



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 7, 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, November 7, 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
City Attorney Zachary Roth
Chief Financial Officer Danielle Dyer-Tyler
Police Chief Richard Pike
Public Works Director Jim French
Grants and Resiliency Coordinator Colin Moore
Senior Center Director Leslie Lyne
Mobility Management Director Megan Steward
City Clerk Catherine Ponson

Call to Order/Roll
Call/Pledge

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

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION: TO APPROVE THE FOLLOWING:

September 7, 2022, Regular City Council Meeting
September 19, 2022, Special City Council Meeting
September 19, 2022, Workshop City Council Meeting
September 27, 2022, Special City Council Meeting (Hurricane Ian)
October 3, 2022, Regular City Council Meeting
October 17, 2022, Special City Council Meeting
October 17, 2022, Workshop City Council Meeting

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments Richard Curtis, 111 Cherry Street, Neptune Beach, spoke in support of short-term rentals. He stated there are advantages for the community in terms of tax revenue. He encouraged the City Council to shorten the 28-day minimum stay to 7 days.

Shellie Thole, 124 Margaret Street, Neptune Beach, requested another public comment period at the end of the meetings.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report City Manager Stefen Wynn presented the City Manager report. He reported on the new technology and how City staff has been looking at ways of improving communication. The City's website is now www.nbfl.gov. There is also a new app to help interface with residents. It is called "Access Neptune." More information will be coming as staff is currently testing the new app.

He continued by reviewing Neptune House maintenance. He reported that the City is out to bid on the Senior Center Activity Center Porch and Exterior Finishes. It is a rebid and is due on November 16, 2022. He presented and unaudited five-year look back at donations and operating expenses for the Senior Center since FY2018. He also presented a construction cost to-date of what has been spent and what is in donation revenue for surplus. Mr. Wynn gave an update on Public Works projects and reports.

All City Manager reports can be found in their entirety at : <https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards>

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**ORDINANCES / NONE****OLD BUSINESS**

Res. No. 2022-07, Fees Resolution No. 2022-07, A Resolution of the City of Neptune Beach, Florida, Adopting a Schedule of Fees to be Instituted for Various City Services; Providing for Severability and Providing an Effective Date.

Councilor Messinger commented that he appreciated all of the staff time that has gone into this resolution. Additionally, by having this in one place, a business or resident does not have to hunt through our ordinances. It is a very good move forward for consolidation and transparency related to our fee schedules.

Vice Mayor Chin agreed with Councilor Messinger and added this was quite an undertaking, especially since Council asked for further analysis by looking at our sister cities. Next time they try to do the same thing, they will find the fees all in one place.

Made by Livingston, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NO. 2022-07, A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A SCHEDULE OF FEES TO BE INSTITUTED FOR VARIOUS CITY SERVICES**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2022-08,
Employee
Handbook

Resolution No. 2022-08, A Resolution of the City of Neptune Beach, Florida, Adopting An Employee Handbook; and Providing an Effective Date.

Vice Mayor Chin stated that from his understanding from the City Clerk's communication, this was put together by the HR consultants who handle this for a living and is their expertise. It combines a different policies and resolves ambiguities and conflicts. He added that this is staff policy and it is something Council shouldn't be digging into.

Councilor Key remarked that she felt differently. She stated there were things that she wondered how is this related to an employee handbook. One of them being the social media policy. It states "The City also reserves the right to turn off the ability of employees or third parties to post or comment, in its discretion. The City does not intend to create a public forum, but to maintain a forum related to topics posted by the City."

Councilor Key commented that this sounds less like an employee policy and more like a city policy for its residents. She disagrees with it. When she looks at what other cities do in terms of communication or allowance of commenting, she did not find any that had commenting turned off. There is a rub with citizens that comments have been turned off. There is not the necessity to engage but there is an opportunity to see where things lie when we do make a post.

Mayor Brown requested someone address comments being turned off and how it is being handled in the handbook.

City Attorney Zachary Roth stated that it is not a legal question in the sense that we can have comments or we cannot have comments. We have no legal obligation to have them on or off. It is a policy question. The language does not change anything. We don't have to say we have a right that we already have. There is no legal obligation to provide a forum on our social media or have social media at all.

Kathi Walker, with NewFocus HR, the consultant, stated that the commenting provisions were throughout the documents she gathered to create the new handbook. She stated there was a list in the new handbook of topics that employees should not be putting on the City social media site.

Councilor Livingston stated she does not see any issues. It puts everything in one place, especially with our union contracts.

Councilor Messinger stated he would like to see it spelled out that the Council has a say if we are going to shut off communication with the public. That is a policy issue that we as a body would want to choose the agrees that we should have commenting. He questioned if this should be addressed in the employee handbook or does it need to go a separate path. They should follow each other.

Mr. Roth reported that the document states that we reserve the right to turn off comments. Since Council is the body passing this handbook, anything in it is at the discretion of Council. It does not need to be revised to say it is on or off.

The paragraph on page 43 and top of 44 in Section 515 reads "The Website Administrator will monitor the City-related social media, Web 2.0, and social networking outlets at least once a day to respond to messages and remove any messages deemed removable. If a City social media site allows comments or posts by third-parties, the City may terminate the site at any time. If the City continues to use the social media site, the City reserves the right to edit or remove any inappropriate content posted to the site. The City also reserves the right to turn off the ability of employees or third-parties to post or comment, in its discretion. The City does not intend to create a public forum, but to maintain a forum related to topics posted by the City."

Made by Messinger, seconded by Key.

MOTION: **TO ADD THE FOLLOWING TO THE END OF THE PARAGRAPH AT THE TOP OF PAGE 44, "ANY DECISION BY THE CITY TO TURN OFF THE ABILITY OF EMPLOYEES OR THIRD PARTIES TO POST OR COMMENT ON ITS SOCIAL MEDIA SHALL NOT OCCUR WITHOUT CONSENT OF CITY COUNCIL"**

Ms. Walker advised that allowing the time or discussion by Council could almost be detrimental.

Councilor Livingston agreed with Ms. Walker. She stated that adding this language could cause damage.

Councilor Key remarked that we are talking about what employees are allowed or not allowed to do. She takes issue with turning off of public comments from our social media page. She added that our social media page should be an open forum.

Vice Mayor Chin expressed that the Neptune Beach Official Facebook page is a one-to-many informational page that is used as a place for announcements. It is a way to promulgate information such as a boil water alert or events. Due to the nature of those things, it is not necessary to have commenting. In terms of whether this cuts off communication with the public, each Councilor is free to engage with the public on their own social media profiles. This is not something that is regulating the behavior of the Councilors.

Councilor Messinger agrees that we should have commenting. There are policies and ways in which it can be civil. The City should reserve the right to remove a racist or any other vulgar post. He is referring to a broader, overarching policy.

Ms. Walker stated that we are muddying the waters between residents and what is for employees. When she sees the phrase "third-parties" posting or commenting, she is thinking about the City's responsibilities to protect employees from harassment or discrimination. She would not mind if the entire paragraph was removed.

Mayor Brown remarked that we have to take down something that is offensive immediately and we reserve the right to do that.

Mr. Roth advised that if the paragraph is in the document or not in there, we have the same rights.

Councilor Livingston suggested looking at what we can do and adding to a workshop to accomplish what we want to do.

Councilor Messinger rescinded his motion with the caveat that it is more appropriate to remove the discussed paragraph.

Made by Messinger, seconded by Key.

MOTION: **TO REMOVE THE DISCUSSED PARAGRAPH BEGINNING WITH "THE WEBSITE ADMINISTRATOR" AND ENDING WITH "TO TOPICS POSTED BY THE CITY."**

Councilor Key stated she would like to add it to an agenda to vote on if we are going to keep commenting off or not.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Made by Livingston, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NO. 2022-08, A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING AN EMPLOYEE HANDBOOK, AS AMENDED**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Pete's Giving
Event

Pete's Giving Thanksgiving Day Event - November 24, 2022

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE PETE'S GIVING THANKSGIVING DAY EVENT ON NOVEMBER 24, 2022**

Roll Call Vote

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

Noes: 0

MOTION CARRIED

Thanksgiving Day
Clydesdale Event

Anhueser-Busch Clydesdale Thanksgiving Day Event - November 24, 2022.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE THE ANHUESER-BUSCH CLYDESDALE THANKSGIVING DAY EVENT - NOVEMBER 24, 2022.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Adjournment

There being no further business, the meeting adjourned at 7:20 p.m.


Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk

Approved: 12-5-2022

