



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, FEBRUARY 22, 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 Nia Livingston
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Public Works Director Jim French
 Community Development Director Samantha Brisolara
 Grant and Resiliency Coordinator Colin Moore
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

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

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

**Supp. Agreement
No. 1, Ardurra
Group**

Consideration of Approval of Supplemental Agreement No. 1 with Ardurra Group, Inc. for Post-Design Phase Services on the Florida Boulevard Culvert Replacement Project. Mr. Wynn explained this is for post-design services on the Florida Boulevard Culvert Replacement Project.

Made by Messinger, seconded by Livingston.

MOTION:

TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH ARDURRA GROUP, INC. FOR POST-DESIGN PHASE SERVICES ON THE FLORIDA BOULEVARD CULVERT REPLACEMENT PROJECT

Roll Call Vote:

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

MOTION CARRIED

**Supp. Agreement
No. 3, Jones
Edmunds**

Consideration of Approval of Supplemental Agreement No. 3 with Jones Edmunds & Associates, Inc. for Surface Water Discharge Elimination Feasibility and Planning. Public Works Director Jim French explained 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, 2023. The legislation is associated

with the 2021 Senate Bill 64 (SB64). The required plan was discussed and approved during the October 18, 2021, City Council meeting and submitted to the FDEP by November 1, 2021. Since then the FDEP has requested additional information. Staff budgeted \$80,000 for professional services in this year's sewer fund to begin the SB64 planning efforts. We are also working with the other Beach communities to identify possible joint solutions. This is the first step of many steps.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 3 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR SURFACE WATER DISCHARGE ELIMINATION FEASIBILITY AND PLANNING**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Supp. Agreement
No. 4, Jones
Edmunds

Consideration of Approval of Supplemental Agreement No. 4 with Jones Edmunds & Associates, Inc. for Surveying Services to Locate Rights-of-Ways. Mr. Wynn reported that this is for Mobility Management for surveying rights-of-way around Bank of America. He stressed that all of these supplemental agreements have been budgeted and would not result in a budget amendment.

Mobility Management Director Megan Steward explained this was in response to an inquiry from Bank of America's management of a concern that there was perceived encroachment of some of the City's parking spaces on their property. The City walked the site with BOA and the next step is to mark the boundaries so we know exactly where the encroachment is.

Made by Chin, seconded by Messinger.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 4 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR SURVEYING SERVICES TO LOCATE RIGHTS-OF-WAYS**

Roll Call Vote:

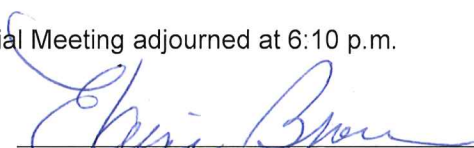
Ayes: 5-Livingston, Messinger, Chin, Key, and Brown

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the Special Meeting adjourned at 6:10 p.m.

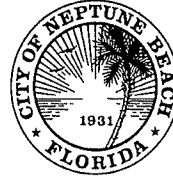

Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 3-7-2022





MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
TUESDAY, FEBRUARY 22, 2022, 6:10 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, February 22, 2022, at 6:10 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
 Community Development Director Samantha Brisolara
 Grant and Resiliency Coordinator Colin Moore
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:10 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

**Dept. 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.

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

**CN Request
for Add'l Staff**

CM Request for Additional Staffing. Mr. Wynn explained that the City currently has eight open positions. Two are dispatchers, a number are at Public Works and some are at City Hall. He is also requesting the additional hire of five new employees. These requests were discussed at the Council Roundtable on May 25, 2021, and did not make it into the final budget. There is now additional funding from the America Rescue Plan Act (ARPA). The biggest one he would like to see filled is an Accounts Payable/Payroll Clerk. We have a desperate need for that.

Public Works has a number of positions, including Pump Mechanic. Public Works Director Jim French has been working with the Department of Corrections for

wastewater trainees to see what we can do to get more people in to train them to run our wastewater plant.

Mr. Wynn stated he also has a request for a Parks and Recreation Director. That position would oversee beach access clean ups and special events. His assistant is currently performing those duties including special events, things happening in the Town Center area, and Neptune House rental.

If Council is amenable to that, he will work up a budget amendment to show how everything would be paid, such as benefits.

Mr. Wynn confirmed Councilor Livingston's inquiry that these are full-time positions.

Councilor Key stated she would like to see job descriptions and what we would be paying them. This is great to say we need them but she would need to see the job descriptions and salary requirements to see the total impact to the City. For her, it is a financial decision. Does this make sense? Can we afford it? She would have to have the numbers before she could give an opinion.

Councilor Chin commented he appreciated the need for the positions and he is glad to see Building Official listed as it is something the City has sorely needed for a while now. This is one of the pieces needed to show the residents that someone is keeping an eye on what is happening.

Mr. Wynn reported that with having someone internal, the salary could get salty and the experience requirement is for ten years of experience before certification. We may need to come up with creative solutions for an internal goal.

Councilor Messenger agreed with Councilor Key in seeing the cost breakdown when it comes to the benefit packages. Salary is one thing but the total of all the costs can be a completely different story. Additionally, he agrees with Councilor Chin as he has been advocating for a Building Official for some time. He knows the fees we are paying the outside firm has grown. He would like to see the difference between the costs of what we are paying now compared to the cost breakdown of internal position. He is amenable to having those discussions but would like to see the whole picture.

Mr. Wynn reported that we are looking at hiring a temporary accountant as the Senior Accountant's last day is tomorrow. We have two staffing firms assisting with that search.

Councilor Key commented that she has concerns that with so many open positions and burdening our current staff and burning them out. This could create a higher amount of turnover.

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>

COMMITTEE REPORTS

Land Use and Parks

Councilor Messenger reported the Land Use and Parks Committee would be meeting on March 8th, 2022, at 10:00 a.m.

PUBLIC COMMENTS

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding the position for the park, freedom of speech, and the land development code.

David Blais, 800 1st Street, Neptune Beach, spoke regarding the Land Development Code and uses in the different districts. He asked if we want to stay a low-key residential community or become more like St. Augustine, Fernandina Beach, or Jacksonville Beach where there are more bars and restaurants. Some of the things in the new Code are a very drastic change.

Shellie Thole, 124 Margaret Street, Neptune Beach, stated she and other members of Neptune Strong, had gone over the Land Development Code draft and it was supposed to tweak our Codes. What we have received is more density, higher buildings, more people and more areas to open things, like bars. She knows we can get this back on track and looks forward to being a part of this process.

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

Electric Bicycles Prohibition of Electric Bicycles Discussion – Ordinance No. 2022-02 - 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.

Mayor Brown stated that at the first reading, Council discussed enforcement and different things. We were also going to look at what Atlantic Beach was going to do.

Mr. Wynn reported that Atlantic Beach's City Manager is not sure if he is okay with banning personal use of electric bicycles on the beach. He wanted to do more research on whether it is going to be personal or rental.

Councilor Key commented that she is good with the way the ordinance is drafted and we don't need to mirror what Atlantic Beach is doing in terms of personal or rental. They are all a hazard.

Councilor Chin agrees with Councilor Key and he is satisfied with the ordinance as it currently written and is ready to go to a second read.

Councilor Messinger added that there is a huge safety hazard on First Street and Strand. When the beach gets busier it is not going to be a good situation. He agreed that it does not matter whether it is personal or rental, they are a hazard and is good with how it is written.

Councilor Livingston agreed with her fellow Councilors. She asked if this was going to cause stress to our Police Department since the e-bikes are allowed on the next beaches. She hopes it will set a precedent with the other beach cities.

Police Chief Richard Pike stated it would be a big challenge. He added they would educate, warn and cite. If it becomes a problem, we will address it.

Mayor Brown commented that she has seen even more of the e-bikes. She agrees with Councilor Livingston that the other beaches will follow.

Ch. 27, LDC
Review

Discussion and Review of First Draft of Chapter 27, Unified Land Development Regulations, Article III, Division 8, Variances; Division 9, Special Exceptions; Division 10, Amending this Code; Division 11, Amending the Comprehensive Plan and Article IV, Land Use including Building Area Requirements

Mayor Brown reported that this has already gone to the Community Development Board and they have provided their comments and feedback.

Community Development Director Samantha Brisolara gave an overview of the three-step plan put in place to complete the Community Vision Plan.

She reviewed Variances and Special Exceptions. She outlined the changes including the application and notice requirements and appeals process.

She then went over amending the Land Development Code and Comprehensive Plan.

Ms. Brisolara reviewed the Land Use section. She stated that all of the land use codes are intended on implementing the Land Use Element section of the Comprehensive Plan. She outlined the zoning districts and uses within the districts. She introduced the changes to the use table outlined in Table 27-239, Permitted and Required Frontage Lot Types. There are added height, density, setbacks, frontage, lot dimensions and maximum building floor area for the new NC (Neighborhood Center) and RC (Residential Conservation) Overlay Districts.

Clarifications were made to C-1, C-3, and CBD zoning districts to include minimum and maximum setbacks for the front and side yards of corner lots. Lot coverages were increased in C-1 to 80%. The maximum building floor area was decreased from 60,000 square feet to 30,000 square feet in C-1. The maximum building floor area for C-3 was limited to 25,000 square feet and 20,000 square feet for CBD.

Building elevation was clarified to state that the building's ground floor or first floor shall be 12 feet above the crown of the road and may be required to be elevated above 12 feet when in a flood zone.

When a commercial district abuts a residential district, a buffer is required to be built and maintained by the commercial property owner.

Ms. Brisolara reported on the density calculations, These would only apply to new developments in R-3, R-4 and the RC overlay.

Residential frontage standards, architectural elements such as porches, entries, and balconies have been added. Garages and parking requirements have been added. (existing structures will not need to meet these code requirements unless substantial redevelopment of the property is triggered.) R-5 is required to have a minimum of 75% open space for developments larger than two acres.

PUD's will be required to provide a public benefit, be in line with the Comprehensive Plan, and be in harmony with the intent of the LDC. The PUD will need to integrate multiple businesses and community facilities. No residential uses are permitted. They are only allowed in C-1, C-2, and C-3 by special exception as long as there is no increase in intensity

Architectural elements have been added as well as store front entrances and access elements and types of building materials.

Council
Questions/
Discussion

Councilor Chin stated that he had a number of questions that speak to things that would increase even the perception of density. He questions reducing the side yard setback to five feet. He will want further explanation about that. He had a question about the building frontage minimums in the commercial zones. In terms of items like an arcade, he is not sure if we want to go that route as we would be giving away right-of-way. We would need some requirements in terms of insurance or indemnification. This is a very dense section and he would like to have more time to digest and go over it.

Mr. Wynn advised that built into the schedule is a 30-day window so we can continue to make edits. There will also be time for public comment to get more input. This is feedback that we want so we can incorporate them into this document. What is before Council is something that has been reviewed by City staff and our consultants. Staff has argued on behalf of our residents. Some things are still in here because we want clear direction.

Councilor Chin continued that his concerns are related to increases in density and usage. He questions the permitted uses in C-1. He will submit his comments in writing.

Councilor Messinger's comment included the following:

- Requests Zoning Map added to front of code changes
- Sec. 27-226 (h)(3) f. – Remove the word “private” from private club and make bars and taverns prohibited uses.
- Sec. 27-227(b) (3) – Child Day Care facilities should be removed
- Sec. 27-227(b) (4) – Remove “may have drive-thru facilities”
- Sec. 27-235(a) (8) – Change maximum encroachment from 15 feet to 10 feet
- Sec. 27-236(e) (2) – Remove Arcades from architectural standards in CBD
- Sec. 27-237 (6-8) – Retain “furthermore” language
- Sec. 27-239(c)(1) – Create consistency in how height is measured
- Table 27-239 – Does not want duplexes to be on 40-foot lots and split further into 20-foot lots. Duplexes should only be allowed on larger parcels. Side setbacks in the RC Overlay should be kept at seven feet.
- Sec. 27-243(b) (3)f. vi. – Garage doors should allow for a maximum width of 10 feet instead of 9 feet.
- Buffers should be oriented towards streets to mitigate noise and light pollution.
- Outdoor seating areas should be placed away from residential areas and facing streets
- Requests review of clearance heights for commercial balconies
- Look at garage placement and location in RC Overlay

Councilor Chin followed up on Councilor Messinger's comments about building on a lot with a duplex. He had a question on Sec. 27-242(g)a., where it sounds like it would allow someone to replace an existing duplex with a new duplex. It doesn't sound like there are any restrictions on what they can build. We need to take a look at that.

Councilor Livingston questioned the R-4 district and the moratorium that is in place to prevent split lots. She feels like we are not entrusting what we are trying to do. This is something we need to address.

Councilor Key stated that regarding Section 27-242, if someone has a duplex and they would like to tear that duplex down and rebuild it, we cannot take away their property rights and tell them that they cannot rebuild it. Duplexes and multifamily are a part of what makes our community unique. If you take that away, you start to deteriorate the sense of community that we are discussing. You would be cutting out a whole section of people who won't be able to afford to live at the beach and make our community as great as it is. According to the changes that are being proposed, she could not rebuild her house.

Councilor Key continued that there has been a lot of discussion about the C-1 zoning district. There may be some miscommunication on that. She has stated her thoughts on the Bank of America building and what its allowable uses are, which means it is closed on the weekends and closes at 5 p.m. during the week.

Mr. Wynn advised they had started a paid parking program with an attendant. It gets full on the weekend and is being used.

Councilor Key continued that there should be some sort of built in protection as there may not be someone looking out for the best interest of the City.

Councilor Key questioned the increase from 60% to 80% for the maximum lot coverage in C-1.

Councilor Messinger pointed out that the allowable building size has shrunk, so the expectation is that you are going to build a smaller building but you are required to do more to make it a more beautiful structure.

Councilor Key stated she does not understand the purpose behind the garage regulations unless it is to make it aesthetically pleasing.

Councilor Livingston questioned if it was trying to keep people from converting carports to garages. If she were to convert her carport to a garage, she would have to conform to what this is saying.

Mr. Roth stated that from the discussions at the CDB meeting, the intent is to create more spaces for off-street parking.

Councilor Key stated that she was under the impression that we would not have 40-foot lots and we were going to a minimum of 50-foot lots. There is a lot of talk about 40-foot lots. It does not seem like it has been addressed. There was the moratorium put in place but it seems open if someone wanted a 40-foot lot.

Mr. Roth explained that the moratorium would be lifted if this was adopted.

Councilor Key stated that she had a lot of conversations before this meeting. There are a lot of questions. It would be important to set a meeting, maybe with Mr. Blais, to further flush them out.

Mr. Wynn explained that we have integrated citizens into the internal meetings who have provided valuable feedback. We are going through the document line by line. We would be happy to meet with Mr. Blais or any other citizen.

Councilor Key commented that moving forward, in time to get Council feedback, more of these conversations should be happening between all of us. She wants to make sure there are no surprises because one person or two people felt a certain way. We represent the community and she wants to make sure there is focus on that.

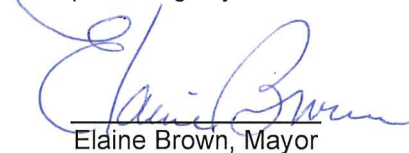
Mayor Brown summarized that we covered a lot and there were a lot of suggestions. Anyone can make an appointment and get explanations. We have raised a lot of questions. We have a long way to go and there is more to be done. We are on the right track.

PUBLIC COMMENTS

Public Comment Chuck McCue, 1908 3rd Street, Neptune Beach, spoke regarding getting emails returned and miscommunications. He agreed we should be allowed to rebuild on our property. He also spoke regarding the 40-foot width, arcades and the Parks director position.

COUNCIL COMMENTS

Adjournment There being no further business, the Workshop meeting adjourned at 8:08 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 3-7-2022

