



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, JANUARY 3, 2022, 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, January 3, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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

Mayor Elaine Brown  
Councilor Kerry Chin  
Councilor Lauren Key (*absent*)  
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  
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 Messinger, seconded by Chin.

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

**December 6, 2021, Special City Council Meeting**  
**December 6, 2021, Regular City Council Meeting**

**Roll Call Vote:**

Ayes: 3-Chin, Messinger, and Brown.  
Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS / NONE**

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

**City Manager  
Report**

City Manager Stefen Wynn advised he would give his City Manager Report at the January 18, 2022, Council Workshop. He did want to give an on update two items.

The City has been working with AT&T on the utilities involved in the Florida Boulevard culvert project for quite some time. There would be more improvements after the first of the year.

Mayor Brown requested the City Manager explain the importance and funding for the Florida Boulevard culvert project.

Mr. Wynn explained that stormwater is only as good as the outfall. If you are trying to remove stormwater from a certain area, its only as good as the choke points downstream. This ties into the Florida Department of Transportation (FDOT) drainage improvements to Kings Road Bridge. Opening up that area helps water move faster. There are still more stormwater improvements scheduled for design in all areas of the City. This particular project was funded in part by state appropriations that we have to spend this year.

Public Works Director Jim French reported that the City had been planning this project for five years and finally received the appropriations. Mr. French added that the existing culvert is aging infrastructure that is deteriorating. There are concerns regarding the closing of an important intersection however, the closure is needed to replace the culvert to allow for stormwater improvements.

Mr. Wynn continued by reporting that the signs for parking on Bay Street would be put in place. There would also be signs directing traffic on 5<sup>th</sup> Street. The City will be taking care of the parking issue on Bay Street.

Mayor Brown suggested opening up 5<sup>th</sup> Street parking if needed to make it as safe as possible.

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 presented the December crime analysis report. He reported that there is now a traffic plan for the COVID testing site. The DONNA run will be coming through Neptune Beach on February 6 and the Police Department is attending the weekly planning meetings. It will have the same route as before when starting in Jacksonville Beach.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**

**ORDINANCES**

Ord. No. 2021-13,  
Emergency  
Management

Ordinance No. 2021-13, Second 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.

City Attorney Zachary Roth pointed out the changes since the first reading. One is a change to the order in Section 2-502 to make it flow better. There was also a section added that says that once an emergency is declared, it is put on the Council agenda for subsequent regular meetings as old business so it is not forgotten about. It also states that after three meetings occur without any action, the Council will vote to continue the state of local emergency at the next regular meeting.

Mr. Roth reported that the word "may" had been added in Section 2-503(1)k. In Section 2-503(2)k., it clarifies that the City can also access waterways to get in and clear things out.

Made by Messinger, seconded by Chin.

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

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

**MOTION CARRIED**

Ordinance No. 2021-14, E-scooter Moratorium      Ordinance No. 2021-14, Second 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.

Councilor Messinger stated that many municipalities in Florida and in the United States are starting to put in tighter restrictions. This is prudent given the fact that on the private side, we are beginning to see safety issues.

Councilor Chin commented for the public's edification, the State of Florida has preempted cities from banning these types of vehicles. This is, at the moment, as much as the City can do to help.

Made by Messinger, seconded by Chin.

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

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

**MOTION CARRIED**

Ordinance No. 2021-15, FY22 Budget Amendment      Ordinance No. 2021-15, Second 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.

Made by Messinger, seconded by Chin.

**MOTION:**                    **TO ADOPT ORDINANCE NO. 2021-15, AMENDING THE FY2022 BUDGET**

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

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

Kimley-Horn  
Supplemental  
Agreement #1

Consideration of Approval of Supplemental Agreement No. 1 with Kimley-Horn and Associates, Inc., (KHA) for the Consumptive Use Permitting and Well Design Services. Public Works Director Jim French explained the City's Consumptive Use Permit (CUP) with the St. Johns River Water Management District (SJRWMD) expires on June 11, 2022. This was budgeted and is within the money allotted for the budget.

In addition, one of the City's existing wells is out of service. This out of service well needs replacement, and would also require CUP permitting. These efforts will require ground water modeling, updating the water conservation plan, analyzing historical flows, water usage projections for the next 20-years, finding a suitable site for a new well, a new well design with associated raw water line back to the water treatment plant (WTP), and a CUP renewal application with supporting documentation.

In order to complete these specialized services, staff coordinated with KHA, a consultant engaged through one of CONB's continuing service contracts. Staff determined the proposed total fee of \$421,000.00 to be reasonable for the scope of services provided.

Councilor Chin commented that this is something the City has to do. It was budgeted already and the City is not spending new dollars or looking for new ways to charge fees.

Councilor Messinger clarified that the money is coming from an enterprise fund. The funds are collected from monthly water bills to pay for the wells that continue to provide that water.

Mr. Wynn pointed out that KHA was one of the continuing services contracts awarded during an RFP process. The RFPs were competitively scored and we are moving forward by giving KHA this contract.

Made by Messinger, seconded by Chin.

**MOTION:**            **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH KIMLEY-HORN AND ASSOCIATES, INC.**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

**MOTION CARRIED**

Dewberry-  
Supplemental  
Agreement #2

Consideration of Approval of Supplemental Agreement No. 2 with Dewberry|Hydro (DH) for the MS4 Compliance and Annual Reporting Services. Mr. French explained this was budgeted under professional services in the Stormwater Fees. The City's Municipal Separate Storm Sewer (MS4) permit requires the preparation and submission of an annual report to the FDEP by March 31 of each year. We coordinated with Dewberry | Hydro, a consultant engaged through one of CONB's continuing service contracts, that has experienced staff in MS4 permitting compliance and annual reporting.

We have requested DH to provide Public Works assistance with preparing our MS4 annual reporting and various associated compliance needs during the year. Staff determined the proposed total not to exceed fee of \$19,000.00 to be reasonable for the scope of services provided.

Councilor Messinger requested Mr. French explain the MS4 permit.

Mr. French explained that the MS4 permit covers the City's conveyance systems, which would be pipes, inlets, and ditches. Those things that convey stormwater around the City out to, for the most part the intercoastal waterway. The permit requires the City to do Best Management Practices (BMP) like street sweeping, cleaning inlets and various things that over the course of a year require documentation and tracking. At the end of the year, the City has to assemble those BMPs and compile a report. This rolls down from the Environmental Protection Agency (EPA) to the Florida Department of Environmental Protection (FDEP) that issues the City a permit that allows us to operate the conveyance systems for stormwater in the City. The permit is typically on a five-year cycle.

Mr. French answered Councilor Chin's inquiry that this is a compliance effort that shows the City is performing those BMPs.

Mr. French advised that the contract with DH was solicited through an RFP process, graded and scored. They are one of our continuing contract providers.

Made by Chin, seconded by Messinger.

**MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 WITH DEWBERRY HYDRO**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

**MOTION CARRIED**

Res. No. 2022-01,  
CDB Members

**Resolution No. 2022-01, Appointing Members to the Community Development Board.**

Resolution No. 2022-01 appoints the following members to the CDB:

René Atayan	Regular Member	1 <sup>st</sup> 3-year	01/04/2022	01/04/2025
Greg Schwarzenberger	Regular Member	1 <sup>st</sup> 3-year	01/04/2022	01/04/2025
William Hilton	Alternate Member	1 <sup>st</sup> 1-year	01/04/2022	01/04/2023
Anthony Mazzola	Alternate Member	1 <sup>st</sup> 1-year	01/04/2022	01/04/2023
Nicole De Venoge	Alternate Member	Fill Unexpired Term of Greg Schwarzenberger	09/04/2021	09/04/2022

Made by Messinger, seconded by Chin.

**MOTION: TO ADOPT RESOLUTION NO. 2022-01, APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD**

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

**MOTION CARRIED**

Seat 5 Vacancy  
Discussion

**City Council Seat 5 Vacancy Discussion.** Mr. Wynn reported that Vice Mayor Fred Jones has resigned from Council. His term expires in November, 2022. The City will be collecting applicants for the vacancy. The deadline is January 28, 2022. Applications can be accepted electronically to [clerk@nbfl.us](mailto:clerk@nbfl.us) or in person at City Hall, 116 First Street, Neptune

Beach.

Applications should consist of a cover letter, resumé, and a notarized Affidavit of Residency Interviews with prospective candidates would take place the week of January 31 with an appointment being made at the Regular Council meeting on February 7. The appointed candidate must file and run for office in November should they wish to remain on Council.

This will be posted on the City website, the Beaches Leader and social media platforms.

#### COUNCIL COMMENTS

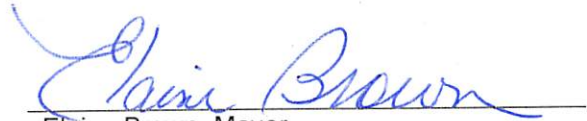
Councilor Messinger requested increasing the City's presence in patrolling the Bay Street area, especially regarding speeding. Chief Pike reported the radar sign would be moved to Bay Street.

Mr. Wynn advised there was a meeting at Neptune House on Wednesday, January 6, 2022, regarding the opening of the Jarboe Park and Bay Street.

Councilor Messinger suggested having an additional conversation with Beaches Chapel regarding parking on 5<sup>th</sup> Street.

Adjournment

There being no further business, the meeting adjourned at 6:38 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk

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

2.7-22

