



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, APRIL 17, 2023, 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 Monday, April 17, 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 Special Meeting to order at 6:00 p.m. and Councilor Key led the Pledge of Allegiance.

**Confirmation of
CFO**

Confirmation of CFO. Interim City Manager Richard Pike requested Council confirm Jaime Hernandez as Chief Financial Officer. Mr. Hernandez has been summoned for jury duty and is unable to be at the meeting.

Made by Messinger, seconded by Key.

MOTION:

TO APPROVE JAIME HERNANDEZ AS THE NEW CHIEF FINANCIAL OFFICER

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**Res. No. 2023-04,
Request to Atlantic
Beach**

Resolution No. 2023-04, A Resolution of the City of Neptune Beach, Florida, Requesting the City of Atlantic Beach to Permit Connection for Fire Suppression Purposes.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE RESOLUTION NO. 2023-04, REQUESTING THE CITY OF ATLANTIC BEACH TO PERMIT CONNECTION FOR FIRE SUPPRESSION PURPOSES**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2023-05,
Opposing HB 1331
and SB 1380

Resolution No. 2023-05, A Resolution of the City of Neptune Beach, Florida, Opposing House Bill 1331 by Representative Busatta Cabrera and Senate Bill 1380 by Senator Martin Relating to Municipal Utilities

Made by Livingston, seconded by Chin.

MOTION: **TO APPROVE RESOLUTION NO. 2023-05, OPPOSING HOUSE BILL 1331 BY REPRESENTATIVE BUSATTA CABRERA AND SENATE BILL 1380 BY SENATOR MARTIN RELATING TO MUNICIPAL UTILITIES**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2023-06,
FDOT Agreement

Resolution No. 2023-06, A Resolution Authorizing the Interim City Manager to Execute and Deliver the Atlantic Boulevard Maintenance Agreement to the Florida Department of Transportation

Councilor Messinger commented that the "Welcome to Neptune Beach" sign that falls within this jurisdiction is getting overgrown and the light is broken. He requested it be looked at. He commended everyone for job well done.

Made by Key, seconded by Messinger.

MOTION: **TO APPROVE RESOLUTION NO. 2023-06 , AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AND DELIVER THE ATLANTIC BOULEVARD MAINTENANCE AGREEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENT

Public Comment

Chuck McCue, 1908 3rd Street, Neptune Beach, spoke in favor of Resolution No. 2023-04. He expressed opposition to Resolution No. 2023-05.

Adjournment

There being no further business, the Special Meeting adjourned at 6:07 p.m.

The fee can be determined by cost of construction or flat fee.

Council discussion included how to come up with a fee, using the money for capital improvements, having a maintenance perpetuity and having a mechanism to protect against inflation.

Mr. Roth summarized he and Ms. Whitmore would prepare a resolution based on a flat fee and propose those adjustments necessary to the Code to allow that through an ordinance amending those provisions.

ISSUE DEVELOPMENT

Access between
572 and 630
Atlantic

Access between 572 and 630 Atlantic. Mayor Brown reported that the initial request to Patrick McKinley, representative for Regency Centers, owner of Seminole Shoppes, had, at this time, denied our request to remove the bollards that are blocking access between 572 Atlantic and 630 Atlantic.

PUBLIC COMMENT

Public Comment

Alison Ronzon, 221 South Street, Neptune Beach, spoke regarding the historic preservation. She added it is more to preserve what is already there. She added she started a Facebook page called Neptune Beach's Historic and Buildings. She said that a building is considered historical if it is at least 50 years old.

Candy Sullivan, 220 South Street, Neptune Beach, stated her support of historic homes. She also requested having dogs on the beach at all times on a leash.

Chuck McCue, 1908 3rd Street, Neptune Beach, stated the selling point of 572 Atlantic was that it was going to go through. He spoke regarding historic homes and they should be able to rebuild on that footprint. He added that charm is diversity.

COUNCIL COMMENTS

Vice Mayor Chin reminded everyone that the new crosswalk signal at 3rd Street and Bay Street would be starting tomorrow April 18, with a ribbon cutting ceremony at 10 a.m. Also, Movies with the Mayor would be on Friday, April 28, starting at 7:30 p.m. in Jarboe Park.

Adjournment

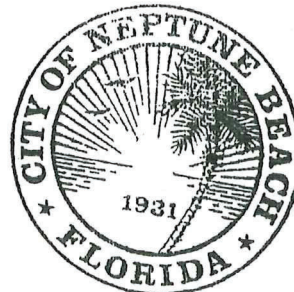
The workshop meeting adjourned at 7:42 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 5-1-2023





MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
MONDAY, APRIL 17, 2023, 6:07 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, April 17, 2023, at 6:07 p.m., in Council Chambers, 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**

Mayor Brown called the workshop meeting to order at 6:07 p.m.

DEPARTMENTAL SCORE CARD

**Dept. Score
Card**

The Departmental Score Cards are posted on the City website at: <https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards>.

COMMITTEE REPORTS

**Transportation &
Infrastructure
Planning**

Mayor Brown reported the TIP Committee would be meeting on May 5, 2023.

PUBLIC COMMENT

Public Comment

Chuck McCue, 1908 3rd Street, Neptune Beach, suggested skimming the budget of Land Use and Parks. He also stated that Dover, Kohl had given suggestions including a transportation hub at the former SunTrust Bank site.

PROPOSED ORDINANCES

Creating Section
14-12, Waste
from Tree
Trimming

Proposed Ordinance, An Ordinance Creating Section 14-12, Chapter 14 (Offenses); Governing Waste from Tree Trimming and Removal; Providing for Severability; Providing an Effective Date.

Councilor Messinger stated that residents complained recently that their tree canopies had been destroyed. Council had passed legislation protecting Heritage oaks and our character. The State greatly limited cities' ability to regulate and stop the destruction of tree canopies and quality of life. We're trying to, in any way possible, to address that issue.

Mr. Roth commented that the State has essentially completely prohibited cities from regulating the cutting of trees on residential properties. We can hold people accountable for what they do when cutting down the trees. They cut massive trees and dump them on the curb. This is a fire and public safety hazard. Commercial for profit businesses should be able to get rid of the debris. This is designed to prevent the "cut and dump." Each tree has a separate violation and they are required to give notice when a tree is cut.

Vice Mayor Chin questioned where the numbers for the penalties came from,

Mr. Roth stated they are from state statutes for Code Enforcement and it is the maximum.

Made by Messinger, seconded by Chin.

MOTION: **TO MOVE THE PROPOSED ORDINANCE CREATING SEC. 14-12, GOVERNING WASTE FROM TREE TRIMMING AND REMOVAL TO A FIRST READ ON MAY 1, 2023**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Smoking in Public
Parks/Beaches

Proposed Ordinance, Regulation of Smoking in Public Parks/Beaches.

Kimberly Mraz, Tobacco Policy Manager, and Aishiva Kothari, Community Partner Member with Tobacco Free Jacksonville. Ms. Kothari explained that this is a nonprofit organization that is a partnership of adult and youth working together to prevent tobacco use and exposure to secondhand smoke. Their goal is to promote a tobacco free atmosphere and improve the health of all Duval County residents.

Vice Mayor Chin stated that Atlantic Beach's ordinance adds a dedicated section and Jacksonville Beach's modifies existing sections.

Mr. Roth advised that Neptune Beach does not have a Code provision that has a comprehensive list regarding parks. It makes more sense to start a new section.

Councilor Livingston requested if we are considering this proposed ordinance, she would like to see the penalties and fines included.

Mayor Brown encouraged signage that prohibits smoking on our beaches.

Councilor Messinger stated that Beaches Go Green has had a large initiative in collecting cigarette butts. They had put dispensers out and collected significant amounts over the years. He is interested to see the legislation that comes before Council.

Mayor Brown expressed that the direction would be to move this forward for the May 1, 2023 agenda.

LDC Revisions	<u>LDC Revisions.</u> Community Development Director Heather Whitmore explained that there are five items to be discussed. Duplexes in the RC, Landscape Buffer Adjacent to Residential Districts, and Recreational/Commercial Vehicles in Residential Districts are the three items she would like to see moved to first read. Historic Preservation as a Finding of Fact is for review discussion. Parking Fee in Lieu is an issue she would like to set some time to discuss to determine if Council wants to pass a resolution to establish these fees.
Duplexes in the RC	<u>Duplexes in the RC.</u> Staff proposes to add language as a reference to LDC Table 27-239 development standards for RC Overlay Minimum Lot Area Note 10 to make it consistent with Section 27-242, Density calculations for two-family (duplex) residences east of 3rd Street. Vice Mayor Chin commented and Ms. Whitmore confirmed that this is adding language to a footnote in the zoning table to make it consistent with what is in the Code. The consensus by show of hands is to move this item forward for first read on May 1, 2023.
Landscape Buffer Adjacent to Residential Districts	<u>Landscape Buffer Adjacent to Residential Districts</u> Ms. Whitmore explained this is basically a scrivener's area. This corrects a typo to reference the correct section as 27-456. The consensus by show of hands is to move this item forward for first read on May 1, 2023.
Recreational/Commercial Vehicles	<u>Recreational/Commercial Vehicles.</u> In the recent Fall 2022 LDC update, sections of the Land Development Code regarding the parking and storage of major recreational equipment, and heavy commercial vehicles in residential districts appears to have been inadvertently removed. Staff is seeking to correct this apparent accidental deletion by adding "Section 27-335, Parking, storage or use of major recreational equipment" and "Section 27-336, Parking of heavy commercial vehicles in residential districts" back into the Land Development Code with a revised definition of heavy commercial vehicle. The consensus by show of hands is to move this item forward for first read on May 1, 2023.
Historic Preservation	<u>Historic Preservation as a Finding of Fact.</u> The purpose of this summary is to begin to evaluate how and if the Community Development Board may or may not justify a determination to support or deny an applicant's request using a finding of fact grounded in historic preservation Land Development policies. Discussion ensued which included subjectivity, architectural guidelines, character and historical homes and footprints of existing homes. Mr. Roth stated he is hearing that we prefer to work with what we already have and utilize the tools that the Code gives us. He proposes to work with the Community Development Director and incorporate this as part of the annual training. The resources are in the Code and they should use them in analyzing the findings of fact to the extent they believe historic significance is in play for a specific application.
Parking Fee in Lieu of Study	<u>Parking Fee in Lieu of Study.</u> This was added as part of the LDC update. Ms. Whitmore presented information and reviewed fees from other cities. This would be done by resolution. This needs to be established as there are applications that this would apply to.

Elaine Brown

Elaine Brown, Mayor

ATTEST:

Catherine Ponson

Catherine Ponson, CMC
City Clerk

Approved: 5-1-2023

