



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 7, 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, February 7, 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
 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. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

**Introduction of new
 CDD**

Introduction of Samantha (Sam) Brisolara - Community Development Director. City Manager Stefen Wynn introduced the new Community Development Director Samantha Brisolara.

**Selection of
 Council Seat 5**

Selection for Council Seat 5. Former Vice Mayor Fred Jones resigned from the City Council effective December 17, 2021. The position had been advertised and noticed. There were three candidates who submitted applications and met the required qualifications: L. Rhonda Charles, Robert Frosio, and Nia Livingston. The candidates have been interviewed by Council individually.

City Attorney Zachary Roth explained that Council would be given a ballot and rank the candidates 1-3, with 1 being their preference. He and the City Clerk would then score the ballots.

After the ballots had been scored, Mayor Brown announced that Nia Livingston received the most votes as the top choice.

Swearing-In of
Councilor
Livingston

Mayor Brown administered the Oath of Office to Councilor Livingston. Her husband, Hunter Livingston, was present. Councilor Livingston took her seat on the dais.

Made by Messinger, seconded by Key.

MOTION: **TO ACCEPT THE OUTCOME OF NIA LIVINGSTON AS THE WINNER
FOR CITY COUNCIL SEAT 5**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

SJRWMD

Douglas Conkey, Intergovernmental Coordinator, St. Johns River Water Management District, spoke regarding artesian wells and district cost-share funding opportunities. He also mentioned that April is Water Conservation Month. The District is in the midst of the North Florida Regional Supply Plan to address current and long-term supply needs.

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE THE FOLLOWING**
January 3, 2022, Regular City Council Meeting
January 18, 2022, Special City Council Meeting
January 18, 2022, Workshop City Council Meeting

Made by Chin, seconded by Messinger.

AMENDED MOTION: **TO AMEND THE MOTION TO REFLECT THE CHANGES AS
MADE BY THE CITY CLERK**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORIGINAL MOTION: **TO APPROVE THE JANUARY MINUTES, AS AMENDED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated (verbatim) "You can always depend on me for bringing joy into the meetings. I read this to my husband before I left, which is not something I usually do. He told me it was pretty harsh. I said, "You have no idea what I've been trying to do for six years. And I really have been trying hard. So, unfortunately, I've gotten to the point where I'm going to ask some pretty hard questions in the coming weeks, or two. Over the last five years, it seems to be a crisis and Neptune Beach every season they multiply ongoing and never-ending. From the Senior Citizen Center, the Neptune House, the park fiasco and the unnecessary and dangerous closure

of Florida Boulevard just to list a few. They all scream one thing, mismanagement, poor oversight, lack of transparency, and the failure of our Mayor, to know how to run a town government.

I'm sorry, I have to do that, but I feel that way. And I'm not alone There is a very dangerous thing happening right now, most people are not aware of what is going on in our City Hall with a plan that will blow Neptune Beach out of the water. I don't believe that statement is an exaggeration. I believe that our Mayor does know how to do one thing

Something she has done very well for 2006. From 2006 when she started her company and began helping developers and investors create opportunities for infill housing, and using form-based codes. The exact type of house and you see sprouting up everywhere around us but in Neptune Beach. the Dover Kohl and Partner investors vision plan must not be allowed to be approved by the present City Council. I will leave it up to our Mayor and at least one of our City Council members to step forward in the next week to tell us who they are and who they represent.

In the meantime, I want the citizens of Neptune Beach to be aware of the land codes now being created that will drastically alter our commercial landscape with multi-unit housing. Where could that housing possibly go? We have 50 acres of commercial property, and 33 of them have been designated for housing from the Kmart to BrewHound. The design may have been removed from the plan, but it is in the Codes we need to watch. They are too complicated for us to understand, and it will take a lawyer to interpret.

Mayor Brown and the City Council members sitting before me, the citizens of Neptune Beach, know what we want. We told Victor Dover what we want. You have hired them to create opportunities for form-based housing. I received that directly from Dover and Kohl. But you didn't tell us that. They didn't tell us that until the last public meeting in June, 2020. They made it clear that unfortunately, what we wanted, investors and developers didn't want. We were misled by both our city and a well-known planner, town planner. That is in black and white. It's also recorded. So I'm going to be getting involved in this code, so don't ask me how.

Thank you very much for your attention, and I'm sorry to have brought this down, but I will be looking forward for some transparency in the next couple of weeks about who you're representing and who you are seeking properties for, for investment, because, thank you very much. I appreciate it."

Harriet Pruette, former mayor of Neptune Beach, thanked Council for all they do. She has sat behind the podium and she understands. Ms. Hazouri did the same thing to her. One complaint after another after another.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report

Mr. Wynn began by stating some of the wind was taken out of his sail with some of the misleading information that was just presented as well some attacks on him through social media saying his reports are not factual. He cites actual citations where the information can be found, not only on the City website but also on the Urban Land Institute website. There are also other sources including the House of Representatives.

Mr. Wynn presented the February City Manager report entitled "Spring Ahead." He reviewed the Florida Boulevard culvert project, the Land Development Code updates, the Senior Center, the Jarboe Park updates, the building, code enforcement and fire marshal reports, and public works department projects.

He reported that the City is working with Dig Local Network on updating the lease agreement. They are a nonprofit organization that has been in operation since 2008.

The City is getting ready for the FY-21 Audit. The auditors will be here in March to begin field work.

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 reported that the DONNA Run was successful through Neptune Beach. The intersection project at Third Street and Atlantic Boulevard has begun. They have had a couple of complaints and will handle those through FDOT. Plans have begun for Dancin' in the Streets scheduled for May 21, 2022. He presented the Crime Analysis Report for January.

Mayor Brown

(Verbatim) "I want to thank you for all of the positive things that you have referred to and clearing up more misinformation that has been out there on how our processes have been very transparent. I think there is certainly no crisis in this City, nor have I known of the City being in crisis. But I'd like to say that the positiveness is that we have a beautiful park right now. It's going to get even better when it's completed, and that we are certainly pleased with that. And I really want to go back to 2016, when we started the process of asking the public how they wanted the park and hundreds of people came out to give their input as to what they wanted and how many pickleball courts. I had never heard of that. How many tennis courts and what people wanted and new equipment, etc.

Councilor Messinger was not an elected official at the time and really was spearheading a lot of the plan. It is about to come to fruition. It is getting there. Changes were made. Prices went up. Never had there been a crisis with that. Neptune House sits inside of Jarboe Park. It is a wonderful building. There is nothing wrong with it. Nothing wrong with it except during construction we couldn't have people using it. It wouldn't be safe to go there. Neptune Beach is ready as soon as the park is completed to have parties, meetings or whatever. We have been storing a lot of Senior Center things in there. By the way, a lot of meetings have been held there regarding the park. It has been utilized probably the whole time but people can't use it. There is nothing wrong with the building. It is a fabulous building.

The Senior Center is coming along. It is going to be great for the seniors. It's been a long time coming. Again, I want to applaud, I want to do a positive spin on what we know is positive and that is we had all, as a City and City Council, decided to have a Senior Center. And the ups and downs would have been something many times we could not avoid, but it's getting there. It is something that is going to benefit and it was a huge part of this community for a long time and is going to be again. It is going to be a beautiful Senior Center, I must say that.

There has been no park fiasco that I know of. The park is in good shape. The lights. I was in the meeting where the lady had said, our neighborhood appreciates the lights being on, because it's something that, you know, we feel that we don't want people hanging out there that shouldn't be. And that is a safety factor. And of course, that there is no vandalism which we had had our park before. The Chief and Manager are looking at cameras that we are going to have around in there too, which can certainly catch the culprits as they do that.

I know that everyone that I have spoken to and I've got a lot of phone calls, which once again say on the record everyone that myself as a Councilmember, City Manager, we all welcome calls from any of the residents regarding anything that's going on.

And I have been able to point to and say what the culvert is going to do that's so positive for drainage and how long we've been working on it and how it is needed. This is something that people do understand. And I have to tell you that other than the first route sheet that we had, I don't know of any complaints. Florida Boulevard is not a road project. It is a huge culvert and drainage project that we were lucky to get dollars for and it is

moving ahead. And I feel as though, once people know the truth and know what it is, they understand it and once they understand it, I think they appreciate it.

On a personal level, and I really don't like doing this, but I feel as though I have to just make sure the truth is told about me because there has been an awful lot of innuendo and bullying that has hurt me and my family. I want you to know that I never started a company in 2006. I got off of the Jacksonville City Council in 2007 and in 2008, I went to work for a company. I got my real estate license and we had commercial real estate. And in 2013, well before I became mayor, and I really want you to understand this, I went away from real estate and went to work for another company. And I think that I don't know how people know the truth about what I do then continue to say these things online. Yes, it has hurt my feelings and yes, it is bullying but more importantly, it is lying. And I don't like it. It shouldn't be, that we have to put up with all of that. We need to tell the truth.

So, in 2006, I never started a company. I want to go again, and my colleagues know, I voted against Dover Kohl. I think they have done a very good job. I think that the public meetings have gone the way they should. I thought it was expensive and I voted against it.

I voted against the Ansbacher Group to come in and be our attorney because I wanted and thought it would be good to have our own in-house attorney. I know our attorney has been accused of things and our City Manager. So many things have been said that are not true.

I look forward to the City input and coming forward with what we have going on. More importantly, I can be called and I will meet and have met with many people. If there's ever anything that you hear about me, I would be more than happy to meet, and I can prove everything, where I work and what I have done. And I'm glad to share, in fact, I would show my contact list, and if there's any developers, or investors that have worked in Neptune Beach, I would love for you to point them out. I'd show that anytime. I don't know of any.

I am a person and my husband and I have always done what we thought was the right thing in public service. But also, I'm a positive person. And I am easily, I'm moving on with the fact that we, as a city, are going to do such great things. We have been, we not only have been, but we have the support, as you can see, in this room tonight of most of Neptune Beach for the positiveness that's going on. There's not a negative atmosphere in here. And we don't get that except for a couple of people and one that continues to give out misinformation and did so tonight.

I felt as though you, my colleagues, need to know from me first hand, if you have any questions that have come forward because of any of these accusations. We are not a City in crisis. We haven't been a City in crisis. We've had a professional team that has handled every single thing, every challenge, that we have had and they have done a great job. I can't say enough about our City Manager, our General Counsel, and the employees that work for us. Colin, I can't say enough about the great job you have done over at the park.

I can't thank the people of Neptune Beach for all the input that they have given us. And for all of the really positive things that they do as volunteers for us and asked to be volunteers, because they want to make a difference in the City. And I myself feel as though those are the people that deserve most of our attention. They wanted to do something to help. We wanted to do something to help it. And to just sit back and perpetuate lies and misinformation is something that hurts a lot of people, for a little bit of time, because we tell the truth. We are a transparent city. There is no crisis going on the City.

I myself feel as though the bullying kind of needs to stop. Let me ask anyone. There are cards out there with my cell phone number on it. It's on the website. I welcome any meetings with any citizens at any time and I thank everyone for putting up with this tonight. I am sorry that we had to do it. But I feel as though when the City is challenged, our city manager criticized, we've had our Councilmembers criticized with misinformation.

This is a great city. I'm proud to be the Mayor and I will say to each and every one of you, if there's ever anything that you see on Facebook, and innuendos that say corruption,

come and let us see if the Chief of Police can help you with it, the City Manager, the City Attorney or myself. I would be happy to sit with anyone or any of them. If there is a complaint that is ethical, I will help you fill out the ethics form. That is exactly the way that this City should function, will function and has been functioning. I thank you all.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ordinance No. 2022-01, FY 2021 Budget Amendment

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

Public Hearing

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

City Manager Wynn explained he put the totals into this amendment, as requested by Councilor Key. He did increase some amounts of the appropriated fund balance to cover any unknown expenditures that have come out of the audit.

Made by Messinger, seconded by Chin.

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

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2022-02, E bicycles-

Ordinance No. 2022-02, 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.

Public Hearing

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

City Attorney Zachary Roth explained that last year, Council passed a fairly comprehensive ordinance for handling not just electric bicycles, but anything with a motor, both on our beaches and on our streets and sidewalks. The council wanted to be able to ban these bikes on the beach because of very dangerous speeds and they go on the beach. We were not permitted to do so under Chapter 316.

A bill has now been passed that specifically authorizes its municipalities to ban e-bikes on beaches and dunes within their jurisdiction. This is essentially an extension of the effort that we've begun last year to try to make the beaches and other parts of the city safer from these. This would operate as a complete prohibition of electric bicycles on the beaches and dunes, wouldn't change anything regarding the streets or sidewalks.

Council Discussion

Council discussion included what the other Beach cities are doing, the definition of electric bicycles, and enforcement.

Mr. Wynn stated that if this passes on first read tonight, before the second read, he could find out what Atlantic Beach is doing.

Councilor Key commented she is in support of whatever is not going to hinder the police department and doing their job.

Mayor Brown asked the Councilmembers, if they would like to defer it for more information or go ahead and move forward with a first read.

Councilor Chin stated he was good with going forward with the first read.

Councilor Messinger remarked to go for first reading and get their feedback. He added , for the audience, it seems like one City initiates something and then brings the other beach communities.

Mr. Roth suggested that there is a workshop before the second read. If feedback comes from Atlantic Beach, the City Manager can present it then.

Made by Key, seconded by Chin.

MOTION: TO MOVE ORDINANCE NO. 2022-02, TO A SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2022-02,
PORF Board Appt

Res. No. 2022-02, A Resolution Appointing a Member to the Police Officers' Retirement Board. Mayor Brown stated thanked Scott Wiley for volunteering to be on the Board. He would be filling the unexpired term of Jennifer Kowkabany, who had resigned.

Made by Chin, seconded by Messinger.

MOTION: TO ADOPT RESOLUTION NO. 2022-02, APPOINTING SCOTT WILEY TO THE POLICE OFFICERS' RETIREMENT FUND BOARD

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resiliency Lab
MOU

Neptune Beach Resiliency Lab Memorandum of Understanding and StormSensor Pilot Project. Mr. Wynn explained that in the most recent budget amendments and our Fiscal Year 22 budget, we programmed some of our American Rescue Plan actually funding up to \$50,000 towards a Resiliency Lab that we're only asking tonight for \$16,000.

Councilor Chin stated he a good way to start because I think I really feel it real opportunity for us to develop a relationship with Smart North Florida and to, to establish some resiliency

Councilor Messinger commented that this is a worthwhile investment and commended Grants and Resiliency Coordinator Colin Moore for continuing to be creative in these efforts.

Mayor Brown stated this is a great opportunity and what's important is that anything that the City can do for the future is valuable.

Made by Messinger, seconded by Chin

MOTION: TO APPROVE THE NEPTUNE BEACH RESILIENCY LAB MEMORANDUM OF UNDERSTANDING AND STORMSENSOR PILOT PROJECT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Letter of Support

Consideration of Letter Formally Opposing Senate Bill 512 and House Bill 325 Regarding Vacation Rentals. Mr. Wynn explained that the City is grandfathered in because our ordinance was put in before 2011. He wanted to pick up the banner for our Coastal communities. He serves on the Florida League of Cities committee. This letter was drafted by Community Development Director Samantha Brisolaro.

House Bill 325 looked promising but a late amendment makes it look more like Senate Bill 512 that hampers local governments in regulating vacation rentals.

Councilor Messinger suggested sending the letter to all of our representatives and have all Councilmembers sign a signature page

Made by Messinger, seconded by Key.

MOTION: TO APPROVE LETTER OF FORMALLY OPPOSING SENATE BILL 512 AND HOUSE BILL 325 REGARDING VACATION RENTALS, AS AMENDED PER DISCUSSION

Roll Call Vote:

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

Noes: 0

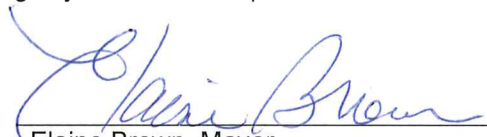
MOTION CARRIED

COUNCIL COMMENTS

Councilor Livingston commented she was thankful and excited for this opportunity and looks forward to working with everyone.

Adjournment

There being no further business, the meeting adjourned at 7:28 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 3-7-2022

