



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**OCTOBER 7, 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 October 7, 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	Director of Public Services Leon Smith
Councilor Ronald D. Patronik	Building Official Dan Arlington
Councilor Harriet Pruette	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC

## Order Call/Pledge

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

**AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS/NONE**

**APPROVAL OF MINUTES**

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

**SEPTEMBER 3, 2002, REGULAR COUNCIL MEETING**  
**SEPTEMBER 5, 2002, SPECIAL COUNCIL MEETING**  
**SEPTEMBER 16, 2002, WORKSHOP COUNCIL MEETING**  
**SEPTEMBER 23, 2002, SPECIAL COUNCIL MEETING**

Moved by Patronik, seconded by Shimp.

## Roll Call Vote:

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

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

City Clerk Lisa Volpe announced the following people had qualified for elections:  
 Seat 2 : Jimmy Gilbert – unopposed  
 Seat 4: Larry Shealy and Dr. Scott DelPrete

Seat 5: John Weldon – unopposed

Ms. Volpe stated they would be sworn in on December 3, 2002 at 8 pm.

Councilor Pruette asked if the ditch at First Street and Florida Blvd would be cleaned soon. Public Works Director Leon Smith stated it would be cleaned in the very near future.

Vice Mayor Shimp stated he had become aware of a problem where the Board of Appeals allowed a resident on North Street to plant trees on the city right of way and asked for this item to be placed on the workshop. Councilor Pruette stated another resident at Davis and Strand had planted several palm trees on the city right of way and citizens were asking they be removed.

Mayor Brown introduced Anne Murphy of AT&T Broadband. She and Lynn Faulter, Vice President and General Manager presented the Mayor with their yearly check for public events.

### CITY MANAGER REPORTS

40' Abandonment of First Street     SET MEETING WITH AFFECTED PROPERTY OWNERS ABUTTING THE 40' ABANDONMENT OF FIRST STREET: City Manager Linn reported that a meeting would be set up for the third or fourth Wednesday in October to discuss the 40' and sidewalk.

Seawood Drive     CITY COST ESTIMATE TO REMOVE VINES AND YARD WASTE FROM THE SEAWOOD DRIVE GREENSPACE: City Manager Linn reported it would take two men two full weeks to take out all the vines and compost in the area. Vice Mayor Shimp asked what the exact cost was. City Manager Linn and Public Service Director Leon Smith did not know the exact figure. Some discussion ensued. Work is to commence in the near future.

Kings Road Bridge     REPORT OF ADDITIONAL COST TO DESIGN PEDESTRIAN WALKWAY ON THE KINGS ROAD BRIDGE: City Manager Linn stated he has submitted the cost of an extra sidewalk on the bridge as was requested by council. Pittman Hartenstein Engineers gave an amount of \$55,000 additional for design costs. This change would require more permits and much more construction. Construction costs would be raised by about 50%.

Unpaved streets/property owners     LIST OF UNPAVED STREETS THROUGHOUT THE CITY/LIST OF PROPERTY OWNERS TO BE AFFECTED BY THE PROPOSED INFRASTRUCTURE IMPROVEMENTS IN THE PRADO-FERRER AREA: City Manager Linn stated the list of unpaved roads are listed in the agenda packet. He commented that some of the roads listed may be extremely difficult due to wetland issues such as Bartolome and Nightfall. The end of forest is being suggested to use as parking for the City yard.

Discussion ensued over cost estimates for paving roads near Summer Sands. City Manager Linn stated staff was interested in paving Pine Place behind Surface Technology. Councilor Pruette cautioned the city to proceed carefully in the area due to an already flooding problem in that area.

City Attorney Chris White felt a determination needs to be made as to if there is legal standing for an assessment which is based on two factors 1) benefit of the real property 2) and the manner the assessment is recorded.

City Manager Linn reminded everyone that any assessment needed to go through the ordinance process.

Consensus: THAT STAFF PROVIDE LEGAL INFORMATION AND COST

**ESTIMATES OF THE STREET PAVING, SEWER AND  
STORMWATER ON POINSETTA, BAY ROAD AND KINGS CIRCLE.**

## Surplus Vehicles

City Manager Linn asked council to amend the agenda to approve the surplus of old city vehicles.

Motion: **AMEND AGENDA TO DEAL WITH SURPLUS VEHICLES**

Moved by Shimp, seconded by Patronik

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Motion: **TO ALLOW THE CITY MANAGAER TO SURPLUS THE ITEMS AND  
DISPOSE OF THEM.**

Council discussed putting the vehicles on the internet to be bid on. It was suggested that the backhoe be used as a test on the internet.

Moved by Shimp, seconded by Patronik

Roll Call Vote

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

Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS**

Glenn Jefferys, 111 North Street, was concerned about the Board of Appeals overturning Building Official Arlington's rejection of planting a tree on city right of way and wanted to know why, he as a neighbor, was not contacted. Vice Mayor Shimp stated this would be on the workshop in October.

Michael Aston, 1523 Summer Sands Drive, felt it was not right for the city to assess the homeowner but rather the developer should pay for the infrastructure.

Thad Moseley, 3701 Duval Drive, Jacksonville Beach, felt the city should not allow development in the CBD without having the proper amount of parking places.

Scott Weikel, 228 Windswept Circle, stated there was an error in the Duval County Property Appraiser's database therefore he may be assessed wrong due to the error. There are four more properties that could have the same problem.

Theresa McMahan, 1032 Lincoln Road, stated the vine problem on Seawood Drive had been going on for six years and did not feel cleaning it up would cause taxes to go up.

Nancy Jenson, 546 South Street, was concerned about the footprint bill. She urged the council to allow commercial buildings in the CBD to be covered within this bill. She felt the downtown area worked well as it was.

Tom Wittingslow, 110 Lemon Street, was concerned that commercial buildings would not be allowed to be rebuilt and he had a problem with parking being so strict in the code.

John Weldon, 108 Oak Street, read from his letter stating that the Land Development Regulations are there so as new buildings are built, they conform to the code. If the council were to allow commercial buildings into the footprint bill this eventual conformity would never happen. He did agree with allowing the residential buildings in the CBD in the footprint bill.

Kirk Cobb, 112 Orange Street, was concerned that residential homes in the CBD would not be left and would not be included in the footprint bill.

Linda Perschel, 1865 Nightfall Drive, stated she owned Red School House and did not want to be assessed for a road in front of this property that would not be a benefit to her school.

Leslie Karlin, 1506 Spindriff Circle West, felt that people had a right to know if something that affected them was on the agenda. She felt the city council should make a decision about the road paving. She did not think Summer Sands should be assessed and felt developers should pay for any paving. She questioned what is under Oakhurst Drive.

Lynda Padrta, 1113 First Street, agreed that 220 First Street should be required parking. She was concerned that the water project schedule on the web was not correct. She thought it was sad that not many people are interested in running for office.

Mary Ann Padrta, 1032 Second Street, felt that people should take care of their own right of way and if the city was abandoning property she wanted some.

Judith Williams, 98 Orange Street, was glad the city was moving in the direction of allowing residential properties in the CBD to be considered in the footprint bill.

Recess/Reconvene Mayor Brown called a recess at 8: 30 p.m. and reconvened the meeting at 8:45 p.m.

Scott McClure, Summer Sands, the Neptune Beach Code states that all road improvements should be at the expense of the developers.

#### **CONSENT AGENDA/NONE**

#### **VARIANCES/NONE**

#### **ORDINANCES**

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.

City Manager Linn explained the ordinance was amended to comply with the changes in the Florida Statutes.

Mayor Brown opened the public hearing.

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

Moved by Shimp, seconded by Patronik.

Motion: **TO PASS ORDINANCE NO. 2002-07, POLICE OFFICERS RETIREMENT FUND ON SECOND AND FINAL READ.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ord. 2002-11

**ORDINANCE NO. 2002-11, AMENDMENT TO THE TEMPORARY SIGNS SECTION TO REMOVE THE TIME LIMITS FOR POLITICAL CAMPAIGNS SIGNS, FIRST READ; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA DELETING SECTION 27-283 (b) 6 c RENAMING SECTION 27-583 (b) 6 d TO SECTION 27-283 (b) 6 c AND PROVIDING AN EFFECTIVE DATE.**

Moved by Shimp, seconded by Patronik

Motion: **TO PASS ORDINANCE NO. 2002-11 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

**MOTION**

Ord. 2002-12

**ORDINANCE NO. 2002-12, AMENDMENT TO EXPRESSLY PROHIBITED USE ORDINANCE TO ALLOW RESIDENTIAL DWELLINGS IN THE CBD ZONING DISTRICT, FIRST READ AND PUBLIC HEARING – SPONSOR, COUNCILOR PRUETTE; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225, USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brown opened the public hearing. He stated this allows residential units to be in the CBD.

Leslie Karlin, 1506 Spindrift Circle West, approved of this effort.

There being no more speakers the Mayor closed the public hearing.

Moved by Gilbert, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-12 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ord. 2002-13

ORDINANCE NO. 2002-13 AMENDMENT TO THE FOOT PRINT BILL TO ALLOW RECONSTRUCTION OF A NON-CONFORMING STRUCTURE IN ALL ZONING DISTRICTS, FIRST READ AND PUBLIC HEARING – SPONSOR, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-706, NON-CONFORMING DEVELOPMENT AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

Lynda Padrta, 1113 First Street, felt the council should not allow commercial buildings in the footprint bill.

There being no more speakers the Mayor closed the public hearing.

Moved by Gilbert, seconded by Shimp.

Motion: **TO PASS ORDINANCE NO. 2002-13 ON FIRST READ.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

**OLD BUSINESS / NONE**

**NEW BUSINESS**

220 First Street

DEVELOPMENT ORDER – 220 FIRST STREET – Building Official Dan Arlington introduced the applicants. Tom Geolz and Patricia Geolz stated they were going to convert the old bike shop into a small grocery store and convert the two apartments on the top floor into offices for Cobalt Moon. They explained that the project had less than the necessary amount of parking spaces but they were adding three spots by restriping on the city right of way down Orange Street. They are under contract to buy the cabinet shop and hope to be able to restrip the Sliders' lot when this is bought to add some spaces.

Councilor Pruette stated there might be a stipulation that if the hours run later than mentioned they have to go back to the Planning and Development Review Board because of parking. She also felt there was a parking problem in the CBD.

Vice Mayor Shimp questioned why the PDRB allowed the development without the required amount of parking when everyone is so concerned about lack of parking. He felt the council has helped most of the businesses out in the CBD regarding parking but felt at some point they had to decide to stick to the code and say no. Mr. Geolz stated he could leave the upstairs residential and that would take care of the parking situations. Vice Mayor Shimp stated the council just may need to discuss parking issue.

Mr. Geolz stated he was not trying to slip anything by anyone. He understood the parking problems in the CBD and would consider leaving the upstairs residential. He felt this was an attractive addition to the downtown area.

Councilor Patronik felt that parking was an issue that needed to be discussed.

Councilor Gilbert stated he liked the project a lot but agreed that the parking issue needed to be discussed.

Mayor Brown suggested to the applicants that they post pone the development so that the council could discuss parking at the next workshop. Mr. Geolz stated he had nothing to lose by doing so and would be glad to wait as long as it was a month and not a five month process.

After some discussion the applicant decided it may be better to leave the upstairs residential.

City Manager Linn stated that it would be good to discuss parking and felt some of the parking rules may be too strict.

Consensus: **TO DISCUSS PARKING REGULATIONS IN THE CBD AT THE OCTOBER WORKSHOP.**

Kings Road Bridge

**DESIGN PROFESSIONAL SERVICES AGREEMENT – KINGS ROAD BRIDGE REPAIRS.** City Manager Linn asked if Council would like to ad the \$55,000 that Pitman Hartenstein suggested for the walkway on the bridge or to stay with the original \$63,466. Mr. Linn explained that a walkway would make it necessary to add more pilings and not just repair the embankments. After some discussion the council decided not to add the \$55,000 at this time.

Moved by Pruette, seconded by Patronik.

Motion: **TO APPROVE THE DESIGN AND PROFESSIONAL SERVICE AGREEMENT FOR THE KINGS ROAD BRIDGE.**

Roll Call Vote:

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

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 9:30 p.m.

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

ATTEST:

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

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