



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**MAY 29, 2002 AT 6:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held May 29, 2002, at 6:00 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 Attorney Christopher White

City Manager Richard A. Linn  
City Clerk Lisa Volpe, CMC  
Deputy City Clerk Karla Strait, CMC  
Assistant to the Building Official Piper Turner  
Building Official Dan Arlington

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. and explained the special meeting was called to discuss the severed sewer line on Neptune Lane and Penman Road.

City Manager Linn stated Vice Mayor Shimp had reached a compromise between the Mr. McCue and Ms. Autin after Mr. McCue severed Ms. Autin's sewer line because it was on his property. His recommendation included Mr. McCue providing an agreement allowing the sewer line to be installed underground to Neptune Lane, Ms. Autin purchasing a grinder pump, and the city paying to have a new line installed.

Mr. Linn stated an agreement would need to be drawn up between Mr. McCue, Ms. Autin and the city with an understanding that the city would provide the line but would not own, operate or maintain the line. The agreement would have to be recorded with the deed so there would be no misunderstanding in the future when the property was sold.

Mr. Linn added the other option was for Ms. Autin to have a sewer line installed up to the frontage on Penman Road. However, it would be less expensive to install it up to Neptune Lane.

Vice Mayor Shimp stated all parties had agreed to the arrangement.

Mayor Brown asked City Attorney White about any legal issues and if the city would be setting a precedent.

Legal Advise

City Attorney White stated this would not set a legal precedent. The city had discretion on whatever it wanted to do in this type of situation. He advised not to enter into any agreement until he saw the easement between Mr. McCue and Ms. Autin.

Mayor Brown stated he had asked City Attorney White to draft an ordinance that would make the cutting of any sewer line in Neptune Beach unlawful. He wanted to forward it to the next council meeting for first read.

Councilor Pruette had reservations and did not agree with the City Attorney that it would not set precedence. The building department had already received a certified letter from a resident who had a sewer line on his property that did not belong to him. He wanted to know how to have the owner move it.

Legal Advise City Attorney White stated if the city installed the sewer line it would not be admitting in any way that the city was at fault or responsible or was required legally to carry any of the financial responsibility of taking care of the situation. It would not be an admission that the city was obligated to do it.

Vice Mayor Shimp felt each property in this situation would have to be dealt with individually.

Councilor Gilbert questioned who would own the easement the city; Mr. McCue or Ms. Autin and if Ms. Autin would install the grinder pump.

Mr. McCue stated the easement would be an underground sewer utility easement only. It would be on his personal property and would allow the city to come in and install the line and fix any problems, however the property would be remain with the original deed of the property owner.

Lynda Padrta, 1113 First Street, felt because the sewer line had been on the property for many years it should be an implied easement.

Councilor Patronik felt the council should agree with the plan if the City Attorney approved the easement agreement.

Mayor Brown stated the city reacted because Ms. Autin's house was going to be condemned and she would be put out of her home. He was concerned because Mr. McCue created an emergency to get the city to install a new sewer line.

City Attorney White asked Mr. McCue if he meant that the city would be responsible for maintaining the lateral pipe through easement. Mr. McCue replied the city would be allowed to enter the property to install it. City Attorney White stated it was the property owner's responsibility to supply and maintain the lateral line from their house to the main city sewer hook up.

Vice Mayor Shimp requested this special meeting for council to vote on accepting the compromise contingent on approval from the city attorney. City Attorney White advised again he wanted to see the easement first. He suggested the property owners go ahead and get the easement prepared. If the easement was satisfactory then the council could approve the compromise.

Vice Mayor Shimp asked Mr. McCue what it would cost him to have the easement prepared. Mr. McCue replied he did not know the exact figure. Vice Mayor Shimp did not think it would be fair for Mr. McCue to pay to have the easement prepared and then have the council vote against it.

City Attorney White stated again he could not prepare an agreement without seeing the easement.

Councilor Gilbert agreed that Mr. McCue should prove to the council he would allow the easement. He would not agree to anything until he saw the language in the agreement.

Mr. McCue stated he had a copy of the property appraisers records and the two houses were not built on the same parcel and could not have been permitted that way.

Mayor Brown was comfortable waiting for the City Attorney to examine the easement and prepare an agreement for a decision to be made at that point.

City Manager Linn stated there were two possible routes for the property owner to reach the city sewer line, one was Penman Road, and the other was Neptune Lane. He asked City Attorney White if the city could recover the cost from the homeowner if they decided they wanted to use the Penman Road route. City Attorney White replied the city could recover the cost and assess it as a lien against the property.

Adjournment

There being no further business, the meeting adjourned at 6:38 p.m.

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Richard A. Brown, Mayor

ATTEST:

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Lisa Volpe, CMC, City Clerk

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