



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 5, 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, December 5, 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
 Police Commander Gary Snyder
 Senior Center Director Leslie Lyne
 Public Works Director Jim French
 Code Compliance Supervisor Piper Turner
 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 led the Pledge of Allegiance.

**Presentation of
FCCMA Award**

Presentation of FCCMA Award to Neptune Beach for 30th Year of Council-Manager Form of Government - Jim Hanson. Jim Hanson, Senior Advisor FCCMA, presented an award to the City in recognition in honor of the 30-year anniversary of having Council-Manager form of government.

**Swearing-In
Ceremonies**

Mayor Brown administered the Oath of Office to Councilor Nia Livingston who was elected to City Council Seat 5.

Mayor Brown administered the Oath of Office to Councilor Josh Messinger who was elected to City Council Seat 4.

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION: TO APPROVE THE FOLLOWING:

November 7, 2022, Regular City Council Meeting

November 9, 2022, Emergency City Council Meeting (T.S. Nicole)

November 21, 2022, Special & Workshop City Council Meeting (Rescheduled)

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**PUBLIC COMMENTS**

Public Comments Brent Rogers, 1932 Strickland Road, Neptune Beach, spoke regarding the Senior Center. He requested Council reject the bid submitted.

Jean Bakkes, 2009 Marsh Point Road, Neptune Beach, spoke regarding the parking space lease in the City right-of-way. He opposes the approval of the agreement as it will impact an already approved development plan.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated that is important to know who Council is and who their families are. She would be sending an email.

Lee Elmore, 1650 Beach Avenue, Atlantic Beach, announced the upcoming Beaches Luminaria on Saturday, December 17. She added that the kits are available at Berkshire Hathaway and the proceeds in Neptune Beach would go to "No Empty Stockings."

COMMUNICATIONS / CORRESPONDENCE / REPORTSCity Manager
Report

City Manager Stefen Wynn presented the City Manager report.

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**OLD BUSINESS**Senior Activity
Center Project

CONB 2022-03, Neptune Beach Activity Center Porch and Exterior Finishes. Mr. Wynn explained that Council should decide whether to accept or reject the bid received from Mesic Construction. He did state that there were some alternatives or temporary solutions. He explained the packet there are construction expenses. There is also a summary and a final amount to ask. At the last meeting, Council directed staff to get the final number and see if the Senior Center Director Leslie Lyne could commit to fundraising over a set amount of years to cover the cost to finish the Senior Center. The Chief Financial Officer has projected the amount to be \$362,907.93. Mr. Wynn commented that it is probably closer to \$402,000.

Vice Mayor Chin asked Senior Center Director Leslie Lyne how she felt about the idea of dividing the total costs over a number of years and do extra fundraising.

Mr. Wynn summarized that it would be an additional \$402,000 over the next ten years for \$40,200 each year.

Ms. Lyne stated she would be onboard with that amount and she is dedicated to getting the Senior Center open.

Councilor Key asked if the bid was to be rejected and go out for bid again, would that be a legal issue now that there is a number that has been submitted.

City Attorney Zach Roth advised that the bigger issue is holding the bid open and waiting to see another number from someone who didn't participate in the bid process.

Councilor Key stated her concern is if we reject the bid, what and how much would a temporary solution look like.

Mr. Wynn advised that if the bid is rejected and we try to rebid this, maybe market conditions would improve, and sometime next calendar year, we could move forward with a temporary ADA ramps. A second ingress and egress would be needed.

Councilor Key remarked that it is still not a complete solution. She suggested that if we are going to have a temporary solution, open it up at Neptune House. It could be staged there until we figure out what to do about the new center. She wants the Senior Center to open, but wants to be a good financial steward of the City. She is trying to find a way to do both.

Councilor Messinger requested Mr. Roth explain the liability issues with the temporary solution.

Mr. Roth advised that installing noncompliant ADA accesses creates a potential liability. This does not include just a ramp. It would include where a vehicle is parked for getting in the door. Installing just the minimum could expose liability issues when we knew the right way to do it and chose differently.

Councilor Messinger stated that he does not believe a temporary solution for that space is viable. The only way that is a viable path forward is a solution that includes the use of the facility and structure as designed by MLH (Marquis Latimer + Halback). We received that in February 2022 with feedback from the neighbors. It is more than just a porch. His concern is getting a complete product. Any notion of a temporary solution exposes the City to a significant amount of liability and would further degrade that neighborhood.

Mayor Brown reiterated that the price tag for the cost is still way too much for her. She added she would like to see this go out to bid. She wants to see this done right. She thinks there is a better price out there.

Councilor Livingston asked what would be looking at if we went forward with using Neptune House as a temporary housing for the Senior Center.

Mr. Roth advised that no lease would be needed and the City would have to work around any commitments already made for other events to be held there.

Councilor Livingston stated that if this goes for rebid, she would like to have hardscape and landscape included.

Councilor Messinger commented that Neptune House would be a viable option and he too would like to see a full bid package, including hardscape, landscape and irrigation. He added that if the bid is rejected, there needs to be a clear go forward path, not waiting until the next meeting. A realistic timeline with the holidays in mind needs to be in place.

Mr. Wynn commented that the new bid would go out after the first of the year with six weeks given to receive bids.

Vice Mayor Chin stated that if Ms. Lyne is open to using Neptune House, then it seems to be a viable alternative if the will of the Council is to go out for another bid.

Made by Messinger, seconded by Chin.

MOTION: **TO REJECT THE BID FROM CONB 2022-03, NEPTUNE BEACH SENIOR ACTIVITY CENTER PORCH AND EXTERIOR FINISHES WITH THE FOLLOWING CONDITIONS:**

- 1. THE PROJECT GO OUT TO BID ON JANUARY 12, 2023 WITH A CLOSING DATE FOR THOSE BIDS OF FEBRUARY 22, 2023**
- 2. TEMPORARILY AUTHORIZE THE USE OF NEPTUNE HOUSE TO BE USED FOR THE SENIOR ACTIVITY CENTER STARTING IN OR AROUND JANUARY 16, 2023**
- 3. THE SCOPE OF THE BID PACKAGE INCLUDE, AS DESIGNED BY MARQUIS, LATIMER + HALBACK, THE STRUCTURE, HARDSCAPE, LANDSCAPE AND ALL SITE PREPARATIONS NECESSARY TO ACHIEVE THE DESIGN PREVIOUSLY APPROVED BY COUNCIL**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2022-09,
Sec. 2-28

Ordinance No. 2022-03, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Section 2-28, Agenda; Providing for Severability; and Providing an Effective Date.

Public Hearing

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

Councilor Key stated she brought this forward so it codifies when there is a request for funding, proper documentation is received. A full budget should be received as a best business practice. This would avoid a situation such as what we are in with the Senior Center. She stated that if Council is requesting the funding, then they would work with staff on directing that.

Mr. Roth explained that the broad language is intentional. Every situation is different and this allows flexibility.

Vice Mayor Chin asked if there would be an issue if there was an expenditure for something that had no history.

Mr. Roth remarked that there should always be some documentation. If Council is being asked to spend money, we should know where the money is coming from, even if we don't know how much.

Councilor Messinger stated that it is staff's role to provide the documentation. He questioned if the word "staff" should be added to the language.

Mr. Roth explained that he drafted it so it does not say who is responsible but it could be included.

Councilor Messinger commented that he and Councilor Key could provide feedback on that specific item before the second read. It brings value to the ordinance.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE ORDINANCE NO. 2022-09 ON FIRST READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**OLD BUSINESS**2050 Kings Road
CircleAmended and Restated Revocable License Agreement - 2050 Kings Circle South.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE AMENDED AND RESTATED REVOCABLE LICENSE AGREEMENT FOR 2050 KINGS CIRCLE SOUTH

Roll Call Vote:

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

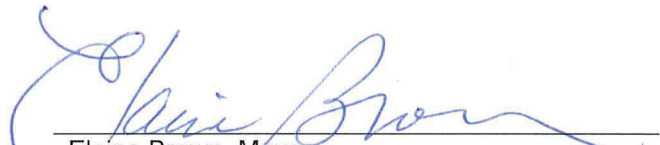
Noes: 0

MOTION CARRIED**COUNCIL COMMENTS**


Mayor Brown wished everyone a Happy Holiday season

Adjournment

There being no further business, the meeting adjourned at 7:26 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City ClerkApproved: 1-3-2023