



**MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 20, 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 Tuesday, June 20, 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
City Manager Richard Pike
Public Works Director Deryle Calhoun
CFO Jaime Hernandez
Deputy Public Works Director Colin Moore
Interim Police Chief Michael Key
Senior Center Director Leslie Lyne
HR Coordinator Jillian McCann
Community Development Director Heather Whitmore
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.

**City Manager
Appointment**

City Manager Appointment. Mayor Brown reported that Council is pleased to have a new city manager coming in. Richard Pike is well-known and respected in the community.

Councilor Key disclosed that voting on this matter could result in special, private gain for a relative of hers. She recused herself from voting. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, has been submitted and pursuant to F.S. Section 112.3143(4)(b), is incorporated into these minutes.

Vice Mayor Chin pointed out a typographical error on Page 6 of the contract. The words "effective upon" had been repeated.

Councilor Messinger pointed out that the salary is fair in keeping with what other city managers are making throughout coastal communities in Florida. He couldn't be happier that Richard Pike will be the next city manager. Including the cost of the healthcare, it is a fair contract. The City is going to be in good hands for years to come.

Made by Messinger, seconded by Chin.

MOTION:

TO APPROVE THE APPOINTMENT OF RICHARD PIKE AS CITY MANAGER

Roll Call Vote:

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

Noes: 0

Abstain: 1-Key

MOTION CARRIED

Swearing In

Mayor Brown administered the Oath of Office to City Manager Pike.

The Southern
Group

Contract Agreement, The Southern Group. Vice Mayor Chin stated he fully supports hiring The Southern Group and Jim Gilmore to provide the City with lobbying services from the City of Jacksonville and the State. He is highly connected and experienced. He will become our voice in getting the grant dollars we need to move forward with our infrastructure needs.

Councilor Messinger agreed and added this further strengthens our efforts to get real infrastructure dollars.

Made by Messinger, seconded by Chin.

MOTION:
GROUP.

TO APPROVE THE CONTRACT AGREEMENT WITH THE SOUTHERN

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No.
22023-04,
FY23 Budget
Amendment

Ordinance No. 2023-04, First Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2023, Beginning October 1, 2022 and Ending September 30, 2023.

Public Hearing

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

City Manager Pike explained that is for the transfer of funds from the paid parking program to the police department as the paid parking is now under the police department. An officer is being paid to perform those duties. Monies are being transferred to offset that cost

Mr. Pike confirmed Councilor Key's inquiry this is the same amount that would have paid for the parking director and is being transferred to another department.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE ORDINANCE NO. 2023-04, AMENDING OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2023, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023 AT FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Task Order #2, UF Resiliency Grant Task Order #2, Master Research Agreement with University of Florida. Deputy Public Works Director Colin Moore explained that this is a grant agreement we received for \$180,000 from Resilient Florida for a vulnerability assessment required by statute in order to apply for infrastructure funding for resiliency projects. The project is laid out in tasks and should be completed by April of next year.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE TASK ORDER #2 OF THE MASTER RESEARCH AGREEMENT WITH THE UNIVERSITY OF FLORIDA**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Potable Well #1-Emergency Geophysical Logging Potable Well #1-Emergency Geophysical Logging. Public Works Director Deryle Calhoun explained that on June 5, 2023, Council approved the emergency pulling of the failed pump at Well #1. He is asking for the approval of emergency geophysical logging of Well #1.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE EMERGENCY SERVICES TO COMPLETE SERVICES WELL DRILLING, INC IN THE AMOUNT OF \$12,500.00**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Well #5, Kimley-Horn Extension Well #5-Extension of Supplemental Agreement #1 – Kimley-Horn. Mr. Calhoun explained this is for approval of moving forward with Well #5 construction and to extend Supplemental Agreement No. 1 for Consumptive Use Permitting(CUP) and well permitting and design services with Kimley Horn to July 31, 2025.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE CONSTRUCTION OF WELL #5 AND THE EXTENSION OF KIMLEY-HORN SUPPLEMENTAL AGREEMENT NO. 1**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CIPP Project Cured in Place Project – 3rd Street 8" Sanitary Sewer and Bal Harbor Subdivision Stormwater Pipe. Mr. Calhoun explained this is for the rehabilitation of pipe using cured-in place pipe (CIPP) versus traditional excavation and PVC pipe. This includes full rehabilitation of the eight-inch sewer pipe on 3rd Street near Myrtle Street and where needed for the Bal Harbor subdivision.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE CURED-IN-PLACE PIPE (CIPP) PROJECT – 3RD STREET NEAR MYRTLE STREET AND BAL HARBOR SUBDIVISION**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Belt Filter Press Water Reclamation Facility Belt Filter Press. Mr. Calhoun reported the water reclamation facility treats approximately 600,000 gallons per day (GPD) of wastewater. Biosolids produced from the treatment process are approximately 180,000 gallons per week which must be thickened in the belt filter press prior to transport by roll-off to the landfill. He is requesting partial rehabilitation of the belt filter press originally installed in 1997.

Made by Messinger, seconded Key.

MOTION:

TO APPROVE THE WATER RECLAMATION FACILITY BELT FILTER PRESS REHABILITATION TO LANGLEY SEPARATION AND PROCESS, LLC IN THE AMOUNT OF \$67,445.00

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Emergency
Commercial
Dive Services

Emergency Commercial Dive Services. Mr. Calhoun explained one of the water reclamation facility tanks has experienced a failure of the aeration system pipework submerged in wastewater. A hazardous waste commercial dive team will be utilized to assess the condition of the pipework for possible repair. Staff is also investigating surface aerators as an alternative to the pipe network.

Made by Messinger, seconded by Chin.

MOTION:

TO APPROVE EMERGENCY COMMERCIAL DIVE SERVICES TO MAINSTREAM COMMERCIAL DIVERS, INC.

Roll Call Vote:

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

Noes: 0

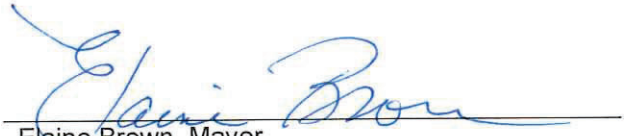
MOTION CARRIED**PUBLIC COMMENT**

Public
Comment

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated she is happy that Chief Pike is City Manager. She asked for greater transparency and greater involvement from the Community. She added that we need a Community Development Board that represents the Community. She spoke regarding the Community Vision Plan and commented: "It isn't really ours, it's yours."

Adjournment

There being no further business, the Special Meeting adjourned at 6:38 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 08/07/2023



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

____ inured to my special private gain or loss;

____ inured to the special gain or loss of my business associate, _____ ;

X inured to the special gain or loss of my relative, _____ ;

____ inured to the special gain or loss of _____, by
whom I am retained; or

____ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.



Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
TUESDAY, JUNE 20, 2023, 6:38 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 Tuesday, June 20, 2023, at 6:38 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
 City Manager Richard Pike
 CFO Jaime Hernandez
 Public Works Director Deryle Calhoun
 Deputy Public Works Director Colin Moore
 Interim Police Chief Michael Key
 Senior Center Director Leslie Lyne
 Community Development Director Heather Whitmore
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:38 p.m.

AWARDS/PRESENTATIONS/RECOGNITION OF GUESTS / NONE

PROPOSED ORDINANCES

**Dogs on the
Beach**

Proposed Ordinance, An Ordinance Amending Section 6-31, Regarding Dogs on the Beach to Establishing Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing for an Effective Date.

Councilor Livingston stated this had been brought up before. The main goal is to have consistency with Atlantic Beach and it tightens up the restrictions, including having potable water and shade.

Councilor Messinger commented that he is overall supportive of this legislation.

Vice Mayor Chin stated he had a few concerns and would caution against moving too quickly on this considering there had been a couple of recent dog attacks. He pointed out that people are not respecting the leash requirement so he is concerned will not be able to adequately patrol or enforce the beaches. Until he hears a critical threshold of residents who want no restrictions, he would hold off on this.

Councilor Key commented after speaking with Police Services Officer Dee Zagari and understanding why this legislation would help enforce the rules better, it makes sense. If

there were signs at every beach access and communication about the rules, this would help Ms. Zagari in issuing tickets and enforcement

Vice Mayor Chin agreed with increasing signage, and we could also make Atlantic Beach aware of what our rules are

Ms. Zagari stated this would help enforce the leash requirement if dogs were allowed at all times. It would also help with the enforcement of service animal restrictions. She also added having water, shade and prohibiting electric and remote collars as part of the legislation.

Councilor Key pointed out on Page 3 of the ordinance, "be" needs to be added to "dogs in tide pools must on-leash."

CONSENSUS: **MOVE FORWARD FOR FIRST READ**

ISSUE DEVELOPMENT

FDOT A1A
Complete Streets

FDOT A1A Complete Streets. Deputy Public Works Director Colin Moore presented the preliminary Complete Streets concept from FDOT for Third Street from Atlantic Blvd to Seagate Ave. This project would coincide with a yet to be determined SR A1A resurfacing project (most likely FY 27 at the earliest). We are also coordinating stormwater improvements as part of this project

FDOT has requested feedback on this plan and noted that median closures can be added to the extent that they are justified for safety or operational needs or if they are requested by the users. FDOT also said we could request addition Pedestrian Hybrid Beacons (Lemon Street was mentioned as one potential location)

Councilor Messinger pointed out that in the Community Visioning Plan process, concepts were introduced that include multi-purpose paths on both sides, more landscaping in the medians and sides of the street so it is more of a slower entrance into a community and residential area. He would like these sent to FDOT to show how we have those ideas in place.

PUBLIC COMMENT

Pat Hazouri, 207 Florida Blvd, Neptune Beach, spoke regarding dangerous intersections. She requested having input on the above-mentioned FDOT A1A project.

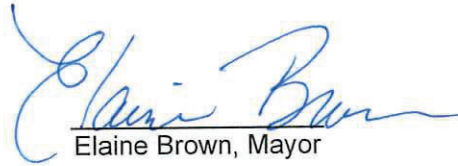
COUNCIL COMMENTS

Councilor Key announced that on June 21, 2023, the installation of beach volleyball court Seagate and Hopkins. The Fletcher High Girls Beach Volleyball team is paying for and s/ The practice times will be noticed on the net. Outside of those times, the City will be putt individuals to play. This will provide public amenity on the beach. She has been working Turtle Patrol in this partnership.

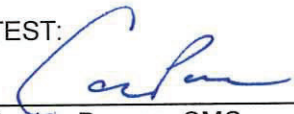
Vice Mayor Chin announced that the Sea Turtle Patrol will be holding their annual party and raffle at Slider's on June 27, 2023, at 6:00 p.m. He encouraged everyone to attend and support the organization.

Adjournment

The workshop meeting adjourned at 7:10 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 06/07/2023

