



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, AUGUST 21, 2023, 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 Monday, August 21, 2023, 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 Kerry Chin
 Councilor Lauren Key
 Councilor Nia Livingston
 Councilor Josh Messinger

STAFF:

City Manager Richard Pike
 City Attorney Zachary Roth
 Public Works Director Deryle Calhoun
 CFO Jaime Hernandez
 Parks and Sustainability Director Colin Moore
 Police Chief Michael Key
 Community Development Director Heather Whitmore
 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 Livingston led the Pledge of Allegiance.

**Life Saving
 Award**

Life Saving Award. Police Chief Michael Key and Sergeant William Torres presented Officer Kelly Camacho with the Life Saving Award. She received the award due to her proactive response, quick recognition of the severity of a medical emergency, her immediate actions and effective performance of CPR.

**Reimbursement
 of Legal Fees-
 Key**

Reimbursement of Legal Fees-Councilor Lauren Key. City Attorney Zachary Roth explained that the Code Section 2-236 provides that Council Members or employees who are provided with a defense if something is filed against them or if defense isn't provided, then they are entitled to a reimbursement of attorney's fees. Florida Statutes Section 111.071 in regards to this. The City reimburses the Council Members and the City is reimbursed by insurance.

Councilor Key announced she is recusing herself on this item which if for her as well as the next item requesting the same thing for her fellow Council Member.

Councilor Messinger announced he is recusing himself from this vote for and the following vote due to they are requesting the same thing.

Pursuant to F.S. Section 112.3143, Form 8B has been submitted and has been incorporated as a part of these minutes.

Made by Chin, seconded by Livingston.

MOTION: **TO APPROVE REQUEST FOR REIMBURSEMENT OF LEGAL FEES FOR COUNCILOR LAUREN KEY**

Roll Call Vote:

Ayes: 3-Livingston, Chin, and Brown

Noes: 0

Abstain: Key and Messenger

MOTION CARRIED

Reimbursement of Legal Fees-Messinger Reimbursement of Legal Fees-Councilor Joshua Messenger.

Councilors Key and Messenger recused themselves from voting on this item. Pursuant to F.S. Section 112.3143, Form 8B has been submitted and has been incorporated as a part of these minutes.

Made by Livingston, seconded by Chin.

MOTION: **TO APPROVE REQUEST FOR REIMBURSEMENT OF LEGAL FEES FOR COUNCILOR JOSHUA MESSINGER**

Roll Call Vote:

Ayes: 3-Livingston, Chin, and Brown

Noes: 0

Abstain: Key and Messenger

MOTION CARRIED

Lead Service Line EPA Lead Service Line Rule -Planning and Design Services proposal from Saltus Engineering, Inc. Public Works Director Deryle Calhoun explained that on December 22, 2020, 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.

Saltus Engineering, Inc., assisted CONB in applying to FDEP's State Revolving Fund (SRF) for financial assistance in complying with this rule; FDEP has awarded \$320,800 for the planning and design phase of the work. The award includes up to \$157,094 in principal forgiveness.

Made by Messenger, seconded by Key.

MOTION: **TO APPROVE PROPOSAL FROM SALTUS ENGINEERING, INC. FOR LEAD SERVICE LINE IDENTIFICATION IN THE AMOUNT OF \$29,800.00.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Pump Station and Well Fencing Pump Station and Well Fencing. Mr. Calhoun explained fencing at various wastewater pump stations and wells are currently in disrepair and require replacement. A JEA contract with Armstrong Fence Company was utilized and quotes were obtained. We have not received a signed and executed copy of that contract.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE REPLACEMENT OF FENCING FOR THE PUMP STATIONS AND WELLS IN THE AMOUNT OF \$31,907.20 CONDITIONED UPON RECEIVING THE SIGNED CONTRACT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Surplus Property Surplus Property. Mr. Calhoun explained that the list includes the solar panels. He reported that we would still have 30% capacity if we eliminate the flat roof solar panels. He is working on options for the panels, such as donation or reselling on our surplus selling site.

Made by Messinger, seconded by Livingston.

MOTION: TO APPROVE THE SURPLUS PROPERTY LIST AS REQUESTED

Roll Call Vote:

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

Noes: 0

MOTION CARRIED


PUBLIC COMMENT

Public Comment Chuck McCue, .1908 Third Street, Neptune Beach, spoke regarding the reimbursement for legal fees, purchasing, and responding to constituents.

Adjournment There being no further business, the Special Meeting adjourned at 6:30 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 09-05-2023



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>Key Lauren O</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Neptune Beach City Council</u>	
MAILING ADDRESS		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY _____ COUNTY _____		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <u>8/21/23</u>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

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IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lauren Key, hereby disclose that on August 21, 20 23:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

vote for reimbursement of my attorneys fees.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/21/23
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Messimer Joshua Hyatt</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Neptune Beach City Council</i>	
MAILING ADDRESS <i>219 Bowles St</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Neptune Beach</i>	COUNTY <i>Duval</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>8/21/23</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joshua Messinger, hereby disclose that on Aug 21, 20 23:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

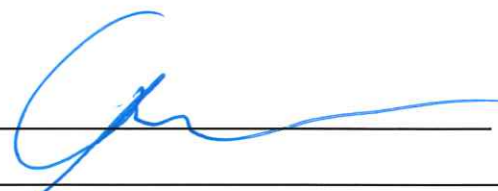
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Vote for reimbursement of my fellow council members attorney fees as I was making the same request

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/22/23

Date Filed

Signature 

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DATE ON WHICH VOTE OCCURRED <i>8/21/23</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

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* * * * *

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APPOINTED OFFICERS (continued)

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(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
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8/22/23
Date Filed


Signature

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DATE ON WHICH VOTE OCCURRED <u>8/2/23</u>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <u>9</u> <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

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APPOINTED OFFICERS (continued)

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I, Lauren Key, hereby disclose that on August 21, 20 23:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
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- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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vote for reimbursement of my attorneys fees, because the same manner was being requested for me as a fellow councilmember.

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8/21/23

Date Filed

[Signature]

Signature

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