



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**APRIL 2, 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 April 2, 2001, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

## Attendance

## IN ATTENDANCE:

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

## Order Call/Pledge

Mayor Brown called the meeting to order and asked Doc Silver to lead the Pledge of Allegiance.

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

Parliamentary  
Emphasis Month

Mayor Brown asked City Clerk Lisa Volpe to read a Proclamation in honor of Parliamentary Emphasis Month. Mayor Brown presented the Proclamation to Sherry Strange the Parliamentarian for the local chapter and invited her to say a few words. Sherry Strange explained that April was celebrated as Parliamentary Emphasis Month because it is the birth month of Thomas Jefferson who wrote the first manual for legislative bodies in this country.

**APPROVAL OF MINUTES**

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

**FEBRUARY 26, 2001, WORKSHOP**  
**FEBRUARY 26, 2001, TOWN HALL**  
**MARCH 5, 2001, WORKSHOP**  
**MARCH 5, 2001, REGULAR**  
**MARCH 19, 2001, WORKSHOP**  
**MARCH 19, 2001, TOWN HALL**

Moved by Shimp, seconded by Patronik.

## Roll Call Vote:

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

Noes: 0

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE**

- Hurricane Hattie's Councilor Patronik voiced his concern about the continuing noise complaints from Hurricane Hattie's and asked if there was anything the Council could do to encourage the City of Jacksonville to make sure their noise Ordinance was enforced. Mayor Brown explained that a resolution was currently being typed requesting the City of Jacksonville to legislate an updated and more effective ordinance dealing with the problem.
- Ish Brant Councilor Pruette informed everyone that former Mayor Ish Brant was in the Beaches Baptist Hospital due to congestive heart failure.
- 2001-2002 Budget Councilor Crout asked the Council to consider having City Manager Linn present the 2001-2002 budget to Council no later than May 15, 2001. City Manager Linn felt it would be appropriate to present the budget at that time and added however that the revenue would be hard to predict because two labor contracts expired in September and would be renegotiated and there were also three new revenues including the garbage franchise fee, the telecommunications tax, and the new ½ cent sales tax. City Manager Linn suggested holding the first Budget Workshop meeting on May 14, 2001.
- For the Record Vice Mayor Shimp stated on the record that he felt the budget process was not a fiasco last year and that taxes were not increased.
- Councilor Crout stated that the taxes were not increased however \$180,000 was taken out of the reserve fund to cover expenses.
- Councilor Pruette stated that the property appraiser informed her that property taxes would increase this year and she would do everything possible not to raise the taxes.
- Water/Sewer Project Councilor Crout requested that Water & Wastewater Supervisor Leon Smith attend the Water/Sewer Workshop on April 10, 2001.
- City Clerk Lisa Volpe informed the Council that Resolution No. 2001-06, Ordinance No. 2001-02, and Ordinance No. 2001-03, were not in the agenda packets and had been placed at their seats.

**CITY MANAGER REPORTS**

- 1999-2000 Audit PRESENTATION OF REPORT BY AUDITORS: City Manager Linn announced that the auditors were present to give the report of the financial findings for the year ending September 30, 2000.
- Director of Finance Steve Ramsey gave each Council Member a copy of the Comprehensive Annual Financial Report and introduced Gary Huggett, CPA, Masters, Smith, and Wisby to present the audit.
- Mr. Huggett commended the Finance Department for receiving the "Certificate of Achievement for Excellence in Financial Reporting" issued by the Government Finance Officers Association for the highest level of reporting that a city could achieve. Mr. Huggett proceeded with presenting the report, which showed that the city was in good financial standing.

2001-2002 Budget PROPOSED BUDGET FOR YEAR 2001-2002: City Manager Linn stated that the first Budget Workshop presentation would be held on May 14, 2001.

Water/Sewer Project SPECIAL WORKSHOP MEETING TO DISCUSS THE WATER SEWER PROJECT: City Manager Linn stated that the Water/Sewer Workshop meeting was scheduled for April 10, 2001. Mr. Miller stated that he would not be available to attend the meeting. Councilor Crout requested that Director of Public Works John Galen and Water & Wastewater Supervisor Leon Smith be present at the meeting to explain what needed to be done and what the priorities were. Councilor Pruette asked Jim Miller to prepare a memorandum addressed to the council explaining where the project was and where it was headed.

#### COMMENTS FROM THE PUBLIC

Public Comments Gregory Scott, 3460 Heron Drive North, explained that he and his wife had purchased oceanfront property at Midway and Cedar Street and had requested a variance to place a driveway on a city right-of-way. Mr. Scott added that the Planning & Development Review Board had denied their request. Mr. Scott stated that he had asked to be taken off the council agenda and he would go through the board process.

Linda Padrta, 1113 First Street, felt there should be no infringements on the public beach accesses.

#### CONSENT AGENDA

Jarboe Park APPROVAL OF JARBOE PARK IMPROVEMENT BID PROCESS: Approval to start the bid process for the Jarboe Park Improvement design.

Line Item Transfer APPROVAL OF USE OF CONTINGENCY LINE ITEM \$1,375 FOR NEW COMPUTER: Request to approve transfer of funds in the amount of \$1,375, to replace the accounts payable computer.

Moved by Shimp, seconded by Crout.

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

Ordinance No. ORDINANCE NO. 2001-01, REGULATION CROSS-CONNECTIONS, SECOND READ  
2001-01 AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 23 UTILITIES, OF THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA BY ADDING A NEW SECTION 23-32 ENTITLED "DEFINING AND REGULATING CROSS-CONNECTIONS AND BACKFLOW PREVENTION DEVICES AND PROVIDING CORRECTIONS THEREOF" AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-01 by title only and opened the public hearing.

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

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2001-01.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ordinance No.  
2001-02

**ORDINANCE NO. 2001-02, CLOSING RIGHT-OF-WAY PENMAN TERRACE A.K.A., HOPKINS CREEK, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CLOSING, VACATING AND ABANDONING CERTAIN RIGHTS-OF-WAY IN NEPTUNE BEACH, FLORIDA; PROVIDING EFFECTIVE DATE.**

Legal Advise

City Attorney White advised amending the Ordinance to include Section 2 that would add the language “Upon the request of any of the owners the City Manager and the Mayor are authorized to execute a quit claim deed conveying the north and south extension lines east into parcel B.” City Attorney White explained the addition would avoid any future title complications and potential lawsuits.

Councilor Patronik agreed to sponsor Ordinance No. 2001-02.

Mayor Brown read Ordinance No. 2001-02 by title only and opened the public hearing.

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

Moved by Crout, seconded by Patronik.

Motion: **TO AMEND ORDINANCE NO. 2001-02 BY ADDING SECTION 2.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Moved by Crout, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE 2001-02 AS AMENDED.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ordinance No.  
2001-03

**ORDINANCE NO. 2001-03, FLOODPLAIN MANAGEMENT, FIRST READ: AN ORDINANCE OF THE CODE OF CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, ARTICLE VIII, DIVISION 2, FLOODPLAINS; ADDING OR CHANGING CERTAIN DEFINITIONS AND GUIDELINES REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM AND ESTABLISHING AN EFFECTIVE DATE.**

Vice Mayor Shimp agreed to sponsor Ordinance No. 2001-03.

Moved by Patronik, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2001-03.**

Roll Call Vote:

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

**MOTION CARRIED**

Ordinance No.  
2001-04

**ORDINANCE NO. 2001-04, GARBAGE FRANCHISE FEE, FIRST READ:** AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING SECTION 11-67 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE TO PROVIDE FOR THE COLLECTION OF FRANCHISE FEES FROM GARBAGE COLLECTION CONTRACTORS AND PROVIDING AN EFFECTIVE DATE.

Councilor Crout agreed to sponsor Ordinance No. 2001-04.

Moved by Crout, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2001-04.**

Roll Call Vote:

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

**MOTION CARRIED**

**OLD BUSINESS/NONE**

**NEW BUSINESS**

Development Order

**DEVELOPMENT ORDER FOR MR. AND MRS. GREGORY SCOTT:** City Manager Linn stated he had received a letter from Mr. Gregory Scott on Friday, March 30, 2001, asking him to interpret the code and that he would be responding to his request. City Manager Linn also stated that Mr. Scott asked that the development order be taken off the agenda.

For the Record

Vice Mayor Shimp stated for the record that the citizens had voted for a referendum amending the Charter to prohibit the city from closing, vacating or abandoning any public right-of-way ending on the ocean access without prior approval of the electors. Councilor Shimp added he would not consider giving away any part of the right-of-away because they are for all the citizens of Neptune Beach.

Councilor Pruette agreed with Vice Mayor Shimp and stated that she would fight to protect the right-of-ways.

Councilor Patronik stated according to the referendum the citizens would have to vote to give away city property.

For the Record

Councilor Pruette stated on the record that Florida Law required variances could only be granted in instances where denying a variance would lead to the inability of a property owner to use the property as zoned.

Board Appointments

**RESOLUTION NO. 2001-06, REAPPOINTING BOARD MEMBERS:** RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE CODE ENFORCEMENT BOARD, AND THE PLANNING & DEVELOPMENT REVIEW BOARD.

BOARD OF APPEALS

| Member         | Type            | Term   | Begins     | Ends       |
|----------------|-----------------|--------|------------|------------|
| Jim Miller     | Appoint Regular | 3 year | 04/02/2001 | 04/01/2004 |
| Robert Newbern | Appoint Regular | 3 year | 04/02/2001 | 04/01/2004 |

CODE ENFORCEMENT BOARD

|            |                   |        |            |            |
|------------|-------------------|--------|------------|------------|
| James Niss | Appoint Alternate | 1 year | 04/02/2001 | 04/01/2002 |
|------------|-------------------|--------|------------|------------|

PLANNING & DEVELOPMENT REVIEW BOARD

|                 |                   |        |            |            |
|-----------------|-------------------|--------|------------|------------|
| Sally Vickers   | Appoint Regular   | 3 year | 04/02/2001 | 04/01/2004 |
| Anthony Mazzola | Appoint Alternate | 1 year | 04/02/2001 | 04/01/2002 |
| Gerald Schrule  | Appoint Alternate | 1 year | 04/02/2001 | 04/01/2002 |
| Fred Lee        | Appoint Alternate | 1 year | 04/02/2001 | 04/01/2002 |

Councilor Pruette requested in the future to have all new board members be introduced to the Council and recognized for their duties.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2001-06.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Manager Linn informed that he had exhibitor's passes for the Water/Wastewater Convention Exhibition Hall that would be held on April 9<sup>th</sup> & 10<sup>th</sup> if anyone wished to attend.

Adjournment

There being no further business, the meeting adjourned at 8:11 p.m.

\_\_\_\_\_  
Richard A. Brown, Mayor

ATTEST:

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

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