

INSTRUCTIONS FOR THE JUNE 1, 2020 NEPTUNE BEACH VIRTUAL COUNCIL MEETING

This meeting will be a webinar conducted electronically. No in-person meeting will be conducted as permitted in Governor Executive Order No. 20-69 and extended by Governor Executive Order 20-112. The City has adopted Emergency Rules Regarding to COVID-19 to Govern the Operation of Meetings of the City Council and Board of the City of Neptune Beach. Such rules are available from the City Clerk.

Members of the public may provide written comments in the following manner:

1. Email to the City Clerk prior to the meeting at clerk@nbfl.us.
2. Mailed via U.S. Mail to the City Clerk at 116 First Street, Neptune Beach, Florida, or by placing them in the drop box outside of City Hall, 116 First Street, Neptune Beach, Florida.
3. Fill out the speaker request form located at: <https://www.ci.neptune-beach.fl.us/home/webforms/request-address-council>

Comments must be received by noon on Monday, June 1, 2020. Only written comments of 300 words or less will be read into the record during the meeting. All other written comments received by the deadline will be entered into the record and distributed to the City Council.

Registered webinar participants can also share comments live during the meeting. You must request to do this using the "raise your hand" feature during "Comments from the Public" portion of the meeting or during the public hearing portion. During the public hearing portion, any comments must be about that specific agenda item.

The meeting can be observed in the following ways:

- You may register to attend the GoToWebinar and view the meeting on your computer or dial in and listen on your telephone by visiting the following link:
- <https://attendee.gotowebinar.com/register/8206933317817185549>

TO USE YOUR COMPUTER'S AUDIO:

When the webinar begins, you will be connected to audio using your computer's microphone and speakers (VoIP).

--OR--

TO USE YOUR TELEPHONE:

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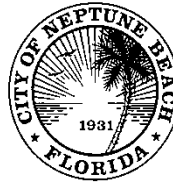
Webinar ID: 580-828-915

Attendees joining via computer/smart device can refer to instructions below on how to join the webinar at : <https://support.goto.com/webinar/how-to-join-attendees>

For questions or additional information, please contact the City Clerk's office at (904) 270-2400, ext. 30

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing the person will need a record of the proceedings and for such purpose 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 Statutes, persons with disabilities needing special accommodation, including hearing assistance, to participate in this meeting should contact the City Clerk's Office no later than 48 hours prior to the meeting.



**MINUTES
REGULAR CITY COUNCIL
VIRTUAL MEETING
MONDAY, MAY 4, 2020, 6:00 P.M.**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, May 4, 2020, at 6:00 p.m., by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020 and extended by Governor Executive Order Number 20-112, issued on April 29, 2020.

Attendance:	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Scott Wiley Councilor Josh Messinger	STAFF: City Manager Stefen Wynn City Attorney Zachary Roth Police Chief Richard Pike Public Works Director Leon Smith Deputy Public Works Director Megan George Community Development Director Kristina Wright Senior Center Director Leslie Lyne Grant and Resilient Coordinator Colin Moore City Clerk Catherine Ponson
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Call to Order/Roll Call Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes Made by Wiley, seconded by Messinger.

MOTION: TO APPROVE THE FOLLOWING MINUTES:
April 20, 2020, Regular Virtual City Council Meeting

Roll Call Vote:

Ayes: 5- Chin, Messinger, Wiley, Jones, and Brown.
 Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

CITY MANAGER REPORT

City Manager Report City Manager Wynn reported the following:

- Executive Order 20-112, issued on April 29, 2020, includes Phase 1, Safe. Smart. Step-by-Step Plan for Florida's recovery. This includes restaurants being open with 25% occupancy. Beaches are also open with no time restrictions but only for essential activities.

- An Integrated Fixed Film Activated Sludge (IFAS) Repair and Cleaning took place at Public Works. The debris that was collected filled a 20-yard dumpster. This work was done in-house.
- The Wastewater Treatment Plant Improvements are underway. An RFQ process was conducted and the firm of J. Collins Engineering and Associates was chosen.
- The A1A Drainage Project is on schedule for completion in the Fall of 2020.

Community
Development
Report

Community Development Director Kristina Wright gave an update on the Virtual Design Charette Series for the Community Vision Plan. She reviewed the phases of the plan and outlined the next steps and benchmarks, which included a draft of the Vision Plan in June and final presentation in July. The Comprehensive Plan update should be completed in December of this year. The third phase will involve the creation of a new Land Development Code, which will be in 2021. She added there could still be opportunities added for public participation.

Police Chief
Report

Police Chief Richard Pike reported that the daily unified command meetings are still taking place with the Emergency Operations Center and stakeholders present. They are given updates on COVID-19 cases. Testing lots are open to everyone. He reported there was a large number of people at the Beaches Town Center over the weekend. There are extra officers assigned to help out. They have also received a shipment of Personal Protection Equipment.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

TPO Presentation

Denise Bunnewith, Planning Director, North Florida Transportation Organization, reviewed the Transportation Improvement Program (TIP) for Fiscal Years 2020/2021 through 2024/2025. The TIP identifies all publicly funded highway, transit and aviation projects within the North Florida TPO area which includes Clay, Duval, Nassau and St. Johns Counties.

PUBLIC COMMENT / NONE

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES / NONE

NEW BUSINESS

Emergency Rules
(Dogs on the
Beach)

Emergency Rules Regarding COVID-19 (Suspending Code Section 6-31(a)(2)), Dogs on the Beach. Mayor Brown stated that the beach would go back to standard dog regulations as the beach is now open at all hours. Dogs must still be on a leash and are only allowed from 5:00 p.m. to 9:00 a.m.

Made by Chin, seconded by Jones.

MOTION:

TO RESCIND THE EMERGENCY ORDERS ALLOWING DOGS ON THE BEACH WHEN BEACH IS OPEN TO THE PUBLIC

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Resolution 2020-02, FDOT Maintenance Agreement

Resolution No. 2020-02, Authorizing City Manager to Execute and Deliver FDOT Maintenance Agreement for Atlantic Boulevard from the east end of the ICW Bridge to Florida Boulevard. City Manager Wynn explained that this is a renewal of an agreement with FDOT and the City for maintenance of rights-of-way from the ICW bridge up to Florida Boulevard on Atlantic Boulevard. The renewal is for three years. The pricing has been increased by 15%.

Made by Jones, seconded by Wiley.

MOTION: **TO ADOPT RESOLUTION NO. 2020-02, AUTHORIZING CITY MANAGER TO EXECUTE AND DELIVER FDOT MAINTENANCE AGREEMENT FOR ATLANTIC BOULEVARD FROM THE EAST END OF THE ICW BRIDGE TO FLORIDA BOULEVARD**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Neptune Beach Senior Activity Center

Neptune Beach Senior Activity Center. Mayor Brown explained there is a lot to talk about regarding the Senior Center and suggested discussing it at a workshop. Mr. Wynn updated the Council by reporting that the landlord for the current location at 450 Atlantic Boulevard has requested the \$3,000 rent payment for May. Mr. Wynn also recommended having this discussion at the workshop in two weeks. He stated that the goal would be to vacate the building and store everything until the Center can reopen. The executive orders in place limit senior activity. Until those are removed, we should vacate that area and look at a short-term solution.

Councilor Wiley suggested that discussion should be held between the landlord, Alan Dickinson, and the City before the workshop. He also proposed finding out what kind of timeframe there is for the opening of Senior Centers based on the phases for reopening Florida.

Senior Center Director Leslie Lyne stated she is looking forward to letting her members know when and where they are going to open. She thanked Alan Dickinson for being so gracious to have had the Senior Center use his facility.

CONSENSUS: **MOVE THIS DISCUSSION FORWARD TO THE MAY 18, 2020, COUNCIL WORKSHOP**

Resolution No. 2020-03, Approve Selection for RFQ, 19-02, Wastewater Treatment Plant Expansion

Resolution No. 2020-03, Approve Selection for RFQ 19-02, Wastewater Treatment Plan Expansion Services. City Attorney Zachary Roth explained that Council would need to approve the recommendation of the selection committee for RFQ 19-02, Wastewater Treatment Plant Expansion.

Mr. Roth confirmed Vice Mayor Jones' inquiry that this would be to award RFQ 19-02 to J. Collins Associates pursuant to the recommendation of the committee. It is not allocating any specific number as that has been handled through the budgeting process.

Mr. Roth continued that there were two parties that responded to the RFQ. The committee, consisting of the Public Works Director, Deputy Public Works Director and City Engineer, reviewed them and made a selection. Councilor Messinger requested those documents be sent to him for his review.

Made by Chin, seconded by Jones.

MOTION: **TO ADOPT RESOLUTION NO. 2020-03, AWARDED RFQ 19-02 TO J. COLLINS AND ASSOCIATES, LLC**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment Sharon Jachem, 1716 Strand Street, Neptune Beach, spoke regarding the protocol for responding to residents or business people who contact a member of Council or administrative staff. She also addressed the issue of natural gas lines in Neptune Beach.

COUNCIL COMMENTS

Councilor Messinger commented that he wanted to touch on the building department and specifically looking at bringing in a building inspector back in-house. The firm the City has hired is on a month-to-month contract and their fees have risen by over 50% since we started using their services. He added they are not doing their job adequately. He stated this is a good opportunity to bring this back in-house.

Councilor Messinger mentioned that the gas line item had been brought up in the past and with stormwater improvements taking place this would be a good opportunity to look at this issue. He thanked Mayor Brown for the meetings with Chief Pike, Mr. Wynn, and City staff for their hard work during this time.

Vice Mayor Jones also thanked the Mayor and staff that is engaged in the process of getting information to the public. He also asked about the demolition of 1229 Forest Oaks. Mr. Roth answered that he had been in contact with the owner's attorney and he had reached out to his client. The same day, the owner reached out to Code Enforcement.

Vice Mayor Jones added that the lot split had been granted and it is now a matter of public safety.

Councilor Wiley asked if there was a diagram for the proposal of the intersection of Atlantic Boulevard and Third Street. Mr. Wynn stated that there had not been anything decided and FDOT was waiting on public input.

Councilor Chin commented that he noticed that the beach accesses are getting heavily planted in such a way that the corner of visibility is being obstructed. There are also fire hydrants that are totally obstructed with vegetation. He is hoping that moving forward this can be looked at.

Mayor Brown closed with asking everyone to continue doing what they are being asked by the Governor and Mayor Curry. There is still a lot of danger out there and please be thoughtful and help one another.

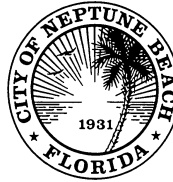
Adjournment There being no further business, the meeting adjourned at 7:17 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
EXECUTIVE SESSION
SHADE CITY COUNCIL MEETING
WEDNESDAY, MAY 6, 2020 AT 10:00 A.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Shade Meeting of the City Council of the City of Neptune Beach was held Wednesday, May 6, 2020, at 10:00 a.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance**IN ATTENDANCE:**

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Scott Wiley
Councilor Josh Messinger

STAFF

City Manager Stefen Wynn
City Attorney Zachary Roth
Community Development Director Kristina Wright
City Clerk Catherine Ponson

Order Call

Mayor Brown called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance.

Mayor Brown explained the shade meeting was called to discuss litigation, after which time Council would reconvene in the Council Chambers and the Mayor would adjourn the shade meeting.

City Attorney Zachary Roth stated that he is requesting advice from the Council regarding current litigation in the Huron-Sophia, L.L.C. vs. City of Neptune Beach ongoing case. The attendees would be Mayor Elaine Brown, Vice-Mayor Fred Jones, Councilors Kerry Chin, Scott Wiley, Josh Messinger, City Manager Stefen Wynn, City Attorney Zachary Roth and Phipps Reporting, Court Reporter.

Vice Mayor Jones reconvened the public meeting at 11:20 a.m. and announced the conclusion of the executive session.

Adjournment

The public meeting adjourned at 11:20 a.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved: _____



MINUTES WORKSHOP VIRTUAL CITY COUNCIL MEETING MONDAY, MAY 18, 2020, 6:00 P.M.

Pursuant to proper notice a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, May 18, 2020, at 6:00 p.m., by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020 and extended by Governor Executive Order Number 20-112, issued on April 29, 2020.

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Leon Smith
Deputy Public Works Director Megan George
Community Development Director Kristina Wright
Senior Center Director Leslie Lyne
Grant and Resilient Coordinator Colin Moore
City Clerk Catherine Ponson

Call to Order

Mayor called the virtual workshop meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Congressman John Rutherford

Update from Congressman John Rutherford. Congressman Rutherford gave an update on the CARES Act. He reviewed upcoming legislation meant to help small businesses and their employers.

CITY MANAGER REPORT

City Manager Report

City Manager Stefen Wynn reported the following:

- City Hall will reopen May 20th, limiting it to four people in the lobby. Glass barriers have been installed in the lobby. There will be additional cleaning and sanitization practices in place.
- We are in the process of hiring a Chief Financial Officer and Staff is handling additional duties.

City Attorney Report

City Attorney Zachary Roth reported to Council he had received a phone call from the attorney for The Local requesting a potential modified special exception for the June 1 meeting.

Councilor Wiley commented that this is not the appropriate meeting to bring that up. He would not be favor of doing anything during a Council workshop in regards to that issue.

Grant and
Resiliency Report

Grant and Resiliency Coordinator Colin Moore reported that there is an amended agreement for the scope of work for Jarboe Park. This is to better align with what was planned for Phase 1. This was originally a recreational trail grant for a 1,000-foot trail on the east side of the ponds. Most of the improvements for Phase 1A are on the west side. The trail has been changed and will be about 1,300 feet and the bridge will be immediately in front of Neptune House. The grant is still for \$200,000 with a \$50,000 match, but it is going to be focused solely on constructing the multi-use path and the bridge.

Councilor Messinger questioned if this grant change is what was discussed in Committee and fall in line with the phasing that was brought up by Staff and in Committee.

Mr. Moore replied that the changes were discussed, and the City was able to get with the Department of Environmental Protection (DEP) to make the change in the scope.

Councilor Messinger requested shading or a diagram of what is being changed.

Councilor Chin asked for clarification if the bridge by the Neptune House would cross over to Florida Boulevard.

Mr. Moore replied that it would, and it is a wider bridge since it is going to be a kind of spur of the East Coast Greenway.

Police Chief
Report

Police Chief Richard Pike reported that the opening of the beaches has been going smoothly. The beaches were busy and Neptune Beach lifeguards rescued four people out of the ocean and they were transported to the hospital. He thanked Captain Rich Banks for putting on a full staff of Ocean Rescue for the beaches reopening.

COMMITTEE REPORTSFinance/Boards/
Charter Review

Committee Chairman Wiley reported his committee would meet on Wednesday, June 10, 2020.

Strategic
Planning/
Transportation

Vice Mayor Jones reported his committee would meet on Wednesday, May 27, 2020.

PUBLIC COMMENTS / NONEProposed Ord. No.
2020-02, Neptune
In Need

Proposed Ordinance No. 2020-02: An Ordinance of the City of Neptune Beach, Florida, Added a New Section 23-90; Voluntary Program for Collection of Funds to Help the Needy with Neptune Beach Utility Bills; Providing an Effective Date.

Mayor Brown explained this is an ordinance that would enact a voluntary program for collecting funds to help people who need assistance with their utility bills here in Neptune Beach. This would be a way for people to round up their utility bills with the additional funds going to the program.

Mr. Wynn explained that this was mirrored after a similar program in Atlantic Beach. He would like it to be administered by an outside agency such as BEAM (Beaches Emergency Assistance Ministry). This would not only give an opportunity to donate but round up your bill. The ordinance is written to allow the City to set up with an outside agency.

Mr. Roth indicated that the ordinance is set up to leave flexibility so as we learn and go through this we do not have to amend the ordinance.

Mayor Brown reminded everyone that no taxpayer dollars will be given without people asking for it to be done. It is strictly voluntary. She added that Councilor Chin has also signed on as a sponsor of this legislation.

Councilor Wiley stated that this is a great bill and is long overdue. He wanted to clarify that this is for Neptune Beach utilities and not electric.

Councilor Chin thanked Mr. Roth, Mr. Wynn and Mayor Brown for helping get this bill together. It goes hand in hand with other efforts such as No Empty Stockings. We are helping each other in this difficult time. We are going to see changes in the way society works.

Mayor Brown reported that Mr. Wynn is communicating with BEAM who has the ability to help us to make sure we are applying this correctly.

CONSENSUS: **TO MOVE PROPOSED ORDINANCE NO. 2020-02 FORWARD FOR FIRST READ ON JUNE 1, 2020**

Proposed Ord. No. 2020-03, Homestead Exemption Proposed Ordinance No. 2020-03: An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 21, Taxation: Article VI, Additional Homestead Exemption; Amending Section 21-120, Additional Homestead Exemption; Increasing the Amount of the Additional Homestead Exemption; and Providing an Effective Date.

Councilor Wiley explained this is an ordinance recently passed by the Jacksonville City Council. It was brought to our attention by the property appraiser and it is the low-income senior exemption. This bill would give another \$25,000 exemption in addition to the current \$25,000 exemption. He thanked Mayor Brown for sponsoring the legislation with him.

CONSENSUS: **TO MOVE PROPOSED ORDINANCE NO. 2020-03 FORWARD FOR FIRST READ ON JUNE 1, 2020**

Proposed Ord. No. 2020-04, American-Made Goods Proposed Ordinance No. 2020-04: An Ordinance Creating a New Section 2-388 (Buy American Preference in Contracts for Goods and General Services), Chapter 2 (Administration), Article VI (Finance), Division 2 (Purchasing and Contracts), City of Neptune Beach Code of Ordinances, To Create a Preference for American-Made Goods and General Services in Contracts; Providing for Severability; Providing an Effective Date.

Mayor Brown stated that this is being introduced because of a preference to buy American. It would help American companies, businesses and corporations.

Mr. Wynn explained the intent would always be to look for local vendors and American-made products that are within a certain threshold.

Mr. Roth reported that it does provide a five-percent preference percentage when ranking entities if they are an American company. There is also some flexibility built in.

Mr. Wynn commented that any plans currently in process would be exempted from this ordinance, if enacted.

Vice Mayor Jones questioned if there was some sort of mechanism in place to allow flexibility if in trying to procure something it is not readily available, the costs is higher or it is not made here.

Mr. Roth advised that the City Manager has the responsibility to set up the administrative policy and it has its specific exceptions.

CONSENSUS: **TO MOVE PROPOSED ORDINANCE NO. 2020-04 FORWARD
FOR FIRST READ ON JUNE 1, 2020**

ISSUE DEVELOPMENT

Neptune Beach
Activity Center

Neptune Beach Senior Activity Center. Mr. Wynn gave a brief history and reviewed the timeline of the Neptune Beach Senior Activity Center. This has been going on since August, 2017, with the noted water damage. The City is grateful to Mr. Alan Dickinson for providing a location for the Senior Center at 450 Atlantic Boulevard. Mr. Wynn is asking for Council to approve to move the Center on an interim basis into the Neptune House at Jarboe Park. There would be an \$800 cost in providing a sidewalk that goes from the front door to the existing parking lot. This would help get residents in safely who are using mobility devices. Staff would like to be able to move everything in by June 1 in anticipation of being able to offer some limited programming at a reduced occupancy rate based on the Governor's reopening plan.

Mr. Wynn continued with asking for approval for the Senior Center to go back to its original location at 2004 Forest Avenue. The City has looked at some of the most economical ways of producing a building that is not only aesthetically pleasing but also meets the needs of the Senior Center. The City is looking at a modular-type set up for a facility. The proposed modular building is a specific model. The target date for opening would be January 2021.

Senior Center Director Leslie Lyne stated that everyone is anxious to get back together. She has provided a limited schedule of events because the Neptune House is one big room. Activities will be scheduled one event at a time. She also pointed out that the acoustics are less than favorable and, if approved, she would like to be able to put some aesthetically pleasing window coverings and maybe hang something from the ceiling to absorb the echo. She commented that she appreciated Council giving this serious consideration as they need to move forward and give the Seniors something to look forward to.

Mayor Brown clarified that the City is seeking Council approval to move forward to designate Neptune House as the temporary housing for the Senior Center and go ahead and get it ready with minimal dollars. More information will be coming on the cost of a more permanent facility that would be located at the previous location at 2004 Forest Avenue.

Mr. Wynn confirmed that is what is being asked and to perform any of the remodeling that is needed such as a sidewalk and window coverings.

Councilor Chin stated that it is a good plan to go back to the original location. He commented that the schedule of activities seems very comprehensive and fills up most of the days. He questioned what would happen if a resident came and wanted to rent the space for a certain amount of time.

Mr. Wynn reported that going back to May 4, 2019, the Neptune House had been rented about 11 times. He proposed to temporarily stop the ability to rent Neptune House unless it is something that could be accommodated, however, it would be easier to say no rentals during the interim period.

Councilor Chin added that he understands that the rentals have been few and far between. He reported that he heard from people that the rates were a little high for what they needed the building for. He stated that this would be something think about but he understands if the moratorium is the way to go.

Vice Mayor Jones commented that this is a good use of resources. The City has the property and the graphic illustrates how you can make a modular structure look like a permanently brick and mortar structure. He also commented that having a temporary moratorium or suspending public rental options of Neptune House will allow the City to explore some of the shortcomings of the buildings, such as the sound.

Councilor Messinger stated this is great all the way around. The City is using Neptune House and using resources wisely as an interim solution. The modular solutions are a great solution and can be aesthetically pleasing. He looks forward to working on what it will ultimately look like. He added there are some good opportunities to get something in immediately and also plan for potentially future expansion. He remarked that the City is moving in the right direction and he would like to see the City get there sooner rather than later.

Councilor Wiley showed his support by commenting this is a great plan and is long overdue. He added it would be nice, during the temporary moratorium for using Neptune House, to look at the rates for using the Neptune House when it opens back up. He thanked Alan Dickinson for working with the City and looks forward to making it come to fruition.

Mayor Brown summarized that the first step, and it looks like Council agrees, is to go ahead and plan on getting Neptune House ready when the Seniors can come back and utilize it. There will be more information on the breakdown of costs.

CONSENSUS:

APPROVE THE TEMPORARY MOVE OF THE NEPTUNE BEACH SENIOR ACTIVITY CENTER TO THE NEPTUNE HOUSE IN JARBOE PARK AND BEGIN WORKING ON ACQUIRING PERMANENT MODULAR BUILDINGS TO BE LOCATED AT 2004 FOREST AVENUE

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

Councilor Chin thanked City staff and Mr. Wynn for getting the virtual meetings working. He feels the participation from the residents is more than when the meetings are in Council Chambers. It will be something to think about how to continue that participation moving once Council meets in person again.

Vice Mayor Jones agreed with Councilor Chin and added there would be a paradigm shift in the way we do public business.

Adjournment

There being no further business, the workshop meeting adjourned at 7:17 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
EXECUTIVE SESSION
SHADE CITY COUNCIL MEETING
WEDNESDAY, MAY 27, 2020 AT 8:30 A.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Shade Meeting of the City Council of the City of Neptune Beach was held Wednesday, May 27, 2020, at 8:37 a.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

AttendanceIN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Scott Wiley
Councilor Josh Messinger (*via phone*)

STAFF

City Manager Stefen Wynn
City Attorney Zachary Roth
City Clerk Catherine Ponson

Order Call

Mayor Brown called the meeting to order at 8:37 a.m. and led the Pledge of Allegiance.

Mayor Brown explained the shade meeting was called to discuss litigation, after which time Council would reconvene in the Council Chambers and the Mayor would adjourn the shade meeting.

City Attorney Zachary Roth stated that he is requesting advice from the Council regarding current litigation in the Huron-Sophia, L.L.C. vs. City of Neptune Beach ongoing case. The attendees would be Mayor Elaine Brown, Vice-Mayor Fred Jones, Councilors Kerry Chin, Scott Wiley, Josh Messinger(via phone), City Manager Stefen Wynn, City Attorney Zachary Roth and Phipps Reporting, Court Reporter.

Mayor Brown reconvened the public meeting at 9:42 a.m. and announced the conclusion of the executive session.

Adjournment

The public meeting adjourned at 9:42 a.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved: _____



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: Ordinance No. 2020-02, First Read and **Public Hearing**, An Ordinance of the City of Neptune Beach, Florida, Adding a New Section 23-90; Voluntary Program for Collection of Funds to Help the Needy with Neptune Beach Utility Bills; Providing an Effective Date.

SUBMITTED BY: Mayor Elaine Brown and Councilor Kerry Chin

DATE: May 27, 2020

BACKGROUND: Certain residents may from time to time require financial assistance for their utility bill. This ordinance would create a utility assistance program to facilitate the collection of contributions to a fund to assist needy citizens and residents.

The ordinance includes the ability for citizens to "round up" their bill, with the additional funds going to the program.

This legislation is being sponsored by Mayor Elaine Brown and Councilor Kerry Chin. At the May 18, 2020, Council Workshop it was unanimously forwarded to the first reading.

BUDGET: N/A

RECOMMENDATION: Consider Ordinance No. 2020-02, which establishes the voluntary program for collection of funds to help the needy in Neptune Beach Utility Bills.

ATTACHMENT: 1. Ord. No. 2020-02 Neptune in Need

SPONSORED BY:

MAYOR BROWN

COUNCILOR CHIN



ORDINANCE NO. 2020-02

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
ADDING A NEW SECTION 23-90, VOLUNTARY PROGRAM FOR
COLLECTION OF FUNDS TO HELP THE NEEDY WITH NEPTUNE
BEACH UTILITY BILLS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Neptune Beach (the "City") possesses the powers to enact ordinances in order to perform municipal functions and render municipal services; and

WHEREAS, the City operates water, sewer, and stormwater utilities within the City and charges such utilities to its citizens and residents; and

WHEREAS, the City contracts for garbage, yard debris, and recycling collection and disposal and charges such services to its citizens and residents; and

WHEREAS, the City Council of the City determines that certain residents may from time to time require financial assistance in order to meet their payment obligations for such utilities and services; and

WHEREAS, the City Council desires to establish a program to facilitate the collection of contributions to a fund to assist such needy citizens and residents in meeting such obligations; and

WHEREAS, the City Council desires that such program be implemented and administered by the City Manager or their designee and utilize the assistance of a needs assessment agency in determining those citizens and residents who qualify for assistance pursuant to the guidelines to be adopted for such program; and

WHEREAS, proper notice has been given of the public hearings of this proposed ordinance and of the public hearings in the City Council Chambers; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

**CHAPTER 23 - UTILITIES
ARTICLE IV – WATER AND SEWER SERVICE CHARGES**

Sec. 23-90. Neptune in Need Program.

(a) Name.

The name of the program described in this section shall be the "Neptune in Need Program" (the "Program").

(b) Purpose.

The purpose of the Program is to assist needy residents and citizens of the City in paying their water, sewer, stormwater, garbage, yard waste, recycling, and other utility bills for services provided by or on behalf of the City which may be owed to the City from time to time. The Program is intended to provide short-term relief to such residents and citizens and is not intended to be used as a long-term benefit.

(c) Program.

The City Manager or their designee shall implement and administer the Program in accordance with the provisions of this Section. The City Manager shall cause the director of finance to accept voluntary donations to be used to facilitate the Program. In addition to other means of accepting donations, the City Manager is authorized to instruct the director of finance to establish a process by which residents or citizens may make donations as part of payment of their City utility bills, including a program allowing residents or citizens to "round up" their bill, with the additional funds going to the Program. The City Manager shall cause the director of finance to maintain all donations and other proceeds received for the Program in a separate bank account. The City Manager is authorized to contract with a social service agency to accept and process applications and determine residents and citizens who meet the Program's eligibility guidelines. All eligibility guidelines for the Program will be established by the City Manager and attached as an exhibit to any contract with the administering agency. Any contract with an administering agency must include a cancellation provision whereby either party may terminate the contract upon a thirty-day advance written notice to the other.

(d) **Term.**

The Program shall continue until terminated by the City Council.

(e) **Effective Date.**

This ordinance shall take effect immediately upon passage after second reading/public hearing.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on Second and Final Reading this _____ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and contents

Zachary Roth, City Attorney



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: Ordinance No. 2020-03, First Read and **Public Hearing**, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 21, Taxation; Article VI, Additional Homestead Exemption; Amending Section 21-120, Additional Homestead Exemption; Increasing the Amount of the Additional Homestead Exemption; Providing an Effective Date.

SUBMITTED BY: Councilor Scott Wiley and Mayor Elaine Brown

DATE: May 27, 2020

BACKGROUND: Florida Statutes Section 196.075 provides an authorized homestead exemption of \$50,000 to those who have attained the age of 65 and whose household income does not exceed low income as defined by general law.

This proposed ordinance, sponsored by Councilor Scott Wiley and Mayor Elaine Brown, amends the amount in the Neptune Beach Code of Ordinances Section 21-120 to the maximum rate permitted by F.S. Section 196.075.

The ordinance was unanimously forwarded to the first read at the May 18, 2020 Council Workshop.

BUDGET:

RECOMMENDATION: Consider Ordinance No. 2020-03, amending Code Section 21-120, Increasing the Amount of the Additional Homestead Exemption.

ATTACHMENT: 1. Ord. No. 2020-03 Addl Homestead Exempt

INTRODUCED BY:

COUNCILOR WILEY

MAYOR BROWN



ORDINANCE NO. 2020-03

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 21, TAXATION; ARTICLE VI, ADDITIONAL HOMESTEAD EXEMPTION; AMENDING SECTION 21-120, ADDITIONAL HOMESTEAD EXEMPTION; INCREASING THE AMOUNT OF THE ADDITIONAL HOMESTEAD EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 6(d), Florida Constitution, authorizes the State Legislature to enact a general law allowing local governments, for the purpose of their respective tax levies, to grant an additional homestead exemption; and

WHEREAS, said Constitutional Amendment provides that an additional homestead exemption not exceeding fifty thousand dollars to a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five, and whose household income does not exceed low income as defined by general law; and

WHEREAS, the State Legislature enacted Chapter 99-341, Laws of Florida, creating Section 196.075, Florida Statutes, implementing then Article VII, Section 6(f), Florida Constitution, (which subsequently became Article VII, Section 6(d), Florida Constitution following the deletion of former s. 6(c) and (d) of the Florida Constitution) effective July 1, 1999, and establishing the right of counties and municipalities to grant an additional homestead tax exemption of up to twenty-five thousand dollars (\$25,000.00) under certain conditions; and

WHEREAS, the State Legislature enacted Chapter 07-4, Laws of Florida, amending Section 196.075(2), Florida Statutes, effective January 1, 2007, to increase the authorized exemption to fifty thousand dollars (\$50,000.00); and

WHEREAS, the Neptune Beach City Council previously adopted Section 21-120 of the City of Neptune Beach Code of Ordinances to provide for an additional homestead exemption accordance with Section 196.075, Florida Statutes, in the amount of twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the Neptune Beach City Council has determined that it is in the interests of the City of Neptune Beach to provide for an additional homestead exemption at the maximum rate permitted by Section 196.075, Florida Statutes and Article VII, Section 6(d), Florida Constitution;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Section 21-120. Additional Homestead Exemption Authorized, be amended as follows:

Sec. 21-120. Additional Homestead Exemption Authorized.

(a) Commencing January 1, ~~2004~~2021, and annually thereafter, pursuant to Article VII, Section 6(d) Florida Constitution, and F.S. 196.075, an additional homestead exemption of ~~twenty-five~~ fifty thousand dollars (\$~~25~~50,000) is hereby authorized for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained the age of sixty-five (65) and household income does not exceed low income as defined by 196.075, Florida Statutes.

Section 3. Direction to Circulate. The Neptune Beach City Council is hereby directed to provide a copy of this ordinance to the Duval County Property Appraiser's office.

Section 4. Super Majority Vote for Passage of Ordinance. The Florida Statute authorizing the homestead exemption enacted herein requires that the exemption be approved by a super majority vote (a majority plus one) of all members of the governing body to be effective.

Section 5. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on Second and Final Reading this _____ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: Ordinance No. 2020-04, First Read and **Public Hearing**, An Ordinance Creating a New Section 2-388 (Buy American Preference in Contracts for Goods and General Services), Chapter 2 (Administration), Article VI (Finance), Division 2 (Purchasing and Contracts), City of Neptune Beach Code of Ordinances, To Create a Preference for American-Made Goods and General Services in Contracts; Providing for Severability; Providing an Effective Date.

SUBMITTED BY: Mayor Elaine Brown

DATE: May 27, 2020

BACKGROUND: Proposed Ordinance No. 2020-04 would establish a City procurement policy that creates a domestic preference for goods and materials that are manufactured, assembled or produced in the United States.

The ordinance, sponsored by Mayor Elaine Brown, was moved forward unanimously to first read at the May 18, 2020, Council workshop.

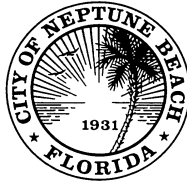
BUDGET:

RECOMMENDATION: Consider proposed Ordinance No. 2020-04, which creates a preference for American-Made goods and general services in contracts.

ATTACHMENT: 1. Ord. No. 2020-04 Buy American

INTRODUCED BY:

MAYOR BROWN



ORDINANCE NO. 2020-04

A BILL TO BE ENTITLED

AN ORDINANCE CREATING A NEW SECTION 2-388 (BUY AMERICAN PREFERENCE IN CONTRACTS FOR GOODS AND GENERAL SERVICES), CHAPTER 2 (ADMINISTRATION), ARTICLE VI (FINANCE), DIVISION 2 (PURCHASING AND CONTRACTS), CITY OF NEPTUNE BEACH CODE OF ORDINANCES, TO CREATE A PREFERENCE FOR AMERICAN-MADE GOODS AND GENERAL SERVICES IN CONTRACTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Buy American Act of 1933, 41 U.S.C. 83, requires that the Federal Government in procurement and certain matters involving federal financial assistance utilize U.S. products for the purchase or acquisition of goods, products or materials, as defined in the Buy American Act, whenever possible with some exceptions; and

WHEREAS, in recent years and culminating with the issuance of several Executive Orders, President Trump has issued directives on July 15, 2019, Executive Order 13881 (Maximizing Use of American-Made Goods, Products and Materials), Executive Order 13788 of April 18, 2017 (Buy American and Hire American) and Executive Order 13858 of January 31, 2019 (Strengthening Buy-American Preferences for Infrastructure Projects), which each have reiterated the intent of the Administration to enforce the Buy American Act of 1933 to the greatest extent permitted by law; and

WHEREAS, while the Buy American Act of 1933 only pertains to procurement involving public buildings of the Federal Government and those of certain U.S. territories; and

WHEREAS, the City Council of the City of Neptune Beach (the "City") desires, pursuant to its legislative policy-making authority, to adopt a similar policy as it pertains to City procurement and the expenditure of local public funds, as permitted by federal and state regulations, to create a domestic preference for City procurement purposes of goods and materials that are manufactured, assembled or produced in the United States; and

WHEREAS, the Council finds that establishing a City procurement policy that creates a domestic preference for goods and materials that are manufactured, assembled or produced in the United States promotes the local economy, the economies of neighboring counties and municipalities, as well as strengthens state and

national economic interests, and further promotes security, good government and the general convenience of its citizens, and declares it a valid municipal purpose; and

WHEREAS, it is the firm intent of the City Council that this policy not supplant other federal, state and local law to the extent that this policy would be inconsistent with certain mandates in federal and state law, but is adopted to allow the City to apply a domestic preference for American-made goods and products when local public funds are expended;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Creating a new Section 2-388 (Buy American preference in contracts for goods and general services), Code of Ordinances. A new Section 2-388 (Buy American preference in contracts for goods and general services), Chapter 2 (Administration), Article VI (Finance), Division 2 (Purchasing and Contracts), City of Neptune Beach Code of Ordinances is hereby created to read as follows:

**CHAPTER 2. ADMINISTRATION
ARTICLE VI. FINANCE
DIVISION 2. PURCHASING AND CONTRACTS**

* * *

Sec. 2-388. Buy American preference in contracts for goods and general services.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bid means a competitive bid procedure established through the issuance of an invitation for bid. The term "bid," as used herein, shall not include requests for proposals (unless specified in the RFP document), requests for qualifications, requests for quotes and requests for information.

Buy American preference means and shall apply to the following products and services that are:

1. *Manufactured*. The term "manufactured" is interpreted to mean to make or process a raw material into a finished product or to turn-out in a mechanical manner;
2. *Assembled*. The term "assembled" is interpreted to mean to fit or to join parts together into a finished product;
3. *Produced*. The term "produced" is interpreted to mean to create or make from raw materials.

To qualify for this preference, 51 percent of the components of the final produce manufactured, assembled or produced to be sold to the City must be

made in the United States. The City Manager shall resolve any issues relating to Buy American preferential status, and that decision on whether a vendor is eligible for a Buy American preference shall be final.

General services means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise.

Goods includes, but is not limited to, supplies, equipment, materials, and printed matter.

(b) Exemptions. The provisions of this section do not apply to:

1. Purchases or contracts with an estimated cost of \$10,000.00 or less. The City Manager and procurement staff will attempt to select products manufactured, assembled or produced in the United States if the quality and price are comparable with other goods.
2. Professional services, which are defined, for purposes of this section, as any services where the City is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area, and also those services procured pursuant to F.S. § 287.055, the Consultants' Competitive Negotiation Act.
3. Bids for the purchase of, or contract for, the construction/ renovation of public buildings, facilities, public works, or other public construction projects where federal funds are involved. The federal guidelines as to use of the federal funds shall prevail as to the federal funds.
4. Goods or services provided under a cooperative purchasing agreement or utilization of other agency contracts (piggyback contracts).
5. Purchases made or contracts let under emergency or noncompetitive situations (sole source, or a special procurements/bid waiver), or for legal services.
6. The business is determined to be unqualified to perform the work as determined by the City.
7. The business submits a bid that exceeds the projected budget.
8. Projects which have been undertaken by the City prior to the effective date of this section.

(c) Preference in purchase of goods or general services. Except where federal, state or local laws, regulations or policies mandates to the contrary, in the purchase of goods or general services by means of a competitive bid, a preference will be given to a responsive and responsible vendor offering American manufactured, assembled or

produced goods or general services, who is within five percent of the lowest responsive and responsible bidder, by way of an opportunity of providing said goods or general services for the lowest responsive and responsible bid amount.

(d) Preference must be asserted. Said five percent Buy American preference must be asserted by the party seeking it at the time of the competitive bid with the submittal of documentation supporting the assertion that a product is American manufactured, assembled or produced, and shall be calculated by the procurement division in rating competitive bids.

(e) Comparison of qualifications. The preferences established herein in no way prohibit the right of the City Manager or their designee to compare quality of goods or general services proposed for purchase and compare qualifications, character, responsibility and fitness of all person, firms or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the City Manager or their designee from determining based on criteria and standards developed administratively to allow for selection by preference permitted in another section of this Article.

(f) Waiver. The application of the Buy American preference to a particular purchase, contract, or category of contracts in excess of \$100,000.00 for goods and general services may be waived upon written recommendation of the City Manager and approval of the City Council.

(g) Administrative Policy for Implementation. The City Manager shall be charged with the responsibility to promulgate an administrative policy or regulations consistent with this Section which establishes criteria and procedures for the implementation of this policy including matters involving the consideration of exemptions, comparison of qualifications, and waiver of the policy as provided herein.

(h) Declaration of municipal purpose. It is hereby declared that the carrying out of the purposes of this section by the City is deemed to be furthering a proper municipal purpose.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Scott Wiley

Passed on Second and Final Reading this _____ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney