



MINUTES
REGULAR CITY COUNCIL MEETING
NOVEMBER 6, 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 November 6, 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
 Deputy City Clerk Karla Strait
 Building Official Dan Arlington
 Assistant to the City Manager Terry Klein
 Assistant to the Building Official Piper Turner

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:**

SEPTEMBER 7, 2000, SPECIAL BUDGET MEETING
OCTOBER 2, 2000, REGULAR CITY COUNCIL MEETING
OCTOBER 16, 2000, SPECIAL CITY COUNCIL MEETING
OCTOBER 16, 2000, WORKSHOP CITY COUNCIL MEETING
OCTOBER 16, 2000, TOWN HALL MEETING
OCTOBER 23, 2000, LAND DEVELOPMENT REGULATIONS

Moved by Patronik, seconded by Tankersley.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Amend Agenda for

Vice Mayor Jones requested an amendment to the agenda to review a variance appeal for

Variance Request the property located at 114 South Street that was before Council at the September Meeting and sent back to the Board of Appeals because the garage issue had not been resolved. Vice Mayor Jones added that the garage issue had been resolved and felt that it was timely to hear the variance request.

Motion: **TO AMEND THE AGENDA TO HEAR THE VARIANCE REQUEST V-00-23, FOR CLIFFORD AT 114 SOUTH STREET.**

Moved by Jones, seconded by Patronik.

Legal Opinion City Attorney White stated that his opinion was that the appeal had not been filed within the five-day time limit, with the fee of \$100.00. Mr. White added if an appeal was not filed within the five-day limit that the citizen had to re-file the variance application request. Mr. White informed the council that they could wave those requirements if they so desired.

Building Official Dan Arlington explained that the Clifford's had filed a two part variance request, one being an addition to the front of the house that was heard and denied and should not be appealed because the time requirement had passed. The second part was a garage apartment in their backyard that went before council and back to the variance board. The Board of Appeals determined that it was a second dwelling unit and could not be on the property.

Mayor Vaughn stated that he agreed that it needed to be heard except for the fact that it had not been properly noticed to the public.

Roll Call Vote:

Ayes: 2 – Jones, Shimp

Noes: 3 – Patronik, Tankersley, Vaughn

MOTION FAILED

City Clerk Lisa Volpe wished Councilor's Patronik and Tankersley a happy birthday.

Local 630 City Manager Linn explained that the Public Employees Relation Commission had denied a petition to include several white-collar classifications in the blue-collar unit. Mr. Linn added that the white-collar unit had re-petitioned to be recognized as a separate unit.

Utility Improvement Project Councilor Patronik asked if the area north of Florida Boulevard and west of Third Street was on the list of high priorities. City Manager Linn responded that Mr. Miller, the consultant, was present and was prepared to start in that area if council desired to move forward.

CITY MANAGER REPORTS

Garbage Proposal City Manager Linn reported that a pre-bid was scheduled with contractors for November 16, 2000, at 1:30 p.m. and a bid opening was scheduled on December 6, 2000, at 3:00 p.m.

COMMENTS FROM THE PUBLIC

Public Comments Lee Hope, 324 Driftwood Road, opposed Ordinance No. 2000-12 because he owned a 23' motor home and the cable boxes, fire hydrants, and power pole in the right of way prevented him from moving it to his side yard.

Mary Truta, 701 Valley Forge Road North, felt people should pay for the parking of their recreational vehicles in a storage facility and favored Ordinance No. 2000-12.

Nadia Ioannides, 633 Valley Forge Road North, felt that the recreational vehicles were

unsightly and hazardous.

Pat Lynch, 700 Valley Forge Road North, felt she was fortunate that she lived in Neptune by the Sea because covenants and restrictions that prohibited the parking of commercial vehicles, boats, and recreational vehicles governed them.

W. F. Clifford, 114 South Street, stated that had been trying to get a variance since June to expand his house and was disappointed that council would not hear his variance appeal request.

Special Meeting

Mayor Vaughn called for a Special City Council Meeting to be held, with proper notice to the public, on November 13, 2000, to hear Mr. Clifford's variance request.

Hal Mankin, 2037 Sandpiper Point, thanked the council for their hard work and stated that he had lived next to a recreational vehicle for two and half years and it was unsightly.

Richard Fail, 510 Oak Street, opposed Ordinance No. 2000-12 because he felt it took away people's personal rights.

Jim Rice, 701 Bay Street, felt that people should be able to park on their private property and that all citizens should not have to be penalized because of one problem.

CONSENT AGENDA/NONE

VARIANCES/NONE

ORDINANCES

Ordinance 2000-12

ORDINANCE NO. 2000-12 FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RENUMBERING AND AMENDING EXISTING SECTION 22-28, PARKING OF BOATS AND TRAILERS AND AMENDING SECTION 22-28 TO INCLUDE A NEW SUBSECTION B, PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT OR BOATS ON PRIVATE PROPERTY AND PROVIDING AN EFFECTIVE DATE.

Moved by Jones, seconded by Vaughn.

Motion: **TO PASS ORDINANCE NO. 2000-12.**

Discussion ensued about moving the ordinance back to a workshop.

MOTION WITHDRAWN

Consensus: **TO MOVE ORDINANCE NO. 2000-12 TO THE NOVEMBER 20, 2000, WORKSHOP MEETING.**

OLD BUSINESS/NONE

NEW BUSINESS

Board Appointments/
Resolution No. 2000-
19

MAYORAL APPOINTMENTS BY RESOLUTION 2000-19: RESOLUTION APPOINTING AND RE-APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, PLANNING AND DEVELOPMENT REVIEW BOARD AND THE CODE ENFORCEMENT BOARD.

Moved by Shimp, seconded by Tankersley.

Motion: **TO VOTE ON EACH BOARD APPOINTMENT INDIVIDUALLY.**

Discussion ensued.

Consensus: **TO REMOVE MR. BRUCE REHMER'S NAME FROM THE LIST OF APPOINTEES.**

Motion: **TO APPROVE THE RESOLUTION OF BOARD APPOINTMENTS AND RE-APPOINTMENTS WITHOUT BRUCE REHMER'S NAME ON THE LIST.**

Moved by Shimp, seconded by Tankersley.

Appointees; Leslie Karlin, James Niss, and Donald White introduced themselves to the council.

Roll Call Vote:

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

Noes: 0

Mayor Vaughn noted that his yes vote was not in agreement for Mr. Rehmer to have been removed from the list of appointees but to accept all the others.

MOTION CARRIED

Resolution 2000-18

RESOLUTION 2000-18: A RESOLUTION OF THE CITY OF NEPTUNE BEACH AUTHORIZING THE CITY MANAGER TO SIGN ANY MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAYPORT FLYOVER AND OTHER PROJECTS.

Moved by Jones, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2000-18.**

City Manger Linn explained that the Florida Department of transportation required the maintenance agreement to assure the survival of the landscaping.

Mayor Vaughn read Section 2.04 of the City Charter as follows: The Mayor shall preside at meetings of the council and shall be recognized as head of the city government for acceptance of service of process, ceremonial matters and by the Governor for purposes of military law, and execution of contracts, deeds, and other documents. Mayor Vaughn asked that the resolution be revised to reflect that the mayor should sign the agreement and take out the word "any" and reflect just the maintenance agreement required by Florida Department of Transportation.

Discussion ensued.

Roll Call Vote:

Ayes: 4 – Jones, Patronik, Shimp, Vaughn

Noes: 1 - Tankersley

MOTION CARRIED.

Recess/Reconvene

Mayor Vaughn called a recess at 9:00 p.m. and the meeting reconvened at 9:15 p.m.

Tennis Program

LONG TERM RENTAL CONTRACT FOR TENNIS PROGRAM: City Manager Linn requested approval of a lease that he had prepared at council's request for the use of a portion of the tennis courts for a tennis instructional program at Jarboe Park.

Moved by Jones, seconded by Patronik.

Motion: **TO ACCEPT THE LONG TERM RENTAL CONTRACT FOR THE TENNIS PROGRAM WITH THE WORD "COURTS" UNDER ITEM (O) PARAGRAPH 1 MAKE SINGULAR INSTEAD OF PLURAL AND ADDING CLARIFICATION LANGUAGE TO ITEM 8 ON THE BACK PAGE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Air-Sea Show

AUTHORIZATION TO LIST THE AIR-SEA SHOW AS A TV TRUST FUND SPONSORED EVENT: City Manager Linn recommended adding the 2001 Air and Sea Spectacular Show as a sponsored event to allow funding of the \$10,000 commitment.

Discussion ensued regarding whether or not council committed to \$10,000.

Moved by Tankersley, seconded by Patronik.

Motion: **TO AUTHORIZE TO LIST THE AIR SEA SHOW AS A TV TRUST FUND SPONSORED EVENT FOR THE \$10,000 THAT THE CITY HAD ALREADY COMMITTED.**

Roll Call Vote:

Ayes: 4 – Patronik, Shimp, Tankersley, Vaughn

Noes: 1 – Jones

MOTION CARRIED

Lighting Neptune Beach Elementary School

APPROVAL OF \$2,100 EXPENDITURE FROM THE CONTINGENCIES AND EMERGENCIES NON-DEPARTMENTAL OF THE GENERAL FUND – FOR LIGHTING NEPTUNE BEACH ELEMENTARY SCHOOLS: City Manager Linn explained that during the budget process \$150,000 was set aside in contingencies to cover unexpected expenditures. Mr. Linn recommended approval for \$2,100 for lighting at Neptune Beach Elementary ball field.

Moved by Shimp, seconded by Patronik

Motion: **TO APPROVE THE EXPENDITURES FROM NON DEPARTMENTAL CONTINGENCIES & EMERGENCIES FOR LIGHTING AT NEPTUNE BEACH ELEMENTARY SCHOOL PRACTICE FIELD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Utility Improvement Project

APPROVAL OF PHASE I – B & C OF UTILITY IMPROVEMENT PROJECT: City Manager Linn reported that the consultant, PBS&J, had completed the design of Phase I – B & C, the area east of Third Street, and north and south of Florida Boulevard. Mr. Linn recommended approval of the design.

Jim Miller of PBS&J stated that the plans for Phase I – B & C were ready for bidding, however they could not be sent out for bid until 30 to 60 days prior to the completion of Phase I –A, which was expected to be completed June, 2000. Mr. Miler answered questions from council.

Moved by Patronik, seconded by Shimp.

Motion: TO ACCEPT THE PLANS AND DESIGN FOR THE UTILITY IMPROVEMENT PROJECT – PHASE I – B & C.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Appointment/Council Seat 3

APPOINTMENT TO FILL VACANT COUNCIL SEAT 3 – VICE MAYOR JONES RESIGNATION: City Manager Linn explained that Vice Mayor Jones' resignation would be effective at noon, November 7, 2000.

Legal Opinion

City Attorney White explained that under the City Charter an appointee would have to hold office until the next annual election of the city and advised to let the seat remain vacant until Councilor Elect Harriet Pruette took office.

Discussion ensued.

Moved by Shimp, seconded by Patronik.

Motion: TO KEEP VICE MAYOR JONES ON THE COUNCIL UNTIL DECEMBER TO FILL HIS OWN VACANCY.

MOTION WITHDRAWN

Consensus: TO ADD THE APPOINTMENT OF COUNCILOR JONES TO THE SPECIAL MEETING AGENDA, MONDAY, NOVEMBER 13, 2000.

Adjournment

There being no further business, the meeting adjourned at 10:50 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved:

