



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, OCTOBER 18, 2021, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, October 18, 2021, 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 Lauren Key
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Public Works Director Jim French
 Senior Center Director Leslie Lyne
 Grant and Resiliency Coordinator Colin Moore
 Community Development Director Kristina Wright
 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.

Public Comments

Harriet Pruette, 217 ½ Magnolia Street, Neptune Beach, stated the City needs to have its own building inspector. This is important to the citizens.

**Pete's Bar
Thanksgiving Day
Event****Consideration of Approval of Pete's Bar 2021 Thanksgiving Day Celebration Request.**

Mayor Brown explained that Pete's Bar has requested to bring back the Thanksgiving Day celebration and it would need Council approval.

Councilor Messinger stated there were four businesses listed on the permission letter and asked if there was a policy that would allow another business in the Beaches Town Center to join if they choose to. He questioned how would that be handled since the Council would be making an approval that lists four businesses.

City Attorney Zachary Roth advised that from a legal perspective, the easiest way to handle it would be to approve this tonight and provide that other businesses in the area can participate with the City Manager's approval as long as they sign onto the terms of agreement.

Made by Jones, seconded by Messinger.

MOTION: **TO APPROVE PETE'S BAR 2021 THANKSGIVING DAY EVENT**

Made by Messinger, seconded by Key.

AMENDED MOTION: **TO APPROVE PETE'S BAR 2021 THANKSGIVING DAY EVENT PROVIDED OTHER BUSINESSES IN THE AREA CAN PARTICIPATE, WITH CITY MANAGER APPROVAL, AS LONG AS THOSE BUSINESSES SIGN ON TO THE TERMS OF AGREEMENT**

Amended Motion Roll Call Vote:

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

Noes: 0

AMENDED MOTION CARRIED

Original Motion Roll Call Vote:

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

Noes: 0

ORIGINAL MOTION CARRIED

Ordinance No. 2021-09, R-4 Lot Split Moratorium	Ordinance No. 2021-09, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Further Extending a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications 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 Section 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 An Effective Date
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Public Hearing	Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.
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Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE ORDINANCE NO. 2021-09, APPROVE ORDINANCE NO. 2021-09, EXTENDING TEMPORARY MORATORIUM ON PLAT OR REPLAT IN R-4 ZONING DISTRICT ON FIRST READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No. 2021-10, PUD Moratorium	Ordinance No. 2021-10, First Read and Public Hearing. An Ordinance of the City of Neptune Beach 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 27-245, Temporary Moratorium; Providing an Effective Date
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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 Key.

MOTION: **TO APPROVE ORDINANCE NO. 2021-10, EXTENDING THE TEMPORARY MORATORIUM FOR APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUDs) ON FIRST READ**

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

MOTION CARRIEDPlan Submittal for
Water Discharge

Consideration of Approval of Plan for Eliminating Nonbeneficial Surface Water Discharges Pursuant to House Bill 64 (2021). Public Works Director Jim French explained this is a result of Senate Bill 64. This year the State of Florida passed legislation requiring the City to submit a plan for eliminating nonbeneficial surface water discharges from its Wastewater Treatment Facility (WWTF) by January 1, 2032. The legislation is associated with House Bill 64 (2021). The required plan must be submitted by November 1, 2021. If the plan is not submitted by November 1, 2021, the City's WWTF will not be allowed to dispose of its effluent to surface waters after January 1, 2028. On July 19, 2021, leadership from Atlantic Beach, Jacksonville Beach and Neptune Beach met to discuss the issues and explore options. The State's new legislation contain difficult deadlines, technical challenges, and exorbitant costs that it is not realistic to plan for in such a short window

Discussion ensued including planning with the other beach cities, nitrogen levels, available funding, and possibly hiring a consultant to assist with all the beach cities in a planning process.

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE THE PLAN FOR ELIMINATING NONBENEFICIAL SURFACE WATER DISCHARGES PURSUANT TO HOUSE BILL 64 (2021)**

Roll Call Vote:

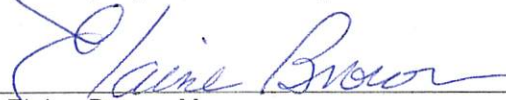
Ayes: 5-Key, Messinger, Chin, Jones and Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the Special Meeting adjourned at 6:18 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 11-1-2021





MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, OCTOBER 18, 2021, 6:18 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, October 18, 2021, at 6:18 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance**IN ATTENDANCE:**

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Jim French
Grant and Resiliency Coordinator Colin Moore
Senior Center Director Leslie Lyne
Community Development Director Kristina Wright
City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:18 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

City Manger Stefen Wynn presented the Departmental Score Card. He reviewed each department's current and upcoming events and projects.

Mr. Wynn reported that the Comprehensive Plan would be ready for the November 1 Council meeting with Department of Economic Opportunity (DEO) edits. The draft would be sent out this week.

Councilor Key asked about the November 1 date for the Comprehensive Plan.

Mr. Wynn advised the second read for the Comp Plan would be on November 1 and that some updates had been requested by the DEO and they have been incorporated.

Councilor Key asked if the changes would be highlighted to clearly see the changes between drafts.

Mr. Wynn stated that he had just received a copy and the changes would be clear when presented.

Vice Mayor Jones asked if there was a schedule of dates and meetings for the Land Development Code update.

Community Development Director Kristina Wright explained there is a Gant chart that outlines the benchmarks including one of the major milestones being in December. This would be an internally circulated draft. She reported that we are still looking at the final adoption in May, 2022.

Mr. Wynn reported that a firm schedule with dates would be distributed.

The Departmental Score Cards are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>

COMMITTEE REPORTS

Finance Councilor Key reported that the Finance Committee would be scheduling a meeting later in October.

Land Use &
Parks Councilor Messinger reported that this committee met on September 7, 2021, and discussed updating the tree policies, tree planting through the Beautification Committee, including 60 hardwood trees and additional palms, the Duval Tree Mitigation Fund tree planting in Jarboe Park, recycling and trash containers and consistency with the City's wayfinding signage

Strategic
Planning/
Transportation
& Public Safety Vice Mayor Jones reported the Strategic Planning Committee would be scheduling a meeting in the next couple of weeks. Transportation and Public Safety Committee met on September 23, 2021, and discussed the crosswalk improvement at Kings Road and Florida Boulevard. The installation has been delayed by COJ. Councilor Sandy Golding of Jacksonville Beach joined the meeting virtually. The Penman Road project would kickoff in October.

Grants and Resiliency Coordinator Colin Moore announced in celebration of the new segment completion of the East Coast Greenway, the City of Neptune Beach is hosting several events on Thursday, November 4, 2021, beginning at 3:30 p.m. with a bicycle helmet fitting and giveaway at Jarboe Park. Elementary and middle school students are invited to get fitted to the perfect helmet size and leave with a free helmet. At 5:15 p.m., we will have a ribbon-cutting ceremony with a fun run/walk/bike with multi-distance options for all ages. In addition, several partners will have tables at the park as part of FDOT Mobility Week. Please join us as we highlight this exciting multimodal transportation achievement!

The 2021 North Florida Safe Streets Summit is being held in Jacksonville at the Hyatt Regency on Friday, November 4, 2021. The keynote speaker for the Summit, Gil Penalosa, will be in attendance at the ribbon cutting. Vice Mayor Fred Jones will be a moderator at the Safe Street Summit.

Councilor Chin stated he had heard from a number of parents regarding how dangerous crossing Third Street is to get to the beach. He inquired if we could accentuate the crossing zones to help make it safer to cross.

Mr. Wynn explained that since Third Street is a state highway, any work would need to be completed by FDOT.

PUBLIC COMMENTS

Public Comment Charles McCue, 1908 3rd Street, Neptune Beach, spoke regarding the GEM car purchased for the parking program, drainage issues, Council response to constituents, and the Beautification Committee. He requested an area on the beach be designated for dogs. He also commented on trash service in the Jarboe Park and sign inconsistency

PROPOSED ORDINANCE

Proposed Ordinance, Dogs on the Beach Proposed Ordinance No. 2021- An Ordinance of the City of Neptune Beach Amending Section 6-31, Regarding Dogs on the Beach to Establish Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing an Effective Date

Councilor Messinger stated that the letter from the Neptune Beach Police Department sums up the ordinance nicely. He agrees with the legislation and the consistency with Atlantic Beach since we share the Beaches Town Center.

Vice Mayor Jones commented that the last thing we want to do is create a punitive atmosphere around people with dogs on the beach.

Councilor Chin remarked he had concerns with eliminating the hours during the heavy beach season. The hours were enacted because there were people concerned with misbehaving dogs. He also questioned the enforcement of some of the provisions, including how you would know if someone had potable water with them for the animal.

Animal Control Officer Denine Zagari stated the majority of the violators are crossing over from Atlantic Beach into Neptune Beach and vice versa. There is no definitive mark on the beach unless you specifically know One Ocean divides the beaches. The majority of them are coming from out of town or staying in the hotels. These people are mostly time restriction violators. She talks to them and they go back to Atlantic Beach. It would be nice to be able to allow them free reign in Neptune Beach.

The majority of the leash violators are our residents. They know all dogs are supposed to be on a leash. The leash laws apply no matter what the hours are. The time restrictions do not replace anything. It would allow us to be more consistent with Atlantic Beach and have a more friendly environment for dogs.

Councilor Key asked for clarification for the public that this would not change the leash law and would only change the time in which dogs are allowed on the beach.

Ms. Zagari confirmed that this would only change the timeframe. Leashes are required while you are on the beach except if you and your dog are in the ocean and there is a specific ordinance for that. Jacksonville Beach still has the dog restriction times. All three beaches are trying to align with each other so there is not so much confusion.

City Attorney Zachary Roth pointed out that there is a change to the type of leashes that are permissible. Electric collars, remote collars, or other non-physically connected collars or leashes do not comply with this requirement. The person must control a leash physically connected to the dog.

Councilor Key asked how big of a problem there with the current the time restriction.

Ms. Zagari stated that she had been here almost 10 years and it was a big problem then. She tried to get everyone in compliance. However, there will still be offenders. This year, the tickets have been minimal for off-leashes and she has been given warnings for time

restrictions. The majority of the people are coming out at 10:00 a.m. around Lemon Street and Orange Street and are advised to go to Atlantic Beach.

Councilor Messinger asked Ms. Zagari how often she is having to speak to someone in violation of the time restrictions.

Ms. Zagari reported she had to speak to people multiple times daily. She continued that every time she is out there, there is a dog on the beach. It is typically a walker or runner who did not realize they had crossed over into Neptune Beach.

Councilor Key questioned if patrols would be increasing if these time restrictions would be in place.

Ms. Zagari stated depending on her shift, she goes out at least 2 to 3 times a day and stays 15 to 20 minutes. There are officers with SUVs and trucks that are also out there. There are also citizens who call in and then she goes to the location of the dog. During the summer, there is an extra patrol officer.

Councilor Chin commented he is still concerned about the fact that there were many people who came to speak in favor of the time restriction because they wanted to have their own free time to enjoy the beach. If this becomes a free for all during the heavy usage times, how would we justify adding an extra complication to their enjoyment of the ocean. He stated he would vote only to move it forward for further discussion.

Made by Messinger, seconded by Jones.

MOTION:

**TO MOVE THE PROPOSED ORDINANCE TO FIRST READ
ON NOVEMBER 1, 2021**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

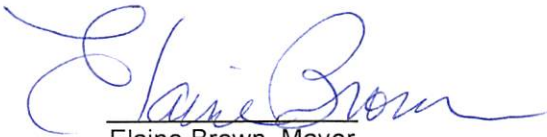
Councilor Messinger asked Mr. Wynn to clarify items from earlier regarding the Polaris GEM car.

Mr. Wynn stated that the cost of the vehicle had been heavily negotiated to \$25,000, with an in-kind donation as part of the settlement. It had been down for a few weeks and has been repaired under warranty. It is back in operation.

Vice Mayor Jones announced there would be a November FDOT public information meeting regarding the Third Street projects. The restriping of the crosswalks on Third Street could be addressed at that meeting with FDOT staff.

Adjournment

There being no further business, the Workshop meeting adjourned at 7:01 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: 11-1-2021