



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**  
**MONDAY, OCTOBER 5, 2020, 6:00 P.M.**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, October 5, 2020, at 6:00 p.m., in person and by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020 as extended by Executive Order 20-112, 20-123, 20-139, 20-150, 20-179, 20-193, and 20-246.

**Attendance:****IN ATTENDANCE:**

Mayor Elaine Brown  
 Vice Mayor Fred Jones  
 Councilor Kerry Chin  
 Councilor Scott Wiley  
 Councilor Josh Messinger (*absent*)  
  
 Councilor-Elect Lauren McPhaul

**STAFF:**

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

**Call to Order/Roll Call**

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

**APPROVAL OF MINUTES****Minutes**

Made by Jones, seconded by Wiley.

**MOTION: TO APPROVE THE FOLLOWING MINUTES, AS AMENDED:**

**September 8, 2020, Regular City Council Meeting**  
**September 10, 2020, Special City Council Meeting**  
**September 21, 2020, Special City Council Meeting**  
**September 21, 2020, Workshop City Council Meeting**  
**September 22, 2020, Mayor/Councilor-Elect/City Staff Meeting**

**Roll Call Vote:**

Ayes: 4- Chin, Wiley, Jones, and Brown.  
 Noes: 0

**MOTION CARRIED**

City Attorney Report City Attorney Zachary Roth reported that Florida Governor Ron DeSantis had extended virtual meetings through October 31, 2020. (Executive Order No. 20-246) Mr. Roth added that the Governor's memorandum stated that governing bodies should be prepared to meet in person by Florida law beginning November 1, 2020.

Police Chief Report Chief of Police Richard Pike reported that the Police Department is partnering with Farm Share, Beaches Chapel, and Community First Credit Union for a food drive on Saturday, November 14, 2020 from 9:00 a.m. to 12:00 p.m. at Beaches Chapel, 610 Florida Boulevard, Neptune Beach, Florida 32266.

Traffic Plan for Kings Road Bridge Traffic Plan for Kings Road Bridge. Chief of Police Richard Pike and Police Commander Gary Snyder presented the traffic plan for the Kings Road Bridge area as the FDOT project nears completion.

### **CITY MANAGER REPORT**

City Manager Report City Manager Stefen Wynn reported that:

Jarboe Park improvements are beginning to break ground with a tentative date of May 7, 2021 for completion. This could coincide with the City's 90-year anniversary celebration.

The Senior Center is \$18,000 shy of the \$100,000 goal with donations still being accepted. The modular building is in production

RFQ for Financial Advisor The City is heavily involved in the stormwater design project. He added that further into his report he will be recommending the City look for a financial advisor to help decide to whether or not to do a nonrevolving line of credit. He stated that he did not want to put together an RFP without engaging the services of a financial advisor. He would like to issue an RFQ for a financial advisor.

Councilor Wiley questioned the RFQ process. He stated that the last time the City went through that process, did not know how much the service would cost. He asked would this lock the City into doing anything or is this something the City is just looking at. He has a strong opinion when it comes to debt as to what the City should do as far as borrowing money.

Mr. Wynn explained that the RFQ is a qualifications-based approach. It is scored based on criteria put in place ahead of time. The highest score goes forward for contract negotiation. If you fail with that firm, you go the next highest scored firm and negotiate with them. In his experience, the price for a financial advisor for a City of our size would be anywhere from \$35,000 to \$55,000.

Chief Financial Officer Carl LaFleur stated that there are people that do this for a living that know more about what is available and it is in our best interest to tap into that resource.

Councilor Wiley stated he did not want to commit to something as we just started the new budget year.

Mayor Brown commented she appreciated Councilor Wiley's opinion. We want to make sure we are getting the best deal for the City as things are changing all the time.

Made by Chin, seconded by Wiley.

### **MOTION:**

**TO AUTHORIZE THE CITY MANAGER TO ISSUE AN RFQ FOR A FINANCIAL ADVISOR**

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Mr. Wynn continued with the City Manager report by adding that the City is in the middle of a study for wastewater treatment and collection. At the September 30 Finance Committee, City staff brought forward a Request for Inclusion into the State Clean Water Revolving Fund for that project.

The City has opted to complete an in-kind project in lieu of paying fines for being in violation of nitrogen limits. This project is in the Oceanwood neighborhood and will help alleviate the storm sewer backing up.

Mr. Wynn reported that the Finance Department is already preparing for the FY2020 audit and reviewed some of the large expenditures for FY2020.

He also reviewed the changes for the Local 630 contract recently up for negotiation.

Chief Financial  
Officer Report

Mr. LaFleur reported that the FY2020 budget year had just ended and the City is straddling between two fiscal years. He thanked his staff and added that the department is moving forward and is preparing for the upcoming audit.

He confirmed Councilor Wiley's inquiry that the monthly financial reports would resume for the upcoming Council.

**PUBLIC COMMENTS / NONE****VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS**

V20-01, Variance  
for 540-580  
Atlantic Blvd and  
Development  
Agreement

Items 7A and 7B, Variance request from Neptune Beach FL Realty, LLC for property known as 540-580 Atlantic Boulevard (RE#172395-0130) and Development Agreement between City of Neptune Beach and Neptune Beach FL Realty, LLC was pulled from agenda at the applicant's request.

**ORDINANCES**

Ord. No. 2020-06,  
Pension Benefits

Ordinance No. 2020-06, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Retirement System of the Code of p. Ordinances of the City of Neptune Beach; Amending Section 2-349.12, Minimum Distribution of Benefits; Amending Section 2-349.25, Reemployment After Retirement; Amending Section 2-349.27, Individual Member Share Accounts; Providing for Compliance with the SECURE Act; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

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

Made by Wiley, seconded by Jones.

**MOTION: TO ADOPT ORDINANCE NO. 2020-06 ON SECOND READ**

## Roll Call Vote:

Ayes: 4-Wiley, Chin, Jones, and Brown.  
Noes: 0

**MOTION CARRIED**

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

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

Councilor Wiley asked how this would come into effect if you were building a house and there were no sidewalks in the area. He questioned how does the process work.

Community Development Director Kristina Wright explained the property owner would make a payment into the sidewalk construction fund for when the time comes to implement the sidewalk in that section. The cost would be based on the City's cost per linear foot to install a sidewalk.

Made by Jones, seconded by Chin.

**MOTION:**                    **TO ADOPT ORDINANCE NO. 2020-10 ON SECOND READ**

## Roll Call Vote:

Ayes: 4-Chin, Wiley, Jones, and Brown.  
Noes: 0

**MOTION CARRIED**

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

Public Hearing     Mayor Brown opened the public hearing.

Tom Patton, 1827 Leeward Lane, Neptune Beach, spoke in support of the ordinance. He stated it is common sense legislation written to protect Neptune Beach homeowners from ill-advised and capricious tax increases. He added this ordinance is in the best interest of the taxpayers of Neptune Beach and urged the Council to give it consideration.

Mr. Wynn commented that an email had been received from Neptune Beach resident Chuck McCue in support of the ordinance.

There being no further comment, Mayor Brown closed the public hearing.

Discussion     Mr. Wynn stated that a staff report had been requested at the last workshop. He tried to answer some of the questions and concerns from the workshop in the report.

Councilor Wiley remarked that this ordinance had been workshopped and discussed. He stated there is no downside to the ordinance. It gives homeowners a little bit of comfort knowing there is a buy in to the millage rate increase. He is not saying it will come up in the

next two years but with the financial situation with the economy and the State of Florida, anything can happen. The ordinance can be repealed by simple majority.

Vice Mayor Jones asked City Attorney Roth the reason for lack of precedence

Mr. Roth answered it was a combination of it not being common to begin with and then, generally speaking, it's unlikely that you would see something that restricts increasing taxes being challenged in court.

Vice Mayor Jones continued that this has merit and he questioned the threshold and moving it to one mil.

Mr. Wynn stated that the ordinance could be amended or put in language that allows for a simple majority, as long as it is not done under an emergency situation and under the normal procedure.

Councilor Chin commented that his concerns had been answered. He added that in case of emergency a majority would be able to repeal this and handle the emergency.

Mayor Brown remarked she appreciated the research done regarding other municipalities. The questions have been answered and the citizens will feel better. She is ready to move forward.

Made by Wiley, seconded by Chin.

**MOTION: TO APPROVE ORDINANCE NO. 2020-09 ON FIRST READ**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ord. No. 2020-12, R-4 Lot Split Moratorium	<u>Ordinance No. 2020-12, First Read and Public Hearing</u> , An Ordinance of the City Of Neptune Beach, Florida, Extending A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date.
Public Hearing	Mayor Brown opened the public hearing.  Jon Raiti, 224 Bowles Street, Neptune Beach, spoke in support of the moratorium.  There being no further comment, Mayor Brown closed the public hearing.
Discussion	Councilor Chin stated this would be revisited when the Code is rewritten. We are timing it with the PUD moratorium to expire at the same time. Hopefully, we will come up with a solution that will be amenable to all residents.

Made by Jones, seconded by Chin.

**MOTION: TO APPROVE ORDINANCE NO. 2020-12 ON FIRST READ**

## Roll Call Vote:

Ayes: 3-Chin, Jones, and Brown.

Noes: 1-Wiley

**MOTION CARRIED**

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

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

Discussion      Councilor Wiley stated that this is extending the PUD moratorium again. He questioned if the PUD ordinance would be looked at by Dover, Kohl and Partners and give Council something to look at that is different than what we have now as there were several loopholes.

Ms. Wright explained that this will happen in Phase 3 of the Vision Plan process, which there is a kickoff meeting planned for October 23, 2020, for Phases 2 and 3. Phase 3 will include a Code overhaul. This will be something that will be addressed, directly or indirectly, depending on the format of the Code.

Vice Mayor Jones stated this is part of the mechanics of the process. He pointed out the significance of the Department of Economic Opportunity Award to the City of \$50,000 for the Comprehensive Plan update.

Made by Chin, seconded by Wiley.

**MOTION:      TO APPROVE ORDINANCE NO. 2020-13 ON FIRST READ**

## Roll Call Vote:

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

Noes: 0

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

Res. No. 2020-08, Order of Business      Resolution No. 2020-08, A Resolution Establishing the Order of Business for the City Council Regular and Workshop Meetings.

Mr. Wynn explained that the City Manager Report in the order of business for the Council Workshop be changed to Departmental Score Card. The City Manager Report is given during the Regular Council meeting.

Made by Chin, seconded by Jones.

**MOTION:      TO ADOPT RESOLUTION NO. 2020-08, ESTABLISHING ORDER OF BUSINESS**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

Councilor Chin commended Fletcher High School for their homecoming parade held earlier that day.

Vice Mayor Jones announced that the City of Neptune Beach is first City in the State of Florida to have the entire section of the East Coast Greenway completed of all municipalities where this goes through.

Adjournment

There being no further business, the meeting adjourned at 7:26 p.m.

  
Elaine Brown, Mayor

Attest:

  
Catherine Ponson, CMC  
City Clerk

Approved: 11-2-2020

