



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 4, 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 June 4, 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
 Vice Mayor Robert D. Shimp
 Councilor Harriet Pruette
 Councilor Ronald D. Patronik
 Councilor J.W. "Buddy" Crout
 City Attorney Christopher A. White

City Manager Richard A. Linn
 City Clerk Lisa Volpe, CMC
 Deputy City Clerk Karla Strait
 Assistant to the City Manager Terry Klein
 Director of Public Services John Galen
 Director of Finance Steve Ramsey
 Building Official Dan Arlington

Order Call/Pledge

Mayor Brown called the meeting to order and asked Councilor Crout to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

MAY 7, 2001, REGULAR COUNCIL MEETING
MAY 21, 2001, WORKSHOP COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Tax Incentive

TAX INCENTIVE PROPOSAL FOR DUPLEX OWNERS EAST OF THIRD: Mayor Brown stated that he had written a letter to Jacksonville Councilman Jerry Holland requesting his assistance in sponsoring an ordinance. It would be designed to reduce density east of Third Street by freezing the ad valorem taxes for 6 years for property owners who would be willing

to convert a duplex to a single-family home. Councilman Holland requested a Neptune Beach resolution to help with the process

Appreciation

PUBLIC SAFETY DEPARTMENT APPRECIATION: Councilor Pruette shared with the council that she had received a telephone call from a new resident who commended our Public Safety Department for watching their home while they were out of town.

Keep Beautiful Signs

KEEP THE CITY BEAUTIFUL SIGNS: Vice Mayor Shimp suggested replacing the existing "Keep Jacksonville Beautiful" signs with signs that read "Keep Neptune Beach Beautiful."

Water/Wastewater
Priorities

PRIORITY LIST FOR WATER/WASTEWATER IMPROVEMENTS: Councilor Crout stated that he had not received a water/wastewater improvement priority list as promised to the council from the Public Works Department at the April 10, 2001, workshop meeting. Director of Public Works John Galen was present and replied that he would prepare and distribute a priority list with an attached budget by Wednesday, June 6, 2001.

Beach Crossover

BEACH CROSSOVER AT TOWN CENTER: Councilor Pruette asked City Manager Linn to place the beach crossover on his punch list. There were no objections from the council.

Consensus: **TO HAVE THE CITY MANAGER PLACE THE BEACH CROSSOVER ON HIS PUNCH LIST.**

Vice Mayor Shimp stated that the beach crossover needed to be completed this summer and should be a top priority.

CITY MANAGER REPORTS

In response to a memo from Councilor Pruette City Manager Linn stated the following:

1. He was pursuing opportunities for grant money to build dune crossovers.
2. He asked Director of Public Works John Galen to speak with Councilor Pruette regarding the beach access signs.
3. He had a list of streets that were being resurfaced.
4. The problems with air conditioning pumps caused by dewatering had been cleared up and the remaining problems were most likely caused by the drought conditions.
5. Florida Boulevard was not wide enough to safely install turn lanes.
6. A contractor was preparing an estimate for the beach crossover at Town Center.

Consensus: **TO HAVE THE CITY MANAGER PLACE THE GRANT MONEY FOR DUNE CROSSOVERS ON HIS PUNCHLIST**

COMMENTS FROM THE PUBLIC

Public Comments

Tom Tankersley, 1038 Kings Road, was concerned about businesses prospering in the Central Business District. Mr. Tankersley also suggested having scheduled pick up services for toxic waste disposal periodically.

Tom Whittingslow, 110 Lemon Street, asked the council to grant the development order at 120 ½ Lemon Street that would allow for a hot dog stand. Mr. Whittingslow informed the council he had stamped approved plans from the Hotel and Restaurant Commission. Council discussed that the Planning & Development Review Board had recommended approval of the development order before they were informed that carry out only restaurants were not allowed in the central business district. Mr. Whittingslow stressed that the hot dog stand would not be carry out only and there would be seating, restrooms, parking and handicap accessibility.

Legal Advise City Attorney White advised the council to send the development order for 120 ½ Lemon Street back to the Planning & Development Review Board for further review and

consideration. Mr. Whittingslow felt this would cause an unnecessary delay.

John Weldon, Chairman of the Planning & Development Review Board, 108 Oak Street, explained the application that went before the Planning & Development Board was not reviewed accurately.

Agenda Change

AMEND THE AGENDA TO MOVE ITEM 12-B, DEVELOPMENT ORDER FOR 120 ½ LEMON STREET FORWARD FOR A VOTE: Upon hearing the above legal advise it was requested that item 12-B be moved forward for a vote at this time.

Development Order
120 ½ Lemon Street

Moved by Crout, seconded by Pruette.

Motion: **TO MOVE ITEM 12-B, DEVELOPMENT ORDER FOR 120 ½ LEMON STREET FORWARD FOR A VOTE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Moved by Crout, seconded by Pruette.

Motion: **TO SEND THE DEVELOPMENT ORDER FOR 120 ½ LEMON STREET BACK TO THE PLANNING & DEVELOPMENT REVIEW BOARD FOR FURTHER REVIEW.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Public Comments
Continued

Hilton Meadows, asked if his clients request for closing of the alleyways had been advertised for a public hearing. City Manager Linn replied that he did not receive the survey in time to give proper public notice to be placed on the agenda for consideration tonight. Mr. Linn added that the ordinance would be placed on the July agenda for first read.

Kara Tucker, 1650 Leeward Lane, requested that the Ish Brant Beautification Committee be involved in the planning of the Florida Boulevard landscape design. There were no objections from the council.

CONSENT AGENDA

FL Blvd. Landscape
Design

FLORIDA BOULEVARD LANDSCAPE DESIGN PROPOSAL: Approval of the Agreement for the landscape design presented by Goddard Design Associates, Inc. in the amount of \$4,900.

Playground Donation

DONATION TO THE "THE BEACHES PLAYGROUND FOR KIDS" IN THE AMOUNT OF \$1,620: Approval of a donation in the amount of \$1,620 for the Beaches Park Project for Kids.

Moved by Crout, seconded by Shimp.

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.
2001-05

ORDINANCE NO. 2001-05, GARBAGE COLLECTION FEES, FINAL READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 11-27 AND AMENDING SECTION 11-82 AND 11-96 AND 11-106 OF CHAPTER 11, GARBAGE, TRASH AND INDUSTRIAL WASTE, AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2001-05 by title only and opened the public hearing.

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

Moved by Patronik, seconded by Shimp.

Motion: **TO ADOPT ORDINANCE NO. 2001-05 AS STATED ON SECOND AND FINAL READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No.
2001-06

ORDINANCE NO. 2001-06, ORDINANCE TO DEFINE AND CONTROL DETACHED GARAGES, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-324, DEFINITIONS; AMENDING SECTIONS 27-328(3) AND 27-328(4), ACCESSORY BUILDINGS, AND ADDING SECTION 27-238(a)(5), 27-328(a)(6), AND 27-328(a)(7).

Mayor Brown read Ordinance No. 2001-06 by title only.

Moved by Pruette, seconded by Crout.

Motion: **TO PASS ORDINANCE NO. 2001-06 ON FIRST READ.**

Friendly
Amendment:

TO AMEND ORDINANCE NO. 2001-06 TO INCLUDE THE RECOMMENDATIONS BY THE BUILDING OFFICIAL THAT GARAGE APARTMENTS ARE DWELLING UNITS AND SHOULD BE CONSIDERED ONE OF THE TWO UNITS, NOT MORE THAN 25% OF REQUIRED SIDE YARD WITH BUILDING SETBACKS TO BE 7 FEET FROM PROPERTY LINE, MAXIMUM IMPERVIOUS SURFACE FOR ENTIRE LOT OF 65%, 65% MAXIMUM FLOOR AREA RATIOS, MAXIMUM SIZE OF GARAGE SHOULD STILL BE 500 SQUARE FEET AND MAXIMUM SIZE OF APARTMENT 600 SQUARE FEET WHICH INCLUDES PORCHES, DECKS, AND STAIR LANDINGS. MAXIMUM HEIGHT OF 28 FEET.

FRIENDLY AMENDMENT WITHDRAWN BY VICE MAYOR SHIMP.

Roll Call Vote:

Ayes: 2 – Crout, Patronik
Noes: 3 – Pruette, Shimp, Brown

MOTION FAILED

OLD BUSINESS

Resolution No.
2001-08

RESOLUTION NO. 2001-08, ESTABLISHING GARBAGE COLLECTION RATES: A RESOLUTION ESTABLISHING CERTAIN CHARGES OR FEES FOR SOLID WASTE COLLECTION SERVICES.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION NO. 2001-08, ESTABLISHING GARBAGE COLLECTION RATES.**

Roll Call Vote:

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

MOTION CARRIED

NEW BUSINESS

Resolution No.
2001-10

RESOLUTION NO. 2001-10, REAPPOINTMENT: A RESOLUTION REAPPOINTING CARL HASHEY TO THE BOARD OF TRUSTEES POLICE OFFICERS RETIREMENT FUND.

Moved by Shimp, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2001-10. REAPPOINTING CARL HASHEY TO THE BOARD OF TRUSTEES POLICE OFFICERS RETIRMENT FUND.**

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

MOTION CARRIED

Development Order
Dynamic Anderson

DEVELOPMENT ORDER – LOTS 30 THRU 39, BLOCK 1, FLORIDA BEACH PRADO FERRER: City Manager Linn stated that the Planning & Development Review Board recommended approval of this development order and asked the representative to come forward.

Moved by Pruette, seconded by Crout.

Motion: **TO APPROVE THE DEVELOPMENT ORDER OF LOTS 30 THUR 39, BLOCK 1, FLORIDA BEACH PRADO FERRER FOR DYNAMIC ANDERSON.**

Hilton T. Meadows, 6837 Merrill Road, representative for Dynamic Anderson Corporation, explained that this development order had nothing to do with the abandonment of property.

Councilor Crout raised the question of who owned the property. Mr. Meadows responded that Florida Beach Properties had ownership interest in the property and discussion ensued about the ownership.

Council had reservations about approving a development order for someone to develop property that did not belong to them.

Legal Counsel City Attorney White advised that council was entitled to have questions of ownership answered.

Mr. Meadows added that the Andersons had requested the development order and had the consent of Florida Beaches Properties to develop and operate a nursery on the property.

John Weldon, Member of the Planning & Development Review Board, 108 Oak Street, was discouraged that the property was not owned by the Andersons because it had been represented to the Board as owned by them throughout a year of deliberations.

Mr. Meadows asked to defer the request tonight and reconsider it at the next meeting while they get permission of Florida Beach Properties and solve some issues.

Legal Counsel City Attorney White advised that the most effective way to present consent of the owners would be in person at a council meeting.

John Weldon's final comment and what concerned him the most was that if we started granting development orders or abandoning property that would give one business person an advantage over another business owner in a negotiation for the acquisition of property we would be doing a great disservice to the other property owner.

Mr. Meadows stated that abandonment of property in 1998 bordered the property in question. He then asked that the development order be deferred until the July Council Meeting.

MOTION WITHDRAWN

Storm Water Utility PROPOSALS FOR STORM WATER UTILITY: Permission to advertise for request for proposals for the storm water utility rate. City Manager Linn explained that a grant in the amount of \$20,000 had been received from St. Johns River Water Management District to establish a storm water utility. The purpose was to establish a rate structure that was fair to everyone and could be defended in court.

Consensus: **TO MOVE FORWARD WITH REQUESTING PROPOSALS FOR THE STORMWATER UTILITY RATE.**

Final Comments Councilor Pruette had asked the City Clerk's office to provide a list of ongoing council actions and unresolved issues.

Vice Mayor Shimp encouraged that the company hired for the storm water utility be solvent.

Adjournment There being no further business, the meeting adjourned at 8:55 p.m.

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____