

<u>AGENDA</u> <u>Regular City Council Meeting</u> <u>Monday, January 6, 2020, 6:00 PM</u> <u>Council Chambers, 116 First Street, Neptune Beach, Florida</u>

- 1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
- 2. <u>AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS</u>
 - A. Swearing In of New City Manager Stefen Wynn
- 3. <u>APPROVAL OF MINUTES</u>
 - A. <u>December 2, 2019, Shade City Council Meeting</u> <u>December 2, 2019, Regular City Council Meeting</u> p. 2
- 4. <u>COMMUNICATION / CORRESPONDENCE / REPORTS</u>
 - Mayor
 - City Council
 - City Manager
- City Attorney
- City Clerk
- Departmental Reports
- 5. <u>COMMENTS FROM THE PUBLIC</u>
- 6. <u>CONSENT AGENDA / NONE</u>
- 7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE
- 8. ORDINANCES / NONE
- 9. OLD BUSINESS / NONE
- 10. NEW BUSINESS
 - A. Interlocal Agreement between the City of Jacksonville and the City of Neptune Beach for p. 8 Distribution of 9-1-1 User Fees
- 11. <u>COUNCIL COMMENTS</u>
- 12. <u>ADJOURN</u>



MINUTES EXECUTIVE SESSION SHADE CITY COUNCIL MEETING MONDAY, DECEMBER 2, 2019 AT 5:12 P.M. CITY HALL, 116 FIRST STREET NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Shade Meeting of the City Council of the City of Neptune Beach was held December 2, 2019, at 5:12 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

 Attendance
 IN ATTENDANCE:
 STAFF

 Mayor Elaine Brown
 Interim City Manager Leon Smith

 Vice Mayor Fred Jones
 City Attorney Zachary Roth

 Councilor Kerry Chin
 City Clerk Catherine Ponson

 Councilor Scott Wiley
 Councilor Josh Messinger

Order Call Mayor Brown called the meeting to order at 5:12 p.m.

Mayor Brown explained the shade meeting was called to discuss litigation, after which time Council would reconvene in the Council Chambers and the Mayor would adjourn the shade meeting.

City Attorney Zachary Roth stated that he is requesting advice from the Council regarding current litigation in the Huron-Sophia, L.L.C. vs. City of Neptune Beach ongoing case. The attendees would be Mayor Elaine Brown, Vice-Mayor Fred Jones, Councilors Kerry Chin, Scott Wiley, Josh Messinger, Interim City Manager Leon Smith, City Attorney Zachary Roth and Phipps Reporting, Court Reporter.

Adjournment The shade meeting adjourned at 5:28 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved:



MINUTES REGULAR CITY COUNCIL MEETING MONDAY, DECEMBER 2, 2019, 6:00 P.M. NEPTUNE BEACH CITY HALL, 116 FIRST STREET NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held on Monday, December 2, 2019, at 6:00 p.m. in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida

Attendance: IN ATTENDANCE:

Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Scott Wiley Councilor Josh Messinger STAFF:

Interim City Manager Leon Smith City Attorney Zachary Roth Police Chief Richard Pike Community Development Director Kristina Wright Grant and Resiliency Coordinator Colin Moore City Clerk Catherine Ponson

Call to Order Mayor Brown called the meeting to order at 6:00 p.m. and Councilor Messinger led the Pledge of Allegiance.

AWARDS / PRESENTATION / RECOGNITION OF GUESTS

Swearing InPolice Chief Richard Pike introduced Officer Christian Griffin and Mayor Elaine Brown
administered the Oath of Office.

Res. No. 2019-14, DONNA Run 14, DONNA Run 14, or brown introduced Amanda Napolitano, Executive Director of The DONNA Foundation. She gave an update on the event and the impact the DONNA Foundation has had on the area.

Mayor Brown requested the resolution authorizing the event be moved to this portion of the agenda.

Made by Jones, seconded by Messinger.

MOTION: TO ADOPT RESOLUTION NO. 2019-14, AUTHORIZING THE DONNA MARATHON WEEKEND TO BE HELD ON FEBRUARY 7-9, 2020

Roll Call Vote:

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

MOTION CARRIED

APPROVAL OF MINUTES

Minutes Made by Wiley, seconded by Chin.

MOTION: <u>TO APPROVE THE FOLLOWING MINUTES:</u>

November 4, 2019, Regular City Council Meeting November 18, 2019, Special City Council Meeting November 18, 2019, Workshop City Council Meeting

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

MOTION CARRIED

Jarboe Park.

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COMMUNICATIONS AND CORRESPONDENCE

CITY MANAGER REPORT

City Manager Report

Police Chief Report Police Chief Richard Pike reported the following:

Interim City Manager Smith reported the following:

- DONNA Run meetings are continuing for preparation for that event.
- The Annual Santa Ride through Neptune Beach would be on Saturday, December 21, 2019.

Christmas in the Park would be at 6:00 p.m. on Friday, December 6, 2019, in

• The Pete's Bar Thanksgiving Day Event had a record crowd and there were no incidents.

City Attorney City Attorney Zachary Roth advised the Council on upcoming legislative bills that would have an impact on the area.

PUBLIC COMMENTS / NONE

CONSENT AGENDA / NONE

VARIANCES / SPECIAL EXCEPTION / DEVELOPMENT ORDERS

CDB 19-11,
DevelopmentCDB 19-11,
of the Unified Land Development Permit review as outlined in Chapter 27, Article 2
of the Unified Land Development Code of Neptune Beach for Brewhound Coffee Bar
Company for the property known as 1848 Kings Circle South (RE#173290-0000). This
property is in the C-2 Zoning District. The applicant is proposing to build an 8' by 8'
accessory structure to serve as a kiosk for customer check-in and reception

Jason Underwood, 2338 Eagles Nest Road, Jacksonville, owner and applicant, confirmed Councilor Chin's inquiry that the proposed structure would replace the temporary structure currently in place. He also confirmed Councilor Messinger's question that the new structure would incorporate the same design and aesthetic of the main facility.

Mr. Underwood responded to Councilor Wiley's question that the structure would be used for customers to check-in.

Made by Messinger, seconded by Wiley.

MOTION: TO APPROVE CDB 19-11, DEVELOPMENT PERMIT FOR 1848 KINGS CIRCLE SOUTH

Roll Call Vote:Ayes:5-Wiley, Chin, Messinger, Jones, and BrownNoes:0

MOTION CARRIED

CDB 19-12, Application for Replat, 324 Myrtle Street <u>CDB 19-12</u>, Application for Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for 324 Myrtle Street, LLC. The property is currently known as 324 Myrtle Street, (RE# 172976-0000). The subject property is located on the northeast corner of Third and Myrtle Streets. The applicants are requesting to demolish the existing duplex and subdivide the property into two conforming lots that will front on Myrtle Street

Councilor Messinger stated that the property is already plotted as two plots and is the reorientation of those lots to face Myrtle Street. This will make for a better quality of life and he does not have an issue with what has been presented.

Made by Messinger, seconded by Jones.

MOTION: TO APPROVE CDB 19-12, REPLAT FOR 324 MYRTLE STREET

Roll Call Vote: Ayes: Noes:

5-Chin, Messinger, Wiley, Jones, and Brown 0

MOTION CARRIED

ORDINANCES

Ord. No. 2019-10, R-4 Zoning District Lot Split Moratorium, Moratorium, Division 4, Sections 27-105-27-109 and Sections 27-110, Second Reading 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 a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; 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 Comment Mayor Brown opened the public hearing.

Jonathan Raiti, 224 Bowles Street, Neptune Beach, spoke in support of the temporary moratorium. He added this will help improve the resiliency of his neighborhood and community.

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

Council Vice Mayor Jones stated that in light of the upcoming land development regulation update, Discussion this will be addressed in that process.

Councilor Chin commented that his concerns have to do with resiliency and being able to address the threat of sea level rise. He added that with the Code rewrite maybe there will be options or scenarios where there will be greater flexibility to develop lots and still meet the regulations that will help our City.

Councilor Messinger remarked that we have an opportunity to address tree canopy, character of the community, and resiliency while still encouraging development in Neptune Beach. With the Dover, Kohl project moving forward quickly, this is appropriate to protect our community's unique character.

Mr. Roth advised the Council there was a correction since the first reading. There was a scrivener's error in the title and it should now read "certain" applications instead of "any" applications.

Made by Messinger, seconded by Jones.

MOTION: TO ADOPT ORDINANCE NO. 2019-10, R-4 ZONING DISTRICT LOT SPLIT MORATORIUM ON SECOND READ

Roll Call Vote: Ayes: Noes:

4-Messinger, Chin, Jones, and Brown 1-Wiley

MOTION CARRIED

Ord. No. 2019-11, Ordinance No. 2019-11, Chapter 28, Nuisances, Article III, Sections 28-11-28-15, Second Reading and Public Hearing, An Ordinance of the City Of Neptune Beach, Florida, Amending Chapter 28, Nuisances, Amending Article III, Nuisance Lighting, Sections 28-11-28-15; and Providing an Effective Date.

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

Councilor Wiley commented that the ordinance is still vague and needs more work.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT ORDINANCE NO. 2019-11, NUISANCE LIGHTING, ON SECOND READ

Roll Call Vote: Ayes:

Noes:

4-Chin, Messinger, Jones, and Brown 1-Wiley

MOTION CARRIED

Ord. No. 2019-12,
CodeOrdinance No. 2019-12, Chapter 2, Administration, Article VII, Division 2, Section 2-440,
Second Reading and Public Hearing, An Ordinance of the City of Neptune Beach, Florida
Amending Chapter 2, Administration, Amending Article VII, Boards and Commissions,
Division 2, Code Enforcement Board, Section 2-440; and Providing an Effective Date.

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

Made by Messinger, seconded by Jones.

MOTION: TO ADOPT ORDINANCE NO. 2019-12, CODE ENFORCEMENT, ON SECOND READ

Roll Call Vote: Ayes: Noes:

5-Chin, Messinger, Wiley, Jones, and Brown

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2019-13, <u>Resolution No. 2019-13</u>, A Resolution Expressing Approval and Support for the Development of United States Bike Route 1 (USBR 1).

Made by Messinger, seconded by Jones.

0

MOTION: TO ADOPT RESOLUTION NO. 2019-13, SUPPORTING THE UNITED STATES BIKE ROUTE 1 (USBR 1)

Roll Call Vote: Ayes:

Noes:

5-Messinger, Wiley, Chin, Jones, and Brown

MOTION CARRIED

COUNCIL COMMENTS

Mayor Brown requested the Council take the rest of December off from a formal meeting unless needed.

Councilor Chin reminded everyone that there is an exhibition at the Beaches Museum featuring the history of Neptune Beach. He commended the Historical Society for their efforts.

Councilor Messinger commended Interim City Manager Smith and staff for protecting the landscaping and removal of trash during the Pete's Bar Thanksgiving Day Event.

Adjournment There being no further business, the meeting adjourned at 6:33 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, City Clerk

Approved:



CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

AGENDA ITEM: Interlocal Agreement between the City of Jacksonville and the City of Neptune Beach for Distribution of 9-1-1 User Fees

SUBMITTED BY: Deidra B. Baines, Jacksonville Sheriff's Office, Budget Division

DATE: December 30, 2019

BACKGROUND: The City of Jacksonville receives taxes for telephone usage to help supplement the cost of 9-1-1 dispatch. Through this Interlocal Agreement, the City of Neptune Beach receives a share of the taxes from the County.

The agreement is amended each year to reflect the amount owed to the City. The entire agreement is renewed every five years.

BUDGET: The maximum amount to be distributed by Jacksonville as a result of this calculation for Neptune Beach for Fiscal Year 2019-2020 is \$90,486.00.

RECOMMENDATION: Approve the 9-1-1 Agreement for the Distribution of 9-1-1 Funds for Dispatchers

ATTACHMENT: 1. 9-1-1 Interlocal Agreement

Interlocal Agreement between Neptune Beach and City of Jacksonville - JSO

Baines, Deidra B. < Deidra.Baines@jaxsheriff.org>

Mon 12/9/2019 3:02 PM To: Catherine Ponson <clerk@nbfl.us>

1 attachments (48 KB)
 GC-#1326930-v1-NeptuneBeach_ILA_19-20_911.doc;

Ms. Ponson,

Attached please find the above referenced Interlocal Agreement with the City of Jacksonville. This Agreement is a new agreement covering five years with the distribution amount to be paid from October 1, 2019 through September 30, 2020.

Once you have had a chance to review, if it meets with your approval, print out three originals, obtain appropriate signatures (having that signature witnessed/attested in the spaces provided) and return all three originals to me at the address listed below.

<u>**Do not date the agreement</u>** as that will be done as part of the City's execution process. Once the agreement has been fully executed, an original will be returned to you via U.S. Mail. All persons of record will be sent a pdf. The corporation secretary will retain an original for its files.</u>

I hope you are doing well. Should you have any questions or concerns, please feel free to contact me.

Thanks,

Deidra Baines, #69081 Jacksonville Sheriff's Office | Budget Division 501 E. Bay Street, Suite 306 Jacksonville, FL 32202 Office: 904.630.2217 | Desk: 904.630.5970 | Fax: 904.630.2772 Deidra.Baines@jaxsheriff.org

Connect with us: <u>jaxsheriff.org</u> or on social media The Mission of the Jacksonville Sheriff's Office: "To Serve and Protect in Partnership with Our Community"

INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE, FLORIDA AND THE CITY OF NEPTUNE BEACH, FLORIDA

THIS INTERLOCAL AGREEMENT is made and entered into as of this ______day of ______, 2020, by and between THE CITY OF JACKSONVILLE, FLORIDA, a consolidated municipal/county government, making the General Services District (hereinafter referred to as "JACKSONVILLE") and THE CITY OF NEPTUNE BEACH, FLORIDA, a municipal corporation, within the General Services District (hereinafter referred to as "NEPTUNE BEACH") for the purpose of distributing proceeds collected and set aside via the 9-1-1 User Fee to be used to pay a portion of the salaries and related expenses for 9-1-1 Call Takers for that portion of their time spent answering and handling 9-1-1 calls under the provisions of Section 365.172(9), Florida Statutes, as authorized to be imposed by the governing body of Duval County (hereinafter referred to as the "Project").

RECITALS:

WHEREAS, in 2015, the parties made and entered into an Interlocal Agreement, City Contract #6494-56 (hereinafter referred to as the "Agreement") for the Project; and

WHEREAS, said Agreement was in effect until September 30, 2019, and

WHEREAS, the Council of JACKSONVILLE, acting as the governing body of Duval County, Florida, has authorized the fees collected to be used to fund an Interlocal Agreement wherein NEPTUNE BEACH will receive its pro rata share to be used for lawful purposes; now therefore

IN CONSIDERATION of the mutual promises and covenants herein contained and for other good and valuable consideration, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein and are made a part hereof by this reference.

2. Calculation of the 9-1-1 Distribution

2.1 NEPTUNE BEACH shall receive a distribution proportion (hereinafter referred to as the "Distribution") of the 9-1-1 User Fee calculated by taking the total call taker salary only from NEPTUNE BEACH, multiplying that amount by the portion attributed to 911 calls versus administration calls not to include dispatching calls (if not available, the Jacksonville Sheriff's Office percentage will be utilized), and multiplying that amount by the five year weighted average of 9-1-1 calls (if calls are not segregated by emergency/non-emergency, then the Jacksonville Sheriff's Office average will be utilized).

2.2 If the available net revenues (total 9-1-1 revenue less 9-1-1 administration salaries & benefits and operating expenses) are greater than or equal to the total calculated Distributions of the five Public-Safety Answering Points (Jacksonville Sheriff's Office, City of Jacksonville Fire Department, City of Atlantic Beach, City of Jacksonville Beach, and City of Neptune Beach) then the entire Distribution will be available to NEPTUNE BEACH. If the available net revenues are less than the total calculated Distributions of the five Public Safety Answering Points (hereinafter referred to as "PSAPS"), than NEPTUNE BEACH will receive its pro-rated share based on the percentage of its Distribution to the total calculated Distribution of the five PSAPS.

2.3 The maximum amount to be distributed by JACKSONVILLE as a result of this calculation for NEPTUNE BEACH for Fiscal Year 2019-2020 is "NINETY THOUSAND FOUR HUNDRED EIGHTY-SIX and 00/00 DOLLARS (\$90,486.00)"

2.4 The Distribution shall be remitted to the respective City Manager or Finance Director or his/her designee on a quarterly basis.

2.5 In each succeeding fiscal year, the Jacksonville Sheriff's Office will recalculate the Distribution to NEPTUNE BEACH, by updating the information referenced in Sections 2.1 and 2.2. The Jacksonville Sheriff's Office 9-1-1 Coordinator will notify NEPTUNE BEACH of the maximum Distribution in the first quarter of the succeeding fiscal year.

3. The 9-1-1 User Fees collected and distributed as provided herein shall be utilized only for call taker salaries and associated expenses, as provided for in Section 365.172(9), Florida Statutes.

4. NEPTUNE BEACH, by accepting funds, hereby agrees to provide an audit or accounting of such funds and the manner in which they were expended in accordance with Section 11.45, Florida Statutes.

5. NEPTUNE BEACH hereby acknowledges full payment and performance under all prior agreements on this subject and hereby waives any right to assert any claim for failure of performance in prior years.

6. The salary period covered under this Agreement shall be retro-active to October 1, 2019, and shall be in effect from the date it is recorded on the Official Records of Duval County until September 30, 2024.

7. This Agreement may be terminated by either of the parties upon 90 days' written notice of such termination to the other parties to this Agreement.

8. JACKSONVILLE will record this Interlocal Agreement in the Official Records of Duval County, as required by Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF, the City of Jacksonville, by and through its respective authorized representatives, has caused this Agreement to be executed on the day and year first above written.

ATTEST:

CITY OF JACKSONVILLE

By:_____

James R. McCain, Jr. Corporation Secretary

By:_____ Mike Williams, Sheriff *Per Ord. Code 37.101

In compliance with the Ordinance Code of the City of Jacksonville, I do hereby certify that there is an unexpended, unencumbered and un impounded balance in the appropriation to cover the foregoing Agreement and that provision has been made for the payment of the monies provided therein to be paid.

> Director of Finance City Contract Number: _____

Form Approved:

Office of General Counsel

IN WITNESS WHEREOF, the City of NEPTUNE Beach, by and through its respective authorized representatives, has caused this Agreement to be executed on the day and year first above written.

ATTEST:

CITY OF NEPTUNE BEACH

By:_____

Catherine Ponson, City Clerk 116 First Street Neptune Beach, FL 32266

By:_____ Elaine Brown, Mayor 116 First Street Neptune Beach, FL 32266

By:

Stefen Wynn, City Manager 116 First Street Neptune Beach, Florida 32266

STATE OF FLORIDA))ss.

COUNTY OF DUVAL)

The foregoing instrument was acknowledged before me this day of , 2020, by Elaine Brown, Stefen Wynn, Catherine Ponson, the Mayor, the City Manager and the City Clerk, respectively, of the City of NEPTUNE Beach, a municipal corporation in Duval County, Florida.

Such persons: (notary must check applicable box)

- are personally known to me; or
- produced a current ______ driver's license as identification; or
- produced as identification \square

_____ (Sign) (Print)

NOTARY PUBLIC

My Commission expires:

(NOTARIAL SEAL)

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