considering installing paid parking.

CONSENT AGENDA

Resolution No. 2001-02 RESOLUTION NO. 2001-01, SETTING THE SALARY FOR THE CITY CLERK: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.

Resolution No. 2001-03 RESOLUTION NO. 2001-03, APPROVAL OF STATE REVOLVING LOAN APPLICATION: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT, ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Resolution No. 2001-04 RESOLUTION NO. 2000-04, SUPPORT OF FLORIDA DEFENSE EFFORT FOR STATE LEGISLATION: A RESOLUTION OF THE CITY OF NEPTUNE BEACH SUPPORTING REGULATION OF CHECK CASHING OUTLETS, CASH ADVANCE OFFICES AND PAYDAY LOAN COMPANIES.

Moved by Shimp, seconded by Pruette.

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

Roll Call Vote:

Ayes: 5 Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

VARIANCES/NONE

ORDINANCES / NONE

OLD BUSINESS

Harcon Enterprises Change Order CHANGE ORDER #1, HARCON ENTERPRISES, INC. FOR \$99,003.11: City Manager Linn stated he had spoken with PBS&J Engineer Jim Miller, Public Safety Director John Galen and consulted with City Attorney Chris White about the change order and he felt that it was justified. Mr. Linn recommended payment of change order #1 to Harcon Enterprises for \$99,003.11.

Legal Advice Mayor Brown asked City Attorney White for his comments. City Attorney White responded that the Director of Public Works and the City Manager felt it was appropriate. Mr. White stated that there was no way to know if sheet piling had been included in the bids because they were not broken down. Mr. White felt that it was appropriate for the contractor to ask for the change order and it was up to the council to grant it.

Councilor Patronik felt that the contractors had plenty of time to find out what the

requirements were before they bid on the project. Mr. Patronik added that it could not be determined that the cost of the sheet piling was not in the contractor's bid that if we agreed to pay the change order we could be paying double. Mr. Patronik felt that Neptune Beach was not at fault and the change order was not justified.

Councilor Pruette commented that she agreed with Councilor Patronik and that council had discussed the issue at the Workshop Meeting held January 22, 2001, and it was agreed that the change order would not be voted on until after a separate Workshop was held for further discussion.

Councilor Crout agreed with Councilor Pruette about holding a separate workshop.

Vice Mayor Shimp felt it was inappropriate to bring up the change order and asked why it was put on the agenda.

Councilor Patronik added that the change order was to be the only issue on the Workshop Agenda.

Mayor Brown stated that after the trip to Englewood, if everyone felt they were ready, a date would be set for a Workshop Meeting.

City Manger Linn stated that Harcon had requested the change order to be placed on the agenda.

Consensus: **TO HOLD A SEPARATE WORKSHOP TO DISCUSS THE CHANGE ORDER FROM HARCON.**

NEW BUSINESS

Tuition
Reimbursement

AMENDMENT TO PERSONNEL POLICY – REPAYMENT OF TUITION: Councilor Pruette commented that she preferred 100% repayment as opposed to the 50% requirement after two years.

Moved by Crout, seconded by Patronik.

Motion: **TO ADOPT THE AMENDMENT TO THE PERSONNEL POLICY REQUIRING TUITION REIMBURSEMENT.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Surplus Fire Truck

DECLARATION OF FIRE TRUCK AS SURPLUS: Councilor Pruette asked for a report back to council of the results of the sale of the truck.

Moved by Patronik, seconded by Shimp.

Motion: **TO APPROVE THE SALE OF SURPLUS FIRETRUCK.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

New Recording
System

APPROVAL OF PURCHASE OF COURT TAPE RECORDER FOR COUNCIL CHAMBERS: City Manager Linn asked for the motion to reflect that the old recorder would be surplus and used for a trade in on the new one.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE PURCHASE OF THE COURT TAPE RECORDER FOR THE CITY COUNCIL CHAMBERS AND SURPLUS THE OLD ONE.**

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Board Appointments

RESOLUTION NO. 2001-05: RESOLUTION REAPPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE CODE ENFORCEMENT BOARD, AND THE PLANNING AND DEVELOPMENT REVIEW BOARD: City Clerk Lisa Volpe explained that Resolution No. 2001-05 re-appointed Donald White to serve on the Board of Appeals, re-appointed William Weldon to serve as an alternate on the Code Enforcement Board and, re-appointed Marsha Jawitz to serve on the Planning & Development Review Board. Ms. Volpe added that Mr. Whitmire did not wish to be reappointed to the Planning & Development Review Board.

Moved by Crout, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION NO. 2001-05.**

Moved by Crout, seconded by Pruette.

Amendment: **TO AMEND RESOLUTION NO. 2001-05 TO ELIMINATE MR. BILL WHITMIRE JR.**

Roll Call Vote:

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

City Clerk Lisa Volpe added that there was an opening on the Board of Appeals for one alternate and one regular, an opening for one alternate on the Code Enforcement Board, and openings for one alternate and one regular on the Planning & Development Review Board. Ms. Volpe informed that applications were in her office if anyone would like to serve.

Hopkins Creek

ABANDONMENT OF PROPERTY ON HOPKINS CREEK: City Manger Linn stated that the newspapers had reported that council would be considering an ordinance for the abandonment of certain property on Hopkins Creek. Mr. Linn added that he had not received the legal description of the property and that it would be ready for first read in March.

1415 Atlantic
Boulevard

DEVELOPMENT ORDER – 1415 ATLANTIC BOULEVARD: There was no discussion.

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT THE PLANNING & DEVELOPMENT REVIEW BOARD'S
RECOMMENDATION FOR THE DEVELOPMENT ORDER AT 1415
ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 Crout, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

200 First Street

DEVELOPMENT ORDER – 200 FIRST STREET: Edward S. Jones, owner and applicant of 200 First Street, explained his request for the approval of the following four items;

- 1) Storage efficiency apartment over the garage for a security person to live in,
- 2) A variance allowing the existing windows in the garage,
- 3) Allowing new tenants to move in as long as the parking was completed within 60 days and,
- 4) Construction of a 961-sq. ft. building that was not in the original plans.

Mr. Jones added that the Planning & Development Review Board had recommended approval of his requests except for the new building.

Moved by Pruette, seconded by Patronik.

Motion: **DENY THE RECOMMENDATION OF THE PLANNING &
DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 1 – Pruette

Noes: 4 – Crout, Patronik, Shimp, Brown

MOTION NOT CARRIED

Moved by Shimp, seconded by Crout.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 200 FIRST STREET
WITH THE FOLLOWING CONDITIONS OF THE WHOLE
RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW
BOARD ALONG WITH THE RESTRICTIONS:**

- 1) **AUTHORIZE THE APARTMENT/STORAGE WITH THE
DEED RESTRICTION THAT THE SPACE CANNOT BE
USED FOR RETAIL. IT CAN BE USED FOR STORAGE OR
RESIDENTIAL SPACE:**
- 2) **AUTHORIZE WINDOWS ON THE WEST WALL OF THE
PARKING GARAGE IF THEY CAN FIND A MEANS OF
COMPLYING WITH THE ONE-HOUR FIRE CODE THAT
RELATES TO PARKING GARAGES:**

- 3) DO NOT APPROVE THE CONSTRUCTION OF SUITE "E" OR BUILDING "E", AS IT IS DEPICTED:
- 4) AND THAT WE AUTHORIZE OCCUPANCIES PERMITS FOR THE ADDITIONAL OFFICES IN BUILDING "A" & "B" IMMEDIATELY RATHER THAN WAITING FOR THE COMPLETION OF PARKING GARAGE:
- 5) THAT WE ALSO ENCOURAGE THE LAND OWNER TO DEVELOP LANDSCAPING AND PARKING THAT IS THEREFORE OPENED UP IN THE ABSENCE OF SUITE "E" AND TO MAKE AN OFFICIAL FLOW OF TRAFFIC IN AND OUT OF THAT DRIVEWAY:
- 6) PARKING GARAGE TO BE COMPLETED WITHIN 60 DAYS OR REASONABLE TIME THEREAFTER:
- 7) ADD THREE PARKING SPACES ON-SITE.

Roll Call Vote:

Ayes: 4 – Crout, Patronik, Shimp, Brown
 Noes: 1 – Pruette

MOTION CARRIED

218 First Street

WAIVER OF PARKING – 218 FIRST STREET: Councilor Pruette believed a special exception clause should be added to have the Building Official review the request the request once a year in February. Councilor Crout advised that the motion was only for the parking and did not involve the tent.

Moved by Shimp, seconded by Crout.

Motion: TO APPROVE THE WAIVER OF PARKING FOR 218 FIRST STREET.

Ayes: 5 – Crout, Patronik, Pruette, Shimp, Brown
 Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Jo Anne Waddill, 115 Oleander Street, asked what was the final outcome of her request about the bushes at Oleander Street end. Mayor Brown answered that council did not need to take action at this time and her request would be fulfilled.

Adjournment

There being no further business, the meeting adjourned at 9:15 p.m.

Dick Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:

