



AGENDA (Amended)
Regular City Council Meeting
Monday, February 6, 2023, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
 - A. Election of Vice Mayor
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. IQ Fiber Presentation p. 3
3. APPROVAL OF MINUTES
 - A. **January 3, 2023, Regular City Council Meeting**
January 17, 2023, Special City Council Meeting
January 17, 2023, Workshop City Council Meeting p. 13
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS
 - Mayor
 - City Council
 - City Manager
 - City Attorney
 - City Clerk
 - Police Chief
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE
8. ORDINANCES
 - A. ORDINANCE NO. 2022-09, Second Read and **Public Hearing**, An Ordinance of the City of Neptune Beach, Florida, Amending Section 2-28, Agenda; Providing for Severability; and Providing an Effective Date. p. 23
9. OLD BUSINESS
 - A. RESOLUTION NO. 2023-01, A Resolution of the City of Neptune Beach, Florida, Revoking Resolution No, 2017-01; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions and Council Decisions, Severability and an Effective Date p. 27
10. NEW BUSINESS
 - A. RESOLUTION NO. 2023-02, A Resolution Appointing Members to the Community Development Board p. 30
 - B. RESOLUTION NO. 2023-03, A Resolution Appointing a Fifth Member to the Police Officers' Retirement Fund Board p. 32

C. Consideration of Approval of the Interlocal Agreement between the City of Jacksonville and the City of Neptune Beach for 9-1-1 User Fees

p. 34

D. Consideration of Approval of ICMA/FCCMA Senior Advisors to Assist in City Manager Search

11. COUNCIL COMMENTS

12. ADJOURN



Residents attending public meetings can use the code **HX12** to validate their parking session at no cost. After 5:30 on the date of the meeting, follow these steps:

Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.

- **To use a kiosk:** Using a nearby kiosk, press the Start button and then select 2 to enter your plate and the validation code.
- **To use the Flowbird app:** Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" – the price will show "Free."

Construction Communications Plan

As Northeast Florida's only locally based and headquartered fiber-optic internet provider, IQ Fiber is committed to serving the community in everything we do. This includes excellent communication and customer service starting from the beginning of construction through deployment. It is critically important to our local team that we make the best impression possible on our neighbors.

Our team understands construction can bring disruptions and inconvenience to neighborhoods where we will build our network. IQ Fiber has partnered with the nation's leading builders of fiber-optic internet, and we intend to make the construction of our infrastructure as easy for our neighbors as possible. We believe being a good neighbor comes from doing what you say but also saying what you'll do. In keeping with that belief, we've designed a robust communications and feedback plan for our public affairs.

Before Construction Begins

- ✓ Crews will leave a door hanger explaining the construction process to every home affected
 - Includes contact information to report an issue and website address for FAQs
- ✓ A postcard will be mailed to each home to let each household know that a new service provider is available
- ✓ Coordination with city and municipal officials
- ✓ News announcement/release to local news media

During Construction

- ✓ Construction vehicles required to display license, contracting firm and IQ Fiber branding
- ✓ 100% local phone customer service where residents can ask questions or report issues
- ✓ Dedicated construction landing page to explain construction process and FAQs
- ✓ 100% local team for issues or complaints
 - Community manager regularly on site in construction zones
 - Construction manager regularly on site in construction zones
- ✓ QR Codes on construction signage leading directly to our construction webpage for FAQs and to report any issue
- ✓ Door to door visits by IQ Fiber employees

Post-Construction

- ✓ 100% local team focused on providing exceptional service
- ✓ Investment and engagement with the community
- ✓ 100% 10 gig capable fiber-optic network for superior broadband access

IQ Fiber is building a state-of-the-art fiber-optic network right here in Northeast Florida. The equipment and deployment are designed for the least impact to our neighbors. Deployment includes placing underground conduit and fiber optics along with above-ground cabinet stations, designed to align with other infrastructure where possible. Once installed, IQ Fiber will manage the 10-gigabit capable symmetrical network and provide a streamlined and simplified customer experience to our customers.



Standard Operating Procedure Engineering & Construction

1. Purpose

To construct a Fiber to the Home Network in the city of Neptune Beach, FL.

2. Scope

Installation of conduit, grade level vaults, vertical cabinets, and fiber optic cable throughout the neighborhoods and streets of Neptune Beach. Horizontal directional boring to place conduit under streets, and driveways. Digging missile pits and pot holing to identify existing utilities. Using pneumatic missile to place conduit from missile pit to missile pit in public right-of-way non pavement or concrete areas.

3. Prerequisites

- Market analysis of identified build area
- Estimating cost of construction and approval
- Field walkout, design, and engineering
- Schedule a pre-construction meeting with the local municipality to discuss the size and scope of the project
- Evaluate and obtain a qualified, reputable telecommunications construction firm
- Drafting of maps and permits to submit to local municipalities.
- Issuing an agreed upon bond to city
- Listing the city or county as additional insured on chosen contractor and IQ Fiber liability insurance policy.
- Identify all existing utility infrastructure
- Locating existing facilities prior to construction
- Obtaining an emergency contact list for owners of existing facilities and the city or county

4. Responsibilities

-
- IQ Fiber Construction Coordinator – Jese Sway
• jesse.sway@iqfiber.com 860-307-2154
 - IQ Fiber Director of OSP – Raymond Austin
raymond.austin@iqfiber.com 239-771-3248
 - IQ Fiber Vice President of OSP Engineering – Richard Fallon
richard.fallon@iqfiber.com 407-625-2640
 - Trix Utility Services Director of Construction – Chris Davis
chris.davis@trixus.net 470-707-2903
 - Trix Utility Services Vice President of Construction Kyle Gooden
kyle.gooden@trixus.net 470-725-6614
 - Trix Utility Services Owner Joe Adam
joe.adam@trixus.net 484-990-4488

5. Procedure

Engineering & Design Phase

- Verify and document all existing utilities and add to maps before permitting
- Identify a qualified engineering & design firm and execute contract
- Meet & plan with design firm to give clear direction and guidance of build.
- Review and approve final design for permitting and construction.
- Schedule a meeting with the local municipality building department to understand their requirements.
- Identify any obstacles or challenges in the defined build area
- Submit maps and paperwork needed to obtain right-of-way permits

Construction Planning Phase

- Identify three qualified and licensed utility contractors with references.
- Put together bid package with scope of work (SOW)
- Review bids and choose contractor to perform the work
- Execute contract and obtain required insurance
- Schedule meeting to discuss, plan and put together a schedule with timeline to complete
- Issue IQ Fiber construction standards
- Issue approved building permits & construction prints to contractor
- Schedule reoccurring weekly meetings to discuss open items

- Schedule a meeting with the local municipality building inspectors to discuss the project and understand their requirements.

Construction Phase

- Issue PO
- Call in utility locates to Sunshine811
- GPR congested areas
- Take before and after photos of the construction area and locate paint
- Pothole to locate marked existing utilities
- On-site meeting to launch project.
- FL contractor license number, contractor name and “Contractor for IQ Fiber” displayed on all vehicles
- Safety vests with “Contractor for IQ Fiber” displayed
- Follow MOT and all safety practices
- Missile potholes will not exceed a distance of six feet between holes
- Removal of all locate flags after path complete
- Cleanup and restoration of all property
- Tarps to be used to store dirt on all lawns
- Full time IQ on-site project manager
- Close-out of permits

Damages

- Immediately secure the site and follow best safety practices
- Immediately notify the damaged party of the event.
- Assist in the repair and restoration
- Secure any holes that must remain open for an extended repair
- Take photos of the damage and surrounding area
- IQ Fiber management team perform full investigation of the damage

Communication

- All homes passed in the planned construction area will be notified via mail 2 weeks before project begins.
- All homes in the construction zone to be door tagged 3-5 days before construction begins
- Customer activity coming into the construction website will be addressed within two hours of receiving the notification
- Telephone calls received at the local call center will be addressed immediately
- Follow up on all customer issues through resolution

- Daily pro-active communication with residents in the assigned build areas



Summary Neptune Beach FTTH Project

Jacksonville, FL based IQ Fiber has chosen to build a state-of-the-art fiber optic network in the city of Neptune Beach, FL. The new network will use the latest FTTH topology and consist of fiber optic strands servicing every home in the defined build area. XGS 10 Gigabit full symmetrical PON architecture will deliver lightning-fast speeds and local Jacksonville based customer service and technical support.

Construction of the project is expected to begin this summer and continue into 2023 until completed. The network will be constructed underground using 1.25" & .75" rolled SDR11 conduit. Vaults will be placed at grade level and there will be nine vertical distribution cabinets placed throughout the city. Fiber optic cables will be pulled through these pipes and spliced at key distribution points throughout the neighborhoods. Service drops will only be placed and buried to a resident's home if service is requested. Residents will be notified via mail and all doors in the construction zone will be tagged 3-5 days before construction commences.

There will be two methods of construction that will be used to place the conduits. Horizontal drilling will be used to cross all streets and running down main roads where more than one pipe may be placed. To reduce the chances of damaging other utilities stitch boring techniques will be used to place pipe in areas where there is no pavement or road crossings. The minimum depth of this will be eighteen inches and can be adjusted to accommodate any existing infrastructure. IQ Fiber plans to place the pipe as far away from other utilities as possible while staying in the city right-of-way. If the area is congested IQ Fiber standards are plus or minus 18 inches on either side of any existing lines. Best construction practices to achieve this will always be utilized. For highly congested areas IQ Fiber will use Ground Penetrating Radar (GPR) to the best of its ability to accurately locate all utilities before placing any pipe.

Planning and communication with the residents and city officials of Neptune Beach will continue to take place through the entire construction phase. We understand there are areas where the records may be lacking older pipe locations and we intend to work closely with the

city to prevent any damage to these pipes. In the event these pipes are damaged IQ Fiber will support and take all necessary measures to assist the city in completing repairs. IQ Fiber has secured a \$100,000 bond and has listed the city of Neptune beach as additional insured on our contract partners insurance policy. All residents will be directed to the IQ Fiber Construction website to help prevent calls from coming into the city staff. Please feel free to visit the website at

<https://www.iqfiber.com/construction/>



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/11/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | | |
|---|--|---|--|-----------------------|
| PRODUCER The Pentagon Group - NC 3122 Fincher Farm Rd, Suite 100-217 | | CONTACT NAME: Pam Secrest PHONE (A/C, No, Ext): (980) 202-2886 E-MAIL ADDRESS: pam@pentagongroup.net | | FAX (A/C, No): |
| MATTHEWS NC 28105 | | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| INSURED Trix Utility Services LLC 6400 New Hope Church Rd Wade NC 28395 | | INSURER A: OHIO SECURITY INS CO | | 24082 |
| | | INSURER B: HARLEYSVILLE PREFERRED INS CO | | 35696 |
| | | INSURER C: OHIO CAS INS CO | | 24074 |
| | | INSURER D: 21ST CENTURY ADVANTAGE INS CO | | |
| | | INSURER E: | | |
| | | INSURER F: | | |

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|-----------|----------|--------------------|-------------------------|-------------------------|---|--------------|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | Y | Y | BLS58354829 | 10/27/2021 | 10/27/2022 | EACH OCCURRENCE | \$ 1,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 300,000 |
| | | | | | | | MED EXP (Any one person) | \$ 15,000 |
| | | | | | | | PERSONAL & ADV INJURY | \$ 1,000,000 |
| B | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY | Y | Y | ACP BAG 3008501685 | 10/20/2021 | 10/20/2022 | COMBINED SINGLE LIMIT (Ea accident) | \$ 1,000,000 |
| | | | | | | | BODILY INJURY (Per person) | \$ |
| | | | | | | | BODILY INJURY (Per accident) | \$ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | \$ |
| C | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | Y | Y | USO58354829 | 10/27/2021 | 10/27/2022 | EACH OCCURRENCE | \$ 5,000,000 |
| | | | | | | | AGGREGATE | \$ 5,000,000 |
| | | | | | | | TRIA | \$ |
| D | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | Y | BNUWC0153468 | 02/15/2022 | 02/15/2023 | PER STATUTE | OTHER |
| | | | | | | | E.L. EACH ACCIDENT | \$ 1,000,000 |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | \$ 1,000,000 |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | \$ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

| | |
|--|--|
| CERTIFICATE HOLDER City of Neptune Beach 116 First Street Neptune Beach FL 32266 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Pam Secrest |
|--|--|

© 1988-2015 ACORD CORPORATION. All rights reserved.



IQ FIBER

A Smarter Internet Choice

**A 100% Fiber-Optic Network is
Coming To Your Neighborhood!**

Construction Starts Soon

We are building a new state-of-the-art fiber-optic network. During the construction phase, we will make every effort to not disrupt your neighborhood.

You can expect our construction crews to be installing underground fiber cables and access vaults in the right of way easements during daylight hours.

This work will require digging access holes and directional underground boring to install the conduit paths. Underground utility locating firms will be painting lines and placing small flags to mark utilities. Please do not remove the flags, as it is state law that they remain in place during construction. The paint is water-based and will fade away, and all flags will be removed at the completion of construction. We suggest watering the sod after construction crews leave so that it may grow back. We appreciate your patience and understanding.

**For more information and FAQs,
please visit iqfiber.com/construction.**

FOLLOW US

@IQFIBER    

904-289-1000

iqfiber.com



IQ FIBER

A Smarter Internet Choice

**A 100% Fiber-Optic Network is
Coming To Your Neighborhood!**



Lightning Fast

Delivers the fastest upload and download speeds available.

Visit iqfiber.com for plans and pricing!



Local Experts

Real people, who live right here in Jacksonville, trained to help you get the most out of your service.



Stress-Free Guarantee

No contracts, fees or data caps. The price you see is the price you pay.

Pre-register online or by phone!

FOLLOW US

@IQFIBER    

904-289-1000

iqfiber.com



**MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 3, 2023, 6:00 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, January 3, 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 (*absent*)
Councilor Nia Livingston
Councilor Josh Messinger (*absent*)

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Community Development Director Heather Whitmore
Senior Center Director Leslie Lyne
Public Works Director Jim French
Chief Financial Officer Danielle Dyer-Tyler
City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

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

Proclamation

Presentation of Proclamation. Mayor Brown read and presented a proclamation honoring the retirement of Joseph M. Mitirick, FACHE, from Baptist Medical Center Beaches. He helped grow Baptist Medical Center Beaches into a nationally recognized facility that provides easy access to comprehensive, high-tech medical and surgical care close to home. His efforts can be felt throughout the entire Beaches Community.

APPROVAL OF MINUTES

Minutes

Made by Chin, seconded by Livingston.

MOTION: TO APPROVE THE FOLLOWING:

November 29, 2022, Special City Council Meeting
November 29, 2022, Workshop City Council Meeting
December 5, 2022, Regular City Council Meeting

Roll Call Vote:

Ayes: 3-Livingston, Chin, and Brown
Noes: 0

MOTION CARRIED

City Manager
Remarks

Mayor Brown requested City Manager Stefen Wynn give an update on the Neptune Plaza Water Tank issue.

Mr. Wynn reported that the water tank located at the Neptune Plaza is a fire suppression water storage tank for Publix Supermarket's new store at 580 Atlantic Boulevard. His understanding is that Publix required a certain amount of water flow in order to be covered by their insurer. The water storage tank is necessary to achieve their goal. He stated that aside from discussing a color option, his office was just as surprised as neighbors to see the height of the water tank, especially since his office specifically asked the contractor, through the City's former Community Development Director, for a drawing that included the elevation of the tank back in June. The City is currently analyzing the facts to see if the submissions received by Publix, comply with the Building Code. The City has met with the third party building official to establish a timeline for permit application to construction. The City is reviewing the submissions received for the water storage tank.

Mr. Wynn continued that the City began communicating with neighbors and residents on December 12 about the water tank. The last communication he had with some residents on an email thread was on December 21, which included a next steps action plan. That plan includes meeting with neighbors of the Neptune by the Sea HOA, discuss the issue, and facilitate a meeting with the property owners and neighbors to discuss a solution to mitigate the appearance of the tank.

PUBLIC COMMENTS

Public Comments

Susan Cicchino, 629 Cherry Street, Neptune Beach, stated her name may be recognized as the author of the email from December 9, titled "Big Green Monster" that is in her backyard. She added that a massive industrial water tank had been installed for a fire suppression system erected behind the new Publix less than 15 yards from her back door. She stated that it appears this has been in discussion since June, 2021. She questioned why this was not brought before Council, the Community Development Board, and the residents of Neptune Beach. She expressed that their quality of life has been negatively impacted. She respectfully asks that the Council take into consideration some of the concerns of the neighbors.

Nancy Vannoy, 625 Cherry Street, Neptune Beach, stated she is directly impacted by the water tank and pump house. She said that the water tank was installed in one day. She can't believe this has happened in our community. She added that she was told to ask the City Manager. She reported that he said he didn't know anything about the water tank and he has just now said he had talks about it in August. There are inconsistencies and citizens need to be involved.

Rob Vannoy, 625 Cherry Street, Neptune Beach, stated he feels the same way as his wife, who just spoke. He also added that Mr. Wynn obviously knew about the tank as he has been talking about it for over a year. Mr. Vannoy's wife asked him about it two weeks ago and Mr. Wynn told Mr. Vannoy's wife he knew nothing about it. If he lies to his boss, he does not have a job. Mr. Wynn is not taking into consideration what is good for Neptune Beach and residents.

John Cicchino, 629 Cherry Street, Neptune Beach, spoke regarding the continued development at the 580 Atlantic Boulevard site. He requested the homeowners be consulted as key stakeholders in any mitigation discussions.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated all of the failed problems of the City should not fall on the City Manager. She spoke regarding trust and the future of the City.

Chuck McCue, 1908 3rd Street, Neptune Beach, stated that the biggest problem is communications. He added that Council had to have known there was a tank.

COMMUNICATIONS / CORRESPONDENCE / REPORTS / NONE

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

OLD BUSINESS / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

Supp. Agreement
No. 3, Dewberry

Supplemental Agreement No. 3 with Dewberry | Hydro for MS4 Compliance and Annual Reporting Services. Public Works Director Jim French explained this is a supplemental agreement, for an amount not-to-exceed \$20,000, with Dewberry Hydro similar to the one done last year. This is to provide assistance with preparing the City’s Municipal Separate Storm Sewer (MS4) permit, which is due to the Florida Department of Environmental Protection (FDEP) by March 31.

Vice Mayor Chin asked if this would be able to be done in-house in the following year.

Mr. French stated that if the City plans on hiring a City Engineer and this would be one of the items that this position could be trained on. It would depend on the timing.

Councilor Livingston questioned if the price was consistent with last year’s cost.

Mr. French answered that the cost last year was \$19,000 and this supplemental agreement has been included in the budget.

Made by Chin, seconded by Livingston.

MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 3 WITH DEWBERRY HYDRO FOR MS4 COMPLIANCE AND ANNUAL REPORTING SERVICES

Roll Call Vote:

Ayes: 3-Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

Tyler Technologies
Change Order

Tyler Technologies ERP Implementation Change Order and Restart Proposal. Chief Financial Officer Danielle Dyer-Tyler explained that this is the project restart for the Tyler Technologies ERP (Enterprise Resource Planning) System implementation. The project was placed on hold in October 2021. This change order outlines the 133 service hours that will be required to restart the implementation. There is also a Project Management Restart Proposal with a fixed fee to be charged on time for \$5,000.

Ms. Dyer-Tyler reported that we have a timeframe of implementation up until March. We should be running Tyler fully. This needs to be processes to stay within the provided timelines.

Vice Mayor Chin asked Ms. Dyer-Tyler to explain what are the benefits of the Tyler ERP System.

Ms. Dyer-Tyler explained that the system would allow all of our revenue to streamline into one system. It would also allow us to start project accounting and it ties directly to Public Works for our infrastructure needs. It will provide timely financial reports and will hold all of the information rather than working in multiple systems.

Made by Chin, seconded by Livingston

MOTION: **TO APPROVE TYLER TECHNOLOGIES ERP IMPLEMENTATION CHANGE ORDER AND RESTART PROPOSAL**

Roll Call Vote:

Ayes: 3-Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS / NONE

Adjournment

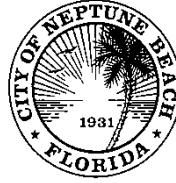
There being no further business, the meeting adjourned at 6:38 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JANUARY 17, 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 Tuesday, January 17, 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 Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Chief Financial Officer Danielle Dyer-Tyler
 Community Development Director Heather Whitmore
 Senior Center Director Leslie Lyne
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

City Manager Employment

Consideration of City Manager Employment. Mayor Brown read into the record a document dated January 16, 2023, prepared by the City Attorney. This was prepared at Mayor Brown's request. She then read into the record a document dated January 17, 2023, prepared by the City Attorney. Both documents state that in the City Attorney's legal opinion, cause exists under the City Manager's contract for his termination. Both documents are on file in the Office of the City Clerk.

City Manager Stefen Wynn stated that prior to the meeting, his legal counsel advised him it was his option to attend this meeting. He added that he had not had a chance to go over what was presented with his legal counsel. He would like time to review it.

Vice Mayor Chin remarked that it saddened him that this has reached this point. He hoped that differences could be ironed out and solutions found for complex issues such as the water tank. He stated that he had discussed the water tank with the City Manager a couple of weeks ago. The City Manager clearly understood the concerns surrounding the tank, including the underlying ground's stability and safety implications to the adjacent residents should the ground fail. He is disappointed to see the timeline of events that have brought us to tonight's meeting. Whether deliberate or not, it seems inescapable that neglect of duty has allowed this tank to be built with adverse impacts to the neighbors. He expressed his apologies to the residents of Neptune by the Sea that this has occurred.

Vice Mayor Chin stated he is an empathetic person and was ready to agree to a negotiated settlement last week with favorable terms. Those efforts did not reach a resolution. He remains hopeful that at this late hour that we can arrive at an agreement. He added that he would wait for the other Councilors' opinions.

Councilor Key stated on September 19, 2022, she read into the record many of her concerns that she had with the City Manager's poor performance surrounding his incompetence, recklessness, and ineffective leadership. At the core of the problem, in the most simplistic terms, the City Manager has, and continues to be, unwilling to accept responsibility for his actions, period. It has been her experience, as she stated previously, "the City Manager typically does not accept responsibility and blames others for his mistakes. Any apologies given for his poor or unprofessional behavior have been presented in a way that it attempts to shift blame and refuses to see any genuine fault or take accountability. His report he delivered yesterday, does just that. He claims no prior knowledge of the dimensions of the "big green monster" after admitting two sentences earlier that he was told the dimensions by the Community Development Director. He then goes on to say "our responsibility regarding the "big green monster" lies with the Building Department", a department that lies under his direct command. She can think of no worse quality in a leader than lying and evading responsibility. It is for these reasons, among others stated here tonight, that it is in the best interest of the City of Neptune Beach, to relieve Mr. Wynn of his duties.

Councilor Livingston agreed with what has already been stated. She feels sad. She reported that she met with Mr. Wynn two weeks ago hopeful that we could move forward trying to figure out what could be done to improve operations, communications, etc. Leaving that meeting, seeing the attachments and documentation of what has been going on, it seems clear to her Mr. Wynn cannot take responsibility for any of his actions. It leaves her at a point where she has lost confidence that he can carry out his duties to work towards the best interest of the City. It saddens her for the City of Neptune Beach but also for the residents in Neptune by the Sea, for what's happened. At this point, she agrees with the legal opinion.

Councilor Messinger remarked that the facts of the situation are evident at this point. He believes the City and residents of Neptune by the Sea have been placed in a very bad predicament. The situation was further exacerbated by providing all of the facts to the City Council and General Counsel. The facts continued to be misrepresented throughout the process, up until a comprehensive records pull took place, and these things came to light. He is disappointed we are at this place. He was hoping a resolution could be reached for an amicable exit. He does not believe that is possible at this point. He is in concurrence with numerous colleagues here that an immediate separation of the City Manager is in the best interest of the City and its residents.

Mayor Brown expressed that she is sorry that we are here for this reason. She was very hopeful that the offers that were given to Mr. Wynn last week were rejected. She is sorry the City is going through this as a whole. Her colleagues have stated their feelings and more important is that they do not like being here to do this. Their job and their duty is to the City of Neptune Beach as we move forward.

Made by Livingston, seconded by Messinger.

MOTION: **BASED ON THE ITEMS STATED ON THE RECORD TONIGHT, STEFEN WYNN BE TERMINATED WITH CAUSE, PURSUANT TO HIS CONTRACT, AS TO:**

ITEM 1. FLAGRANT NEGLECT OF DUTY
ITEM 3. WILLFUL MISCONDUCT

Roll Call Vote:
Ayes: 5-Key, Livingston, Messinger, Chin, and Brown
Noes: 0

MOTION CARRIED

PUBLIC COMMENT

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated this was horrifying. She expressed that she could not believe what had happened.

Rob Vannoy, 625 Cherry Street, Neptune Beach, stated that what Council had to do was tough. When an employee is not performing and lies directly to constituents, Council did the right thing.

Adjournment There being no further business, the Special Meeting adjourned at 6:28 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
 WORKSHOP CITY COUNCIL MEETING
 IMMEDIATELY FOLLOWING THE SPECIAL MEETING
 TUESDAY, JANUARY 17, 2023, 6:28 P.M.
 NEPTUNE BEACH CITY HALL
 116 FIRST STREET
 NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, January 17, 2023, at 6:28 p.m., in Council Chambers, 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 Attorney Zachary Roth
 Police Chief Richard Pike
 Chief Financial Officer Danielle Dyer-Tyler
 Community Development Director Heather Whitmore
 Senior Center Director Leslie Lyne
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:28 p.m.

PUBLIC COMMENTS

Public Comment

Brent Rogers, 932 Strickland Road, spoke regarding the Senior Center Bid. He offered suggestions and his help.

Rob Vannoy, 625 Cherry Street, Neptune Beach, stated it sounded like all parties involved with the "big green monster" are working to come up with a resolution. He requested the stop work order remain in place.

David Duvall, 628 Cherry Street, Neptune Beach, also requested the stop work order remain in place. He added that the termination of the City Manager was tough, but he supports it.

PROPOSED ORDINANCES / NONE

CONTRACTS AND AGREEMENTS / NONE

ISSUE DEVELOPMENT

Res. No. 2023-01, City Clerk

Resolution No. 2023-01, A Resolution of the City of Neptune Beach, Florida, Revoking Resolution No, 2017-01; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions and Council Decisions, Severability and an Effective Date.

Councilor Messinger explained the City Clerk’s duties were effectively delineated between the duties that are prescribed within the ordinances already, including the clerk reporting and serving the City Council but had the clerk’s day-to-day operations being handled by the City Manager. Those duties include HR. It has created issues and conflict. He wants to revert it back to its original construct.

Vice Mayor Chin stated he had originally broached this but was delayed because of extra complications of the fact that the City Clerk also handles HR duties. We were trying to figure out how best to separate that out and restoring the Clerk’s independence. HR deals with staffing issues and that fall under the City Manager’s office. We were reaching out to other clerks, but it was difficult hearing back.

Vice Mayor Chin clarified that the City Clerk is the direct hire of the City Council. It was never originally intended by our Charter to have the day to day operations handled by the City Manager. That was something the previous City Manager had instilled. We are restoring it back to its original intent.

City Attorney Zachary Roth suggested that a sentence be added that clarifies that the City Clerk with responsibilities as HR supervisor shall coordinate with the City Manager but shall report to the City Council.

Mayor Brown summarized that the Clerk reporting to Council is something Council is in favor of and this would be moved forward to the next Council meeting with the added language.

FAR Fee Waiver

Fee Waiver for FAR (Floor Area Ratio). Vice Mayor Chin stated that the new LDC has a FAR for R-1, R-2, and R-3 Zoning Districts. This was to find a method to control density. A proposal being brought forward is to waive the fee for a variance for this specific case.

Mr. Roth advised there could be an administrative waiver for this specific issue.

Mayor Brown reported that Community Development Director Heather Whitmore had prepared a memo regarding this. She is also going to be looking at how she and staff can come forward with corrections for the inconsistencies in the LDC.

Ms. Whitmore explained that ideally there would be an expedited bundle of updates to present as quickly as possible.

COUNCIL COMMENT

Public Comment

Councilor Key commented that earlier in discussions she did not address the issue with the “big green monster” and her sadness that it exists. She has shared this with residents and met with them. They have had numerous conversations and are in constant contact. She stated that she is sorry this has happened to the residents and Council is working really hard to right a wrong.

Adjournment

There being no further business, the Workshop meeting adjourned at 6:43 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____

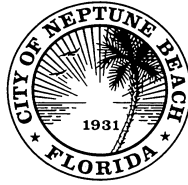


Agenda Item # 8A
 Ord. No. 2022-09
 Sec. 2-28

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

| | |
|------------------------|---|
| AGENDA ITEM: | Agenda Item # 8A– Ordinance No. 2022-09, Amending Code Section 2-28, Agenda |
| SUBMITTED BY: | Councilor Lauren Key |
| DATE: | February 1, 2023 |
| BACKGROUND: | <p>The City Council of the City of Neptune Beach frequently evaluates requests for approval of funding for projects and other expenditures.</p> <p>In evaluating such requests, backup documentation such as budgets, funding sources, historic expenditures, and related items assist the City Council in preparing questions and determining the appropriate response to such requests.</p> <p>The ordinance amends Code Section 2-28, Agenda, by adding the requirement that supporting documentation be included in the materials provided to Council.</p> <p>Ordinance No. 2022-09 was approved on First Read on December 5, 2022.</p> |
| BUDGET: | |
| RECOMMENDATION: | Consider Ordinance No. 2022-09 for adoption at the February 6, 2023, Regular City Council meeting |
| ATTACHMENT: | Proposed Ordinance Amending Section 2-28 |

**SPONSORED BY:
COUNCILOR KEY**



ORDINANCE NO. 2022-09

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING SECTION 2-28, AGENDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach frequently evaluates requests for approval of funding for projects and other expenditures; and

WHEREAS, in evaluating such requests, backup documentation such as budgets, funding sources, historic expenditures, and related items assist the City Council in preparing questions and determining the appropriate response to such requests; and

WHEREAS, the Code of Ordinance of the City of Neptune Beach currently does not require any specific information be provided to the City Council at the time of preparation of the agenda regarding such matters; and

WHEREAS, the City Council desires to require certain information be included in all agenda packages provided to the City Council when certain matters are placed on the agenda; and

WHEREAS, the City Council has determined that such requirements will advance the City's interest in ensuring efficient and proper evaluation of financial matters brought before it.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Section 2-28, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 2-28. – Agenda.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the city council shall, at least by noon of the Wednesday preceding each council meeting, be prepared by the city manager and delivered to the city clerk. The city clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the council, the mayor, the city manager and the city attorney with a copy of the same prior to the

council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the council by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the mayor or city manager before presentation.

When an agenda item seeks approval of the city council for the expenditure of funds, support documentation for the request shall be included in the materials provided to the city council. The types of information to be provided include, as appropriate, budgets, revenue sources, historic expenditures, cost estimates, contracts, and other information demonstrating the source of funding and the total cost of the matter if approved.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

| | |
|--------------------------|-----|
| Mayor Elaine Brown | YES |
| Vice Mayor Kerry Chin | YES |
| Councilor Nia Livingston | YES |
| Councilor Lauren Key | YES |
| Councilor Josh Messinger | YES |

Passed on First Reading this 5th day of December, 2022.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Nia Livingston
Councilor Lauren Key
Councilor Josh Messinger

Passed on Second and Final Reading this 6th day of February, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

| | |
|------------------------|---|
| AGENDA ITEM: | Agenda Item #9A – Resolution No. 2023-01 |
| SUBMITTED BY: | Councilor Josh Messinger |
| DATE: | February 1, 2023 |
| BACKGROUND: | <p>Resolution No. 2017-01, adopted on February 6, 2017, authorized the day-to-day management of the City Clerk under the City Manager. Resolution No. 2023-01 rescinds that resolution and places the City Clerk under the authority of the City Council</p> <p>At the January 17, 2023, Council Workshop, the resolution was discussed and language has been added stating that the City Clerk would coordinate with the City Manager regarding HR duties.</p> |
| BUDGET: | N/A |
| RECOMMENDATION: | Consider Resolution No. 2023-01 for adoption on February 6, 2023 |
| ATTACHMENT: | Resolution No. 2023-01 Resolution No. 2017-01 |



RESOLUTION NO. 2023-01

A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, REVOKING RESOLUTION NO. 2017.01; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach (the “City”) previously adopted Resolution No. 2017-01; and

WHEREAS, such Resolution placed day-to-day management of the City Clerk under the authority of the City Manager; and

WHEREAS, the City Council has evaluated such arrangement and determined that direct supervision of the City Clerk by the City Council is the appropriate structure moving forward.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

SECTION 1. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Resolution No. 2017-01 shall be deemed rescinded.

SECTION 3. Day-to-day management of the City Clerk, and all other supervision of the City Clerk, shall be under the authority of the City Council. Regarding the City Clerk’s duties regarding human resources, those shall be exercised in coordination with the City Manager, but the City Clerk shall report to the City Council.

SECTION 4. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. This resolution shall become effective immediately upon passage and adoption by City Council.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 6th day of February, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Resolution No. 2023-01



RESOLUTION NO. 2017-01

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH,
FLORIDA, AUTHORIZING THE CITY MANAGER DAY
TO DAY MANAGEMENT OF THE CITY CLERK
POSITION**

WHEREAS, it is responsible and prudent to have the day to day management of City employees, including the City Clerk;

WHEREAS, the daily oversight of the City Clerk creates a more productive and efficient business environment.

NOW, THEREFORE, BE IT RESOLVED that per the City's Charter, the City Clerk is appointed and supervised by the City Council. Recognizing the need for team oriented communication and cooperation in order to efficiently and responsibly serve the citizens of Neptune Beach, the City Council hereby authorizes the day-to-day management of the City Clerk to the City Manager. Both the City Clerk and the City Manager shall remain direct employees of the City Council and each shall answer to the City Council accordingly.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular City Council Meeting held the 6th day of February, 2017.

Elaine Brown, Mayor

ATTEST:

Amanda Askew, Acting City Clerk





Agenda Item # 10A
Res. No. 2023-02
CDB Appointments

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: RESOLUTION NO. 2023-02, A Resolution Appointing Members to the Community Development Board

SUBMITTED BY: Catherine Ponson, City Clerk

DATE: February 1, 2023

BACKGROUND: Rhonda Charles and Anthony Mazzola have requested to be reappointed as alternate members of the CDB. A third alternate position is vacant, and Marc Boran is being recommended. Section 27-38(m) of the Land Development Code states that three alternate members may be appointed by the mayor, subject to confirmation by resolution of the City Council, to serve on the board in the absence of board members.

BUDGET:

RECOMMENDATION:

ATTACHMENT: 1. Res. No. 2023-02, CDB Members



RESOLUTION NO. 2023-02

A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD (CDB)

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following CDB members:

COMMUNITY DEVELOPMENT BOARD

| Member | Type | Term | Begins | Ends |
|-----------------|------------------|------------------------|---------------|-------------|
| Rhonda Charles | Alternate Member | 2 nd 1-year | 02/06/2023 | 02/06/2024 |
| Anthony Mazzola | Alternate Member | 2 nd 1-year | 02/06/2023 | 02/06/2024 |
| Marc Boran | Alternate Member | 1 st 1-year | 02/06/2023 | 02/06/2024 |

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 6th day of February, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



Agenda Item # 10B
Res. No. 2023-03
PORF Board
Reappointment

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM: RESOLUTION NO. 2023-03, A Resolution Appointing a Fifth Member to the Police Officers' Retirement Fund Board

SUBMITTED BY: Catherine Ponson, City Clerk/HR Generalist

DATE: February 1, 2023

BACKGROUND: Leona Sheddán has requested to be reappointed as the fifth member of the Police Officers' Retirement System Board of Trustees. As a ministerial duty, Council appoints the fifth member to the board. This would be Ms. Sheddán's second two-year term.

BUDGET: N/A

RECOMMENDATION: Consider adoption of Resolution No. 2023-03, reappointing Leona Sheddán to the PORF Board

ATTACHMENT: 1. Resolution 2023-03, L. Sheddán, PORF



RESOLUTION NO. 2023-03

**A RESOLUTION APPOINTING A FIFTH MEMBER
TO THE POLICE OFFICERS' RETIREMENT FUND BOARD**

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointment:

POLICE OFFICERS' RETIREMENT BOARD

| Member | Type | Term | Begins | Ends |
|---------------|--------------------|-----------|------------|------------|
| Leona Sheddan | Appointed by Board | Two Years | 02/06/2023 | 02/06/2025 |

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 6th day of February, 2023

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



Agenda Item # 10C
911 Interlocal Agreement

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

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

SUBMITTED BY: Deidra Baines, JSO, Procurement Manager

DATE: February 1, 2023

BACKGROUND: This is the fourth year of the five-year agreement with COJ 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.

BUDGET: See agreement

RECOMMENDATION: Consider approval of the interlocal agreement with COJ for 9-1-1 fees

ATTACHMENT: 1. NeptuneBeach_911_ILA_2022-2023 01102023

**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 _____, 2023, 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 2019, 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, 2024, and

WHEREAS, said Agreement has been amended two (2) times previously, 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"), then 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)"

The maximum amount to be distributed by JACKSONVILLE as a result of this calculation to NEPTUNE BEACH for Fiscal year 2020-2021 is ONE HUNDRED FIVE THOUSAND EIGHT HUNDRED NINE AND 00/100 DOLLARS (\$105,809.00).

The maximum amount to be distributed by JACKSONVILLE as a result of this calculation to NEPTUNE BEACH for Fiscal year 2021-2022 is EIGHTY NINE THOUSAND EIGHT HUNDRED FORTY-EIGHT AND 98/100 DOLLARS (\$89,848.98).

The maximum amount to be distributed by JACKSONVILLE as a result of this calculation to NEPTUNE BEACH for Fiscal year 2022-2023 is EIGHTY THOUSAND SIX HUNDRED SEVENTEEN AND 58/100 DOLLARS (\$80,617.58).

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.

CITY OF JACKSONVILLE

By: _____
T.K. Waters, 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 unimpounded 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.

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 _____, 2023, 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

NOTARY PUBLIC
My Commission expires: _____
(NOTARIAL SEAL)