



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 1, 2021, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 1, 2021, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:**IN ATTENDANCE:**

Mayor Elaine Brown
Vice Mayor Fred Jones (*absent*)
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Jim French
Senior Center Director Leslie Lyne
Grant and Resiliency Coordinator Colin Moore
Community Development Director Kristina Wright
Animal Control Officer Denine Zagari
City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Brown called the meeting to order at 6:00 p.m. Councilor Chin led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION:**TO APPROVE THE FOLLOWING MINUTES:**

October 4, 2021, Regular City Council Meeting

October 18, 2021, Special City Council Meeting

October 18, 2021, Workshop City Council Meeting

Roll Call Vote:

Ayes: 4-Chin, Key, Messinger, and Brown.

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment John Pitocchelli, 520 South Street, Neptune Beach, spoke regarding the safety of the Florida Boulevard and 5th Street detour during the drainage project.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager
Report

City Manager Stefen Wynn reported the following:

- He distributed the Athenian Oath to Department Heads. This is a public service oath.
- He reviewed the status and budget of the Jarboe Park project.
- There is a Senior Center Community Design Charette scheduled for Monday, November 29, 2021, at 5:30 p.m. This will be held at the site, 2004 Forest Avenue. The community will have the opportunity to share ideas for the Senior Center exterior.
- He gave an update of the detour on Florida Boulevard from Penman Road to 3rd Street.
- He reviewed the repairs completed by the Public Works Department.
- He presented a schedule of upcoming special events.

All monthly City Manager reports can be found, in their entirety, at:
<https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>.

Police Chief
Report

Police Chief Richard Pike reported on the upcoming special events. The Chief's Walk would be held on Wednesday, November 3, 2021, beginning at 5:00 p.m., at First Christian Church, 2125 Ocean Front.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

SE 21-03, Special
Exception,
Outdoor Dining,
218 First Street

SE 21-03. Application for a special exception for outdoor dining as outlined in Chapter 27, Article 3, Division 9 of the Unified Land Development Code for 218 First Street, LLC, and Slider's Restaurant. The request is to create an accessible outdoor seating area on the east side of the existing building and associated landscaping. No additional seating capacity is being requested.

Mayor Brown reported this has been approved by the Community Development Board and is recommended by staff.

Councilor Chin questioned where the seats are being moved from.

Matt Wilson, Managing Director for Safe Harbor Seafood and Slider's Oyster Bar, explained that due to the remodel, the seats are being relocated from the inside and from the back to the new space out front, which is 100% permeable green space. There are no additional seating or parking requirements.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE SE 21-03, 218 FIRST STREET, FOR OUTDOOR DINING

Roll Call Vote:

Ayes: 4-Key, Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED

CDB 21-03,
Development
Order, 218 First
Street

CDB21-03, Pursuant to the approval of SE21-03, an application for Preliminary Development Order for a restaurant as outlined in Chapter 27, Article 3 of the Unified Land Development Code for 218 First Street, LLC. The property is currently known as 218 First Street. The request is to remove the existing windows on the east elevation and replace with two garage style doors and mounting a bar top for outdoor seating. Replacement of the wall mounted sign with a new one. No increase in outdoor seating capacity.

Councilor Chin commented that he had concerns with noise complaints received regarding The Local. He added that with the seats being moved up front and the bar, he hopes the applicant is respectful of the Community at large and not generate as much noise as some of the other businesses in the Central Business District.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE CDB 21-03, 218 FIRST STREET

Roll Call Vote:

Ayes: 4-Messinger, Key, Chin, and Brown.

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2021-03,
Comprehensive
Plan

Ordinance No. 2021-03, Second Read And Public Hearing. An Ordinance Of The City Of Neptune Beach, Florida Adopting The 2021-2046 Comprehensive Land Use Plan; Goals, Objectives And Policies; The Future Land Use Element; Transportation Element; Housing Element; Infrastructure Element; Coastal Management And Conservation Element; Recreation And Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; Public School Facilities Element; Establishing The Future Land Use Map Providing For Intent; Authority; Findings Of Consistency; Findings Of Fact; Severability; Recordation And An Effective Date

Public Hearing

Mayor Brown opened the public hearing.

David Blais, 800 1st Street, Neptune Beach, stated it was frustrating that this document came out less than a week before it is being voted on. It is a 25-year plan and a road map for the City. It does not give time to share with neighbors and to be able to dig into something of this magnitude. He requested that in the future, more time be given to have the opportunity to share and review it.

Nicole de Venoge, 617 Oak Street, Neptune Beach, agreed with Mr. Blais regarding the timeframe. She pointed out a few challenges, including water quality issues and capital improvements. She encouraged Council to look at some of the new technology. She looks forward to seeing the implementation of the items in the Plan.

Councilor Key stated she would appreciate more time. It takes time to hear back from people to work through their issues. This is one of our City's largest investments, and it is important to have enough time.

Councilor Key questioned beach accesses and what was meant by "limited and scattered parking." This is located on Map E-7, Public Beach Access Points, page E-18.

Community Development Director Kristina Wright stated that this map had been added to show the location of the beach accesses. She commented that this is characterizing what is in existence. This is not a proposal or a plan to make changes. It is just a classification of what is there.

Councilor Key remarked that the verbiage was not in the prior version. Ms. Wright confirmed Councilor Key's inquiry that based on that statement, there is no intention to add parking to public beach accesses.

Councilor Chin stated that his key question was on Bullet Item 1 of the Summary of Changes. He remarked that the DEO had asked for some regulation or specification on how to control the intensity of usage in the commercial districts. He asked after discussion with the City Manager, if the addition of Policy A.1.4.4., regarding the 35-foot height limit is all DEO wanted to hear.

Ms. Wright explained that if DEO would give us feedback if they need something that beyond that. It is standard practice to use the 35-foot limit to control intensity.

Councilor Messinger stated that two separate legal entities had reviewed the Comp Plan. He asked the City Attorney to comment on what is the substance of these changes and does it affect the City's intent.

City Attorney Zachary Roth advised that he does not believe the changes alter the intent. For the most part, it is DEO saying instead of referencing the statute, just put what the statute says. There are also maps added that show existing conditions and don't change anything.

Mr. Wynn pointed out that Charter Section 4.06 states: "The city shall be prohibited from closing, vacating or abandoning any public right-of-way ending on the ocean access without prior approval of the electors." This ties to Policy E.1.7.1. of the Comp Plan, which states "The City will not allow closure of the current beach access at street ends to benefit development."

Councilor Key explained that this is why it is difficult to have conversations like this when there is not enough time to answer questions from citizens.

Councilor Chin mentioned that he has spoken to Councilors from other municipalities and they too face the same issue. They receive the information packet days before the meeting and there isn't time to have questions answered.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-03, ADOPTING THE 2021-2046 COMPREHENSIVE AT SECOND READ**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 1-Key

MOTION CARRIED

Ordinance No.
2021-09, R-4 Lot
Split Moratorium

Ordinance No. 2021-09, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Further Extending a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for a Development Order or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3 Section 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing An Effective Date

Councilor Messinger stated he had spoken to many of his neighbors who have dogs and are very responsible owners and have no problem abiding by the rules. Our animal control officer stated that we are turning people away when they crossover from Atlantic Beach to Neptune Beach.

We have had significant changes in our daily lives and the type of animal owners in Neptune Beach are more respectful and compliant. This doesn't change our leash laws. It further clarifies them. The people who are significantly breaking the rules are going to continue to do that. This affects people who do follow the rules and are respectful. Our animal control officer has asked for this and will make us more consistent with our neighbors.

Mayor Brown stated she has had positive reaction and she likes the clarification of it. It helps everyone.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2021-11, DOGS ON THE BEACH, ELIMINATING TIME CONSTRAINTS AND CLARIFYING LEASH REQUIREMENTS ON FIRST READ**

Roll Call Vote:

Ayes: 2-Messinger and Brown

Noes: 2-Chin and Key

MOTION FAILED

Ord. No. 2021-12, Ordinance No. 2021-12, First Read and Public Hearing. An Ordinance Amending the
Budget Operating Budget for the City of Neptune Beach, Florida for the Fiscal Year Beginning
Amendment October 1, 2021, and Ending September 30, 2022

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the
 public hearing was closed.

Mr. Wynn explained that changes have been implemented to the budget amendment process. We will be doing them more than just an omnibus, end of the year amendment. Included in this budget amendment is: 2022-01-01, \$2,500-Funding required advertising for Community Development; 2022-02-01, \$20,000 -Donation for Jarboe Park; 2022-04-01, \$1,817,848-ARPA (America Rescue Plan Act) Funding. A new account was set up for the ARPA Funding to be used for any expense allowable.

Councilor Messinger commented that in the water tower maintenance project, we could use this as an opportunity to add character to that process. When we did the Vision Plan, there were different patterns shown. He would like to explore what that final design would look like.

Councilor Key questioned the donations received. She asked for clarification on grants and donations as it keeps being referred to as a grant.

Mr. Wynn clarified that it is discretionary funding which is truly a donation. The Eckstein Foundation gave \$50,000 as discretionary funding. \$20,000 went to the Police Department, \$20,000 to Jarboe Park and \$10,000 to the Senior Center.

Councilor Chin stated he appreciated doing the budget amendments throughout the year as it gives a clearer picture of what monies are coming in and out and it is another way of tracking projects.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-09, EXTENDING TEMPORARY MORATORIUM ON PLAT OR REPLAT IN R-4 ZONING DISTRICT**

Roll Call Vote:

Ayes: 4-Key, Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED

Ordinance No. 2021-10, PUD Moratorium Ordinance No. 2021-10, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach to Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of any Application for a Special Exception Permit, Development Order, or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development and 27-245, Temporary Moratorium; Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Chin, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2021-10, EXTENDING THE TEMPORARY MORATORIUM FOR APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUDs)**

Roll Call Vote:

Ayes: 4-Messinger, Chin, Key, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2021-11, Dogs on the Beach Ordinance No. 2021-11, First Read and Public Hearing. An Ordinance of the City of Neptune Beach Amending Section 6-31, Regarding Dogs on the Beach to Establish Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing an Effective Date

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Councilor Key stated that she had not heard anyone speak against this ordinance, so she is with it for right now.

Councilor Chin requested Council wait on this ordinance since we are now past the restrictions until April. That is when the restrictions would kick back in. There is no rush in passing this. He does not think that many of the original people who had asked for the restricted hours know that this is being contemplated. It would give them time to think about it and get back to Council. He added that this ordinance was driven by Neptune Beach residents who want to have more dog-free time on the beach. It sounds like the intent of this was due to issues with non-Neptune Beach residents.

Made by Key, seconded by Messinger.

MOTION: **TO APPROVE ORDINANCE NO. 2021-12, FY2022 BUDGET AMENDMENTS ON FIRST READ**

Roll Call Vote:

Ayes: 4-Key, Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Recreational Trails
Grant – Notice of
Limitation of Use

Consideration of Approval of Recreational Trails Program Grant- Notice of Consideration of Use. Mr. Roth explained that this authorizes the recording of a restrictive covenant that binds the City for a period of 99 years.

Councilor Messinger pointed out that there was a voter referendum on our park spaces. If you were to reduce park spaces in any way, it would have to go to the voters.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE THE RECREATIONAL TRAILS PROGRAM GRANT – NOTICE OF LIMITATION OF USE**

Roll Call Vote:

Ayes: 4-Messinger, Chin, Key, and Brown.

Noes: 0

MOTION CARRIED

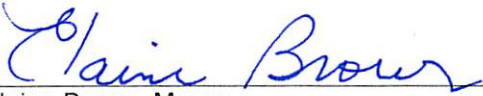
Councilor Key questioned when the dogs on the beach provisions could be brought back to Council.


Mr. Roth stated it could be brought back when the sponsor requests it be back on the agenda.

Councilor Key commented that it is in the Code that Council should receive their packet by Wednesday before the meeting. She would appreciate getting it on time in order to have time to review and have questions answered.

Adjournment

There being no further business, the meeting adjourned at 7:14 p.m.


Elaine Brown, Mayor

ATTEST: 
Catherine Ponson, CMC
City Clerk

Approved: 12-06-2021

