



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, AUGUST 1, 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, August 1, 2022, 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 Kerry Chin  
 Councilor Lauren Key  
 Councilor Nia Livingston  
 Councilor Josh Messinger

**STAFF:**

City Manager Stefen Wynn (*via CMT*)  
 City Attorney Zachary Roth  
 Chief Financial Officer Danielle Dyer-Tyler  
 Commander Gary Snyder  
 Public Works Director Jim French  
 Community Development Director Samantha Brisolaro  
 Grants 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. and led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Minutes**

Made by Messinger, seconded by Key .

**MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:**

**June 29, 2022, Special LDC Workshop Council Meeting**  
**July 5, 2022, Regular City Council Meeting**

**Roll Call Vote:**

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown,  
 Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS**

**Public Comments**

Sharon Jachem, 1716 Strand Street, Neptune Beach, spoke regarding emails sent to Council. She questioned the date of November 1, 2021 in Footnote 11 for Table 27-239, which addresses the minimum R-4 and RC Overlay lot dimensions. She pointed the moratorium for lot splitting was initially in December, 2019. She also requested to see if a referendum has to be redone to change the proposed point of reference in the Charter. Ms. Jachem also spoke regarding the proposed one-year review of a CDB member. She questioned alcohol use in private clubs. Can people in a private club bring in alcohol for their own consumption without an event being proposed?

She then questioned why is all of the changes are being done. The C-1 district already has noise complaints. The RC Overlay has a lot of restrictions and we don't want restrictions. She is not sure why there is a disconnect between the residents and the Council.

Russell Peters, 99 Orange Street, Neptune Beach, questioned the permitting process for a certain address. He also is still questioning the parking on Orange Street. He asked if there was a plan for public safety for the increase in development.

Lynda Padrta, 1113 1<sup>st</sup> Street, Neptune Beach, stated she understands regarding the Airbnb regulations. She commented that in the new Code revisions, it does not address the placement of emergency generators. She added that her neighbor had built a patio in an area where there is a water problem. She submitted pictures for reference. She thanked Council for everything they do as she knows it is not easy.

#### **COMMUNICATIONS / CORRESPONDENCE / REPORTS / NONE**

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

#### **ORDINANCES**

Ord. No. 2022-03,  
LDC Revisions

Ordinance No. 2022-03, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida Amending and Revising Chapter 4, Alcoholic Beverages; Chapter 8, Buildings and Building Regulations; Article VII, Coastal Construction Code; Chapter 17, Sales; Chapter 18, Streets, Sidewalks, and Other Public Places; of the Code of Ordinances and Further Amending and Revising Chapter 27, Unified Land Development Regulations; Revising the Following Articles: Article I , In General, Article II Administrative and Enforcement Bodies, Article III, Administrative And Enforcement Procedures, Article IV, Land Use, Article V, Accessory Structures and Uses, Article VI, Concurrency, Article VII, Protection of Potable Well Fields, Article IX, Tree Protection and Landscaping, Article X, Streets, Sidewalks, and Rights-of-Way, Article XII, Stormwater and Erosion Control, Article XII, Off-Street Parking and Loading, Article XV, Advertising, and Article XVII, Nonconforming Lots, Structures, Uses and Signs; Providing Severability; Providing for Repeal of Laws In Conflict; and Providing for an Effective Date.

Public Hearing

Mayor Brown opened the public hearing.

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, thanked Council for the opportunity to speak. He stated that due to the format it is in which is going back to putting everything that has ever been in our current codes and changes, he found a significant mistake. There was not enough time to go through this thoroughly and make sure there weren't any mistakes. He is asking to delay this, not indefinitely or to stop the process, but he feels like there could be other mistakes.

Mr. Blais continued that if the second read and approval was going to take place, he requested addressing parking structures. In the previous Code, parking lots were allowed. He said that there must have been a judgement and parking lot also means parking structure. He personally disagrees with that interpretation. He added that if that is where we are at right now, there could be a 35-foot tall parking garage of unlimited size in the C-3, which is an allowable use. It is a special exception in all other districts except for the C-1. If Council thinks there should be some type of parking garage, it would be best to remove structures for tonight and then bring it up separately so that we can put guidelines. If we are going to add structures to any current zone, it should be done thoughtfully and carefully.

Henny Schoonover, 214 Oceanfront, Neptune Beach, stated her street is in the Beaches Town Center but is residential. She is concerned that things will change.

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

Presentation	<p>Community Development Director Samantha Brisolara presented the summary of changes from the first read to the second read. She did a comparison. She thanked Mr. Blais for pointing out the section he referenced. She stated that the format with the strike throughs and the underlined items are that way for legal reasons.</p> <p>City Attorney Zachary Roth reported that whenever you do an ordinance and amendments will change, you do a strike-throughs and underlining to show the minimal changes so it would not be considered readopting everything. For example, we currently have a provision in our Code that allows us to prohibit short-term rentals. If we readopt that entire provision, then what we would be doing is adopting a new ordinance after the date when the state pre-empted short-term rentals and we would lose our ability to enforce prohibitions on short-term rentals. You do the strike throughs and underlining to call out the specific changes that were made, noting that the rest remains.</p> <p>Ms. Brisolara further explained another attorney, [Mr. Terrell Arline, Of Counsel, with Ansbacher Law], reviewed the Land Development Code in terms of its validity and how it would be enforced. Some of the things that have changed are based on his recommendations.</p>
Summary of Changes	<p>Ms. Brisolara reviewed the changes, which include:</p>
Sec. 8-245, Oceanfront Development	<p><u>Chapter 8, Building and Building Regulations, Article VII, Coastal Construction Code, Division 3, Beachfront Lighting to Protect Marine Turtles, Section 8-245, Standard for New Development.</u> Ms. Brisolara explained that the first read references properties east of the Coastal Construction Control Line (CCCL). Not all of the oceanfront properties are east of the CCCL. To ensure the protection of the environment and the natural habitat, the language was changed to "on the oceanfront."</p>
Sec. 17-48, Food Trucks/Mobile Vendors	<p><u>Chapter 17, Sales, Article III, Temporary Open-Air Sales and Markets, Section 17-48, Food Trucks.</u> The language "and/or mobile vendors serving consumable or useable by animals" was added to be a little more encompassing.</p>
Sec. 27-15, Definitions	<p>The definition of "accessory apartment" was removed because they are not allowed in Neptune Beach and there is no reason to have a definition for it.</p> <p>The definitions for "cannabis" and "cannabis dispensing business" have been added.</p> <p>In the definition of "development, " originally included utility improvements. Per Florida Statutes, utility improvements are not considered development, so that has been removed.</p> <p>Nonconforming lot of record" has been changed to state if the lot area or width requirements are "decreased." It previously stated "increased." She stated that the word "changed" could also be used.</p> <p>Vice Mayor Chin commented that the definition of nonconforming lot of record was one of his questions because in Section 27-705, the same language uses the word "increased." He suggests using the more general term "changed."</p> <p>Ms. Brisolara continued that the definition of "yard" was changed to be consistent with Section 27-231(c)(3). It states that the front yard shall be considered the area directly situated in front of the primary façade of the structure.</p>
Quasi-Judicial Hearing	<p>There are certain types of applications that require a "quasi-judicial" public hearing. Clarification has been made that a quasi-judicial hearing is required and has been added when required.</p>

Explanation of Quasi-Judicial	<p>Mr. Roth explained that because local government is different than state government or national government, many of the judicial-type functions are held by the same body, that the legislative functions are held by, such as the City Council and Community Development Board. It is important to distinguish between the two. What Council is doing right now is sitting in a legislative capacity passing law. When Council is acting in a quasi-judicial capacity, you are doing something in regard to specific lot or a specific number of lots as opposed to affecting the City or neighborhood generally. In those circumstances, the due process rights under the Florida Constitution or the Federal Constitution, are higher so there is a different standard we have to meet in those contexts.</p> <p>Ms. Brisolara pointed out that the term "quasi-judicial" had been added to the required sections, which are Sections 27-82 (h), 27-125 (b), 27-131, 27-144 (a-c), 27-145 (c), 27-145.2 (c), (d), 27-158.1(a-c), 27-159 (c), (e), 27-177 (a), (c)(2), (d), 27-178 (d) and 27-188 (b).</p>
Sec. 27-149, Extension of Variance	The capacity to request a one-time extension of up to 12 months for a variance has been added to Section 27-149. In the development and special exception categories the applicant may request an extension and this creates consistency.
Sec. 27-226 (i) (3) c., Allowable Uses Within Zoning District	In Section 27-226(i)(3)c., Allowable Uses Within Zoning Districts, in the Commercial-2 (C-2) District, parking structure has been added. The Zoning Districts C-2 and C-3 already allow for parking structures based on the definition of parking lot from the original Land Development Code (LDC).
Sec. 27-227(b) (17), Medical Marijuana Treatment Centers	In Section 27-227(b)(17), Special Restrictions and Conditions on Allowable Uses Within District, an additional provision for medical marijuana dispensaries has been added based on the F.S. Section 381.986.
Sec. 27-235 (a)(2), Encroachments, Architectural Projections	In Section 27-235, Encroachments, (a)(2), Architectural Projections, clarifies that these architectural projections and encroachments are for existing structures. The impetus behind this is to try and help those people who wanted to have those architectural elements to their home. This reduces the need for a variance. However, if someone is building a new house, they need to try and meet the necessary setbacks.
Parking Structures	<p>Councilor Livingston commented that we are not adding parking garages in C-2 and C-3 as an allowable use as it was already in our Code. We tightened up the definition and added structure. Now we have redefined parking structure and parking lot to better protect ourselves. She questioned if based on the definition of parking lot, should we add any sort of language stating to not include any sort of multi-level or is that necessary?</p> <p>Mr. Roth explained that the definition of parking lot was ambiguous as to whether it would include structures, which is the reason for the inclusion structure to clarify.</p> <p>Ms. Brisolara continued that because we added a definition for parking structure that creates that differentiation.</p> <p>Councilor Key questioned if we were to take parking structure out of the current zoning, which is allowable by right, what would that open the City up to?</p> <p>Mr. Roth advised the City could be sued pursuant to the Bert Harris Act. We could be sued for the City taking away the right to do something they wanted do. It would be a violation of their reasonable investment-backed expectations. He confirmed Councilor Key's statement that the City could be sued for taking parking structure, which is an allowable use in that zone out of that zone.</p>

Sec. 27-235(a)(3), Encroachments, Awnings and Entry Canopies	In Section 27-235(a)(3) Encroachments, Awnings and Entry Canopies, the language has been changed to apply to existing commercial buildings because we are trying to make it easier for existing structures to match what we are looking for.
Sec. 27-235, Balconies	Section 27-235(a)(6), Encroachments, Balconies and Upper-Level Decks & Patios has also been changed to apply to existing residential structures.
Sec. 27-236(b), Frontage Requirements, Applicability	Section 27-236(b), Frontage Requirements, Applicability, further explains these standards are for existing properties.
Sec. 27-236(e)(9)-(15), Frontage Requirements, Standards	Section 27-236(e)(9)-(15), Frontage Requirement, Standards, further places a limitation to how much an existing structure can encroach stating they cannot be more than five feet into the front setback.
Sec. 27-237 (1)-(4) Building Area Requirements, R-1, R-2, R-3 and R-4 districts- FAR	In Section 27-237(1)-(4), Building Area Requirements, R-1, R-2, R-3 and R-4 districts, the floor area ratios (FAR) have been changed to make a more consistent FAR or maximum square footage for each zoning district in order to create a more consistent look for what each zoning district is supposed to be.
Sec. 27-238(a)(6) Maximum lot coverage-C-1	In Section 27-238(a)(6), Maximum Lot Coverage, the lot coverage in the C-1 district was decreased from the first read from 80% to 70%. This was to account for the additional requirements for parking. We still need to be able to account for the parking that people need, but within that they are also required to have multiple trees, buffers, and things like that so that takes up space and that is the reason for the 70%.
Sec. 27-240 (a), Building Elevation	In Section 27-240(a), Building Elevation, the first read stated the height of the ground or first floor of the building above the crown of the road. This is ambiguous and was clarified to state the height of the slab (first floor) above the crown of the road in front of the building.
Sec. 27-244(b)(4)a., Open space requirements, R-5 district	In Section 27-244(b)(4)a., Open Space Requirements in the R-5 zoning districts, Gross Site Area, the language "excluding any wetlands" was added on the first read. It has been removed for the second read. In the conservation zoning district, if a single-family dwelling was allowed as a special use and we excluded any wetlands, there would be no way to calculate the gross site area.
Sec. 27-245(c), Planned Unit Developments (PUD)	In Section 27-245(c), Planned Unit Developments (PUDs), this is pointing out the exclusion of "non-transient lodging facilities." It was removed by mistake and Ms. Brisolara recommends putting it back in.
Sec. 27-246, Central Business District-Special Regulations	In Section 27-246, Central Business District-Special Regulations, "existing structures that do not meet these regulations are considered legal non-conforming structures."
Sec. 27-456(f)1.e., Planting	Section 27-456(f)1.e., Planting, had a new subsection e., "Ornamental shrubs, native privacy plants, or other non-invasive landscape hedging shall be used between the required tree plantings, except that a 5-foot gap may be permitted for intrusions."
Council Discussion	Vice Mayor Chin thanked Ms. Brisolara and stated she had answered some of his questions. He had given her a list that contained basic minor typos.

Mayor Brown stated we did not need to go through those but anything that stands out that makes a change and is not clear to General Counsel, we would like to review.

Vice Mayor Chin questioned the C-1 Permitted Use by Special Exception, it lists parking lot, but excludes parking garages. It uses the word garage versus parking structure, which we defined. Should we use parking structure?

Mr. Roth suggested using parking structure since we have the definition.

Vice Mayor Chin stated that based on earlier discussion, taking parking structures out of the other uses would risk a Bert Harris issue. He suggests moving forward, consider putting together some regulation on parking structures so that we can add that later and control how they are built and how they can affect surrounding adjacent properties.

Vice Mayor Chin then pointed out in Section 27-328, Other Accessory Structures. He stated that subsection (a)(2)d. refers to air conditioning compressors. He also added that this speaks to the public comment regarding generators. He remarked that the governing paragraph refers to "air conditioning compressors serving central systems (other than window units) or other mechanical equipment." This is already a broad definition and should cover generators. The subparagraph only refers to compressors with the restrictions stating they should be enclosed. If we changed the word "compressor" in those subparagraphs to "equipment," it could give us the ability to cover things like emergency generators or anything else that may be attached to the principal structure.

Ms. Brisolara explained that another issue is that a generator is really considered an electrical structure, so it may be beneficial if we add electrical or mechanical equipment.

Vice Mayor Chin stated that Section 27-542 (c)(8), previously stated that bicycle rack materials should be made of powder-coated aluminum and now it just states plain aluminum.

Ms. Brisolara advised that powder-coated would be added back in.

Ms. Brisolara confirmed Vice Mayor Chin's inquiry that we would be using the word "changed" versus "increased" or "decreased" in the definition of nonconforming lot of record

Councilor Livingston commented that she agrees with a lot of the changes we have talked about adding in. She has questions, heard public comments and received emails about putting off the vote. It has been explained about the different format. The changes that we are talking about tonight are being put on the record that they are being changed. If, hypothetically, we get a final draft and it isn't in there, we can still go back and change it.

Mr. Roth stated that it can be changed by ordinance. We can amend any ordinance any time we want to.

Councilor Livingston suggested keeping everything out in the open and in public. After whatever happens tonight, if this is passed, she proposed at the next meeting having something they could look at to make sure all of the changes are in there. It is really more of trying to get this finalized.

Ms. Brisolara commented that this is a living document. As things are moved through permitting and find things that don't work, it can be brought back in ordinance form and make those changes.

Mayor Brown reiterated that one of the most important things is that this is a living document. We have made changes in the past when needed. This is our Code. We have made changes before for corrections and clarification. It could happen again.

Mr. Roth added that is a better practice than what the City has done historically, which is ignore it. Then, have to spend three years doing a new one. When you see things come up that aren't working, we address them then. That is how you keep the Code more effective than the one we've had.

Councilor Livingston stated that in reading this, she is comfortable with the changes. Staff has done a great job of adding in the changes. Mr. Roth has looked over it as well as another attorney. She would add PUD language back and she feels comfortable with the other language and explanations. She knows from being on the CBD that they would see things and they wouldn't get changed. It is good point to know that going forward, we should be changing and moving things rather than just seeing them sit.

Councilor Messinger pointed out the date, brought by a member of the audience, referenced in Footnote 11 of Table 27-239 should be corrected. He sponsored that legislation and wants to make sure it is accurate.

Mr. Roth noted that the point was well taken from the member of the public.

Vice Mayor Chin added that in Section 27-330, Fences, Walls or Hedges, subsection (4), we should add "or other plantings" to "No fence, wall or hedge." People have many other things besides hedges in the visibility triangle. We should broaden the definition.

Made by Livingston, seconded by Key.

**MOTION:** **TO ADOPT ORDINANCE NO. 2022-03, REVISING AND AMENDING THE LAND DEVELOPMENT REGULATIONS ON SECOND READ WITH THE CHANGES FROM THE PRESENTATION AND THE FOLLOWING CHANGES AND STIPULATIONS DISCUSSED AT THIS MEETING:**

1. **CHANGE "DECREASE" AND "INCREASE" TO "CHANGE" REGARDING NON-CONFORMING LOTS**
2. **CORRECT THE DATE IN FOOTNOTE 11 OF TABLE 27-239 TO DECEMBER 2, 2019**
3. **CHANGE "COMPRESSOR" TO EQUIPMENT AND ADDING THAT IT IS ELECTRICAL OR MECHANICAL EQUIPMENT IN SECTION 27-328(a)(2)d**
4. **ADD "POWDER-COATED" BACK TO BICYCLE RACKS IN SECTION 27-244(c)(8)**
5. **CHANGING "GARAGE" TO "STRUCTURE" IN THE C-1 DISTRICT IN SECTION 27-226(h)(3)b**
6. **ADD "OR OTHER PLANTINGS" IN SECTION 27-330(a)(4) REGARDING THE VISIBILITY**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS / NONE**

**NEW BUSINESS**

Millage Rate

Consideration of Proposed Millage Rate. Mayor Brown reported that City Manager Stefen Wynn is out of town. Chief Financial Officer Danielle. Dyer-Tyler reported that the current millage rate is 3.3656. A new millage rate of 3.5193 is being proposed. She presented examples of what the increase would be based on different assessed values. This is being

proposed now due to the potential for a recession and things of that nature. We would like to plan ahead to make sure the City can continue to operate with the same level of service.

Ms. Dyer-Tyler reviewed the breakdown of how the City's taxable value relates to what the City of Jacksonville (COJ) receives and what Duval County Public Schools (DCPS) receive. COJ receives approximately 44%, DCPS receives approximately 37% leaving Neptune Beach with approximately 19%. She reported if we increase the millage rate to 3.5193, this would bring approximately \$495,000 annually to the General Fund budget. She added that the City has grown and the Public Safety Department has grown. We have seen come deficits and we would like to cover those deficits within the General Fund. The millage rate increase would be 0.1537%.

Ms. Dyer-Tyler pointed out that COJ Mayor Lenny Curry is proposing a rollback rate of .449%. Neptune Beach residents will still get a savings of .2% even with the proposed millage rate increase. In addition to the rollback on the property taxes, there will also be a rollback on the DCPS portion. Even though COJ and DCPS receive a large part of the assessed value, our increase will be mitigated.

Mayor Brown emphasized that she wanted to make sure everyone to understand because it is important thing that the rollback is happening for Duval County. The City is asking for an increase that will still allow residents to see a savings on property taxes. This could not be at a better time that would now allow us to move forward with what is needed for infrastructure, paving, and things we need because we do give so much to Duval County.

**Council Discussion** Councilor Key announced there would be a Finance Committee meeting in August to discuss some of these things. She would like to get a better picture. We have obviously failing infrastructure that has been neglected for years in our City. She wants to have a better understanding of how we are going to address that moving forward. Unfortunately, we can't ignore it any longer.

Councilor Key commented that she wanted to touch on public safety being a large portion of the budget. She does not think that we take into account that we are a coastal community with an influx of people and on weekends we have far more people than we do residents, so that number is skewed. If we look at it in a holistic manner, it would be greater than what we currently have. However, the numbers are based off of residents, even though as a coastal community, we have far more people. Those are important things to start looking at and discussing in the Finance Committee.

Councilor Livingston agreed with Councilor Key and would have more questions based off of that.

Mr. Roth clarified that the City has 35 days from when the property appraiser certifies value to provide our proposed rate. This is not our hearing on the millage rate. Our hearing is in September. This not he last time it will be discussed.

Councilor Messinger stated he would also have additional questions and planned on being at the Finance Committee meeting.

Councilor Messinger reported he had been speaking with the City Attorney about looking at impact fees and how those relate to our overall budgeting because we do not have them. It has been something we have been talking about for years. Additionally, there are abilities with impact fees to look at public safety, as well as infrastructure, water, sewer, and things of that nature. He thinks those will have a very large part of the discussion and may offset these needs through more creative funding sources. Where we are at, this would be a very important component keeping our taxes lower.

Mr. Roth announced that Terrell Arline is working on a proposal to Council on what would be



suggested regarding impact fees. A presentation would be at the next workshop.

City Manager Stefen Wynn, via Communications Media Technology (CMT), advised that he needed to report back to Duval County Property Appraiser's Office by August 4, 2022, so they can finish the worksheet and get to us our final assessed values.

Made by Livingston, seconded by Key.

**MOTION:**        **TO APPROVE THE PROPOSED MILLAGE RATE 3.5193 TO TRANSMIT TO THE PROPERTY APPRAISER**

Roll Call Vote:

Ayes: 4-Key, Livingston, Chin, and Brown

Noes: 1-Messinger

**MOTION CARRIED**

Res. No. 2022-06,  
Opioid Settlements

Resolution No. 2022-06, A Resolution of the City of Neptune Beach, Florida, Approving the Interlocal Agreement between the City of Jacksonville, the City of Atlantic Beach, the City of Jacksonville Beach, the City of Neptune Beach, and the Town of Baldwin for Distribution of Opioid Litigation Settlement Proceeds.

Mr. Roth explained that Duval County is one of many government entities in Florida, and many other states to join in various litigation against the opioid manufacturers for their contributions to the opioid crisis. Florida entered into a statewide plan for settling those cases. Last year, Council passed a resolution joining that plan. This is an interlocal agreement that provides how Duval County, because they are the designated recipient from the state, how they are required to disperse those funds per capita. This was worked on with the other two beaches attorneys as well as General Counsel from Duval County. The changes we requested were that Duval County has to take all the steps necessary to ensure the money and we are to receive the money within 30 days of receipt.

Made by Key, seconded by Messinger.

**MOTION:**        **TO ADOPT RESOLUTION NO. 2022-06, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE, THE CITY OF ATLANTIC BEACH, THE CITY OF JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH, AND THE TOWN OF BALDWIN FOR DISTRIBUTION OF OPIOID LITIGATION SETTLEMENT PROCEEDS AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO THE INTERLOCAL AGREEMENT**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Ardurra Group,  
Supp. No. 2

Consideration of Approval of Supplemental Agreement No. 2 with Ardurra Group, Inc. for Professional and Consulting Services on the City Hall Roof Replacement Project.

Mobility Management Director Megan Steward reported that the roof of City Hall has not been replaced since its original construction in 1996. There are currently several major leaks. One of the issues that was discovered is there are no properly engineered drawings for the roof as there were items added after construction, mainly solar panels. We need to be able to spec out the roof and put the panels back down properly. One of the City's general engineering consultants, Ardurra, who was chosen through an RFP process, has provided a quote for engineering services for \$30,761.36. This would include professional engineering

activities associated with design, bid and construction for improvements for the project. This is under Non-Departmental -Building Improvements fund which has \$45,000 available.

Councilor Messinger asked if A1A Solar, who installed the panels, would have engineering documents related to the installation? If we obtain those documents, would that reduce some of the cost of the scope or bid?

Mr. Wynn reported that it was discovered that A1A only provided the materials. Our public works department actually did the installation. Any engineered documents are specific to the solar panels and not the roof.

Councilor Livingston asked if we have a good relationship with Ardurra and have we had any issues?

Mr. Wynn reported the City has a number of continuing services contractors. Ardurra is one of our engineering consultants. This would be a supplemental agreement to that existing contract. They recently completed the construction inspection services for Florida Boulevard project

Councilor Key asked who would be removing the solar panels.

Mr. Wynn answered we don't know yet and that would be done after engineering has been completed to see what will be done. That would be part of the bid package that will help us put together for contractors.

Councilor Key stated she would like to have some sort of contingency funds set up for damage that may be done to the solar panels as they are removed and put back on. She would not like be surprised at the end to have extra money need to be spent because they were damaged.

Mr. Wynn advised that we can put that into any bid specifications that Ardurra puts out for us. He also reported that the solar panels do work in the summer months. We see the lower utility bills.

Councilor Livingston asked how many years we had left as they don't last as long as one would think.

Mr. Wynn stated that they were tested last year and a couple of them were swapped out. He added we can have Ardurra work with A1A and make sure they are still in working condition

Councilor Key asked if there was a warranty for the panels and if it is voided by removing the panels. It would be important to have that information.

Ms. Steward commented that she was not aware of a warranty.

Made by Chin, seconded by Key.

**MOTION:**        **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 WITH ARDURRA GROUP FOR PROFESSIONAL AND CONSULTING SERVICES ON THE CITY HALL ROOF REPLACEMENT PROJECT**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Council Chambers    Consideration of Approval of Upgrade and Improve Audio/Video Equipment in Council

**Audio/Video  
Upgrade**

Chambers. Mr. Wynn explained that one of the chief complaints throughout the LDC process is that some of the language, or some of the things shown on the screen, are hard to see. We have also heard it is hard to hear people and when Council members are speaking, it does not pick up their face.

We are proposing an upgrade to the audio/visual(A/V) equipment utilizing American Rescue Plan Act (ARPA) funding. This would improve the IT services to our residents and to those people that use IT services, like being able to view the presentations. We are proposing funding to upgrade our A/V equipment and communications in the Council Chambers. A total of \$47,500 will go to completely rewire, improve the cameras and the screens.

Vice Mayor Chin stated that he noted that the client will need to coordinate an installation with the existing audio vendor. Do we know how difficult that will be or if there would be extras costs? He also asked if this would change how we are recording the video for posting.

Mr. Wynn explained there will be a programming fee with the existing audio company. We don't know what that will be. It's normally within his normal approval limits, meaning it won't be over \$10,000. The recording will improve as people will be able to view from home without having to register or type in a Code. We will go back to livestreaming through our website, CivicPlus with a Zoom interface. You will be able to see things better and it will have a professional production value for watching videos after a Council meeting has concluded.

Councilor Messinger asked Mr. Wynn to extrapolate on how this could be used for a use such as this.

Mr. Wynn reported that the final rule from the Department of the Treasury concerning the expenditures for ARPA funding include funding projects that improve the user experience of government IT systems, including technology to increase public access and delivery of government programs and services

Councilor Key stated that she would like to see that at the completion of this project the holes filled and the room repainted.

Made by Messinger, seconded by Key.

**MOTION:** **TO APPROVE THE BIS DIGITAL TO UPGRADE AND IMPROVE AUDIO/VISUAL EQUIPMENT IN THE COUNCIL CHAMBERS IN THE NOT TO EXCEED AMOUNT OF \$47,500.**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

Mr. Roth introduced Rhett Perrett with the Ansbacher Law Firm. He took the bar exam last week and will be filling in at Council meetings

**Adjournment**

There being no further business, the meeting adjourned at 7:24 p.m.

  
Elaine Brown, Mayor

ATTEST:   
Catherine Ponson, CMC  
City Clerk

Approved: 9.7.2022

