



MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 8, 2002 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 8, 2002, 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 Jimmy Gilbert
 Councilor Ronald D. Patronik
 Councilor Harriet Pruette
 City Manager Richard A. Linn

City Attorney Christopher A. White
 City Clerk Lisa Volpe, CMC
 Assistant to the City Manager Terry Klein
 Assistant to the Building Official Piper Turner
 Director of Finance Steve Ramsey
 Building Official Dan Arlington
 Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and asked Councilor Patronik to lead the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE

APPROVAL OF MINUTES

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

MARCH 4, 2002, REGULAR COUNCIL MEETING
MARCH 18, 2002, WORKSHOP COUNCIL MEETING
MARCH 25, 2002, WORKSHOP COUNCIL MEETING
MARCH 28, 2002, SPECIAL COUNCIL MEETING

Moved by Shimp, seconded by Patronik.

Roll Call Vote:

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

MOTION CARRIED

Agenda Amendment

AMENDMENT TO AGENDA: Mayor Brown suggested amending the agenda to allow public comments first, followed by items 12-E, Development Order for minor replat change on Oakhurst Drive, and 12-F Development Order for 115 Third Street, Amsouth Bank.

Consensus: **TO AMEND THE AGENDA ALLOWING PUBLIC COMMENTS FIRST, FOLLOWED BY ITEMS 12-E AND 12-F.**

COMMENTS FROM THE PUBLIC

Public Comments

Bill Darush, President of Summer Sands Homeowners Association, read the following letter he had written to the Council:

April 8, 2002

The Board of Summer Sands represented by Bill Darush and numerous homeowners would like a few minutes to discuss possible access roads to the West/Jarrett lots associated with Section 12 (E) and how they would impact Summer Sands, a compact well-defined community of 192 homeowners.

We would like the City Council to consider that we have maintained the entire entry area for 15 years, annually provided \$250,000 - \$300,000 in taxes and have a genuine concern regarding traffic patterns through Summer Sands and from Florida Boulevard, either via Oakhurst or next to the Little Red School House.

Thank you

Mr. Darush explained the homeowners were concerned about Steve Jarrett's development. His plans were to open up Oakhurst Drive allowing 16 vehicles access to the four duplexes through the Summer Sands entrance off Atlantic Boulevard. Mr. Darush added Summer Sands already had problems entering and leaving the subdivision because there was no traffic light at the Atlantic Boulevard entrance. The homeowners were also concerned about extending Oakhurst Drive through to Florida Boulevard. They felt the extension would create a cut through via Summer Sands to Atlantic Boulevard. The homeowners asked that Mr. Jarrett's development be accessed providing the least traffic pattern for Summer Sands. Mr. Darush suggested the development be accessed via Oakhurst Drive next to the Little Red School House.

City Manager Linn explained the item on the agenda before the Council was the minor plat division of one lot in the development. The land had already been platted and City Ordinances called for either a cul-de-sac at the end of the road or a connection to two other roads. Mr. Linn added the City could not create a land lock on the property by denying ingress or egress.

Mayor Brown asked if a final decision had been made on the roadway. City Manager Linn responded as long as the road met the City Code requirements a building permit could be issued without Council approval.

Mr. Darush stated he had no objection to Mr. Jarrett dividing the lot. What he objected to were the owners of the new duplexes accessing the property via the Summer Sands entrance off of Atlantic Boulevard. Mr. Darush felt Summer Sands property owners should be given a voice in the matter.

Mayor Brown asked if the Planning & Development Review Board had considered the ingress and egress. City Manager Linn responded the Planning & Development Review Board would not address the issue unless the Council directed him to bring it before them.

City Manager Linn stated that Mr. Jarrett had indicated his intentions were to access the development through Oakhurst Drive adding a cul-de-sac at the end that would not

connect with Bay Street.

Vice Mayor Shimp stated that Mr. Jarrett's current plan connected to Summer Sands. He added that the owners in Summer Sands had always stood together when it came to their property. They were always opposed to the idea of adding an entrance to Summer Sands off of Florida Boulevard. Vice Mayor Shimp felt that Mr. Jarrett needed to look for an alternative entrance and City Council should make the final decision on the access into the development.

Councilor Pruette agreed with Vice Mayor Shimp and added that according to the Planning & Development Review Board minutes there was also a drainage problem on Mr. Jarrett's property. She was concerned that once the property was developed it would add to the water problem. The Development Order as it stood tonight clearly allowed access through Summer Sands to Oakhurst Drive. Councilor Pruette suggested holding a separate workshop meeting to address the issue.

City Manager Linn stated Mr. Jarrett's representative would address those concerns when item 12-E came up on the agenda.

Councilor Patronik stated that allowing Mr. Jarrett's development access through Summer Sands would have a negative impact on 192 homeowners for the benefit of only a few homeowners.

Oakhurst Drive

DEVELOPMENT ORDER – APPROVAL OF MINOR PLAT CHANGE OAKHURST:

Arlene Allard, representative for Jarrett Development, stated that Mr. Jarrett was well aware of the ingress and egress issues and the citizens of Summer Sands concerns. Ms. Allard added the Development Order called for only the minor replat of Lot G, Block 22. Mr. Jarrett's plan was to separate that lot into two individual lots. Ms. Allard added that the Duval County tax records already identified the lot as two separate lots.

Mayor Brown asked City Attorney White if the Development Order could be amended to approve the minor replat dividing the two lots only.

City Attorney White questioned what Mr. Jarrett's intentions were for accessing the development if the Council approved the Development Order tonight.

Ms. Allard stated that Mr. Jarrett's intention at this point was to access the development through the Summer Sands entrance to Oakhurst Drive adding a cul-de-sac at the end of Lot 11.

City Attorney White clarified that if the Development Order was approved construction could proceed and it was Mr. Jarrett's intention to commence the paving and grading of the extension of Oakhurst Drive. The Development Order before Council was the approval of the minor replat dividing Lot G, Block 22, which included the grading and paving of Oakhurst Drive.

City Manager Linn questioned the fact that if Mr. Jarrett had not requested a replat of the development the issue of Oakhurst Drive would not require Council approval. City Attorney White responded that Mr. Linn was correct and if not for the request of the minor replat the issue of ingress/egress would not need approval of the Council.

Councilor Pruette asked if there was another way the property could be accessed. City Manager Linn replied that the City could abandon a portion of Poinciana Road and allow access to the development off Bay Street.

Councilor Gilbert stated that Bay Road was currently a gravel road and asked if it would serve as a road in its current state. City Manager Linn replied yes, it could serve as a road. Councilor Gilbert asked if Mr. Jarrett paved the road in front of his lots would the

Little Red Schoolhouse be assessed for the street in front of them? City Manager Linn responded if the City paved a street at the request of a developer or property owners there would be a special assessment to the adjacent property owners. Mr. Linn added that the developer normally paved the streets in new developments. Councilor Gilbert suggested compromising with Mr. Jarrett by asking him to pave the street in front of his development and have the City pave the connecting 50 feet. He felt Mr. Jarrett should only be responsible for paving the street in front of his development. Councilor Gilbert added that if the Development Order for dividing Lot G did not include the utilization of Oakhurst Drive he would not have a problem approving it.

City Manager Linn stated if the City paved the road there would be an assessment to the adjacent property owners.

Vice Mayor Shimp asked the Council to compromise by allowing the developer to subdivide the lot with the condition of Mr. Jarrett accessing the property through Bay Street.

City Attorney White advised that a final plan should be in place before a condition was placed on a Development Order. He would be cautious about placing a condition of accessing the development through Bay Street without seeing the final plan.

Councilor Pruette asked City Attorney White if the Council could approve only the minor replat dividing Lot G.

City Attorney White stated that if it was approved it would allow access through Oakhurst Drive. Mr. White added that the minor replat could be denied and revisited when the issue of access was adequately addressed. A denial would not place any restrictions on bringing the issue back up.

Moved by Shimp, seconded by Patronik.

Motion: **TO AMEND THE AGENDA AND VOTE ON ITEM 12-E, DEVELOPMENT ORDER – APPROVAL OF MINOR REPLAT – OAKHURST DRIVE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Moved by Shimp, seconded by Patronik.

Motion: **TO DENY THE DEVELOPMENT ORDER FOR APPROVAL OF MINOR REPLAT – OAKHURST DRIVE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Councilor Pruette asked the staff to inform the citizens of Summer Sands when the final Development Order would be on the agenda.

Leeward Landing

LEEWARD LANDING NORTH – DEVELOPMENT BY STEVE JARRETT: Mayor Brown allowed Mr. Darush's request to address another problem in Summer Sands while the homeowners were present. Mr. Darush explained that Summer Sands also had

problems with Leeward Landing North, a townhouse development by Steve Jarrett. One concern was a large drain that was in Summer Sands and had since been raised about a foot and moved onto Mr. Jarrett's side in Leeward Landing. There was now massive flooding in the back of the homes immediately behind the area. He had also spoke with Mr. Jarrett about the continuation of the existing green chain link fence that had always been in Summer Sands. Mr. Jarrett had torn down half of the fence and promised he would replace it and add fencing along the backside of Leeward Landing North. Mr. Jarrett still had not replaced the fence and Mr. Darush had no assurance or anything in writing from Mr. Jarrett. Mr. Darush asked if someone from the city could make sure the fence was replaced. The other problem was the property the city abandoned to Mr. Jarrett allowing him to pave the cul-de-sac. The north side of the cul-de-sac impacted the houses in Summer Sands by backing right up to their backyards. The cul-de-sac was 6 inches from one homeowner's backyard. Mr. Darush felt the development should not have been approved allowing the cul-de-sac to be that close to the lots in Summer Sands.

Chip Manley, 1453 Spindrift Circle East, stated he had spoken with Mr. Jarrett back in July 2001, and Mr. Jarrett assured him he would replace the fence and landscape that side of the road within 30 days. Mr. Manley stated he no longer had any privacy, he could see headlights from the cars on the road, and people were trespassing through his backyard to get into Leeward Landing North. Mr. Manley added he was not aware of the development until he saw the bulldozers.

Mayor Brown asked City Manager Linn to add the issues of the fence, the drain, and the cul-de-sac to his punch list so they could be addressed in a future workshop meeting.

Councilor Patronik asked if the cul-de-sac had been paved in accordance with the approved drawings. Building Official Dan Arlington replied he had inspected the property and it was in accordance with the approved plans.

Building Official Dan Arlington explained the developer of Summer Sands developed the property right up to the back property line at the Oakhurst Drive right-of-way. Mr. Jarrett used the right-or-way for its proper purpose.

City Manager Linn questioned why those issues should be placed on his punch list because the Development Order for Leeward Landing North had already been approved by the Planning & Development Review Board and was also reviewed and approved by the City Council. The problem arose when the original plans for Summer Sands were approved allowing the lots to be developed up to the 15 feet right-of-way.

Mayor Brown felt the issue of the fence repair and the drain should be discussed at a workshop meeting. City Manager Linn stated that city staff would be able to solve those problems.

Vice Mayor Shimp was concerned that the residents of Summer Sands were not informed of the Leeward Landing North development. City Manager Linn responded the Development Order was advertised in the local newspaper in accordance with the Code. Vice Mayor Shimp felt the residents should also have been notified by other means.

Mr. Daruse felt the road should be moved because it was too close to their property. Mr. Daruse asked the Council go out and take a look at the property and readdress the issue.

Councilor Pruette asked the city staff to notify property owners in neighborhoods with homeowner associations when something effected their subdivision.

Consensus: **TO DISCUSS THE ISSUES FURTHER AT A WORKSHOP**

MEETING.

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. the meeting reconvened at 8:10 p.m.

Mayor Brown asked for a motion to move items 12-F and 12-H forward on the agenda.

Moved by Shimp, seconded by Patronik.

Motion: **TO MOVE ITEMS 12-F AND 12-H FORWARD ON THE AGENDA.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Amsouth Bank

DEVELOPMENT ORDER – 115 THIRD STREET – AMSOUTH BANK: Bob Zigginpus and James Moore, the architects and engineers for Amsouth Bank, came forward to represent Amsouth Bank. Mr. Zigginpus explained the plan called for completely demolishing the existing vacant Hardee's restaurant and parking lot and saving the established palm trees along A1A. The only issue that arose at the Planning & Development Review was the signage. The property had three street frontages and according to Code would be allowed three signs, one sign per street frontage. The original plan was for two signs. During the Planning & Development Review Board meeting they agreed to one sign. The sign would be 22 feet high, 71 square feet in area, located on the southwest corner of the property at Third Street and Lemon Street.

Vice Mayor Shimp questioned if Amsouth Bank would be a full service bank. Mr. Zigginpus responded yes; that it would have a lobby, drive through lanes, and an ATM.

Councilor Pruette asked if they were going to allow cars to park in their parking lot at night or if they would block it off at night. Mr. Zigginpus responded they did not intend to block parking at night. However, the bank would frown on overnight parking because of security reasons. Mr. Zigginpus explained if there was a car parked in the parking lot in the morning the manager would not be able to open the bank because of the possibility of a robbery.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE DEVELOPMENT FOR 115 THIRD STREET – AMSOUTH BANK.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution
No. 2002-05

RESOLUTION NO. 2002-05, SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY: A RESOLUTION OF SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY IN THE ORGANIZATION'S EFFORT TO BUILD A MUSEUM TO PRESERVE AND DISPLAY OUR RICH COASTAL HISTORY.

Mayor Brown acknowledged that Sam Vanleer, the Chairman of the Board, and past President Bill Hilleglass were in the audience.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE RESOLUTION 2002-05, SUPPORT FOR THE BEACHES AREA HISTORICAL SOCIETY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette requested copies of Jacksonville Beach and Atlantic Beach's Stormwater Utility Ordinance for discussion at the April Workshop meeting.

CITY MANAGER REPORTS

- Sunday in the Park **SUNDAY IN THE PARK:** City Manager Linn reminded the Council to don their chef hats and aprons to grill hamburgers and hotdogs Sunday April 14th from 1:00 p.m. to 5:00 p.m. for the Sunday in the Park Festival.
- Employee Appreciation **EMPLOYEE APPRECIATION LUNCHEON:** City Manager Linn invited Council Members to attend the employee appreciation and recognition hot dog luncheon on Friday, April 26th at 12:00 p.m. at the City Yard. The employees would be receiving city pins and certificates for their years of service.
- Fire Hydrants **FIRE HYDRANT REPLACEMENTS:** City Manager Linn reported that a total of 11 out of 21 fire hydrants had been replaced.

COMMENTS FROM THE PUBLIC

Gordon Gruhn, 500 Ranch Road, Ponte Vedra Beach, a utility contractor stated that his efforts for revising the pre-qualifications of Phase 1 B&C of the Water & Sewer Project were for the benefit of Neptune Beach not personal interest.

Ryan Schmitt, 506A Oceanfront, stated his effort for revising the specifications for Phase 1 B&C of the Water & Sewer Project was also in the interest of Neptune Beach. His company did not bid on the project because of the penalties. As a citizen he was concerned that out of sixty contractors there were only two bids both from out of town contractors.

Lynda Padrta, 1113 First Street, questioned why the room full of contractors that delayed the project by demanding the pre-qualifications and specifications be lowered did not even bid on the project. Ms. Padrta felt consideration should be given to homeowners with less concrete and impervious surfaces on the Stormwater Utility Ordinance.

Judy Bost, 115 Walnut Street, felt the City did the right thing by helping the owners of Watersedge with their drainage problem. Ms. Bost stated however that when she visited the property there was trash and broken down vehicles all over the property. Ms. Bost felt the City had done enough for them and they should deal with their own problems in the future.

CONSENT AGENDA / NONE

VARIANCES

Variance V02-13

APPEAL OF DENIAL OF VARIANCE REQUEST – LEMAN ROSENBERG – 101

Rosenberg
101 Myra St.

MYRA STREET: Donald White, Chairman of the Board of the Appeals stated that Mr. Rosenberg had come before the Board of Appeals with a request to remove his balcony and extend the exterior wall 2'11" on the east side. Mr. White explained that according to the current Code he would be able to add a four foot deck beyond that and the deck would be to close too the street. Mr. White stated the Board of Appeals denied the variance by a three to two vote.

Councilor Gilbert stated that the Board of Appeals was more familiar with these types of codes because they dealt with them on a month-to-month basis. He felt the variance should be sent back to the Board of Appeals. He added that if Council approved the variance they would be undermining the authority of the Board.

Chairman White stated in accordance with the Code an appeal to the City Council was only allowed on a basis of a procedural error. If Mr. Rosenberg determined and could prove there was a procedural error he would be entitled to go back before the Board for another vote.

Councilor Pruette asked City Attorney White if the Council had to rule on a procedural error. Mr. White responded the Council had to rule on whether or not proper notice was given, if there was a procedural defect, or a lack of substantial evidence to support the decision of the Board. Those were the items restricted to review the appeal. Mr. White added that the Code read that on appeal the Council had to affirm, modify, or reverse the decision of the Board and it could not be sent back for additional review.

Vice Mayor Shimp stated that Mr. Rosenberg did not ask for a variance to build a deck and the 4' deck should not have been considered in the variance request. He was only asking for a 2'11" extension that would remain under the roofline. Vice Mayor Shimp added if the Board found a problem in the Code they should address it to Council.

Councilor Patronik thought after reading the transcript from the Board meeting that there was confusion among the members as to what they were voting on.

Mr. Lemman Rosenberg, 101 Myra Street, explained he was asking for the variance for a 2'11" extension. He wanted to take out the deck that extended 4' out under the roofline and extend the exterior wall out 2'11" to allow for more interior space in his bedrooms. He had no intentions of adding a 4' deck and he would be willing to sign an agreement to that effect.

Vice Mayor Shimp asked City Attorney White if the Council could approve the variance with the condition that Mr. Rosenberg is not allowed to build a 4' deck.

City Attorney White advised the Council could modify it, put conditions on it, or whatever they wanted to do.

Councilor Gilbert asked if the condition of the 4' deck would be placed on the property itself or just for Mr. Rosenberg.

Vice Mayor Shimp stated the issue of allowing 4' decks without a variance would be dealt with during the review of the Land Development Regulations.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND APPROVE THE VARIANCE FOR ROSENBERG – 115 MYRA STREET UNDER THE CONDITION THAT HE DOES NOT BUILD A 4' DECK.**

Roll Call Vote:

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

MOTION CARRIED

ORDINANCES

Ordinance No.
2002-02

ORDINANCE NO. 2002-02, ESTABLISHING THE STORMWATER UTILITY, FIRST READ, SPONSORED BY COUNCILOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA ESTABLISHING THE CITY'S STORMWATER UTILITY SYSTEM; SETTING FORTH PROVISIONS FOR SCHEDULE OF RATES; BILLING AND PAYMENT AND OTHER MATTERS IN RELATION THERETO; AMENDING SECTIONS 27-480(A), 27-548(D) AND 27-548(E) AND PROVIDING AN EFFECTIVE DATE.

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-02 ON FIRST READ ADDING SECTION 23, ARTICLE V, TO THE TITLE.**

Roll Call Vote:

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

MOTION CARRIED

OLD BUSINESS

Award Utility
Contract

AWARDING OF UTILITY CONTRACT – UTILITY IMPROVEMENT PROGRAM PHASE 1 B&C – FLORIDA BOULEVARD – BAL HARBOUR: City Manager Linn recommended awarding the bid to the lowest bidder, Utilix Corporation, in the amount of \$1,575,752.11. Mr. Linn added that the approval would be contingent on the approval of the Florida Department of Environmental Protection.

Moved by Pruette, seconded by Shimp.

Motion: **TO AWARD THE CONTRACT FOR PHASE 1 B&C OF THE WATER IMPROVEMENT PROJECT TO UTILX CORPORATION IN THE AMOUNT OF \$1,575,752.11 CONTINGENT ON THE APPROVAL OF FDEP.**

Roll Call Vote:

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

MOTION CARRIED

City Manager Linn added a pre-construction meeting would be held on April 18th and DEP would be present at the meeting.

NEW BUSINESS

Resolution
No. 2002-02

RESOLUTION NO. 2002-02, SUPPORT OF USS JFK: A RESOLUTION URGING THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND THE U.S. DEPARTMENT OF DEFENSE TO MAKE EVERY EFFORT TO ENSURE THAT THE UPCOMING MAJOR OVERHAUL OF THE AIRCRAFT CARRIER USS JOHN F. KENNEDY BE PERFORMED AT ITS HOME PORT OF NAVAL STATION MAYPORT

IN JACKSONVILLE, FLORIDA; DIRECTING THE COUNCIL SECRETARY TO FORWARD COPIES OF THIS ADOPTED RESOLUTION TO THE MEMBERS OF THE NORTHEAST FLORIDA CONGRESSIONAL DELEGATION AND TO THE U.S. SECRETARY OF DEFENSE AND SECRETARY OF THE NAVY; PROVIDING AN EFFECTIVE DATE.

For the Record Councilors Pruette and Patronik recused themselves from voting on Resolution No. 2002-02 because they worked for the Federal Government.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2002-02, SUPPORT OF THE USS JFK.**

Roll Call Vote:

Ayes: 3 – Gilbert, Shimp, Brown

Noes: 0

Abstain: 2 – Patronik, Pruette

MOTION CARRIED

Resolution
No. 2002-03

RESOLUTION NO. 2002-03, SUPPORT OF NAVY AIR & SEA SHOW: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA IN SUPPORT OF THE U.S. NAVY PRESENTING THEIR ANNUAL AIR SHOW AT NAVAL AIR STATION MAYPORT IN THE FALL OF 2003 AND THEREAFTER ROTATING SHOWS BETWEEN NAVAL AIR STATION JACKSONVILLE AND NAVAL STATION MAYPORT.

City Manager Linn clarified there was no financial commitment involved with the adoption of the Resolution.

Moved by Shimp, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 2002-03, SUPPORT OF NAVY AIR & SEA SHOW.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Surplus

SURPLUS OF MISCELLANEOUS PROPERTY AND EQUIPMENT FOR CITY AUCTION: City Manager Linn stated there was a list of surplus equipment and materials that were no longer of use to the City and needed to be declared as surplus allowing the city to dispose of them by public auction. City Clerk Volpe stated Chief Brandt decided to remove the two motorcycles on the list.

Moved by Gilbert, seconded by Pruette.

Motion: **TO SURPLUS THE MISCELLANEOUS PROPERTY AND EQUIPMENT FOR THE CITY AUCTION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Sunset Bay

DEVELOPMENT ORDER – APPROVAL OF FINAL PLATTING – SUNSET BAY: City Manager Linn stated the Planning & Development Review Board recommended approval of the final plat for Sunset Bay. Mr. Linn asked the Council to approve the final plat with the condition of the underground electric design being approved by City Attorney White and Public Works Director John Galen.

Vice Mayor Shimp asked if the adjacent property owners had been notified of the development. Building Official Dan Arlington stated that some of the neighbors attended the Planning & Development Review Board meeting. Mayor Brown stated that the bulldozers were out there and the property owners should know something was going on. Vice Mayor Shimp asked why construction had begun before the final plat was approved. Building Official Dan Arlington stated approval of the final development order allowed him to start construction and this development order was for approval of the final platting that would be recorded in Duval County records.

Vice Mayor Shimp was concerned about the road being too close to the existing developed lots. City Manager Linn stated there were rear property setback requirements and unless a variance had been granted on Lots 10 and 11 they were built without a minimum setback to the property line. Mr. Linn added the people living on Lighty Lane had enjoyed the view of the marsh for years but that should not take away another persons right to buy and develop the property.

Councilor Pruette asked if drainage had been considered. Building Official Dan Arlington replied the Planning & Development Review Board, Department of Environmental Protection, the Army Corp of Engineers, and the St. Johns River Water Management addressed the drainage.

Vice Mayor Shimp was concerned about neighbors of new developments not being notified and asked City Clerk Volpe to place the issue on the April 15, workshop agenda.

City Manager Linn stated the public was legally notified by advertisement in the local newspaper.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE THE FINAL PLATTING OF SUNSET BAY PENDING THE APPROVAL OF THE CITY ATTORNEY AND THE PUBLIC WORKS DIRECTOR ON THE UNDERGROUND ELECTRIC DESIGN.**

Roll Call Vote:

Ayes: 5- Gilbert, Patronik, Pruette, Shimp, Brown

Noes: 0

MOTION CARRIED

Resolution
No. 2002-04

RESOLUTION NO. 2002-04, BOARD APOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS.

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointments:

BOARD OF APPEALS				
Member	Type	Term	Begins	Ends
Kelly Boswell Greenberg	Appoint Alternate	1 Year	04/08/2002	04/07/2003

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held April 8, 2002.

Moved by Pruette, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION NO. 2002-04, APPOINTING KELLY BOSWELL GREENWOOD TO THE BOARD OF APPEALS.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED.

Mayor Brown asked that the record show the Council appreciated Ms. Boswell serving on the Board.

Resolution
No. 2002-06

RESOLUTION NO. 2002-06, VOTER PARTICIPATION DRIVE: A RESOLUTION OF THE NEPTUNE BEACH CITY COUNCIL URGING CITIZEN SUPPORT FOR A DRIVE TO MAKE OUR CITY A LEADER IN THE HIGHEST PERCENT OF CITIZENS REGISTERED TO VOTE AND PARTICIPATING IN THE NOVEMBER 2002 ELECTIONS IN DUVAL COUNTY, FLORIDA.

Moved by Pruette, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION NO. 2002-06, VOTER PARTICIPATION DRIVE.**

Roll Call Vote:

Ayes: 5 – Gilbert, Patronik, Pruette, Shimp, Brown.

Noes: 0

MOTION CARRIED.

Adjournment

There being no further business, the meeting adjourned at 9:42 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____