



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 5, 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, June 5, 2023, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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| Attendance: | <p>IN ATTENDANCE:
 Mayor Elaine Brown
 Vice Mayor Kerry Chin
 Councilor Lauren Key
 Councilor Nia Livingston
 Councilor Josh Messinger</p> | <p>STAFF:
 Interim City Manager Richard Pike
 City Attorney Zachary Roth
 Interim Police Chief Michael Key
 Community Development Director Heather Whitmore
 Public Works Director Deryle Calhoun
 Deputy Public Works Director Colin Moore
 City Clerk Catherine Ponson
 Interim CIO Yoan Gutierrez</p> |
| Call to Order/Roll Call/Pledge | <p>Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.</p> <p>Mayor Brown announced the passing away of the City's IT Director, Miklos Stoffel. He had been with the City for five years and did a great job in that position. He was very well-liked and will be missed.</p> | |
| Proclamation | <p><u>Presentation of Proclamation.</u> Mayor Brown presented a proclamation declaring the first Friday of June as National Gun Violence Awareness Day. Representatives from Moms Demand Action were present to receive the proclamation.</p> | |
| Beaches Town Center Presentation | <p><u>Beaches Town Center Presentation.</u> Deanne Dunlop, Beaches Town Center Merchants Association President, presented information about the Beaches Town Center Agency (BTCA). She reported that they are a nonprofit, community board that works for the improvement of the shared Atlantic Beach/Neptune Beach Central Business District. Their goal is to preserve the unique character blend of two traditional seaside neighborhoods joined by a cultural town center enjoyed by residents, merchants, and visitors.</p> | |
| Beaches Town Center Pressure Washing | <p><u>Beaches Town Center Pressure Washing.</u> Richard Arthur, Beaches Town Center Agency Treasurer, stated that the project of the pressure washing of the sidewalks in the Beaches Town Center (BTC) has been in the works for some time. Krystal Klean was awarded a contract in St. Johns County. The price for Neptune Beach, including gum removal is \$7,409.25.</p> | |

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE THE NEPTUNE BEACH PORTION OF THE KRYSTAL KLEAN PROPOSAL TO CLEAN THE BEACHES TOWN CENTER, INCLUDING GUM REMOVAL**

MOTION CARRIED

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

Swearing In- Sergeant William E. Torres Swearing In - Sergeant William E. Torres. Mayor Brown administered the Oath of Office to Sergeant William E. Torres

APPROVAL OF MINUTES

Minutes Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE THE FOLLOWING:**

May 1, 2023, Regular City Council Meeting
May 24, 2023, Workshop City Council Meeting

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

MOTION CARRIED

FY21 Audit Report FY21 Audit Report Update. Interim City Manager Richard Pike reported that CFO Jaime Hernandez had explained to him that the \$226,000, which was brought up at the FY21 audit presentation, has been located and is now included in that report. This was a result of a glitch in software that had been in use and the City is implementing a new ERP system and we should not have this issue in the future.

PUBLIC COMMENTS

Public Comments Miriam Cinotti, 1031 Marvone Lane, Neptune Beach, spoke regarding the Senior Center 501(c)(3) nonprofit organization, and the Community Garden.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, Spoke regarding getting more information and getting questions answered.

Interim City Manager Report Interim City Manager Pike reported that due to an employee retention plan put into place with support of Council, the Public Works Department has gone from having 16 vacancies to three vacancies. Public Works will be starting on sidewalks and parking on the west side of 5th Street in Jarboe Park. The wooden bridge will be replaced with a 30-foot aluminum bridge. Construction on the Senior Center porch will begin on June 12, 2023.

Interim Police Chief Report Interim Police Chief Michael Key reported that June 3, 2023, was Eddie Bounds Day by proclamation. He presented the May crime analysis report. He reminded everyone to keep their bicycles locked up. Dancin' in the Streets held on May 20, 2023, was a success with no noteworthy events to report.

Interim Police Chief Key gave an update on the yellow curb painting on First Street. The curb painting is a form of a traffic control device. He and the Public Works Director have been working to remedy the situation and creating a more visible approach. Everything has been weighed on public safety and the need for beach parking

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ord. No. 2023-02, Tree Trimming and Removal Ordinance No. 2023-02, Second Read and Public Hearing. An Ordinance Creating Section 14-12, Chapter 14 (Offenses); Governing Waste from Tree Trimming and Removal; 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.

Made by Messinger, seconded by Key.

MOTION: TO ADOPT ORDINANCE NO. 2023-02, CREATING SECTION 14-12, GOVERNING WASTE FROM TREE TRIMMING AND REMOVAL ON SECOND READ

Roll Call Vote

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

Noes: 0

MOTION CARRIED

Ord. No. 2023-03, Smoking in Public Parks and Beaches Ordinance No. 2023-03, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Creating Sections 18-10 through 18-13, Article II, Smoking, Chapter 18, Streets, Sidewalks and Other Places; Prohibiting Smoking and Vaping in Public Parks and Beaches within the City; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing.

Alexi Gonzales, 12566 Brookchase Lane, Jacksonville, member of Tobacco Free Jacksonville and Duval County Students Working Against Tobacco Club, spoke in favor of the ordinance.

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

Made by Livingston, seconded by Key.

MOTION: TO ADOPT ORDINANCE NO. 2023-03, CREATING SECTIONS 18-10 THROUGH 18-13, ARTICLE II, SMOKING, CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS AND BEACHES WITHIN THE CITY ON SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Waste Pro

Waste Pro Discussion. City Attorney Zachary Roth reported that the City had received a proposed rate on a six-year extension. The current contract expires on October 31, 2023, and then this would commence on November 1, 2023, if moved forward. There was also the issue of the franchise fee and fuel recovery fee. It was discovered that Waste Pro was not remitting the franchise fee and the City was not paying the fuel recovery fee. After an analysis, the results resulted in the City owing about \$170,000. Waste Pro has offered to waive that amount if Council moves forward with the extension as proposed.

Council discussion included frequency of service, pricing from other vendors and service levels.

Steve Diebenow, on behalf of Waste Pro, stated there were other options for lowering the rate, such as the franchise fee. There is consensus that \$170,000 is owed to Waste Pro. Waste Pro has put their best foot forward. The rate proposed is in line with recent bid in the region and have offered to waive the amount that is owed. If Council needs more time, they can work that out but not so much that it becomes difficult to do an RFP.

Made by Messinger, seconded by Livingston.

MOTION: **TO EXTEND THE CONTRACT FOR AN ADDITIONAL 30 DAYS UNDER THE CURRENT TERMS AND COUNCIL AGREES TO NEGOTIATE WITH WASTE PRO AND STAFF IN THE NEXT 30 DAYS**

Mr. Diebenow stated that Waste Pro would agree to a 30-day extension until November 30, 2023. He added that if there is a solution in two or three weeks, he would hope a special meeting could be held in order to address any additional issues.

Made by Key, seconded by Messinger.

AMENDED MOTION: **IF NEGOTIATIONS ARE NOT MADE WITHIN THE NEXT 30 DAYS, AN RFP WOULD BE ISSUED**

Amended Motion Roll Call Vote:

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

Noes: 0

AMENDED MOTION CARRIED

Original Motion as Amended Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Hall Roof

City Hall Roof Update. Public Works Director Deryle Calhoun reported the City Hall roof replacement bid had been modified since no bids were received the first time. He is recommending bidding the project now and see what the solar panel reinstallation would take and make a decision on the payback. The engineer has suggested the entire project could take six weeks and due to storm season, the reinstallation of the solar panels could be delayed.

NEW BUSINESS

Surplus Items

Surplus Items. Deputy Director of Public Works Colin Moore explained there were vehicles and equipment needing to be declared surplus in order to list for sale, including a street sweeper.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE THE SURPLUS ITEMS, AS REQUESTED**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ocean Vehicle Replacement

Ocean Vehicle Replacement. Interim City Manager Pike reported the current Ocean Rescue vehicle was discovered to be in disrepair. A replacement vehicle has been found that meets the requirements for use by Ocean Rescue.

Made by Chin, seconded by Livingston

MOTION: **TO APPROVE PURCHASE OF OCEAN VEHICLE REPLACEMENT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Utility Van

Purchase of Utility Van. Mr. Calhoun stated that the City has recently filled the Maintenance Technician position. A maintenance utility van is needed to carry tools, parts and materials needed. Public Works is requesting to authorize a not-to-exceed amount of \$55,000 in order to acquire a utility van.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE A NOT TO EXCEED AMOUNT OF \$55,000 FOR THE PURCHASE OF A UTILITY VAN**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Development of Stormwater Model

Development of Stormwater Model. Mr. Calhoun advised that the stormwater engineering consultant, Jones-Edmunds, presented the strategic plan at the May 19, 2023, Transportation and Infrastructure Planning Committee meeting. During the presentation the benefits of a stormwater model were presented and discussed. One of the more significant benefits of a stormwater model was in seeking various grants for improvement projects. The entire model is estimated at \$160,000, with \$50,000 estimated in FY23 to focus first on Hopkins Creek improvements at Florida Boulevard and Forest Avenue. He added that he wanted to focus on Hopkins Street as it relates to Duval County putting together their FY24 budget together. Atlantic Beach drains through Hopkins Creek on the way to the ICW.

Made by Livingston, seconded by Messinger.

MOTION: TO APPROVE THE DEVELOPMENT OF A STORMWATER MODEL FOR THE CITY OF NEPTUNE BEACH STORMWATER SYSTEM

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Emergency Pump Work

Potable Well #1 – Emergency Pump Work. Mr. Calhoun reported that Potable Well #1 is not operable, leaving two operating wells. The motor and well pump must be removed from the well to diagnose the issue. To take advantage of the pump being removed, a video survey of the well condition will be performed.

Made by Key, seconded by Livingston.

MOTION: TO APPROVE EMERGENCY AUTHORIZATION TO PULL WELL #1 PUMP FOR REPAIR AND VIDEO LOG

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

RFP for Wellfield Investigative and Rehabilitation Work

RFP for Wellfield Investigative and Rehabilitation Work. Mr. Calhoun explained that the City currently operates three wells drawing from the Floridan Aquifer. The wells were constructed in 1938, 1971 and 1972 and range from 852 to 1,212 feet below surface. Licensed water well contractors would be solicited for services to inspect, test and rehabilitate each well as needed in accordance with a request for proposals (RFP) developed by our consulting engineer.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE STAFF TO FINALIZE RFP FOR WELLFIELD INVESTIGATIVE AND REHABILITATIVE WORK

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Key commended Mr. Calhoun and Interim City Manager Pike for getting things done and taking care of business.

Councilor Messinger agreed added complimented Deputy Public Works Director Colin Moore, Community Development Director Heather Whitmore, and Interim Police Chief Michael Key and staff for their hard work during this time.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk



Approved: 08-07-2023