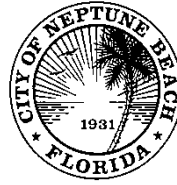




AGENDA
Regular City Council Meeting
Monday, October 4, 2021, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. Recognition of Piper Turner for 30 Years of Service
3. APPROVAL OF MINUTES
 - A. **September 8, 2021, Special City Council Meeting** p. 2
September 27, 2021, Special City Council Meeting
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS

• Mayor	• City Attorney
• City Council	• City Clerk
• City Manager	• Departmental Reports
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE
8. ORDINANCES
 - A. ORDINANCE NO. 2021-06, SECOND READ AND PUBLIC HEARING, An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date. p. 13
9. OLD BUSINESS / NONE
10. NEW BUSINESS
 - A. Approval of Purchase of Shade Structures and ADA Swing Seat in Jarboe Park Using Grant Funding p. 19
 - B. Approval of Recommendation for General Engineering Continuing Contract(GECC) p. 22
11. COUNCIL COMMENTS
12. ADJOURN



**MINUTES
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 8, 2021, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, September 8, 2021, 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 Fred Jones
- Councilor Kerry Chin
- Councilor Lauren Key
- Councilor Josh Messinger *(via CMT)*

STAFF:

- City Manager Stefen Wynn
- City Attorney Zachary Roth
- Police Chief Richard Pike
- Commander Michael Key
- Senior Center Director Leslie Lyne
- Interim Chief Financial Officer Maxine Person
- Mobility Management Director Megan Steward
- Grant and Resiliency Coordinator Colin Moore
- Community Development Director Kristina Wright
- City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the meeting to order at 6:00 p.m. and Vice Mayor Jones led the Pledge of Allegiance.

Mayor Brown explained that this meeting was being held on Wednesday due to the Labor Day Holiday and the state law that municipalities cannot meeting on the same day as school boards in the budget process.

Ordinance No. 2021-07, Millage Rate

ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE RATE, FIRST READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Setting Forth Certain Information Regarding "Rolled-Back Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date

Mayor Brown read into the record the Truth in Millage (TRIM) Notice:

This is the millage public hearing for the City of Neptune Beach, Florida. The "Rolled-back" rate for the City of Neptune Beach is 3.1773 mills. The rate to be adopted reflects a 5.93% increase over the "Rolled-back" rate. The rate that is to be levied in this ordinance by the City Council is 3.3656. This is the same rate levied by the City last year, not the higher rate proposed on your Notice of Proposed Property Taxes from Duval County."

Public Hearing

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

Made by Chin, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No. **ORDINANCE NO. 2021-08, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING.** An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Providing an Effective Date

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

City Manager Stefen Wynn presented the 2021 proposed millage rates for Duval County from the Property Appraiser’s office. He showed Neptune Beach’s rate of 3.3656. He reviewed the breakdown of the different millage rates throughout the County.

Mr. Wynn explained the City’s current account structure and how the account numbers are listed based on fund, department, group type, sub group-account type and sub object-subgroup. He commented that the City is taking as much time as needed to build the budget. This is a very manual process in order to look up where we are with the existing software using the account structure just described.

Made by Chin, seconded by Jones.

MOTION: **TO ADOPT ORDINANCE NO. 2021-08, ADOPTING FINAL BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON FIRST READ**

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

Noes: 0

MOTION CARRIED

APPROVAL OF MINUTES

Minutes Made by Key, seconded by Jones.

MOTION: **TO APPROVE THE FOLLOWING MINUTES: August 2, 2021, Shade City Council Meeting August 2, 2021, Regular City Council Meeting August 16, 2021, Workshop City Council Meeting**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments John Holmes, 914 4th Street, Neptune Beach, commented he had requested information on the City’s surplus accounts and had not received it. He also spoke regarding the progress on Jarboe Park. He also questioned the parking on Bay Street.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report City Manager Stefen Wynn reported the following:

- He gave an update on the Jarboe Park project.
- He reported on the Senior Center.
- He reviewed his scheduled meetings.
- He reported on the budget process and finance department update.

Chief of Police Report Police Chief Richard Pike thanked everyone who attended the services for Officer Paul (Eddie) Bounds. He presented the crime incident and traffic report. He reported there were three found children and reported on the water rescues during the month.

Councilor Chin requested that information regarding benches and shades for parents be included in the City Manager report and highlight that the City is aware of the need and is considering using the grant monies for those things. He also asked if due to the delay in the fitness equipment could the City acquire equipment and then be reimbursed.

Mr. Wynn explained that the City is moving forward with the purchases of sunshades and will be before Council for approval using grant funding. He also reported the City has been advised that the fitness equipment has shipped and would be installed when received.

All monthly City Manager reports can be found, in their entirety, at:
[https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports.](https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports)

ORDINANCES

Ord. No. 2021-05, Development Permit Moratorium Ordinance No. 2021-05, Second Read And Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for Development Orders or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Issuance of a Development Permit or Related Approval as set forth in Chapter 27, Unified Land Development Regulations, Division 2, Development Review Sections 27-76 through 27-88 in the Central Business District and Commercial C-1 Zoning District; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date

Public Hearing Mayor Brown opened the public hearing.

Alan Winter, 308 Ocean Boulevard, Atlantic Beach, former owner of Winter Law Firm, 310 Third Street, Neptune Beach, stated he was speaking against the moratorium. He stated that the Council has a duty to the residents and also the business community. It is a difficult task but you have to balance that. He does not understand why a one-year moratorium to prevent new construction would serve any good function. He would ask to include, in writing, the function and beneficial purpose of the moratorium.

Tom Whittingslow, 600 Valley Forge Road E, Neptune Beach, owner of Pete’s Bar, 117 First Street, commented that no one has informed the business owners what was going on and that is his biggest concern. He has not been approached about what is happening. He stated that business owners should be included.

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

Council Discussion

Vice Mayor Jones explained that this is important and we should have been more clear in terms of communicating how this process is going to work. The business community will be a part of the whole discussion moving forward. This is a typical exercise that a community does when it is ready to overhaul some things in their zoning code. A temporary moratorium is not out of the ordinary.

The intent of this is to make sure that we are getting what everyone wants, which is walkable, vibrant development. The Code rewrite has three critical items. First, is making sure that it is walkable. If someone is going to do a complete redevelopment of a building, we want to make sure that it is reinforcing walkability. Second is parking minimums. We want to see high quality redevelopment that is business friendly. Minimum parking requirements is the third issue. That is often the barrier. The goal is to make sure we are pro-business and predictable. This ordinance gives us time to work through the exercise to get Chapter 27 correct. This does not preclude anyone from doing an interior build-out or fix their own building or for a new business to come in. It is addressing major redevelopment.

Councilor Key asked if the City has defined or what triggers not allowing a project.

City Attorney Zachary Roth explained that the ordinance is specifically set to what work is occurring. Building permits are allowed as long as it does not increase the gross floor area of the building or increase the impervious surface area. It does not prohibit demolition, as long as that demolition is not done in conjunction with a construction permit that allows a new building in excess of the prior footprint.

Councilor Chin explained that there are certain things that may be restricted, or have a lot of rules attached to it that may change with the future land use code rewrite. This would grant more freedom to business owners. It would be in their best interest to wait.

Councilor Messinger agreed with Vice Mayor Jones and Councilor Chin. This is not to stop any of the current businesses from improving their spaces. Additionally, we have fragmented codes that cause concern in the community and require a lot of variances that create community distrust. When the most recent new office building was proposed, it took Council to negotiate with the developer to add additional landscaping and make a more vibrant space community. On the flip side, we have seen extensive litigation before us. The goal from Council to the community is to have a more vibrant, walkable and expansive Code that will keep our character intact.

Mr. Roth confirmed Mayor Brown’s inquiry regarding termination of the moratorium by stating that he expects the mechanism for termination of this moratorium will be the passage of the new Code which will include a provision to terminate on its own. The Council won’t have to take a separate line item to do that. Council can also pass an ordinance providing for earlier termination. This is not permanent.

Community Development Director Kristina Wright added that there a lot of intrinsic benefits with the rewrite of the Land Development Code and this ordinance incorporates all of the specific needs that ensure incentivizing the right for the developer.

Made by Jones, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-05, ENACTING A TEMPORARY MORATORIUM ON DEVELOPMENT PERMITS IN THE CENTRAL BUSINESS DISTRICT AND C-1 ZONING DISTRICT ON SECOND READ**

Roll Call Vote:
 Ayes: 4-Chin, Messinger, Jones and Brown
 Noes: 1-Key

MOTION CARRIED

Ord. No. 2021-06, Ordinance No. 2021-06, First Read and Public Hearing, An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City’s Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date.

Councilor Chin questioned if it would be better if the definitions were pulled out of each section and placed in the general definitions section so the changes would be in one place versus having to track two places.

Mr. Roth stated that he had thought about that but there is no standard definition section that applies to the entire Code. There would have to be a new independent definition section created.

Made by Key, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2021-06, GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON FIRST READ**

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

MOTION CARRIED

RESOLUTIONS

Res. No. 2021-14 Resolution No. 2021-14, A Resolution Reappointing Member to the Community CDB Members Development Board.

Mayor Brown explained that this resolution reappoints Nia Livingston to a second three-year term, appoints Charles Miller to his first three-year term, appoints Jonathan Raiti to his first three-year term and reappoints Greg Schwarzenberger to his second one-year term as alternate.

Council thanked the board members for their time and effort in serving on the Community Development Board.

Made by Key, seconded by Messinger

MOTION: **TO ADOPT RESOLUTION NO. 2021-14, REAPPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD**

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

MOTION CARRIED

Res. No. 2021-15,
Florida Opioid
Settlement

Resolution No. 2021-15, A Resolution of the City of Neptune Beach, Florida, Authorizing The City of Neptune Beach to Join With the State of Florida and Other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements Implementing a Unified Plan; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions and Council Decisions, Severability, and an Effective Date.

Made by Chin, seconded by Key.

MOTION: **TO ADOPT RESOLUTION NO. 2021-15, AUTHORIZING PARTICIPATION IN THE STATE OF FLORIDA UNIFIED PLAN FOR OPIOID SETTLEMENT PROCEEDS**

Mr. Roth explained that there has been nationwide litigation against many of the opioid manufacturers. There is a settlement that is being proposed that would handle three of those. The settlement provides that each state’s Attorney General shall develop the system to provide funds to local governments. This would allow the City of Neptune Beach to opt in to that program. The funds would be presented to the City of Jacksonville and because we are a City of less than 10,000 we would receive a percentage of those funds. The funds would be used to address the opioid crisis.

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

MOTION CARRIED

Res. No. 2021-16,
Holidays

Resolution No. 2021-16, A Resolution of the City of Neptune Beach, Florida Establishing a Holiday Schedule for the City of Neptune Beach.

Mr. Wynn explained this is makes all of the City holidays consistent in the Local 630 contract, the FOP contract and the Personnel Policy. It also declares the Juneteenth National Holiday an official City holiday.

Made by Jones, seconded by Key.

MOTION: **TO ADOPT RESOLUTION NO. 2021-16, ESTABLISHING A HOLIDAY SCHEDULE FOR THE CITY OF NEPTUNE BEACH**

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

MOTION CARRIED

RTA Consulting
Agreement
Settlement

Approval of Settlement Agreement between the City of Neptune Beach and RTA Consulting, Inc.

Mr. Roth explained that this authorizes the City to pay \$68,000 to RTA Consulting and an in-kind donation in the amount of \$31,567.20 from the parking vehicle.

Made by Jones, seconded by Key.

MOTION: **TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN RTA CONSULTING, INC. AND THE CITY OF NEPTUNE BEACH IN THE AMOUNT OF \$68,000.00 AND AN IN-KIND DONATION IN THE AMOUNT OF \$31,567.20**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

LDC Update
Format

Consideration of Format for Land Development Regulation Update.

Mr. Wynn explained there was a joint meeting between the City Council and the Community Development Board on August 25, 2021, to discuss the format of the rewrite of the Land Development Code(LDC). A staff recommendation was developed based on that meeting's discussion.

Ms. Wright stated that as an overall approach to proceed with the regulations, the City is looking at a comprehensive rewrite of the existing LDC. Additionally, we are looking at an overlay to incentivize a higher standard of development in certain districts that will be very district sensitive. We are looking at the possibility of creating a CRA that would allow flexibility.

Ms. Wright commented that in addition to asking for their vote to allow a comprehensive rewrite of the LDC and create these context specific overlays, the team would also like to hear any additional priorities the Council may have.

Vice Mayor Jones expressed the importance of this, and even in relation to the moratorium, is that we have to be consistent with our Comprehensive Plan, which articulates the Future Land Use. The overlay approach is much more simpler. He is encouraging business owners to be a part of this process.

Mr. Wynn confirmed Councilor Chin inquiry that this would be a hybrid approach and having the overlay districts would make it easier to get the CRA created.

Councilor Messinger stated he is in favor of a hybrid approach where there is an overlay for the Central Business District, an overlay for east of Third Street, an overlay west for the Third portion-Florida Boulevard to Seagate Avenue and up to Fifth. Then, looking at the C-1 corridor, the C-2 corridor and the BrewHound area. Then, going more traditional in the traditional neighborhoods and just tightening up those Codes, so we don't see lot splits trying to come in and very strange angles and designs.

Mr. Wynn summarized that the staff recommendation is to revise existing LDRs with the addition of overlay districts throughout the City.

Councilor Key asked if the City was getting rid of the PUD all together.

Mr. Wynn answered yes as long as there is a very defined overlay district.

Councilor Chin asked if areas such as Ocean Oaks or other areas of higher density require an overlay to regulate their density and how they are built.

Ms. Wright answered that an overlay is not anticipated as part of the process was to bring these into conformance.

Councilor Chin added that he hopes the reference to the PUD in the LDC would be taken out so the City would not be at risk.

Made by Jones, seconded by Messinger.

MOTION: **TO APPROVE A HYBRID ZONING CODE WITH DISTRICT
BASED-OVERLAYS TO REPLACE THE EXISTING
CHAPTER 27**

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

MOTION CARRIED

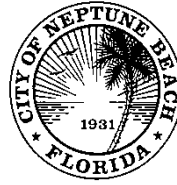
Adjournment There being no further business, the meeting adjourned at 7:29 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 27, 2021, 6:04 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 27, 2021, at 6:04 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

- Mayor Elaine Brown
- Vice Mayor Fred Jones
- Councilor Kerry Chin
- Councilor Lauren Key
- Councilor Josh Messinger

STAFF:

- City Manager Stefen Wynn
- City Attorney Zachary Roth
- Police Chief Richard Pike
- Commander Michael Key
- Senior Center Director Leslie Lyne
- Interim Chief Financial Officer Maxine Person
- Public Works Director Jim French
- Grant and Resiliency Coordinator Colin Moore
- 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.

Ordinance No. 2021-07, Millage Rate

ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE RATE, SECOND READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Setting Forth Certain Information Regarding "Rolled-Back Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date

Mayor Brown read into the record the Truth in Millage (TRIM) Notice:

"This is the millage public hearing for the City of Neptune Beach, Florida. The "Rolled-back" rate for the City of Neptune Beach is 3.1773 mills. The rate to be adopted reflects a 5.93% increase over the "Rolled-back" rate. The rate that is to be levied in this ordinance by the City Council is 3.3656. This is the same rate levied by the City last year, not the higher rate proposed on your Notice of Proposed Property Taxes from Duval County."

Public Hearing

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

Made by Chin, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON SECOND READ**

Roll Call Vote:

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

MOTION CARRIED

Ordinance No. 2021-08, Budget **ORDINANCE NO. 2021-08, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING.** An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; 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 Chin, seconded by Jones.

MOTION: **TO ADOPT ORDINANCE NO. 2021-08, ADOPTING FINAL BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON SECOND READ**

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

MOTION CARRIED

FY2020 Audit Presentation **Audit Presentation by Purvis Gray.** Ron Whitesides and Andrew Miller, with Purvis Gray, presented the audit results for the fiscal year ended September 30, 2020. Mr. Whitesides explained the financial audit consists of the Financial Statements and the Independent Auditor’s Reports. He added that due to turnover at both Neptune

Mr. Whitesides reviewed the findings of the audit. He gave an unmodified “clean” opinion. He identified two material weaknesses and one significant deficiency in internal control over financial reporting: financial close and reporting, cash reconciliation and enterprise receivables. One material instance of noncompliance or other matters was budgetary compliance. He also reviewed significant estimates and judgment and significant audit matters.

Mr. Whitesides reviewed financial highlights including, the General Fund, Enterprise Funds and Police Pension.

Mayor Brown thanked Mr. Whitesides and Purvis Gray for the presentation.

Adjournment There being no further business, the meeting adjourned at 6:29 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: ORDINANCE NO. 2021-06, SECOND READ AND **PUBLIC HEARING**, An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date.

SUBMITTED BY: Mayor Elaine Brown and Vice Mayor Fred Jones

DATE: September 28, 2021

BACKGROUND: The City Attorney and Police Department drafted the proposed ordinance regulating e-bikes, bicycles and other mobility devices on City Streets and on the beach. This came as a result of hearing concerns from residents during City Council workshops in late 2020 and early 2021.

The ordinance was moved forward for first read at the August 16, 2021 Council workshop and passed on First Read on September 8, 2021.

BUDGET: N/A

RECOMMENDATION: Consider adoption of Ord. No. 2021-06

ATTACHMENT: 1. Ord. No. 2021-06



INTRODUCED BY:
MAYOR ELAINE BROWN
VICE MAYOR FRED JONES

ORDINANCE NO. 2021-06

A BILL TO BE ENTITLED

AN ORDINANCE CREATING SECTION 7-29, ARTICLE II, CHAPTER 7 (BEACHES AND WATERWAYS); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY'S BEACHES; CREATING SECTION 22-8, ARTICLE I, CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY STREETS AND SIDEWALKS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, pursuant to Fla. Stat. §316.008(h) and §316.20655(1), the City has right to regulate the operation of bicycles and electric bicycles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, pursuant to Fla. Stat. §316.008(s), the City has right to regulate the operation of skates, coaster, and other toy vehicles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, the City also has the right to regulate conduct on the beaches under the City's jurisdiction;

WHEREAS, the City has received complaints from members of the public regarding the reckless use of bicycle, electric bicycles, skateboards, scooters, roller skates, and personal mobility devices on the City's beaches, sidewalks, and streets;

WHEREAS, the unsafe use of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches, sidewalks, and streets presents an imminent and present danger to the health, safety, and welfare of those using the beaches for recreation;

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Creating Section 7-29, Beach personal vehicle regulations. Creating Section 7-29, Beach personal vehicle regulations, Article II, Chapter 7 (Beaches and Waterways), City of Neptune Beach Code of Ordinances as follows:

Sec. 7-29. – Beach personal vehicle regulations.

(a) Definitions.

(1) Bicycle shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;

(2) Electric bicycle shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;

(3) Personal mobility device shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;

(4) Roller skates shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";

(5) Skateboard shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;

(6) Reckless shall mean

a. At a speed in excess of fifteen (15) miles per hour; or

b. In willful or wanton disregard for the safety of persons; or

c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's beaches; or

- d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.
- (b) No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the beaches within the city in a reckless manner.
- (c) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.
- (d) Penalties.
 - (1) The amount of penalties for violations of this section shall be as provided for in in Fla. Stat. §318.18(3), as amended from time to time.

Section 2. Creating Section 22-8, Street and sidewalk personal vehicle regulations.
 Creating Section 22-8, Street and sidewalk personal vehicle regulations, Article I, Chapter 22 (Traffic and Motor Vehicles), City of Neptune Beach Code of Ordinances as follows:

Sec. 22-8. – Street and sidewalk personal vehicle regulations.

- (a) Definitions.
 - (1) *Bicycle* shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;
 - (2) *Electric bicycle* shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;
 - (3) *Personal mobility device* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;
 - (4) *Roller skates* shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";
 - (5) *Skateboard* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;
 - (6) *Reckless* shall mean
 - a. At a speed in excess of fifteen (15) miles per hour; or

- b. In willful or wanton disregard for the safety of persons; or
- c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's streets and sidewalks; or
- d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.

(b) No bicycle, electric bicycle, skateboards, roller skates, or personal mobility device may be operated on the streets or sidewalks within the city in a reckless manner.

(c) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

(d) Penalties.

(2) The amount of penalties for violations of this section shall be as provided for in in Fla. Stat. §318.18(3), as amended from time to time.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this 8th day of September, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

- AGENDA ITEM:** Approval of Purchase of Shade Structures and ADA Swing Seat in Jarboe Park Using Grant Funding
- SUBMITTED BY:** Colin Moore, Grant and Resiliency Coordinator
- DATE:** September 28, 2021
- BACKGROUND:** On 7/19/21 the Eckstein Foundation made a donation of \$50,000 to the City of Neptune Beach with \$20,000 of the funds designated for Jarboe Park.
- The purchase of two shade structures for the volleyball and tennis/pickleball courts and an additional ADA swing seat (for ages 5-12) was recommended by the Land Use & Parks Committee on 9/7/21 as an appropriate use of these funds.
- BUDGET:** \$13,460.62
- RECOMMENDATION:** Approve Sales Proposal for shade structures and ADA Swing Seat.
- ATTACHMENT:** 1. SP105515 - Jarboe Park Shade

Sales Proposal

City of Neptune Beach
 Parks & Streets
 Colin Moore
 301 Florida Blvd
 116 First Street
 Neptune Beach, FL 32266

Quote No. SP105515-1
 Customer No. 510036
 Document Date 09/16/2021
 Expiration Date 11/15/2021

Sales Representative Stacy Moseley
 E-Mail StaMos@Kompan.com
 Phone No. 904-716-7605 / 800-426-9788
 Sales Support Lauren Dempsey
 E-Mail psc@kompan.com

Project Name US275491 Jarboe Shade

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
	OMNIA Partners Contract #2017001135					
US-SA-CUSTOMSHADE	Custom Shade from SA Supply and Installation of a 20' x 16' Shade Structure. Using Galvanized Steel Poles and Frames. Including foundations, labor and equipment.	1	Pieces	7,362.50	5.00	6,994.37
US-SA-CUSTOMSHADE	Custom Shade from SA Supply and Installation of a 10' x 20' Shade Structure. Using Galvanized Steel Poles and Frames. Including foundations, labor and equipment	1	Pieces	6,100.00	5.00	5,795.00
US-ADA-SWING SEA5-12	ADA Swing Seat, 8' beam 5-12Y Yellow ADA Seat 8' beam w SS Chains	1	Pieces	925.00	35.00	601.25
FREIGHT	Freight	1	Pieces	70.00		70.00

Please allow 4-6 weeks for product delivery upon order placement

Description	Qty	Retail Price	Discount	Net Price
No. of Products	3			
Subtotal - Products		14,387.50	996.88	13,390.62
Subtotal - Freight		70.00		70.00
Total USD				13,460.62

Business Agreement OMNIA Partners Contract
Payment Terms Net 30 days upon install



Sales Proposal

City of Neptune Beach
Parks & Streets
Colin Moore
301 Florida Blvd
116 First Street
Neptune Beach, FL 32266

Quote No. SP105515-1
Customer No. 510036
Document Date 09/16/2021
Expiration Date 11/15/2021

Sales Representative Stacy Moseley
E-Mail StaMos@Kompan.com
Phone No. 904-716-7605 / 800-426-9788
Sales Support Lauren Dempsey
E-Mail psc@kompan.com

Project Name US275491 Jarboe Shade

Installation Site Address

Jarboe Park
Colin Moore
301 Florida Blvd
Neptune Beach, FL 32266
Phone No. 404-518-1381

Applicable sales tax will be added unless a valid tax exemption certificate is provided. This amount is only an estimate of your tax liability.

Your acceptance of this proposal constitutes a valid order request and includes acceptance of terms and conditions contained within the Master Agreement, which is hereby acknowledged. Acceptance of this proposal from KOMPAN is acknowledged by issuance of an order confirmation by an authorized KOMPAN representative.

Prices in this quotation are good until expiration date, shown in the top of this document. After that date, this proposal may be withdrawn.

KOMPAN Products are "Buy American" qualified, and compliant with the Buy American Act of 1933 and the "Buy American" provision of ARRA of 2009.

KOMPAN Authorized Signature:

Accepted By (signature): _____

Accepted By (please print): _____

Date: _____



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: Approval of Recommendation for General Engineering Continuing Contract(GECC)

SUBMITTED BY: Public Works Director Jim French

DATE: September 28, 2021

BACKGROUND: The City issues RFQ 2021-04 on May 20, 2021, and on July 29, 2021, received nine proposals. Seven were accepted based on the RFQ instructions.

The Selection Committee will finalize their recommendation on Monday morning, October 4 and present at the Council Meeting.

BUDGET:

RECOMMENDATION: Consider and award the recommendation for the City of Neptune Beach General Engineering Services Contract

ATTACHMENT: None