



AGENDA
Regular City Council Meeting
Monday, March 7, 2022, 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. Proclamation Recognizing the Fletcher High School Girls Soccer Team as State 6A Champions
 - B. Proclamation Designating March as Irish American Heritage Month p. 3
3. APPROVAL OF MINUTES
 - A. **February 7, 2022, Regular City Council Meeting**
February 22, 2022, Special City Council Meeting p. 5
February 22, 2022, Workshop City Council Meeting
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. 2022-02, SECOND READ AND PUBLIC HEARING, Amending Section 7-29, Article II, Chapter 7, Beaches and Waterways, Governing Use of Certain Personal Vehicles on the City's Beaches; Providing for Severability; Providing an Effective Date p. 22
9. OLD BUSINESS / NONE
10. NEW BUSINESS
 - A. RESOLUTION NO. 2022-03, A Resolution Appointing Members to the Community Development Board p. 27
11. COUNCIL COMMENTS

12. ADJOURN

Please register for Regular City Council Meeting on Mar 7, 2022 6:00 PM EST at:

<https://attendee.gotowebinar.com/register/717035934380096526>

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Ancient Order of
HIBERNIANS
Irish · Catholic · American

Office of the Florida State Secretary

Greg Seán Canning

Grioghár Seán Ó Canannáin

Past Florida State President and National Director

31 January 2022

Mayor Elaine Brown

City Hall

116 1st Street

Neptune Beach, FL 32266-6140

Dear Mayor Brown,

Agenda Item #2B

Irish American Heritage Month

Once again, Florida's Irish American community will be celebrating its Irish heritage during the month of March. Ever since the military governorship of Irish American Andrew Jackson, Irish Americans in Florida have provided leadership and service to their state, counties, and local communities. Irish Floridians can look back with pride on the legacy of their Irish forebears, who have contributed significantly to education, business, sports, literature, science, engineering, medicine, science and the arts. Today, we continue to recognize and honor the service of our current State, County and Town/City Council leaders and the contributions of fellow Irish Floridians.

In the past, March has been designated "Irish American Heritage Month" throughout the United States to coincide with the celebration of St. Patrick's Day on the 17th. Across the State of Florida, the Ancient Order of Hibernians and other Irish organizations will be conducting parades, celebrations, and cultural events.

The Florida Ancient Order of Hibernians respectfully requests that your office issue a Proclamation designating March 2022 as "Irish American Heritage Month" in recognition of the long history of Irish American contributions to the State of Florida. To assist you in this request, I have taken the liberty of providing a few "WHEREAS" for your consideration and possible use.

On behalf of the Ancient Order of Hibernians in America, I would like to thank you for your kind consideration of this request. Should you have any questions or need additional information, please do not hesitate to contact me.

In Friendship, Unity, & Christian Charity,

Greg Seán Canning

Florida AOH State Secretary

Past FL AOH State President and National Director



Greg Seán Canning, FL AOH State Secretary, 4530 Caladium Ct., Kissimmee, FL 34758-2156

Hm Ph (407) 350-4205

Cell Ph (201) 787-6650

Grioghar@mac.com

The Florida State Board of The Ancient Order of Hibernians: <http://www.aohflorida.org>





Ancient Order of **HIBERNIANS** Irish · Catholic · American

Office of the Florida State Secretary

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Past Florida State President and National Director

Suggested “**WHEREAS**” for Irish American Heritage Month

WHEREAS, by 1776 nearly 300,000 Irish nationals had emigrated to the American colonies and played a crucial role in America’s War for Independence; and

WHEREAS, five signers of the Declaration of Independence were of Irish descent and three signers were Irish born; and

WHEREAS, Irish Americans helped to fashion a system of government for our young Nation; and

WHEREAS, twenty-two Presidents have proudly proclaimed their Irish American heritage; and

WHEREAS, in 1792 Irish born James Hoban provided the architectural plans for the the White House and served as one of the supervising architects for the construction of the Capitol; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the “First Flag Officer of the United States Navy”; and

WHEREAS, Commodore John Barry fought the last sea battle of the American Revolution off the coast of Florida; and

WHEREAS, in 1813, Captain Oliver Perry, An Irish American, achieved a major naval victory in the Battle of Lake Erie; and

WHEREAS, in 1942, the 5 Sullivan brothers made the ultimate sacrifice for democracy and freedom during the Naval Battle of Guadalcanal and later had the Destroyer USS Sullivan commissioned in their memory; and

WHEREAS, the Irish first came to Spanish “*La Florida*” in the 1500s - first as missionaries and mercenary soldiers and then as planters, traders, businessmen, doctors and administrators; and

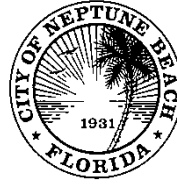
WHEREAS, three of the Spanish Governors of “*La Florida*” were actually Irish military officers; and

WHEREAS, Fr. Richard Arthur, an Irish-born priest from Limerick who was appointed parish priest for St. Augustine in 1597 and ecclesiastical judge of “*La Florida*,” established the first public school in America and opened it to both boys and girls of all races; and

WHEREAS, Andrew Jackson, whose family came from County Antrim, served as Florida’s military governor following its acquisition by the United States; and

WHEREAS, Irish Americans, since America’s inception, have provided and continue to provide leadership and service to this nation’s political, business and religious establishments; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of Irish Americans



**Agenda Item # 3
February Minutes**

**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 7, 2022, 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 Monday, February 7, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:
Mayor Elaine Brown
Councilor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger

STAFF:
City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Jim French
Community Development Director
Samantha Brisolara
Senior Center Director Leslie Lyne
Grant and Resiliency Coordinator Colin Moore
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.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Introduction of new CDD Introduction of Samantha (Sam) Brisolara - Community Development Director. City Manager Stefen Wynn introduced the new Community Development Director Samantha Brisolara.

Selection of Council Seat 5 Selection for Council Seat 5. Former Vice Mayor Fred Jones resigned from the City Council effective December 17, 2021. The position had been advertised and noticed. There were three candidates who submitted applications and met the required qualifications: L. Rhonda Charles, Robert Frosio, and Nia Livingston. The candidates have been interviewed by Council individually.

City Attorney Zachary Roth explained that Council would be given a ballot and rank the candidates 1-3, with 1 being their preference. He and the City Clerk would then score the ballots.

After the ballots had been scored, Mayor Brown announced that Nia Livingston received the most votes as the top choice.

Swearing-In of
Councilor
Livingston

Mayor Brown administered the Oath of Office to Councilor Livingston. Her husband, Hunter Livingston, was present. Councilor Livingston took her seat on the dais.

Made by Messinger, seconded by Key.

MOTION: **TO ACCEPT THE OUTCOME OF NIA LIVINGSTON AS THE WINNER FOR CITY COUNCIL SEAT 5**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

SJRWMD

Douglas Conkey, Intergovernmental Coordinator, St. Johns River Water Management District, spoke regarding artesian wells and district cost-share funding opportunities. He also mentioned that April is Water Conservation Month. The District is in the midst of the North Florida Regional Supply Plan to address current and long-term supply needs.

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE THE FOLLOWING**
January 3, 2022, Regular City Council Meeting
January 18, 2022, Special City Council Meeting
January 18, 2022, Workshop City Council Meeting

Made by Chin, seconded by Messinger.

AMENDED MOTION: **TO AMEND THE MOTION TO REFLECT THE CHANGES AS MADE BY THE CITY CLERK**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORIGINAL MOTION: **TO APPROVE THE JANUARY MINUTES, AS AMENDED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated (verbatim) "You can always depend on me for bringing joy into the meetings. I read this to my husband before I left, which is not something I usually do. He told me it was pretty harsh. I said, "You have no idea what I've been trying to do for six years. And I really have been trying hard. So, unfortunately, I've gotten to the point where I'm going to ask some pretty hard questions in the coming weeks, or two. Over the last five years, it seems to be a crisis and Neptune Beach every season they multiply ongoing and never-ending. From the Senior Citizen Center, the Neptune House, the park fiasco and the unnecessary and dangerous closure

of Florida Boulevard just to list a few. They all scream one thing, mismanagement, poor oversight, lack of transparency, and the failure of our Mayor, to know how to run a town government.

I'm sorry, I have to do that, but I feel that way. And I'm not alone There is a very dangerous thing happening right now, most people are not aware of what is going on in our City Hall with a plan that will blow Neptune Beach out of the water. I don't believe that statement is an exaggeration. I believe that our Mayor does know how to do one thing

Something she has done very well for 2006. From 2006 when she started her company and began helping developers and investors create opportunities for infill housing, and using form-based codes. The exact type of house and you see sprouting up everywhere around us but in Neptune Beach. the Dover Kohl and Partner investors vision plan must not be allowed to be approved by the present City Council. I will leave it up to our Mayor and at least one of our City Council members to step forward in the next week to tell us who they are and who they represent.

In the meantime, I want the citizens of Neptune Beach to be aware of the land codes now being created that will drastically alter our commercial landscape with multi-unit housing. Where could that housing possibly go? We have 50 acres of commercial property, and 33 of them have been designated for housing from the Kmart to BrewHound. The design may have been removed from the plan, but it is in the Codes we need to watch. They are too complicated for us to understand, and it will take a lawyer to interpret.

Mayor Brown and the City Council members sitting before me, the citizens of Neptune Beach, know what we want. We told Victor Dover what we want. You have hired them to create opportunities for form-based housing. I received that directly from Dover and Kohl. But you didn't tell us that. They didn't tell us that until the last public meeting in June, 2020. They made it clear that unfortunately, what we wanted, investors and developers didn't want. We were misled by both our city and a well-known planner, town planner. That is in black and white. It's also recorded. So I'm going to be getting involved in this code, so don't ask me how.

Thank you very much for your attention, and I'm sorry to have brought this down, but I will be looking forward for some transparency in the next couple of weeks about who you're representing and who you are seeking properties for, for investment, because, thank you very much. I appreciate it."

Harriet Pruette, former mayor of Neptune Beach, thanked Council for all they do. She has sat behind the podium and she understands. Ms. Hazouri did the same thing to her. One complaint after another after another.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report

Mr. Wynn began by stating some of the wind was taken out of his sail with some of the misleading information that was just presented as well some attacks on him through social media saying his reports are not factual. He cites actual citations where the information can be found, not only on the City website but also on the Urban Land Institute website. There are also other sources including the House of Representatives.

Mr. Wynn presented the February City Manager report entitled "Spring Ahead." He reviewed the Florida Boulevard culvert project, the Land Development Code updates, the Senior Center, the Jarboe Park updates, the building, code enforcement and fire marshal reports, and public works department projects.

He reported that the City is working with Dig Local Network on updating the lease agreement. They are a nonprofit organization that has been in operation since 2008.

The City is getting ready for the FY-21 Audit. The auditors will be here in March to begin field work.

All monthly City Manager reports can be found, in their entirety, at:
<https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>.

Police Chief
Report

Police Chief Richard Pike reported that the DONNA Run was successful through Neptune Beach. The intersection project at Third Street and Atlantic Boulevard has begun. They have had a couple of complaints and will handle those through FDOT. Plans have begun for Dancin' in the Streets scheduled for May 21, 2022. He presented the Crime Analysis Report for January.

Mayor Brown

(Verbatim) "I want to thank you for all of the positive things that you have referred to and clearing up more misinformation that has been out there on how our processes have been very transparent. I think there is certainly no crisis in this City, nor have I known of the City being in crisis. But I'd like to say that the positiveness is that we have a beautiful park right now. It's going to get even better when it's completed, and that we are certainly pleased with that. And I really want to go back to 2016, when we started the process of asking the public how they wanted the park and hundreds of people came out to give their input as to what they wanted and how many pickleball courts. I had never heard of that. How many tennis courts and what people wanted and new equipment, etc.

Councilor Messinger was not an elected official at the time and really was spearheading a lot of the plan. It is about to come to fruition. It is getting there. Changes were made. Prices went up. Never had there been a crisis with that. Neptune House sits inside of Jarboe Park. It is a wonderful building. There is nothing wrong with it. Nothing wrong with it except during construction we couldn't have people using it. It wouldn't be safe to go there. Neptune Beach is ready as soon as the park is completed to have parties, meetings or whatever. We have been storing a lot of Senior Center things in there. By the way, a lot of meetings have been held there regarding the park. It has been utilized probably the whole time but people can't use it. There is nothing wrong with the building. It is a fabulous building.

The Senior Center is coming along. It is going to be great for the seniors. It's been a long time coming. Again, I want to applaud, I want to do a positive spin on what we know is positive and that is we had all, as a City and City Council, decided to have a Senior Center. And the ups and downs would have been something many times we could not avoid, but it's getting there. It is something that is going to benefit and it was a huge part of this community for a long time and is going to be again. It is going to be a beautiful Senior Center, I must say that.

There has been no park fiasco that I know of. The park is in good shape. The lights. I was in the meeting where the lady had said, our neighborhood appreciates the lights being on, because it's something that, you know, we feel that we don't want people hanging out there that shouldn't be. And that is a safety factor. And of course, that there is no vandalism which we had had our park before. The Chief and Manager are looking at cameras that we are going to have around in there too, which can certainly catch the culprits as they do that.

I know that everyone that I have spoken to and I've got a lot of phone calls, which once again say on the record everyone that myself as a Councilmember, City Manager, we all welcome calls from any of the residents regarding anything that's going on.

And I have been able to point to and say what the culvert is going to do that's so positive for drainage and how long we've been working on it and how it is needed. This is something that people do understand. And I have to tell you that other than the first route sheet that we had, I don't know of any complaints. Florida Boulevard is not a road project. It is a huge culvert and drainage project that we were lucky to get dollars for and it is

moving ahead. And I feel as though, once people know the truth and know what it is, they understand it and once they understand it, I think they appreciate it.

On a personal level, and I really don't like doing this, but I feel as though I have to just make sure the truth is told about me because there has been an awful lot of innuendo and bullying that has hurt me and my family. I want you to know that I never started a company in 2006. I got off of the Jacksonville City Council in 2007 and in 2008, I went to work for a company. I got my real estate license and we had commercial real estate. And in 2013, well before I became mayor, and I really want you to understand this, I went away from real estate and went to work for another company. And I think that I don't know how people know the truth about what I do then continue to say these things online. Yes, it has hurt my feelings and yes, it is bullying but more importantly, it is lying. And I don't like it. It shouldn't be, that we have to put up with all of that. We need to tell the truth.

So, in 2006, I never started a company. I want to go again, and my colleagues know, I voted against Dover Kohl. I think they have done a very good job. I think that the public meetings have gone the way they should. I thought it was expensive and I voted against it.

I voted against the Ansbacher Group to come in and be our attorney because I wanted and thought it would be good to have our own in-house attorney. I know our attorney has been accused of things and our City Manager. So many things have been said that are not true.

I look forward to the City input and coming forward with what we have going on. More importantly, I can be called and I will meet and have met with many people. If there's ever anything that you hear about me, I would be more than happy to meet, and I can prove everything, where I work and what I have done. And I'm glad to share, in fact, I would show my contact list, and if there's any developers, or investors that have worked in Neptune Beach, I would love for you to point them out. I'd show that anytime. I don't know of any.

I am a person and my husband and I have always done what we thought was the right thing in public service. But also, I'm a positive person. And I am easily, I'm moving on with the fact that we, as a city, are going to do such great things. We have been, we not only have been, but we have the support, as you can see, in this room tonight of most of Neptune Beach for the positiveness that's going on. There's not a negative atmosphere in here. And we don't get that except for a couple of people and one that continues to give out misinformation and did so tonight.

I felt as though you, my colleagues, need to know from me first hand, if you have any questions that have come forward because of any of these accusations. We are not a City in crisis. We haven't been a City in crisis. We've had a professional team that has handled every single thing, every challenge, that we have had and they have done a great job. I can't say enough about our City Manager, our General Counsel, and the employees that work for us. Colin, I can't say enough about the great job you have done over at the park.

I can't thank the people of Neptune Beach for all the input that they have given us. And for all of the really positive things that they do as volunteers for us and asked to be volunteers, because they want to make a difference in the City. And I myself feel as though those are the people that deserve most of our attention. They wanted to do something to help. We wanted to do something to help it. And to just sit back and perpetuate lies and misinformation is something that hurts a lot of people, for a little bit of time, because we tell the truth. We are a transparent city. There is no crisis going on the City.

I myself feel as though the bullying kind of needs to stop. Let me ask anyone. There are cards out there with my cell phone number on it. It's on the website. I welcome any meetings with any citizens at any time and I thank everyone for putting up with this tonight. I am sorry that we had to do it. But I feel as though when the City is challenged, our city manager criticized, we've had our Councilmembers criticized with misinformation.

This is a great city. I'm proud to be the Mayor and I will say to each and every one of you, if there's ever anything that you see on Facebook, and innuendos that say corruption,

come and let us see if the Chief of Police can help you with it, the City Manager, the City Attorney or myself. I would be happy to sit with anyone or any of them. If there is a complaint that is ethical, I will help you fill out the ethics form. That is exactly the way that this City should function, will function and has been functioning. I thank you all.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ordinance No. 2022-01, FY 2021 Budget Amendment Ordinance No. 2022-01, Second Read And Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2021. Beginning October 1, 2020 and Ending September 30, 2021

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

City Manager Wynn explained he put the totals into this amendment, as requested by Councilor Key. He did increase some amounts of the appropriated fund balance to cover any unknown expenditures that have come out of the audit.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT ORDINANCE NO. 2022-01, AMENDING FISCAL YEAR 2021 OPERATING BUDGET BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2022-02, E bicycles- Ordinance No. 2022-02, First Read and Public Hearing. Amending Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Providing for Severability; Providing an Effective Date.

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

City Attorney Zachary Roth explained that last year, Council passed a fairly comprehensive ordinance for handling not just electric bicycles, but anything with a motor, both on our beaches and on our streets and sidewalks. The council wanted to be able to ban these bikes on the beach because of very dangerous speeds and they go on the beach. We were not permitted to do so under Chapter 316.

A bill has now been passed that specifically authorizes its municipalities to ban e-bikes on beaches and dunes within their jurisdiction. This is essentially an extension of the effort that we've begun last year to try to make the beaches and other parts of the city safer from these. This would operate as a complete prohibition of electric bicycles on the beaches and dunes, wouldn't change anything regarding the streets or sidewalks.

Council Discussion Council discussion included what the other Beach cities are doing, the definition of electric bicycles, and enforcement.

Mr. Wynn stated that if this passes on first read tonight, before the second read, he could find out what Atlantic Beach is doing.

Councilor Key commented she is in support of whatever is not going to hinder the police department and doing their job.

Mayor Brown asked the Councilmembers, if they would like to defer it for more information or go ahead and move forward with a first read.

Councilor Chin stated he was good with going forward with the first read.

Councilor Messinger remarked to go for first reading and get their feedback. He added , for the audience, it seems like one City initiates something and then brings the other beach communities.

Mr. Roth suggested that there is a workshop before the second read. If feedback comes from Atlantic Beach, the City Manager can present it then.

Made by Key, seconded by Chin.

MOTION: TO MOVE ORDINANCE NO. 2022-02, TO A SECOND READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2022-02,
PORF Board Appt

Res. No. 2022-02, A Resolution Appointing a Member to the Police Officers' Retirement Board. Mayor Brown stated thanked Scott Wiley for volunteering to be on the Board. He would be filling the unexpired term of Jennifer Kowkabany, who had resigned.

Made by Chin, seconded by Messinger.

MOTION: TO ADOPT RESOLUTION NO. 2022-02, APPOINTING SCOTT WILEY TO THE POLICE OFFICERS' RETIREMENT FUND BOARD

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resiliency Lab
MOU

Neptune Beach Resiliency Lab Memorandum of Understanding and StormSensor Pilot Project. Mr. Wynn explained that in the most recent budget amendments and our Fiscal Year 22 budget, we programmed some of our American Rescue Plan actually funding up to \$50,000 towards a Resiliency Lab that we're only asking tonight for \$16,000.

Councilor Chin stated he a good way to start because I think I really feel it real opportunity for us to develop a relationship with Smart North Florida and to, to establish some resiliency

Councilor Messinger commented that this is a worthwhile investment and commended Grants and Resiliency Coordinator Colin Moore for continuing to be creative in these efforts.

Mayor Brown stated this is a great opportunity and what's important is that anything that the City can do for the future is valuable.

Made by Messinger, seconded by Chin

MOTION: TO APPROVE THE NEPTUNE BEACH RESILIENCY LAB MEMORANDUM OF UNDERSTANDING AND STORMSENSOR PILOT PROJECT

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Letter of Support

Consideration of Letter Formally Opposing Senate Bill 512 and House Bill 325 Regarding Vacation Rentals. Mr. Wynn explained that the City is grandfathered in because our ordinance was put in before 2011. He wanted to pick up the banner for our Coastal communities. He serves on the Florida League of Cities committee. This letter was drafted by Community Development Director Samantha Brisolaro.

House Bill 325 looked promising but a late amendment makes it look more like Senate Bill 512 that hamstrings local governments in regulating vacation rentals.

Councilor Messinger suggested sending the letter to all of our representatives and have all Councilmembers sign a signature page

Made by Messinger, seconded by Key.

MOTION: TO APPROVE LETTER OF FORMALLY OPPOSING SENATE BILL 512 AND HOUSE BILL 325 REGARDING VACATION RENTALS, AS AMENDED PER DISCUSSION

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Livingston commented she was thankful and excited for this opportunity and looks forward to working with everyone.

Adjournment

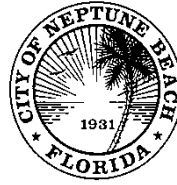
There being no further business, the meeting adjourned at 7:28 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, FEBRUARY 22, 2022, 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, February 22, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

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

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Public Works Director Jim French
 Community Development Director Samantha Brisolara
 Grant and Resiliency Coordinator Colin Moore
 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 Councilor Chin led the Pledge of Allegiance.

Supp. Agreement No.1, Ardurra Group

Consideration of Approval of Supplemental Agreement No. 1 with Ardurra Group, Inc. for Post-Design Phase Services on the Florida Boulevard Culvert Replacement Project. Mr. Wynn explained this is for post-design services on the Florida Boulevard Culvert Replacement Project.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH ARDURRA GROUP, INC. FOR POST-DESIGN PHASE SERVICES ON THE FLORIDA BOULEVARD CULVERT REPLACEMENT PROJECT**

Roll Call Vote:

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

MOTION CARRIED

Supp. Agreement No. 3, Jones Edmunds

Consideration of Approval of Supplemental Agreement No. 3 with Jones Edmunds & Associates, Inc. for Surface Water Discharge Elimination Feasibility and Planning. Public Works Director Jim French explained the State of Florida passed legislation requiring the City to submit a plan for eliminating nonbeneficial surface water discharges from its Wastewater Treatment Facility (WWTF) by January 1, 2023. The legislation is associated

with the 2021 Senate Bill 64 (SB64). The required plan was discussed and approved during the October 18, 2021, City Council meeting and submitted to the FDEP by November 1, 2021. Since then the FDEP has requested additional information. Staff budgeted \$80,000 for professional services in this year's sewer fund to begin the SB64 planning efforts. We are also working with the other Beach communities to identify possible joint solutions. This is the first step of many steps.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 3 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR SURFACE WATER DISCHARGE ELIMINATION FEASIBILITY AND PLANNING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Supp. Agreement
No. 4, Jones
Edmunds

Consideration of Approval of Supplemental Agreement No. 4 with Jones Edmonds & Associates, Inc. for Surveying Services to Locate Rights-of-Ways. Mr. Wynn reported that this is for Mobility Management for surveying rights-of-way around Bank of America. He stressed that all of these supplemental agreements have been budgeted and would not result in a budget amendment.

Mobility Management Director Megan Steward explained this was in response to an inquiry from Bank of America's management of a concern that there was perceived encroachment of some of the City's parking spaces on their property. The City walked the site with BOA and the next step is to mark the boundaries so we know exactly where the encroachment is.

Made by Chin, seconded by Messinger.

MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 4 WITH JONES EDMUNDS & ASSOCIATES, INC. FOR SURVEYING SERVICES TO LOCATE RIGHTS-OF-WAYS

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

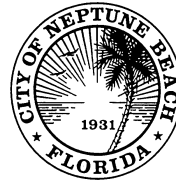
There being no further business, the Special Meeting adjourned at 6:10 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
TUESDAY, FEBRUARY 22, 2022, 6:10 P.M.**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, February 22, 2022, at 6:10 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Jim French
Community Development Director Samantha Brisolara
Grant and Resiliency Coordinator Colin Moore
Mobility Management Director Megan Steward
City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:10 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

Dept. Score Card

City Manager Stefen Wynn presented the Departmental Score Card. He reviewed each department's current and upcoming events and projects. He highlighted the Building, Code Enforcement, and Fire Marshal reports.

The Departmental Score Cards and reports are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>

CN Request for Add'l Staff

CM Request for Additional Staffing. Mr. Wynn explained that the City currently has eight open positions. Two are dispatchers, a number are at Public Works and some are at City Hall. He is also requesting the additional hire of five new employees. These requests were discussed at the Council Roundtable on May 25, 2021, and did not make it into the final budget. There is now additional funding from the America Rescue Plan Act (ARPA). The biggest one he would like to see filled is an Accounts Payable/Payroll Clerk. We have a desperate need for that.

Public Works has a number of positions, including Pump Mechanic. Public Works Director Jim French has been working with the Department of Corrections for

wastewater trainees to see what we can do to get more people in to train them to run our wastewater plant.

Mr. Wynn stated he also has a request for a Parks and Recreation Director. That position would oversee beach access clean ups and special events. His assistant is currently performing those duties including special events, things happening in the Town Center area, and Neptune House rental.

If Council is amenable to that, he will work up a budget amendment to show how everything would be paid, such as benefits.

Mr. Wynn confirmed Councilor Livingston's inquiry that these are full-time positions.

Councilor Key stated she would like to see job descriptions and what we would be paying them. This is great to say we need them but she would need to see the job descriptions and salary requirements to see the total impact to the City. For her, it is a financial decision. Does this make sense? Can we afford it? She would have to have the numbers before she could give an opinion.

Councilor Chin commented he appreciated the need for the positions and he is glad to see Building Official listed as it is something the City has sorely needed for a while now. This is one of the pieces needed to show the residents that someone is keeping an eye on what is happening.

Mr. Wynn reported that with having someone internal, the salary could get salty and the experience requirement is for ten years of experience before certification. We may need to come up with creative solutions for an internal goal.

Councilor Messinger agreed with Councilor Key in seeing the cost breakdown when it comes to the benefit packages. Salary is one thing but the total of all the costs can be a completely different story. Additionally, he agrees with Councilor Chin as he has been advocating for a Building Official for some time. He knows the fees we are paying the outside firm has grown. He would like to see the difference between the costs of what we are paying now compared to the cost breakdown of internal position. He is amenable to having those discussions but would like to see the whole picture.

Mr. Wynn reported that we are looking at hiring a temporary accountant as the Senior Accountant's last day is tomorrow. We have two staffing firms assisting with that search.

Councilor Key commented that she has concerns that with so many open positions and burdening our current staff and burning them out. This could create a higher amount of turnover.

The Departmental Score Cards and City Manager reports are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>

COMMITTEE REPORTS

Land Use
and Parks

Councilor Messinger reported the Land Use and Parks Committee would be meeting on March 8th, 2022, at 10:00 a.m.

PUBLIC COMMENTS

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding the position for the park, freedom of speech, and the land development code.

David Blais, 800 1st Street, Neptune Beach, spoke regarding the Land Development Code and uses in the different districts. He asked if we want to stay a low-key residential community or become more like St. Augustine, Fernandina Beach, or Jacksonville Beach where there are more bars and restaurants. Some of the things in the new Code are a very drastic change.

Shellie Thole, 124 Margaret Street, Neptune Beach, stated she and other members of Neptune Strong, had gone over the Land Development Code draft and it was supposed to tweak our Codes. What we have received is more density, higher buildings, more people and more areas to open things, like bars. She knows we can get this back on track and looks forward to being a part of this process.

PROPOSED ORDINANCES / NONE**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**

Electric Bicycles Prohibition of Electric Bicycles Discussion – Ordinance No. 2022-02 - An Ordinance Amending Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Providing for Severability; Providing an Effective Date.

Mayor Brown stated that at the first reading, Council discussed enforcement and different things. We were also going to look at what Atlantic Beach was going to do.

Mr. Wynn reported that Atlantic Beach's City Manager is not sure if he is okay with banning personal use of electric bicycles on the beach. He wanted to do more research on whether it is going to be personal or rental.

Councilor Key commented that she is good with the way the ordinance is drafted and we don't need to mirror what Atlantic Beach is doing in terms of personal or rental. They are all a hazard.

Councilor Chin agrees with Councilor Key and he is satisfied with the ordinance as it currently written and is ready to go to a second read.

Councilor Messinger added that there is a huge safety hazard on First Street and Strand. When the beach gets busier it is not going to be a good situation. He agreed that it does not matter whether it is personal or rental, they are a hazard and is good with how it is written.

Councilor Livingston agreed with her fellow Councilors. She asked if this was going to cause stress to our Police Department since the e-bikes are allowed on the next beaches. She hopes it will set a precedent with the other beach cities.

Police Chief Richard Pike stated it would be a big challenge. He added they would educate, warn and cite. If it becomes a problem, we will address it.

Mayor Brown commented that she has seen even more of the e-bikes. She agrees with Councilor Livingston that the other beaches will follow.

Ch. 27, LDC
Review

Discussion and Review of First Draft of Chapter 27, Unified Land Development Regulations, Article III, Division 8, Variances; Division 9, Special Exceptions; Division 10, Amending this Code; Division 11, Amending the Comprehensive Plan and Article IV, Land Use including Building Area Requirements

Mayor Brown reported that this has already gone to the Community Development Board and they have provided their comments and feedback.

Community Development Director Samantha Brisolara gave an overview of the three-step plan put in place to complete the Community Vision Plan.

She reviewed Variances and Special Exceptions. She outlined the changes including the application and notice requirements and appeals process.

She then went over amending the Land Development Code and Comprehensive Plan.

Ms. Brisolara reviewed the Land Use section. She stated that all of the land use codes are intended on implementing the Land Use Element section of the Comprehensive Plan. She outlined the zoning districts and uses within the districts. She introduced the changes to the use table outlined in Table 27-239, Permitted and Required Frontage Lot Types. There are added height, density, setbacks, frontage, lot dimensions and maximum building floor area for the new NC (Neighborhood Center) and RC (Residential Conservation) Overlay Districts.

Clarifications were made to C-1, C-3, and CBD zoning districts to include minimum and maximum setbacks for the front and side yards of corner lots. Lot coverages were increased in C-1 to 80%. The maximum building floor area was decreased from 60,000 square feet to 30,000 square feet in C-1. The maximum building floor area for C-3 was limited to 25,000 square feet and 20,000 square feet for CBD.

Building elevation was clarified to state that the building's ground floor or first floor shall be 12 feet above the crown of the road and may be required to be elevated above 12 feet when in a flood zone.

When a commercial district abuts a residential district, a buffer is required to be built and maintained by the commercial property owner.

Ms. Brisolara reported on the density calculations, These would only apply to new developments in R-3, R-4 and the RC overlay.

Residential frontage standards, architectural elements such as porches, entries, and balconies have been added. Garages and parking requirements have been added. (existing structures will not need to meet these code requirements unless substantial redevelopment of the property is triggered.) R-5 is required to have a minimum of 75% open space for developments larger than two acres.

PUD's will be required to provide a public benefit, be in line with the Comprehensive Plan, and be in harmony with the intent of the LDC. The PUD will need to integrate multiple businesses and community facilities. No residential uses are permitted. They are only allowed in C-1, C-2, and C-3 by special exception as long as there is no increase in intensity

Architectural elements have been added as well as store front entrances and access elements and types of building materials.

Council
Questions/
Discussion

Councilor Chin stated that he had a number of questions that speak to things that would increase even the perception of density. He questions reducing the side yard setback to five feet. He will want further explanation about that. He had a question about the building frontage minimums in the commercial zones. In terms of items like an arcade, he is not sure if we want to go that route as we would be giving away right-of-way. We would need some requirements in terms of insurance or indemnification. This is a very dense section and he would like to have more time to digest and go over it.

Mr. Wynn advised that built into the schedule is a 30-day window so we can continue to make edits. There will also be time for public comment to get more input. This is feedback that we want so we can incorporate them into this document. What is before Council is something that has been reviewed by City staff and our consultants. Staff has argued on behalf of our residents. Some things are still in here because we want clear direction.

Councilor Chin continued that his concerns are related to increases in density and usage. He questions the permitted uses in C-1. He will submit his comments in writing.

Councilor Messinger's comments included the following:

- Requests Zoning Map added to front of code changes
- Sec. 27-226 (h)(3) f. – Remove the word “private” from private club and make bars and taverns prohibited uses.
- Sec. 27-227(b) (3) – Child Day Care facilities should be removed
- Sec. 27-227(b) (4) – Remove “may have drive-thru facilities”
- Sec. 27-235(a) (8) – Change maximum encroachment from 15 feet to 10 feet
- Sec. 27-236(e) (2) – Remove Arcades from architectural standards in CBD
- Sec. 27-237 (6-8) – Retain “furthermore” language
- Sec. 27-239(c)(1) – Create consistency in how height is measured
- Table 27-239 – Does not want duplexes to be on 40-foot lots and split further into 20-foot lots. Duplexes should only be allowed on larger parcels. Side setbacks in the RC Overlay should be kept at seven feet.
- Sec. 27-243(b) (3)f. vi. – Garage doors should allow for a maximum width of 10 feet instead of 9 feet.
- Buffers should be oriented towards streets to mitigate noise and light pollution.
- Outdoor seating areas should be placed away from residential areas and facing streets
- Requests review of clearance heights for commercial balconies
- Look at garage placement and location in RC Overlay

Councilor Chin followed up on Councilor Messinger's comments about building on a lot with a duplex. He had a question on Sec. 27-242(g)a., where it sounds like it would allow someone to replace an existing duplex with a new duplex. It doesn't sound like there are any restrictions on what they can build. We need to take a look at that.

Councilor Livingston questioned the R-4 district and the moratorium that is in place to prevent split lots. She feels like we are not entrusting what we are trying to do. This is something we need to address.

Councilor Key stated that regarding Section 27-242, if someone has a duplex and they would like to tear that duplex down and rebuild it, we cannot take away their property rights and tell them that they cannot rebuild it. Duplexes and multifamily are a part of what makes our community unique. If you take that away, you start to deteriorate the sense of community that we are discussing. You would be cutting out a whole section of people who won't be able to afford to live at the beach and make our community as great as it is. According to the changes that are being proposed, she could not rebuild her house.

Councilor Key continued that there has been a lot of discussion about the C-1 zoning district. There may be some miscommunication on that. She has stated her thoughts on the Bank of America building and what its allowable uses are, which means it is closed on the weekends and closes at 5 p.m. during the week.

Mr. Wynn advised they had started a paid parking program with an attendant. It gets full on the weekend and is being used.

Councilor Key continued that there should be some sort of built in protection as there may not be someone looking out for the best interest of the City.

Councilor Key questioned the increase from 60% to 80% for the maximum lot coverage in C-1.

Councilor Messinger pointed out that the allowable building size has shrunk, so the expectation is that you are going to build a smaller building but you are required to do more to make it a more beautiful structure.

Councilor Key stated she does not understand the purpose behind the garage regulations unless it is to make it aesthetically pleasing.

Councilor Livingston questioned if it was trying to keep people from converting carports to garages. If she were to convert her carport to a garage, she would have to conform to what this is saying.

Mr. Roth stated that from the discussions at the CDB meeting, the intent is to create more spaces for off-street parking.

Councilor Key stated that she was under the impression that we would not have 40-foot lots and we were going to a minimum of 50-foot lots. There is a lot of talk about 40-foot lots. It does not seem like it has been addressed. There was the moratorium put in place but it seems open if someone wanted a 40-foot lot.

Mr. Roth explained that the moratorium would be lifted if this was adopted.

Councilor Key stated that she had a lot of conversations before this meeting. There are a lot of questions. It would be important to set a meeting, maybe with Mr. Blais, to further flush them out.

Mr. Wynn explained that we have integrated citizens into the internal meetings who have provided valuable feedback. We are going through the document line by line. We would be happy to meet with Mr. Blais or any other citizen.

Councilor Key commented that moving forward, in time to get Council feedback, more of these conversations should be happening between all of us. She wants to make sure there are no surprises because one person or two people felt a certain way. We represent the community and she wants to make sure there is focus on that.

Mayor Brown summarized that we covered a lot and there were a lot of suggestions. Anyone can make an appointment and get explanations. We have raised a lot of questions. We have a long way to go and there is more to be done. We are on the right track.

PUBLIC COMMENTS

Public Comment Chuck McCue, 1908 3rd Street, Neptune Beach, spoke regarding getting emails returned and miscommunications. He agreed we should be allowed to rebuild on our property. He also spoke regarding the 40-foot width, arcades and the Parks director position.

COUNCIL COMMENTS

Adjournment There being no further business, the Workshop meeting adjourned at 8:08 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**Agenda Item #8A
Ord. No. 2022-02
E-Bikes**

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

- AGENDA ITEM:** ORDINANCE NO. 2022-02, SECOND READ AND PUBLIC HEARING, Amending Section 7-29, Article II, Chapter 7, Beaches and Waterways, Governing Use of Certain Personal Vehicles on the City's Beaches; Providing for Severability; Providing an Effective Date
- SUBMITTED BY:** Councilor Kerry Chin
- DATE:** March 1, 2022
- BACKGROUND:** The Florida legislature recently adopted revisions to Fla. Stat. §316.20655 to permit municipalities to prohibit electric bicycles on beaches and dunes under the jurisdiction of such municipalities.
- Ord. No. 2022-02 passed on first read at the February 7, 2022, Council meeting. At the workshop on February 22, 2022, Council decided to move forward with the second read as written.
- BUDGET:** N/A
- RECOMMENDATION:** Consider the adoption of Ord. No. 2022-02 prohibiting e-bikes on the beaches and dunes of Neptune Beach
- ATTACHMENT:** 1. Ord. No. 2022-02



**INTRODUCED BY:
COUNCILOR CHIN**

ORDINANCE NO. 2022-02

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING SECTION 7-29, ARTICLE II, CHAPTER 7 (BEACHES AND WATERWAYS); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY'S BEACHES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, pursuant to Fla. Stat. §316.008(h) and §316.20655(1), the City has right to regulate the operation of bicycles and electric bicycles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, pursuant to Fla. Stat. §316.008(s), the City has right to regulate the operation of skates, coaster, and other toy vehicles with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police powers; and

WHEREAS, the City also has the right to regulate conduct on the beaches under the City's jurisdiction;

WHEREAS, the City has received complaints from members of the public regarding the reckless use of bicycle, electric bicycles, skateboards, scooters, roller skates, and personal mobility devices on the City's beaches, sidewalks, and streets;

WHEREAS, the unsafe use of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches, sidewalks, and streets presents an imminent and present danger to the health, safety, and welfare of those using the beaches for recreation;

WHEREAS, the City Council previously adopted Section 7-29 of the Code of Ordinances, regulating the operation of bicycles, electric bicycles, skateboards, scooters, and other personal transportation devices on the City's beaches;

WHEREAS, the Florida legislature recently adopted revisions to Fla. Stat. §316.20655 to permit municipalities to prohibit electric bicycles on beaches and dunes under the jurisdiction of such municipalities;

WHEREAS, to address the concerns provided above, the City Council determines that a prohibition of electric bicycles on the beaches and dunes under the City's jurisdiction is in the best interest of the City;

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

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

Section 1. Amending Section 7-29, Beach personal vehicle regulations. Amending Section 7-29, Beach personal vehicle regulations, Article II, Chapter 7 (Beaches and Waterways), City of Neptune Beach Code of Ordinances as follows:

Sec. 7-29. – Beach personal vehicle regulations.

(a) Definitions.

- (1) *Bicycle* shall mean as such term is defined in Fla. Stat. §316.003(4), as amended from time to time;
- (2) *Electric bicycle* shall mean as such term is defined in Fla. Stat. §316.003(22), as amended from time to time;
- (3) *Personal mobility device* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by machine power except electric bicycles and any other motorized vehicle specifically regulated by Chapter 316, Florida Statutes, as amended from time to time;
- (4) *Roller skates* shall mean any shoe, boot or other footwear, or device which may be attached to the foot or footwear, to which one or more wheels are attached, including wheels that are "in line," also known as "rollerblades";
- (5) *Skateboard* shall mean all wheeled objects, coasters, toys, conveyances, or similar devices used for transportation or sport which are propelled by human power except bicycles, electric bicycles, or roller skates;

- (6) *Reckless* shall mean
- a. At a speed in excess of fifteen (15) miles per hour; or
 - b. In willful or wanton disregard for the safety of persons; or
 - c. Operation in such a manner so as to cause an unreasonable risk of harm to person or property of others on the city's beaches; or
 - d. Operation in a manner other than is reasonable and prudent under the conditions existing at the time, having regard to the actual and potential hazards then existing.

(b) No bicycle, ~~electric bicycle~~, skateboards, roller skates, or personal mobility device may be operated on the beaches within the city in a reckless manner.

(c) To the fullest extent permitted by Fla. Stat. §316.20655, no electric bicycle may be operated on the beaches and dunes under the jurisdiction of the City.

(d) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.

(e) Penalties.

- (1) The amount of penalties for violations of this section shall be as provided for in in Fla. Stat. §318.18(3), as amended from time to time.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this 7th day of February, 2022.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this _____ day of _____, 2022.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



**Agenda Item # 10A
Res. No. 2022-03
CDB Appointments**

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

AGENDA ITEM: RESOLUTION NO. 2022-03, A Resolution Appointing Members to the Community Development Board

SUBMITTED BY: City Clerk Catherine Ponson

DATE: March 1, 2022

BACKGROUND: Nia Livingston was appointed to City Council on February 7, 2022. William Hilton is an alternate on the Board and is being recommended to fill Councilor Livingston's unexpired term as a regular member on the CDB.

Rhonda Charles is being recommended to fill Mr. Hilton's unexpired term.

BUDGET: N/A

RECOMMENDATION: Consider Resolution No. 2022-03, Appointing CDB members

ATTACHMENT: 1. Res. No. 2022-03 CDB Members



RESOLUTION NO. 2022-03

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
William Hilton	Regular Member	Fill unexpired term of Nia Livingston	09/04/2021	09/04/2024
L. Rhonda Charles	Alternate Member	Fill unexpired term of William Hilton	01/04/2022	01/04/2023

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this ___ day of _____, 2022.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



CITY OF NEPTUNE BEACH
Board Membership Application

RECEIVED

FEB 09 2022

Name: <u>L. Rhonda Charles</u>		City Clerk's Office
Address: <u>1451 Spindrift Cir E, Neptune Beach</u>		City of Neptune Beach
Mobile Phone: <u>904-699-4225</u>	Work Phone: <u>retired!</u>	
Email address: <u>rhondakc3@gmail.com</u>		
Occupation: <u>Retired</u>	Place of Employment: <u>—</u>	
How long have you lived in the City? <u>20 years</u>		
Education	Major	Did you graduate?
High School: <u>Holmes High, Edenton NC</u>		
College: <u>UNC - Greensboro</u>	<u>Com + Theatre</u>	<u>2 yrs only</u>
What are your hobbies and interests? <u>travel, beach walking, bike riding, boating, party planning, exercise + golf</u>		
Which Board do you desire to serve on? (see back for description)		
<input checked="" type="checkbox"/>	Community Development Board	
<input type="checkbox"/>	Police Retirement Fund Board	
Please explain what qualifications, employment or volunteer, you possess that is relevant to this board.		
<p><u>My resume is on file with the city but more than that I am a good listener. I work well with diverse groups of people, and am good at problem solving. I've been responsible for researching and developing plans in our school systems with the Readers Program I managed for the Jaguars and worked with Jacksonville City officials on the Super Bowl, planning committee when we hosted it.</u></p>		
Provide a brief explanation of your interest in being appointed to this board.		
<p><u>I love Neptune Beach. I recently applied to fill the vacant seat 5 on the NB City Council because I want to serve this great community and would be honored to be a part of this Community Development Board.</u></p>		
Are you available one night per month? <u>yes</u>		
Are you a registered voter? <u>yes</u>		
Signature: <u>[Signature]</u>	Date: <u>2/9/2022</u>	