



MINUTES
REGULAR CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, NOVEMBER 2, 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, November 2, 2020, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

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
Deputy Public Works Director Megan George
Mobility Management Director Megan Steward
Senior Center Director Leslie Lyne
Community Development Director Kristina Wright
City Clerk Catherine Ponson

Call to Order/Roll Call

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

Proclamation

Mayor Brown presented a proclamation declaring November as Complex Regional Pain Syndrome Awareness Month. Anita Davis, founder of the local support group, and Charles and Rebecca Miller were present to receive the proclamation.

APPROVAL OF MINUTES

Minutes

Made by Wiley, seconded by Jones.

MOTION:**TO APPROVE THE FOLLOWING MINUTES:**

October 5, 2020, Regular City Council Meeting
October 19, 2020, Workshop City Council Meeting

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS / CORRESPONDENCE / REPORTS

- Police Chief Report Police Chief Richard Pike reminded everyone that the Farm Share Food Drive would be held on Saturday, November 14, 2020, beginning at 9:00 a.m. The City has partnered with Beaches Chapel, Community First, and Farm Share Foods to help families in need. He also presented the monthly crime and statistics for the month of October.
- City Manager Report City Manager Stefen Wynn reported the following:
- Public Works Director Leon Smith retired as of October 30, 2020, after 44 years of service to Neptune Beach. He was honored with a drive-by retirement party on Thursday, October 29, 2020.
 - Final details for Jarboe Park are scheduled for discussion at the Land Use and Parks Committee on November 12, 2020, at 8:30 a.m. The groundbreaking ceremony was held earlier today. He also presented a revised timeline.
 - He has signed a Memorandum of Agreement with the North Florida Utilities Group. This is a regional coordinating group to protect and evaluate groundwater resources.
 - There are two roundtables scheduled for the Vision Plan. The Community Development Board will hold one on Wednesday, November 4, 2020, at 6:00 p.m., following their regular meeting. City Council will hold one on Friday, November 6, 2020, at 11:00 a.m. These are important as this provides an opportunity for residents to provide input.
 - The City will be offering a "Trident" Award to honor residents that have contributed to improving the quality of life for its residents. Citizens can be nominated through an application process.

All monthly City Manager reports can be found, in their entirety, at : <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>

PUBLIC COMMENTS

- Public Comment Nicole de Venoge, 617 Oak Street, Neptune Beach, stated she is a longtime resident and a concerned citizen. She currently serves on the Executive Committee of the First Coast Surfrider Foundation. She is responsible, with a team of grassroots volunteers, to push the campaign for rise above plastics and reduce single-use plastics. She is concerned with the amount of debris, including latex balloons and nylon string. She suggested city-wide measures to reduce the amount of overall waste.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

- CDB20-03SE, 628 Atlantic Blvd., Suite #1 CDB20-03SE, Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for the property owner Neptune Square LV, LLC Et AL/Seminole Shoppes LLC. The request is to add a covered outdoor seating/dining area on private property in front of the property known as for 628 Atlantic Blvd. Suite #1 (RE# 172394-1700) per Section 27-226(j)(3)b-Allowable uses within zoning districts.

Community Development Director Kristina Wright confirmed Councilor Wiley's inquiry that there is more than enough parking and it is part of the shopping center

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE CDB20-03SE FOR A SPECIAL EXCEPTION FOR OUTDOOR SEATING AND DINING AT 628 ATLANTIC BOULEVARD, SUITE #1**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

V20-09, 241
Atlantic Blvd,
Suite 102, Jax
Surf and Paddle

V20-09, Application for variance as outlined in Chapter 27, Article 3 Division 8 of the Unified Land Development Code of Neptune Beach for the property owner Southcoast Beaches, II, LLC and tenants Jax Surf and Paddle, LLC. Variance request to Special restrictions and conditions on allowable uses within zoning districts Sections 27-227(6)(1), 27-227(6)(2) & 27-227(6)(3). The request is to enclose a space of the City's right-of-way adjacent to 241 Atlantic Blvd Suite 102 (RE#172787-0020) in order to extend their retail offerings.

Councilor Wiley stated there was discussion at the CDB meeting regarding the word "temporary." He questioned how it applies to this application.

Ms. Wright explained that this would require a lease agreement. The nature of the temporary was the barrier around the outdoor area. The applicant stated that they would be willing to remove something that would be maybe more of a higher aesthetic. It would be considered temporary even though it has more of a permanent nature. At the close of business each day, the merchandise has to go back in.

Mr. Wynn stated that what the CDB has recommended is strictly allowing for retail space only. The temporary would be decided with the lease agreement.

Councilor Messinger commented that it was his understanding that the motive behind point #2 of the staff recommendations is that the retail items would go back in at night. There are no tables or alcohol outside.

Mr. Wynn expressed that the lease agreement would be up for annual renewal which would allow for any changes to be made.

City Attorney Zachary Roth clarified that the provision of the Code already provides that outdoor retail sales have to be taken back each day. The variance is essentially to allow it in the public right-of-way because currently that provisions state you cannot have retail sales in the public right-of-way.

Councilor Chin stated that in looking over the diagrams, he can understand the reasoning for where they are positioning the enclosed area. He was wondering if that comes too close to the corner and if it would impede some pedestrian access. He asked if there was any discussion of having it in the other doorway.

Ms. Wright explained that one of the conditions of approval was to reduce the size to 150 feet, which is the Code requirement. The diagram is actually much larger than allowed.

Made by Messinger, seconded by Chin.

MOTION:**TO APPROVE V20-09, FOR 241 ATLANTIC BLVD, SUITE 102 WITH THE FOLLOWING CONDITIONS:**

1. **CITY MANAGER MUST APPROVE ANNUAL PERMIT PRIOR TO INSTALLATION.**
2. **INSTALLATION SHALL BE OF A TEMPORARY NATURE AND MUST BE REMOVED BEFORE THE CLOSE OF BUSINESS EACH DAY. TO BE NEGOTIATED BY THE CITY MANAGER IN THE TERMS OF THE LEASE.**

3. THE OUTDOOR AREA MUST BE REDUCED IN SIZE TO A MAXIMUM OF 150 SQUARE FEET TO ADHERE TO THE LDC.
4. THE OUTDOOR AREA IS RESTRICTED TO RETAIL SALES ONLY.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CDB20-05,
Seahorse Inn

DB20-05, Application for Art Project as outlined in Chapter 27 Section 27-596 for the property owned by Seahorse NB, LLC located at 120 Atlantic Blvd. The request is to paint a mural on the south wall facing Lemon Street of the Seahorse Oceanfront Inn.

Councilor Chin stated that the area in question is, right now, not too aesthetically pleasing. This would be an improvement to the area and would be a fun addition the Beaches Town Center where people can take pictures and have a personalized postcard.

Councilor Messinger commented he had received a number of phone calls regarding potential artists looking to sell advertisers based on it. So you could put money down and have your business name as a hashtag on it. He wants to clarify that if someone is selling advertising space, that it would be a violation of our Code

Made by Jones, seconded by Wiley.

MOTION:

TO APPROVE CDB20-05, ART PROJECT AT 120 ATLANTIC BOULEVARD WITH THE CONDITION THAT IT SHALL CONTAIN NO ADVERTISING THAT WOULD OTHERWISE BE COVERED BY THE CODE

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CDB 20-05SE,
2004 Forest Ave.,
Senior Center

CDB20-05SE, Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 Section 27-226(c)(3)a of the Unified Land Development Code of Neptune Beach for the property formerly known as 2004 Forest Avenue (Re#177490-0000). This property is owned by the City of Neptune Beach. The request is to construct a new Senior Center in the R-1 zoning district.

Made by Messinger, seconded by Wiley.

MOTION:

TO APPROVE CDB20-05SE, APPLICATION FOR SPECIAL EXCEPTION AT 2004 FOREST AVENUE

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2020-11, Microblading Ordinance No. 2020-11, First Read And Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 27, Unified Land Development Code; Article IV, Land Use; Amending Section 27-226, Allowable Uses Within Zoning Districts; and Providing an Effective Date (Allows a Specific Form of Tattoo Artistry that only Includes Microblading and Permanent Cosmetic Artistry within the C-2 and C-3 Zoning Districts)

Public Hearing Mayor Brown opened the public hearing.

Elizabeth Smith, 1225 Atlantic Boulevard, Neptune Beach, stated as an owner/franchise partner, she supports this ordinance. It helps cancer survivors regain their confidence as they lose their hair during treatment.

There being no further comments from the public, the public hearing was closed.

Made by Messinger, seconded by Wiley.

MOTION: **TO APPROVE ORDINANCE NO. 2020-11 ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

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

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

Councilor Wiley stated that this ordinance has been discussed and he asked for Council support. It is another step for the homeowners. It allows for changes in case of emergencies.

Vice-Mayor Jones commented it would be good to have language about what would constitute an emergency.

Councilor Wiley stated that the emergency would be more in the area if there was a storm or if there wasn't enough in the reserves or if there was a major project. It would be something that is not in our normal scope of doing business.

Mr. Roth stated that the emergency language does not come from this ordinance. It comes from Chapter 2 of the Code in terms of waiving the requirement to go to two reads in the event of an emergency. The Council passed an ordinance this past summer to help with utility bills. It is intentionally vague to allow flexibility for the decision of the Council.

Made by Wiley, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2020-09 ON SECOND READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2020-12, R-4 Lot Split Moratorium Ordinance No. 2020-12, Second Read and Public Hearing, An Ordinance of the City Of Neptune Beach, Florida, Extending A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date.

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

Made by Jones, seconded by Messinger.

MOTION: TO ADOPT ORDINANCE NO. 2020-12 ON SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2020-13, PUD Moratorium Ordinance No. 2020-13, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, To Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-244.1, Temporary Moratorium; 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.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT ORDINANCE NO. 2020-13 ON SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Christmas Light Funding Request Christmas Light Funding Request from Beaches Town Center. Mr. Wynn explained that due to the shortfall in fundraising from Beaches Town Center. They were unable to have all of their fundraisers. They are requesting assistance from all of the Beaches communities to be split three ways. The request is actually \$10,666, so we are rounding it to \$11,000.

Councilor Messinger asked what fund this would be paid from. Mr. Wynn stated that it would come from the discretionary fund and the parking program.

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE THE BEACHES TOWN CENTER REQUEST FOR CHRISTMAS LIGHTING IN THE AMOUNT OF \$11,000 FOR 2020**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Surplus Property Surplus Property -2002 John Deere Backhoe-Model 710SG.

Made by Jones, seconded by Wiley.

MOTION: **TO DECLARE THE 2002 JOHN DEERE BACKHOE, MODEL 710SG AS SURPLUS**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Northeast Florida Public Employees' Local 630 Union Contract
Northeast Florida Public Employees' Local 630 Union Contract

Made by Wiley, seconded by Chin.

MOTION: **TO APPROVE THE NORTHEAST FLORIDA PUBLIC EMPLOYEES' LOCAL 630 UNION CONTRACT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

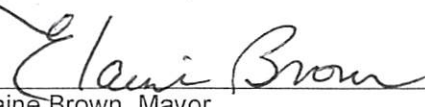
Mayor Brown announced that for the first time in 35 years, the Pete's Bar Thanksgiving Event would not be held.

Adjournment There being no further business, the meeting adjourned at 7:07 p.m.

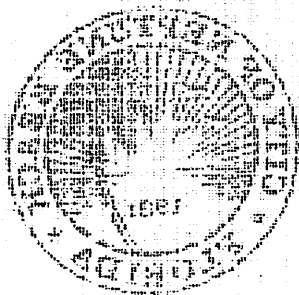
Attest:


Catherine Ponson, CMC
City Clerk

Approved: 12-7-2020


Elaine Brown, Mayor





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