



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**WEDNESDAY, SEPTEMBER 8, 2021, 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 Wednesday, September 8, 2021, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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

Mayor Elaine Brown  
 Vice Mayor Fred Jones  
 Councilor Kerry Chin  
 Councilor Lauren Key  
 Councilor Josh Messinger (via CMT)

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Police Chief Richard Pike  
 Commander Michael Key  
 Senior Center Director Leslie Lyne  
 Interim Chief Financial Officer Maxine Person  
 Mobility Management Director Megan Steward  
 Grant and Resiliency Coordinator Colin Moore  
 Community Development Director Kristina Wright  
 City Clerk Catherine Ponson

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

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

Mayor Brown explained that this meeting was being held on Wednesday due to the Labor Day Holiday and the state law that municipalities cannot meeting on the same day as school boards in the budget process.

**Ordinance**      **No.**  
**2021-07,**      **Millage**  
**Rate**

**ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE RATE, FIRST READ AND PUBLIC HEARING.** An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Setting Forth Certain Information Regarding "Rolled-Back Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date

Mayor Brown read into the record the Truth in Millage (TRIM) Notice:

This is the millage public hearing for the City of Neptune Beach, Florida. The "Rolled-back" rate for the City of Neptune Beach is 3.1773 mills. The rate to be adopted reflects a 5.93% increase over the "Rolled-back" rate. The rate that is to be levied in this ordinance by the City Council is 3.3656. This is the same rate levied by the City last year, not the higher rate proposed on your Notice of Proposed Property Taxes from Duval County."

**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 Messinger.

**MOTION:** **TO ADOPT ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON FIRST READ**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ordinance No. **ORDINANCE NO. 2021-08, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING.** An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; 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 Manager Stefen Wynn presented the 2021 proposed millage rates for Duval County from the Property Appraiser's office. He showed Neptune Beach's rate of 3.3656. He reviewed the breakdown of the different millage rates throughout the County.

Mr. Wynn explained the City's current account structure and how the account numbers are listed based on fund, department, group type, sub group-account type and sub object-subgroup. He commented that the City is taking as much time as needed to build the budget. This is a very manual process in order to look up where we are with the existing software using the account structure just described.

Made by Chin, seconded by Jones.

**MOTION:** **TO ADOPT ORDINANCE NO. 2021-08, ADOPTING FINAL BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, ON FIRST READ**

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

Noes: 0

**MOTION CARRIED**

#### **APPROVAL OF MINUTES**

Minutes Made by Key, seconded by Jones.

**MOTION:** **TO APPROVE THE FOLLOWING MINUTES:**  
**August 2, 2021, Shade City Council Meeting**  
**August 2, 2021, Regular City Council Meeting**  
**August 16, 2021, Workshop City Council Meeting**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENTS**

Public Comments      John Holmes, 914 4<sup>th</sup> Street, Neptune Beach, commented he had requested information on the City's surplus accounts and had not received it. He also spoke regarding the progress on Jarboe Park. He also questioned the parking on Bay Street.

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

City Manager Report      City Manager Stefen Wynn reported the following:

- He gave an update on the Jarboe Park project.
- He reported on the Senior Center.
- He reviewed his scheduled meetings.
- He reported on the budget process and finance department update.

Chief of Police Report      Police Chief Richard Pike thanked everyone who attended the services for Officer Paul (Eddie) Bounds. He presented the crime incident and traffic report. He reported there were three found children and reported on the water rescues during the month.

Councilor Chin requested that information regarding benches and shades for parents be included in the City Manager report and highlight that the City is aware of the need and is considering using the grant monies for those things. He also asked if due to the delay in the fitness equipment could the City acquire equipment and then be reimbursed.

Mr. Wynn explained that the City is moving forward with the purchases of sunshades and will be before Council for approval using grant funding. He also reported the City has been advised that the fitness equipment has shipped and would be installed when received.

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>.

**ORDINANCES**

Ord. No. 2021-05, Development Permit Moratorium      Ordinance No. 2021-05, Second Read And Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for Development Orders or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Issuance of a Development Permit or Related Approval as set forth in Chapter 27, Unified Land Development Regulations, Division 2, Development Review Sections 27-76 through 27-88 in the Central Business District and Commercial C-1 Zoning District; 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.

Alan Winter, 308 Ocean Boulevard, Atlantic Beach, former owner of Winter Law Firm, 310 Third Street, Neptune Beach, stated he was speaking against the moratorium. He stated that the Council has a duty to the residents and also the business community. It is a difficult task but you have to balance that. He does not understand why a one-year moratorium to prevent new construction would serve any good function. He would ask to include, in writing, the function and beneficial purpose of the moratorium.

Tom Whittingslow, 600 Valley Forge Road E, Neptune Beach, owner of Pete's Bar, 117 First Street, commented that no one has informed the business owners what was going on and that is his biggest concern. He has not been approached about what is happening. He stated that business owners should be included.

There being no further comments from the public, the public hearing was closed.

Council Discussion Vice Mayor Jones explained that this is important and we should have been more clear in terms of communicating how this process is going to work. The business community will be a part of the whole discussion moving forward. This is a typical exercise that a community does when it is ready to overhaul some things in their zoning code. A temporary moratorium is not out of the ordinary.

The intent of this is to make sure that we are getting what everyone wants, which is walkable, vibrant development. The Code rewrite has three critical items. First, is making sure that it is walkable. If someone is going to do a complete redevelopment of a building, we want to make sure that it is reinforcing walkability. Second is parking minimums. We want to see high quality redevelopment that is business friendly. Minimum parking requirements is the third issue. That is often the barrier. The goal is to make sure we are pro-business and predictable. This ordinance gives us time to work through the exercise to get Chapter 27 correct. This does not preclude anyone from doing an interior build-out or fix their own building or for a new business to come in. It is addressing major redevelopment.

Councilor Key asked if the City has defined or what triggers not allowing a project.

City Attorney Zachary Roth explained that the ordinance is specifically set to what work is occurring. Building permits are allowed as long as it does not increase the gross floor area of the building or increase the impervious surface area. It does not prohibit demolition, as long as that demolition is not done in conjunction with a construction permit that allows a new building in excess of the prior footprint.

Councilor Chin explained that there are certain things that may be restricted, or have a lot of rules attached to it that may change with the future land use code rewrite. This would grant more freedom to business owners. It would be in their best interest to wait.

Councilor Messinger agreed with Vice Mayor Jones and Councilor Chin. This is not to stop any of the current businesses from improving their spaces. Additionally, we have fragmented codes that cause concern in the community and require a lot of variances that create community distrust. When the most recent new office building was proposed, it took Council to negotiate with the developer to add additional landscaping and make a more vibrant space community. On the flip side, we have seen extensive litigation before us. The goal from Council to the community is to have a more vibrant, walkable and expansive Code that will keep our character intact.

Mr. Roth confirmed Mayor Brown's inquiry regarding termination of the moratorium by stating that he expects the mechanism for termination of this moratorium will be the passage of the new Code which will include a provision to terminate on its own. The Council won't have to take a separate line item to do that. Council can also pass an ordinance providing for earlier termination. This is not permanent.

Community Development Director Kristina Wright added that there a lot of intrinsic benefits with the rewrite of the Land Development Code and this ordinance incorporates all of the specific needs that ensure incentivizing the right for the developer.

Made by Jones, seconded by Chin.

**MOTION:**

**TO ADOPT ORDINANCE NO. 2021-05, ENACTING A  
TEMPORARY MORATORIUM ON DEVELOPMENT  
PERMITS IN THE CENTRAL BUSINESS DISTRICT  
AND C-1 ZONING DISTRICT ON SECOND READ**

## Roll Call Vote:

Ayes: 4-Chin, Messinger, Jones and Brown

Noes: 1-Key

**MOTION CARRIED**Ord. No. 2021-06,  
E-Bikes

Ordinance No. 2021-06, First Read and Public Hearing, An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date.

Councilor Chin questioned if it would be better if the definitions were pulled out of each section and placed in the general definitions section so the changes would be in one place versus having to track two places.

Mr. Roth stated that he had thought about that but there is no standard definition section that applies to the entire Code. There would have to be a new independent definition section created.

Made by Key, seconded by Messinger.

**MOTION:****TO ADOPT ORDINANCE NO. 2021-06, GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON FIRST READ**

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED****RESOLUTIONS**Res. No. 2021-14  
CDB Members

Resolution No. 2021-14, A Resolution Reappointing Member to the Community Development Board.

Mayor Brown explained that this resolution reappoints Nia Livingston to a second three-year term, appoints Charles Miller to his first three-year term, appoints Jonathan Raiti to his first three-year term and reappoints Greg Schwartzenberger to his second one-year term as alternate.

Council thanked the board members for their time and effort in serving on the Community Development Board.

Made by Key, seconded by Messinger

**MOTION:****TO ADOPT RESOLUTION NO. 2021-14, REAPPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD**

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Res. No. 2021-15,  
Florida Opioid  
Settlement

Resolution No. 2021-15, A Resolution of the City of Neptune Beach, Florida, Authorizing The City of Neptune Beach to Join With the State of Florida and Other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements Implementing a Unified Plan; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions and Council Decisions, Severability, and an Effective Date.

Made by Chin, seconded by Key.

**MOTION:** **TO ADOPT RESOLUTION NO. 2021-15, AUTHORIZING PARTICIPATION IN THE STATE OF FLORIDA UNIFIED PLAN FOR OPIOID SETTLEMENT PROCEEDS**

Mr. Roth explained that there has been nationwide litigation against many of the opioid manufacturers. There is a settlement that is being proposed that would handle three of those. The settlement provides that each state's Attorney General shall develop the system to provide funds to local governments. This would allow the City of Neptune Beach to opt in to that program. The funds would be presented to the City of Jacksonville and because we are a City of less than 10,000 we would receive a percentage of those funds. The funds would be used to address the opioid crisis.

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Res. No. 2021-16,  
Holidays

Resolution No. 2021-16, A Resolution of the City of Neptune Beach, Florida Establishing a Holiday Schedule for the City of Neptune Beach.

Mr. Wynn explained this is makes all of the City holidays consistent in the Local 630 contract, the FOP contract and the Personnel Policy. It also declares the Juneteenth National Holiday an official City holiday.

Made by Jones, seconded by Key.

**MOTION:** **TO ADOPT RESOLUTION NO. 2021-16, ESTABLISHING A HOLIDAY SCHEDULE FOR THE CITY OF NEPTUNE BEACH**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

RTA Consulting  
Agreement  
Settlement

Approval of Settlement Agreement between the City of Neptune Beach and RTA Consulting, Inc.

Mr. Roth explained that this authorizes the City to pay \$68,000 to RTA Consulting and an in-kind donation in the amount of \$31,567.20 from the parking vehicle.

Made by Jones, seconded by Key.

**MOTION:** **TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN RTA CONSULTING, INC. AND THE CITY OF NEPTUNE BEACH IN THE AMOUNT OF \$68,000.00 AND AN IN-KIND DONATION IN THE AMOUNT OF \$31,567.20**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

LDC Update  
Format

**Consideration of Format for Land Development Regulation Update.**

Mr. Wynn explained there was a joint meeting between the City Council and the Community Development Board on August 25, 2021, to discuss the format of the rewrite of the Land Development Code(LDC). A staff recommendation was developed based on that meeting's discussion.

Ms. Wright stated that as an overall approach to proceed with the regulations, the City is looking at a comprehensive rewrite of the existing LDC. Additionally, we are looking at an overlay to incentivize a higher standard of development in certain districts that will be very district sensitive. We are looking at the possibility of creating a CRA that would allow flexibility.

Ms. Wright commented that in addition to asking for their vote to allow a comprehensive rewrite of the LDC and create these context specific overlays, the team would also like to hear any additional priorities the Council may have.

Vice Mayor Jones expressed the importance of this, and even in relation to the moratorium, is that we have to be consistent with our Comprehensive Plan, which articulates the Future Land Use. The overlay approach is much more simpler. He is encouraging business owners to be a part of this process.

Mr. Wynn confirmed Councilor Chin inquiry that this would be a hybrid approach and having the overlay districts would make it easier to get the CRA created.

Councilor Messinger stated he is in favor of a hybrid approach where there is an overlay for the Central Business District, an overlay for east of Third Street, an overlay west for the Third portion-Florida Boulevard to Seagate Avenue and up to Fifth. Then, looking at the C-1 corridor, the C-2 corridor and the BrewHound area. Then, going more traditional in the traditional neighborhoods and just tightening up those Codes, so we don't see lot splits trying to come in and very strange angles and designs.

Mr. Wynn summarized that the staff recommendation is to revise existing LDRs with the addition of overlay districts throughout the City.

Councilor Key asked if the City was getting rid of the PUD all together.

Mr. Wynn answered yes as long as there is a very defined overlay district.

Councilor Chin asked if areas such as Ocean Oaks or other areas of higher density require an overlay to regulate their density and how they are built.

Ms. Wright answered that an overlay is not anticipated as part of the process was to bring these into conformance.

Councilor Chin added that he hopes the reference to the PUD in the LDC would be taken out so the City would not be at risk.

Made by Jones, seconded by Messinger.

**MOTION:**

**TO APPROVE A HYBRID ZONING CODE WITH DISTRICT  
BASED-OVERLAYS TO REPLACE THE EXISTING  
CHAPTER 27**

Roll Call Vote:

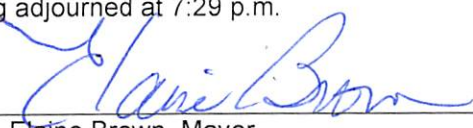
Ayes: 5-Chin, Messinger, Key, Jones and Brown

Noes: 0


**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 7:29 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City ClerkApproved: 10-4-2021