



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 2023, 6:44 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 Tuesday, September 5, 2023, at 6:44 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:**IN ATTENDANCE:**

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger(*absent*)

STAFF:

City Manager Richard Pike
City Attorney Zachary Roth
Police Chief Michael Key
Chief Financial Officer Jaime Hernandez
Senior Center Director Leslie Lyne
Community Development Director Heather Whitmore
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
City Clerk Catherine Ponson

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

Mayor Brown called the meeting to order at 6:44 p.m.

APPROVAL OF MINUTES

Minutes

Made by Livingston, seconded by Chin

MOTION: TO APPROVE THE FOLLOWING:

August 7, 2023, Regular City Council Meeting
August 21, 2023, Special City Council Meeting
August 21, 2023, Workshop City Council Meeting
August 29, 2023, Emergency City Council Meeting

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS / NONE

CITY MANAGER REPORT

City Manager
Report

City Manager Pike presented the City Manager report and it is posted on the City website at: <https://www.nbfl.gov/city-manager/pages/city-manager-reportsdepartmental-score-cards>

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ord. No. 2023-05,
Dogs on the
Beach

Ordinance No. 2023-05, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach Amending Section 6-31, Regarding Dogs on the Beach to Establishing Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing for an Effective Date.

Public Hearing

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

Made by Livingston, seconded by Key.

MOTION: TO ADOPT ORDINANCE NO. 2023-05, AMENDING SECTION 6-31, REGARDING DOGS ON THE BEACH TO ESTABLISHING CONSISTENCY WITH ATLANTIC BEACH; CLARIFYING LEASH REQUIREMENTS; REQUIRING CERTAIN PROTECTIONS FOR DOGS

Roll Call Vote:

Ayes: 3-Key, Livingston, and Brown

Noes: 1-Chin

MOTION CARRIED

Ord. No. 2023-06,
Spending
Threshold

Ordinance No. 2023-06, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach Amending Chapter 2, Article VI, Section 2-377, Competitive Bidding; Written Contracts, Providing for Severability; 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.

Made by Key, seconded by Livingston.

MOTION: TO ADOPT ORDINANCE NO. 2023-06, AMENDING CHAPTER 2, ARTICLE VI, SECTION 2-377, COMPETITIVE BIDDING; WRITTEN CONTRACTS

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2023-09,
LDC Revisions

Ordinance No. 2023-09, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 27, Unified Land Development Regulations, Article IV, Land Use, Table 27-239; and Section 27-241; Article V, Accessory Structures and Uses, Section 27-332, and Adding Sections 27-335 and 27-336.

Public Hearing

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

Made by Chin, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2023-09, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, TABLE 27-239; AND SECTION 27-241; ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-332, AND ADDING SECTIONS 27-335 AND 27-336.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Termination of
Declaration of
Emergency

Termination of Declaration of Emergency. Mayor Brown explained a Declaration of Emergency had been declared due to the impending approach of Hurricane Idalia.

Mr. Roth advised it would be best practice to terminate the declaration that was enacted on August 29, 2023.

Made by Key, seconded by Livingston.

MOTION: **TO TERMINATE THE DECLARATION OF EMERGENCY FOR HURRICANE IDALIA ENACTED ON AUGUST 29, 2023**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Right-of-Way
Purchase

Request to Purchase Right-of-Way (Kings Circle S/Marsh Point Rd/Florida Boulevard). Community Development Director Heather Whitmore explained that a request to purchase a portion of a right-of-way adjacent to properties along Marsh Point Rd and Florida Blvd, also known in correspondence as the "weird alley." Eight spaces are leased from the City to the Monahan Building and will not be impacted by the vacation of the subject ROW.

Discussion with Mr. Jean Bakkes, the applicant, included leasing, appraisal of the property, intended uses and restricted covenants as condition of a sale.

Mayor Brown stated this item would be deferred until more information was submitted.

NEW BUSINESS

Res. No. 2023-09,
Order of Business

Res. No. 2023-09, Order of Business. City Manager Richard Pike stated that the departmental score card would be removed from the workshop agenda. He would give his City Manager Report at the Regular Council meeting.

Made by Chin, seconded by Key.

MOTION: **TO ADOPT RESOLUTION NO. 2023-09, ORDER OF BUSINESS FOR REGULAR AND WORKSHOP CITY COUNCIL MEETINGS**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2023-10,
State Revolving
Fund Loan

Res. No. 2023-10, State Revolving Fund Loan. Public Works Director Deryle Calhoun explained a resolution authorizing the loan application is required for the State Revolving Fund Loan Program. The Environmental Protection Agency finalized an update to the Lead and Copper Rule which in part requires community water systems, regardless of size, to develop and maintain an inventory of service lines that the public can access (40 CFR 141.84(a)). The inventory must describe both system-owned and customer-owned segments of the service line. Utilities must submit the initial inventory by October 16, 2024. This loan would fund the project.

Made by Key, seconded by Livingston.

MOTION: **TO ADOPT RESOLUTION NO. 2023-10, AUTHORIZING THE STATE REVOLVING FUND LOAN APPLICATION**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

3rd Street Gravity
Sewer Project

3rd Street Gravity Sewer Geotechnical Investigation Project. Mr. Calhoun reported that a second wastewater crossing of Third Street is needed. This request includes development of a proposed route for a new pipeline. The project will perform a geotechnical investigation on the proposed gravity sewer crossing.

The City has a continuing services contract with Jones Edmunds who has provided the scope of services which include soil borings and ground penetrating radar survey of the area.

Made by Chin, seconded by Key.

MOTION: **TO APPROVE THE 3RD STREET GRAVITY SEWER GEOTECHINCAL INVESTIGATION PROJECT IN THE AMOUNT OF \$34,273.60**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Emergency
Stormwater Tractor

Emergency Stormwater Tractor Preventive Maintenance and Boom Mower Repair/Rehabilitation. Mr. Calhoun stated the stormwater department's tractor required preventative maintenance and the boom mower required replacement of several parts. This is an emergency request due to the lead time involved with parts and the summer mowing season.

Made by Chin, seconded by Key.

MOTION: **TO APPROVE EMERGENCY STORMWATER TRACTOR PREVENTIVE MAINTENANCE AND BOOM MOWER REPAIR/REHABILITATION.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

**Sanitary Sewer
Manhole Monitors**

Sanitary Sewer Manhole Monitors. Mr. Calhoun reported that sanitary sewer manhole monitors have been recommended to monitor flow within the wastewater collection system. Data is then available to understand the amount of stormwater intrusion into the system and monitor problematic locations.

Made by Key, seconded by Chin.

MOTION: **TO APPROVE PURCHASE OF SANITARY SEWER MANHOLE MONITORS IN THE AMOUNT OF \$19,855.00**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 7:45 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: 10-16-2023