



MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 3, 2002, 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 September 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 Manager Richard A. Linn
Vice Mayor Robert D. Shimp	City Clerk Lisa Volpe, CMC
Councilor Jimmy Gilbert	Building Official Dan Arlington
Councilor Ronald D. Patronik	Deputy City Clerk Karla Strait, CMC
Councilor Harriet Pruette	Director of Public Services Leon Smith
City Attorney Christopher A. White	

Order Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Employee of the Year PRESENTATION OF EMPLOYEES OF THE YEAR PLAQUES: Mayor Brown recognized and presented plaques to Paula Kersh and Joan Martin for being named employees of the year.

APPROVAL OF MINUTES

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

AUGUST 5, 2002, REGULAR COUNCIL MEETING
AUGUST 19, 2002, WORKSHOP COUNCIL MEETING
AUGUST 26, 2002, BUDGET WORKSHOP MEETING

Moved by Patronik, seconded by Shimp.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Patronik advised he had received several e-mails and telephone calls regarding the proposed millage rate of 3.2.

Vice Mayor Shimp stated he spoke with Leman Rosenberg before the meeting regarding the increased millage rate.

Mayor Brown announced the official budget hearing would be held Thursday, September 5, 2002, at 6:00 p.m.

Councilor Pruette thanked City Manager Linn publicly for his hard work involving the Fletcher High Band Fundraiser in Jarboe Park. She asked if there was anything the Council could do to assist. City Manager Linn responded that Vice Mayor Shimp had been working hard on the event and they could use all the help they could get.

CITY MANAGER REPORTS

Utility Improvement UTILITY IMPROVEMENT PROJECT UPDATE: City Manager Linn reported Utilix had fractured a 4" water main on First Street and Pine Street just that afternoon. The repair had been made and pressure should be up very soon. 35% of the homes in Bal Harbor still needed to be connected to the new meters. There was still some minor sod work and restoration to be done and Bal Harbor would be complete. East of Third Street had been started and divided into three sections. A section at a time would be tested and connected. He was pleased with the work and asked the public to be patient and understanding during the project.

Holiday Decorations HOLIDAY DECORATIONS: City Manager Linn reported there was a need to improve the holiday decorations. He met with Councilor Pruette, Atlantic Beach Councilman Desmond Waters, and Atlantic Beach City Manager Jim Hanson to discuss decorations. They ordered 16 decorations for Atlantic Boulevard from Mayport Road to Town Center to be placed one on every other pole. The City of Jacksonville Beach volunteered to energize the streetlights. The energy cost would be calculated on kilowatts. Funding for the decorations would come from the annual B.F.I. donation of \$5,000. Donations were also being accepted from citizens and could be added to their water bill.

Fractured Sewer Line FRACTURED SEWER LINE: City Manager Linn reported Utilix fractured a dropped sewer line that served 4 homes. Public Services were trying to remove batonite that got into the pipe. A camera would be placed in the pipe to determine any additional problems.

PUBLIC COMMENTS

Lee McDonald, 1140 Florida Boulevard, was concerned about the history of sewer problems at his residence. He added it affected his homeowner insurance rates and he felt the contractor should be penalized.

Teresa McMahan, 1032 Lincoln Road, rebutted statements made by Patrick Mills and other residents of Seawood Drive regarding the greenspace behind her house at the August 19th workshop meeting.

Peggy Roush, 1807 Penman Road, felt the city should not place a lien on her house for installing a new sewer line on her property.

Lana Huguenin, 1521 Summer Sands Drive, stated B.F.I. had combined her recycling and trash in one truck.

Michael Aston, 1523 Summer Sands Drive, defined the following words for the Council: close, barricade, barrier, precedent, equal, equitable, and equity. He felt those words defined the closure of First Street and asked the Council to keep them in mind while considering the closing of Oakhurst Drive.

Lynda Padrta, 1113 First Street, felt the proposed budget was too high and a lien should be placed on the property at 1807 Penman Road.

Leslie Karlin, 1506 Spindrift Circle West, was concerned about the holiday decorations discriminating against other religions.

CONSENT AGENDA

Political Signs

POLITICAL CAMPAIGN SIGNS – SUSPENSION OF ENFORCEMENT OF SECTION 27-583(B) 6.C. FOR THE SEPTEMBER, 2002 ELECTION: City Attorney White advised suspending the enforcement of the 14 day time period throughout the remaining elections of this season.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Moved by Pruette, seconded by Patronik.

Friendly Amendment: **TO SUSPEND ENFORCEMENT OF THE 14 DAY TIME LIMIT THROUGHOUT THE PRIMARY AND GENERAL ELECTIONS OF THIS YEAR AND PUT ON THE WORKSHOP TO REVISE THE ORDINANCE.**

Roll Call Vote on Friendly Amendment:

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

MOTION CARRIED

Roll Call Vote on the Motion as amended:

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

MOTION CARRIED

VARIANCES/NONE

ORDINANCES

Ord. No. 2002-06

ORDINANCE NO. 2002-06, AMENDING TABLE 27-226-1, PERMISSIBLE USES, SECOND READ AND PUBLIC HEARING, SPONSOR – COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING TABLE 27-226-1, TABLE OF PERMISSIBLE USES AND PROVIDE AN EFFECTIVE DATE.

Mayor Brown read Ordinance 2002-06 by title only and opened the public hearing.

Kirk Cobb, 112 Orange Street, opposed eliminating residential homes in the Central Business District.

Daryl Grubbs, 1919 Nightfall Drive, felt fast food restaurants should be permitted in the C-2 zoning district.

David Cole, 1500 Penman Road, opposed eliminating residential homes in the Central Business District.

Discussion ensued regarding residential homes in the Central Business District.

Moved by Shimp, seconded by Pruette.

Motion: **TO AMEND THE TABLE AND ALLOW RESIDENTIAL HOMES IN THE CENTRAL BUSINESS DISTRICT INCLUDING C-1, C-2, AND C-3 BY EXCEPTION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Councilor Patronik stated there was an inconsistency with the permissible uses table in the agenda packet and the one that was hand delivered Friday.

Moved by Shimp, seconded by Patronik.

Motion: **TO TABLE ORDINANCE 2002-06, PERMISSIBLE USES TABLE TO THE SEPTEMBER WORKSHOP MEETING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Recess/Reconvene Mayor Brown called a recess at 9:15 p.m. and reconvened the meeting at 9:30 p.m.

Ord. No. 2002-07 **ORDINANCE NO. 2002-07, POLICE OFFICERS' RETIRMENT FUND – FIRST READ: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-345, DEFINITIONS, TO AMEND THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 2-348, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 2-349.3, DISABILITY; AMENDING SECTION 2-349.11, MAXIMUM PENSION; AMENDING SECTION 2-349.13, MISCELLANEOUS PROVISIONS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-349.22, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 2-349.23, PRIOR POLICE SERVICE; AMENDING SECTION 2-349.24, DEFERRED RETIRMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

Officer Dean explained the ordinance was amended to comply with the changes in the Florida Statutes.

Moved by Shimp, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2002-07, POLICE OFFICERS**

RETIREMENT FUND ON FIRST READ.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

Res. No. 2002-10 **RESOLUTION NO. 2002-10:** A RESOLUTION APPOINTING MARCIA JAWITZ TO THE PLANNING AND DEVELOPMENT REVIEW BOARD.

Moved by Gilbert, seconded by Shimp.

Motion: **TO ADOPT RESOLUTION 2002-10.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2002-11 **RESOLUTION NO. 2002-11:** A RESOLUTION APPOINTING BOARD MEMBERS TO THE BOARD OF APPEALS, THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE POLICE OFFICERS RETIREMENT FUND BOARD.

Moved by Pruette, seconded by Patronik.

Motion: **TO ADOPT RESOLUTION 2002-11.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2002-12 **RESOLUTION NO. 2002-12:** A RESOLUTION NAMING THE ALLEYWAY OCEAN PLACE.

Moved by Gilbert, seconded by Pruette.

Motion: **TO ADOPT RESOLUTION 2002-12.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

1807 Penman Rd. **RECOVERY OF CITY EXPENSES FOR INSTALLATION OF SEWER LINES AT 1807 PENMAN ROAD:** City Attorney White advised the lien needed to be filed immediately to protect the city's interest before the property was sold. He added because the property was under contract for sale a payment schedule should not be accepted.

City Manager Linn explained there was not a provision in the Code to cover the cost of installing water lines on an emergency basis to the connection. He felt that portion of the cost could be legally challenged and \$1,000 should be deducted.

Moved by Patronik, seconded by Gilbert.

Motion: **TO DEMAND PAYMENT IN THE AMOUNT OF \$3,499.46 AND SIMULTANEOUSLY FILE A LIEN IN THAT AMOUNT.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mayport Flyover
Maintenance

APPROVAL OF MAINTENANCE AGREEMENT FOR MAYPORT FLYOVER LANDSCAPE WITH FDOT: City Manager Linn explained Neptune Beach and Atlantic Beach requested that extensive landscaping be included in the Mayport Flyover project. The Florida Department of Transportation agreed to landscape the project if the cities would agree to provide the maintenance. In the agreement FDOT had agreed to reimburse the City of the Neptune Beach \$4,356.28 annually; the amount they would have incurred to maintain the landscaping. Mr. Linn recommended approval of the agreement pending a review by the City Attorney.

Discussion ensued regarding the cost of maintenance.

Moved by Shimp, seconded by Patronik.

Motion: **TO APPROVE THE MAINTENANCE AGREEMENT FOR MAINTENANCE OF THE MAYPORT FLYOVER LANDSCAPING.**

Roll Call Vote:

Ayes: 3 – Patronik, Shimp, Brown

Noes: 2 – Gilbert, Pruette

MOTION CARRIED

Fletcher High
Band

APPROVAL OF BENEFIT FOR FLETCHER HIGH SCHOOL BAND EVENT FROM CABLE T.V. TRUST FUND AS A SPECIAL EVENT: City Manager Linn stated a \$1,500 expenditure had been approved for the Fletcher High School Band event. He added that to use the cable T.V. funds the benefit needed to be named as a special event.

Vice Mayor Shimp explained the donations from vendors and grocery stores may not be sufficient and more funds may be necessary to provide for drinks, hotdogs, condiments, etc. He asked the Council to authorize City Manager Linn to spend an additional \$500 for the event to use at his discretion as needed.

Moved by Shimp, seconded by Patronik.

Motion: **NOT TO EXCEED \$500 TO CITY MANAGER LINN TO USE AT HIS DISCRETION FOR THE FOOD AND DRINKS FOR THE BAND IN THE PARK.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 10:30 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____