



**MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 19, 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 Monday, August 19, 2024, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida, 32266

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
Chief Financial Officer Jaime Hernandez
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

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

SWEARING-IN CEREMONY

Swearing-In
Ceremony

Chief of Police Michael Key introduced Commander Gary Stucki and Sergeant Jason Haines, both recently promoted. He also introduced new Neptune Beach Police Officers Kellin Ronquille, Matthew Tanner, and Samuel Williams.

Mayor Brown administered the Oath of Office and congratulated all of them on their new positions.

Point of Order

Councilor Key called for a Point of Order. She stated that during the swearing in ceremony, someone made a snarky comment about integrity. The comment came from a female on the right side of the room [from the dais]. She would like to call for decorum and asked that this please not happen again and to do something like that while officers are being sworn in is completely inappropriate. She asked that the meeting not start out in such a manner where people are behaving this way.

CITY ATTORNEY APPLICANTS

City Attorney
Applicants
Presentation

Mayor Brown reported that the City of Neptune Beach is in the process of hiring a new City Attorney due to the current City Attorney submitted his resignation. Three attorneys responded to the RFP: Ian Brown, Clayton Knowles and Vose Law Firm. They were all invited to present to Council at this meeting.

After the attorneys presented to Council, Mayor Brown advised that the decision would be made at the Special Meeting scheduled for Wednesday, August 21, 2024, at 6:00 p.m.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

108 Orange Street P24-04, Application for Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for Douglas Driver III for the property at 108 Orange St (RE# 172769-0000). The applicant requests a Development Plan approval to permit a bed and breakfast. The property is in the CBD zoning district.

Break At 7:01 p.m., Mayor Brown advised there would be a short break. The meeting reconvened at 7:08 p.m.

City Attorney Zach Roth administered the oath for anyone wishing to speak during this item.

Staff Presentation Heather Whitmore, Community Development Director, explained this is a request for a Preliminary Development Plan as outlined in Chapter 27, Article III, Division 2, of the Unified Land Development Code of Neptune Beach for Douglas Driver III for the property at 108 Orange St (RE# 172769-0000). The applicant requests a Development Plan approval to permit a bed and breakfast. This item was heard at the May 8, 2024, Community Development Board Meeting.

Ms. Whitmore continued that the property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District (CBD). Bed and breakfast is a permitted use in this district. Chapter 27, *Article III, Administrative and Enforcement Procedures, Division 2 Development Review*, of the Unified Land Development Code of Neptune Beach requires a preliminary and final development plan (development order) approval when "Changing or expanding any use of a site so that the need for off-street parking is increased." *Section 27-76* states that "all development in non-residential districts" requires a development order.

A Preliminary Development Plan application for a 3,507 square-foot three-story bed and breakfast has been submitted by the property owners for the property located at 108 Orange Street. The existing lot of record is 50' x 55'. The existing vacant property is located on the northeast corner of Orange Street and Midway Street. The property is within the CBD and is surrounded by CBD zoning on the east, north and west. The properties to the south are zoned RC/R-4. The immediate properties surrounding the vacant lot consist of single-family and multi-family properties. The proposed bed and breakfast has two rental/guest bedrooms and one owner's suite, and provides a total of two parking spaces. The ground floor/1st floor consists of an interior parking garage for one parking space and guest bedroom, the second floor consists of living area, lobby and kitchen, and the third floor consists of a guest room and the owner's suite.

The building complies with setbacks, lot coverage, height, and frontage buildout requirements in the CBD. The building complies with the elevation frontage requirements and standards of the CDB. The building has one primary frontage on Orange St. The Orange St. first-floor frontage included a lobby door and garage door. The building frontage is a Lobby style and an accessible front entry from the first floor at sidewalk level. The building's first floor façade is 35% transparent. The building's second floor façade is 40% transparent.

The site is served by a total of two parking spaces, one parallel spaces and one garage space. Per the parking requirements in 27-540-1 the development is required to have one parking space per guest room and two parking spaces for the owner/operator for a total of four spaces. Per, Section 27-540 (c) the CBD is given a 50% reduction in parking, therefore

the development requires two parking spaces. The site layout parking access configuration complies with driveway standards and maximum driveway apron width.

Staff recommends approval of the proposed application for DP24-04 for 108 Orange Street, as presented herein. The development plan complies with all planning and zoning development standards. It complies with all commercial building standards and commercial fire code standards.

Applicant
Presentation

Zach Miller, representing the applicant, 3203 Old Barn Court, Ponte Vedra Beach, stated the property is .06 acres and has been vacant for over a decade. He expressed that this is not a zoning, variance, or a special exception request. This is a development plan. It meets every part of the Code. It meets every part of the CBD. This is just whether the permit meets the Code. He pointed out the two interior parking spaces and stated that if this was a residence, the parking could be tandem. He stated if this was a way to get around the Code to do a single-family residence where the Code does not allow single-family residences except by exception, you would not go to the effort of having two parking spaces interior. That is a requirement for commercial zoning.

Mr. Miller stated that the property is zoned CBD and bed and breakfast is permitted, It is the least intensive use, other than public park, of all the uses that are allowed by right on the property. He also added that the definition of bed and breakfast states a person has to be occupying it for it to be a bed and breakfast. The owner has to live onsite as required by the definition in the Code. He pointed out the façade standards had been met.

Mr. Miller reported that a letter had been received from an attorney, Karl Sanders, representing the neighbors. An issue that had come up is that this had already been decided by a court. The previous application was for an over 5,500 square-foot bed and breakfast. The application that is before Council now is 3,500 square feet of air-conditioned space and the total including porches and garages is 3,900 square feet. This is a material difference in the application. The staff report contains the criteria, and it states the criteria has been met. As a matter of law, that is competent substantial evidence.

Public Hearing

Mayor Brown opened the public hearing.

Rosemary Naughton, 516 1st Street, Neptune Beach, stated unique Neptune Beach is respective of its old-fashioned village lifestyle, which is loved, and we want to protect and is very hard to find these days. The other homes in the area are 28 feet tall as required and to allow a 35-foot towering structure would diminish and compromise the rights of useful enjoyment of the existing homes. She also spoke regarding the congestion, parking and obstructed views of neighboring homes.

Judith Williams, 771 Providence Island Court, Jacksonville, stated she and her husband had lived at 98 Orange Street. She spoke regarding the "by right" clause and it does not apply. She added that the Code clearly states that one person's rights cannot supersede those of existing residents.

Henny Schoonover, 214 Oceanfront, Neptune Beach, spoke in opposition to the applicant's request to build a B&B at 108 Orange Street. The neighborhood is a happy mix of shingle, lap-sided and board and batten cottages, all are relative in scale to one another. The proposed B&B does not fit the scale and character of the neighborhood. She requested Council listed to the cares and concerns of the people living this neighborhood and to the recommendations of the Community Development Board.

Heather Peters, 99 Orange Street, Neptune Beach, spoke in opposition to the application. She stated that it would be nice to have a one- to two-story residential home that fits the residential neighborhood instead of a vacant lot. Her house sits directly adjacent to what

she now knows is the Central Business District, which appears to be residential. As neighboring residents, they must defend the right to not have a 35-foot high massive, out of character B&B squeezed into a tiny parcel of land.

Russell Peters, 99 Orange Street, Neptune Beach, stated he lives next to where this property is located. He reported that short-term rentals are statistically higher in crime, drug, and overdoses. These are real issues. The people staying at the B&B are not background checked. The B&B shows two parking spaces facing his house directly. There is a huge parking problem. Every week, there is a new random person in front of this 35-foot towering building. He requested the denial of the application.

Alison Ronzon, 221 South Street, Neptune Beach, stated she is strongly opposed to approving the property at 108 Orange Street for a B&B. It is zoned commercial-residential, however a B&B does not fit in with the other residences in the neighborhood. The bordering properties are all residential. Residents in this area are neighbors not tourists. There is a sense of community that would be disrupted. The CDB has already denied this request. Approving a B&B in this neighborhood block would not preserve the pleasant environment or be conducive to retaining the quality of the existing neighborhood. Building a B&B in this section of Neptune Beach would cause residents to move away and deter people from buying a home in this part of Neptune Beach in the future.

Amy Wolfson, 215 Midway Street, Neptune Beach, stated she feels like this is a scam. She added that the level of traffic, drug abuse, and drunken revelers would increase. She has concerns about expanding what is a tourist district into the residential part. It is also a very historical part. This is an insidious maneuver to create a large residence. As a resident, she is adamantly opposed.

Brian Flaherty, 501 2nd Street, Neptune Beach, stated he has lived in Neptune Beach for 26 years and has been very happy. He wants to preserve the residential flavor and he requests the petition be denied. He does not believe the construction of this particular project is consistent with the development and the best interest of the City.

Glenn Sherouse, representing George Schoonover, 214 Oceanfront, Neptune Beach, spoke in opposition to the applicant's request to build a B&B on 108 Orange Street. A judicial precedent has already been established. The case for a three-story B&B was adjudicated in 2015. From stated goals and objectives in the Neptune Beach Code of Ordinances, Purpose and Intent of Zoning Districts, the design goals for new construction are to preserve the natural beauty of Neptune Beach and protect the residential character of the effects of inharmonious and out of scale developments. He opposes the B&B at 108 Orange Street.

Shellie Thole, 310 Oleander Street, Neptune Beach, stated this has already been to court and was found not in character with the neighborhood. She is confused as to why we are here. This was unanimously denied by the CDB. There are zero things that state why this should be approved.

Andreina Zubizarreta, 111 Orange Street, Neptune Beach, stated she is strongly opposed to the construction of the B&B across from her home. It would be disruptive to the lovely, residential neighborhood. She has two small children who enjoy playing outside on a daily basis. If this massive scale B&B is built, it would have an enormous impact on their quality of life. The usually quiet, residential and family-friendly street will turn into a commercial space with random people visiting and struggling to find parking. The project needs to comply with Land Development Code Section 27-222 (b)(1), Design goals. She requested the denial of the request.

There being no further comments, Mayor Brown closed the public hearing.

The submitted statements in their entirety are on file in the office of the City Clerk.

Applicant Rebuttal Mr. Miller stated that regarding the LDC, the project meets the lot area, lot width, front yard setback, corner lot setback, rear yard setback, and the lot coverage is met by over 30%.

Mr. Miller reported that the Code sets the building height at 35 feet. The Code made this a commercial zone. This is the least intensive use allowed for this property. He explained that the staff report is competent substantial evidence. He pointed out that Code Section 27-222, Purpose and Intent of Zoning Districts, is not mentioned in that report. Section 27-222 is the overriding guidelines that the Code gives in drafting a particular code for each district. That was the guidepost for the drafting of Code Section 27-82, Procedures for Applying for and Issuing Preliminary and Final Development Orders, which is all the criteria that is applied and all the criteria very specific to the CBD. He reiterated per the staff report and the Code, this project meets all of that.

Mr. Miller addressed the issue that this is misplace business. The decision that is a business was made by the City when it was zoned that way as well as the 35-foot height restriction. There is no variance needed. The structure is 1.4 FAR (Floor Area Ratio). The property across the street is approximately 1.8 FAR. The Code sets what is appropriate for this area, including setback requirements, height requirements, the interior parking spaces, and the transparent façade. The applicant has met all of those.

Mr. Miller explained that the previous lawsuit in 2015-2016 was a different application. That was for 5,671 square feet. It was for a one-foot setback, six-foot setback, seven-foot setback, five-foot setback and 71% lot coverage. This is 53.7% lot coverage. He stated that if they can't do a B&B, they are no other uses for this property. He understands the residents might not like this, but this is unfair to the property rights of his client.

**Council Questions/
Discussion** Vice Mayor Chin asked Mr. Roth regarding the applicability of Code Sections 27-222 or 27-82.

Mr. Roth remarked that he agreed with Mr. Miller's analysis that Section 27-222 is the guiding principle for how we create the rest of the Code. It is not a threshold test, which is why the word "should" is used, instead of "shall" or "must." He added that Section 27-82 is the operative provision for analyzing this application and making a determination, not 27-222.

Mr. Roth advised that this is a separate application. The fact there was a prior lawsuit has nothing to do with this application. The application should be analyzed on its own merits.

Vice Mayor Chin stated that based on the plans, there is unit on the first floor and also a lobby that fronts it. The lobby is isolated from the rest of the interior space. There are common areas on the backside of the first-floor unit and the stairs to reach the upper level are in that back section. With the lobby cut off from all of that, how would staff manning the lobby go upstairs?

Kevin Solomon, KES Architects, 678 Fort Williams Drive, St. Johns, Florida, 32259, answered that the process would be to check in at the lobby and go out into the garage and up to the second floor. He confirmed that staff would also have to go through the garage.

Vice Mayor Chin commented that at the CDB meeting, it seemed unclear how dedicated Mr. Driver was going to be to operating this as a full-fledged B&B. There was skepticism due to the layout and his own testimony. He also questioned how the staff parking would be accommodated.

Doug Driver, 1150 Florida Boulevard, Neptune Beach, stated that the parking is in accordance with the Code as discussed before. He commented he would find a way for staff to get there. He added that staff would find parking, whether it is paid parking or possibly commute together. He said that most guests would be coming from out of town. He also expressed he is fully dedicated to the B&B.

Vice Mayor Chin asked if the guests would have access to the garage. Mr. Driver related that the first-floor bedroom has an exterior entrance. They can come in from outside. As needed, they can come in the garage to go upstairs.

Mr. Miller addressed the criteria for parking. The City's Code sets out the amount of parking that is required. That has been met. If there needs to be more parking, the way to address that is to change the Code, not to require more parking for this particular applicant. This is analyzed in the staff report and local concurrency requirements have been met.

Mr. Roth clarified that Code Section 27-82(f)(3) states that one of the elements to be considered is "the nature of the proposed development," including the proposed parking areas. This states the nature of the proposed parking areas and not the amount. In his opinion, the nature of the proposed parking area in addition to the number of parking spaces is relevant for Council's analysis.

Mr. Miller commented that the Code does not make any differential on the amount of parking for each use, it just says two spaces.

Ms. Whitmore confirmed Councilor Key's statement that the block has been zoned CBD since the map was drawn in 1959.

Mr. Roth confirmed Councilor Key's statement that if the area was downgraded to residential, we would potentially open ourselves to Bert Harris claim as we would be taking away property rights.

Councilor Key reported the entire western side of that block is occupied with commercial uses, such as retail and office, or very high density residential. There are four to six units in an adjacent building. The eastern side of the block has six residential buildings, of those six, only three are single-family. The rest are duplexes and one triplex. There is one 35-foot building in the block at 101 Lemon Street, so the proposed building would not be the only 35-foot building on the block. Only the block to the south is composed of single-family residential neighborhood uses because that is where that zoning starts.

Councilor Livingston requested a short break to meet with Mr. Roth. Mayor Brown called for a short recess at 8:10 p.m. The meeting reconvened at 8:15 p.m.

Councilor Livingston asked Mr. Driver what areas of the home would guests have access to? She also asked about his contact with the guests, meal preparation and advertising.

Mr. Driver answered that they would have access to everything except the top floor, the owner's suite. He stated that he would interact with them as it is a B&B. It would be a professional relationship. The decision on meal preparation has not been made. It could be himself, his mother, or someone that they hire. They may give gift cards. They would advertise on the internet, Air B&B or other websites.

Mr. Roth pointed out that short-term rentals are not prohibited in the CBD, only in the residential districts.

Councilor Livingston remarked that normally people who start a business have a plan or a mission statement.

Mr. Driver commented that this has been in the works for a year and a half. He was not sure it was going to be approved, so he was not going to waste time and money into a plan until he has a permit. The building is going to take a year to construct. Now there are changes to comply with the Code. He has another job which is remote, so he can dedicate time and effort into this business.

Councilor Messinger reported that the CBD has been in line since 1959, and the boundaries have remained. The Charter referendum for height was passed in 2004 for the height of 35 feet in the CBD and the rest of the community is 28 feet. This has not changed.

Councilor Messinger reported there was an effort in 2015-2016, to see what it would take to modify some of the homes in the CBD to purely residential. He asked Mr. Roth to clarify a mechanism as to how this would be done by using a document that everyone would sign that would relinquish the property rights and value.

Mr. Roth clarified that everyone gives their permission in advance so they can't complain after because they authorized the change.

Councilor Messinger stated, in that process, multiple residents stated they would not sign anything that gave up their values and property rights. The height limits or removing the vested property rights could not be done legally. He also pointed out that the applicant would have to comply with all the fire codes and landscaping requirements.

Mayor Brown asked Mr. Driver to explain to her, as a guest, what the experience of staying at the B&B would be like.

Mr. Driver commented that the plan is still in progress. He has been focused on the design. The City has not asked for a plan for the actual operation of the B&B. He does have experience owning a rental property in South Carolina. He added that when a guest comes to stay, they will have breakfast in the morning. They will have access to the beach. They will have access to the amenities built in the house. People will bring money to the community.

Mayor Brown asked what the guest experience would be that Mr. Driver is envisioning?

Mr. Driver advised that there is a guest room on the first floor. There is a kitchenette in there and there is also access to the main kitchen. The second-floor room is next to the main kitchen. Guests will come and go as they want. There will be security cameras. He was flustered at the CDB meeting and may have spoken out of hand, but he is fully invested in running this B&B.

Councilor Livingston remarked that they are trying to get a better picture of what is going on. She asked how the different guests getting to the kitchen and the shared space? She also asked if there was a proposed name? What price range is he proposing?

Mr. Driver stated that the first-floor bedroom has an outside entrance and also has an interior door leading to the rest of the house. The only part of the house that is not available is the third floor. He commented that he has thought of a few names but has not gone through the official process of naming the business. He reported the rates would be between \$150-\$250 per night.

Discussion

Councilor Key commented that this is hard for her. Emotionally, she feels one way about it, but when she looks at the facts, she feels differently. They meet the requirements. She doesn't see how not approving this is not going to end up in a lawsuit. She believes in property rights and she thinks they are allowed to do this by right. She knows there are concerns regarding traffic. She has lived at a beach access. She does not know by denying

this, what it would improve. She struggles with this and she understands that this is not something that they would want. It is not something she would want either. She thinks it is important to apply our codes properly.

Vice Mayor Chin commented he sees both sides of the argument. He understands they have fulfilled technical requirements. He knows they are not compatible with the existing character. That is something Council needs to be able to take into account. That is part of Section 27-82 not 27-222. This has come before him when it first came through and had similar issues. There is something to be said for trying to fit into the context and be sensitive to the neighborhood. He thinks that our Code tries to guide us towards creating things that are sensitive to the context and this is one of those cases where we have to weigh that and judge what would be better for the development pattern of an area. He is not saying there can't be a B&B, but you have to do it in a way that is sensitive to the area and does not adversely impact the area. He has concerns about how they are handling the parking and safe pedestrian access around that area.

Councilor Livingston stated that she does not think a lawsuit is a reason to go with what is being presented. A B&B is an allowable right, but it also subject to the provisions of the Code. She looks at Section 27-82(f) and she goes through the analysis and it does not meet the criteria. It does not fit into the nature of the neighborhood. This is a 35-foot residence B&B compared to the 28-foot small bungalows surrounding it. She gets that they are meeting the requirements of a B&B, but it does not confirm with what is around it and in the neighborhood. It does not conform with the Comprehensive Plan. The desire is to maintain the integrity of our residential small-town community. Although this is an allowable use, she does not think that what is presented tonight is the proper use under 27-82(f).

Councilor Messinger commented he struggles with this. The reason he brought up the history because is there is not a mechanism before Council to strip and make this a purely residential area. He pointed out that during the land use and zoning process, many people in this room did not want design restrictions put on properties. How do we help the CBD maintain its character without talking rights or ending up in litigation? He does think there are holes in the presentation and he has concerns. Does the concern outweigh potential litigation or taking of rights?

Councilor Livingston added there is a way to use the land and have a B&B. She suggested bringing something forward that is more in tune with the neighborhood. In her opinion, this is not it.

Councilor Key commented that when we are talking about the existing character, it is a modern looking building. While that might not be everyone's aesthetic, she believes it is within someone's right to build what they believe is beautiful for them. Part of that is what we went through with the Dover, Kohl process is that people stated they wanted to build what they wanted to build. The project is meeting the commercial design standards. She understands why everyone is upset and doesn't like it. However, she is empathetic that the applicant is following the rules that are prescribed by our Code. She does not know how to fix it. At the end of the day, what someone does with their property is their business. She is not sure if it is Constitutional to have conversations in taking into considerations certain things.

Vice Mayor Chin explained that when we are talking about character, we aren't talking about style. We are not going to be arguing about the look of a place. It has more to do with the scale, mass, and bulk of the structure. He has the same conflict as everyone else. At the end of the day, he thinks it is a matter of being out of scale compared to the surrounding area. He clarified that the previous application was not denied. It was approved with conditions.

Mayor Brown stated that this is hard. These are our neighbors. She understands meeting the criteria. It does not meet the character of the neighborhood. She has a hard time envisioning this as a true B&B. She also has concerns with the traffic and the parking.

Ex Parte
Communications

Councilor Livingston stated she had received emails. She spoke with the Schoonovers and staff. Jacksonville Councilor Rory Diamond also called her.

Councilor Messinger commented he received numerous phone calls. He spoke with the Schoonovers a few times and members in the room. Representatives of the applicant called to see if he had questions. He also spoke with staff and visited the site.

Vice Mayor Chin received numerous emails. He spoke with the Schoonovers and with Councilor Rory Diamond.

Councilor Key reported she received emails and visited the site. She spoke with the Schoonovers, Councilor Rory Diamond, other counsel, and staff.

Mayor Brown disclosed she visited the site. Several attorneys called her. She also received many emails.

Motion and Vote

Made by Livingston, seconded by Chin.

MOTION: TO DENY DP24-04

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2024-04,
Pension Ordinance

Ordinance No. 2024-04, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System of the City of Neptune Beach, Section 2-349, Contributions, and Section 2-349.1, Benefit Amounts and Eligibility, to Provide for an Increase in the Member Contribution Rate; To Provide for an Annual Benefit Increase for Members Who Retired On or After October 1, 2020; To Provide for a One-Time Benefit Increase In Retroactive Benefits for Retirees and Beneficiaries Who Retired Before October 1, 2020; to Make October 1, the Effective Date of any Cost of Living Adjustments; Directing the City Clerk to File a Copy of this Ordinance with the Florida Department of Management Services, Division of Retirement; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

Public Hearing

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

Pension Board
Presentation

Leona Sheddin, 2010 Shadow Lane, Neptune Beach, Police Officers' Retirement Fund Board Trustee, introduced other members of the board, Sergeant Dustin Kampfi, Officer Joe Dzakko, and Michael Phillips.

Ms. Sheddin reported that the Neptune Beach Pension is rated among the highest in the state, the Neptune Beach Police Officers pay among the highest contributions in the state, and the pension fund has a \$735,000 credit with the state. She then read the ordinance into the record.

Council Discussion Councilor Key announced she would be recusing herself from this item as it may have potential benefit to a relative. Pursuant to Florida Statutes Section 112.3143, Form 8B has been submitted and is incorporated as part of these minutes.

Councilor Livingston questioned how other officers felt about the increase in contribution.

Sergeant Kamppe stated there was a formal meeting and a vote passed for the increase. He has not heard anything noteworthy from those who did not attend.

Councilor Messenger commented he is supportive of this and knows this has been talked about it for some time. Ms. Sheddan has an extensive financial background is a testament to what is being reviewed.

Motion and Vote Made by Messenger, seconded by Livingston.

MOTION: **TO APPROVE ORDINANCE NO. 2024-04 ON FIRST READ WITH THE CONDITION THAT THE CITY USE ITS CREDIT TO PAY ONE-HALF OF THE INCREASE AND THEN DRAW DOWN FROM THAT CREDIT AFTER THE FIRST YEAR AND EACH YEAR THEREAFTER CONTRIBUTING 10% TO THE CITY'S SHARE**

Councilor Messenger explained that the goal of the motion is to spread the payments and be more sustainable. It is about doing this in a prudent way. Any change to this would have to be made in a separate meeting outside of the budget cycle.

Roll Call Vote:

Ayes: 4- Livingston, Messenger, Chin, and Brown.

Noes: 0

Abstain: Key

MOTION CARRIED

Gary Fiske, 2232 Jadestone Drive, Jacksonville, retired police officer, thanked the Pension Board and Council for working on this.

PURVIS GRAY EXTENSION

Purvis Gray Contract Extension Purvis Gray Contract Extension. Chief Financial Officer Jaime Hernandez explained that this is a request for the extension of the audit contract to process FY22-23 and FY23-24 audits. The audit for FY22-23 would begin around October 1, 2024. That audit should take around three months. The FY23-24 audit would begin in March 2025.

Mayor Brown reported that Purvis Gray has been with the City for seven years and the City has had changes with the CFO position. We need the continuity of this firm as we move forward.

Vice Mayor Chin stated that he agreed with Mayor Brown in maintaining continuity. Purvis Gray has institutional knowledge of what the City has experienced.

Councilor Key remarked that since she has been on Council there have been numerous conversations about getting a new auditor. She would like to see in the future, once this is caught up, a new auditor. We have had Purvis Gray for a long time. Even though she will not be on Council, it would be in the best interest of the City.

Mr. Hernandez advised there would be an RFP issued once the FY23-24 audit is complete.

Councilor Messinger commented he would like see Purvis Gray would dedicate more resources to speeding up the timeline. He would like to see a performance clause added.

Made by Messinger, seconded by Key.

MOTION: **TO EXTEND THE CONTRACT WITH PURVIS GRAY FOR AUDITING SERVICES UNDER THE CONDITION THAT THERE IS A PERFORMANCE OBLIGATION WITHIN THE CONTRACT AND AN RFP IS DONE FOR SUBSEQUENT AUDITS; TO CHANGE SUCH WOULD REQUIRE A SUPERMAJORITY OF THE COUNCIL**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC WORKS ITEMS

**Sewer Lateral
Pipes**

Sewer Lateral Pipes. Public Works Director Deryle Calhoun explained the City operates approximately 31 miles of gravity sanitary sewer of which about nine miles is constructed of vitrified clay (VC) pipe which was replaced as material of choice by plastics in the 1980s. VC is subject to leaking joints and failure due to cracking. Failing pipes introduce groundwater into the system which reduces treatment plant capacity.

Staff received a quote from BLD Services, LLC to clean and televise service laterals in Indian Woods utilizing pricing in a City of Boca Raton contract. The City Attorney has approved utilizing this contract as a piggyback. He is also requesting staff authorization for change orders be approved for 15% of the award.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE/AWARD TO BLD SERVICES, LLC IN THE AMOUNT OF \$48,050.00, FOR THE CLEANING AND TELEVISIONING OF VARIOUS SEWER LATERAL PIPES WITH 15% CHANGE ORDER VARIABLE**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Sewer Main Pipes

Sewer Main Pipes. Mr. Calhoun stated this request is for the main larger lines. Staff received a quote from Insituform Technologies, LLC to clean and televise approximately 6,800 feet of pipe utilizing pricing in a City of St. Augustine contract. The City Attorney has approved utilizing this contract as a piggyback.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE/AWARD TO INSTITUFORM TECHNOLOGIES, LLC IN THE AMOUNT OF \$48,084.10 WITH STAFF AUTHORIZATION FOR CHANGE ORDERS UP TO 10% OF AWARD**

Roll Call Vote:

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

Noes: 0

MOTION CARRIEDFence
Replacement

Wastewater Pump Station Fence Replacements. Mr. Calhoun stated fencing at various wastewater pump stations are currently in disrepair and require replacement. Armstrong Fence Company provided quotes utilizing a JEA contract,

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE/AWARD TO ARMSTRONG FENCE COMPANY FOR REPLACEMENT OF FENCING IN THE AMOUNT OF \$30,453.01**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the Special Meeting adjourned at 9:37 p.m.


Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____

09/03/2024

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

LAST NAME—FIRST NAME—MIDDLE NAME Key Lauren D		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Neptune Beach City Council	
MAILING ADDRESS [REDACTED]		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Neptune Beach COUNTY Duval		☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:	
		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, Lauren Key, hereby disclose that on August 19, 2024:

(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, _____;
- ☒ inured to the special gain or loss of my relative, Michael Key;
- ☐ 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:

Increase in police pension, 1st read
This vote may have a potential benefit to a relative

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.

August 22, 2024
Date Filed

[Signature]
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
MONDAY, AUGUST 19, 2024, 9:37 P.M.
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
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, August 19, 2024, at 9:37 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
 Chief of Police Michael Key
 Public Works Director Deryle Calhoun
 Parks and Sustainability Director Colin Moore
 Community Development Director Heather Whitmore
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 9:37 p.m.

ISSUE DEVELOPMENT**Public Works
Expenditures**

Public Works Expenditures. Public Works Director Deryle Calhoun gave an overview of public works expenditures. He reported that there has been \$1.03 million in project expenditures from the General Fund. These General Fund projects include City Hall roof replacement, Senior Center completion, City Hall exterior refresh, engineering support for Public Works roofs replacement project, building maintenance tech van, various HVAC replacements, turf mowers, concrete repairs, Jarboe Park walking bridge replacement, milling and paving of various streets, various air conditioners, and replacement trailer.

General Fund**Stormwater Fund**

Mr. Calhoun stated there was \$0.62 million in project expenditures from the Stormwater Fund. These include development of city-wide stormwater model, Florida Blvd culvert, cleaning/televising/lining portions of Bal Harbor pipes, street sweeper, various heavy equipment, engineering design services for portions of South, Myra and Margaret Street and 5th Street erosion pilot.

**Water and
Sewer Fund**

Mr. Calhoun continued that there has been \$2.72 million in project expenditures. The two big projects for the wastewater plant were the grit system replacement and fine bubble diffusers. For the wastewater pipe and pump stations, projects include the engineering for redundant 3rd Street crossing and the force main extension down Forest Avenue. For the water plant and pipes, the variable speed drives have been upgraded, the water tank is back online after a significant rehab period, and the new design for Well #5 is complete.

Wellfield
Update

Mr. Calhoun gave a history of the City's wells. Wells 1 and 2 were drilled in the 1930s. Wells 3 and 4 were drilled in the 1970s. He reported that Wells 3 and 4 can serve the City's needs. There have been well failures in our sister cities that are newer. \$1.4 million has been budgeted for Well #5 construction and the grout filling of Wells 1 and 2. He is requesting Council to approve proceeding with procuring services for Well #5.

COUNCIL COMMENTS

Councilor Key suggested placing Mr. Calhoun's items on a consent agenda to save time. If anyone has questions, it could be pulled for discussion.

Adjournment

There being no further business, the workshop meeting adjourned at 9:50 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: _____

09/03/2024