



AGENDA
Regular City Council Meeting (Amended)
Monday, February 7, 2022, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. Introduction of Samantha (Sam) Brisolara - Community Development Director
3. APPROVAL OF MINUTES
 - A. **January 3, 2022, Regular City Council Meeting**
January 18, 2022, Special City Council Meeting
January 18, 2022, Workshop City Council Meeting
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS

• Mayor • City Council • City Manager	• City Attorney • City Clerk • Departmental Reports
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6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE
8. ORDINANCES
 - A. ORDINANCE NO. 2022-01, SECOND READ AND PUBLIC HEARING, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2021. Beginning October 1, 2020, and Ending September 30, 2021.
 - B. ORDINANCE NO. 2202-02, FIRST READ AND PUBLIC HEARING, Amending Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Providing for Severability; Providing an Effective Date
9. OLD BUSINESS / NONE
10. NEW BUSINESS
 - A. RESOLUTION NO. 2022-02, A Resolution Appointing a Member to the Police Officers' Retirement Board
 - B. Neptune Beach Resiliency Lab Memorandum of Understanding and StormSensor Pilot

Project

C. Consideration of Letter Formally Opposing Senate Bill 512 and House Bill 325 Regarding Vacation Rentals

D. Selection for Council Seat 5

11. COUNCIL COMMENTS

12. ADJOURN



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JANUARY 3, 2022, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, January 3, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
 Councilor Kerry Chin
 Councilor Lauren Key (*absent*)
 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
 City Clerk Catherine Ponson

**Call to Order/Roll
 Call/Pledge**

Mayor Brown called the meeting to order at 6:00 p.m.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Chin.

MOTION:

TO APPROVE THE FOLLOWING MINUTES:

December 6, 2021, Special City Council Meeting

December 6, 2021, Regular City Council Meeting

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS / NONE

COMMUNICATIONS / CORRESPONDENCE / REPORTS

**City Manager
 Report**

City Manager Stefen Wynn advised he would give his City Manager Report at the January 18, 2022, Council Workshop. He did want to give an on update two items.

The City has been working with AT&T on the utilities involved in the Florida Boulevard culvert project for quite some time. There would be more improvements after the first of the year.

Mayor Brown requested the City Manager explain the importance and funding for the Florida Boulevard culvert project.

Mr. Wynn explained that stormwater is only as good as the outfall. If you are trying to remove stormwater from a certain area, its only as good as the choke points downstream. This ties into the Florida Department of Transportation (FDOT) drainage improvements to Kings Road Bridge. Opening up that area helps water move faster. There are still more stormwater improvements scheduled for design in all areas of the City. This particular project was funded in part by state appropriations that we have to spend this year.

Public Works Director Jim French reported that the City had been planning this project for five years and finally received the appropriations. Mr. French added that the existing culvert is aging infrastructure that is deteriorating. There are concerns regarding the closing of an important intersection however, the closure is needed to replace the culvert to allow for stormwater improvements.

Mr. Wynn continued by reporting that the signs for parking on Bay Street would be put in place. There would also be signs directing traffic on 5th Street. The City will be taking care of the parking issue on Bay Street.

Mayor Brown suggested opening up 5th Street parking if needed to make it as safe as possible.

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>.

Police Chief
Report

Police Chief Richard Pike presented the December crime analysis report. He reported that there is now a traffic plan for the COVID testing site. The DONNA run will be coming through Neptune Beach on February 6 and the Police Department is attending the weekly planning meetings. It will have the same route as before when starting in Jacksonville Beach.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ord. No. 2021-13,
Emergency
Management

Ordinance No. 2021-13, Second Read And Public Hearing. An Ordinance Creating a New Article VIII, Emergency Management, within Chapter 2, Administration; 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.

City Attorney Zachary Roth pointed out the changes since the first reading. One is a change to the order in Section 2-502 to make it flow better. There was also a section added that says that once an emergency is declared, it is put on the Council agenda for subsequent regular meetings as old business so it is not forgotten about. It also states that after three meetings occur without any action, the Council will vote to continue the state of local emergency at the next regular meeting.

Mr. Roth reported that the word “may” had been added in Section 2-503(1)k. In Section 2-503(2)k., it clarifies that the City can also access waterways to get in and clear things out.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-13, CREATING A NEW ARTICLE II, IN CHAPTER 2, EMERGENCY MANAGEMENT**

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED

Ordinance No. 2021-14, E-scooter Moratorium Ordinance No. 2021-14, Second Read and Public Hearing. An Ordinance by the City Council of the City of Neptune Beach, Extending a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters as Provided in Section 22-7 of the City's Code of Ordinances; Providing for Legislative Findings, Conflicting Ordinances, Severability, Enforcement, and an Effective Date

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

Councilor Messinger stated that many municipalities in Florida and in the United States are starting to put in tighter restrictions. This is prudent given the fact that on the private side, we are beginning to see safety issues.

Councilor Chin commented for the public's edification, the State of Florida has preempted cities from banning these types of vehicles. This is, at the moment, as much as the City can do to help.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-14, EXTENDING TEMPORARY MORATORIUM ON COMMERCIAL RENTAL AND LEASE OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES, AND MOTORIZED SCOOTERS**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

MOTION CARRIED

Ordinance No. 2021-15, FY22 Budget Amendment Ordinance No. 2021-15, Second Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022.

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. 2021-15, AMENDING THE FY2022 BUDGET**

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED**OLD BUSINESS / NONE****NEW BUSINESS**

Kimley-Horn
Supplemental
Agreement #1

Consideration of Approval of Supplemental Agreement No. 1 with Kimley-Horn and Associates, Inc., (KHA) for the Consumptive Use Permitting and Well Design Services. Public Works Director Jim French explained the City's Consumptive Use Permit (CUP) with the St. Johns River Water Management District (SJRWMD) expires on June 11, 2022. This was budgeted and is within the money allotted for the budget.

In addition, one of the City's existing wells is out of service. This out of service well needs replacement, and would also require CUP permitting. These efforts will require ground water modeling, updating the water conservation plan, analyzing historical flows, water usage projections for the next 20-years, finding a suitable site for a new well, a new well design with associated raw water line back to the water treatment plant (WTP), and a CUP renewal application with supporting documentation.

In order to complete these specialized services, staff coordinated with KHA, a consultant engaged through one of CONB's continuing service contracts. Staff determined the proposed total fee of \$421,000.00 to be reasonable for the scope of services provided.

Councilor Chin commentED that this is something the City has to do. It was budgeted already and the City is not spending new dollars or looking for new ways to charge fees.

Councilor Messinger clarified that the money is coming from an enterprise fund. The funds are collected from monthly water bills to pay for the wells that continue to provide that water.

Mr. Wynn pointed out that KHA was one of the continuing services contracts awarded during an RFP process. The RFPs were competitively scored and we are moving forward by giving KHA this contract.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH KIMLEY-HORN AND ASSOCIATES, INC.**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

MOTION CARRIED

Dewberry-
Supplemental
Agreement #2

Consideration of Approval of Supplemental Agreement No. 2 with Dewberry|Hydro (DH) for the MS4 Compliance and Annual Reporting Services. Mr. French explained this was budgeted under professional services in the Stormwater Fees. The City's Municipal Separate Storm Sewer (MS4) permit requires the preparation and submission of an annual report to the FDEP by March 31 of each year. We coordinated with Dewberry | Hydro, a consultant engaged through one of CONB's continuing service contracts, that has experienced staff in MS4 permitting compliance and annual reporting.

We have requested DH to provide Public Works assistance with preparing our MS4 annual reporting and various associated compliance needs during the year. Staff determined the proposed total not to exceed fee of \$19,000.00 to be reasonable for the scope of services provided.

Councilor Messinger requested Mr. French explain the MS4 permit.

Mr. French explained that the MS4 permit covers the City's conveyance systems, which would be pipes, inlets, and ditches. Those things that convey stormwater around the City out to, for the most part the intercoastal waterway. The permit requires the City to do Best Management Practices (BMP) like street sweeping, cleaning inlets and various things that over the course of a year require documentation and tracking. At the end of the year, the City has to assemble those BMPs and compile a report. This rolls down from the Environmental Protection Agency (EPA) to the Florida Department of Environmental Protection (FDEP) that issues the City a permit that allows us to operate the conveyance systems for stormwater in the City. The permit is typically on a five-year cycle.

Mr. French answered Councilor Chin's inquiry that this is a compliance effort that shows the City is performing those BMPs.

Mr. French advised that the contract with DH was solicited through an RFP process, graded and scored. They are one of our continuing contract providers.

Made by Chin, seconded by Messinger.

MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 WITH DEWBERRY HYDRO

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 0

MOTION CARRIED

Res. No. 2022-01,
CDB Members

Resolution No. 2022-01, Appointing Members to the Community Development Board.

Resolution No. 2022-01 appoints the following members to the CDB:

René Atayan	Regular Member	1 st 3-year	01/04/2022	01/04/2025
Greg Schwartzberger	Regular Member	1 st 3-year	01/04/2022	01/04/2025
William Hilton	Alternate Member	1 st 1-year	01/04/2022	01/04/2023
Anthony Mazzola	Alternate Member	1 st 1-year	01/04/2022	01/04/2023
Nicole De Venoge	Alternate Member	Fill Unexpired Term of Greg Schwartzberger	09/04/2021	09/04/2022

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT RESOLUTION NO. 2022-01, APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD

Roll Call Vote:

Ayes: 3-Messinger, Chin, and Brown.

Noes: 0

MOTION CARRIED

Seat 5 Vacancy
Discussion

City Council Seat 5 Vacancy Discussion. Mr. Wynn reported that Vice Mayor Fred Jones has resigned from Council. His term expires in November, 2022. The City will be collecting applicants for the vacancy. The deadline is January 28, 2022. Applications can be accepted electronically to clerk@nbfl.us or in person at City Hall, 116 First Street, Neptune

Beach.

Applications should consist of a cover letter, resumé, and a notarized Affidavit of Residency Interviews with prospective candidates would take place the week of January 31 with an appointment being made at the Regular Council meeting on February 7. The appointed candidate must file and run for office in November should they wish to remain on Council.

This will be posted on the City website, the Beaches Leader and social media platforms.

COUNCIL COMMENTS

Councilor Messinger requested increasing the City's presence in patrolling the Bay Street area, especially regarding speeding. Chief Pike reported the radar sign would be moved to Bay Street.

Mr. Wynn advised there was a meeting at Neptune House on Wednesday, January 6, 2022, regarding the opening of the Jarboe Park and Bay Street.

Councilor Messinger suggested having an additional conversation with Beaches Chapel regarding parking on 5th Street.

Adjournment

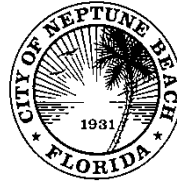
There being no further business, the meeting adjourned at 6:38 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JANUARY 18, 2022, 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 Tuesday, January 18, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
 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
 Mobility Management Director Megan Steward
 Chief Information Officer Miklos Stoffel
 City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

**Ordinance No.
2022-01, FY 2021
Budget Amendment**

ORDINANCE NO. 2022-01, FIRST READ AND PUBLIC HEARING. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2021. Beginning October 1, 2020 and Ending September 30, 2021

Public Hearing

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

Councilor Chin commented that for people who are looking at this and used to seeing deficits in parentheses, in this ordinance, it is revenue coming in. He also questioned the deficits and asked the City Manager to confirm that there were adequately budgeted revenues for the deficits that were not properly tallied in the ledger.

Mr. Wynn explained that in the City's book of record, the financial software revenues are booked in parentheses. He pointed out that anything seen in parentheses is additional revenue. He also stated that there were some things that are grossly over budget due to fund transfers that were never made.

Mr. Wynn stated that for the second read of this ordinance, after meeting with Councilor Key, the totals would be included. He reported that \$99,500 is needed from the appropriated fund balance to cover the general fund deficit after all of the transfers. Each fund is broken down with notes.

Councilor Key remarked that she is looking forward to getting a CFO who is going to take care of things that were missed last budget session.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2022-01, AMENDING FISCAL YEAR 2021 OPERATING BUDGET BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021, ON FIRST READ**

Roll Call Vote:

Ayes: 4-Chin, Key, Messinger, and Brown

Noes: 0

MOTION CARRIED

Adjournment

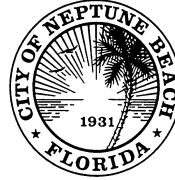
There being no further business, the Special Meeting adjourned at 6:08 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
TUESDAY, JANUARY 18, 2022, 6:08 P.M.

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, January 18, 2022, at 6:08 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
 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
 Mobility Management Director Megan Steward
 Chief Information Officer Miklos Stoffel
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:08 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

City Manager Stefen Wynn presented the Departmental Score Card. He reviewed each department's current and upcoming events and projects. He highlighted the Building, Code Enforcement, and Fire Marshal reports.

**City Manager
Report**

Mr. Wynn reported on the following:

- He gave an update on the Florida Boulevard Culvert Project.
- Temporary speed bumps have been installed on Bay Street.
- He reviewed the differences between a HAWK (High Intensity Activated Crosswalk) and a RRFB (Rectangular Rapid-Flashing Beacon).
- Staff has reviewed Articles I and II of the Land Development Code update and will be discussed later in this meeting.
- A 30% set of drawings for the Senior Center has been reviewed and discussed with the consultant.

Councilor Messinger stated that he wants to ensure that when the Senior Center building is finalized, it is proportionately correct and esthetically pleasing. He does not want to rely on furnishings that come and go. He wants to know what we can do to make it look like more active space permanent to the structure on the front and on the side. How do

we balance the two facades in a way that is most cost effective?

Mr. Wynn stated that we could get some cost alternatives. It would be a bid package that would be considered an alternate. If we want to put that out to bid for the actual construction, we can get an estimate associated with adding some of those architectural details.

Mr. Wynn pointed out that the landscaping is not included on the drawings. The consultant, Marquis Latimer + Halback (MLH) takes the landscaping into serious consideration. Those would be on future sets of drawings, especially along the right elevation.

Councilor Key questioned if there were plans to repaint the building. She stated that it would fit it better with the surroundings.

Mr. Wynn stated that had come up at the design charette held on November 29, 2021, and we have not gotten into those details based on the 30% plans. Once we get further along, he is sure that would be discussed. It is something that needs to be considered.

Councilor Messinger remarked that it is hard to see what the dimensions of the posts are. It should be looked at again as this is a 30-year minimum investment for the seniors in our community. We want to be sure that the balance of the structure is right for the neighborhood. He requested seeing those finer details.

Mr. Wynn reported that with the next meeting with MLH, the City will ask for probable costs of materials so that we can start looking at kicking off a new donation campaign, if necessary.

Mr. Wynn continued his report by stating the tennis, pickleball and volleyball courts in Jarboe Park would be open on January 25, 2022. The path is being poured on the south side of the courts and will cure over the weekend. The courts will be ready for use. Signage is being placed for parking directions.

Mr. Wynn reminded everyone that for all City departments, over 30 projects are ongoing.

Mr. Wynn highlighted City staff members: Senior Accountant Monique Waymer, Mobility Management Director Megan Steward and Police Commander Michael Key.

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

City Attorney Zachary Roth reported that the federal government unveiled a new website: <https://special.usps.com/testkits>. Every household in the U.S. can order one set of 4 free at-home COVID tests by ordering from the site.

COMMITTEE REPORTS

Finance

Councilor Key reported the Finance Committee last met in November, 2021. As the City Manager has taken on a dual role, items for a finance committee were discussed this evening. A meeting would be scheduled in the next couple of weeks.

Land Use and Parks

Councilor Messinger reported the Land Use and Parks Committee would be meeting the week of February 14th. An agenda will be posted once the date has been confirmed.

PUBLIC COMMENTS

Public Comment Chuck McCue, 1908 3rd Street, Neptune Beach, spoke regarding the use of pickleball courts in Jarboe Park. He is concerned our small neighborhood park will turn into a regional pickle ball complex. He questioned the need for eight pickle ball courts and he is also concerned about being prejudicial about who can play and when.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**

Mobility Management Year-End Report Mobility Management Department Year-End Report and Parking Zone Proposal. Mobility Management Director Megan Steward presented the 2021 Year-End Report for the Mobility Management Department.

Ms. Steward reported that the City maintains an electric vehicle charging station that was upgraded in 2021. She reviewed current projects that the Mobility Department is working on. These include a partnership with Smart North Florida on an Integrated Data Exchange and a forthcoming 2022 Roadbotics mapping project. This project is in collaboration with the Public Works Department that will automate the process by which we can score the current maintenance of our streets in Phase 1. Phase 2 would score and prioritize our street signs.

In 2021, there was growth in every single one of the measurable data mechanisms. The paid parking program had 212,532 transactions and generated \$605,847.95. Mobile app usage made up 42% of the parking and kiosk usage made up 58%. One of the most compelling takeaways was how few people use cash.

There was 5.2% in a no-charge category which refers to parking transactions recorded with no cost, including the following: 30-minute parking sessions, Atlantic Beach resident three-hour parking, and validation codes redeemed, such as the codes offered for city meetings.

Councilor Messinger requested, and Councilor Key agreed, to somehow track the permitted spaces.

The parking turnover rate for 2021 was 2.3. This tells us that people are not parking in the town center and leaving the car all day.

There are two zones that we manage outside of our property boundaries: 55 parking spaces in Atlantic Beach, that the City of Neptune Beach retains 30% of the revenue per the Interlocal Agreement. There are also 15 spaces at the 200 First Street Courtyard Parking Zone that the City retains 50% of the revenue based on that Management Agreement.

Ms. Steward reported there were 152 residents registered in 2021, for a total of 1,171 active permits. Councilor Messinger requested if there was a way to find out how many active vehicles we have in comparison to what percentage of our residents signed up.

She reviewed the citation and enforcement aspect of the program. She added that she does not consider citations to be a good metric of the success of the program. In 2021, \$29,617 in revenue from citations was collected. There were 9,000 courtesy warnings.

Councilor Messinger suggested reserving the employee spaces on the west side of City Hall for residents after 6 p.m. Councilor Key expressed her support.

Ms. Steward advised that signs had been ordered as they are required to be higher than the existing ones.

Councilor Chin asked about the concern from residents at the beginning of the program regarding the incursion into the residential areas by people looking for free parking. He asked if we had been able to track any of that recently or monitor trends.

Ms. Steward, Mr. Wynn and Police Chief Richard Pike reported they had not received any complaints.

COAB Zone

Ms. Steward advised that Atlantic Beach has approached the City about the possibility of adding another paid parking zone because we already do parking enforcement. They are proposing a new agreement to enforce paid parking at 18th Street and 19th Street, about 1.7 miles north of Beaches Town Center. There would be limited seasons and hours, including March through October, Thursday through Sunday, from 11 a.m. to 7:00 p.m. It could be an opportunity for us to expand the service that we are already providing and increase the revenue that our program brings in.

Ms. Steward stated that if this is something we are interested in pursuing, she recommends entering into a separate interlocal agreement with different revenue sharing than the existing agreement. She is proposing a 50/50 revenue share. Atlantic Beach asked for a cost justification as to why there would be a different split. She presented a spreadsheet showing projected revenue and costs. Atlantic Beach currently makes up 28% of all the spaces in the Town Center area. There is a wide disparity between what we retain and what 28% of that cost would actually be. What she is presenting illustrates that our current interlocal agreement cost share amounts aren't in line with our costs of the program. The City's feeling is that a 50/50 split would be more equitable.

Discussion

Councilor Messinger stated the program was always about continuity and as little confusion between the two cities. The turnover has been very good. The City of Neptune Beach has incurred all of the costs, such as reprogramming software and retooling the system. He proposed moving the revenue share from a gross system to a net system. It encourages adding more spaces into the system and Neptune Beach is not bearing the brunt of those desires to iterate and those desires to change. When their Commission discusses changes, there are factors that play because it would affect their net. He would be fine with the 70/30 split, but make it on a net basis.

Councilor Key remarked that Neptune Beach carries the cost burden of the program. She agrees with Councilor Messinger's proposal of net versus gross. She stated that at a minimum any change to our interlocal agreement should be that change. She is aware of all of the players involved in the parking program. She has reached out to every Atlantic Beach commission member. She and Ms. Steward have met with quite a few of them to better understand their complaint and there has been plenty of finger pointing.

Councilor Key expressed it would be a sever burden on our staff, especially in terms of morale, to enter into any further agreement, to manage anything else that AB would like us to manage. She added they have not been a good partner to us. They are our sister city, but as someone who has met with them and made attempts to cross the aisle to work with them and understand their concerns, it is within her right to say that. She is vehemently against any further expansion of any program within AB and it unfortunately is not something that she would likely ever support given the history of what's gone on.

Mr. Wynn advised that Neptune Beach has not done any cost analysis for 18th and 19th

Street parking. We wanted to bring this before our Council first before presenting to AB.

Mayor Brown stated the costs of expanding that distance would be a detriment to the program for the less than 100 spaces. She added it would impact our main mission unless there was some extraordinary change to the program. She would also be very interested in the change from net to gross for the interlocal agreement. She wants to keep the consistency. She has many questions about taking on something that far away even with a cost analysis because it would not be a good one.

Councilor Chin stated agreed on switching to a calculation from net versus growth. Also, the logistical nightmare of having to manage two locations that are miles apart would be horrendous, with the cost and time and inefficiency. He knows that the parking on 18th and 19th Street has attracted a lot of controversy in that community. He would hesitate to take that on and become a lightning rod for their public displeasure. He thinks that the consensus is that we are not going to take on 18th and 19th Street.

Councilor Messinger commented he would be interested in seeing a cost analysis. More importantly, the 70/30 net needs to be addressed regardless. He added that there are mechanisms for this to happen. He questioned how many permits are we scanning. AB is also choosing not to charge for the first three hours.

Mayor Brown reiterated she is apprehensive to take something on that takes away from the original intent.

Mr. Wynn summarized that we need to reopen the existing interlocal agreement to discuss net versus growth and whether or not we want to look at a cost analysis for taking on 18th and 19th Street.

Councilor Key stated she does not think it is in the best interest of the City to take on AB's parking problem. She wants no part in that and it is not our problem. She is fine with having discussions regarding net versus growth but there is no way she would support adding their parking for any amount of money.

Mayor Brown offered that she and Mr. Wynn meet with AB to begin conversations on opening the interlocal agreement and start in that direction.

Councilor Messinger stated he is good with opening the interlocal agreement but if it is not a huge staff effort, there would be value in an analysis. It is not a priority but we should address the interlocal agreement.

LDR Update
Discussion,
Articles I
and II

Discussion and Review of First Draft of Chapter 27, Unified Land Development Regulations, Article I, In General, and Article II, Administrative and Enforcement Bodies, of the Neptune Beach Unified Land Development Code Revisions. Mr. Wynn explained that the version before Council had been back and forth between City staff and Dover, Kohl and Partners (DKP). This includes edits, clarifications, and questions that had come up through internal meetings. City staff includes the City Manager, Code Compliance Supervisor, Code Enforcement Officer, Fire Marshal, Grants and Resiliency Coordinator, and the Public Works Director. Public Safety is also involved for some sections.

Mr. Wynn advised that if Council had any questions or comments, now is the time to discuss so that a running list can be kept. This was discussed at the Community Development Board (CDB) meeting on January 12. One of the board members asked for a definition to include porches. Also, they asked to redefine the drip line for trees.

Councilor Messinger questioned the word floodplain variance being added. He asked if this opens up to reflect for variances within our floodplain to have things redesignated or

to avoid having to have compensatory storage.

City Attorney Zachary Roth stated this is just the first part and he is holding his review until we have a document that he can look at everything at once. He added that this provision is intended to clarify what an appeal is regarding floodplains versus the new concept of appeal that is being introduced in the context of a land use change.

Councilor Messinger stated his concern is opening up the ability to redesignate floodplains or to give an opening that could avoid compensatory storage.

Mr. Roth commented that he does not believe there is any intention to change or add any new rights regarding floodplains solely limited to appeals of land development variances, special exceptions, minor plats and those types of things.

Councilor Messinger also stated he wants to be sure that wetlands and conservation land are not included in density calculations.

Councilor Messinger pointed out that the requirement of twelve copies of the proposed preliminary plat is a bit excessive. He also requested that the plans could be provided on a thumb drive.

He commented that his other concern is making sure how we measure the building elevation intertwines with what we allow for resiliency related to the foundation.

Councilor Key requested changing the request for the copies of the plans to "digital."

She asked if we could keep the name "Community Development Board." The proposed change is to "Community Design Board."

Mr. Wynn stated that we could keep the name Community Development Board as long as within the powers, duties, and authorities, we make the necessary changes that will give those architectural review pieces that we are trying to incorporate into our Code. As long as those duties are within the Code, we can keep the name.

Mr. Roth advised there is no legal basis to change it to "Community Design Board."

Councilor Chin agreed with the request to add the definition of porch and more specifications for it. He also mentioned somehow addressing art in the definition of "building sign" or somewhere else in the Code. He requested a way to address an art project to not be for the express purpose of attracting business.

Councilor Chin pointed out to add to the definition of "Clear Visibility Triangle," the appropriate section that has the dimensions.

He questioned in the definition of "day spa" if we should add the microblading provision that the City granted.

Mr. Roth stated microblading is not tattooing and falls under that definition as it is a nonsurgical cosmetic treatment.

Councilor Chin asked is for the terms of office for the CDB, if there should be an added probationary period of time so that we can monitor the performance of a new member. He also suggested a signature line for the training materials so that the members understand their roles and responsibilities. This could also be a kind of oath of office so that they have a clear understanding of what they are getting into.

Mr. Roth stated that, from his perspective, he would support any measures within reason to ensure proper enforcement of the Code. The probationary side would be something we may want to put in. The oath of office could be added by resolution of the Council.

Councilor Messinger requested clarification that the terms when someone is an alternate, not counting them towards their defined term limits.

Councilor Chin questioned Section 27-40, Board Procedures, and that if the Board is required to record a specific motion and record the findings as agreed to as a body.

Mr. Roth explained that more of that work comes with education and he added he had recently requested a motion be detailed as to the basis of the motion. It states that "statement of the facts for variances and special exceptions found by the board."

Councilor Messinger questioned in Section 27-39 (4) that adds "one acre or more of land" to special exceptions that would come before Council. He asked if this removed some special exceptions from coming to Council.

Mr. Roth explained that all special exceptions used to come before Council. This would basically mean that now residential special exceptions would not. This is designed to put the Council at more of an appellate position as opposed to a final decision. This creates a buffer between an applicant who's angry that they have been denied and filing a lawsuit.

Councilor Messinger stated he had concerns as there are certain areas may be smaller, they might have a huge impact This issue needs to be flushed out.

PUBLIC COMMENTS

Public Comment Scott Wiley, 723 Davis Street, Neptune Beach, agrees with the net versus growth for the parking revenue share. He also stated the City does not need to expand the program.

COUNCIL COMMENTS

Councilor Messinger commented he agreed with Mr. Wiley.

Adjournment There being no further business, the Workshop meeting adjourned at 8:02 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



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

AGENDA ITEM: ORDINANCE NO. 2022-01, SECOND READ AND PUBLIC HEARING, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2021. Beginning October 1, 2020, and Ending September 30, 2021.

SUBMITTED BY: City Manager Stefen Wynn

DATE: February 1, 2022

BACKGROUND: This ordinance amends FY 2021 Budget and was passed at First Read on January 18, 2022.

BUDGET: See Ordinance No. 2022-01

RECOMMENDATION: Consider adoption of Ordinance No. 2022-01

ATTACHMENT: 1. Budget Amendment Ordinance 2022-01_2.2.22 (1)



**INTRODUCED BY:
MAYOR BROWN**

ORDINANCE NO. 2022-01

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2021, BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021.

WHEREAS, the City of Neptune Beach adopted an operating budget for fiscal year 2021,

And

WHEREAS, the nature of budgetary systems and those day-to-day decisions affecting such budgetary systems requires adjustments from time to time.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE NEPTUNE BEACH, FLORIDA, that:

Section 1. The Fiscal Year 2021 Final Budget be Amended as follows:

<u>GENERAL FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue received in FY-2021</i>		
001-0000-311-20-10 <i>Delinquent Real Property</i>	\$ (4,300.00)	\$ (7,611.83)	\$ (11,911.83)
001-0000-322-10-00 <i>Building Permits</i>	\$ (152,000.00)	\$ (10,396.48)	\$ (162,596.48)
001-0000-322-20-00 <i>Plan Review Fees</i>	\$ (37,200.00)	\$ (4,488.19)	\$ (41,688.19)
001-0000-331-20-00 <i>Federal Grant Public – Safety</i>	\$ (50,000.00)	\$ (29,169.99)	\$ (79,169.99)
001-0000-335-11-20 <i>11 Cent Cig. Tax</i>	\$ (174,700.00)	\$ (40,926.44)	\$ (215,626.44)
001-0000-335-15-00 <i>Alcoholic Beverage Licenses</i>	\$ (8,800.00)	\$ (9,137.98)	\$ (17,937.98)
001-0000-335-19-00 <i>Local Half Cent Sales Tax</i>	\$ (754,000.00)	\$ (35,576.57)	\$ (789,576.57)

<u>GENERAL FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue received in FY-2021</i>		
001-0000-335-10-00 <i>Motor Fuel Tax Rebate</i>	\$ (2,400.00)	\$ (70,464.61)	\$ (72,864.61)
001-0000-337-20-12 <i>FDOT Grant</i>	\$ (34,600.00)	\$ (6,999.69)	\$ (41,599.69)
001-0000-337-20-30 <i>911 User Fees</i>	\$ (22,600.00)	\$ (86,806.48)	\$ (109,406.48)
001-0000-337-30-20 <i>Florida Blvd. Maintenance</i>	\$ (37,000.00)	\$ (2,470.94)	\$ (39,470.94)
001-0000-337-70-10 <i>Lifeguard/Beach Cleanup</i>	\$ (236,000.00)	\$ (77,425.00)	\$ (313,425.00)
001-0000-341-20-20 <i>Planning Review Board – Misc. Revenue</i>	\$ (2,300.00)	\$ (1,208.16)	\$ (3,508.16)
001-0000-341-20-50 <i>Lien Letters</i>	\$ (8,200.00)	\$ (1,530.00)	\$ (9,730.00)
001-0000-341-20-90 <i>Zoning Verification Charges – Misc. Revenue</i>	\$ (100.00)	\$ (260.00)	\$ (360.00)
001-0000-342-20-00 <i>Fire Protection Service Fee Misc. Revenue</i>	-	\$ (6,990.00)	\$ (6,990.00)
001-0000-341-90-20 <i>Incident Reports</i>	-	\$ (70.30)	\$ (70.30)
001-0000-351-10-00 <i>Court Fines</i>	\$ (19,800.00)	\$ (14,305.52)	\$ (34,105.52)
001-0000-354-10-00 <i>Parking Tickets</i>	\$ (21,700.00)	\$ (489.55)	\$ (22,189.55)
001-0000-354-20-00 <i>Alarm Violations</i>	-	\$ (25.00)	\$ (25.00)
001-0000-354-40-00 <i>Code Enforcement Violations</i>	\$ (1,400.00)	\$ (1,952.00)	\$ (3,352.00)

<u>GENERAL FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue received in FY-2021</i>		
001-0000-362-10-00 <i>Cellular Tower Rentals</i>	\$ (55,800.00)	\$ (36,552.67)	\$ (92,352.67)
001-0000-362-40-00 <i>Fish Camp Sidewalk Rental</i>	\$ (4,000.00)	\$ (523.53)	\$ (4,523.53)
001-0000-362-43-00 <i>Hawkers Neptune Beach Sidewalk Lease</i>	\$ (2,500.00)	\$ (666.80)	\$ (3,166.80)
001-0000-362-45-00 <i>Jax Surf & Paddle/Flying Iguana Sidewalk Lease</i>	\$ (4,000.00)	\$ (2,133.49)	\$ (6,133.49)
001-0000-362-47-00 <i>Southcoast Beaches Sidewalk Rent</i>	\$ (2,200.00)	\$ (200.00)	\$ (2,400.00)
001-0000-364-20-00 <i>Insurance Proceeds</i>	-	\$ (9,710.00)	\$ (9,710.00)
001-0000-368-00-00 <i>General Fund Donation Account</i>	-	\$ (20,000.00)	\$ (20,000.00)
	<i>Additional Amount from Reserves to Cover General Fund Deficit, CDBG Deficit</i>		
001-0000-389-10-00 <i>Appropriated Fund Balance</i>	\$ (675,893.23)	\$ (629,642.00)	\$ (1,305,535.23)

FY-21 General Fund	
Revenue Original Budget	\$ (6,568,271)
Total	

Total General Fund Revenue	\$ (1,107,733.22)
Budget Amendment for FY-2021	

Total FY-2021 Amended Budget General Fund Revenue **\$ (7,676,004.22)**

<u>GENERAL FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Expenditures:	<i>To account for increased expenditures due to the COVID-19 Pandemic and due to an error in budgeting zero for routinely used line-items</i>		
001-1113			
<i>Finance Department</i>	\$ 135,035.17	¹ \$ 119,336.11	\$254,371.28
	¹ <i>To cover additional expenses due to resignations, terminations, new Software and Temporary Staff</i>		
001-1117			
<i>City Clerk</i>	\$ 124,764.95	² \$ 4,303.87	\$ 129,068.82
	² <i>To cover additional expenses due to new software, HR Consultant, and sell-back of personal time</i>		
001-1221			
<i>Police Department</i>	\$ 3,775,066.33	³ \$ 518,857.86	\$ 4,293,924.19
	³ <i>To cover additional expenses related to repair and maintenance, communications services, vehicle repairs, uniforms, overtime and regular salaries related to COVID-19 coverage, retirements and resignations, and to correct an error in not budgeting any Overtime</i>		
001-1223			
<i>Animal Control</i>	\$ 70,129.62	⁴ \$ 1,509.04	\$ 71,638.66
	⁴ <i>To cover additional expenses related to an error in not budgeting for Overtime</i>		
001-1772			
<i>Parks and Recreation</i>	-	⁵ \$ 23,914.68	\$ 23,914.68
	⁵ <i>To cover an error in not budgeting for Parks & Recreation within the FY-2021 Budget</i>		
FY-21 General Fund Expenditures Original Budget Total	\$ 6,568,271		
Total General Fund Expenditures Budget Amendment for FY-2021		\$ 667,921.56	
<u>Total FY-2021 Amended Budget General Fund Expenditures</u>			<u>\$ 7,236,192.56^{5a}</u>

^{5a} The Amended Budget General Fund Revenues are more than the Amended Budget General Fund Expenditures by \$439,811.66. Any unused Appropriated Fund Balance revenues will be returned to the Reserves after the FY-2021 Audit is concluded.

SPECIAL REVENUE FUNDS

CDBG FUND

Original Budget Amendment Amended Budget FY-2021

Revenue Additions: *Additional Amount from Reserves to Cover CDBG Deficit*

001-0000-389-10-00 - \$ (57,500.00) \$ (775,143.46)
Appropriated Fund Balance

TRANSFER FROM 001-0000-389-10-00, TO:

103-0000-381-10-00

Transfer from General Fund

\$ (20,000.00) ⁶\$ (57,500.00) \$ (77,500.00)

⁶To cover deficit in expected revenue from the CDBG grant, class fees, Travel fees, and normal revenue streams. Donations received were restricted for the construction of the new building, and as such are not included in revenue used for normal operating expenses.

LOGT FUND

Original Budget Amendment Amended Budget FY-2021

Revenue Additions: *Additional Amount from LOGT Appropriated Fund Balance to Cover Deficit in LOGT revenue*

107-0000-389-10-00 - \$ (42,500.00) \$ (42,500.00)
(LOGT) Appropriated Fund Balance

LOGT FUND

Original Budget Amendment Amended Budget FY-2021

Expenditures: *To account for increased expenditures due to an error in budgeting resulting in a deficit in personnel related expenses, and for less revenue than expected*

107-1441

Local Option Gas Tax

\$ 265,000.00 ⁷\$ 20,097.59 \$ 285,097.59

⁷ To Cover additional expenses related to personnel

BETTER JACKSONVILLE
1/2 CENT SALES TAX
FUND

Original Budget Amendment Amended Budget FY-2021

Revenue Additions:

To account for a budgeting error where the financial software had a transfer budgeted, but the adopted budget book had nothing budgeted, these amounts are from multi-year projects in Jarboe Park and the Senior Center with adopted budgets

109-0000-389-10-00

Appropriated Fund Balance

- \$ (659,000.00) \$ (659,000.00)

BETTER JACKSONVILLE
1/2 CENT SALES TAX
FUND

Original Budget Amendment Amended Budget FY-2021

Expenditures:

To account for expenditures related to transfer to other funds related to approved multi-year projects at Jarboe Park and the Senior Activity Center Building, and to correct a budgeting error budgeting for the Appropriated Fund Balance

109-1119

*Better Jax 1/2 Cent
Sales Tax*

\$ 993,723.28 \$ 268,2228.21 \$ 1,261,951.49

JARBOE PARK
CIP FUND

Original Budget Amendment Amended Budget FY-2021

Revenue Additions:

To account for a budgeting error where the financial software had a transfer budgeted, but the adopted budget book had less budgeted than the software, these amounts are from multi-year projects in Jarboe Park with an approved budget and change orders from FY-2020 and FY-2021

301-0000-381-00-00

Transfer from Other Funds

\$ (143,200.00) \$ (878,730.52) \$ (1,021,930.52)

JARBOE PARK
CIP FUND

Original Budget Amendment Amended Budget FY-2021

Expenditures:

To account for a budgeting error in rolling-over unexpended amounts for a multi-year improvement project at Jarboe Park

301-1772-572-60-65

Construction in Progress

\$ 350,000.00 ⁸\$853,954.92 \$1,203,954.92

⁸To cover expenses related to the construction of Jarboe Park as approved in FY-2020 and two change orders approved in FY-2021

ENTERPRISE FUNDS

SEWER CAPITAL IMPROVEMENT FUND

	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue for FY-2021</i>		
407-0000-363-23-70 <i>Downstream Pollution Fee</i>	\$ (27,000.00)	\$ (13,362.00)	\$ (40,362.00)

SANITATION FUND

	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue for FY-2021, and Appropriated Fund Balance to Cover deficit in the fund</i>		
430-0000-343-41-42 <i>Garbage Pickup</i>	\$ (1,292,500.00)	\$ (6,663.34)	\$ (1,299,163.34)
430-0000-343-41-43 <i>Recycling Fees</i>	-	\$ (50.00)	\$ (50.00)

SANITATION FUND

	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Revenue Additions:	<i>Unanticipated additional revenue for FY-2021, and Appropriated Fund Balance to Cover deficit in the fund</i>		
430-0000-389-10-00 <i>Appropriated Fund Balance</i>	-	\$ (256,125.00)	\$ (256,125.00)

SANITATION FUND

	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
Expenditures:	<i>To account for an increase in cost due to a CPI increase from the Contracted waste hauler.</i>		
430-4334 <i>Sanitation Fund</i>	\$ 1,459,003.01	⁹ \$ 96,334.57	\$ 1,555,337.58
<i>⁹Due to a contractual obligation to increase each year according to CPI, the contractual services provided by the waste hauler have caused this fund to operate in a deficit, service reduction or utility rate increase is recommended</i>			

<u>MOBILITY MANAGEMENT FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY-2021</u>
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Revenue Additions: *Unanticipated additional revenue for FY-2021*

500-0000-343-41-40

<i>Paid Parking Fees</i>	\$ (360,400.00)	\$ (198,877.95)	\$ (559,277.95)
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500-0000-343-40-50

<i>EV Charging Station Fees</i>	\$ (1,399.99)	\$ (1,370.58)	\$ (2,770.57)
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500-0000-359-00-00

<i>Paid Parking Citations</i>	-	\$ (2,462.00)	\$ (2,462.00)
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Total Mobility Management Fund Revenue	\$ (564,510.52)
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Actual Mobility Management Fund Expenditures	\$ 544,354.79
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(Surplus)/Deficit of Mobility Management Fund	\$ (20,155.73)
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Section 2. The ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	YES
Councilor Josh Messinger	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YESD

Passed on First Reading on this 18th day of January, 2022.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Councilor Josh Messinger
Councilor Kerry Chin
Councilor Lauren Key

Passed on Second and Final Reading on this ___ day of _____ 2022.

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. 2202-02, FIRST READ
AND PUBLIC HEARING, Amending Section 7-29,
Article II, Chapter 7 (Beaches and Waterways);
Governing Use of Certain Personal Vehicles on the
City's Beaches; Providing for Severability; Providing
an Effective Date

SUBMITTED BY: Councilor Kerry Chin

DATE: February 3, 2022

BACKGROUND: Pursuant to Fla. Stat. §316.008(h) and §316.20655(1), the City has right
to regulate the operation of bicycles and electric bicycles with respect to
streets and highways under its jurisdiction and within the reasonable
exercise of the police powers.

The Florida legislature recently adopted revisions to Fla. Stat.
§316.20655 to permit municipalities to prohibit electric bicycles on
beaches and dunes under the jurisdiction of such municipalities.

To address the concerns provided above, the City Council determines
that a prohibition of electric bicycles on the beaches and dunes under
the City's jurisdiction is in the best interest of the City.

BUDGET: N/A

RECOMMENDATION: Consider Ordinance No. 2022-02 at First Reading

ATTACHMENT: 1. Ord. No. 2022-02



INTRODUCED BY:
COUNCILOR CHIN

ORDINANCE NO. 2022-02

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING SECTION 7-29, ARTICLE II, CHAPTER 7 (BEACHES AND WATERWAYS); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY'S BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, pursuant to Fla. Stat. §316.008(h) and §316.20655(1), the City has right to regulate the operation of bicycles and electric bicycles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, pursuant to Fla. Stat. §316.008(s), the City has right to regulate the operation of skates, coaster, and other toy vehicles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, the City also has the right to regulate conduct on the beaches under the City's jurisdiction;

WHEREAS, the City has received complaints from members of the public regarding the reckless use of bicycle, electric bicycles, skateboards, scooters, roller skates, and personal mobility devices on the City's beaches, sidewalks, and streets;

WHEREAS, the unsafe use of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches, sidewalks, and streets presents an imminent and present danger to the health, safety, and welfare of those using the beaches for recreation;

WHEREAS, the City Council previously adopted Section 7-29 of the Code of Ordinances, regulating the operation of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches;

WHEREAS, the Florida legislature recently adopted revisions to Fla. Stat. §316.20655 to permit municipalities to prohibit electric bicycles on beaches and dunes under the jurisdiction of such municipalities;

WHEREAS, to address the concerns provided above, the City Council determines that a prohibition of electric bicycles on the beaches and dunes under the City's jurisdiction is in the best interest of the City;

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:

Section 1. Amending Section 7-29, Beach personal vehicle regulations. Amending Section 7-29, Beach personal vehicle regulations, Article II, Chapter 7 (Beaches and Waterways), City of Neptune Beach Code of Ordinances as follows:

Sec. 7-29. – Beach personal vehicle regulations.

(a) Definitions.

- (1) *Bicycle* shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;
- (2) *Electric bicycle* shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;
- (3) *Personal mobility device* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;
- (4) *Roller skates* shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";
- (5) *Skateboard* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;

(6) *Reckless* shall mean

- a. At a speed in excess of fifteen (15) miles per hour; or
- b. In willful or wanton disregard for the safety of persons; or
- c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's beaches; or
- d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.

(b) No bicycle, ~~electric bicycle~~, skateboards, roller skates, or personal mobility device may be operated on the beaches within the city in a reckless manner.

(c) To the fullest extent permitted by Fla. Stat. §316.20655, no electric bicycle may be operated on the beaches and dunes under the jurisdiction of the City.

(d) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

(e) Penalties.

(1) The amount of penalties for violations of this section shall be as provided for in in Fla. Stat. §318.18(3), as amended from time to time.

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
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this _____ day of _____, 2022.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2022.

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: RESOLUTION NO. 2022-02, A Resolution Appointing a Member to the Police Officers' Retirement Board

SUBMITTED BY: City Clerk Catherine Ponson

DATE: February 1, 2022

BACKGROUND: Jennifer Kowkabany resigned from the Police Officers' Retirement Board effective January 4, 2022.. Scott Wiley has submitted an application to be appointed to the Board. This is one of two positions appointed by the Council.

Ms. Kowkabany's unexpired term ends on June 7, 2023.

BUDGET: N/A

RECOMMENDATION: Consider Scott Wiley to fill the unexpired term of Jennifer Kowkabany.

ATTACHMENT: 1. Resolution 2022-02, PORF



CITY OF NEPTUNE BEACH

Board Membership Application

JAN10'22 RCVD

Name: SCOTT WILEY		
Address: 723 DAVIS ST. N.B.		
Mobile Phone: 904-626-4612	Work Phone: SAME	
Email address: SWILEY48@GMAIL.COM		
Occupation: REALTOR	Place of Employment: BERKSHIRE HATHAWAY	
How long have you lived in the City? 69 YEARS		
Education	Major	Did you graduate?
High School: FLETCHER		YES
College: JONES COLLEGE	BUSINESS	YES
What are your hobbies and interests?		
Which Board do you desire to serve on? (see back for description)		
☒	Community Development Board	
☐	Police Retirement Fund Board	
Please explain what qualifications, employment or volunteer, you possess that is relevant to this board.		
SERVED ON NEPTUNE COUNCIL FOR A TOTAL OF		
18 YEARS PLUS VARIOUS BOARDS AS WELL,		
VICE PRESIDENT OCEAN STATE BANK / BANK OF AMERICA.		
Provide a brief explanation of your interest in being appointed to this board.		
DURING MY PAST 8 YRS ON CITY COUNCIL I WAS		
VERY INTERESTED IN THE PENSION BOARD. I ALWAYS LISTENED		
OR ATTENDED THEIR MEETINGS.		
Are you available one night per month? YES		
Are you a registered voter? YES		
Signature: Scott Wiley		Date: 1-8-22



RESOLUTION NO. 2022-02

**A RESOLUTION APPOINTING A MEMBER
TO THE POLICE OFFICERS' RETIREMENT FUND BOARD**

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointment:

POLICE OFFICERS' RETIREMENT BOARD

Member	Type	Term	Begins	Ends
Scott Wiley	Appointed by Board	Fill Unexpired Term of Jennifer Kowkabany	06/07/2021	06/07/2023

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this ____day of _____ 2022

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



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

AGENDA ITEM:	Neptune Beach Resiliency Lab Memorandum of Understanding and StormSensor Pilot Project
SUBMITTED BY:	Grants and Resiliency Coordinator Colin Moore
DATE:	February 2, 2022
BACKGROUND:	In the summer of 2021, the City began working with Smart North Florida on developing a Resiliency Lab at Jarboe Park (presentation at the August 16, 2021, City Council Workshop attached). The goal of this lab is to pilot innovative technologies that can assist the City in prioritizing critical infrastructure improvements. The Resiliency Lab Memorandum of Understanding outlines the roles of the City and Smart North Florida. With Smart North Florida working with the Grant and Resiliency and Public Works Departments as technology scout, the StormSensor Pilot Program is proposed as the first Resiliency Lab project. The scope of the project includes the deployment of a sensor at the outfall of the City's stormwater system and a weather station at Jarboe Park as a means of collecting real time data for monitoring stormwater system performance. This data will ultimately feed into a public-facing dashboard to allow citizens to better understand the City's resiliency planning efforts.
BUDGET:	\$16,000
RECOMMENDATION:	Approve entering into the Resiliency Lab MOU and Phase I of the StormSensor Pilot Project
ATTACHMENT:	1. CoNB SNF - Resiliency Lab MOU (003)

**MEMORANDUM OF UNDERSTANDING
FOR
SMART NORTH FLORIDA & CITY OF NEPTUNE BEACH**

This memorandum of understanding by and between the City of Neptune Beach and Smart North Florida, known as “Parties” is to acknowledge agreement between the agencies for the development of a “Resiliency Lab,” dedicated to solving the critical resiliency problem statements of the Neptune Beach Community.

The purpose of this MOU is to acknowledge all Parties will work cooperatively to develop and implement resiliency-based technologies in the City of Neptune Beach.

This MOU is only intended to address the general objectives and framework of the Resiliency Lab Program. Separate future agreements will be used to define and address specific technology applications for the installation, information sharing and restrictions, design, cost sharing, operations, maintenance and other related issues.

Neptune Beach Resiliency Lab

Need

The City of Neptune Beach is a rapidly growing community with rich experiences for its residents. Situated between the St. Johns River and Atlantic Ocean, the community is truly unique. But with this uniqueness presents challenges, as all communities face. Particularly for the City of Neptune Beach the community’s resiliency to severe weather and climate related developments presents a set of challenges for its aging infrastructure.

With the passing of the American Rescue Plan Act (ARPA), deploying capital to address infrastructure needs in communities across the country, the City of Neptune Beach has opted to dedicate \$50,000 of that funding to deploying innovative technologies that help to solve their most pressing resiliency problem statements.

Vision

The vision of this ARPA funding deployment is to create a resiliency “lab” environment where start-up companies from across the country have the ability to deploy their technology in support of the City of Neptune Beach’s problem statements. Should these technologies pass the initial test then the technology could be scaled to the entire community and into neighboring cities. Thus showing the City of Neptune Beach to be a leader in smart city, resiliency-based technology implementation.

Project Description

The Resiliency Lab project begins with the identification of viable technologies to pilot. The identified solutions will be evaluated by the City of Neptune Beach and their innovation partner, Smart North Florida (SNF). After evaluation and scope definition, the solution will move to implementation.

Once the solution is installed, tracking and measuring will begin to determine the viability of the solution for the City of Neptune Beach’s needs. Once the pilot is concluded, SNF and the City of Neptune Beach will debrief and create a pilot report for decision makers in the city government. The key data of these reports will be published as case studies on SNF’s Data Exchange platform.

Upon review of these reports. The City of Neptune Beach will be able to determine the next steps with the start-up company.

General Roles and Responsibilities

Smart North Florida will work as technology scout, data aggregator, and will assist in some project management at the request of the City of Neptune Beach.

The City of Neptune Beach will define the areas of pursuit for the Resiliency Lab and the scopes of work with the technology companies that they wish to work with.

AGREED AND EXECUTED BY:

City of Neptune Beach

_____ Date: _____
Elaine Brown, Mayor

Smart North Florida

_____ Date: _____
Clayton Levins, Executive Director

To: Colin Moore, Grants & Resiliency Coordinator
Jim French, Director of Public Services

From: Erin K Rothman, CEO at StormSensor Inc.

Date: January 20, 2022

PROJECT: StormSensor Pilot Program

Project Objective. The City of Neptune Beach has received a round of grant funding from the American Rescue Plan Act (ARPA), which they are utilizing to proactively address the question of resiliency and adaptation to climate change. By evaluating and incorporating innovative climate technology solutions, the City tipped the spear for the region, taking the first steps to build for the future using federal funding.

As part of this pilot program, StormSensor® proposes deploying one Scute™ sensor and associated network to monitor tide and precipitation in real time at Kings Road Bridge over Hopkins Creek. The data will be analyzed relative to climate normals and presented for purposes of public education. The data will also be used to identify potential future applications of a StormSensor network to (1) provide cost and time savings to Public Works by aggregating system performance data under a single dashboard; (2) evaluate short-and long-term risk related to sea level rise and heavier/more frequent storm events; and (3) provide data necessary to properly design and size capital-intensive infrastructure projects adapted to a changing climate. The public-facing dashboard design will be included under this scope; building and launching the design will be part of Phase 2.

Scope. StormSensor will work with the City of Neptune Beach to deploy one Scute™ sensor and associated network, as well as conduct additional data analyses tied to the project objectives discussed above. StormSensor will also install and connect a weather station in coordination with the city.

1. *Network Design.* StormSensor has input the proposed monitoring location into our StormSite™ software, as well as the proposed gateway location (Figure 1).
2. *Site Reconnaissance.* StormSensor will conduct a site visit of the Scute™, gateway, and weather station locations to ensure we have everything we need for a smooth installation process.
3. *Installation.* StormSensor team members will complete the installation of the equipment and onboard the City onto our Terrapin™ software.
 - a. The project will be set up in our Terrapin™ software, and the monitoring point will be configured for you based on measurements taken in the field. A series of initial QA/QC checks will be conducted to ensure measurements are accurate, and QA/QC algorithms run continuously to ensuring ongoing data quality.
 - b. StormSensor will provide software access to the City, and an unlimited number of seats are available. Additionally, the data can be made available via API.

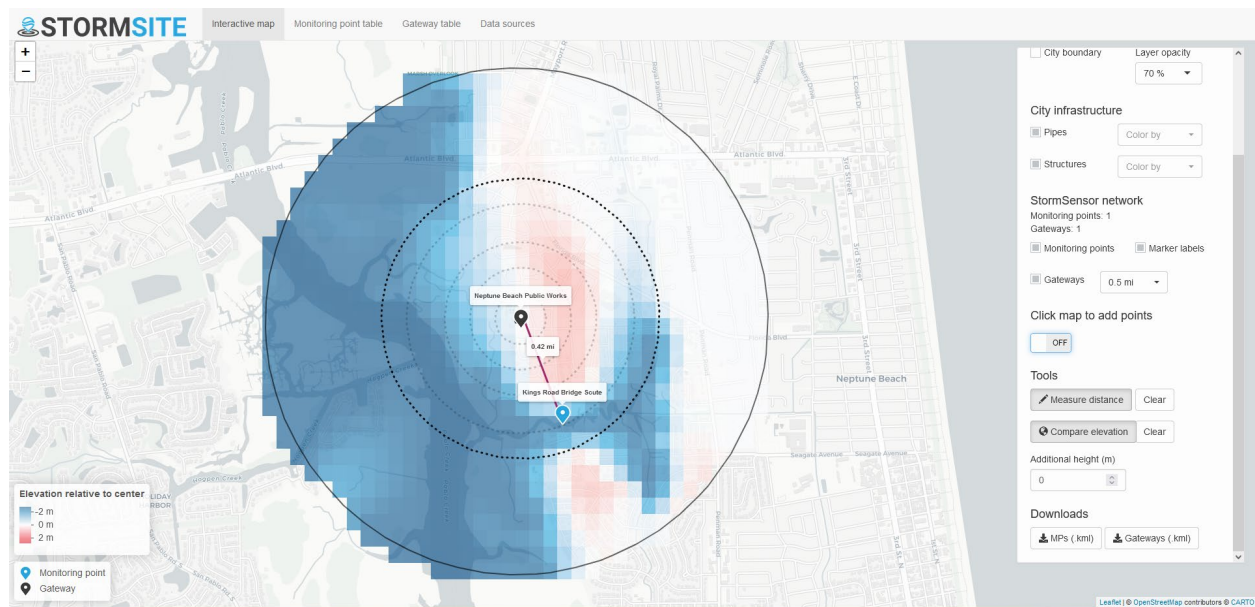


Figure 1. The proposed location of the Scute™ is presented in blue the location of the gateway and weather station is presented in black. The location of the gateway may change based on connectivity requirements.



Figure 2. Two StormSensor® networks in **Norfolk, VA**, monitor flow on a continuous basis. Locations are color-coded according to how full the pipes are during a rain event. These sewersheds discharge into the Elizabeth River and are impacted by tides and sea level rise.

4. *Reporting.* Throughout the pilot phase, the data captured by the sensor network—as well as weather data—will be fed into our algorithms to evaluate tide levels and weather patterns, and

the data will be compared to climate normal using our Cloudburst™ reports. We ask that the city provide ongoing feedback regarding the reports and analyses so we can ensure that we are providing the highest possible value. Subsequent installations can be used to evaluate relative system performance, an example of which is shown in Figure 2, above, for Norfolk, Virginia.

5. *Design.* Based on feedback from the City, a mockup of the public-facing dashboard will be created that allows citizens to understand how weather conditions (including sea levels) related to historical climate normal. This level of public awareness and transparency will be critical when developing future planning programs to address climate resiliency and ensure that taxpayer dollars are spent to their benefit.
6. *Maintenance.* Network maintenance costs for the first year are included in the attached quote. The City can conduct their own maintenance as well.

Cost.

The total cost for the pilot program, including all equipment, labor, software, and analyses, is **\$15,045**. The weather station, provided by Davis Instruments, is included in our scope at cost.

Service/Product ID	Service/Product	No. Units	Pricing per Unit	Total Cost
Terrapin™ Sensor Network (annual costs)				
	Monitoring Point - Depth only	1	\$1,200.00	\$1,200.00
	Annual Maintenance	1	\$5,000.00	\$5,000.00
	Gateway-Software	1	\$1,650.00	\$1,650.00
			SUBTOTAL	\$7,850.00
One-Time Costs				
	Installation/Networking	1	\$2,000.00	\$2,000.00
	Gateway-Hardware	1	\$4,470.00	\$4,470.00
	Davis Instruments - Vantage Pro2	1	\$725.00	\$725.00
			SUBTOTAL	\$7,195.00
Total Cost for Year 1				\$15,045.00

Schedule

StormSensor will be available to conduct the reconnaissance and deploy the network in **February/March 2022**, upon approval by the City. We will also get you set up on Terrapin® and provide a demo for your team to access the data in real time.

Once the weather station ([Davis Instruments – Vantage Pro2](#)) is set up, StormSensor will prepare Cloudburst™ reports on a **monthly** basis to document storm events, plot them on IDF curves, and evaluate tide levels, all relative to climate normal, in addition to the analyses provided in Terrapin®. Terrapin+ will be released in **June 2022**, at which time we will be able to connect the weather station directly to your project within our software. The City will also have all data available via API.

Throughout the reporting process, we ask that the City provide regular feedback as we develop new analytical features, including the user interface (UI).



Based on the data collected from the program, in **September 2022**, StormSensor will work with the City to start identifying extended networks that provide the data necessary to streamline field efforts by Public Works, contribute to public education and engagement, and reduce impacts related to backups and flooding. This will lead to Phase 2 of the program, which will include the launch of a public-facing dashboard.

About StormSensor.

StormSensor® works with cities across the U.S. to track how water moves through their storm, sewer, and coastal infrastructure, and we map those movements to climate data. Our high-resolution sensor networks monitor flow and temperature every 5 minutes, while our proprietary algorithms and intuitive software provide cities with simple, practical insights to help them adapt to climate-driven risks from flooding, sea level rise, tidal surges, and storms.

Closing.

StormSensor is excited to support you with your upcoming project! If you have any questions or comments, or if you would like to set up a call to discuss, please contact Erin Rothman at erin@stormsensor.io.



SMART

NORTH FLORIDA

Clayton Levins
Executive Director

MISSION

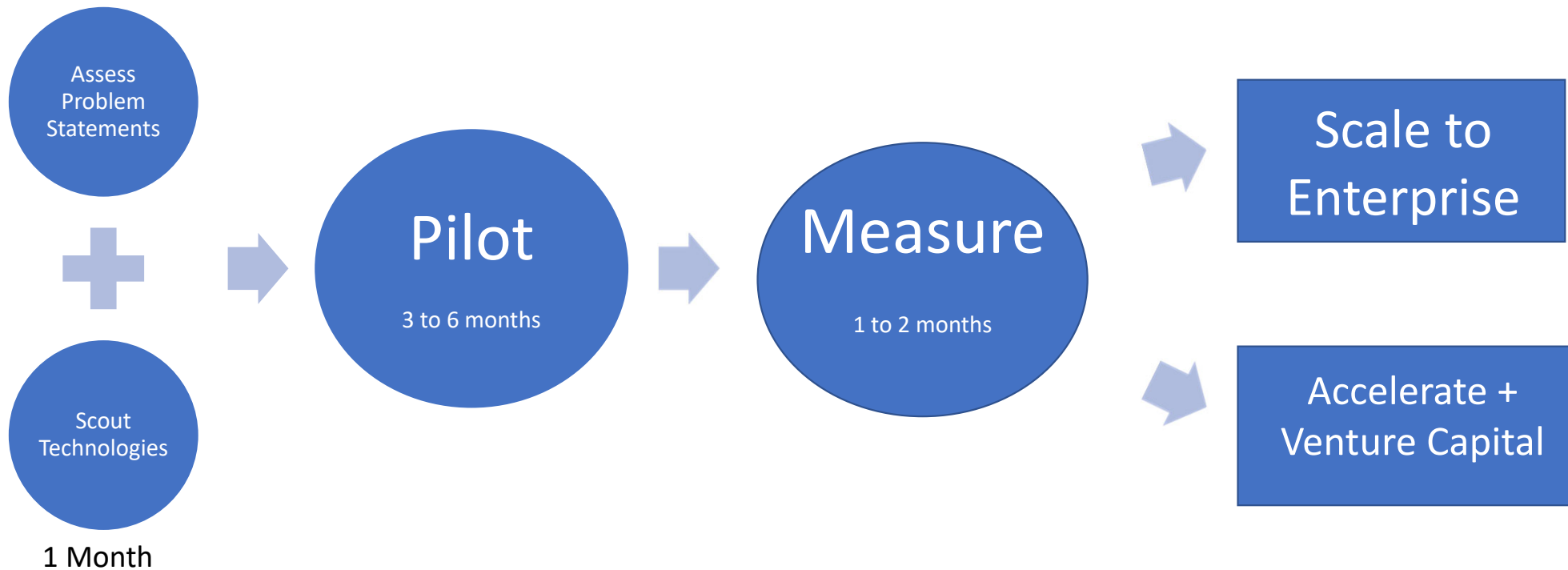
We're harnessing the power of **smart technologies, coordinated data** and **regional collaboration** to improve North Florida's economic competitiveness, sustainability and quality of life.

City of Neptune Beach Resiliency Lab

Project Mission

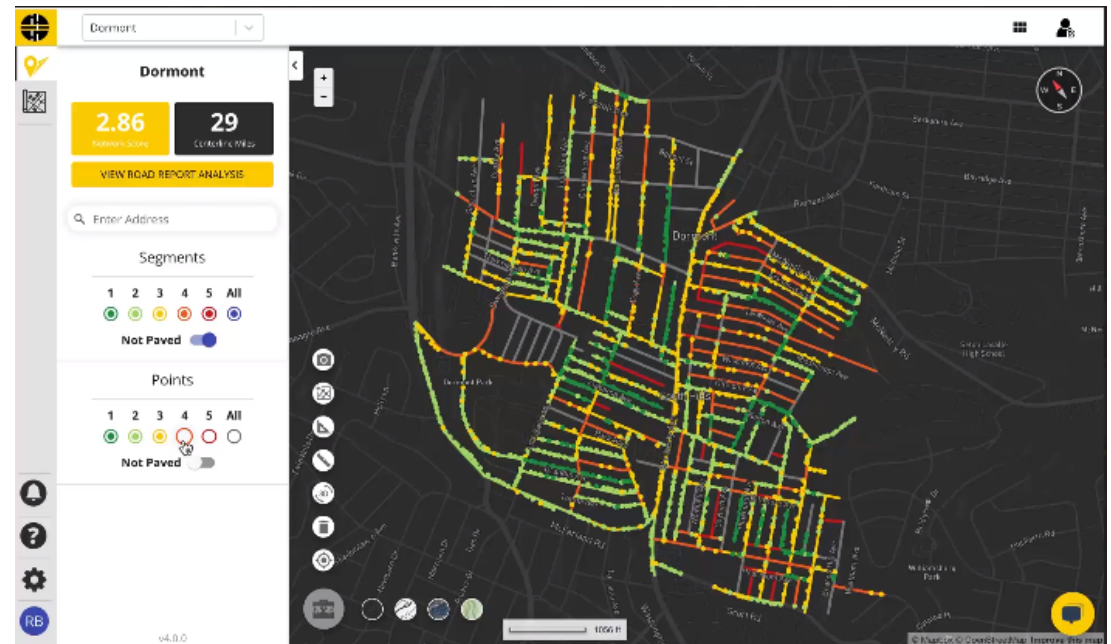
- Drive Innovation in the Resiliency space for Neptune Beach
- Promote economic development
- Improve Resiliency infrastructure
- Promote investment transparency through the use of coordinated data

Resiliency Lab Process



Case Study Example: RoadBotics

- Roadbotics leverages AI and analytics to better perform pavement management.
- Piloted in Clay County
- Deployed on Nassau County Road Network
- Deploying in Neptune Beach, Keystone Heights, St. Augustine



City of Neptune Beach

116 First Street • Neptune Beach, Florida 32266-6140

(904) 270-2400 x 34 • FAX (904) 270-2526



February 7, 2022

Ms. Tara Taggart
Legislative Advocate
Florida League of Cities, Inc.
301 S. Bronough Street, Ste. 300
Tallahassee, FL 32301

RE: Opposition to Senate Bill 512 (SB 512) and House Bill 325 (HB 325)

Dear Ms. Taggart,

The City of Neptune Beach would like to formally oppose Senate Bill 512 which will create hardships on local beach cities and their ability to maintain compliance and enforcement among vacation rentals. Below are the city's concerns regarding the proposed bill.

Vacation rentals and/or vacation rental companies abundantly profit from the lease of their property, but do not consider the impacts to city infrastructure or permanent residents. A \$50 registration fee or \$100 collective registration fee is much too low to account for the impacts these types of establishments bring into the cities.

Additionally, Section 3a. regarding information supplied and conditions of registration should require information of both the owner of the property and, if applicable, the owner's agent. Also, the conditions of registration do not include precautions for, or provide authority for, cities to employ penalties related to nuisances such as: noise, light, signs, special events, and other such acts typical of vacation rental properties.

Moreover, the amendment proposes adding sixty or more days to an already volatile situation. If a code violation is required to go before a code enforcement board or magistrate, a 30–60-day period is built into the process. We are concerned that this is attempting to shift the enforcement to the cities instead of the Department of Business & Professional Regulation (DBPR) without affording the city an opportunity to discourage incompliance through penalty.

Finally, the city is apprehensive regarding DBPR's capacity to regulate vacation rentals. Based on interactions with the Department, we find they are understaffed and have cyclical leadership. We would like to see a feasibility study on DBPR's ability to handle the additional enforcement responsibility.

Thank you,

Elaine Brown, Mayor
City of Neptune Beach



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

AGENDA ITEM: Selection for Council Seat 5

SUBMITTED BY: City Clerk Catherine Ponson

DATE: February 1, 2022

BACKGROUND: Vice Mayor Fred Jones resigned from the City Council effective December 17, 2021. His term will expire in November. The vacancy was advertised and three applications have been received:
L. Rhonda Charles
Robert Frosio
Nia Livingston

All have submitted the required documents based on the posted advertisement.

BUDGET: \$4,800 annual salary

RECOMMENDATION: Consider the candidates and select a new Seat 5 Council Member

ATTACHMENT: 1. Seat 5 Applicants

January 22, 2022

RECEIVED
JAN 24 2022

Neptune Beach City Council
City of Neptune Beach
116 First Street
Neptune Beach, FL 32266

City Clerk's Office
City of Neptune Beach

To Whom It May Concern:

I am very interested in filling the available Neptune Beach City Council seat 5. My whole life has been about hard work and community service. Growing up in a small town in North Carolina I taught after school programs for children ages five to nine years and was the National Heart Fund chairperson for our county. In college I participated in many charity runs and auctions. While working for the Jaguars I organized and ran the Readers Program for the Jaguars Foundation where we volunteered with five different local primary schools helping children learn to and improve their reading skills. I was also one of a handful of Jaguars employees who also served on the Super Bowl Committee working with the City when it was held in Jacksonville. This past November my son and I worked with Neptune Beach Elementary and the Neptune Beach Police to raise money for the "No Empty Stockings" Christmas fund drive.

I love Neptune Beach. I really believe Neptune Beach is the best of our three beach areas. We have a great municipality of people who really care and work hard to advance and protect our little beach town. I would be honored to be a member of this Council. Thank you for your consideration. I hope to hear from you soon.

Sincerely,



L. Rhonda Charles

Enclosures-

L. Rhonda Charles

1451 Spindrift Circle East, Neptune Beach, FL 32266 * 904-699-4225 * rhondakc3@gmail.com

Professional Profile

- Administrative and Legal Assistant professional with over twenty years of experience
- Proven leader with excellent problem-solving and decision-making abilities

Professional Experience

Jacksonville Orthopaedic Institute – Beaches Office

Physician Administrative Assistant

- Manage all legal business for physicians working with auto and other legal claims
- Produce and manage all physicians' schedules
- Back-up clinic office manager

Jacksonville Jaguars. LLC

Executive Assistant to Sr. Vice President and General Counsel

- Provide assistance in the development and processing of football and executive staff employment contracts, maintaining confidentiality during negotiations
- Generate and track contracts for all sponsorships, suite license, ticketing, television and radio broadcast agreements

Workers Compensation Program Administrator

- Responsible for the accurate and timely filing of all claims for players, cheerleaders and staff
- Serve as liaison between and maintain treatment data base for the Head Athletic Trainer, SVP of Football Ops, physicians, attorneys and insurance processors

University of Virginia

Executive Assistant to the Vice Chairman of the Department of Medicine

- Manage calendars, expense reports, contacts and travel for the Vice Chairman
- Serve as contact with patients, clinic staff, hospital and other Department of Medicine officers

Education

University of North Carolina at Greensboro

Communication and Theatre

Additional Skills

- Microsoft office, party planner and hands-on knowledge working with diverse groups of personalities and needs

Bob Frosio

Bob Frosio <bfrosio0726@gmail.com>

letter of interest

1 message

Bob Frosio <bfrosio0726@gmail.com>
To: Bob Frosio <Bfrosio0726@gmail.com>

Thu, Jan 27, 2022 at 8:10 PM

To whom It May Concern:

Please allow this letter to serve as notice that I would like to be considered for the vacant Council Seat #5. I have served on the Code Enforcement Board for two terms and was the vice-chairman. I am currently serving my second term on the Community Development Board and was elected vice-chairman at the last meeting. Neptune Beach has been my home for 26 years. I am grateful to be a part of such a vibrant community. I would be honored to have the opportunity to serve on the City Council.

Respectfully,
Bob Frosio

RECEIVED
JAN 28 2022

City Clerk's Office
City of Neptune Beach

- Compose
- Inbox22,494

Starred

Snoozed

Important

Sent

Drafts182

Meet

New meeting

Join a meeting

Hangouts

B Bob+

No recent chats

[Start a new one](#)

Resume

Inbox x

Bob Frosio <bfrosio0726@gmail.com>8:33 PM (0 minu
to Bob

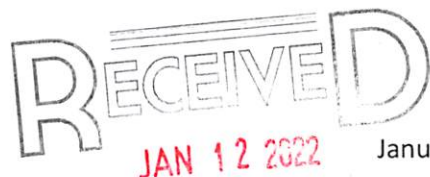
Fastening Systems Inc., Jacksonville, FL.
1988-2010
President/Partner

ProFast Supply, Orlando, FL.
2010-2012
General Manager

QuickTie Systems, Inc.
2012-Present
Sr. VP

St. Johns Country Day School, Orange Park, FL.
1966-1970
High School Diploma

Stetson University, Deland, FL.
1970-1974
BS Biology



To the members of the Neptune Beach City Council,

I am writing this letter to express my interest in being considered for the vacant seat left by former Councilor Jones. I've had the desire to run for city council for some time now and was planning on running for that seat in November so it was a welcome surprise to see that the seat will be up for appointment. I would like to let you know that if appointed, I fully plan on running in November in order to maintain the seat. Neptune Beach is a community of just over 7,000 residents, large enough and lucky enough to be our own independent city, but still small enough that we run into our neighbors at the grocery store. We are a small community, but we are extremely proud. Some may say that we're overly cautious about what developments we allow into our community or that we at times aren't being realistic about the growth our area is experiencing. However, I don't see it that way. The size of our community makes it vital that we be picky about the projects we take on. Through volunteering on the Community Development Board for the past 4 + years I have seen applicants bring an array of requests for our approval. I'll admit, when I first joined as an alternate there were times I wondered why we were spending so much time debating whether a resident could add a balcony or put in a pool. However, it didn't take long for it to click that each action has a direct reaction to not only our neighbors, the aesthetic of the community, but sometimes even the environment and safety of others. I've seen the value and importance of listening to my neighbors and taking their opinions to heart in my decision making as a board member and would continue to do so if chosen to serve on the Council.

I moved to Neptune Beach with my husband in March of 2013. Neptune Beach is where we bought our first home and where we one day plan to raise a family. I'm employed as an attorney at the Office of the Public Defender and make the trek downtown Monday through Friday, but the fact that I can get home, park my car and either walk or ride my bike to just about anywhere I would need to go makes the long days in traffic worth it. I strongly believe that the skills I've gained through working as an Assistant Public Defender for over 7 years will make me an asset to city council. I have gained insight in how to effectively communicate with people from all walks of life, listen to their differing interests, and try and implement their wishes to the best of my ability. I obtain facts, gather research, interview witnesses, and then apply what I have gained to the law in proceeding with each case. These are traits that I would be able to use while serving on the Council. I've seen through serving on the Board that there will be times that my neighbors aren't happy with a decision, but ultimately a decision has to be made for the greater good and future of the city.

The biggest example of this that I have experienced while on the community development board has been the battle over 500 Atlantic. After listening to both sides of this argument, diligently reading the proposal and listening to the presentation, I voted against Tribridge. While I'm pro-development and pro-business in Neptune Beach, I still believe that we need to be very selective with the projects we allow. If we were to bring in bigger developments to our beach, the City couldn't sustain the influx of population. There would be more traffic which would cause stress on our utilities, waste management, and most importantly our police and fire departments. More people and bigger developments have the ability to make our streets less safe. Ultimately, the mixed use apartment homes

that were originally presented weren't the best choice for the future of our community. We separate ourselves from the rest of the beaches because we aren't a city full of apartment homes; we're a residential family community. While I'm sure that some of my neighbors were disappointed in how I voted on that issue, at the end of the day our goal as members of any board or council is to adhere to the code and what falls in line with our comprehensive plan. This means reducing residential density. Our goal is to foster entrepreneurs and bring in more businesses to our community, but to steer them in the direction of their proper zoning district and to make sure they adhere to the code.

Our city is on the brink of some very exciting things; the beautification of Jarboe Park is almost complete, soon we will have a new Neptune Beach vision plan based off of over a year of re-writes from input by the community. However, at the same time there is more work to be done and more questions to be answered, especially regarding our infrastructure. How can we make the Penman/Florida Blvd./Forest intersection safer? How can we alleviate some of the traffic both there and at the intersection of Atlantic and 3rd street? How can we make our community even more walkable and bike friendly? How can we reduce our carbon footprint and preserve the natural beauty and resources of our beach? Culverts are being put in at Florida and 5th street, but what about the other areas that have drainage issues? These are all issues that I look forward to working on with fellow council members and committees.

It has been an enlightening experience serving on the Community Development Board and having the chance to be a part of change here in Neptune Beach. To be able to work on proposals of different ordinances that once put into effect will help shape day to day living. As I stated earlier, we are a family community, I believe more and more couples are choosing to buy property here in Neptune Beach, start families and invest in the community. I believe this is evident in seeing other young professionals like myself step up and take on leadership roles on the various boards and on Council, it's important to have different perspectives in working together to make decisions. Although I have always had the passion for public service through my work as an attorney, volunteering on the community development board sparked my passion for public service to my community. I would be extremely honored to pursue this commitment further by serving on City Council.

In closing, I thank you for your time and consideration. Whether I see you next as colleagues at a City Council meeting, stopping in on the Community Development Board, or at Southern Grounds for coffee, I'm excited to continue working with you all and thank you for your service to Neptune Beach.

Thank you,

A handwritten signature in black ink, appearing to read 'Nia K. Livingston', with a stylized, flowing script.

Nia K. Livingston

Nia Livingston

E-Mail: nia.maxwell@gmail.com

EDUCATION

Florida Coastal School of Law, Jacksonville, FL
Juris Doctorate, May 2013

University of North Florida, Jacksonville, FL
Bachelor of Arts in Political Science, April 2010

WORK EXPERIENCE

Office of the Public Defender, 4th Judicial Circuit
Assistant Public Defender

Jacksonville, FL
May 2014- Present

- Currently assigned to special defense handling specialized felony cases punishable by up to life in prison
- Foster effective communication with clients throughout their proceedings
- Seasoned motion practice in front of various judges and have 20+ jury trials
- Gather research and statements from clients and witnesses to assist in trial and motion preparations
- Serve as a mentor for the intern program shaping their experience to all facets of the legal process

King & Dolaghan, P.A.
Legal Assistant

Jacksonville, FL
June 2010- Sep 2010

- Organized documents to be submitted to mortgage companies for loan modifications
- Assisted in preparing foreclosure defense pleadings, and filed them with their respective court
- Kept open, effective communication with clients through the process of foreclosure defense and obtaining a loan modification
- Acted as liaison for the client and mortgage company

OTHER EXPERIENCE

Office of the Public Defender, 4th Judicial Circuit
Volunteer

Jacksonville, FL
Sep 2013- May 2014

- Performed arraignments, pre-trial hearings and trials in county court
- Actively took part in depositions for upcoming felony trials
- Achieved a Not Guilty verdict as a certified legal intern in a Driving While License Suspended jury trial
- Drafted motions and assisted attorneys in preparation for upcoming trials

Office of the Public Defender, 4th Judicial Circuit
Investigative Unit, Volunteer

Jacksonville, FL
Aug 2011 – Dec 2012

- Conducted initial client intake interviews at the Duval County Jail
- Gathered preliminary statements and drafted reports to assist in the assignment of a public defender
- Worked at establishing a trusting relationship with clients to maximize free flowing, open and honest dialogue

Volunteer Organizations

- Neptune Beach Community Development Board, Regular member September 2018- present
- Neptune Beach Community Development Board, Alternate member April 2017- September 2018
- Florida Bar #109527
- Jacksonville Bar Association, member 2014-present
- Jacksonville Beach Bar Association, member 2017-present

Interests

- Traveling, Disney, reading, and enjoying the beach with my husband and dog Drifter.