



**MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, JUNE 29, 2020, AT 5:00 P.M.
COUNCIL CHAMBERS, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, June 29, 2020, at 5:00 p.m., by Communications Media Technology and In-Person, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020, as extended by Governor Executive Order Number 20-112, Executive Order 20-123, and Executive Order 20-139.

Attendance	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Josh Messinger Councilor Scott Wiley	STAFF: City Manager Stefen Wynn City Attorney Zachary Roth Community Development Director Kristina Wright City Clerk Catherine Ponson
Order Call/Pledge of Allegiance	Mayor Brown called the meeting to order at 5:00 p.m. and Councilor Chin led the Pledge of Allegiance.	
Public Comment	Mary Frosio, 1830 Nightfall Drive, Neptune Beach, stated that the City had been presented an offer of \$2,000 for the nonexclusive, nonsigned use of 13 spaces in the Beaches Town Center. She supports this settlement with the caveat that the City receives the money.	
CDB SE 19-07, 301 Atlantic Blvd	<u>CDB SE19-07</u> , Application for a special exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#1729820000). The application is for offsite parking.	
Applicant	TR Hainline, 1301 Riverplace Boulevard, Jacksonville, stated he is with Rogers Towers. He represents Roost Restaurants, LLC as well as the petitioner in the appeal that is pending. He reminded everyone that when the special exception was denied, they filed an appeal. He hoped that a settlement could be reached. A settlement agreement had been signed on June 16, 2020, after two shade meetings. The agreement included last call for beverages would be at 11:30 p.m. and closing at 12:00 midnight, reimbursement for work done on an access closure, and \$3,000 contribution to the Beaches Town Center Agency Fund. Also, the 13 offsite parking spaces would be valet service only and the City would be notified if there were any changes to the agreement Roost Restaurants has with the valet operator.	
Discussion	Councilor Wiley questioned when the minutes or recordings of the shade meetings would be available.	

City Attorney Zachary Roth answered they would be available when the petition is dismissed pursuant to this agreement and after the appeal period. He stated that the Court had asked for a settlement to be discussed.

Councilor Wiley commented that he had discussed his thoughts and concerns during the shade meetings and nothing has changed since then.

Vice Mayor Jones questioned the willingness of the party to make the payment to the City and what the amount is.

Mr. Hainline stated that last week it was discussed that there might be a desire for the restaurant to lease spaces from the City as opposed to the arrangement with the valet operator and with Regions Bank. He added that they are amenable to that. He remarked that the current payment to the valet operator is \$1,000 per month. He advised that they would be open to making that payment to the City for 13 spaces that are not exclusive and located where the City designates.

Councilor Messinger pointed out that the document states \$2,000.

Mr. Hainline reported that when they originally proposed the possibility of payments to the City for renting spaces, there were a couple of things that were different then. At that time, the payment to the valet operator was \$2,000 for the spaces exclusive and available to The Local in the Regions parking lot. That is now \$1,000. They had proposed \$2,000 per month to the City if there were signs for the parking spaces, understanding they are public parking spaces and would be nonexclusive. There were specific provisions that went with the \$2,000.

Councilor Messinger commented that he would be amenable to the \$1,000 payment to the City for the nonexclusive spaces without signage that are in effect the way the system currently operates that would support our new system. This would keep costs low to the citizens. The rest of the terms are sufficient.

Councilor Chin stated that the agreement with Regions Bank states the spaces are available after 5 p.m. He questioned if that would have implications for serving alcohol in the morning before the spots are available.

Mr. Hainline answered there are no implications and there would be no limitations.

Councilor Chin remarked that this would be granting an all-day license to serve alcohol but only have the full parking after 5 p.m.

Mr. Hainline remarked that the alcohol is not under the Zoning Code. It is a practical outcome of having many spaces for a period of time.

Mr. Hainline confirmed Councilor Chin's inquiry that patrons would be parking on their own in the lot in front controlled by The Local and under the settlement agreement, the parking is valet only.

Made by Messinger, seconded by Jones.

MOTION:

TO APPROVE CDB SE 19-07 WITH AN AMENDMENT FOR THE USE OF 13 NONEXCLUSIVE, NONSIGNED CITY PARKING SPACES IN THE AMOUNT OF \$1,000 PER MONTH

Discussion

Councilor Wiley questioned where the 13 spaces would be and who would be permitted to park there.

Mr. Roth explained they would be in the City right-of-way and would need to comply with the Code regarding proximity and would remain metered.

Vice Mayor Jones commented that from a policy standpoint, this emulates what a payment in lieu of a fee would look like moving forward. He added it is a better policy decision.

Councilor Messinger stated this is what is done in other cities where they have district parking programs. They want to foster future appropriate development. He added this is the safest option. It will help the tax base and this is the best path forward.

Councilor Chin expressed he had concerns that the City would be double counting spaces. We may be entering into a gray area. He added that there are not enough spaces to do this to begin with and this could create a situation that would exacerbate a problem we already have. He asked if this was the only route that we have to legally enact this.

Mr. Roth answered that the City could follow the route of the settlement agreement that was provided in the package that approves the lease with Regions Bank for lease of those spaces.

Mayor Brown remarked that she is uncomfortable with the nonexclusive parking and people would still be trying to find a parking space. She questioned what does this do that the City is saying the spaces are not exclusive to The Local and what could this do in the future as far as lawsuits. She wanted to make sure that the City is okay with accepting the \$1,000 for the parking spaces.

Mr. Roth stated that anytime you go from a situation where the City is approving an arrangement between private parties to one where the City is now a party to something, there is the increase for claims or challenges. In terms of precedence, there could be an argument that if it is allowed for one business, it should be allowed next time.

Councilor Messinger pointed out that the spaces are nonexclusive so we can continue to collect revenue. They are City spaces that we control. We have created spaces over the years in the Beaches Town Center. We have increased landscaping and that costs money. He also has safety concerns with the lease agreement with Regions.

Vice Mayor Jones commented that this type of program actually supports pedestrian mobility because it incentivizes walking in the case where we don't have any direct offstreet parking. There will be more people will be walking and biking to their destinations.

Mr. Roth confirmed Councilor Chin's inquiry that the agreement would be in effect until the Code rewrite is complete and then there may be a totally different solution.

Councilor Chin asked City Manager Wynn if it was possible to find further few spaces in the Town Center.

Mr. Wynn answered if that is the direction the Council would like to go, he could try and find some.

Councilor Chin stated he asked because if the Council is going to allow the use of 13 spaces, he was wondering if there is a possibility of somehow adding to the inventory to alleviate the effects.

Mayor Brown commented that she is uncomfortable with the City getting the money. She added it goes against what the City started out to do. She was more comfortable with Regions having the spaces there. She is also concerned with other tenants in the area wanting to expand.

Roll Call Vote

Roll Call Vote:

Ayes: 2- Messinger and Jones
Noes: 3- Chin, Wiley, and Brown

MOTION FAILED

Made by Jones, second by Brown.

MOTION:

**TO APPROVE CDB SE 19-07 WITH THE SETTLEMENT AGREEMENT
AS OUTLINED PRIOR TO THE FIRST MOTION**

Councilor Messinger stated that using the Regions parking spaces is the definition of double counting and he is not comfortable with the lease as written.

Mr. Roth pointed out that this special exception will automatically terminate if those spaces are not exclusive.

The original lease was amended to provide certain things, which includes they have to notify the City of any change to the duration, availability or exclusive use.

Councilor Chin pointed out that this agreement requires valet service to handle the parking so that there is no pedestrian safety issue. He also added there is a concern of double counting, but without a full count of what is going in the Beaches Town Center, we don't have an exact picture. This is a good solution for the short term until there is a better plan.

Vice Mayor Jones also stated that this is a good policy that gets us a short-term solution until we find out what is the best path forward until we see the Chapter 27 rewrite.

Councilor Chin mentioned it would have been a different issue if there had been a parking impact fee in our Code.

Roll Call Vote

Roll Call Vote:

Ayes: 4- Messinger, Chin, Jones, and Brown.
Noes: 1-Wiley

MOTION CARRIED

Ord. No. 2020-03, Additional Homestead Exemption

Ordinance No. 2020-03, Second Read And Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 21, Taxation; Article VI, Additional Homestead Exemption; Amending Section 21-120, Additional Homestead Exemption; Increasing the Amount of the Additional Homestead Exemption; 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 Messinger.

MOTION:

**TO ADOPT ORDINANCE NO. 2020-03, ADDITIONAL HOMESTEAD
EXEMPTION, ON SECOND READ**

Roll Call Vote:

Ayes: 5- Wiley, Chin, Messinger, Jones, and Brown.
Noes: 0

MOTION CARRIED

Ord. No. 2020-04, Buy American Ordinance No. 2020-04, Second Read and Public Hearing. An Ordinance Creating a New Section 2-388 (Buy American Preference in Contracts for Goods and General Services), Chapter 2 (Administration), Article VI (Finance), Division 2 (Purchasing and Contracts), City of Neptune Beach Code of Ordinances, To Create a Preference for American-Made Goods and General Services in Contracts; 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.

Mr. Roth confirmed Councilor Messinger's inquiry that this ordinance does not affect projects already in the works.

Made by Jones, seconded by Messinger,

MOTION: **TO ADOPT ORDINANCE NO. 2020-04, BUY AMERICAN, ON SECOND READ**

Roll Call Vote:

Ayes: 5- Chin, Messinger, Wiley, Jones, and Brown.
Noes: 0

MOTION CARRIED

Emergency Rules, Sec. 4-2(a) Emergency Rule to Temporarily Suspend Time Provisions of Section 4-2(a) of the Code of Ordinances of The City Of Neptune Beach.

Mr. Roth explained that this emergency rule was adopted in light of some of the recent positive testing that has occurred in the area. He had worked with the other beaches City Attorneys in drafting rules. Each beach city is essentially trying to reduce some of the spread issues that we are seeing. It moves alcohol sales to end at midnight instead of 2:00 a.m.

Councilor Wiley stated he had read that there was a morning meeting held and this emergency order looks like it has already gone into effect.

Mr. Roth explained that it being characterized as a meeting is not accurate. It was a press conference on Friday morning, June 26. The emergency rules were being worked on starting Tuesday, June 23, with the other City Attorneys. This was adopted in accordance with the Emergency Management Plan and is being brought to the Council as a whole.

Councilor Wiley stated he is not comfortable with the procedure that was followed. He did not have a chance to speak with any of the businesses as far as what effect it would have.

Mayor Brown stated that the data that was being received on the COVID-19 showed the number of cases were increasing. The three beach mayors are in agreement to try and curb the increase in the virus.

Made by Chin, seconded by Jones.

MOTION: **TO APPROVE THE EMERGENCY RULES SUSPENDING CODE SECTION 4-2(a)**

Roll Call Vote:


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

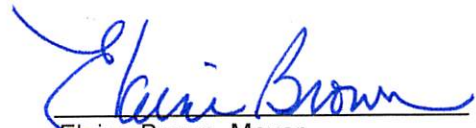
Noes: 1-Wiley

MOTION CARRIED

Adjournment

There being no further business, the special meeting adjourned at 6:04 p.m.


Catherine Ponson, CMC
City Clerk


Elaine Brown, Mayor

Approved: 7-6-2020

