



**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 4, 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, November 4, 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 Paul Waters
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 led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Neptune Trident
Award

Mayor Brown presented the Neptune Trident Award to Beaches Go Green. Anne Marie Moquin, Founder/Executive Director, was on hand to receive the award. The Neptune Trident Award is an award to honor contributions to improving quality of life in Neptune Beach.

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Livingston.

MOTION: TO APPROVE THE FOLLOWING:

October 7, 2024, Regular City Council Meeting
October 21, 2024, Special City Council Meeting
October 21, 2024, Workshop City Council Meeting

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment Doug Conkey, Intergovernmental Coordinator, St. Johns River Water Management District, stated he has been fortunate in being able to work with Mayor Brown. He thanked her for her years of leadership. The region is much better for having her in it.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

DP24-06, 500 Seagate **DP24-06**, Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for John Atkins of Atkins Builders for the property is currently known 500 Seagate Ave. 12-93 28-2S-29E Jacksonville Beach Park Lots 2,3 Blk 11 (RE# 173589-0000). The property is in the R-3 zoning district.

City Attorney Paul Waters administered the oath to the individuals who would be presenting testimony.

Staff Presentation Community Development Director Heather Whitmore explained that the subject property is located on the northwest side of the intersection of 4th and Seagate Avenue/20th Avenue N in the R-3 zoning district. The lot is .28 acres (12,196 square feet) and contains one single-family dwelling. She pointed out that on this corner is a single house on two lots. She stated that there are many of these in Neptune Beach. The applicant is requesting to subdivide the 12,196 square foot parcel into two conforming lots. The parcel is currently two north/south oriented lots, both of which front on Seagate Avenue. The applicant is replating the lots in order to reorient the lots east/west to front on Fourth Avenue.

Ms. Whitmore reported that the Community Development Board voted unanimously to approve the replat on October 9, 2024, and now requires review and approval of Council.

Council Discussion/ Questions Vice Mayor Chin stated that everything seems to be in compliance and the resulting property meets more than the minimum requirements.

Councilor Messinger expressed while is not opposed to the reorientation, he is concerned about the lot labeled as Lot 1, directly in front of the school. There is a risk of that becoming a blank wall. He is good to approve this application but would like to approve it with conditions. If the applicant would be willing to do some architectural detailing on that aspect of Lot 1 when the home is built, it would be an improvement for Seagate Avenue. It could be an opportunity to address this concern.

Michael Atkins, 1805 Bartram Circle W, Jacksonville, stated the left side of house does have some windows. It is not a wall that is the entire length of the house. There will also be fencing and landscaping.

Councilor Messinger asked if there were any other enhancements, opportunities or additional steps that Mr. Atkins could take in the planning, such as the garage off of 4th Street and the front door be on Seagate Avenue

Mr. Atkins answered not to that extent, but the front porch will be visible from Seagate Avenue with the columns and the overhang. There will be trees and landscaping. He would be willing to bring landscaping around and he had Bahama shutters planned for the front.

Councilor Messinger commented that this would be reorienting and changing the flow of that street. During the [LDC] process, this was brought up because there were changes throughout town that had a negative impact. He wants to make sure that it is not repeated.

Ms. Whitmore indicated that the conditions would be on the development order not on the replat.

Mayor Brown stated that the motion would be approval of DP24-06, Replat of 500 Seagate Avenue, with the conditions that they will have additional shrubs, trees and something that is a beautiful entrance to that neighborhood.

Councilor Livingston commented that this is HOA territory. She agrees with Councilor Messinger, but this could become an issue in the future by telling people where they can put shutters or shrubs. She is fine approving it as is as it falls within the Code.

Councilor Key agreed with Councilor Livingston. This is cut and dry. If they are able to split the lot, then the conversation should end there. She added if this were something that we would like to see with corner lots, the new Council would need to address this to be included in our Code.

Vice Mayor Chin appreciates Mr. Atkins' flexibility but agrees with Councilors Key and Livingston that this is a replat that satisfies the requirements.

Councilor Messinger reminded the Council that the same items that have been used looking at community character for the approval of items that may meet staff requirements, are not the same items Council is held to. Council is held to a standard. He pointed out that his concern was community character and quality of life. These are the same things this Council has used to deny other applications. To say it is an HOA is incorrect. Council is tasked with helping to maintain the character of our community. This is a flaw in the Code. Reorientating and potentially creating situations where something is void of character. When there is an opportunity that the applicant is in favor of supporting to make sure we protect the character of the neighborhood, he does not see that as overreach.

City Attorney Paul Waters pointed out Section 27-222 deals with new buildings meeting the character of the neighborhood and Council has the authority to vote based on the character of the structure being built.

Roll Call Vote

Made by Key, seconded by Livingston.

MOTION: **TO APPROVE DP24-06 REPLAT FOR 500 SEAGATE**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Emergency Ord.
2024-08, Public
Health, Safety,
Welfare

Emergency Ordinance No. 2024-08. 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 Conflicts, Severability, and Providing an Effective Date.

City Attorney Paul Waters explained there are two ordinances on the agenda. The first ordinance is an emergency ordinance, and the second ordinance provides for codification. The emergency ordinance is to protect the health, safety and welfare of citizens by eliminating hazardous conditions. There are instances of properties in the City that have hazardous conditions that have caused problems for the police department. Specifically,

there are bollards blocking ingress and egress between two parking lots. This is causing a huge safety concern. Based on the history of the properties, it is evident there have been emergency situations.

Mr. Waters stated that the ordinance prohibits approval of development permits where hazardous conditions exist, expands the definition of nuisance, and makes it a nuisance to impede the ingress and egress of emergency response vehicles.

Mr. Waters reported that the emergency ordinance would be effective immediately. The identical ordinance will then have a first read and go to a second read for potential adoption and codification in the Code of Ordinances. The main difference is that there are codification provisions in the second ordinances.

Councilor Messinger commented that there is an ongoing safety issue. The resolution should have been an easy one. Everyone should be working to make our streets safer and have a quality of life. When a large corporation does not care about its impact on a community, there is a time when communication is exhausted. We can look at continuing to protect it. Our Code calls for interconnectivity and creating conditions. If there is a hazardous condition and you can't work to help fix that condition, there are consequences. There would be no further building permits issues and no further benefits from City Hall.

Mayor Brown reported there had been communication with the owners and management of the shopping center.

Mr. Waters stated that when the project was first developed, there was a request, and it was refused. He recently wrote a sterner letter giving them 60 days to remove the bollards. He added that it gives authority for code enforcement action as a public nuisance.

Vice Mayor Chin asked Mr. Waters to mention the Florida Statutes that support the City's position.

Mr. Waters explained there were numerous Florida Statutes that deal with public safety including Chapter 843, which is obstructing justice and Chapter 768, which creates civil liability.

Councilor Key pointed out that code enforcement is a hot topic recently. She asked Mr. Waters to expound on when we are referring to code enforcement on a public nuisance.

Mr. Waters specified that we are not telling someone to remove a boat from their yard. We are telling someone to remove something from their property that could kill people or cause serious injury. There is a huge distinction.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT EMERGENCY ORDINANCE NO. 2024-08

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2024-09, Public Health, Safety, Welfare Ordinance No. 2024-09, First Read and Public Hearing 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; Section 28-4, by Amending the Definition of Nuisance; Providing for Codification, Conflicts, Severability, and Providing an Effective Date

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

Councilor Messinger requested the City Attorney read into the record the letter addressed to the representatives of Regency Center. He stated that this has been a long, ongoing process. It is important to understand that their story has changed, and they do not care about the safety hazards being brought to the community.

Mr. Waters read into the record a letter dated October 24, 2024, from the City of Neptune Beach City Attorney to Regency Center representatives demanding removal of the bollards. A copy of the letter is on file in the office of the city clerk.

Mr. Waters advised that the City can initiate code enforcement action if the bollards are not removed in the 60 days. After the 60 days, if Regency or any of the tenants try to do any build-outs, they will not be able to get permits.

Made by Key, seconded by Messinger.

MOTION: TO ADOPT ORDINANCE NO. 2024-09 AT FIRST READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Pete's Thanksgiving Day Event Pete's Thanksgiving Day Event. Mayor Brown stated this is for the Pete's Thanksgiving Day Event scheduled for Thursday, November 28, 2024.

Made by Key, seconded by Livingston.

MOTION: TO APPROVE PETE'S THANKSGIVING DAY EVENT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CONB Well #5 ITB No. 2025-01-CONB Well #5. Public Works Director Deryle Calhoun first gave an update on the cleaning and televising of sanitary sewer line in the Arrowhead subdivision. That will conclude the next day. He reported the cleaning and televising of the lines in Oceanwood and parts of the Fletcher pump station collection system would begin on November 11. Messaging would be sent out regarding those projects. He also gave an update on the 3rd Street at Myrtle Street sanitary sewer crossing.

Mr. Calhoun reported that Neptune Beach has four wells that are currently permitted. Two are out of service. Two wells are currently in operation and were constructed in 1971 and 1972. Well 2, constructed in 1944, was taken out of service in 2020 due to reduced production and Well 1, constructed in 1938, was taken off-line in the summer of 2024 due to observed operating conditions.

Council had previously approved moving forward with Well #5 to replace Wells 1 and 2. After Well 5 is placed into service, Wells 3 and 4 will be inspected and rehabilitated as necessary. On October 17, 2024, three bids were received for Instruction to Bidders (ITB) No. 2025-01 – CONB Public Supply Well 5: Complete Services Well Drilling, Inc., FTE Drilling USA, Inc., and Partridge Well Drilling Co., Inc. Kimley-Horn, in accordance with the requirements outlined in the ITB, specifically Article 10 – Preparation of Bid and Article 11 – Basis of Bid; Comparison of Bids, reviewed the bids for completeness. FTE Drilling USA, Inc. did not provide a schedule and is therefore considered unresponsive. Both Partridge Well Drilling and Complete Services Well Drilling provided all required documentation per the Instruction to Bidders.

Based upon the bid evaluation, Partridge Well Drilling Co., Inc. has the highest score of 100 out of 100 and appears to be the lowest cost-responsive bid with a base bid in the amount of \$368,000.00 and a more advantageous project schedule. Partridge provided a Bid Response of "N/A" to Bid Items 3-9. If awarded, Staff will confirm with Partridge these items will be provided. These items would not be expected to substantially change the award amount or to change status as lowest bidder. This will be a 16-inch well and is 837 feet deep. The City of Atlantic Beach recently awarded to Partridge for a well that is also 16-inch well that is 700 feet deep for \$303,000.00

Mr. Calhoun informed Council he would be bringing the mechanical and electrical part of this work would come before Council at a future meeting. The project is budgeted in the current FY 25 budget.

Made by Chin, seconded by Messinger.

MOTION: TO ITB NO. 2025-01, CONB WELL #5 CONSTRUCTION AWARD TO PATRIDGE WELL DRILLING IN THE AMOUNT OF \$368,000.00

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Key questioned if anyone had received an update on the Senior Center.

Vice Mayor Chin pointed out that the City Manager report indicated the First Christian Church was unavailable.

Mr. Calhoun reported that the City had engaged an engineer with 30 years' experience with water intrusion. He would come up with a plan and a scope of services would be presented. A claim had been accepted for insurance coverage.

Councilor Key commented that she takes issue with public funds paying the salary of an employee that is not working. She stated that we have to find a solution to this problem. One solution is the moving the Senior Center to being a 501(c)(3) for situations like this. It

is closed again and no place for them to go. It is a burden on the City that needs serious attention.

Vice Mayor Chin commented that he spoke with a resident on Fourth Street, and during heavy rains they regularly flood. They have to move their cars off of their property and onto the street. He requested Mr. Calhoun investigate this when tracking flood zones.

Mr. Calhoun reported that at Fourth Street and Bowles Street, they had recently graded the grass back and excavated the ditch on the west side. He also stated they had done work on South Street, east of Fourth Street, getting the water to flow to the existing inlet. He pointed out the stormwater model was completed this year and there are a lot of opportunities.

Councilor Key questioned the claim of no parking at Neptune House for the Senior Center. She is having a hard time justifying that there is no parking available.

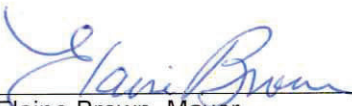
Parks and Sustainability Director Colin Moore stated that when the Senior Center had been relocated there before, they were parking up next to what was the grass field. There is available parking but not immediately adjacent.

Councilor Key suggested limiting the number of people that can attend. She is not accepting no answer or that there is no solution this far out, considering we use public funds.

Councilor Messinger expressed that it is frustrating to hear of all the great activities at the Senior Center and then we can't use Neptune House because the only solution is to destroy the field. We should look at what we have without causing damage even if it is only at 75% of the current usage.

Adjournment

There being no further business, the meeting adjourned at 7:19 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: 12-02-2024