



**MINUTES
REGULAR CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL CITY
COUNCIL MEETING
MONDAY, DECEMBER 6, 2021, 6:13 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, December 6, 2021, at 6:13 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(*via CMT*)

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
City Clerk Catherine Ponson

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

Mayor Brown called the meeting to order at 6:00 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Minutes

Made by Chin, seconded by Key.

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

November 1, 2021, Regular City Council Meeting
November 15, 2021, Special City Council Meeting
November 15, 2021, Workshop City Council Meeting
November 23, 2021, Charter Review Discussion

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding a Council vacancy and notifications of upcoming meetings.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report City Manager Stefen Wynn reported on:

- The schedule of holiday events.
- Update on the budget amendment process.
- A schedule of internal staff meetings for review of the LDC update.
- The Senior Center design charette held on November 29, 2021.
- Jarboe Park status and cost update.
- Monthly building, fire, and code enforcement reports.

Councilor Key asked Mr. Wynn to further explain the budget amendment process and using an ordinance versus a resolution.

Mr. Wynn pointed out that as unanticipated revenue comes in, there must be a mechanism to receipt that revenue into the books. That would require an amendment. Since we adopt our budget by ordinance, we must adopt the budget amendments by ordinance.

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 gave a quick after-action report on Pete's Thanksgiving event. There was a record crowd with no incidents. The Police Department would help facilitate traffic during the upcoming Christmas events. They received two complaints on the Florida Avenue and Fifth Street detour. They have received complaints regarding golf carts driving on sidewalks in and around the park. Officers from each squad would be stepping up enforcement on that issue.

Mr. Wynn reported that there had been questions about no work being done at the Florida Boulevard culvert project. The delay has been with the telecommunications provider who was given adequate notice pursuant to Florida Statute. The City Attorney has been in communication regarding the delay.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

SE 21-04, Dos Vatos Tacos, 1455 Atlantic Blvd SE21-04 Application for a new special exception to modify the outdoor dining as outlined in Chapter 27, Article 3 Division 9 of the United Land Development Code for MNCW, LLC for the property known as 1455 Atlantic Blvd. The request is to build an awning-type structure to cover the existing outdoor seating. The original special exception for outdoor dining was granted on October 1, 2012. No additional seating capacity is being requested.

Mr. Wynn explained this was unanimously approved by the Community Development Board on November 10, 2021. The business is Dos Vatos Tacos and they already have outdoor seating. They are not requesting additional seating. This application is for the installation of an awning over the existing seating.

Made by Key, seconded by Messinger.

MOTION: **TO APPROVE SE 21-04, SPECIAL EXCEPTION FOR 1455 ATLANTIC BOULEVARD TO BUILD AN AWNING-TYPE STRUCTURE TO COVER THE EXISTING OUTDOOR DINING. NO ADDITIONAL SEATING CAPACITY IS GRANTED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**ORDINANCES**

Ord. No. 2021-13,
Emergency
Management

Ordinance No. 2021-13, First Read And Public Hearing. An Ordinance Creating a New Article VIII, Emergency Management, within Chapter 2, Administration; 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.

Mayor Brown stated this is a great thing to bring forward considering what she has seen and been through with hurricanes and the pandemic.

Councilor Chin pointed out that on page 61 of the packet, (Section 2-503(1) k.), the word "may" should be inserted between "city" and "confiscate."

Councilor Chin questioned where the ordinance (Section 2-503(2)k. and l.) refers to the City getting access to privately-owned lands, public and private roads to perform emergency operations. He questioned if we should include anything regarding access to waterways. Specifically, waterways adjacent to private property such as the canal or anywhere on the marsh. He also questioned the penalty Section 2-516. He stated that it sounds like this language talks about penalties after a trial and does that mean the City is unable to issue a ticket up front after a violation.

City Attorney Zachary Roth explained that this contemplates similar to another Code violation that we have, such as the dog leash ordinance. We would issue a ticket and they would have so much time to contest it. Then it would go to the next step.

Councilor Messinger questioned how this mechanism reissues itself. He added that it was left open-ended as to when the declaration of emergency ends.

Mr. Roth stated that was left intentionally that there was not an end. He added that one of our neighboring cities has to continue to extend the period. He added that if we may also forget to extend the state of emergency. The ordinance is drafted so that ending the state of emergency is an intentional act.

Councilor Messinger asked if a requirement be added to have meetings on an interval basis. There does not have to be a vote. He is anticipating the declaration of emergency, which gives the governing body more power outside the normal channels then being forgotten about. This would keep it at the forefront while we are in the state of emergency.

Mr. Roth added that the language could be added and what it would look like would be up to Council.

Mr. Roth clarified Councilor Key's inquiry that a declaration of emergency by the Mayor would expire. She agreed with Councilor Messinger regarding revisiting it every so often.

Councilor Messinger requested Mr. Roth come up with an option or two that would achieve a goal of bringing this back and keeping it at the forefront of minds while at the same time not hindering it to the point of ineffectiveness.

Made by Key, seconded by Chin.

MOTION: **TO MOVE ORDINANCE NO. 2021-13, CREATING A NEW ARTICLE II, IN CHAPTER 2, EMERGENCY MANAGEMENT TO A SECOND READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No. 2021-14, E-scooter Moratorium Ordinance No. 2021-14, First Read and Public Hearing. An Ordinance by the City Council of the City of Neptune Beach, Extending a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters as Provided in Section 22-7 of the City's Code of Ordinances; Providing for Legislative Findings, Conflicting Ordinances, Severability, Enforcement, and 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 Messinger, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2021-14, EXTENDING TEMPORARY MORATORIUM ON COMMERCIAL RENTAL AND LEASE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No. 2021-15, FY22 Budget Amendment Ordinance No. 2021-15, First Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning 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 earlier in 2021, one of the City's police cruisers, while working a car accident was totaled by a drunk driver. What the City anticipated receiving from insurance proceeds is less than the cost of replacement. The City is working with the prosecutor to put that into restitution.

Mr. Wynn continued that there is a plan to replace the vehicle without using General Fund revenues. A budget amendment is being requested to pull out of the appropriated fund balance from the Eckstein donation and vehicle surplus sales.

Made by Chin, seconded by Messinger.

MOTION: **TO APPROVE ORDINANCE NO. 2021-15, AMENDING FY2022 BUDGET ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Jones Edmonds-
Supplemental
Agreement #2

Consideration of Approval of Supplemental Agreement No. 2 with Jones Edmonds & Associates, Inc., for Stormwater Study and Design Services. Mr. Wynn explained this second supplemental agreement with Jones Edmonds is specifically designed from a petition that the City from residents for water issues in two locations, Bal Harbour and west of 3rd Street in the neighborhood of Florida Boulevard and South Street.

Public Works Director Jim French stated that we budgeted \$60,000 for a Consultant to assist the City with identifying localized drainage issues, investigating the causes, identifying potential solutions, and prioritizing a list of projects so that we can include them in the 5-year Capital Improvement Projects (CIP) plan. In addition, the City received \$317,848 in ARPA funding, that allocated an additional for \$200,000 design and \$117,848 for the construction of drainage improvement projects.

Staff coordinated with Jones Edmonds & Associates, a consultant engaged through one of CONB's continuing service contracts, to request the fee proposal to provide the project prioritizing, public outreach, and begin the initial design services with the various stormwater issues. Staff determined the proposed total fee of \$259,817.00 to be reasonable for the scope of services provided. He added that there would be two public outreach meetings which would include a strategic planning process.

Councilor Chin questioned in the scope it states in 2015, the City had previously designed improvements for the Bal Harbour area and asked what happened.

Mr. French explained that no bids were received and those improvements were not completed.

Councilor Messinger asked in the design portion of the scope, does the \$200,000 only include the two projects mentioned and no others.

Mr. French remarked that with the \$200,000, we may be able to achieve other things as well. There are some other small projects that during the strategic planning, we could use the lighter, quicker, cheaper and maximize that design.

Councilor Messinger followed up by asking if Jones Edmonds would be taking into consideration the 30% that we are looking at for the east of Third Street storm projects and the canal improvements that need to take place as well.

Mr French advised that he had given Jones Edmonds the reports done by Parsons to include into the list of priority projects so they won't recreate what Parsons did.

Councilor Messinger inquired if there would be rough calculations on costs when doing the priority projects and would they be reassessing all old and new estimates so that everything is on an even line basis.

Mr. French stated that an order of magnitude had been discussed which is a Class 5 that is good for budgeting purposes. This will help put budget numbers and build out the CIP program over five years.

Councilor Messinger remarked that he just wanted to make sure that this is all being encompassed in this project.

Councilor Key questioned what was meant by public outreach mentioned in Task #1.

Mr. French reported that there would be two public engagement meetings where the public would be invited to participate. There would be a series of stations so that the public would not have to show up for the whole meeting, learn about the process and be able to provide feedback.

Councilor Key inquired if the City could take that on to bring down that cost. She added that people aren't attending these types of meetings and she does not want to spend money when there's a few engaged citizens.

Mr. French stated that his resources are thin and the consultant would be able to help with these meetings.

Made by Chin, seconded by Messinger.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 WITH JONES EDMONDS**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Dewberry-
Supplemental
Agreement #1

Consideration of Approval of Supplemental Agreement No. 1 with Dewberry|Hydro for Phase I WWTF Consent Order Compliance Services. Mr. French explained the City entered a Consent Order with the FDEP back in August, 2020 for the Wastewater Treatment Facility (WWTF) exceeding its nutrient limits. Staff is regularly coordinating with the FDEP on the Consent Order including collecting influent characteristics for the design, demonstration/pilot projects, identifying issues, and working towards the award of the General Engineering Continuing Contracts (GECC). Over this year we believe that Plant 2 (extended air) needs to change the treatment process to improve its total nutrient removal to better match that of Plant 1 (IFAS). This is the first phase of several other needed improvement projects at the WWTF.

Staff coordinated with Dewberry | Hydro, a consultant engaged through one of CONB's continuing service contracts, to request the attached fee proposal to provide the professional services needed to address the first phase of the WWTF Consent Order with the FDEP. The Consultant identified Task 9 - Owner Contingency Services in the amount of \$98,678.86 to handle unknown or unforeseen issues that may be identified during the study and planning phases of the project based on the final process alternative selection. Task 9 is the result of Consultant negotiations to timely finalize scope so that elements of the FDEP's Consent Order requirements such as the submission of a Compliance Plan and time extension can start as soon as possible. Staff determined the proposed total fee of \$412,096.43 to be reasonable for the scope of services provided.

Councilor Chin pointed out that both of the supplemental agreements discussed at this meetings talk about design services. They still need to go through the construction and bid process.

Mr. French confirmed that we would have another public solicitation to get a contractor on board.

Made by Key, seconded by Messinger.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH DEWBERRY
HYDRO**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Chin commented that the celebrations in Jarboe Park were successful. He added that the parking situation on Bay Street would need to be figured out. He suggested roping it off more sufficiently.

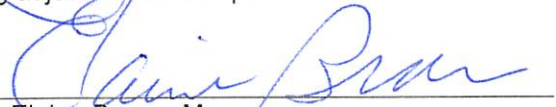
Mayor Brown announced the Beaches Go Green Clean Up Event in the Beaches Town Center on Friday, December 10, 2021, from 4:30 p.m. – 6:30 p.m.

There is also the 1st Street Christmas Parade on December 11, 2021. The staging begins at 3:30 p.m. at First Christian Church, 2125 Ocean Front.


Mayor Brown thanked everyone for all of their hard work throughout the year and wished everyone and their families a Happy Holiday,.

Adjournment

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


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 01-03-2022

