



**MINUTES
REGULAR CITY COUNCIL
VIRTUAL MEETING**

TUESDAY, SEPTEMBER 8, 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 Tuesday, September 8, 2020, at 6:00 p.m., by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020 as extended by Executive Order 20-112, 20-123, 20-139, 20-150, 20-179, and 20-193.

Attendance:

IN ATTENDANCE:

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

Councilor-Elect Lauren McPhaul

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Chief Financial Officer Carl LaFleur
Commander Michael Key
Public Works Director Leon Smith
Deputy Public Works Director Megan George
Code Compliance Supervisor Piper Turner
Community Development Director Kristina Wright
Senior Center Director Leslie Lyne
Grant and Resiliency Coordinator Colin Moore
City Clerk Catherine Ponson

**Call to Order/Roll
Call**

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

APPROVAL OF MINUTES

Minutes

Made by Wiley, seconded by Messinger.

MOTION:

TO APPROVE THE FOLLOWING MINUTES:
August 3, 2020, Regular City Council Virtual Meeting
August 17, 2020, Workshop City Council Virtual Meeting
August 31, 2020, Special City Council Virtual Meeting

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

CITY MANAGER REPORT

Hurricane Season City Manager Stefen Wynn reminded everyone we are at the peak of the hurricane season. He advised for citizens to have a kit and a plan. Information on where to get information is available at www.ready.gov/hurricanes and www.iaxready.com.

FY2020-2021 Budget Mr. Wynn gave an update on the budget timeline and process. The first reading will be on September 10, 2020 and the final adoption will be on September 21, 2020. The City Manager, Chief Financial Officer and Department Heads presented a proposed budget and Capital Improvement Plans for review at the September 2, 2020, Finance Committee meeting.

Mr. Wynn pointed out that the renewal rate for health insurance would be a 3.7% increase. The Medical Loss Ratio (MLR) Rebate Check would be applied and employee premiums would remain the same. Also, the life insurance benefit would now be two-times the annual salary for all employees.

Mr. Wynn reported that there would be current FY2020 Budget Amendments including Jarboe Park improvements, the Senior Center, and the Community Vision Plan. He reviewed the FY2020-2021 Preliminary Budget Summaries for Governmental Funds and Proprietary Funds. The Mobility Management Program or Paid Parking Fund is being added.

Vice Mayor Jones requested that Council should discuss a minimum amount or a certain fixed percentage from the parking fund that would be dedicated to the Beaches Town Center. This would allow visible improvements from the funding.

Police Chief Report Police Chief Richard Pike thanked Grants and Resiliency Coordinator Colin Moore for finding and facilitating a CARES Act Grant in the amount \$50,000 that will be used to buy key equipment. The Police Department is partnering with Fresh Farm Foods to organize a food drive. Details will be forthcoming.

PUBLIC COMMENTS / NONE

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

CDB 20-02, Art Project, 301 Atlantic Blvd CDB 20-02- Application for an Art Project as outlined in Chapter 27 Sec. 27-596 of the Unified Land Development Code for the property known as 301 Atlantic Blvd (Re#172982-0000) and the dumpster enclosure that is located on the City's right of way of Second Street adjacent to 301 Atlantic. The property is owned by Huron Sophia, LLC and is occupied The Local restaurant. The request is to paint a mural on the eastern wall of the building and paint the dumpster enclosure to match.

Mayor Brown reported that this application passed unanimously through the Community Development Board on August 12, 2020.

Applicant Representative Jack Demetree, representing the applicant, was sworn in by City Attorney Zachary Roth.

Councilor Wiley questioned if the work that is currently on the wall now is going to come down and be replaced with this project.

Mr. Demetree stated that what is on the wall now is the base for the project. He did not realize they needed to go through this process and that was his mistake. He added that the artist is a good friend who has done work for him in the past and has done work inside the restaurant. Mr. Demetree added it is trendy and beachy.

Councilor Messinger commented that this is a great project by an incredibly talented artist and he fully supports it.

Made by Messinger, seconded by Jones.

MOTION: TO APPROVE CDB 20-02, ART PROJECT FOR PROPERTY AT 301 ATLANTIC BOULEVARD

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2020-05, Dogs on the Beach
Ordinance No. 2020-05: Second Read and Public Hearing. An Ordinance Amending Section 6-31 Regarding Dogs on the Beach to Clarify Leash Requirements; Correcting a Typo; Providing for Severability; Providing an Effective Date.

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

Made by Messinger, seconded by Chin

MOTION: TO ADOPT ORDINANCE NO. 2020-05 ON SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2020-06, Pension Benefits
Ordinance No. 2020-06, 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 Code of Ordinances of the City of Neptune Beach; Amending Section 2-349.12, Minimum Distribution of Benefits; Amending Section 2-349.25, Reemployment After Retirement; Amending Section 2-349.27, Individual Member Share Accounts; Providing for Compliance with the SECURE Act; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

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

Mr. Roth stated that he did go through and review what the Pension Board attorney had put together. He had no additional comments.

Made by Wiley, seconded by Messinger.

MOTION: TO PASS ORDINANCE NO. 2020-06 ON FIRST READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2020-09,
Voting
Requirements for
Certain Millage
Rate Increases

Ordinance No. 2020-09, First Read and Public Hearing. An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date.

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

Councilor Wiley stated that he is sponsoring this ordinance, which would require a super majority vote of the Council to increase the millage rate any higher than one-half mil.

Councilor Chin commented that he was curious historically what was the millage rate increase in the past and how this had been handled by our neighboring cities. He expressed that it would be useful for the Council to take this to a workshop before first read to answer some of these questions.

Councilor Wiley explained that Neptune Beach has not increased the millage rate in quite some time. He stated that having four out of five votes would have more of a buy into a rate increase and it is necessary to protect certain increases. It is not saying you cannot increase it above a half a mill. It is saying you have to have four out of five votes.

Councilor Messinger questioned if there had been a staff report or research done on what is happening throughout the state and other cities on this issue.

Mr. Wynn stated that there was not a report generated. However, it looks like the City of Jacksonville (COJ) does not require a super-majority vote.

Councilor Wiley reported that COJ has 19 members and we have five. This is self-explanatory. One-half a mill would generate approximately \$400,000 on the current ad valorem base we have. It does not matter to him what the rest of the state is doing. This is for the residents of Neptune Beach. He does not see the need to workshop this item.

Vice Mayor Jones questioned if precedent has been made in other communities. He added he would like more information. He requested City staff research or look at some examples of similar kinds of language. He would just like to have a basis.

Mayor Brown advised that this ordinance would be moved to the next Council workshop.

Ord. No. 2020-10,
Sidewalk
Construction
Fund

Ordinance No. 2020-10, First Read and Public Hearing. An Ordinance Amending Section 27-479, Regarding Sidewalk Construction and Use Requirements; Amending Requirements Regarding Outdoor Seating in Rights-of-Way; Providing for Payment in Lieu; Providing Appeal Procedure; Providing for Severability; Providing an Effective Date.

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

Community Development Director Kristina Wright stated that Staff has devised a solution where constructing sidewalks is not practical. This will allow for flexibility. The ordinance language allows for payment in lieu of construction. This is based on cost per linear foot, as established by the Public Works Department on the rate being used for sidewalks at that time. This is something issued prior to any development permits.

Councilor Wiley asked if any cities other than Orlando had been researched and had other comparisons been researched.

Ms. Wright explained that Mount Dora, which is a city similar in size, had been utilized. She added that Orlando was used because the language is more sophisticated than some of

the smaller communities. This actually covers not only the process but some basic design standards and establishes an appeal process. It also makes more clear the difference between a lease and a permit.

Councilor Messinger questioned if there was a mechanism in place that would require repair or replacement of the existing sidewalk due to damage from heavy equipment during construction.

Ms. Wright indicated that the language could be tightened up to address quality and maintenance. This could be added before the next reading to address any loophole that would take place.

Councilor Chin pointed out that it states authority is given to the Public Works Director alone. He suggested modifying the language to add "or designee" in case the Public Works Director is not available. He also questioned the appeals process going directly to Council and not to the Community Development Board. Councilor Chin was concerned that this conflicts with the current provisions of the Code.

Ms. Wright advised that the first appeal is to the City Manager then to Council.

Mr. Roth commented that it is creating a new appellate and is not inconsistent with any provision of the Code. This would be a separate procedure.

Vice Mayor Jones emphasized that it would be good to add quality maintenance information. Also, when we talk about the type of sidewalk, as a reference, we should defer to the Florida Design Manual. This is FDOT's new standard for constructing sidewalks. He would also urge some caution around a minimum of three feet for a sidewalk. While that is ADA compliant, wherever you have a sidewalk that is less than 60 inches, you have to provide crossings every 200 feet that are five feet across. We may want to be specific regarding this language. He suggested including the full language regarding sidewalks and referencing the Florida Design Manual as a basis for design and construction of new sidewalks.

Mayor Brown commented she too had concerns regarding the three-foot minimum.

Councilor Messinger stated that he gets the design standard and understands the component of it. However, he wants to ensure consistency throughout the community.

Made by Messinger, seconded by Jones.

MOTION:

TO ADOPT ORDINANCE NO. 2020-10 ON FIRST READ

Roll Call Vote:

Ayes: 4-Messinger, Chin, Jones, and Brown.

Noes: 1-Wiley

MOTION CARRIED

OLD BUSINESS

**Senior Center
Funding**

Neptune Beach Senior Activity Center Funding. City Manager Stefen Wynn explained this is for approval for \$400,000 from the Better Jax Half-Cent Sales Tax for the Senior Activity Center. Approval is needed at this meeting in order to start moving forward with the contract for the proposed modular building. Mr. Wynn reported that \$45,000 in donations has already been received. There are also foundational grants and corporate donations that the City is waiting for approval on.

Senior Center Director Leslie Lyne commented that she is working hard to get more donations and written for more grants. She has also requested City of Jacksonville include the Senior Center in their budget as the Center serves all three beach communities. The design work has been done and the floor plan completed.

Vice Mayor Jones stated he thought the number was under \$200,000. He questioned the basis for the increase.

Ms. Lyne explained that there were upgrades, which included nine-foot ceilings and LED lighting. The original number was around \$290,000. The extra amenities make it look better and helps with keeping with the neighborhood.

Mr. Wynn remarked that the model the City is looking at is the Carolina Skiff model. Ms. Lyne was able to negotiate with the pricing and the \$400,000 is lower than the original quote.

Ms. Lyne stated that this is going to be more of a Community Center. The accessibility and the parking will be extraordinary, and the layout is very workable.

Mr. Wynn continued that the crowdfunding has been successful and the City does continue to seek more donations and grants. Staff is requesting the full \$400,000 to get into production knowing there is \$45,000 less but anything in excess would come out of the donation fund.

Ms. Lyne advised that this modular building is almost 5,000 square feet and costs less than Neptune House. This company does all of the work and there are no subcontractors.

Councilor Messinger stated this is a worthwhile project but would like more detail such as design layout. He added that it would not be unreasonable to bring this to a workshop or one more Council meeting to go over the details with the sales representative. Due to COVID-19, buildings are being laid out differently and he wants to be sure the final design is future proof.

Ms. Lyne stated she knows what is needed to make this work. She would be happy to review all of the details but would like approval tonight to sign off on the contract and hold the pricing. She remarked that the layout is perfect, and the bathrooms are more than adequate and supersede any amount that would ever be needed.

Councilor Messinger stated he had not been provided documents regarding the project. He would like to review them before approving this kind of expenditure.

Councilor Wiley expressed that this has been talked about on several occasions. These numbers and figures have been available and did not just appear tonight. The money is there. This was discussed at the Finance Committee meeting and he is content moving forward with this project.

Councilor Chin asked if the vendor will not lock in the price if a decision is not made tonight. He stated there is a meeting on September 10th. Materials could be distributed and then a decision could be made on that date.

John Patrick, with Vanguard Modular Homes, stated that material costs have been increasing. There is not a price increase anticipated this week.

Mayor Brown commented that she is comfortable moving forward with this project.

Vice Mayor Jones stated that it is about making sure everything is there and transparent. He added he did not know it was 5,000 square feet. He added it is about being informed.

Councilor Wiley stated he is fine addressing it as it is being looked at tonight.

Councilor Messinger agreed with Vice Mayor Jones. He does not have a problem budgeting for the Senior Center. He wants to receive the information to know what the final product is.

Councilor Chin added he would like to have seen the breakdown sooner than this. He would like to have this included on the September 10th meeting to have more time to review the information.

Councilor Messinger stated he supports allocating the funds but would like the detail. He would like Council to have final say on what is being built. He would like to see the final design brought back to Council.

Mr. Wynn answered that if we deviate from the design, the price may fluctuate.

Made by Chin.

MOTION: **TO MOVE THIS ITEM TO THE SEPTEMBER 10TH SPECIAL COUNCIL MEETING**

MOTION DIED FOR LACK OF A SECOND

Made by Wiley, seconded by Jones.

MOTION: **TO APPROVE FUNDING FOR THE NEPTUNE BEACH SENIOR ACTIVITY CENTER IN THE AMOUNT OF \$400,000**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Public Safety Dept. Budget Requests

Public Safety Department Budget Requests. Chief Pike and Commander Michael Key reviewed the FY2020-2021 Budget requests. The items included three police vehicles, radio refresh, Computer Aided Dispatch Project (CAD), TASER refresh, a new generator which would also service City Hall, exterior paint of Police HQ, HVAC for Training Room, replacement of 4 x 4 UTV, purchase of two sign boards and water barricades with trailer, purchase of two Body Worn Cameras (BWC) and in-car cameras for DUI Unit, firearm range upgrades, Glock duty weapon 9mm transition project, bicycle repair station and patrol rifle refresh.

Public Works Dept. Budget Requests

Public Works Department Budget Requests. Public Works Director Leon Smith reviewed the Public Works Department FY2020-2021 Budget requests. The requests include building repairs, roof replacement, auto-lift replace, beach crossover replacement, City sidewalk repairs and installation, culvert replacement, backhoe replacement, public works building maintenance, CIPP pipes in the City, water main installation, storage tank maintenance, a well study, wastewater treatment plant upgrades, sewer improvements, pump replacement and repairs.

Councilor Messinger requested costs for water pipe replacement at Arrowhead Trail as there have been water main failures in that area.

Vice Mayor Jones suggested looking at the most critical infrastructure needs now that the stormwater fund is being regenerated. He proposed a line of credit or bonding mechanism to address this.

Mr. Wynn reported that the City is in the process of mapping existing utilities with Parsons Engineering. The City would be able to see the areas that need repairs and prioritize those projects.

Res. No. 2020-06, CDB Appointment

Resolution No. 2020-06, A Resolution Appointing Member to the Community Development Board. Mayor Brown reported that Jonathan Raiti was appointed on June 6, 2020, to fill a term that would expire on September 4, 2020. This resolution appoints Mr. Raiti to a full one-year term as an alternate to the Community Development Board.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NUMBER 2020-06, APPOINTING ALTERNATE MEMBER TO THE COMMUNITY DEVELOPMENT BOARD**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2020-07, Adopt Duval Co. Local Hazard Mitigation Strategy

Resolution No. 2020-07, A Resolution of the City of Neptune Beach City Council Accepting and Adopting the Updated Duval County Local Hazard Mitigation Strategy Document.

A resolution adopting the county plan is a requirement for Neptune Beach projects to be eligible for mitigation grant funding.

Made by Jones, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NUMBER 2020-07, ACCEPTING AND ADOPTING THE UPDATED DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Jarboe Park Funding

Jarboe Park Funding. City Manager Stefen Wynn explained this item has been discussed in multiple committees and workshops and is ready for approval. The funds would come from the Better Jacksonville Half-Cent Sales Tax. Approval is needed in order to get under contract and move forward.

Councilor Messinger commended City staff for their effort and time on this project and stated he is looking forward to seeing construction begin.

Included in the funding is the trail, bridge and bridge relocation, site work (ponds courts and playgrounds), ADA parking, Kompan playgrounds and Kompan fitness equipment, courts (lighting and fencing), and concrete (sidewalks, curbs, and parking).

Made by Messinger, seconded by Jones.

MOTION:

**TO APPROVE FUNDING FOR JARBOE PARK IMPROVEMENTS
IN THE AMOUNT OF \$596,288**

Roll Call Vote:

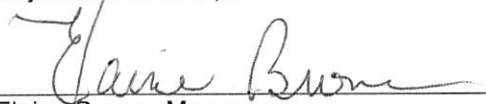
Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:28 p.m.


Elaine Brown, Mayor

Attest:


Catherine Ponson, CMC
City Clerk

Approved: 10-5-2020

