



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

Attendance:	ATTENDANCE: Mayor Elaine Brown Vice Mayor Kerry Chin Councilor Lauren Key Councilor Nia Livingston Councilor Josh Messinger(<i>absent</i>)	STAFF: City Manager Richard Pike City Attorney Zachary Roth Police Chief Michael Key Chief Financial Officer Jaime Hernandez Senior Center Director Leslie Lyne Community Development Director Heather Whitmore Public Works Director Deryle Calhoun Parks and Sustainability Director Colin Moore City Clerk Catherine Ponson
Call to Order/Roll Call/Pledge	Mayor Brown called the meeting to order at 6:00 p.m.	
Military Recognition of Police Officers	Police Chief Michael Key recognized the following Neptune Beach Police Officers for their military service: Officer Jason Haines – United States Coast Guard Officer Darren Jensen – United States Coast Guard Officer Sean Kramer – United States Army Officer Joseph Richardson – United States Marines	

APPROVAL OF MINUTES

Minutes Made by Key, seconded by Livingston.

MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:

October 16, 2023, Special City Council Meeting
October 16, 2023, Workshop City Council Meeting

Roll Call Vote:
Ayes: 4-Key, Livingston, Chin, and Brown
Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2023-10, Payment In-Lieu of Parking Ordinance No. 2023-10, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida Amending and Revising Chapter 27, Unified Land Development Regulations; Revising the Following Articles: Article XIII- Parking and Loading, Section 27-541, Payment In-Lieu Of Providing Off-Street Parking in the Central Business District; Providing Severability; Providing for Repeal of Laws in Conflict; 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.

Councilor Key pointed out that there have been multiple discussions regarding this ordinance. This is the second read and there is nothing left to discuss. She is ready to move forward.

Made by Key, seconded by Livingston.

MOTION: **TO ADOPT ORDINANCE NO. 2023-10, AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING AND REVISING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; REVISING THE FOLLOWING ARTICLES: ARTICLE XIII- PARKING AND LOADING, SECTION 27-541, PAYMENT IN-LIEU OF PROVIDING OFF-STREET PARKING IN THE CENTRAL BUSINESS DISTRICT ON SECOND READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2023-11, Floodplain Regulations Ordinance No. 2023-11, First Read and Public Hearing, An Ordinance of the City of Neptune Beach Amending Part II, Code of Ordinances, Chapter 27, Unified Land Development Regulations, Article I, General, Definitions; Article III, Administrative and Enforcement Procedures, Division 8. Variances, and Chapter 30, Floodplains; Providing Severability; Providing for Repeal of Laws in Conflict; 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 this ordinance updates the City's floodplain regulations. Floodplain regulations in Chapter 27, Land Development Regulations, have been moved to Chapter 30. This includes definitions, administration, and enforcement. This is being brought forward to remain compliant with the National Flood Insurance Program.

Made by Livingston, seconded by Chin.

MOTION: **TO APPROVE ORDINANCE NO. 2023-11, AN ORDINANCE BY THE CITY OF NEPTUNE BEACH AMENDING PART II, CODE OF ORDINANCES, CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE I, GENERAL, DEFINITIONS; ARTICLE III, ADMINISTRATIVE AND ENFORCEMENT PROCEDURES, DIVISION 8. VARIANCES, AND CHAPTER 30, FLOODPLAINS ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Right-of-Way
Purchase

Request to Purchase Right-of-Way (Kings Circle S/Marsh Point Rd/Florida Boulevard). Community Development Director Heather Whitmore explained that this is a request to purchase a portion of a right-of-way adjacent to properties along Marsh Point Rd and Florida Blvd, also known in correspondence as the "weird alley." This was brought before Council on September 5, 2023, and is back again with more information as requested by Council. The applicant, Mr. Jean Bakkes, has provided an updated appraisal showing the market value of the subject right-of-way to be \$70,000.

Ms. Whitmore reminded everyone that the requested property is a 2,547 square-foot portion of right-of-way adjacent to six vacant parcels all owned by the applicant. A portion of the right-of-way not subject to this vacation contains eight parking spaces behind the Monahan Building. These spaces are leased by the City to the Monahan Building and would not be impacted.

Ms. Whitmore confirmed Vice Mayor Chin's clarification that Mr. Bakkes owns the property that bounds both sides and is seeking to unify it into one more-useable space.

Vice Mayor Chin stated a rendering had been included of what could go on the property, but it is not-to-scale, nor it is something that could be used in the evaluation of this item. It is just an example.

Ms. Whitmore explained the rendering is what the applicant is proposing to place there based on Council's request for more information.

Councilor Key commented that she is against selling City right-of-way. This is a unique circumstance. It is a public benefit to the City, the residents that live around it, and the overall area to have an improvement. She supports the selling of this property. She does request that, if possible, a public benefit be made as part of the development, such as a coffee shop or café.

City Attorney Zachary Roth advised that the City could as a condition of the sale, place a restrictive covenant that a portion be used for that purpose.

Councilor Livingston expressed that she goes back and forth on this item. She has a hard time selling City property. She is concerned that this might open a door to seeing more of this. She does agree this is a unique and different property. She questioned if what the applicant proposed would meet our Code?

Ms. Whitmore explained there was no site plan to be able to evaluate compliance. The assumption is that it would fit into the zoning regulations, including parking, setbacks, lot coverage. All that has been received is a rendering.

Mr. Roth stated that part of the sale be conditioned on being replatted as part of the property and going through the replatting process.

Mayor Brown reported she visited the property. She too is apprehensive about selling City property. She is making an exception as well in this case as the applicant has expressed public benefit that would be good for the area.

Discussion with the applicant ensued which included excluding the square footage of the property in the maximum floor area, public benefit, zoning, permissible uses, and development of the property.

After discussion, Mayor Brown commented that the consensus is to move forward, and she asked Mr. Roth if the City could control the process of the closing.

Mr. Roth advised he would put together a draft contract for Council review, which would include the buyer paying the closing costs and referencing in the zoning that a portion would have to be used for those specified purposes.

NEW BUSINESS

Pete's
Thanksgiving
Day Event

Pete's Thanksgiving Day Event - November 23, 2023. Mayor Brown explained this is a request for the annual Thanksgiving Day event held by Pete's Bar. She asked the City Attorney to go over the indemnification portion of the conditions.

Mr. Roth advised that he wanted to clarify that Item #27 City's letter states the City assumes no liability for any accident or injury and Pete's Bar will hold the City harmless. It is his intention that this means Pete's will indemnify the City and hold the City harmless. He requests that Council consider this as part of the motion.

Made by Key, seconded by Chin.

MOTION: TO APPROVE PETE'S THANKSGIVING DAY EVENT SUBJECT TO CITY ATTORNEY'S COMMENTS REGARDING INDEMNIFICATION

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Pete's 90th
Anniversary
Celebration

Consideration of Approval of Pete's 90th Anniversary Celebration Event – December 16, 2023. Mayor Brown announced this is for approval of Pete's 90th Anniversary Celebration and scheduled for December 16, 2023, and would involve closing a portion of Lemon Street.

Vice Mayor Chin asked if the same indemnification language from the previous item would apply to this event.

Mr. Roth confirmed that the same language would apply, and he clarified that the applicant has signed the hold harmless agreement. We just want to make sure that it is not ambiguous.

Made by Chin, seconded by Livingston.

MOTION: TO APPROVE PETE'S 90TH ANNIVERSARY CELEBRATION WITH SAME CONSIDERATION TO INCLUDE INDEMNIFICATION

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2023-14, Payment In-Lieu of Parking Fee Resolution No. 2023-14, A Resolution Establishing Payment In-Lieu of Providing Off-Street Parking in the Central Business District. Ms. Whitmore explained this is the companion resolution to Ordinance No. 2023-10, adopted earlier. This establishes the fee per parking space in accordance with the payment in-lieu of parking ordinance. The fee is \$12,500 per space. The fee will be updated annually in accordance with the Consumer Price Index. The fee must be established for the ordinance to be effective.

Made by Livingston, seconded by Chin.

MOTION: TO ADOPT RESOLUTION NO. 2023-14, ESTABLISHING THE PAYMENT IN-LIEU OF PARKING FEES

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2023-15, Statewide Mutual Aid Agreement Resolution No. 2023-15, Approving the Statewide Mutual Aid Agreement.

Made by Chin, seconded by Key.

MOTION: TO ADOPT RESOLUTION NO. 2023-15, APPROVING THE STATEWIDE MUTUAL AID AGREEMENT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Water Tower Lease Agreement Second Amendment to Water Tower Lease Agreement between City of Neptune Beach and Verizon Wireless. Public Works Director Derlye Calhoun explained that the lease with Verizon states the City must grant Verizon a credit on future rent payments to reimburse them for the rent paid while they were not using the tower. The purpose of this amendment to the lease is to memorialize the specifics of the credit.

Made by Livingston, seconded by Chin.

MOTION: TO APPROVE THE SECOND AMENDMENT TO THE WATER TOWER LEASE AGREEMENT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Public Works
Department
Update

Public Works Department Update. Mr. Calhoun gave a Public Works Departments update. He advised that this evolved from Senate Bill 64, passed by the legislature in 2021, and other regulatory requirements and infrastructure needs in all the departments. He is not advocating for a particular solution but giving the appropriate information to make decisions on how to meet the City's needs. One of the options is to talk with Jacksonville Electric Authority (JEA). He asked representatives to be here to speak about how that process would look.

Mr. Calhoun presented information regarding the City's streets, stormwater, water grid, water plant, wastewater grid, wastewater plant, and Senate Bill 64. He reported that Senate Bill 64, is Florida Statute 403.064, Reuse of Reclaimed Water, and would have an impact for the City of \$8-10 million. It requires disposal of treated effluent to surface waters be eliminated by January 2032. The Florida Rural Water Association (FRWA) is lobbying for member relief.

Mr. Calhoun reviewed other options for compliance with Senate Bill 64, which include Rapid Infiltration Basin (RIB), Public Access Reuse (PAR) and Deep Well Injection. He added that JEA had recently put in a deep injection well in Nassau Treatment Plant. This project costs \$10.9 million and as the Senate Bill 64 deadline approaches, the cost will increase. He expressed that if it were not for the American Rescue Plan Act (ARPA) funds, the City would already be looking at borrowing, which will still undoubtedly need to happen.

Mr. Calhoun reported that Atlantic Beach is investigating options with JEA, including pumping of reclaimed water to JEA and ownership. Atlantic Beach is expecting final options from JEA by the end of the calendar year.

Mr. Calhoun introduced Kurt Wilson, Chief Government Affairs Officer, and Julia Crawford, Senior Advisor, with JEA.

Ms. Crawford reported that in working with Atlantic Beach, they hired a consultant to help evaluate the different options. The process that has been initiated looks at information, including expenses and revenues, for the next twenty years. There is a lot of data, conversations, and meetings. The same process would be used for the acquisition.

Mayor Brown conveyed that the City is looking at borrowing money to start doing what is needed to be in compliance. The City could also have JEA do an evaluation, as an option as they are doing with Atlantic Beach, to see what the City would need to do to meet requirements.

Vice Mayor Chin stated that it would be remiss of the City not to at least have the information on hand. It is important to see all of the options available so that you make a truly informed decision. He asked what the confidence level is for lobbying by the FRWA?

Mr. Wilson advised that there may be a piece of cure legislation, but he is not sure what it looks like. He also stated that there seems to be no desire in extending timeframes.

Councilor Key expressed that the City should do its due diligence in looking out for the best long-term viability for the City. Part of that would be examining the options.

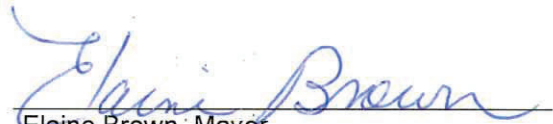
Councilor Livingston agreed that the City would be remiss not to explore this as an option.

Mayor Brown commented that there is a lot facing the City. The needs are there and real. She would be in favor of an evaluation by JEA.

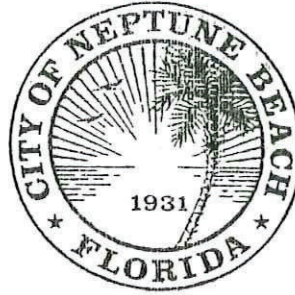
Consensus was to have the evaluation done by JEA as an option to present to Council. City staff would begin working to get the information to JEA.

Adjournment

There being no further business, the meeting adjourned at 7:42 p.m.


Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City ClerkApproved: 01/02/2024