



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 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, March 6, 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
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 Councilor Messinger led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION: TO APPROVE THE FOLLOWING:

February 1, 2023, Special City Council Meeting
February 6, 2023, Regular City Council Meeting
February 10, 2023, Special City Council Meeting
February 21, 2023, Special City Council Meeting
February 21, 2023, Workshop City Council Meeting

Roll Call Vote:

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

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Roger Bennett, 1871 Nightfall Drive, Neptune Beach, expressed his support of the Senior Center being completed. He also addressed the tree ordinance.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding an agreement with Atlantic Beach for the infrastructure for TLM and TriBridge Developments. She added that it is her goal to make sure that all citizens of Neptune Beach are represented.

John Holmes, 914 4th Street, Neptune Beach, wanted to make Council aware of bicycles, scooters, electric bicycles and electric scooters in Jarboe Park. He is not sure of the regulations but he thought the sidewalks were for people walking.

Britt Sanders, 573 Pine Street, Neptune Beach, spoke in favor of Ordinance No. 2023-01, regarding the Floor Area Ratio (FAR).

Mike Bookout, 83 North Rosco Boulevard, Ponte Vedra, questioned why was the Senior Center approved to be built and it has not been completed.

Donna Gross, 1212 13th Street North, Jacksonville Beach, spoke regarding the Senior Center. She asked why there couldn't be a metal walkway they can walk up. She stated all they want is to go in and have fun.

ORDINANCES

Ord. No. 2023-01, Floor Area Ratio Ordinance No. 2023-01, First 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 this is a request for a first reading to amend Chapter 27, Unified Land Development Regulations, Article IV, Sec. 27-237, by removing the 3,500 and 3,000 square foot floor area ratio (FAR) maximum in the R-1, R-2 and R-3 zoning districts. This was discussed at the February 21 Council workshop.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE LDC UPDATE, ORDINANCE NO. 2023-01; AMENDING CH. 27, ART. IV, SEC. 27-347, REGARDING FLOOR AREA RATIO (FAR) MAXIMUM ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Manager Report City Manager Report. Interim City Manager Richard Pike commended City Hall staff for the great job they are doing. He is requesting Council authorize him to hire an Interim Chief Financial Officer(CFO).

Interim CFO Interim CFO Hiring. City Attorney Zachary Roth explained that the offer letter for the Interim City Manager excluded hiring and firing from his role. In order to clarify that he has the authority to proceed on the hiring of an Interim CFO, Council would need to vote to delegate that specific item to him.

Made by Chin, seconded by Messinger.

MOTION: **TO AUTHORIZE INTERIM CITY MANAGER TO MOVE FORWARD WITH THE HIRING OF AN INTERIM CFO**

Roll Call Vote:

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

Noes: 0

MOTION CARRIEDCity Manager
Report-Cont'd.

Human Resources Coordinator Jillian McCann reported that the City is currently recruiting for City Manager, Chief Financial Officer, Public Works Director, Mobility Management Director, City Engineer, Wastewater Treatment Trainee and all other open positions.

Project Manager Jason Lupson gave an after action report on the water main break at 5th Street and Oleander due to IQ Fiber installation of a fiber optic line on March 2, 2023 at 9:20 a.m. He reported that water outage affected about 35 customers. He stated that the repair was complete by 12:15 p.m.

Vice Mayor Chin requested the City issue a message that would inform citizens to have proof of any damages caused by IQ Fiber.

Interim Police Chief Michael Key reviewed upcoming events and presented the monthly crime update.

NEW BUSINESSDev. Agreement
Amendment

Discussion of First Amendment to Development Agreement between the City of Neptune Beach and Neptune Beach, FL Realty LLC.

City Attorney

City Attorney Zach Roth reported that following the Council meeting held on February 1, 2023, there were ideas or potential ways discussed to resolve the outstanding concerns with the water tank at the Publix site. This document is an effort to address those concerns. He worked on the document with Counsel for the property owner and the developer. A structure has been worked through to essentially get rid of the water tank. The structure consists of the City performing a hydraulic study. After the study, the City would commit to making a number of improvements to its infrastructure to see if it would restore flows at the property. If it does restore flows by June 30, 2024, the owner would be obligated to remove the tank within six months.

Mr. Roth explained that if that option is not available, then Option 2 would be to connect to Atlantic Beach solely for the purpose of fire suppression. The structure as currently provided would be that the property owner would pay the first \$50,000 of that cost. The City would bear any additional costs. Within six months of that happening, the tank would come down. He added that what is not included is the number if there is a commitment for the City paying something for the secondary connection to Atlantic Beach. This would be decided by Council.

Mr. Roth stated that the property owner wants to move on this quickly to be able to get the Publix open. The current proposal from the developer is to finalize something in order to publish a notice on Thursday, March 9 for a Special Meeting on the 16th and then a second reading on the 20th before the Council workshop.

He pointed out that the section entitled "Waiver" had been worked on quite a bit. This states that once this is signed, everything that has happened in the past is done. The City waives anything that the owner did and the owner waives anything that the City did and move forward.

Council Discussion

Mayor Brown reported that there was a meeting with Jacksonville Electric Authority (JEA) on Friday, March 3, 2023, to discuss the modeling for the hydraulic study which would show what type of suppression that the City could or couldn't provide. What the model is showing is that there would be options, which would include the hookup for Atlantic Beach to supply the suppression that was needed.

Mayor Brown clarified that the City would have the answers as we continue to move forward. This is the water for the fire suppression only. She is not clear on any costs for any of the options. She thanked JEA for their efforts.

Vice Mayor Chin expressed his concerns as there are so many variables. He is uncomfortable with the costs of the difference since we do not know what that is. He also would like more explanation on any improvements to the vegetative buffer. There were no Exhibits G and H included and there had been discussion with the residents.

Councilor Key stated that she had been speaking with the residents on Cherry Street and they had provided feedback regarding Exhibits G and H. They had received preliminary vegetation plans on February 14, provided feedback on February 17, and have not heard back. The residents are asking before anything is approved, they would like to see updated exhibits, especially since no deviations are indicated. She advised she would have to see updated Exhibits G and H before moving forward. She also questioned if the developer could receive the escrow funds before the tank removal.

Mr. Roth conveyed that his firm is holding a certain amount of money in escrow to complete the construction of the improvements. There is included in this document a provision about the return of that escrow. Community Development Director Heather Whitmore had advised by email that those improvements were not completed upon her inspection, which would mean they are not entitled to have the escrow returned yet. In terms of the funds not being returned until the tank is removed, would have to be agreed to by the property owner, as that is not the structure of the agreement.

Councilor Key questioned the six-month time frame for the removal of the tank. She also stated that the amount for the City to pay would need to be discussed. The structure of the agreement may change based on what we are hearing from JEA. Based on that, the feedback from the public may or may not be applicable. It would best to revisit those once we have a better idea from JEA of where we are going. She asked when the hydraulic study would be completed.

Mr. Roth stated that there is a meeting scheduled for Friday, March 10, for more formal feedback.

Mayor Brown advised that she has asked City staff to attend that meeting and she has requested an engineer who has consulted for the City to attend. JEA will present all of the data and modeling that has been completed.

Councilor Key inquired if anyone had contacted Atlantic Beach to see if connection was a viable option.

Deputy Public Works Director Colin Moore informed Council he had briefly communicated with Atlantic Beach City Engineer Steve Swann. Mr. Swann indicated they had the capacity. There has been no formal discussion.

Councilor Livingston questioned the timeline for getting all of this work done. Mr. Roth stated that the developer added the June 30, 2024 date. It is basically one year, but the developer could explain more.

Councilor Livingston stated that the waiver section is important. She wants everyone to be aware that if we are good on our word, they have to take the tank down.

Mr. Roth pointed out that there is a new subsection E. that states: "In no event shall the water storage tank be required to be removed unless and until after six (6) months of adequate, consistent water pressure meeting fire flow standards."

Councilor Messinger stated that we could get a fixed number on what it would cost to get a connection to Atlantic Beach for the fire suppression component. The developer has already done some cost estimates. He added it is important to know that there had been conversations for connection from Atlantic Beach to the adjoining 500 Atlantic development.

Andrew Greene, Neptune Beach, FL Realty LLC, explained he had circulated two landscape plan sheets showing the additional vegetative screening that would be placed in early January. After speaking with the residents on Cherry Street, the sheets were revised to include more vegetation along the south bank of the swale and circulated that on February 17. It would be his proposal to include that plan as circulated as the exhibit in the development agreement as one exhibit.

Mr. Greene addressed the timing of six months. He stated that was his proposal as once the water pressure has been implemented and solved, there would be a permit process, some underground infrastructure may need to be performed and they would need to engage the water tank manufacturer to disassemble the tank. They would be actively working throughout the six months.

Mr. Greene stated that it would be up to the City to make a reasonable decision on the solution for implementing the infrastructure based on many factors. He added that their desire was to create a logic and a game plan on how to move forward to resolve the tank issue, to get Publix open, while also committing to a plan that would lead to the eventual removal of the tank.

Mr. Greene clarified that they anticipated a connection being made to the south side of Atlantic Boulevard with Atlantic Beach. This would not be a part of this funding. The City would not put any money towards that extension. He added there were preliminary cost estimates to make just the connection for fire suppression service.

Councilor Messinger expressed that his concern is subsidizing a connection for the developer and asked for more clarity on what the connections looked like.

Mr. Greene confirmed to Councilor Key that a new exhibit for the landscaping would be circulated.

Mr. Roth summarized that the City needs to get the updated exhibit, run down the costs and meet with JEA to get the data. Once those all of that information is assembled, the City will be in a better position to refine the language for the development agreement in order to get the required notice and have the first public hearing.

Mayor Brown expressed that is important to everyone that we want this project completed, the green tank gone, and to do what is best for the City in the long run as to how we accomplish this.

City Hall Roof Repair

Consideration of Approval of City of Neptune Beach Bid No. 2023-02, City Hall Roof Repair. Project Manager Jason Lupson stated that he is requesting approval for the City Hall Roof bid. There is an estimated \$170,000 cost that includes metal roofing and removal and reinstallation of the solar-powered panels. The project should take approximately three to six months.

Councilor Key asked what portion of the roof is being replaced and the square footage. Mr. Lupson answered that the entire roof would be replaced and it was close to 5,000 square feet.

Councilor Key expressed that this cost seems high.

Councilor Livingston agreed that the cost seems high and asked was there any way to reduce the cost since our Public Works Department installed the solar panels in-house.

Mr. Lupson explained that these were estimates and there are areas where we could cut back.

Councilor Messinger clarified that this is more than just reroofing. There is structural reengineering. There is the removal, cleaning and servicing of the solar panels. The panels will now also be reinstalled to Code. There was not a lightning system previously on City Hall. For what we are getting, the cost is in line commercially. He did question the contingency of \$50,000. He added a 15% to 20% is more reasonable.

Mr. Lupson explained that the \$50,000 contingency is coming from protecting the City's assets.

Mr. Roth reminded everyone that the City reserves the right to reject all bids. Just because the City commits to putting the bid out, does not mean we are committing to accepting a bid.

Councilor Key asked if we have to do this during hurricane season. Mr. Lupson stated it is a risk, but the consultant had mapped out the project.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE CONB 2023-02, CITY HALL ROOF REPAIR BID**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Amended Consent
Order

Consideration of Approval of Authority of Signature for Amended Consent Order OGC-Neptune Beach WWTF, OGC No. 20-0773. Mr. Roth explained that Council would need to authorize Interim City Manager Pike to sign the Amended Consent Order for the Wastewater Treatment Facility.

Deputy Public Works Director Colin Moore explained that the previous Public Works Director had negotiated the terms of this consent order. There is a \$250 fine for updating this as long as we don't exceed the levels. He confirmed Vice Mayor Chin's inquiry that we would have until April, 2024, to complete corrective actions.

Made by Messinger, seconded by Key.

MOTION: **TO AUTHORIZE INTERIM CITY MANAGER TO SIGN AMENDED FDEP
CONSENT ORDER OGC FILE NO. 20-0773**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Police Dept. A/C

Consideration of Approval of Neptune Beach Police Department A/C System Overhaul. Commander Key explained that the primary air-conditioning unit in the Police Department has failed. The 911 and electrical equipment housed in the building is paramount to the operation of the department. There is a repair and maintenance line item in the budget for this. They received two bids out of six vendors that were contacted.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE THE PURCHASE OF A/C SYSTEM FOR NEPTUNE BEACH
POLICE DEPARTMENT FROM B COOL AIR CONDITIONING & HEATING
IN AN AMOUNT NOT TO EXCEED \$18,000**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED


Res. No. 2023-04,
PORF Board

Resolution No. 2023-04, A Resolution of the City of Neptune Beach Reappointing a Member
to the Police Officers' Retirement Board.

This agenda item was moved to the next meeting

Adjournment

There being no further business, the meeting adjourned at 7:35 p.m.

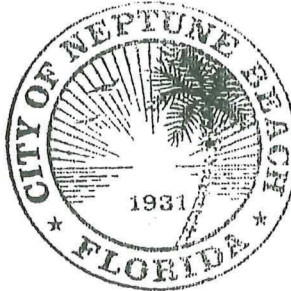


Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk



Approved: 04/03/2023