



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 3, 2024, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, June 3, 2024, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

IN ATTENDANCE:

Mayor Elaine Brown (*absent*)
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
Community Development Director Heather Whitmore
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
City Clerk Catherine Ponson

Call to Order/Roll
Call/Pledge

Vice Mayor Chin called the meeting to order at 6:00 p.m. and Councilor Messinger led the Pledge of Allegiance.

Eddie Bounds Day

Vice Mayor Chin announced that June 3 is Eddie Bounds Day in Neptune Beach.

Chief of Police Michael Key stated that by proclamation every June 3 is Eddie Bounds Day. Officer Eddie Bounds served as a Neptune Beach Police Officer until his passing and he will never be forgotten. Officer Bounds' children, Tyler and Kayla Bounds, were on hand to receive the recognition.

Employee
Recognition

Police Commander Gary Stucki and Chief Key recognized Emergency Communications Officer Stephanie Allen for 25 years of service.

Agenda Item
Deferral

Vice Mayor Chin announced that Agenda Item #7C, P24-04, Application for Development Plan for 108 Orange Street, has been deferred at the request of the applicant. The application will be heard at the first meeting in July.

APPROVAL OF MINUTES

Minutes

Made by Livingston, seconded by Key.

MOTION: TO APPROVE THE FOLLOWING:

May 6, 2024, Regular City Council Meeting
May 20, 2024, Special City Council Meeting
May 20, 2024, Workshop City Council Meeting

Roll Call Vote:

Ayes: 4-Key, Livingston, Messinger, and Chin.

Noes: 0

MOTION CARRIED

PUBLIC COMMENT

Public Comment

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated the Council has failed to represent the citizens. She commented that the mayor has used her position to sell city assets and use tax and city revenue to fill the pockets of developers. Consultants were paid millions. She stated that there has been no work in eight years on the water and sewer lines. A water wagon will most likely be purchased with water and sewer funds. There needs to be set standards of behavior for Councilmembers who have targeted employees and citizens with verbal assaults without consequence. Members of the public should not be allowed to harass employees and or direct employees on projects. She asked the residents to speak out against this developer and investor-driven city council.

David Wicker, 427 South Street, Neptune Beach, stated he has been engaging with people who work with Neptune Beach. On South Street, the water works great and the sewer has never been a problem. He thinks the city is run fairly. He added the City has been responsive to the needs in his area. He came to say thank you and is grateful for what has been done.

DEPARTMENTAL REPORTS

Vice Mayor Chin reported that City Manager Richard Pike is representing the City of Neptune Beach at the Class of 2024 Commencement Ceremony and could not attend this meeting.

Police Chief Report

Chief Key reported that over the Memorial Day weekend, the police department initiated Operation Coastline and through rearranging staffing, overtime was not utilized and enforcement was enhanced. He shared that over the holiday weekend, there 119 parking citations and 23 uniform traffic citations were issued. This included only the area east of 3rd Street to the Atlantic Ocean.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

450 Atlantic Blvd

V24-02, Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060). The applicant requests a variance from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property, rather than the required ten-foot side yard setback. The property is in the C-3 zoning district.

DP24-02, Application for Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060). The applicant requests a Development Plan approval to permit a mixed-use facility to include mixed martial arts training, racquetball, pickleball, karaoke bar, and pool tables. The property is in the C-3 zoning district.

City Attorney Zachary Roth administered the oath to anyone who would be speaking during this agenda item.

Community Development Director Heather Whitmore reviewed the applicant's request, which includes a variance, V24-02 from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property, rather than the required ten-foot side yard setback.

The overall total required parking spaces based on interior net uses is 50 spaces. The site provides 38 parking spaces. A shared parking analysis was conducted by Kimley-Horn and Associates to evaluate the projected maximum parking demand for the proposed development, based on data published by ULI in Shared Parking, Third Edition. The analysis finds that the proposed uses are projected to have a maximum parking need of thirty-five (35) spaces during both weekdays and weekends.

Section 27- 540(c)(3) provides for a reduction of off-street required minimum parking for mixed or joint use of parking spaces. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. The City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

Ms. Whitmore reported that staff recommends approval of the variance as well as the development order as outlined in the application. All uses are approved by right. The developer has submitted a final development plan that complies with all staff conditions. The application was heard at the May 8, 2024, Community Development Board (CDB) meeting. The variance and preliminary development plan were approved unanimously.

Council Questions/
Discussion

Councilor Livingston commented that at the CDB meeting, someone spoke from the nearby neighborhood, Neptune by the Sea, about possible noise from the air conditioners. She asked if anyone mentioned concerns about the second floor being a karaoke bar?

Ms. Whitmore stated it was discussed. The building will have all the uses enclosed.

Cyndy Trimmer, Driver, McAfee, Hawthorne and Diebenow, One Independent Drive, Suite 1200, Jacksonville, Florida 32202, representing the applicant, specified that this is an infill project, and all of the uses are permitted by right. This is an existing building so the variance being requested is due to an existing site hardship. They are adding additional units to that side of the building. If you look at the building, one side needs to be reserved for a retention area. The rear of the building has an easement. They will be fixing the nonconformity and bring the fencing to conformity. The maximum required parking with the offsetting hours is 35 spaces and there are 38 spaces onsite.

Vice Mayor Chin stated that upon review of the elevations, there are no window openings on the south, east and west sides. He wanted to be sure that this will stay that way as he would want any kind of intrusive light or activity to impact the greenspace in the residential space behind the building.

Michael Dunlap Architect P.A., commented one of the recent additions is he had studied the project with two windows on the south side, each 5' by 5', one at the end of the hallway on both floors. He added this would be a little relief for a building with no windows other than on the entry side. It would be insulated glass. He does not think the concern about noise or flashing light would spill into the hallway.

Vice Mayor Chin pointed out that the plans submitted at this meeting show no openings.

Mr. Dunlap agreed and added that one of the things that came out of the design studies is that they needed relief as you go down the long hallways. He commented that this could be taken up with the building official at a later date.

Vice Mayor Chin noted that the approval at this meeting would preclude those openings being made.

Mr. Dunlap agreed and stated when they would need to come back or make a minor deviation to the variance is yet to be determined.

Councilor Key commented that she would not see where there would be a problem with windows on the side of the building and questioned why it would need to come before Council again.

Mr. Roth advised that if it is being approved on the basis that there are not additional windows, then that would be a problem to add them later. If Council is saying it is okay with the concept regardless of whether there are the windows, then that is a different approval.

Councilor Key expressed that she is okay with the concept regardless of if there are windows. She would not like to see someone limited to a dark space. She had not heard of the window issue. What would be the basis for not wanting a window?

Vice Mayor Chin stated that if the window was on the back side, it would be facing the passive park and the residential neighborhood. We would be cautious about introducing light activity.

Ms. Trimmer pointed out that the individual karaoke rooms would have soundproofing. They are intended to be designed so multiple people can be doing things and sound is not spilling between the rooms.

Councilor Livingston commented that she has an issue that if Council is approving a development plan, then this is exactly how it is going to be constructed. If windows are being added or anything else is being done to the plans, they should come back at a later date.

Ms. Trimmer added that since the windows just came up at this meeting and are not reflected on the plan, she would ask that the plans be approved as reflected in the materials in front of Council.

Councilor Livingston remarked that for the future she has concerns about things coming before us and going out and seeing the final product as its constructed and it's not what was approved.

Councilor Key commented that she agrees with Councilor Livingston about modifications. This was the first she had heard about the windows.

Public Hearing

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

Discussion

Vice Mayor Chin clarified the variance will be for the air conditioner condensers. There are already condensers in those locations, and this is to replace, update or add units in case they need the capacity. The parking discussion is that the parking capacity should meet the requirements.

Councilor Messinger questioned if the two items needed to be voted on individually and City Attorney Zachary Roth recommended that they should be two separate motions.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE V-24-02

Roll Call Vote:

Ayes: 4-Livingston, Messinger, Key, and Chin.

Noes: 0

MOTION CARRIED

Made by Messinger, seconded by Key and Livingston.

MOTION: TO APPROVE DP24-02

Roll Call Vote:

Ayes: 4-Messinger, Key, Livingston, and Chin.

Noes: 0

MOTION CARRIED

OLD BUSINESS

**Water Trailer
Purchase**

Purchase of Water Trailer from Tree Conservation Fund. Parks and Sustainability Director Colin Moore stated he was coming before Council on behalf of the City Manager. He explained that the tree conservation fund has a couple of different uses. One is purchasing trees and another is the protection and conservation of existing trees. The middle of July will be the end of the two-year warranty on the tree planting project in Jarboe Park by the City of Jacksonville. This request is to purchase a 1,000-gallon water trailer for City of Neptune Beach employees to continue watering the trees.

Mr. Moore confirmed Vice Mayor Chin's statement that this would be paid from the fund that is dedicated toward tree conservation and is not stealing from an infrastructure fund.

Councilor Messinger commented that for the edification of the public, the tree conservation fund is paid into by developers and homeowners. If someone has to take down a tree and they cannot adequately replace those caliper inches on the property, they pay into a fund. The city uses those dollars to plant and maintain trees around all of Neptune Beach. This is not taxpayer funded.

Councilor Key stated that contrary to misinformation stated earlier, this purchase is coming from the tree conservation fund.

Made by Key, seconded by Messinger.

MOTION: TO APPROVE THE PURCHASE OF THE WATER TRAILER FROM THE TREE CONSERVATION FUND

Roll Call Vote:

Ayes: 4-Key, Livingston, Messinger, and Chin.

Noes: 0

MOTION CARRIED

NEW BUSINESS

Milling and Paving
Portions of Myrtle
Street, Midway
Street and Kings
Road

Milling and Paving Portions of Myrtle Street, Midway Street and Kings Road. Public Works Director Deryle Calhoun stated he would be pulling this agenda item. He had discussions with residents along Midway Street and determined that adding one and one-half inches of asphalt to existing roadway would push more water onto private property. There is a risk of a milling operation on Midway Street due to an old three-inch iron main running north-south along Midway Street. He would go back to the list and look for roadways that have PVC mains.

Councilor Key questioned if any portions of Myrtle, Midway or Kings Street would be paved.

Mr. Calhoun stated that Myrtle and Kings Street would be included. He will look for additional footage elsewhere as this amount had been budgeted.

Councilor Key remarked there are concerns about the potholes in the area and asked if there was any way to temporarily fix those.

Mr. Calhoun answered that he could backfill any potholes.

Engineering
Support Services
for Public Works
Yard Roofs Project

Engineering Support Services for Public Works Yard Roofs Project. Mr. Calhoun explained roofs at the Public Works yard require replacement and in some cases repair to decks will be necessary. Soffits and gutters are also in various states of disrepair. The roofs are approximately 20 years old, with some previous patching noted. Buildings included in the project are administration, water and stormwater, wastewater operations, animal control and a few smaller buildings including storage, plant electrical, plant controls and generator. Total square footage of all buildings is approximately 27,000.

The City has a continuing services contract with Kimley-Horn who has provided a scope of services, which includes a lump sum of \$50,600 and then a time and material not to exceed \$35,000. Bids will be solicited for both asphalt shingle and metal roof options.

Councilor Messinger stated that this is a long overdue project. He added that Mr. Calhoun has been bringing city facilities back up to appropriate standards. This not only covers our administrative, but our critical facilities. In this process, making sure we design something that will last for the next 20-30 years is appropriate and good use of funds.

Made by Key, seconded by Messinger.

MOTION: **TO APPROVE ENGINEERING SUPPORT SERVICES FOR THE PUBLIC WORKS YARD ROOF PROJECT IN THE AMOUNT OF \$85,600.00**

Roll Call Vote:

Ayes: 4- Livingston, Messinger, Key, and Chin.

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Messinger commented that staff does a great job day in and day out. They deserve more credit than given. He added that Mr. Calhoun has done more for the city's public works department in the last year than in the prior decade. He is supported by Colin Moore and Chief Key and his officers. This could be on an issue as small as a speed bump. The city attorney has helped with projects and litigation, which is another aspect that all

cities deal with. Neptune Beach is not unique as we don't see the most litigation. When people come in and create an atmosphere of negativity, it is the staff that takes it the hardest. He thanked all of the staff members and teams. He added that the data is there for the amount that has been spent to start and continue major improvements.

Councilor Key asked Mr. Calhoun if the City, in the last eight years, spent money on water and sewer?

Mr. Calhoun answered yes.

Councilor Key continued that she thought so. She stated that anyone who attends these meetings sees the millions of dollars that have been spent over the last year and a half since Mr. Calhoun has been on our team. Every month and every meeting, this Council has approved everything that has come before them.

It is unfortunate that Councils before us chose not to address these problems. This Council and staff right now have chosen to move forward with these things. It is not by chance. It has been happening. It has been going on. Unfortunately, many staff feel harassed by certain individuals that may come up here all the time or send emails. They are too afraid to say anything. The accusation that other people are harassing them is interesting. She thinks everyone is doing a great job. The City is moving in a positive direction forward. The sky is not falling. She is happy to serve her last six months doing what's best and right for the city. Good luck to the people who come after them.

Vice Mayor Chin also praised Mr. Calhoun. He stated Mr. Calhoun has been a godsend for Neptune Beach. He has taken the bull by the horns and wrestled Public Works into some semblance of order. We see a light at the end of the tunnel. He stated there were many accusations that Council is not paying attention to infrastructure and not doing anything about it. He could pull up minutes from the last few years of this Council and point out something on each agenda item where Council is touching on infrastructure and approving an expenditure that is much needed. He concurs with the other Councilmembers that this is grave misinformation to say that they don't do anything.

Vice Mayor Chin stated that the Beaches Veterans Memorial Park is trying to fundraise for the Beaches Fallen WWII Monument. It is his understanding that they are about \$5,000 short of the needed funds. He wanted to see if the other Councilmembers were interested in putting some money towards this effort.

Councilor Livingston agreed with the other Councilmembers and requested moving forward seeing more kindness to staff and to each other.

Adjournment

There being no further business, the meeting adjourned at 7:01 p.m.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk



Approved: 09/03/2024