



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**JUNE 3, 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 June 3, 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	City Attorney Christopher A. White
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Jimmy Gilbert	Assistant to the City Manager Terry Klein
Councilor Ronald D. Patronik	Director of Finance Steve Ramsey
Councilor Harriet Pruette	Building Official Dan Arlington
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC

Order Call/Pledge

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

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS**

**FLAG PRESENTATION – CAPTAIN FURNESS, USN:** Mayor Brown stated Captain Furness would be a few minutes late.

**APPROVAL OF MINUTES**

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

**MAY 6, 2002, REGULAR COUNCIL MEETING**  
**MAY 20, 2002, WORKSHOP COUNCIL MEETING**

Moved by Patronik, seconded by Gilbert.

Roll Call Vote:

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

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

Councilor Pruette stated she had received a certified letter regarding a lot of record in

Watersedge. City Attorney White replied the title searches were complete. He would have his opinion on the remaining units by the end of the week. The topic should be placed on the workshop meeting agenda.

Councilor Pruette asked when the ditches would be cleaned. Mr. Linn replied he would check with Mr. Galen.

Councilor Patronik was concerned about Oakhurst Drive opening into Leeward Landing North. It was legally platted but the residents in Leeward Landing did not want it to open.

### **CITY MANAGER REPORTS**

**JARBOE PARK IMPROVEMENTS UPDATE:** City Manager Linn reported the handicap swing had been installed another seat was on order. The bridge would be installed next week.

**WATER IMPROVEMENT PROJECT:** Mr. Linn reported the contractor had finished videotaping and radar all three sections and should begin construction in the morning.

**EMERGENCY PURCHASE OF ANIMAL CONTROL TRUCK:** City Manager reported the animal control truck had rusted out. Director of Public Services John Galen had a four-wheel drive truck he could give to animal control and he could purchase a new one. The money was budgeted in Public Works to cover. Councilor Patronik asked if there was a way to prevent rusting. City Manager Linn stated most sealing measures were a waste of time. Mayor Brown asked if repair work could be done. City Manager replied the problem was in frame and it would be lucky if it made it to October before the bed fell out.

### **PUBLIC COMMENTS**

Lana Huguenin, 1521 Summer Sands, was concerned about Oakhurst Drive opening through. The residents of Summer Sands did not want the cut through traffic. She stated the code discouraged cut through neighborhoods.

Michael Aston, 1523 Summer Sands, mentioned it was still possible the city of Jacksonville would pick up cost of culvert on Florida Blvd. Summer sands had been told they could not have a street because of the back door, now were told there was no back door. Mr. Jarrett mentioned not enough width on Oakhurst but by his measurement it was wide as Leeward Landing. He felt that in the future paving, closing of the street, and four duplexes being 200 feet from Florida Blvd would come about. These duplexes would rather go out Florida Blvd. If Mr. Jarrett comes through Summer Sands please close all three other options.

Leslie Karlin, Spindrift Circle, did not want Oakhurst Drive connected with Poinciana Road. She did not want the minor replat approved. She felt if Summer Sands was opened she would try to open all blocked streets in Neptune Beach.

**FLAG PRESENTATION – CAPTAIN FURNESS, USN:** Mayor Brown interrupted comments from the public to introduce Captain John D. Furness who recently returned from Operation Enduring Freedom in Afghanistan. Captain Furness stated he volunteered to go to the front line and got there on October 4, 2001 just as the bombing started. At his request Lt. Colonel Jack Kaplan flew a flag over Afghanistan and Pakistan in honor of the three beach cities for hosting the Sea & Sky Spectacular and supporting the military. He presented the flag with a picture of Lt. Col. Jack Kaplan and a certificate honoring the City of Neptune Beach to Mayor Brown.

Laura Patronik, 1520 Leeward Lane, opposed Oakhurst Drive opening into Leeward Landing.

Mary Linger, 1817 Hopkins Creek Lane, was not in favor of connecting Leeward Landing with Summer Sands.

Lynda Padrta, 1113 First Street, felt variances should not be granted based on who you are. She suggested developing a formulated process for appeals from the variance board to the council. She supported the impervious surface ordinance along with incentives to property owners who had more pervious surfaces. She felt voting for Mr. Jarrett's property should be held off until the city heard from Jacksonville City Councilman Holland about the culvert.

Steve Jarrett, 210 South Street, supported everyone who spoke about closing the road so no traffic could cut through Summer Sands. This was his intention to begin with.

Carlos Asensio, representative for Tire Kingdom, stated he would be available for questions when the development order reached on the agenda.

#### CONSENT AGENDA/ NONE

#### VARIANCES

John Cole  
1810 First Street

VARIANCE REQUEST FOR JOHN COLE – 1810 FIRST STREET: City Manager Linn stated this was an appeal from the Board of Appeals. He asked Mr. Cole to present his reason for appealing to the Council. Mr. Linn stated that Chairman of the Board Donald White was present for questions.

Mr. John Cole stated he wanted to appeal the decision on his request. The purpose of the request was to encroach on the rear setback for an addition. He wanted to expand the kitchen, add a bedroom on the second story. He could not expand otherwise without completely gutting the house. He felt the lot was a hardship because it was only 100 feet deep, a majority of lots running east and west were 110' deep. He noted the vote was three to three on the Board of Appeals. The home was 1200 to 1250 square feet. He could not add useful floor space without going back. It would also allow them to occupy the home during the construction and remodeling. Councilor Patronik questioned the relationship of the back of house with the addition to the neighbors. Councilor Pruette questioned why impervious surface was discussed.

Chairman Donald White commented there were six members of the board present and the request ended with a three to three vote failing for lack of a majority. This was Mr. Cole's second appearance before the board. He was denied the first time and then reduced his request. He did not think the size of the family was a hardship. He had received a variance before. His lot was high therefore flooding could be an issue. He voted yes to pass it. Vice Mayor Shimp, commented on the board's required findings sheets. Only two were approved on the sheets out of six.

Councilor Gilbert asked what procedural error made that caused an appeal to filed. There was no procedural error. Council needs to look at.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND THEREFORE GRANT THE VARIANCE TO MR. COLE, 1810 FIRST STREET.**

Councilor Pruette commented that impervious surface should never have been an

issue since it is no currently in the code. Mr. Arlington explained Fred Cattar did write yes for all findings, if there was one no you had to vote no, Mr. Cattar gave all yeses therefore he voted verbally to deny it. He started using the impervious surface as a gage only to show how intensely the lot was used in relation to the setbacks. Vice Mayor Shimp stated that if it is not in code it should not be brought up at all. Vice Mayor Shimp called the question.

Roll Call Vote:

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

MOTION CARRIED

Warren Anderson  
207 Walnut Street

VARIANCE REQUEST FOR WARREN ANDERSON – 207 WALNUT STREET: Mr. Anderson presented his case to the Council. He quoted Dan Arlington's statement from the meeting about the detached garage ordinance. Mr. Arlington had recommended sending the ordinance back to Council for clarifications of what circumstances detached garages should be allowed in the front of the lot. Mr. Anderson added his neighbors favored the improvements. Mr. Anderson purchased a 25' rear easement and explained why he wanted a 3 car detached garage in his front yard.

For the Record Councilor Pruette stated on the record that she had spoken with Mr. Anderson before the meeting.

Council discussed the variance. Vice Mayor Shimp felt it was keeping within the look of the neighborhood. Councilor Pruette did not feel there was a hardship. Councilor Patronik felt if he made an attached garage it would detract from the look of the neighborhood.

Moved by Shimp, seconded by Patronik.

Motion: **TO REVERSE THE DECISION OF THE BOARD OF APPEALS AND GRANT THE VARIANCE FOR WARREN ANDERSON – 207 WALNUT STREET.**

Chairman of Board Donald White explained Mr. Anderson originally asked for a garage apartment which was turned down and to square off the back of his property which was approved. Mr. Anderson came back with a garage without an apartment put with a long connection between the house and the garage with an office over it. He stated the board was hesitant over the moving the setback from 25 ft to 11 ft because there was not a hardship to make this setback change. Councilor Pruette felt the garage far exceeded the 500 square foot limit. Councilor Gilbert felt there was no procedural error.

Roll Call Vote:

Ayes: 2 - Shimp, Brown  
Noes: 3 - Pruette, Patronik, Gilbert,

MOTION FAILED

Mr. Anderson asked for approval if he made the garage smaller instead of having to return to the Board of Appeals. Discussion ensued about the size of the garage and the ordinance that limited garages to 500 square feet east of Third Street.

Moved by Shimp, seconded by Patronik.

Motion: **TO RECONSIDER THE MOTION.**

Ayes: 4 - Patronik, Pruette, Shimp, Brown,

Noes: 1 - Gilbert,

MOTION CARRIED

Moved by Shimp, seconded by Patronik.

Friendly Amendment: **TO REVERSE THE DENIAL AND MODIFY THE VARIANCE TO PROVIDE FOR A DETACHED GARAGE OF 500 SQUARE FEET.**

Ayes: 4 - Patronik, Pruette, Shimp, Brown

Noes: 1 - Gilbert

MOTION CARRIED.

**ORDINANCES**

Ord. No. 2002-04

**ORDINANCE NO. 2002-04, FIRST READ AND PUBLIC HEARING, IMPERVIOUS SURFACE, SPONSORED BY COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-238, MAXIMUM LOT COVERAGE AND PROVIDING AN EFFECTIVE DATE.**

Councilor Pruette asked Building Official Arlington if he felt comfortable with the ordinance the way it was. He replied yes.

Mayor Brown opened the public hearing.

Michael Adams, 200 Cherry Street, suggested changing the amount of impervious surface from 50%.to 65%.

Jim Miller, 1633 Hopkins Creek Lane, felt the ordinance should be amended, if someone could prove they would not be increasing the runoff on the property, to allow more pervious surface.

Council discussed Mr. Miller's suggestion. Discussion of properties that already built out ensued.

Steve Jarrett, 210 South Street, felt the ordinance would take away property rights. He added commercial property had water management permit requirements.

Mayor Brown asked if this ordinance pertained to commercial lots also. Mr. Arlington stated it also commented on commercial property although commercial property has to have a water management permit.

Lynda Padrta, 1113 First Street, kept hearing how the sponsor of the bill's property was built out and commented it was not a personal issue but an attempt to help the city.

Scott McClure, 310 Sunrise Circle, supported Mr. Miller's suggestion about the ordinance being amended to allow proof of the runoff.

Lana Huguenin, 1521 Summer Sands, favored the ordinance she was concerned there was not one in the past. She favored as much green space as possible to get water back into the ground and into the aquifer.

Donald White, Chairman of the Board of Appeals, was concerned about flooding and the necessity of having an impervious surface ordinance.

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

Councilor Gilbert commented this was a way to stop Neptune Beach from being totally concreted over. Councilor Patronik felt the ordinance was too simplistic to help the stormwater problem and that it should be brought to a workshop. Vice Mayor Shimp felt there should be a grace period.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE 2002-04 ON FIRST READ WITH AN AMENDMENT TO ALLOW A TWO YEAR GRACE PERIOD.**

City Manager Linn clarified the grace period would simply change the effective date. Vice Mayor Shimp suggested discussing the two-year grace period at a workshop meeting and see if the ordinance could apply to new homeowners immediately.

Councilor Pruette called the question. Mayor Brown asked if the two year grace period was within the motion or if it would be dealt with in a workshop. Councilor Pruette withdrew her previous motion.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE 2002-04 ON FIRST READ.**

Roll Call Vote:

Ayes: 3 – Gilbert, Pruette, Brown

Noes: 2 – Patronik, Shimp

**MOTION CARRIED**

Recess/Reconvene The meeting recessed at 9:15 p.m. and reconvened at 9:25 p.m..

### **OLD BUSINESS**

Minor Replat  
Poinciana Road

**MINOR REPLAT – POINCIANA ROAD – STEVE JARRETT:** Vice Mayor Shimp asked to place this on the agenda in order to come to a decision without further delay. He asked Michael Ashton, Representative of Summer Sands Homeowners Association, if he would agree to allow Mr. Jarrett access if the city agreed to close the other two platted streets through Summer Sands. Mr. Ashton replied the residents of Summer Sands still did not want Mr. Jarrett to enter his property through Summer Sands due to additional traffic. He stated if it was absolutely necessary for the Council to allow Mr. Jarrett to go through Summer Sands please close the other roads.

City Manager Linn stated that Oakhurst right of way would be better suited to add better drainage to the area instead of using it for a road.

Councilor Gilbert questioned if there could be some promissory note to future councils not to allow a back entrance to Summer Sands. He suggested any work trucks would be brought in through Bay Road. That they cul di sac at poinsietta until bay and poinsietta is paved then the cul de sac could be reversed unless the other option is done and the city paved bay and poinsietta. Mr. Ashton stated it all came down to the extra \$20,000 to pave poinsietta and Bay Road.

Steve Jarrett original proposal was to enter through Summer Sands and closing off the back door. He was against complete abandonment of closing off the back yard because of the future. He was in favor of supporting the closing of Oakhurst Drive. He was in favor of sharing the cost for the alternate entrance. He did not want to open a back door to Summer Sands. He proposed a closure at the end of his cul-de-sac.

Councilor Pruette still believed it is the best way to go is through Florida Boulevard. Mr. Jarrett would be willing to go through Bay Road, but he could not pay for all of it. Councilor Pruette commented the code reads houses should be all around all cul de sacs. Mr. Jarrett stated he would bring in construction trucks through Bay no matter what.

Councilor Pruette state we had not heard back from Councilman Holland to see if Jacksonville would pay for the culvert at Florida Blvd and Oakhurst. Mr. Jarrett stated that road had more problems than just the culvert.

City Manager Linn suggested if the property was dedicated a public park it would take a charter amendment and a referendum to the voters to change.

Mayor Brown narrowed down what had been discussed. There was a commitment from Mr. Jarrett not to tie in with Florida Blvd, not to tie into the other areas, this narrows down what the options really are. All sides have been reasonable. The Mayor commented Jarrett agreed to pause and put a street end. And bring the dump trucks and construction entrance through Bay Road.

Mr. Jarrett stated what the apparent three options are 1) He pays everything 2) the city pays fro everything 3) the city does the project and accesses adjacent property owners. He could not agree to absorb all costs for an alternate entrance which would be between 20 and 25 thousand dollars. He asked the council to vote on the minor replat of splitting Lot G.

Vice Mayor Shimp suggested every resident in Summer Sands give their opinion on which option they would want. They either help Mr. Jarrett pay for the alternate entrance or allow him to have a small cul de sac at the end of their subdivision. Mr. Ashton would personally ask each one and bring it back to the council.

Leslie Karlen, stated Summer Sands did not keep their neighborhood nice for Mr. Jarrett to sell his lots.

Scott McClure, 310 Sunrise Circle, questioned if developers deeded streets to the city.

Councilor Pruette commented that he problem with this entire area should be discussed at the next workshop.

Moved by Shimp, seconded by Patronik.

Motion: **TABLE THE MINOR REPLAT – POINCIANA ROAD – TO A WORKSHOP.**

Councilor Gilbert did not agree with delaying Mr. Jarrett for another month. Felt the cul de sac was a pretty good compromise. He wanted to take action to close Oakhurst to Sand Castle Way east. If Bay Road is ever opened up then the property owners would be responsible. If that were to happen they could turn the cul de sac around to go out to Florida Blvd. He suggested making Oakhurst a park and that property would not be developed. To wait another month would make people more and more aggravated. This issue has been going on for three months now and we seem to have a good compromise not to open through traffic to Summer Sands.

Vice Mayor Shimp suggested that the Summer Sands people go back to each of their residents and have them decide on which of the three alternatives they want. They could then come back to the next regular meeting and let the council know what they decided.

1. Mr. Jarrett goes through Summer Ssands and then when Poinsettia is opened The cul de sac could be turned around to close off Summer Sands.

2. Summer Sands pays part of the money to allow Steve Jarrett to develop Poinsettia and Bay Road.

Michael Aston asked for a number to go back and ask each Summer Sands residents for. Steve Jarrett stated it would be between \$20,000 and 25,000 depending on the drainage needs. Mr. Jarrett asked if Lot G could be split now while other issues were being worked out.

Lana Hueginin asked why the road could not be left limerocked instead of paved.

Vice Mayor Shimp withdrew his motion.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ACCEPT THE MINOR REPLAT TO DIVIDE LOT G**

Amendment: **AND PROVIDING THE INGRESS/EGRESS IS APPROVED BY CITY COUNCIL.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED.**

### **NEW BUSINESS**

Development Order  
Monohan Roofing

**DEVELOPMENT ORDER – MONOHAN ROOFING:** Tom Monohan, owner, was present to answer any questions.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR MONOHAN ROOFING.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Development Order  
Tire Kingdom

**DEVELOPMENT ORDER – TIRE KINGDOM:** Carlos Asensio, Developer was present to answer any questions.

Moved by Shimp, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR TIRE KINGDOM.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Contract Agreement

**CONTRACT AGREEMENT PBS&J – PHASE 1 B&C SEWER:** City Manager Linn

PBS&amp;J

requested an amendment to the agenda to approve the contract agreement for PBS&J for pipe bursting and/or in place curing and lift station. He recommended approval not exceed \$51,000 to solicit and award the bid.

Moved by Patronik, seconded by Gilbert.

Motion: **TO APPROVE THE CONTRACT AGREEMENT FOR PBS&J – PHASE 1 B&C SEWER.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Resolution  
No. 2002-08

**RESOLUTION NO. 2002-08, BOARD APPOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS AND REAPPOINTING MEMBERS TO THE CODE ENFORCEMENT BOARD AND PLANNING & DEVELOPMENT REVIEW BOARD.**

Vice Mayor Shimp questioned the board electing the chairmen. The Board of Appeals should re-elect a chairman and Donald White should resign. City Clerk Volpe stated Dan Disch was being appointed because Tom Garza had to resign for medical reason so Mr. Rosenberg could be appointed as an alternate and Elaine Reiss as a regular.

City Attorney White stated you could argue the ordinance either that his term limits started when the ordinance was voted in or when he started his next term. Chairman White could stay on the board until he was replaced on the board. Discussion ensued over term limits.

Moved by Shimp, seconded by Patronik.

Friendly Amendment to reappointment **APPOINT MR. DISCH AND ELAINE REISS REGULAR MEMBERS AND LEMAN ROSENBERG AS AN ALTERNATE. COUNCIL REQUEST MR. DONALD WHITE TO RESIGN.**

Vice Mayor Shimp called the question. City Attorney suggested appointing Elaine Reiss as a regular member to replace Mr. Donald White on the Board.

Motion: **TO APPROVE THE RESOLUTION TO INCLUDE MR. ROSENBERG AS AN ALTERNATE MEMBER AND TO INCLUDE ELAINE REISS AS A REGULAR MEMBER TO THE BOARD OF APPEALS TO REPLACE DONALD WHITE WHO HAS GONE OVER THE TERM LIMITS.**

Ayes: 3 – Gilbert, Patronik, Shimp

Noes: 2 – Pruette, Brown

**MOTION CARRIED.**

Donald White reminded the council that he was not elected, they appointed him and he was not entitled to resign unless it was for personal reasons. The council may as well abolish the board if they do not hold up the board decisions.

Councilor Pruette thanked Mr. White for serving and stated she appreciated his service.

Vice Mayor Shimp told Mr. White it was nothing personal about him it was a term limits.

Adjournment

There being no further business, the meeting adjourned at 11:08 p.m.

\_\_\_\_\_  
Richard A. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

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