



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, FEBRUARY 20, 2024, 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, February 20, 2024, 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 Manager Richard Pike
 City Attorney Zachary Roth
 Chief of Police Michael Key
 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. Vice Mayor Chin led the Pledge of Allegiance.

ORDINANCES**Ord. No. 2024-01,
Automated Traffic
Enforcement**

Ordinance No. 2024-01, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Creating Chapter 22, Article VI, Sections 22-101 through 22-105, Automated Traffic Enforcement; Providing for Severability; and Providing an Effective Date

Presentation

Chief of Police Michael Key stated that the ordinance and ultimate project as a result of the potential passing of the ordinance is priority and centered around keeping children safe. That is the focus of it. The focus is not to revenue generate or to write tickets. He receives complaints weekly about speeding in or around school zones. It is the top complaint he hears as Police Chief. A speed study was conducted and the study confirmed there is a speeding problem. Florida is second in the U.S. for speeding in school zones. It is his job as Police Chief to find solutions to problems in the community.

Chief Key continued that the Florida Legislature unanimously passed HB 657, authorizing the use of automated speed enforcement devices in school zones. The bill passed unanimously and took effect on July 1, 2023. Since then, numerous counties and municipalities have adopted legislation and implemented programs. Neptune Beach Police Department (NPBD) staff have held meetings with Atlantic Beach, Jacksonville Beach, City of Jacksonville (COJ) and Florida Department of Transportation (FDOT) to discuss what all of this entails for our community.

The goal is to reduce injury, especially to a child. Data proves that driving over the speed limit significantly increases the likelihood of a crash. NBPd crossing guards recount numerous incidents where drivers failed to stop, failed to slow down, or have nearly struck pedestrians.

The requirements for this project would be local governments to notify the public of the speed detection system through a 30-day public awareness campaign before enforcement. Chief Key added that any and all media would be used to begin getting the word out.

Chief Key reported that a violation occurs when the speed is over 10 mph over the speed limit. Violators would be fined a \$100 citation by mail. The citation would include all documentation. The cameras solely target speeders. NBPd officers will verify the offense and issue the citation. Cameras will only operate during when the school zones are in effect and 30 minutes before and after. All school speed zones will have a flashing light and signage warning motorists of the fact that speed is being enforced via a camera. Cameras are turned off during other times (weekends, summer or other breaks, holidays or any other time school is out). The law requires each county or municipality that operates a speed detection system to submit a report on October 1, 2024, and annually thereafter, to the Department of Highway Safety and Motor Vehicles.

Chief Key presented the results of the speed study. He reported that on one day in the 1500 block of Florida Boulevard, there were two hundred violations during school hours. In front of Beaches Chapel on one day, there were 182 violations. These violations were ten or over the posted speed limit of 15 mph.

It is a violator-funded program, not taxpayer-funded. There are no upfront costs, no equipment to buy or lease, no construction costs. If violations go to zero, the City will not owe anything. There is no fee to terminate the contract. A license plate reader will be provided with each camera system.

Chief Key provided that Fernandina Beach is currently passing an ordinance and implementing a program. The City of Jacksonville, Jacksonville Beach and Atlantic Beach are in the research stage and exploring implementation.

Council
Questions/
Discussion

Vice Mayor Chin stated he supports anything that will improve pedestrian safety, especially for the children we are sworn to protect. He pointed out in the ordinance in Section 22-103, it states in the least sentence, "when such violations are in excess of five miles per hour over the speed limit." He mentioned that Chief Key had referred to violations over ten miles per hour would be in violation.

Chief Key stated this was a scrivener's error and would need to be readdressed.

Councilor Livingston questioned if the signage notifying everyone of the cameras would be at no cost. She also asked what the cameras look like as they are in residential areas.

Chief Key answered that there would be zero tax dollars for this project. He also stated that he has seen renderings for the cameras and would bring in what is being proposed at the next Council meeting.

Councilor Livingston expressed she is in support of whatever we can do for safety. She would also like to see how intrusive this is going to be.

Chief Key advised that the way the ordinance is written, there are three locations designated as school zones. We are looking at implementation at the 1500 block of Florida Boulevard in front of Neptune Beach Elementary and in front of Beaches Chapel at the 600 block of Florida Boulevard. There would more than likely enter into an agreement with the City of Jacksonville Beach for Seagate Avenue. The City is not

looking at the intersection of Third Street and Florida Boulevard. The signage would be in the speed zone locations.

Councilor Messinger agreed with Councilor Livingston and would like to see a realistic rendering. Since they would be in residential areas, we do not want to erect anything that would negatively affect the property values of the adjacent homes. He is in full agreement with what is trying to be accomplished and the benefits that it will bring from a law enforcement perspective as well as reducing speeds, especially in school zones.

Public Hearing

Mayor Brown opened the public hearing.

Chuck McCue, 1908 3rd Street, Neptune Beach, stated his concern was the cost. He commented that he wasn't sure if the City should privatize policing. The ulterior motive of the people who would install and maintain the equipment, and put out citations, is to make money. He feels that we have enough officers that could sit in the three locations. The biggest issues he sees is the motorized bicycles.

Nicole De Venoge, 617 Oak Street, Neptune Beach, stated she has taught at Neptune Beach Elementary, and the cameras are needed. She added this is long overdue. She is horrified at the speeds at which people are willing to drive through the school zones.

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

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2024-01, AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CREATING CHAPTER 22, ARTICLE VI, SECTIONS 22-101 THROUGH 22-105, AUTOMATED TRAFFIC ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE ON FIRST READ WITH AN AMENDMENT TO CHANGE 5 MPH TO 10 MPH IN SECTION 22-103**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2024-02,
Park Regulations

Ordinance No. 2024-02, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Creating Chapter 14, Sections 14-12, Park Hours, and 14-13, Loitering, Soliciting, Begging, etc., in Public Offices or Buildings Open to the Public; Providing for Severability; and Providing an Effective Date.

Presentation

Chief Key explained that the City does not currently limit or regulate hours or loitering within a city-owned park by City Ordinance. The proposed ordinance limits hours of entry to city-owned parks and provides language for individuals who may possess nefarious motivations to be contacted by law enforcement.

Chief Key reported that as increased usage and renovations continue to occur in city-owned parks, a growing concern for safety and crime prevention has arisen. He stated that all departments in the City are lending their hands to make sure that our City parks are well-groomed as well as safe for our community. He expressed this ordinance is to give officers meaningful reason to make contact with individuals who are found late night in City parks.

Council
Discussion/
Questions

Councilor Key commented that we need to try something new at Jarboe Park and she supports this ordinance.

Councilor Livingston stated that due to where she lives, she sees people in the parking lots of the park well after hours. She added that with the complaints of vandalism and the state of the bathrooms, she hopes this curbs some of that activity.

Public Hearing

Mayor Brown opened the public hearing

Chuck McCue, 1908 3rd Street, Neptune Beach, commented that if there set hours then there are set hours. We should watch what is allowed in the park.

Nicole De Venoge, 617 Oak Street, Neptune Beach, stated this ordinance is also overdue. She added that due to the park being so crowded, there is not much of a break for the neighborhood. She suggested connectivity to the sidewalk leading to the cross light at Third Street.

William Gibson, 2146 Acacia Road, Neptune Beach, requested that if officers encounter someone experiencing homelessness in the park after hours, to please provide available resources.

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

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE ORDINANCE NO. 2024-02, AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, CREATING CHAPTER 14, SECTIONS 14-12, PARK HOURS, AND 14-13, LOITERING, SOLICITING, BEGGING, ETC., IN PUBLIC OFFICES OR BUILDINGS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Bid Process
Waiver – Fine
Bubble Diffusers

Bid Process Waiver- Fine Bubble Diffusers. Public Works Director Deryle Calhoun explained that Hazen and Sawyer was tasked with building a biological model of Plant 1 to identify improvements necessary to improve treatment performance, mainly with respect to Nitrogen. Failure to meet Nitrogen permit requirements led to a consent order with FDEP. The model identified the need for additional oxygen transfer to the biological process.

Coarse bubble rental aeration equipment was installed in December 2023, at a cost of \$8,700.00 per month and has improved treatment performance. Staff solicited various manufacturers for fine bubble permanent equipment. Fine bubble aeration provides more efficient oxygen transfer to the treatment process.

The following quotes were received: Environmental Dynamics International (EDI) - \$106,800, Jaeger - \$140,000 plus estimated freight/startup of \$3,000 to \$5,000,(now includes installation; and Sanitaire - \$40,000 (unresponsive; requires tank be taken out of service).

Mr. Calhoun is requesting to waive the formal bid process with respect to the bidding threshold and award to EDI in the amount of \$106,800.00.

City Attorney Zachary Roth explained that City Code Section 2-377(b)(1), states that a formal bid procedure is not required "when the city council, by a vote of the majority of those members present, waives a formal bid procedure.". There are no statutes that would govern this that would require the City to bid this, only the terms of our Code, if Council does not waive the formal bid requirement.

Made by Chin, seconded by Messinger.

MOTION: TO WAIVE THE BID PROCESS FOR THE FINE BUBBLE DIFFUSERS.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Fine Bubble
Diffusers

Water Reclamation Facility – Fine Bubble Diffusers.

Councilor Messinger commented that this makes sense from a financial and practical standpoint that we are getting superior equipment and have a good payback period. Additionally, it may appear that we are not accepting the lowest bid, when you read through the documents and look at what installation costs are, we in effect are getting the lowest bid because the contract is all inclusive.

Made by Messinger, seconded by Key.

MOTION: TO AWARD THE INSTALLATION OF FINE BUBBLE DIFFUSERS TO ENVIRONMENTAL DYNAMICS INTERNATIONAL (EDI) IN THE AMOUNT OF \$106,800.00

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Bid Process
Waiver – City Hall
Repairs and
Refresh

Bid Process Waiver – City Hall Repairs and Refresh. Mr. Calhoun reported that City Hall's exterior has experienced cracking of stucco and water intrusion into the building. Non-destructive means were used to estimate the square footage of damaged stucco to be removed and replaced.

Major items included in this project are: surface prep, stucco repair (repair of lathe and backing will be a change order), sealing of surfaces, painting or coating, masonry planter wall repairs (capstones and mortar joints), window perimeters and glazing (twelve large windows and twelve small).

Four quotes were received (alphabetical order). Mr. Calhoun reviewed the quotes and qualifications.

- Earthwise - \$69,250.00
- Fields General Contracting - \$69,396.00
- Krystal Klean - \$47,788.76
- Tremco/Weatherproofing Technologies, Inc. - \$94,676.21

Mr. Calhoun stated that there is a price differential. Tremco's quote provides a waterproof coating and a 15-year warranty on the coating and window glazing. The other three contractors' quotes only offered standard painting.

Made by Livingston, seconded by Messinger.

MOTION: **TO WAIVE THE BID PROCESS FOR THE CITY HALL REPAIRS AND REFRESH**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Hall Repairs and Refresh

Councilor Messinger commented that Mr. Calhoun has done an excellent job of breaking down the four very-detailed quotes. If we go out to an RFP, we typically don't get bids. We can go to vendors and get detailed quotes which are then presented. He added that in a coastal environment, Tremco has a proven track record and they are backing it with a fifteen-year warranty for aspects of a building one block from the ocean.

Made by Messinger, seconded by Key.

MOTION: **TO AWARD THE CITY HALL REPAIRS AND REFRESH TO TREMCO IN THE AMOUNT OF \$94,676.21.**

Roll Call Vote:

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

Noes: 0

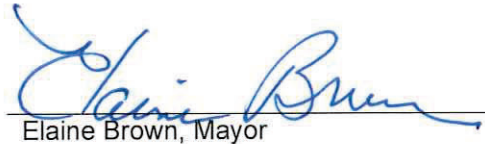
MOTION CARRIED

PUBLIC COMMENTS

Public Comments Michele Whitley, 1707 1st Street, Neptune Beach, spoke regarding speeding and parking on 1st Street.

Chuck McCue, 1908 3rd Street, Neptune Beach, questioned what was the rush on repairing City Hall and we should put it out for bid. He stated there may be better pricing out there and we should have at least three bids on any large project like this. City Hall has been neglected for decades and what is another year to get the right price and product.

Adjournment There being no further business, the Special Meeting adjourned at 7:15 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 03-04-2024





MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
TUESDAY, FEBRUARY 20, 2024, 7:16 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, February 20, 2024, at 7:16 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 Manager Richard Pike
City Attorney Zachary Roth
Police Chief Michael Key
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 7:16 p.m.

DEPARTMENT UPDATES**Parks Update**

Parks and Sustainability Director Colin Moore reported that the pickleball and tennis courts would be undergoing maintenance and repairs. All of the work is under warranty. Information regarding the times and dates for closing the courts would be published on social media and the City website.

Mr. Moore advised that the schedule for the parks crew at Public Works has been modified to include eight-hour shifts, seven days a week. The restrooms at Jarboe Park will be checked every two hours. The IT department has developed a QR code that links to an online form for issues such as water fountain and restroom issues. The City will also be looking at more vandal-proof type fixtures.

**Police Chief
Report**

Chief of Police Michael Key announced the promotion of Elaine Dean to Services Division Supervisor. Ms. Dean began employment at Neptune Beach as an Emergency Communications Officer in February, 2021. She oversees the Communications Center as well as the communication accreditation. He also announced the promotion of Commander Liam Toal. His swearing in would be later this week.

**Vice Mayor
Remarks**

Vice Mayor Chin commented that Scott Dudley with the Florida League of Cities spoke at a recent Beaches Watch meeting. Mr. Dudley talked about the erosion of Home Rule by the state legislature. There are a number of amendments to already-passed legislation in

play this session. The Council has written letters in opposition to legislation in the past. He would like to put something together that states opposition to anything that harms our Home Rule or would damage the character of our municipality. Vice Mayor Chin requested we also need more clarity on some of the issues from the legislature.

Councilor Messinger stated that it is scary how the legislature is whittling away at every aspect. It seems like it is negative, such as the tree ordinance and e-bikes.

ISSUE DEVELOPMENT

Beaches Green Market

Beaches Green Market. Jessica Meyer, Market Manager, and Kira Mauro, Community Garden Manager and Master Gardener with Beaches Green Market, presented a proposal to bring the Beaches Green Market back to Jarboe Park. The Beaches Green Market had previously been in Jarboe Park and would like to return.

Ms. Meyer reviewed the proposal for returning to Jarboe Park. They are requesting space allotted for setup of up to 30 vendors, use of city-owned parking for vendor vehicles, an exclusive partnership agreement, exclusive use of the west side of Jarboe Park on Saturday from 8:00 a.m. to 3 p.m., signage, electric hookups, social media event sharing, seating/dining areas, restroom accessibility and 50 parking spaces required for shopper parking. The shopper parking was previously with the neighboring commercial building. They are requesting if that parking is unavailable, would the City allow parking along Florida Boulevard.

Councilor Key questioned if this would be under the City Manager's authority and not have to come before Council. She thinks this is something the City Manager can work out with DIG Local Network.

City Attorney Zachary Roth stated that the Code is not that specific. This is not something that is definitely the purview of the Council. There is no legal reason that this couldn't be decided by the City Manager.

Vice Mayor Chin agreed with Councilor Key but there may be items that are potentially costly that may come back to Council. He suggested the City Manager get with each council member for feedback and the scope of what we are looking at.

Councilor Messinger pointed out that previously the Beaches Green Market had an agreement with the commercial building next door for the parking spaces as no one is in those offices on Saturdays. The parking spaces were already there. He agreed that the finer points can be negotiated by the City Manager and he supports the Beaches Green Market's return.

Councilor Livingston expressed she had concerns about some of the costs and what is being required. She asked what is different from the last time they had the market in Jarboe Park?

Ms. Meyer stated that there were weekly vendors that require power on site. The power would be needed in order to support food truck that need to consider cooling and heating.

Councilor Livingston expressed she would like to see some cost-sharing included as well as the confirmation of the agreement of the parking spaces before approving the return to Jarboe Park.

Mayor Brown requested being involved as the City Manager moves forward with the drafting of the contract as she also had questions.

Ms. Mauro added that the market in Jarboe Park has always been a primarily pedestrian and cyclist market. They did not always use the parking spots for shoppers. They do require parking for the vendors.

PUBLIC COMMENT

Public Comment Chuck McCue, 1908 3rd Street, Neptune Beach, questioned who is Beaches Green Market and if they are a nonprofit or for-profit organization? He asked does the City want to bring in an operation that takes away from local businesses? He would also like to see verification if the farmer is actually producing what is being sold and state where it is from.

COUNCIL COMMENTS

Council Comments Councilor Messinger commented that if we are able to take some of our Police Officer resources and better police e-bikes because we have a good camera system in place to deter speeders at school, this would amplify the amount our officers are able to do. He pointed out there has not been a vendor selected for the cameras. There is no percentage or fixed cost identified. There are many options available and none have a direct cost. He added that he has no doubt that one will be chosen that brings the most benefit from a safety and financial perspective to the community

Councilor Messinger expressed that while Council waived the bidding procedures [for the City Hall refresh], four bids were received and evaluated.

Councilor Key commented that there are police officers at every school in Neptune Beach during those hours and it is still not deterring speeders.

Chief Key reported that he and the previous Police Chief initiated a program in 2016 that if a Police Officer is not on a call, then the Police Officer is at a school during those hours. There are not enough officers. When officers are present, people slow down, but they cannot always be there.

Councilor Key stated she thinks it is great for parks to have vendors and markets. She supports them and they bring wonderful sense of community.

Adjournment There being no further business, the workshop meeting adjourned at 7:49 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 03-04-2024

