



AGENDA
Special and Workshop City Council Meeting
Monday, November 18, 2024, 6:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. ORDINANCE NO. 2024-09, SECOND READ AND PUBLIC HEARING, An Emergency Ordinance Of The City of Neptune Beach, Florida Regarding the Protection of the Public Health, Safety, and Welfare by Eliminating Hazardous Conditions, Creating Chapter 27-127; Article III; Section 27-127, Which Prohibits Approval of Certain Development And Building Permits On Properties Where Certain Conditions Exist, and Amending Chapter 28; Article II; Section 28-4, by Amending the Definition of Nuisance; Providing for Codification, Conflicts, Severability, and Providing an Effective Date
3. ADJOURN

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WORKSHOP CITY COUNCIL MEETING IMMEDIATELY FOLLOWING
THE ABOVE SPECIAL MEETING

1. CALL TO ORDER / ROLL CALL
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST
3. PUBLIC COMMENTS
4. PROPOSED ORDINANCES / NONE
5. CONTRACTS / AGREEMENTS / NONE
6. ISSUE DEVELOPMENT
 - A. Public Works Project Updates
 1. Myra, Margaret, and South Streets Drainage
 2. 3rd Street Road Repair
7. PUBLIC COMMENTS
8. COUNCIL COMMENTS
9. ADJOURN

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In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statute, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at least 48 hours prior to

Residents attending public meetings can use the code **DD14** to validate their parking session at no cost. After 5:30 on the date of the meeting, follow these steps:

Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.

- **To use a kiosk:** Using a nearby kiosk, press the Start button and then select 2 to enter your plate and the validation code.
- **To use the Flowbird app:** Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" – the price will show "Free."



Special Meeting Agenda Item #2
Ord. 2024-09
Public Safety

CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT

AGENDA ITEM:	Special Meeting Item #2 –Ordinance No. 2024-09
SUBMITTED BY:	Councilor Josh Messinger Councilor Lauren Key
DATE:	November 13, 2024
BACKGROUND:	Emergency Ordinance 2024-08 was previously adopted on November 4, 2024, in accordance with Section 166.041 (3) (b), Florida Statutes, allows the governing body of a municipality, by a two-thirds vote, to enact an emergency ordinance while foregoing certain formalities. This Ordinance 2024-09 is identical in effect and was passed on first read on November 4, 2024, and otherwise follows the procedures for adoption of ordinances found in Section 166.041(3)(a), Florida Statutes and Section 1-9, Chapter 1 of the City’s Code of Ordinances.
RECOMMENDATION:	Consider Adoption of Ordinance No. 2024-09
ATTACHMENT:	Ordinance No. 2024-09

**SPONSORED BY:
COUNCILOR JOSH
MESSINGER**



ORDINANCE NO. 2024-09

**CO-SPONSORED BY:
COUNCILOR LAUREN
KEY**

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA REGARDING THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE BY ELIMINATING HAZARDOUS CONDITIONS, CREATING CHAPTER 27-127; ARTICLE III; SECTION 27-127, WHICH PROHIBITS APPROVAL OF CERTAIN DEVELOPMENT AND BUILDING PERMITS ON PROPERTIES WHERE CERTAIN CONDITIONS EXIST, AND AMENDING CHAPTER 28; ARTICLE II; SEC. 28-4 BY AMENDING THE DEFINITION OF NUISANCE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach, established Chapter 27 of the Code of Ordinances, which creates building regulations within the City, including building permit requirements; and

WHEREAS, the City Council of the City of Neptune Beach, established Chapter 28 of the Code of Ordinances, which regulates nuisances within the City; and

WHEREAS, Emergency Ordinance 2024-08 was previously adopted in accordance with Section 166.041 (3) (b), Florida Statutes, allows the governing body of a municipality, by a two-thirds vote, to enact an emergency ordinance while foregoing certain formalities. This Ordinance 2024-09 is identical in effect and will have a first and second reading and otherwise follow the procedures for adoption of ordinances found in Section 166.041(3)(a), Florida Statutes and Section 1-9, Chapter 1 of the City's Code of Ordinances.; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's Code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. The Code of Ordinances, City of Neptune Beach, Florida is hereby amended by adding a section to be numbered Section 27-127 of Chapter 27; Article III, which Section reads as follows (~~strikethrough~~ text shall mean deletions and **underlined / highlighted** text shall mean additions):

Sec. 27-127. – Prohibited Approval of Development Permits.

No development permit or building permit shall be approved if the Fire Marshal, Chief of Police, Building Official or City Manager determines that a condition exists anywhere on the parcel that is a threat to human life, health, and safety, or the welfare of the public. Said determination shall be reviewed by the City Council and upheld, denied or upheld or denied with conditions by a majority vote. A development permit or building permit to correct said hazardous conditions may be approved by the Fire Marshal, Chief of Police, Building Official or City Manager without review the City Council.

SECTION 2. The definition of Nuisance found in that Section 28-4 of Chapter 28; Article II; of the Code of Ordinances, City of Neptune Beach, Florida is hereby amended to read as follows: (~~striketrough~~ text shall mean deletions and underlined / highlighted text shall mean additions):

Nuisance means any one (1) or a combination of the following:

- (1) Any public nuisance known at common law or in equity, jurisprudence or as provided by statute, administrative rule or ordinance of the city, including this chapter;
- (2) Allowing to exist or constructing any attractive nuisance which may be prove detrimental a threat to health or safety human life, health and safety, or the welfare of the public;
- (3) ~~Physical~~ Allowing to exist or constructing any structure, object or collection of water that is a threat to human life, health and safety, welfare of the public, or property, or detrimental to the health or detrimental to property values;
- (4) Allowing to exist or constructing any conditions relating to private or public property which impede the free passage of persons on a public ~~or private~~ sidewalk or right of way, or that impedes the free passage of motorists or bicyclists in a commercial parking lot, or which impede ingress or egress to property or which impede the safe passage of vehicles on a public alley, or street or parking lot; [and/or];
- (5) The existence of statutorily defined hazardous materials, substances or wastes in or around any building or structure.;
- (6) Allowing to exist or constructing any structure or obstacle that impedes the ingress or egress of emergency response vehicles onto one's property, or onto a neighboring property, or that delays the response time of emergency response vehicles;
- (7) Allowing to exist or constructing any structure or obstacle that causes confusion, delay or hazardous conditions to motorists or bicyclists. Speed bumps or traffic signs installed to slow traffic are exempt from this Part.
- (8) Blocking the interconnectivity of adjoining commercial parking lots by allowing to exist or constructing any structure or obstacle that impedes the ingress or egress of any pedestrian, motorists or bicyclists.

- (9) For this part, motorists shall mean a person traveling in any motorized vehicle that requires gasoline, diesel fuel, electricity or any alternative fuel source to operate.
- (10) The building official and the code enforcement officer are responsible for the enforcement of this Part and the safety and maintenance of this Chapter only on private property.

SECTION 3: Codification. The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Neptune Beach, Florida* and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word; provided, however, that Sections Three, Four, Five, and Six shall not be codified.

SECTION 4. Conflict. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 5. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 6. Effective Date. This ordinance shall immediately take effect upon second reading and approval.

(SIGNATURE AND ADOPTION PAGE FOLLOWS)

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Vice Mayor Kerry Chin	YES
Councilor Nia Livingston	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 4th day of November, 2024.

VOTE RESULTS OF SECOND READING:

Mayor Elaine Brown	_____
Vice Mayor Kerry Chin	_____
Councilor Nia Livingston	_____
Councilor Lauren Key	_____
Councilor Josh Messinger	_____

Elaine Brown, Mayor

ATTEST:

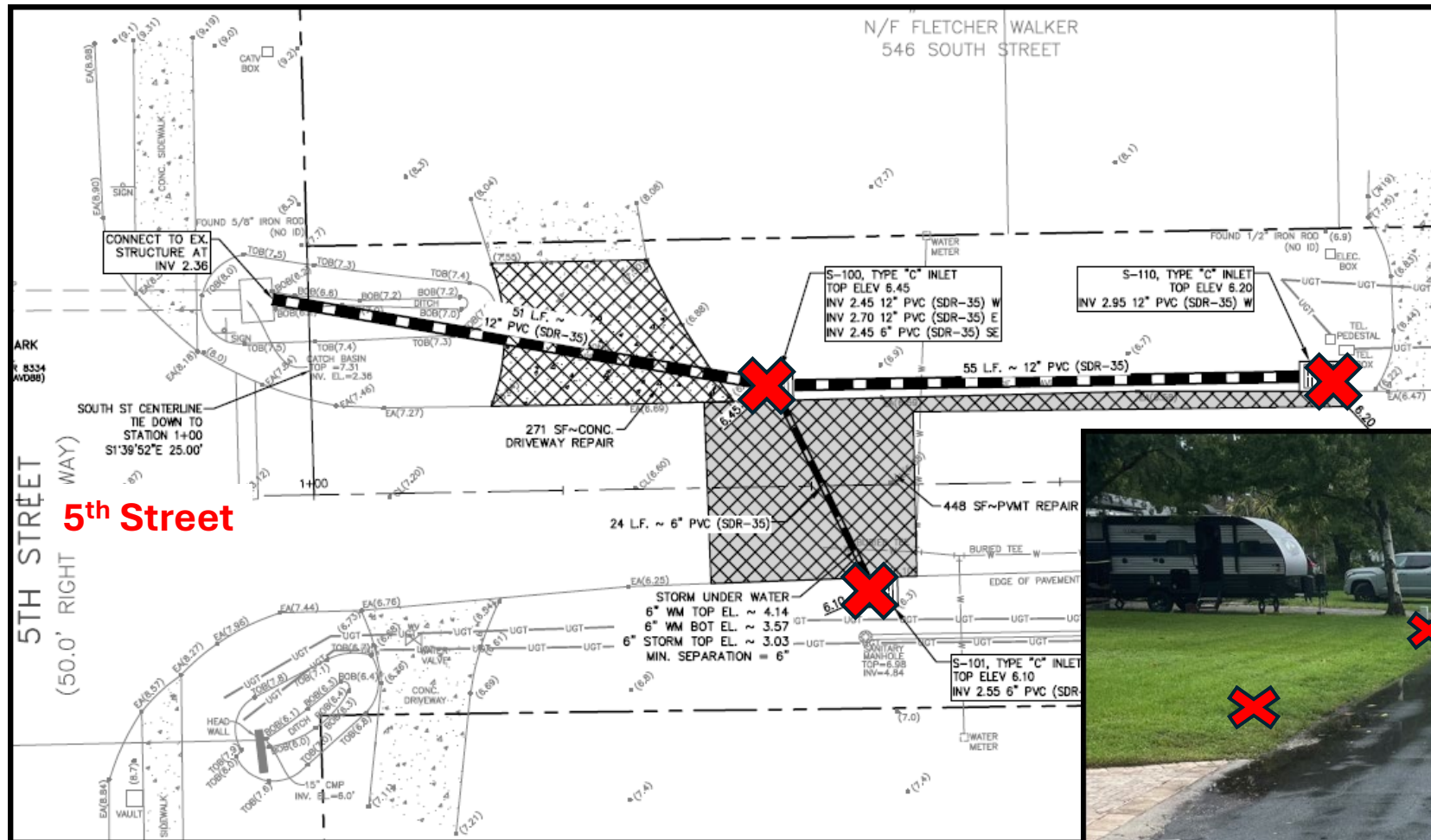
Catherine Ponson, City Clerk

Approved as to form and content:



Paul Waters, City Attorney

Storm Inlets - South Street at 5th Street Workshop Agenda Item #6A

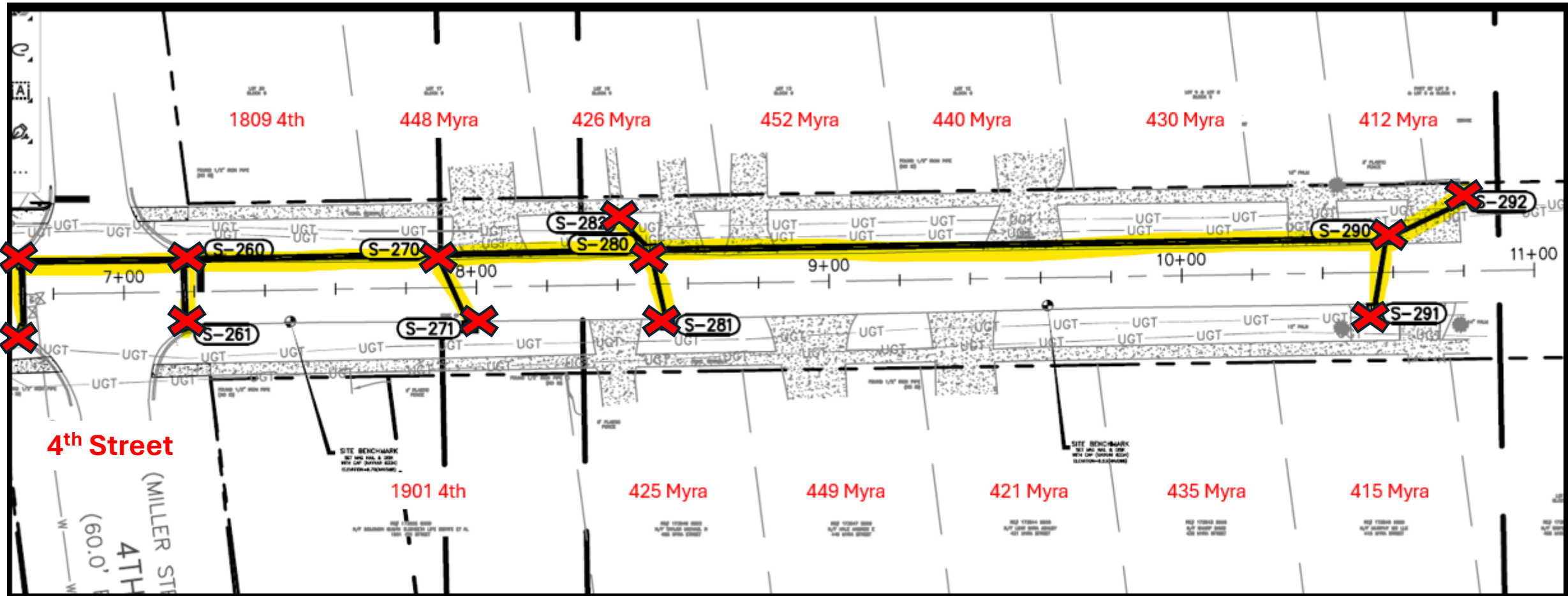


✗ = stormwater inlet



South Street at 5th Street facing East

Storm Inlets - Myra Street East of 4th Street

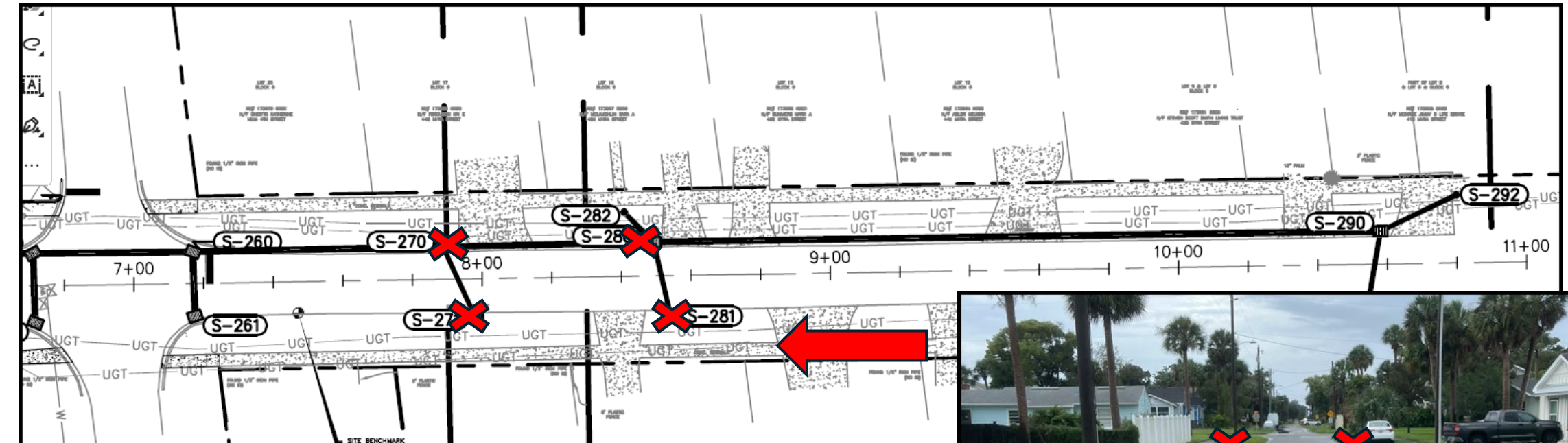


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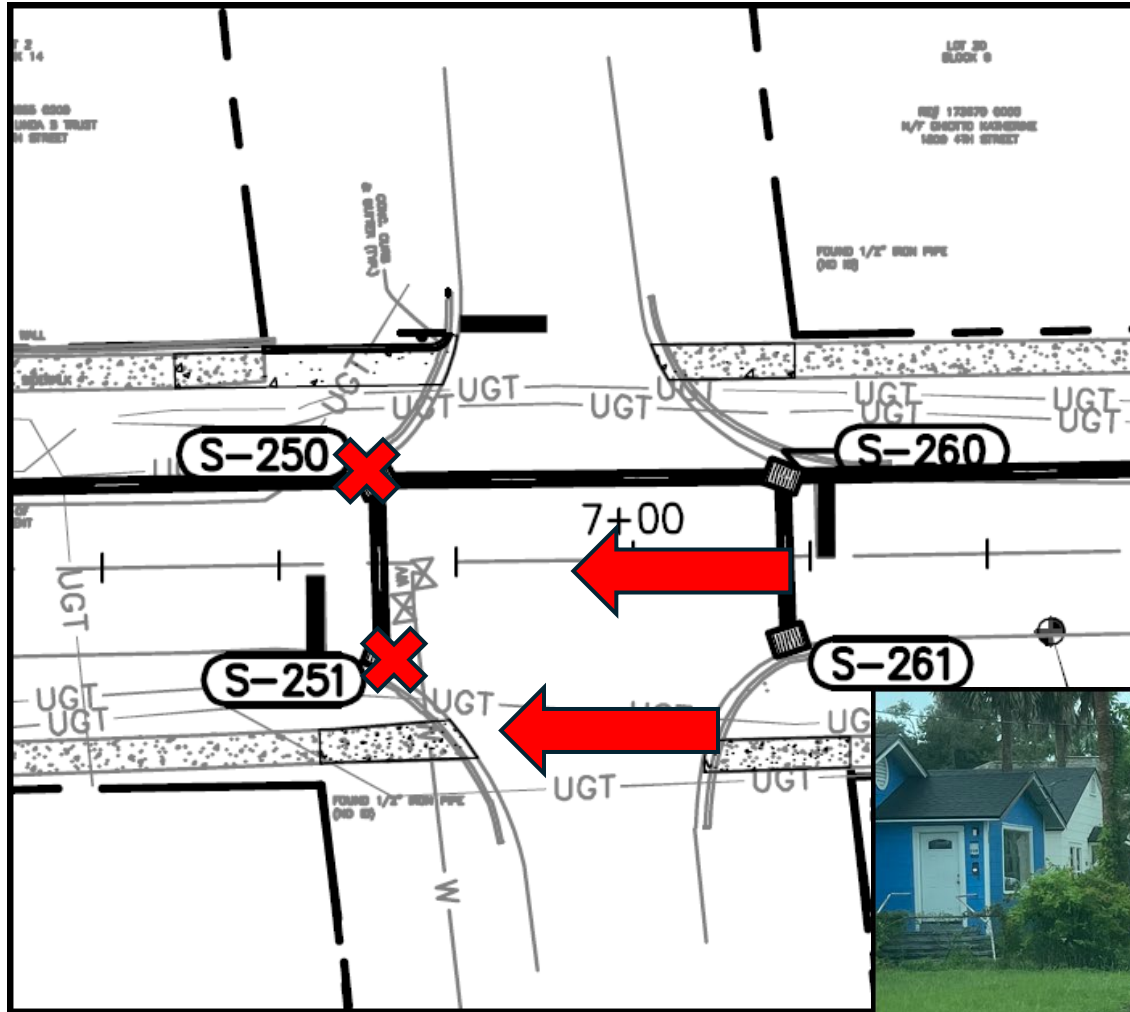
415 Myra Street facing West



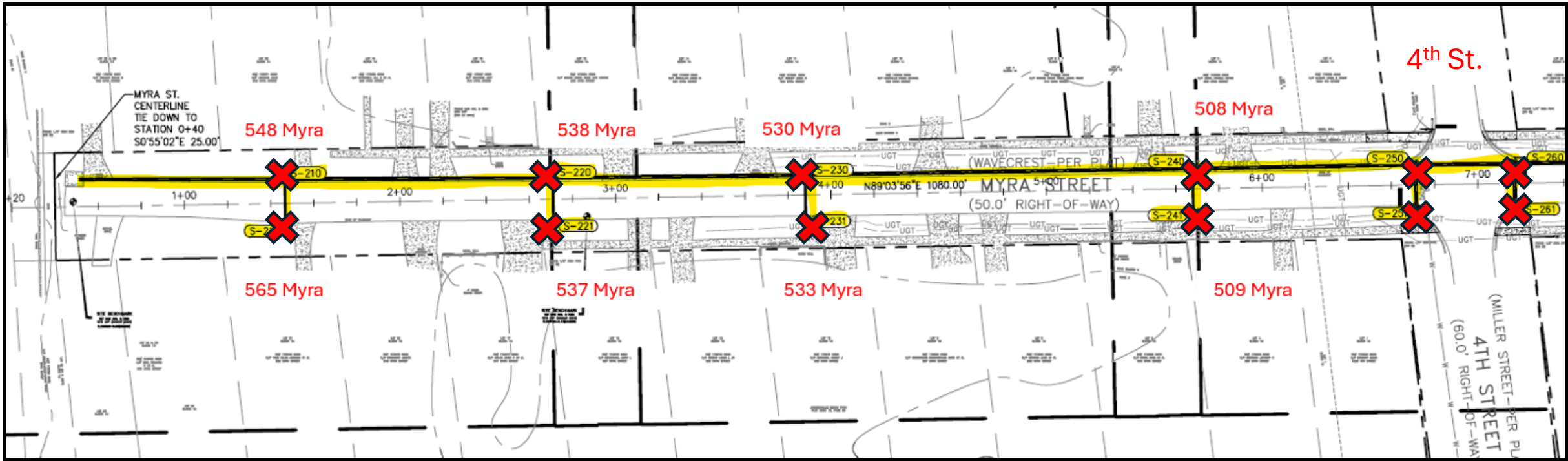
Flooding Near 449 Myra Street



Myra Street at 4th Street facing West

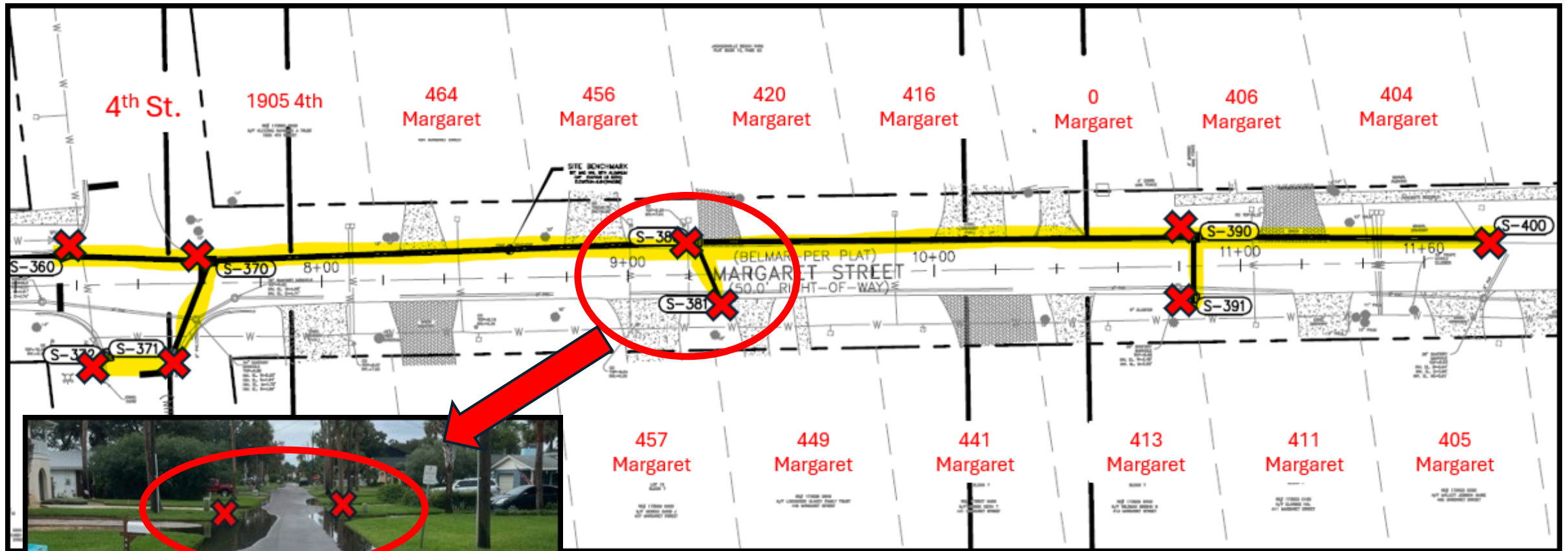


Storm Inlets - Myra Street West of 4th Street



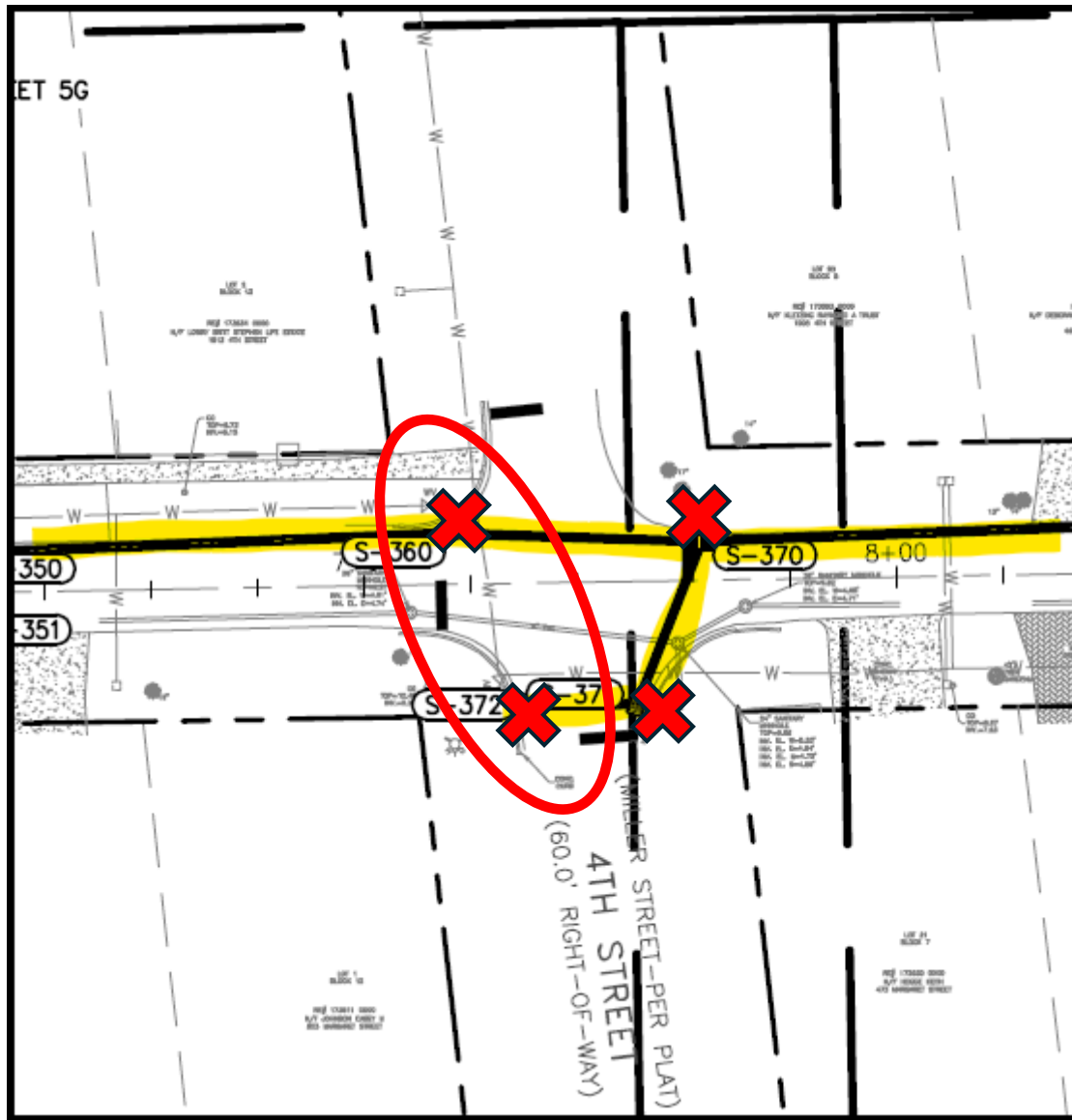
 = stormwater inlet

Storm Inlets - Margaret Street East of 4th Street



 = stormwater inlet

Storm Inlets - Margaret Street at 4th Street



 = stormwater inlet

Storm Inlets - Margaret Street West of 4th Street



 = stormwater inlet