



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 6, 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 August 6, 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 Clerk Lisa Volpe, CMC
Vice Mayor Robert D. Shimp	Director of Public Works John Galen
Councilor J.W. "Buddy" Crout	Director of Finance Steve Ramsey
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Assistant to the City Manager Terry Klein
City Manager Richard A. Linn	Deputy City Clerk Karla Strait

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

AGENDA AMENDMENTS

Agenda
Amendments

City Manager Linn requested amending the agenda in order to: 1) hear the results of the refinancing of the Bond Issue, from Michael Stuart, and Dan Livermore, 2) move item 12, Development Orders to follow public comments and, 3) at the request of the property owner of 120 ½ Lemon Street pull Item 12-F1 from the agenda.

Refinance Bond
Issue

APPROVAL OF BOND RESOLUTION TO AUTHORIZE ISSUANCE OF REFINANCE OF THE 1992 BOND ISSUE: Council had authorized the negotiated sale to refinance the 1992 Serial Bonds. City Manager Linn introduced Michael Stuart, Vice President of Gardner Michael Capital.

Michael Stuart, Vice President of Gardner Michael Capital, represented the city for the refunding of 1992 issue. The bonds were sold today and would close on August 27, 2001. The present value savings was \$317,000 after the cost of reissuing the bonds. The bonds mature in the year 2017, the same as the old bonds.

Dan Livermore, Livermore, Freeman, McWilliams, served as the Bond Counsel for the city. Mr. Livermore stated that the city needed to take legal action by approving Resolution 2001-19.

Upon the advise of the City Attorney the City Clerk read the title of Resolution No. 2001-19 for the record.

Resolution No.
2001-19

RESOLUTION NO. 2001-19, AUTHORIZING REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER & SEWER REFUNDING REVENUE BONDS, SERIES 1992:
A RESOLUTION AUTHORIZING THE REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER AND SEWER REFUNDING REVENUE BONDS, SERIES 1992; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$3,685,000 WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2001 OF THE CITY THE PROCEEDS OF WHICH WILL BE APPLIED TO PAY THE PRINCIPAL, REDEMPTION PREMIUMS, AND INTEREST IN RESPECT OF SUCH REFUNDED BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; MAKING CERTAIN OTHER COVENANTS IN CONNECTION THEREWITH; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AWARDED THE BONDS TO THE UNDERWRITER NAMED IN THE BOND PURCHASE AGREEMENT; MAKING CERTAIN FINDINGS AND PROVISIONS WITH RESPECT TO SALE OF THE BONDS; AUTHORIZING CITY OFFICIALS TO EXECUTE THE BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND RELATED DOCUMENTS; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

Motion: **TO APPROVE RESOLUTION NO. 2001-19, AUTHORIZING REFUNDING OF ALL OF THE CITY'S OUTSTANDING WATER & SEWER REFUNDING REVENUE BONDS, SERIES 1992.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

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

JULY 2, 2001, REGULAR COUNCIL MEETING
JULY 5, 2001, BUDGET WORKSHOP COUNCIL MEETING
JULY 9, 2001, SPECIAL COUNCIL MEETING
JULY 9, 2001, WORKSHOP COUNCIL MEETING
JULY 12, 2001, SPECIAL COUNCIL MEETING
JULY 16, 2001, BUDGET WORKSHOP COUNCIL MEETING
JULY 16, 2001, WORKSHOP COUNCIL MEETING

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Patronik stated he had spoken with Director of Finance Steve Ramsey who informed him that the purpose of the new position to be shared between the Building Department and the Finance Department would free up the Code Enforcement Officer and provide more code enforcement.

Councilor Patronik was concerned about the roots of a mulberry tree on Lake Neptune growing into Mr. Fails' property at 510 Oak Street, causing a nuisance problem and he felt the city should remove it. City Manager Linn was concerned about holding the bank back. Vice Mayor Shimp suggested that planting bushes on the bank before cutting down the tree would help to stabilize the bank.

Consensus: **MOVE THE ISSUE OF THE MULBERRY TREE ON LAKE NEPTUNE TO A WORKSHOP MEETING.**

Vice Mayor Shimp asked that the issue of a cost of living increase for the retired police officers be placed on the August 2001, Workshop Meeting. Vice Mayor Shimp felt that his character was being questioned relating to the issue of garage apartments and stated that he had no intention to build a garage apartment on his property.

Mayor Brown stated that he received correspondence concerning lack of security with the possibility of a residential lighting ordinance. Mayor Brown explained the proposed ordinance was not intended to eliminate exterior lighting but to eliminate lighting that may need a change of direction or partial shielding. City Manager Linn explained that the reason it was not on the agenda tonight was because it was sent to the Planning & Development Review Board for recommendations.

Councilor Crout was disturbed about settling neighborhood disputes by adopting an Ordinance and stated that council should not legislate neighborhood disputes.

Councilor Pruette asked Assistant to the Building Official to notify the citizen concerned about security lighting when the Planning & Development Review Board meeting would be held.

City Clerk Lisa Volpe introduced Sybil Ansbacher and Thomas Garzo asking them to stand and be recognized by the council. Ms. Ansbacher and Mr. Garzo were to be appointed by Resolution as alternate members of the Board of Appeals later in the meeting.

CITY MANAGER REPORTS

Jarboe Park

JARBOE PARK IMPROVEMENTS: City Manager Linn reported that the basketball court and tennis court had been resurfaced and new nets and new entrances installed. The two shelters were under construction. Post lamp lighting fixtures were being installed throughout the park for security along the jogging trail. The lighting was nearing completion with the assistance of Jacksonville Beach Electric. The overhead wiring was being replaced with underground conduit.

Utility Improvement

UTILITY CAPITAL IMPROVEMENT PROJECT: City Manager Linn reported the bond company was finishing the project since the contractor declared bankruptcy. They had installed the pumps for the well, the emergency generator, and were working on the fencing and landscaping. The project was nearing completion. A letter had been sent to the bonding company informing of intentions to collect liquidated damages for not complying with the completion date. Jim Miller, PBS&J, negotiated a preliminary estimate of 1.2 million for water east of Third Street with the firm that contracted with

Jacksonville Electric Authority. Mr. Miller was negotiating a further discount from that estimate and funding had been authorized by the state for completion of the project.

Garbage Fees

GARBAGE FEES – REPORT: Councilor Pruette had received complaints from residents that trash was not getting picked up and they were not getting what they were paying for and asked City Manager Linn what was being done to satisfy the citizens. City Manager Linn replied that since the new contract came about in July the number one complaint was the change of yard waste pick up. Residents would call and complain that the truck was picking up the household waste and leaving the yard waste. Mr. Linn explained the reason was because one truck picked up household trash and a later truck picked up yard waste because it was delivered to different places. At first some yard waste was not being picked up until 7:00 or 8:00 p.m. because B.F.I. also had a contract with Atlantic Beach for pick up on the same days. Mr. Linn added that B.F.I. had 24 hours to rectify complaints or the city could charge for liquidated damages. Mr. Linn also added that the amount of complaints had reduced.

COMMENTS FROM THE PUBLIC

Public Comments

Richard Fail, 510 Oak Street, stated that he had been waiting for three years for the city to do something about the roots of the mulberry tree on Lake Neptune growing up all over his property.

Michael Adams, 320 First Street, felt the language in the garage ordinance was not what Vice Mayor Shimp intended. Mr. Adams suggested passing a one sentence bill that said: "The minimum square footage requirement for a duplex on Neptune Beach in the R-4 zoning district is: and pick a number." Mr. Adams did not think Ms. Busbee should have needed a variance to build a duplex.

Michael Dunlap, 212 Lora Street, supported the garage apartment ordinance and suggested two changes: 1) allowing a minimum lot coverage of 60 or 65 percent and, 2) three parking spaces instead of four. Mr. Dunlap added that the 50 x 100 lots had long driveways and would hold a lot of cars but he did not think that was one of our goals in terms of the redevelopment of Neptune Beach.

Steve Hould, 111 Walnut Street, favored increasing the salary of the City Council and the City Clerk. Mr. Hould opposed the garage apartment ordinance feeling that garage apartments should be considered as part of the overall revision of Land Use Code.

Leslie Karlin, 1506 Spindrift Circle, asked what the city was going to do with the \$317,000 saved from the refinancing of the 1992 bond issue. Councilor Crout replied that it was money saved, not real money in hand. Ms. Karlin was concerned about the development on Florida Boulevard.

Lynda Padrta, 1113 First Street, admired the Councils' interest in preserving the city and finding ways to encourage the reduction of density. Ms. Padrta was opposed to the garage apartment ordinance stating that it was not an emergency and a lot more homework needed to be done.

Timothy Ingram, 113 Pine Street, was concerned about the following: 1) that there was not an ordinance regulating residential exterior lighting, 2) the signage at the end of the streets needed to be reduced 3) easements on First Street were being used as driveways and, 4) were the flashing red lights on First Street necessary in conjunction with stop signs when the speed limit was 25 miles per hour.

CONSENT AGENDA/NONE

VARIANCES

216 North Street APPEAL OF DENIAL OF VARIANCE REQUEST FOR 216 NORTH STREET, LOT 6 NEPTUNE BEACH TERRACE: The Board of Appeals denied a variance request to build a duplex on a 6000 square foot lot because the current code required a 6000 square foot lot providing all other density control requirements were met. The density control requirements to accomplish the Comprehensive Land Use Plan worked out to 8,712 square feet.

For the Record Councilor Pruette stated on the record that the lot abutted her lot and she expected the city to make sure that the water drained away from her lot.

Motion: **TO GRANT THE VARIANCE REQUEST FOR MRS. BUSBEE TO BUILD A DUPLEX AT 216 NORTH STREET.**

Moved by Crout, seconded by Pruette.

Legal Advice City Attorney White advised that an inconsistency existed between the density of the Comprehensive Land Use Plan and density of the Code of Ordinances. He wanted council to be aware and understand that it was an issue that could be brought up.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

114 Palm Place FLYNN VARIANCE APPEAL FOR 114 PALM PLACE: The property owner requested an extension move to the September 2001, council meeting.

Motion: **TO GRANT THE EXTENSION OF VARIANCE REQUEST FOR 114 PALM PLACE, FLYNN.**

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Development Order
1476 Atlantic Blvd. DEVELOPMENT ORDER – 1476 ATLANTIC BOULEVARD – OCEAN STATE HEATING AND AIR CONDITIONING: The Planning & Development Review Board approved the proposal for the removal of the existing office building for Ocean State Heating & Air Conditioning and construction of a new building on July 17, 2001. The Board recommended council approve the final development order with the landscape plan.

Motion: **TO ADOPT THE RECOMMENDATION OF THE PLANNING & DEVELOPMENT REVIEW BOARD AND APPROVE THE FINAL DEVELOPMENT ORDER FOR 1476 ATLANTIC BOULEVARD**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

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

MOTION CARRIED

ORDINANCES

Ordinance No.
2001-11

ORDINANCE NO. 2001-11, SETTING COMPENSATION FOR THE COUNCIL, FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 2-49, COMPENSATION FOR THE CITY COUNCIL, OF THE CITY OF NEPTUNE BEACH CODE OF ORDINANCE, INCREASING COMPENSATION FOR THE CITY COUNCIL AND PROVIDING AN EFFECTIVE DATE.

Motion: **TO PASS ORDINANCE NO. 2001-11, SETTING COMPENSATION FOR COUNCIL, ON FIRST READ.**

Moved by Shimp, seconded by Crout.

Roll Call Vote:

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

MOTION CARRIED

Ordinance No.
2001-10

ORDINANCE NO. 2001-10, SETTING STANDARDS FOR GARAGE APARTMENTS, FIRST READ: THAT THE CODE OF ORDINANCES, CITY OF NEPTUNE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING DEFINITIONS TO SECTION 27-216, DEFINITIONS; ADDING A NEW SECTION, TO BE NUMBERED 27-244, SECONDARY DWELLING UNITS; AND AMENDING SECTION 27-540(A)(2)

For the Record Vice Mayor Shimp stated for the record that he was against garage apartments back in June of 2000, but after seeing what had happened with the building of duplexes he felt that people needed other options. He did not believe there would be very many requests to build garage apartments because most properties already had duplexes that would have to be reconstructed or remodeled into single-family homes before they could build a garage apartment. He added that he did not want to build a garage apartment on his property.

Councilor Crout questioned the verbiage of the ordinance and asked Assistant to the Building Official Piper Turner to interpret the code.

Assistant to the Building Official Piper Turner explained:

1. The minimum lot size was not addressed in the ordinance because the Planning & Development Review Board expected Council to make a decision about the minimum size of duplex lots while addressing the variance for 216 North Street. There was a conflict because the code said 6000 square feet and the City Attorneys opinion was 8,712 square feet.
2. The biggest problem with the ordinance was Section 27-236, Multiple Uses of Required Yards Prohibited, no part of required yard or other open space provided in conjunction with one structure or use shall be used to meet the requirements for another structural use, except where specific provision of the contrary is made in this code.
3. On corner lots that have double frontage, the rear yard needed to be defined.
4. There is a conflict between Section 27-244, the minimum width 50 feet for a lot,

and the existing code that requires you to have 60 feet lot fronts.

5. There is an inconsistency with detached garages being required to be 7 feet from the side property line and 5 feet from the back property line when the garage apartment ordinance requires a 25 feet rear property line.

Motion: **TO TABLE ORDINANCE NO. 2001-10, SETTING STANDARDS FOR GARAGE APARTMENTS.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

Ayes: 3 – Crout, Pruette, Brown

Noes: 2 – Patronik, Shimp

MOTION CARRIED

For the Record Councilor Pruette stated for the record she was not opposed to garage apartments if they were done carefully.

Building Official Dan Arlington stated that the code was written with specific rules and general rules. In exceptions the general rules are overwritten with specific rules. For example you have to have 8,712 square foot lot for a duplex, but on corner and double frontage lots with 50 feet would be a specific rule that would override the general rule.

OLD BUSINESS/NONE

Recess/Reconvene The meeting recessed at 8:43 and reconvened at 8:53.

NEW BUSINESS

Resolution No. 2001-17 **RESOLUTION NO. 2001-17, SETTING THE SALARY OF THE CITY CLERK: A RESOLUTION INCREASING THE SALARY OF THE CITY CLERK OF NEPTUNE BEACH.**

Motion: **TO APPROVE RESOLUTION NO. 2001-17, SETTING THE SALARY OF THE CITY CLERK.**

Moved by Crout, seconded by Pruette.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Penman Road Sewer Line **AWARD CONTRACT TO INSITUFORM TO LINE SEWER LINE ON PENMAN ROAD:** City Manager Linn recommended awarding the contract for the rehabilitation of the Penman Road sewer line to Insituform Technologies, Inc. in the amount of \$155,438.00.

Motion: **TO AWARD THE CONTRACT FOR THE PENMAN ROAD SEWER LINE TO INSITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF \$155,438.00.**

Moved by Crout, seconded by Patronik.

Roll Call Vote:

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

MOTION CARRIED

Third Street Medians

AWARD CONTRACT TO LANDSCAPE MANAGEMENT, INC. FOR \$24,060 TO INSTALL IRRIGATION ON THIRD STREET MEDIANS: City Manager Linn recommended awarding the contract for the irrigation of the Third Street medians to Landscape Management, Inc., in the amount of \$24,060.

Motion: **TO APPROVE THE CONTRACT AWARD FOR THE IRRIGATION SYSTEM FOR THE THIRD STREET MEDIANS TO LANDSCAPE MANAGEMENT, INC. IN THE AMOUNT OF \$24,060.**

Moved by Patronik, seconded by Pruette.

Roll Call Vote:

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

MOTION CARRIEDResolution No.
2001-18

RESOLUTION NO. 2001-18, APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS: A RESOLUTION APPOINTING SYBIL ANSBACHER & THOMAS GARZA AS ALTERNATES MEMBERS THE BOARD OF APPEALS TO SERVE A 1 YEAR TERM BEGINNING AUGUST 6, 2001, AND ENDING AUGUST 5, 2002.

Motion: **TO APPROVE RESOLUTION NO. 2001-18, APPOINTING ALTERNATE BOARD MEMBERS TO THE BOARD OF APPEALS.**

Moved by Crout, seconded by Patronik.

Roll Call Vote:

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

MOTION CARRIEDFlorida Blvd.
Water Lines

APPROVAL OF PBS&J PROPOSAL FOR DESIGN OF MAIN WATER LINE ON FLORIDA BOULEVARD AND WATER LINES IN THE BAL HARBOUR SUBDIVISION: City Manager Linn recommended approval of the design proposal of the main water line along Florida Boulevard. Mr. Linn also recommended delaying the Bal Harbour Project until Phase I A, B & C was completed and the funding had been applied for.

Motion: **TO APPROVE PBS&J PROPOSAL FOR DESIGN OF MAIN WATER LINE ON FLORIDA BOULEVARD AND WATER LINES IN THE BAL HARBOUR SUBDIVISION.**

Moved by Shimp, seconded by Crout.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 9:13 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____