



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, APRIL 3, 2023, 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, April 3, 2023, 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 Attorney Zachary Roth  
 Interim City Manager Richard Pike  
 Interim Police Chief Michael Key  
 Community Development Director Heather Whitmore  
 Senior Center Director Leslie Lyne  
 Public Works Director Deryle Calhoun  
 Deputy Public Works Director Colin Moore  
 Project Manager Jason Lupson  
 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 Livingston, seconded by Key.

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

**March 6, 2023, Regular City Council Meeting**  
**March 20, 2023, Workshop City Council Meeting**  
**March 23, 2023, Special City Council Meeting**

**Roll Call Vote:**

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

**MOTION CARRIED**

**City Attorney  
 Remarks**

Mayor Brown requested the City Attorney give an explanation of the 500 and 572 Atlantic Boulevard developments.

City Attorney Zachary Roth explained that the two properties are not owned by the same entity. He has made no representation about who the owners are as it is irrelevant. The 500 Atlantic project has a development order that permits it to undertake the development provided in that order. Completely separate from that development order is the development agreement that the City has with 572 Atlantic Boulevard. The first amendment is on the

agenda for this meeting. They are entirely separate projects with entirely separate needs. 500 Atlantic needs water and sewer to service the development that has already been approved in accordance with the Code. For that reason, they have reached out to Atlantic Beach to seek to have an extension brought across Atlantic Boulevard to connect water and sewer. That has nothing to do with 572 Atlantic that we are here to talk about with the water tank. The sole exception is that if the first amendment passes, 572 Atlantic would tap into that connection for the sole purpose of fire suppression. Atlantic Beach would not be servicing that property for water or sewer. This is about the quality of life for the residents behind 572 Atlantic and the rest of the residents to get rid of the water tank and put a separate system in place. It just so happens that there is a possibility of saving money on how much that costs because 500 Atlantic would be installing a separate connection that could be connected to. Other than being next to each other, there is no association between the two.

### **PUBLIC COMMENTS**

Public Comments Miriam Cinotti, 1031 Marvone Lane, Neptune Beach, spoke regarding the Senior Center. She added there is so much more that could be done with the money for the porch.

### **COMMUNICATIONS / CORRESPONDENCE / REPORTS**

Police Chief Report Interim Police Chief Michael Key reported that the Cookies with a Cop event on April 1, 2023, was a success. He announced the Easter Bunny Ride through Town would be Saturday, April 8, 2023. He reported that there would be a "Bunny Tracker" which is a live tracker that would let everyone know where the Easter Bunny is throughout the ride. There would be a weblink shared the day of the event. This will also be used for the Santa Ride through Town. He added that Movies with the Mayor is April 28, Opening of the Beaches Parade is April 30, and Dancin' in the Street is May 20. He stated that if anyone received a parking ticket during the meeting due to the free parking Code change, please contact the Police Department.

Interim Police Chief Key also announced that last month the Police Department joined with the Florida Highway Patrol to do an operation called Care, Crash, Awareness and Reduction Effort. In that operation, there were 61 traffic citations issued, 53 warnings and two arrested for driving under the influence.

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

### **OLD BUSINESS / NONE**

### **ORDINANCES**

Ord. No. 2023-01, Floor Area Ratio Ordinance No. 2023-01, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending and Revising Chapter 27 Unified Land Development Regulations; Article IV, Land Use; Section 27-237, Building Area Requirement (Removing 3,500 And 3,000 Floor Area Ratio Maximum In R-1, R-2, And R-3); And Providing For An Effective Date

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

Community Development Director Heather Whitmore explained that this is the second reading to amend the Land Development Code to remove the 3,500 and 3,000 square maximum floor area ratio for R-1, R-2, and R-3 zoning districts.

Made by Messinger, seconded by Chin.

**MOTION:** **TO ADOPT ORDINANCE NO. 2023-01, AMENDING AND REVISING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE IV, LAND USE; SECTION 27-237, BUILDING AREA REQUIREMENT (REMOVING 3,500 AND 3,000 FLOOR AREA RATIO MAXIMUM IN R-1, R-2, AND R-3);**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

### **OLD BUSINESS**

Second Public  
Hearing – Dev.  
Agreement  
Amendment

**SECOND OF TWO PUBLIC HEARINGS - First Amendment to Development Agreement between the City of Neptune Beach, Florida and Neptune Beach, FL Realty LLC entered into on March 1, 2021.**

Mr. Roth advised that after the first public hearing, there were two broad outstanding items that needed looking into. They were the status of the improvements given that his provides for return of the escrow and the status of the discussions with Atlantic Beach about the 500 Atlantic connection and the possibility of connected to that extension when finished.

Mr. Roth reported that aside from the landscaping contemplated in this agreement, the two items not completed, were the installation of the benches and the mural. An invoice has been provided to show the benches have been ordered and should have shipped last week. Evidence was provided that there is a contract with the artist for the mural and is scheduled for two weeks from this date.

Mr. Roth stated that Neptune Beach Public Works Director Derlye Calhoun reached out to Atlantic Beach Engineer Steve Swann regarding the connection. Mr. Swann confirmed they had been in discussion with the 500 Atlantic owner about a tri-party agreement that would ultimately involve Neptune Beach telling them that the City is okay with them servicing it. Atlantic Beach has also undertaken a study to show there is sufficient capacity for that. Atlantic Beach is waiting for Neptune Beach to take action to confirm that we are making an ask to allow 572 Atlantic to connect to them.

Mr. Roth added that Atlantic Beach is moving forward with the 500 Atlantic agreement. That is being negotiated between their attorneys. This amendment to the development agreement would tell Atlantic Beach to move forward in considering the fire suppression connection to 572 Atlantic into that as well.

Vice Mayor Chin commented to reiterate for the public's edification, that this amendment to the development agreement is scoped to 572 Atlantic. 500 Atlantic getting their water and sewer connection is a separate negotiation between the owners of 500 Atlantic and the City of Atlantic Beach. Neptune Beach is here saying we are proposing a connection between 572 Atlantic and that possible future water connection for the purposes of fire suppression for 572 Atlantic.

Made by Livingston, seconded by Messinger.

**MOTION:** **TO APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND NEPTUNE BEACH, FL REALTY LLC**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

CONB 2023-01,  
Senior Center  
Exterior Finishes

CONB 2023-01, Neptune Beach Senior Activity Center Porch and Exterior Finishes. Project Manager Jason Lupson reported that the bid opening for the Senior Center was on March 29 2023. Two bids were received. One from E.B. Morris General Contractors for \$690,460.00 and from TSG Construction, LLC for \$463,305.84.

Discussion ensued regarding the funding of the project, including the donations, grants and the Better Jax Half-Cent Sale Tax.

Councilor Key stated that in terms of discussing taxpayer dollars, whether it comes from the half-cent sales tax or another fund, it is a tax dollar. She still goes back to exploring the selling of the trailers and scrapping the project altogether. She does not feel as though the City would be good stewards of our tax dollars if more money was spent on this project. She personally donated to the Senior Center. She advocated for the \$75,000 that was received from the City of Jacksonville (COJ). This project was very important to her. It has gotten out of control and is clear today that there is still no budget. She has no intention of supporting another dollar on the Senior Center.

Councilor Livingston commented that the City is at the point of no return. A lot of money has been spent and more money has to be spent. If we were to keep the Senior Center at Neptune House, money would have to be spent to make that workable. She asked Mr. Lupson what he had found as far as return on the modular buildings.

Mr. Lupson stated everyone he contacted had zero interest, including modular resellers and the company who sold it to the City. He had not consulted with a realtor.

Councilor Livingston expressed that she realizes this is frustrating and she wants to do whatever we can to put the City in a position to where we are not going to be losing more money. She added that it seems like if we were to sell the modulars, what we are looking at right now, we would lose money.

Councilor Messinger remarked that from the very first onset of this project, and Council changed since then, he wanted a good design and plan, and then execute it. We are at the point where there is a good design and plan from a construction standpoint. He does not think there is a good plan from an accounting standpoint. He said it is like going on an expedition to piece it together. He is happy to recommend deferring this conversation until there is an exact, easy to understand breakdown of the accounting. We need to articulate all the pros and cons and then come to a solution. It needs to be precise.

Councilor Livingston requested an inventory of what has been purchased and look at any other expenses after the porch.

Councilor Key expressed that she has a hard time thinking about spending half a million plus dollars on something that is worth nothing. We need better information.

Made by Messinger, seconded by Chin.



**AMENDED**

**MOTION:** **TO DEFER FOR 30 DAYS FOR STAFF TO DO A COMPARABLE ON THIS, PUT IT OUT ON THE STREET AND GIVE A TRUE FINANCIAL READING THAT FALLS IN LINE WITH THE BIDS BEING ACTIVE. THIS CAN BE DONE AT THE NEXT CITY COUNCIL MEETING OR AS TIME SO PERMITS**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Made by Messinger, seconded by Chin.

**MOTION:** **TO DEFER, AS AMENDED, UNTIL A SPECIAL MEETING IS HELD AT THE NEXT WORKSHOP IF AT THAT TIME A DETAILED FINANCIAL ACCOUNTING IS PRESENTED**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED****NEW BUSINESS****Consent Order**

**Consent Order - Neptune Beach WWTF - OGC File No. 22-2304, FL0020427.** Deputy Public Works Director Derlye Calhoun explained that in September, 2021, there were two overflows totaling 400,000 gallons of wastewater. Since that time there have been a number of improvements. This consent order is a wrap up of that event. In addition to the fine, an overflow response plan is required.

Made by Messinger, seconded by Key.

**MOTION:** **TO APPROVE INTERIM CITY MANAGER TO SIGN FDEP CONSENT ORDER OGC FILE NO. 22-2304**

Roll Call Vote

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

Noes: 0

**MOTION CARRIED****Waste Pro Contract**

**Waste Pro Contract.** Mr. Roth explained that the City's contract with Waste Pro expires on October 31, 2023. There are different options on the next step. One option is to put it out for bid, one is to negotiate with Waste Pro and one is that the contract provides for the possibility of three one-year mutual extensions. Mr. Roth emphasized that the extension is mutual. He advised that by voting at this meeting, it puts it in Waste Pro's court. It is not an automatic right to renew. It provides there is a mutual right to renew based on the same terms of the agreement as they currently exist. Waste Pro provided they would be willing to do a short-term extension but they have not provided the figures for long-term extension. What they have provided is a significant increase. He is confident that the number would go up if this goes out to bid. It is his opinion that Council authorize a request to extend under the same terms of the agreement and await Waste Pro's response. This is the only way to keep costs down.

Vice Mayor Chin stated that he had talked with residents who expressed they would be willing to go to once a week pickup if it keeps the rates from going that high.

Mr. Roth responded that the number of pickups couldn't be changed under the extension but could be discussed either in direct negotiations or in a bid process.

Made by Messinger, seconded by Key.

**MOTION:**      **TO APPROVE NOTIFICATION TO WASTE PRO OF EXTENSION FOR A ONE-YEAR TERM BASED ON EXISTING CONTRACT**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

Vice Mayor Chin asked if there had been any possible solutions had been looked at for the carts and electric bikes being reckless in Jarboe Park.

Interim Police Chief Key stated he would get back to Council with statistics for the enforcement efforts that have been taking place in Jarboe Park.

Adjournment

There being no further business, the meeting adjourned at 6:49 p.m.

  
Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC  
City Clerk

Approved: 5-1-2023

