



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, JANUARY 8, 2018 AT 6:00 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 Monday, January 8, 2018, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

**Attendance****IN ATTENDANCE:**

Mayor Elaine Brown  
 Vice Mayor Scott Wiley  
 Councilor Richard Arthur  
 Councilor Rory Diamond

**STAFF:**

City Manager Andrew Hyatt  
 Deputy City Manager Amanda Askew  
 City Attorney Patrick Krechowski  
 Public Works Director Leon Smith  
 Deputy Public Works Director Megan George  
 Chief of Police Richard Pike  
 Director of Finance Steve Ramsey  
 City Clerk Catherine Ponson

**ABSENT:**

Councilor Fred Jones

**Call to  
Order/Roll Call**

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

**AWARDS / PRESENTATIONS / RECOGNITION OF GUEST**

**Robert Stuart,  
GrayRobinson**

Robert Stuart, with GrayRobinson, gave an overview of the Neptune Beach-specific appropriations requests they are working on the City's behalf. He also updated the Council on government-related policy issues that could impact the City during the upcoming 2018 Legislative Session.

**APPROVAL OF MINUTES**

Moved by Wiley, seconded by Diamond.

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

**December 4, 2017, City Council Workshop Meeting**  
**December 4, 2017, City Council Meeting**  
**December 13, 2017, City Council Roundtable Meeting**

**Roll Call Vote:**

Ayes: 4 – Arthur, Diamond, Wiley, Brown  
 Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE/NONE****CITY MANAGER REPORT**

City Manager Andy Hyatt reported the following:

- The Council will now receive the Council meeting agenda packet on tablets. This will help reduce usage of paper and time spent preparing the packet;
- A Home Rule resolution was previously passed on May 1, 2017;
- The City will be converting to the Everbridge Emergency Notification System;
- Demolition of the Girl Scout Building will begin the week of January 16<sup>th</sup> and preparation of paving of the trail has begun;
- Phase 1 of the Jarboe Master Plan will be discussed at the January 22, 2018, workshop meeting.

Appointment of  
Special  
Magistrate

Mayor Brown introduced Attorney John Miller, who stated it is a pleasure to be considered to serve as the Special Magistrate.

Councilor Diamond commented that Mr. Miller's reputation is outstanding in the legal community.

Vice Mayor Wiley asked Mr. Miller if he had ever held a position similar to the Special Magistrate.

Mr. Miller answered he had chaired many committees and his specialty is real estate law.

Made by Diamond, seconded by Wiley.

**MOTION:** **TO CONFIRM JOHN MILLER AS THE SPECIAL MAGISTRATE.**

Roll call vote:

Ayes: 4—Diamond, Arthur, Wiley, and Brown  
Noes: 0

**MOTION CARRIED**

**COMMENTS FROM THE PUBLIC**

Nancy Thomas, 1909 Jarboe Lane, Neptune Beach, thanked the City on behalf of Neptune Beach Elementary School for debris cleanup and fence repair.

**VARIANCES/SPECIAL EXCEPTIONS/DEVELOPMENT ORDERS**

CDB 17-12,  
Preliminary  
Development  
Permit, Coffee  
Shop/Dog Park

CDB 17-12 / Preliminary Development Permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Lauren Wyckoff and Jason Underwood for the properties known as 0 Poinciana Rd, 0 Kings Circle S and 0 Florida Blvd. Lots 30 thru 41 Block 1 of Florida Beach Prado Ferrer along with Lot 8 Block 1 of Florida Beach Prado Ferrer (RE# 173272-0000, 173282-0000, 173283-0000, 173284-0000, 173290-0000, 173285-0000, 173286-0000, 173287-0000, 173288-0000 and 173289-0000).

Mayor Brown explained the applicants are requesting to build a concession style coffee shop bar and dog park along with using a portion of the City's right-of-way for a walking path and this has been approved by the Community Development Board.

Councilor Diamond suggested amending the development permit to include a \$200 per month charge for the City right-of way access.

Vice Mayor Wiley questioned how the \$200 per month charge would compare with the other leases the City has in place.

Councilor Diamond stated that the amount is reasonable for a space that no one else would use.

Councilor Arthur asked if the City right-of-way space is defined in the preliminary development permit.

Deputy City Manager Amanda Askew stated that the area is defined on the site plan.

Mayor Brown questioned if there were regulations regarding the amount charged for leasing the city right-of-way.

Deputy City Manager Askew answered on a sidewalk basis, the charge is \$1.05 per square foot, however, this is a different land use.

Councilor Arthur stated that the \$200 per month amount is representative of the value of the area and land use.

City Attorney Patrick Krechowski advised that the City would be entering into lease agreement and there would be other terms for that agreement. One concern is that it is a different use and there is normally a \$1 million insurance policy. He asked if Council would like to approve the lease agreement as there will be other considerations based on the land use.

Mayor Brown questioned if it should be included that the City be held harmless and make that part of the applicant's insurance.

City Attorney Krechowski answered that there could also be a minimum threshold amount of insurance.

Councilor Diamond suggested giving the City Attorney guidance which includes a minimum threshold of insurance coverage, include Neptune Beach's rider on that insurance, and an indemnity clause for any injuries, etc., in that particular space.

Councilor Arthur stated, and Vice Mayor Wiley agreed, that if terms can be reached that are agreeable to both parties, then there is no need to slow down the process.

The applicants, Jason Underwood and Lauren Wycoff, 2338 Eagles Nest Road, Jacksonville, stated there would be notices in the park and a plan in place for any incidents. Mr. Underwood stated no children would be allowed in the fenced area.

Vice Mayor Wiley stated that during the Community Development Board meeting, the issue of noise and the fence on the east side had been discussed. Mr. Underwood confirmed that those issues have been addressed.

Made by Diamond, seconded by Wiley.

**AMENDED MOTION:** **TO DIRECT THE CITY ATTORNEY TO DRAFT AND NEGOTIATE A LEASE AGREEMENT, AS DISCUSSED.**

A voice vote unanimously approved the amended motion.

**MOTION:** **TO APPROVE CDB17-12, AS AMENDED.**



Roll call vote:

Ayes: 4—Arthur, Diamond, Wiley, and Brown

Noes: 0

**MOTION CARRIED**

CDB17-13,  
Development  
Permit/Special  
Exception,  
Setzer's  
Warehousing  
Corp.

CDB 17-13 / Development Permit / Special Exception for Setzer's Warehousing Corp. for the property known as 200 Third Street (RE# 172912-0003). The applicants are requesting to build a new covered patio and expand the outdoor seating.

Made by Diamond, seconded by Wiley.

**MOTION:**

**TO APPROVE CDB 17-13, DEVELOPMENT PERMIT  
/SPECIAL EXCEPTION FOR 200 THIRD STREET.**

Roll call vote:

Ayes: 4—Diamond, Arthur, Wiley, and Brown

Noes: 0

**MOTION CARRIED**

CDB 17-14,  
Special  
Exception, King  
Warehouse

CDB 17-14 / Special Exception for King Warehouse, LLC d/b/a Performance Auto Club for automobile sales for the property known as for 2010 Kings Circle S (RE# 173305-0000). The application is proposing to add a high-end car dealership completely inside the building located at this address.

Made by Diamond, seconded by Wiley.

**MOTION:**

**TO APPROVE CDB 17-14, SPECIAL EXCEPTION FOR  
2010 KINGS CIRCLE SOUTH.**

Councilor Diamond stated that this automobile sales business is all enclosed and by appointment only.

Roll call vote:

Ayes: 4—Arthur, Diamond, Wiley, and Brown

Noes: 0

**MOTION CARRIED**

**ORDINANCES**

Ordinance No.  
2017-29,  
Chapter 2, Sec.  
2-364, Surplus  
Property

Ordinance No. 2017-29, Chapter 2, Administration, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Amending Chapter 2, Article VI, Finance, Section 2-364, Surplus Property, and Providing an Effective Date.

Mayor Brown opened the public hearing.

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

Made by Diamond; seconded by Arthur.

**MOTION: TO ADOPT ORDINANCE 2017-29 ON SECOND READ.**

Roll call vote:

Ayes: 4—Diamond, Arthur, Wiley, and Brown  
Noes: 0

**MOTION CARRIED**

Ordinance No.  
2017-30,  
Chapter 24,  
Article III,  
Nuisance  
Vegetation

Ordinance No. 2017-30, Chapter 24, Vegetation, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Amending Chapter 24, Vegetation, Article III, Nuisance Vegetation, and Providing an Effective Date.

Mayor Brown opened the public hearing.

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

Made by Diamond; seconded by Arthur.

**MOTION: TO ADOPT ORDINANCE 2017-30 ON SECOND READ.**

Vice Mayor Wiley asked for the definition of nuisance vegetation.

Deputy City Manager stated the definition of nuisance vegetation is weeds, grass, underbrush or undergrowth or other noxious vegetation (but not including trees, plants or other vegetation protected by State Law).

Roll call vote:

Ayes: 4—Arthur, Diamond, Wiley, and Brown.  
Noes: 0

**MOTION CARRIED.**

Ordinance No.  
2017-32,  
Chapter 21,  
Taxation;  
Chapter 27,  
Unified Land  
Development  
Regulations  
(Medical  
Marijuana  
Treatment  
Centers)

Ordinance No. 2017-32, Chapter 21, Taxation, Chapter 27, Unified Land Development Regulations, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 21, Taxation, Article II, Local Business Tax Receipts, Section 21-32, Local Business Tax Receipt Schedule, to include Medical Marijuana Treatment Centers; Chapter 27, Unified Land Development Regulations, Article I, In General, Section 27-15, Definitions, to add the definition of Medical Marijuana Treatment Center; Article IV Land Use, Section 27-226, Allowable Uses within Zoning Districts, to add Medical Marijuana Treatment Centers as a Permitted Use in C-2 and C-3 zoning districts; Section 27-227, Special Restrictions and Conditions on Allowable Uses in Zoning Districts and Providing an Effective Date.

Mayor Brown opened the public hearing.

Michael Aston, 1523 Summer Sands Drive, Neptune Beach, stated that whatever the Council decides to do regarding this ordinance, he hopes that they have a plan to alter it if necessary.

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

Made by Wiley, seconded by Diamond.

**AMENDED MOTION:**      **TO REMOVE THE WORD "PHARMACY" FROM SECTION 27-227(16).**

A voice vote and unanimous show of hands approved the amended motion.

Made by Diamond, seconded by Arthur.

**MOTION:**      **TO PASS ORDINANCE NO. 2017-32 ON SECOND READ, AS AMENDED.**

Roll call vote:

Ayes:                    4—Diamond, Arthur, Wiley, and Brown.

Noes:                    0

**MOTION CARRIED**

**OLD BUSINESS/NONE**

**NEW BUSINESS**

Police Chief  
Report

Police Chief Richard Pike updated the Council on upcoming events. He reported that Beaches Chapel has changed the venue for their Fun Run on Saturday, February 2, 2018. It will now start at First Christian Church.

The Donna Marathon would be held on Sunday, February 11, 2018, and the City of Neptune Beach is working with Jacksonville Beach, Atlantic Beach and the Jacksonville Sheriff's Office on that event.

Chief Pike reminded everyone to lock their vehicles as there were a number of automobile burglaries in the area.

Confirmation of  
Chief Financial  
Officer

Confirmation of Chief Financial Officer: City Manager Hyatt introduced Leslie Rothenberg, the new Chief Financial Officer. He stated that Council is required to confirm his selection.

Made by Diamond, seconded by Wiley.

**MOTION:**      **TO CONFIRM LESLIE ROTHENBERG AS THE NEW CHIEF FINANCIAL OFFICER.**

Roll call vote:

Ayes:                    4—Arthur, Diamond, Wiley, and Brown

Noes:                    0

**MOTION CARRIED**

Amendment  
Number Three to  
9-1-1 Interlocal  
Agreement

Amendment Number Three to the Interlocal Agreement for 9-1-1 Services.

City Manager Hyatt explained this amendment is necessary due to the amount of money the City is to receive.

Made by Diamond, seconded by Arthur.



**MOTION:****TO APPROVE AMENDMENT NUMBER THREE TO THE  
9-1-1 INTERLOCAL AGREEMENT.**

Roll call vote:

Ayes: 4-Diamond, Arthur, Wiley, and Brown

Noes: 0

**MOTION CARRIED****COUNCIL COMMENTS**

Councilor Arthur questioned with the new Everbridge system, would the numbers transfer or would everyone need to register.

City Manager Hyatt stated that information would be passed along as the City receives it.

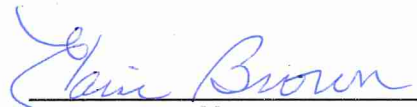
Councilor Arthur asked about online billing for utilities. He added if the City begins that service, the customers should be notified in order to increase users.

Vice Mayor Wiley complimented the City on the improvements to the Council Chambers.

Mayor Brown thanked the Council on their continued service on their designated committees. She thanked Councilor Arthur for representing the Council on the Town Center Agency and his hard work on the City's behalf.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, City Clerk

Approved: 2-578

