



AGENDA
Special City Council Meeting
Wednesday, September 8, 2021, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
- PH 2. ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE RATE, FIRST READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Setting Forth Certain Information Regarding "Rolled-Back Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date p. 3
 - A. Ordinance No. 2021-07
- PH 3. ORDINANCE NO. 2021-08, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Providing an Effective Date p.6
 - A. Ordinance No. 2021-08
4. APPROVAL OF MINUTES
 - A. **August 2, 2021 Shade City Council Meeting**
August 2, 2021, Regular City Council Meeting
August 16, 2021, Workshop City Council Meeting p. 8
August 25, 2021, Special Joint City Council and CDB Meeting (LDC Update Kickoff)
5. COMMENTS FROM THE PUBLIC
6. COMMUNICATION / CORRESPONDENCE / REPORTS
 - Mayor
 - City Council
 - City Manager
 - City Attorney
 - City Clerk
 - Departmental Reports
- PH 7. ORDINANCE NO. 2021-05, SECOND READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for Development Orders or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Issuance of a Development Permit or Related Approval as set forth in Chapter 27, Unified Land Development Regulations, Article III, Division 2, Development Review Sections 2776 through 2788 in the Central Business District and Commercial C1 Zoning District; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date. p. 20
 - A. Ordinance No. 2021-05

PH

8. ORDINANCE NO. 2021-06, FIRST READ AND PUBLIC HEARING, An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date p. 26
 - A. Ordinance No. 2021-06
9. RESOLUTION NO. 2021-14, A Resolution Reappointing Members to the Community Development Board p. 32
 - A. Resolution No. 2021-14
10. RESOLUTION NO. 2021-15, A Resolution of the City of Neptune Beach, Florida, Authorizing The City of Neptune Beach to Join With the State of Florida and Other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements Implementing a Unified Plan; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions and Council Decisions, Severability, and an Effective Date. p. 34
 - A. Resolution No. 2021-15
11. RESOLUTION NO. 2021-16, A Resolution Amending Holidays Within the Personnel Policy of the City of Neptune Beach p. 57
 - A. Resolution No. 2021-16
12. Approval of Settlement Agreement between the City of Neptune Beach and RTA Consulting, Inc. p. 61
 - A. Settlement Agreement
13. Consideration of Format for Land Development Regulation Update p. 66
 - A. Phase 3: Land Development Regulations
14. COUNCIL COMMENTS
15. ADJOURN

Please register for Special City Council Meeting on Sep 8, 2021 6:00 PM EDT at:

<https://attendee.gotowebinar.com/register/8312530424794077708>



INTRODUCED BY:

ORDINANCE NO. 2021-07

MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR KERRY CHIN
COUNCILOR LAUREN KEY, COUNCILOR JOSH MESSINGER

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATE AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATE"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATE IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach has held a public hearing on the tentative budget and proposed millage rate for the 2021-2022 fiscal year, and has adopted a tentative budget and proposed millage rate necessary to fund the tentative budget; and

WHEREAS, the City of Neptune Beach proposed by separate ordinance to finally adopt a budget and make appropriations for various funds for the City of Neptune Beach for fiscal year beginning October 1, 2021, and ending September 30, 2022; and

WHEREAS, the budget as proposed will require revenues be raised and collected by ad valorem tax levy.

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

SECTION 1. Revenues shall be raised and collected for the City of Neptune Beach by ad valorem taxes for fiscal year beginning October 1, 2021, and ending September 30, 2022, as follows:

- A. There is hereby levied on all nonexempt property within the City of Neptune Beach an ad valorem tax of 3.3656 mills for operational purposes, and an ad valorem tax of 0.0000 mills for debt service, making a total of 3.3656 mills.
- B. Such millage shall be levied upon the dollar amount of the assessed valuation of all nonexempt taxable property in the City of Neptune Beach as returned by the Duval County Property Appraiser as shown in the 2021 assessment roll for the City, allowing homestead and other lawful

exemptions. All such taxes so specified and levied are ordered extended upon the assessment roll to show the tax attributable to all taxable property, and shall be collected by the Duval County Tax Collector as provided by law.

SECTION 2. The ad valorem taxes hereby levied are for the purpose of raising funds, revenues and monies to be used, set aside, and exempted for the functions and purposes of the municipal government of the City of Neptune Beach pursuant to the provisions of the City Charter and the laws of the State of Florida.

SECTION 3. The following information is set forth as required by Section 200.065(2)(d), Florida Statutes;

- A. As to the entire City of Neptune Beach, the millage rate levied herein is 5.93 percent more than the "rolled-back rate," 3.1773, which represented the "percentage increase in property taxes" according to the characterization ascribed to said percentage by Florida law.

SECTION 4. Pursuant to Section 200.065(6), Florida Statutes, the City Manager is hereby authorized to adjust the adopted millage rate set forth herein if the taxable value within the jurisdiction of the City of Neptune Beach as certified by the property appraiser is at variance by more than one percent with the taxable value shown on the assessment roll to be extended, such that the taxes are computed by applying the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll extended, except that no adjustment shall be made to levies required by law to be a specific millage amount. The City Manager shall certify to the property appraiser of the aggregate change in the assessment roll and taxable value, if any, from that certified.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council.

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

Passed on First Reading this ____ day of September, ____.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

Passed on Second and Final Reading this ____ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents:

Zachary R. Roth, City Attorney



INTRODUCED BY:

ORDINANCE NO. 2021-08

**MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR KERRY CHIN,
COUNCILOR LAUREN KEY, COUNCILOR JOSH MESSINGER**

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE
FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING
SEPTEMBER 30, 2022; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Neptune Beach has held a public hearing on its proposed millage rate and its tentative budget for the 2021-2022 fiscal year, and has adopted a tentative budget and proposed millage rate necessary to fund the tentative budget; and

WHEREAS, a further public hearing has been held to adopt a final millage rate and to adopt a final budget.

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

SECTION 1. The budget for the City of Neptune Beach as attached, marked Exhibit "A", is hereby adopted as the final and approved budget for fiscal year beginning October 1, 2021 and ending September 30, 2022.

SECTION 2. Funds are hereby appropriated in accordance with the City Charter as set forth in the budget adopted above.

SECTION 3. The City Council may amend this budget in order to make any appropriations, transfers, authorizations, or adjustments by adoption of a Resolution.

SECTION 4. All funds appropriated for the 2020-2021 fiscal year which are encumbered, but unexpended as of the last day of the fiscal year, shall be deemed re-appropriated for the same purpose for the 2021-2022 fiscal year.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption, but the budget adopted hereby shall take effect as of October 1, 2021.

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

Passed on First Reading this ____ day of _____, 2021.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

Passed on Second and Final Reading this ____day of _____, 2021.

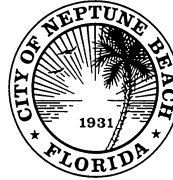
Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents

Zachary R. Roth, City Attorney



Agenda Item #4A

MINUTES EXECUTIVE SESSION SHADE CITY COUNCIL MEETING MONDAY, AUGUST 2, 2021 AT 5:27 P.M. CITY HALL, 116 FIRST STREET NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Shade Meeting of the City Council of the City of Neptune Beach was held Monday, August 2, 2021, at 5:27 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Elaine Brown (*absent*)
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key (*via CMT*)
Councilor Josh Messinger

STAFF

City Manager Stefen Wynn
City Attorney Zachary Roth
City Clerk Catherine Ponson

Call to Order

Vice Mayor Fred Jones called the meeting to order at 5:27 p.m.

City Attorney Zachary Roth explained the shade meeting was called to discuss litigation, after which time Council would reconvene in the Council Chambers.

City Attorney Zachary Roth stated that he is requesting advice from the Council regarding current litigation in the RTA Consulting, LLC. vs. City of Neptune Beach ongoing case. The attendees would be Vice-Mayor Fred Jones, Councilors Kerry Chin, Lauren Key(via phone), Josh Messinger, City Manager Stefen Wynn, City Attorney Zachary Roth and Phipps Reporting, and the Court Reporter.

Vice Mayor Fred Jones reconvened the public meeting at 6:15 p.m. and announced the conclusion of the executive session.

Made by Chin, seconded by Messinger.

Motion for Offer of Judgment

MOTION:

TO AUTHORIZE THE CITY ATTORNEY TO SERVE AN OFFER OF JUDGMENT IN THE AMOUNT OF \$66,500 to RTA CONSULTING, INC.

Roll Call Vote:

Ayes: 4- Chin, Key, Messinger, and Jones.
Noes: 0

MOTION CARRIED

Made by Messinger, seconded by Chin.

Motion for Offer of
In-Kind Donation

MOTION:

**TO AUTHORIZE CITY ATTORNEY TO AGREE AS PART OF
OTHER GLOBAL SETTLEMENT AN OFFER OF AN IN-KIND
DONATION RECEIPT IN THE AMOUNT OF \$10,111,
REPRESENTING THE DIFFERENCE BETWEEN THE
AMOUNT PAID FOR THE PARKING PROGRAM VEHICLE BY
RTA CONSULTING AND THE \$25,000 AGREED TO BE PAID
BY THE CITY**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

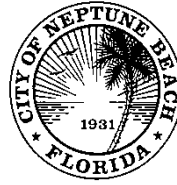
The public meeting adjourned at 6:19 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved: _____



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, AUGUST 2, 2021, 6:19 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, August 2, 2021, at 6:19 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown (*absent*)
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Lauren Key (*via CMT*)
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Commander Gary Snyder
 Chief Financial Officer Carl LaFleur
 Senior Center Director Leslie Lyne
 Grant and Resiliency Coordinator Colin Moore
 Community Development Director Kristina Wright
 City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Vice Mayor Fred Jones called the meeting to order at 6:17 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

Res. No. 2021-12, Lance McCauslin Bikeway

Resolution No. 2021-12, A Resolution of the City of Neptune Beach Honoring Lansing "Lance" McCauslin and Declaring a Namesake Bikeway.

Vice Mayor Jones read the resolution declaring First Street from Orange Street to Seagate the "Lance McCauslin Memorial Bikeway."

Mr. McCauslin grew up in Neptune Beach and rode his bicycle daily for over 50 years throughout the Beaches community. He made an effort to find a friend in everyone and went above and beyond to help others in their time of need.

Made by Messinger, seconded by Chin.

MOTION:

TO ADOPT RESOLUTION NO. 2021-12, HONORING LANSING "LANCE" McCAUSLIN AND DECLARING A NAMESAKE BIKEWAY

Roll Call Vote:

Ayes: 4- Messinger, Chin, Key, and Jones.
 Noes: 0

MOTION CARRIED

- Public Comment Rick Sauls, 126 Cedar Street, Neptune Beach, thanked Council for honoring Lance McCauslin.
- NERFC Sean D. Lahav, Resiliency Coordinator, Northeast Florida Regional Council, gave a Presentation regarding economic resilience. He explained the Northeast Florida COVID-19 Economic Recovery Plan and technical assistance opportunities for local governments.

APPROVAL OF MINUTES

- Minutes Made by Chin, seconded by Messinger.

MOTION: **TO APPROVE THE FOLLOWING MINUTES, AS AMENDED**
July 19, 2021, Special City Council Meeting
July 19, 2021, Workshop City Council Meeting

Roll Call Vote:

Ayes: 4- Chin, Key, Messinger, and Jones.
 Noes: 0

MOTION CARRIED**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

- City Manager City Manager Stefen Wynn reported the following:
- Neptune Beach will celebrate 90 years on August 11, 2021. A celebration is planned for later this year.
 - He gave updates on the Jarboe Park project and Senior Activity Center.
 - He reviewed his upcoming meetings.
 - He announced Neptune Beach would receive ARPA funding.
 - He gave an update on the Public Works Department projects.

Mr. Wynn proposed that the millage rate stay at 3.3656 for FY22, which has been the rate for the last decade. This will be voted on at the first budget hearing on Wednesday, September 8, 2021.

Mr. Wynn explained that Ordinance No. 2021-05, the temporary moratorium for commercial development orders, is a normal planning tool to ensure that new development regulations can be put in place before any new applications come forward for consideration. He wanted to answer any questions that had been asked regarding this moratorium.

Mr. Wynn reported that the City is looking into entering an agreement with Telescopic Health for testing employees at no cost to the employee.

After discussion by Council, it was decided to have the Phase III kickoff of the Vision Plan, which is the LDR update, on a separate day than the September workshop.

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>.

ORDINANCES

Ord. No. 2021-05, Development Permit Moratorium Ordinance No. 2021-05, First Read And Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for Development Orders or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Issuance of a Development Permit or Related Approval as set forth in Chapter 27, Unified Land Development Regulations, Division 2, Development Review Sections 27-76 through 27-88 in the Central Business District and Commercial C-1 Zoning District; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date

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

Councilor Chin stated that he can understand where people may be leery of so many moratoriums. As the City Manager explained, it makes sense because we are embarking on what could possibly be a substantial rewrite of our Code. That would be unfair to both the developer and the City if we allow things to be built that would suddenly be out of conformity.

Councilor Key questioned when would the moratorium be lifted.

City Attorney Zachary Roth clarified that it is currently drafted to expire in one year so it does not have to be extended if the LDR is not completed on time.

Councilor Key asked if this had been discussed with the Beaches Town Center Merchants Association and if they had provided feedback. She also asked if there had been feedback from businesses with commercial properties in the C-1 zoning district.

Mr. Wynn answered he was not aware of any conversations with the Merchants Association or had any feedback from businesses with commercial properties in the C-1 zoning district. He added that the City had not received any applications and nothing was in the queue for a new development or commercial development.

Councilor Key expressed that she disagrees with this. She stated that this is unfair to business owners while we work on something that is taking longer than expected. She is concerned about the backlog there would be when the moratorium is lifted. She is also curious as to why all of a sudden we decided to propose this when there has been no conversation with the business owners or Merchants Association.

Mr. Wynn stated that the reason that the City has not reached out to the Merchants Association is that they are established businesses within the Central Business District or C-1 zoning district. The intent of this would stop a new business from coming in under the old Code that is being revised.

Councilor Key questioned what if the current business owners were looking to expand their business. We would be restricting people from making their business better.

Councilor Messinger reported he had spoken with the president of the Merchants Association. This does not preclude someone from pulling a building permit and making modifications to their business or renovations or things of that nature. What it does preclude is an entire city block being bought and a new three-story major development coming in. It does not preclude roofing changes or someone wanting to do a build-out.

Councilor Messinger added that Dover, Kohl & Partners presented at the onset of the project that when we got to this point, we would want to put something in place to prevent an entire city block from being redeveloped that does not meet our future Code.

Vice Mayor Jones explained that the Chapter 27 update is the most significant element in the whole planning exercise. We have made an investment this far in the rewrite and we want to make sure we don't get to the finish line and someone comes in and does something that would belong in Mandarin. He added that the LDR update is going to occur more expeditiously and would likely be in place by December, maybe January.

Vice Mayor Jones continued that what we are talking about is the ability to ensure that we get walkable development and we address our pervious surface area to improve our stormwater flooding to make sure that buildings are oriented against the street. The business owners and Beaches Town Center representatives will be at the forefront of the discussions that we have moving forward with the Code and what we want out of our City ends up being in the Code. This is a pro-business planning tool.

Mr. Roth advised that understanding the discussion that has happened and the concern that this would actually have the impact of preventing building permits, he would do a little more adjusting on the language to make it explicit.

Made by Messinger, seconded by Chin.

MOTION: TO ADOPT ORDINANCE NO. 2021-05 ON FIRST READ

Made by Messinger, seconded by Chin.

AMENDED MOTION: TO AMEND THE ORIGINAL MOTION FOR CITY ATTORNEY TO ADD LANGUAGE TO CLARIFY WITH THE INTENT EXPRESSED BY COUNCIL

Amended Motion Roll Call Vote:
Ayes: 4-Key, Messinger, Chin, and Jones.
Noes: 0

AMENDED MOTION CARRIED

Original Motion Roll Call Vote:
Ayes: 3-Messinger, Chin, and Jones.
Noes: 1-Key

ORIGINAL MOTION CARRIED

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

OLD BUSINESS / NONE

NEW BUSINESS

Res. No. 2021-13
FDOT Lighting
Agreement

Resolution No. 2021-13, A Resolution Allowing the City Manager to Execute and Deliver the State Highway System Lighting, Maintenance and Compensation Agreement to the Florida Department of Transportation (FDOT).

Mr. Wynn explained this is a state highway lighting, maintenance and compensation agreement with FDOT to maintain the streetlights on FDOT roads in the City. This is a new seven-year agreement.

Made by Messinger, seconded by Chin

MOTION: TO ADOPT RESOLUTION NO. 2021-13, AUTHORIZING CITY MANAGER TO EXECUTE THE LIGHTING AGREEMENT WITH FDOT

Roll Call Vote:
Ayes: 4-Chin, Key, Messinger, and Jones.
Noes: 0

MOTION CARRIED

Mutual Aid Agreement

Approval of Water/Wastewater Mutual Aid Agreement. Mr. Wynn explained that this is a mutual aid agreement for water/wastewater to share resources with other municipalities in the State, similar to what we do with Public Safety. If there is ever a natural or manmade disaster, we can pull upon those resources for assistance.

Made by Chin, seconded by Messinger.

MOTION: **TO APPROVE THE WATER/WASTEWATER MUTUAL AID AGREEMENT FOR PUBLIC UTILITY ASSISTANCE**

Roll Call Vote:
Ayes: 4-Key, Messinger, Chin, and Jones..
Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mr. Wynn reported that once the date for the Penman Road Study kickoff are confirmed, we will let everyone know.

Adjournment

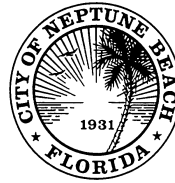
There being no further business, the meeting adjourned at 7:26 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, AUGUST 16, 2021, 6:00 P.M.**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, August 16, 2021, at 6:00 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Chief Financial Officer Carl LaFleur
Public Works Director Jim French
Senior Center Director Leslie Lyne
Community Development Director Kristina Wright
City Clerk Catherine Ponson

Call to Order/Roll Call

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

Mayor Brown announced that the testing site in Neptune Beach, located at 540 Atlantic Boulevard, had been approved for free testing by the City of Jacksonville

AWARDS / PRESENTATIONS / GUESTS

Swearing In Ceremony

Mayor Brown administered the Oath of Office to Officer Joseph A. Richardson.

Resiliency Lab Presentation

Clayton Levins, Executive Director, Smart North Florida, gave a presentation regarding a Neptune Beach Resiliency Lab. The project mission would be to drive innovation in the resiliency space for Neptune Beach, promote economic development, improve resiliency infrastructure and promote investment transparency through the use of coordinated data.

Enterprise Fleet Management

Todd Likens, Senior Account Executive, Enterprise Fleet Management, presented how fleet management works and the objectives of a management program.

DEPARTMENTAL SCORE CARD

COMMITTEE REPORTS

- Land Use & Parks Councilor Messinger reported that this committee is scheduled to meet on August 24, 2021 at 10:00 a.m.
- Finance Councilor Key reported that a meeting needs to be scheduled since there has been a transition in the Finance Department.

PUBLIC COMMENTS

- Public Comment Lynda Padrta, 1113 First Street, Neptune Beach, spoke regarding the motor parasailing that has been occurring at the beaches. They were flying close to houses and she thought they were supposed to stay over the beaches.

PROPOSED ORDINANCE

- Proposed Ordinance, PROPOSED ORDINANCE NO. 2021- An Ordinance Creating Section 7-29, Article II, Chapter 7 (Beaches and Waterways); Governing Use of Certain Personal Vehicles on the City's Beaches; Creating Section 22-8, Article I, Chapter 22 (Traffic and Motor Vehicles); Governing Use of Certain Personal Vehicles on the City Streets and Sidewalks; Providing for Severability; Providing an Effective Date

City Attorney Zachary Roth stated that in drafting this he used language from sister cities and language consistent with Florida Statutes, Chapter 316. Restrictions for these vehicles are for the beaches as well as streets and sidewalks.

CONSENSUS: **TO MOVE THE PROPOSED ORDINANCE TO THE NEXT REGULAR MEETING AGENDA**

CONTRACTS / AGREEMENTS

ISSUE DEVELOPMENT

- FY22 Budget Process FY22 Estimated Revenues. Mr. Wynn stated that some of the revenues had not been updated at this time. We will see that revenue in September and he assured Council that the City is doing well with its revenue. He added that the ARPA funding agreement had been signed and the first tranche should be received in the next couple of weeks. He added that a deep dive through the Finance Committee would take place before the September 8, 2021, First Budget Hearing.

FY22 Budget Requests. Mr. Wynn reviewed the departmental requests.

Councilor Key questioned the projected salary from Wastewater in FY21 of \$331,885.10 and the requested amount for FY22 of 648,000.00.

Public Works Director Jim French explained that some employees are paid out of different funds. There may have been employees transferred to another department and their salary was not adjusted to reflect that. He created a spreadsheet to make sure that people are hitting the correct percentages. He added that there are proposed positions in wastewater that may have a higher salary based on their qualifications. There is also a proposed master electrician position.

- CRA Discussion Establishing a CRA Discussion. Community Development Director Kristina Wright explained the CRA process. She added that a Finding of Necessity process is required for the creation and implementation of a Community Redevelopment Area (CRA). Key issue areas include severe and critical infrastructure needs, life safety, flooding and stormwater management insufficiencies.

Blight and slum determinations are directly from Florida Statutes and are a culmination of many years of not having a viable plan in place.

Councilor Messinger commended Ms. Wright for her effort and stated this is an excellent opportunity for the City.

Interim CFO

Approval of Interim CFO. Mr. Wynn explained introduced Jennifer Joyce with Ascendo Resources and Maxine Person. Ms. Person is begin recommended for the interim CFO position. She is interested in helping the City through ther transition.

Ms. Person stated there is a budget and an audit taking place and she likes to solve problems. She wants to help create a budget that is explainable and transparent/

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE THE APPOINTMENT OF THE INTERIM CHIEF FINANCIAL OFFICER, MAXINE PERSON**

MOTION CARRIED

Adjournment

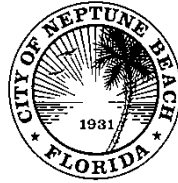
There being no further business, the Workshop meeting adjourned at 7:32 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
CITY COUNCIL & COMMUNITY DEVELOPMENT BOARD
COMMUNITY VISION PLAN
PHASE III KICKOFF
LAND DEVELOPMENT REGULATIONS
WEDNESDAY, AUGUST 25, 2021, 6:00 P.M.
NEPTUNE BEACH CITY HALL
& VIA COMMUNICATIONS MEDIA TECHNOLOGY
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a Community Vision Plan Project Phase III Kickoff Presentation was held on Wednesday, August 25, 2021, at 6:00 p.m. at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown (*absent*)
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Scott Wiley
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Community Development Director Kristina Wright
 Code and Compliance Supervisor Piper Turner
 City Clerk Catherine Ponson

Community Development Board:

Chris Goodin
 Charley Miller
 David Jaffee
 William Randolph
 Jonathan Raiti
 Greg Schwartzenberger
 Nia Livingston

DOVER, KOHL & PARTNERS, (DK&P) Consultant Team :

Victor Dover, Co-Founder and
 Principal in Charge, DK&P
 Luiza Leite, Project Director, DK&P

Kick-Off
 Presentation/
 Phase III

Luiza Leite, Dover, Kohl and Partners, stated that there would be an introduction, a refresh of the Land Development Regulations, state regulatory changes, a preliminary scope of updates for Neptune Beach and the timeline.

She reviewed the Vision Process steps which included winter workshops in December 2020 through March 2021. She also reviewed the overall objectives for the Comprehensive Plan and the Land Development Regulations.

The Comp Plan is to manage overall location and scale of growth, coordinate needed facilities and services and preserve natural amenities. The LDRs are detailed regulations for development in accordance with the Plan and include zoning districts, rezoning procedures, subdivision regulations, building codes and rules for signs, landscaping, etc. She reviewed the state review issues for Comp Plan changes.

Ms. Leite gave an overview of local considerations for LDR changes and the existing LDRs. She stated that regulations they received most of the input from in the visioning process were land use; accessory structures and uses; tree protection and landscaping; streets, sidewalks and rights-of-way; stormwater management and erosion control; off-street parking and loading and nonconforming lots, structures, uses and signs.

Ms. Leite compared the different kinds of zoning, including conventional (Euclidean) zoning, zoning design guidelines and form-based code. She also gave an update of new Florida legislation and federal rulings.

She gave possible alternatives to update the zoning. She explained that based on what they heard that at this point in the process, it would be better to go with a revision of the LDRs. The key focus area for the LDR updates would be the Central Business District(CBD), the C-1 zoning district and the R-4 residential neighborhood east of Third Street. She pointed out how different the neighborhood is east of Third Street, including hidden density.

Other LDR updates will address how building height is measured to better reflect changing FEMA building elevation requirements and existing PUD language.

Discussion ensued by Council, CDB members and citizens regarding the updated scope of LDR changes, historic structure protection, improving building-to-street relationships, variances, oversized structures, format, and options

Mr. Wynn concluded the meeting by stating that he would be asking for a decision on moving forward at the Wednesday, September 8, 2021, Council meeting.

This meeting is available to view online at: <https://www.ci.neptune-beach.fl.us/minutes-and-agendas>

There being no further business, the kickoff presentation ended at 7:33 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, CMC
City Clerk

Approved:



**Agenda Item #7A
Development Order
Moratorium**

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

AGENDA ITEM: Ordinance No. 2021-05

SUBMITTED BY: Vice Mayor Fred Jones

DATE: September 3, 2021

BACKGROUND: This is a moratorium for development orders in the CDB and Z-1 zoning districts while the LDRs are being updated.

This ordinance was passed 3-1 at first read on August 2, 2021.

BUDGET: N/A

RECOMMENDATION: Consider adoption of Ord. No. 2021-05

ATTACHMENT: 1. Ord. No. 2021-05

SPONSORED BY:
VICE MAYOR JONES



ORDINANCE NO. 2021-05

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ENACTING A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF CERTAIN APPLICATIONS FOR DEVELOPMENT ORDERS OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING FOR THE ISSUANCE OF A DEVELOPMENT ORDER OR RELATED APPROVAL AS SET FORTH IN CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, DIVISION 2, DEVELOPMENT REVIEW SECTIONS 27-76 THROUGH 27-88 IN THE CENTRAL BUSINESS DISTRICT AND COMMERCIAL C-1 ZONING DISTRICT; PROVIDING FOR A TEMPORARY MORATORIUM TERM TO BE EXTENDED IF NECESSARY BY THE CITY COUNCIL; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166 of the Florida Statutes, the City of Neptune Beach possesses the powers to enact ordinances in order to protect the health, safety, and welfare of the City's citizens and residents; and

WHEREAS, the City Council of the City of Neptune Beach, Florida determines that it is in the best interest of its residents, businesses and visitors to enact sufficient land use regulations and land use plans to ensure their health, safety and welfare; and

WHEREAS, the City has received feedback from residents and stakeholders that it should be a priority to preserve the unique character of Neptune Beach through this process; and

WHEREAS, development contrary to the desires of residents, stakeholders, and the City Council would undermine the planning efforts undertaken and create irreparable harm to the scheme of development sought within the City; and

WHEREAS, prior efforts inconsistent with such desires, including costly litigation, could have been mitigated had certain limitations been placed on the processing of applications during the course of the City's evaluation of revisions to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances; and

WHEREAS, the City Council does not intend to restrict application, processing, and undertaking of building permits and related work that do not substantially alter existing properties and, instead, seek to prevent new development or redevelopment contrary to the expressed desires of residents and stakeholders within the City; and

WHEREAS, to protect the public health, safety and welfare of its citizens, the City of Neptune Beach wants to permit additional time review and discuss its regulations regarding development, as defined in Section 27-15, within the Central Business District and Commercial C-1 zoning district; and

WHEREAS, the City Council has undertaken the process for the adoption of a new comprehensive plan and has submitted such plan to the Department of Economic Opportunity; and

WHEREAS, the City Council has also undertaken a process to analyze, revise, and refine the land development regulations contained in Chapter 27 of the City's Code; and

WHEREAS, the City Council has hired the services of Dover, Kohl & Partners, an award-winning planning firm, to assist with the comprehensive plan and land development regulation revision process; and

WHEREAS, the City and Dover, Kohl and Partners have conducted numerous forums, charettes, meetings, and collected feedback regarding the desires of the residents and stakeholders within the City regarding such matters; and

WHEREAS, the information received from such efforts demonstrates that revisions to the City's regulation of development within the Commercial Business District and Commercial C-1 zoning district are necessary to ensure the health, safety and welfare of the City's residents, businesses, and visitors; and

WHEREAS, the City Council determines that additional time is required to adopt the proposed comprehensive plan and to prepare and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances regarding development in the Central Business District and Commercial C-1 zoning district; and

WHEREAS, a temporary moratorium on the processing of applications for, and the issuance of development orders, approvals, or any other official action of the City of Neptune Beach permitting development in the Central Business District and Commercial C-1 zoning district not related to construction permits and similar approvals that do not materially deviate from the existing development on a property will allow time to prepare and adopt such amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances and the comprehensive plan; and

WHEREAS, proper notice has been given of the public hearings of this proposed ordinance and of the public hearings in the City Council Chambers; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

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 of Neptune Beach, Florida and that it advances a significant and important governmental interest;

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

ARTICLE III. – ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Sec. 27-89.

(a) Purpose.

(1) The purpose of this ordinance is to enable the City of Neptune Beach sufficient time to review information collected and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances and the proposed comprehensive plan, relating to development in the Central Business District and Commercial C-1 zoning district. The City will not accept any application or issue any approvals for development orders or other development approvals authorizing development in the Central Business District or Commercial C-1 zoning district, except as provided in this ordinance, or as may otherwise be required by applicable law.

(2) It is further the purpose of this Ordinance to fulfill the City's constitutional charge and statutory obligations to protect and preserve the public health, safety and welfare of the citizens of the City of Neptune Beach, regarding development in the Central Business District or Commercial C-1 zoning district; and thus defer official government action until the City of Neptune Beach has properly analyzed the data it has collected and adopted amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances and comprehensive plan, as necessary.

(b) Imposition of Temporary Moratorium.

No application for approval of development or any other official action of the City having the effect of permitting or allowing development in the Central Business District or Commercial C-1 zoning district may be accepted or processed or approved by the City, except as may be required by applicable law or as provided below. To the extent such an application is submitted, the City staff is authorized to take action to deny such application during the term of this moratorium. Notwithstanding anything to the contrary in this section, this moratorium shall not apply to or restrict the issuance of construction permits, including

but not limited to building, plumbing, electrical, mechanical, or other similar permits, so long as such permits relate to the alteration of an existing building or structure and pursuant to which no change is made to its gross floor area or the amount of impervious surface on the site, even if the net square footage for existing business within may change. Such moratorium also shall not restrict demolition permits for existing manmade structures so long as such permit is not issued in conjunction with or related to a permit or order to construct a building or structure having an effect of changing the footprint of current or previously existing buildings or structures on the property. In interpreting whether an application is prohibited or permitted by this moratorium, it is the City Council's intention to restrict new development and redevelopment having the effect of implementing a scheme of development different than that previously existing on the property and not of preventing work on properties consistent with the existing scheme of development on the property. In the event of any question as to such matters, the City shall apply its judgment to such matters to implement the intent of this moratorium.

(c) **Term.**

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in three hundred and sixty-five (365) days from the effective date of this ordinance, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the City Council.

(d) **Early Termination.**

The moratorium imposed by this ordinance may terminate prior to its term upon the passage of an ordinance regulating, permitting, or allowing development in the Central Business District or Commercial C-1 zoning district, provided:

- (1) Specific language terminating the moratorium is contained within said enacted ordinance; or by
- (2) Passage of another ordinance providing for termination by the City Council.

(e) **Repeal of Laws in Conflict.**

All local laws and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

(f) **Effective Date.**

This ordinance shall take effect immediately upon passage after second reading/public hearing.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown	ABSENT
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Josh Messinger	YES
Councilor Lauren Key	NO

Passed on First Reading this 2nd day of August, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and contents

Zachary Roth, City Attorney



**Agenda Item #8A
Electric Vehicles**

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

AGENDA ITEM: Ordinance No. 2021-06

SUBMITTED BY: Mayor Elaine Brown and Vice Mayor Fred Jones

DATE: September 3, 2021

BACKGROUND: The City Attorney and Police Department drafted the proposed ordinance regulating e-bikes, bicycles and other mobility devices on City Streets and on the beach. This came as a result of hearing concerns from residents during City Council workshops in late 2020 and early 2021.

The ordinance was moved forward for first read at the August 16, 2021 Council workshop.

BUDGET: N/A

RECOMMENDATION: Consider Ordinance No. 2021-06 at First Reading

ATTACHMENT: 1. Ord. No. 2021-06



INTRODUCED BY:
MAYOR ELAINE BROWN
VICE MAYOR FRED JONES

ORDINANCE NO. 2021-06

A BILL TO BE ENTITLED

AN ORDINANCE CREATING SECTION 7-29, ARTICLE II, CHAPTER 7 (BEACHES AND WATERWAYS); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY'S BEACHES; CREATING SECTION 22-8, ARTICLE I, CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES); GOVERNING USE OF CERTAIN PERSONAL VEHICLES ON THE CITY STREETS AND SIDEWALKS; 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 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. Creating Section 7-29, Beach personal vehicle regulations. Creating 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) Enforcement. Violations of this section shall be enforced as non-criminal infractions of the city's ordinances.
- (d) 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. Creating Section 22-8, Street and sidewalk personal vehicle regulations.
 Creating Section 22-8, Street and sidewalk personal vehicle regulations, Article I, Chapter 22 (Traffic and Motor Vehicles), City of Neptune Beach Code of Ordinances as follows:

Sec. 22-8. – Street and sidewalk 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 streets and sidewalks; 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 streets or sidewalks within the city in a reckless manner.

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

(d) Penalties.

(2) 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
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Josh Messinger
 Councilor Lauren Key

Passed on First Reading this _____ day of _____, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
 Vice Mayor Fred Jones
 Councilor Kerry Chin

Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



**Agenda Item #9A
CDB
Appointments**

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

AGENDA ITEM: Resolution No. 2021-14

SUBMITTED BY: City Clerk Catherine Ponson

DATE: September 3, 2021

BACKGROUND: The Community Development Board has terms that are expiring. Regular members are appointed for no more than two consecutive three-year terms. Alternate members shall be appointed for no more than three consecutive one-year terms.

Nia Livingston was appointed to her first three-year term in September, 2018. She is the current Vice Chairman.

Charles Miller was appointed to fill an unexpired Regular member and would be entering his first three-year term.

Jonathan Raiti would be entering his first three-year term as a Regular member.

Greg Schwartzenberger would be reappointed for his second one-year term as an alternate.

BUDGET: N/A

RECOMMENDATION: Consider Resolution No. 2021-14 for reappointments to the Community Development Board

ATTACHMENT: 1. Res. No. 2021-14, CDB Members



RESOLUTION NO. 2021-14

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
Nia Livingston	Reappoint Regular	2 nd 3 year	09/04/2021	09/04/2024
Charles Miller	Appoint Regular	1 st 3 year	09/04/2021	09/04/2024
Jonathan Raiti	Appoint Regular	1 st 3 year	09/04/2021	09/04/2024
Greg Schwartzenberger	Reappoint Alternate	2 nd 1 year	09/04/2021	09/04/2022

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this ___ day of _____, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk



**Agenda Item #10A
Opioid Settlement Plan with
State of Florida**

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

AGENDA ITEM: Resolution No. 2021-15

SUBMITTED BY: City Attorney Zachary Roth

DATE: September 3, 2021

BACKGROUND: Resolution No. 2021-15 authorizes the City of Neptune Beach to join with the State of Florida and other local governments as a participant in the Unified Plan (Exhibit A) for the allocation and use of opioid settlement proceeds.

BUDGET: N/A

RECOMMENDATION: Consider Resolution No. 2021-15 expressing support of the Unified Plan.

ATTACHMENT: 1. Res. No. 2021-15 and Exhibit A



RESOLUTION NO. 2021-15

A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, AUTHORIZING THE CITY OF NEPTUNE BEACH TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; 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”) has suffered harm from the opioid epidemic; and

WHEREAS, the City recognizes that the entire State of Florida has suffered harm as a result from the opioid epidemic; and

WHEREAS, the State of Florida has filed an action pending in Pasco County, Florida, and a number of Florida Cities and Counties have also filed an action In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the “Opioid Litigation”) and the City is not a litigating participant in that action; and

WHEREAS, the State of Florida and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation; and

WHEREAS, the Florida Memorandum of Understanding (the “Florida Plan”) sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the Florida Plan will be entered into at a future date; and

WHEREAS, participation in the Florida Plan by a large majority of Florida cities and counties will materially increase the amount of funds to Florida and should improve Florida’s relative bargaining position during additional settlement negotiations; and

WHEREAS, failure to participate in the Florida Plan will reduce funds available to the State, the City, Duval County, and every other Florida city and county.

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. The City finds that participation in the Florida Plan would be in the best

interest of the City and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic and each and every city and county receives funds for the harm that it has suffered.

SECTION 3. The City hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the Florida Plan attached hereto as Exhibit "A."

SECTION 4. The City Manager and Mayor are hereby expressly authorized to execute the Florida Plan in substantially the form contained in Exhibit "A."

SECTION 5. The City Manager and Mayor are hereby authorized to execute any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the Florida Plan and this Resolution.

SECTION 6. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

SECTION 7. The City Clerk is hereby directed to furnish a certified copy of this Resolution to the Florida League of Cities, Florida Association of Counties, and Attorney General Ashley Moody c/o John M. Guard, The Capitol, PL-01, Tallahassee, FL 32399-1050.

SECTION 8. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 9. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 10. 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 Special Council Meeting held this 8th day of September, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

PROPOSAL
MEMORANDUM OF UNDERSTANDING

Whereas, the people of the State of Florida and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain;

Whereas, the State of Florida, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

Whereas, the State of Florida and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Florida;

Whereas, it is the intent of the State of Florida and its Local Governments to use the proceeds from Settlements with Pharmaceutical Supply Chain Participants to increase the amount of funding presently spent on opioid and substance abuse education, treatment and other related programs and services, such as those identified in Exhibits A and B, and to ensure that the funds are expended in compliance with evolving evidence-based “best practices”;

Whereas, the State of Florida and its Local Governments, subject to the completion of formal documents that will effectuate the Parties’ agreements, enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described herein; and

Whereas, this MOU is a preliminary non-binding agreement between the Parties, is not legally enforceable, and only provides a basis to draft formal documents which will effectuate the Parties’ agreements.

A. Definitions

As used in this MOU:

1. “Approved Purpose(s)” shall mean forward-looking strategies, programming and services used to expand the availability of treatment for individuals impacted by substance use disorders, to: (a) develop, promote, and provide evidence-based substance use prevention strategies; (b) provide substance use avoidance and awareness education; (c) decrease the oversupply of licit and illicit opioids; and (d) support recovery from addiction. Approved Purposes shall include, but are not limited to, the opioid abatement strategies listed on Exhibits A and B which are incorporated herein by reference.

2. “Local Governments” shall mean all counties, cities, towns and villages located within the geographic boundaries of the State.

3. “Managing Entities” shall mean the corporations selected by and under contract with the Florida Department of Children and Families or its successor (“DCF”) to manage the

daily operational delivery of behavioral health services through a coordinated system of care. The singular “Managing Entity” shall refer to a singular of the Managing Entities.

4. “County” shall mean a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

5. “Municipalities” shall mean cities, towns, or villages of a County within the State with a Population greater than 10,000 individuals and shall also include cities, towns or villages within the State with a Population equal to or less than 10,000 individuals which filed a Complaint in this litigation against Pharmaceutical Supply Chain Participants. The singular “Municipality” shall refer to a singular of the Municipalities.

6. “Negotiating Committee” shall mean a three-member group comprised by representatives of the following: (1) the State; and (2) two representatives of Local Governments of which one representative will be from a Municipality and one shall be from a County (collectively, “Members”) within the State. The State shall be represented by the Attorney General or her designee.

7. “Negotiation Class Metrics” shall mean those county and city settlement allocations which come from the official website of the Negotiation Class of counties and cities certified on September 11, 2019 by the U.S. District for the Northern District of Ohio in *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The website is located at <https://allocationmap.iclaimsonline.com>.

8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

9. “Opioid Related” shall have the same meaning and breadth as in the agreed Opioid Abatement Strategies attached hereto as Exhibits A or B.

10. “Parties” shall mean the State and Local Governments. The singular word “Party” shall mean either the State or Local Governments.

11. “PEC” shall mean the Plaintiffs’ Executive Committee of the National Prescription Opiate Multidistrict Litigation pending in the United States District Court for the Northern District of Ohio.

12. “Pharmaceutical Supply Chain” shall mean the process and channels through which Controlled Substances are manufactured, marketed, promoted, distributed or dispensed.

13. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in, or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic.

14. “Population” shall refer to published U.S. Census Bureau population estimates as of July 1, 2019, released March 2020, and shall remain unchanged during the term of this MOU. These estimates can currently be found at <https://www.census.gov>

15. “Qualified County” shall mean a charter or non-chartered county within the State that: has a Population of at least 300,000 individuals and (a) has an opioid taskforce of which it is a member or operates in connection with its municipalities or others on a local or regional basis; (b) has an abatement plan that has been either adopted or is being utilized to respond to the opioid epidemic; (c) is currently either providing or is contracting with others to provide substance abuse prevention, recovery, and treatment services to its citizens; and (d) has or enters into an agreement with a majority of Municipalities (Majority is more than 50% of the Municipalities’ total population) related to the expenditure of Opioid Funds. The Opioid Funds to be paid to a Qualified County will only include Opioid Funds for Municipalities whose claims are released by the Municipality or Opioid Funds for Municipalities whose claims are otherwise barred.

16. “SAMHSA” shall mean the U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration.

17. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State and Local Governments or a settlement class as described in (B)(1) below.

18. “State” shall mean the State of Florida.

B. Terms

1. **Only Abatement** - Other than funds used for the Administrative Costs and Expense Fund as hereinafter described in paragraph 6 and paragraph 9, respectively), all Opioid Funds shall be utilized for Approved Purposes. To accomplish this purpose, the State will either file a new action with Local Governments as Parties or add Local Governments to its existing action, sever settling defendants, and seek entry of a consent order or other order binding both the State, Local Governments, and Pharmaceutical Supply Chain Participant(s) (“Order”). The Order may be part of a class action settlement or similar device. The Order shall provide for continuing jurisdiction of a state court to address non-performance by any party under the Order. Any Local Government that objects to or refuses to be included under the Order or entry of documents necessary to effectuate a Settlement shall not be entitled to any Opioid Funds and its portion of Opioid Funds shall be distributed to, and for the benefit of, the other Local Governments.

2. **Avoid Claw Back and Recoupment** - Both the State and Local Governments wish to maximize any Settlement and Opioid Funds. In addition to committing to only using funds for the Expense Funds, Administrative Costs and Approved Purposes, both Parties will agree to utilize a percentage of funds for the core strategies highlighted in Exhibit A. Exhibit A contains the programs and strategies prioritized by the U.S. Department of Justice and/or the U.S. Department of Health & Human Services (“Core Strategies”). The State is trying to obtain the United States’ agreement to limit or reduce the United States’ ability to recover or recoup monies from the State and Local Government in exchange for prioritization of funds to certain projects. If no agreement is reached with the United States, then there will be no requirement that a percentage be utilized for Core Strategies.

3. **Distribution Scheme** - All Opioid Funds will initially go to the State, and then be distributed according to the following distribution scheme. The Opioid Funds will be divided into three funds after deducting costs of the Expense Fund detailed in paragraph 9 below:

- (a) City/County Fund- The city/county fund will receive 15% of all Opioid Funds to directly benefit all Counties and Municipalities. The amounts to be distributed to each County and Municipality shall be determined by the Negotiation Class Metrics or other metrics agreed upon, in writing, by a County and a Municipality. For Local Governments that are not within the definition of County or Municipality, those Local Governments may receive that government's share of the City/County Fund under the Negotiation Class Metrics, if that government executes a release as part of a Settlement. Any Local Government that is not within the definition of County or Municipality and that does not execute a release as part of a Settlement shall have its share of the City/County Fund go to the County in which it is located.
- (b) Regional Fund- The regional fund will be subdivided into two parts.
 - (i) The State will annually calculate the share of each County within the State of the regional fund utilizing the sliding scale in section 4 of the allocation contained in the Negotiation Class Metrics or other metrics that the Parties agree upon.
 - (ii) For Qualified Counties, the Qualified County's share will be paid to the Qualified County and expended on Approved Purposes, including the Core Strategies identified in Exhibit A, if applicable.
 - (iii) For all other Counties, the regional share for each County will be paid to the Managing Entities providing service for that County. The Managing Entities will be required to expend the monies on Approved Purposes, including the Core Strategies. The Managing Entities shall endeavor to the greatest extent possible to expend these monies on counties within the State that are non-Qualified Counties and to ensure that there are services in every County.
- (c) State Fund - The remainder of Opioid Funds after deducting the costs of the Expense Fund detailed in paragraph 9, the City/County Fund and the Regional Fund will be expended by the State on Approved Purposes, including the provisions related to Core Strategies, if applicable.
- (d) To the extent that Opioid Funds are not appropriated and expended in a year by the State, the State shall identify the investments where settlement funds will be deposited. Any gains, profits, or interest accrued from the deposit of the Opioid Funds to the extent that any funds are not appropriated and expended within a calendar year, shall be the sole property of the Party that was entitled to the initial deposit.

4. Regional Fund Sliding Scale- The Regional Fund shall be calculated by utilizing the following sliding scale of the Opioid Funds available in any year:

- A. Years 1-6: 40%
- B. Years 7-9: 35%
- C. Years 10-12: 34%
- D. Years 13-15: 33%
- E. Years 16-18: 30%

5. Opioid Abatement Taskforce or Council - The State will create an Opioid Abatement Taskforce or Council (sometimes hereinafter “Taskforce” or “Council”) to advise the Governor, the Legislature, Florida’s Department of Children and Families (“DCF”), and Local Governments on the priorities that should be addressed as part of the opioid epidemic and to review how monies have been spent and the results that have been achieved with Opioid Funds.

- (a) Size - The Taskforce or Council shall have ten Members equally balanced between the State and the Local Governments.
- (b) Appointments Local Governments - Two Municipality representatives will be appointed by or through Florida League of Cities. Two county representatives, one from a Qualified County and one from a county within the State that is not a Qualified County, will be appointed by or through the Florida Association of Counties. The final representative will alternate every two years between being a county representative (appointed by or through Florida Association of Counties) or a Municipality representative (appointed by or through the Florida League of Cities). One Municipality representative must be from a city of less than 50,000 people. One county representative must be from a county less than 200,000 people and the other county representative must be from a county whose population exceeds 200,000 people.
- (c) Appointments State -
 - (i) The Governor shall appoint two Members.
 - (ii) The Speaker of the House shall appoint one Member.
 - (iii) The Senate President shall appoint one Member.
 - (iv) The Attorney General or her designee shall be a Member.
- (d) Chair - The Attorney General or designee shall be the chair of the Taskforce or Council.
- (e) Term - Members will be appointed to serve a two-year term.

- (f) Support - DCF shall support the Taskforce or Council and the Taskforce or Council shall be administratively housed in DCF.
- (g) Meetings - The Taskforce or Council shall meet quarterly in person or virtually using communications media technology as defined in section 120.54(5)(b)(2), Florida Statutes.
- (h) Reporting - The Taskforce or Council shall provide and publish a report annually no later than November 30th or the first business day after November 30th, if November 30th falls on a weekend or is otherwise not a business day. The report shall contain information on how monies were spent the previous fiscal year by the State, each of the Qualified Counties, each of the Managing Entities, and each of the Local Governments. It shall also contain recommendations to the Governor, the Legislature, and Local Governments for priorities among the Approved Purposes for how monies should be spent the coming fiscal year to respond to the opioid epidemic.
- (i) Accountability - Prior to July 1st of each year, the State and each of the Local Governments shall provide information to DCF about how they intend to expend Opioid Funds in the upcoming fiscal year. The State and each of the Local Government shall report its expenditures to DCF no later than August 31st for the previous fiscal year. The Taskforce or Council will set other data sets that need to be reported to DCF to demonstrate the effectiveness of Approved Purposes. All programs and expenditures shall be audited annually in a similar fashion to SAMHSA programs. Local Governments shall respond and provide documents to any reasonable requests from the State for data or information about programs receiving Opioid Funds.
- (j) Conflict of Interest - All Members shall adhere to the rules, regulations and laws of Florida including, but not limited to, Florida Statute §112.311, concerning the disclosure of conflicts of interest and recusal from discussions or votes on conflicted matters.

6. **Administrative Costs**- The State may take no more than a 5% administrative fee from the State Fund (“Administrative Costs”) and any Regional Fund that it administers for counties that are not Qualified Counties. Each Qualified County may take no more than a 5% administrative fee from its share of the Regional Funds.

7. **Negotiation of Non-Multistate Settlements** - If the State begins negotiations with a Pharmaceutical Supply Chain Participant that is separate and apart from a multi-state negotiation, the State shall include Local Governments that are a part of the Negotiating Committee in such negotiations. No Settlement shall be recommended or accepted without the affirmative votes of both the State and Local Government representatives of the Negotiating Committee.

8. **Negotiation of Multistate or Local Government Settlements** - To the extent practicable and allowed by other parties to a negotiation, both Parties agree to communicate with

members of the Negotiation Committee regarding the terms of any other Pharmaceutical Supply Chain Participant Settlement.

9. **Expense Fund** - The Parties agree that in any negotiation every effort shall be made to cause Pharmaceutical Supply Chain Participants to pay costs of litigation, including attorneys’ fees, in addition to any agreed to Opioid Funds in the Settlement. To the extent that a fund sufficient to pay the entirety of all contingency fee contracts for Local Governments in the State of Florida is not created as part of a Settlement by a Pharmaceutical Supply Chain Participant, the Parties agree that an additional expense fund for attorneys who represent Local Governments (herein “Expense Fund”) shall be created out of the City/County fund for the purpose of paying the hard costs of a litigating Local Government and then paying attorneys’ fees.

- (a) The Source of Funds for the Expense Fund- Money for the Expense Fund shall be sourced exclusively from the City/County Fund.
- (b) The Amount of the Expense Fund- The State recognizes the value litigating Local Governments bring to the State of Florida in connection with the Settlement because their participation increases the amount Incentive Payments due from each Pharmaceutical Supply Chain Participant. In recognition of that value, the amount of funds that shall be deposited into the Expense fund shall be contingent upon on the percentage of litigating Local Government participation in the Settlement, according to the following table:

Litigating Local Government Participation in the Settlement (by percentage of the population)	Amount that shall be paid into the Expense Fund from (and as a percentage of) the City/County fund
96 to 100%	10%
91 to 95%	7.5%
86 to 90%	5%
85%	2.5%
Less than 85%	0%

If fewer than 85% percent of the litigating Local Governments (by population) participate, then the Expense Fund shall not be funded, and this Section of the MOU shall be null and void.

- (c) The Timing of Payments into the Expense Fund- Although the amount of the Expense Fund shall be calculated based on the entirety of payments due to the City/County fund over a ten to eighteen year period, the Expense Fund shall be funded entirely from payments made by Pharmaceutical Supply Chain Participants during the first two years of the Settlement. Accordingly, to offset the amounts being paid from the City/County to the Expense Fund in the first two years, Counties or Municipalities may borrow from the Regional Fund during the first two years and pay the borrowed amounts back to the Regional Fund during years three, four, and five.

For the avoidance of doubt, the following provides an illustrative example regarding the calculation of payments and amounts that may be borrowed under the terms of this MOU, consistent with the provisions of this Section:

Opioid Funds due to State of Florida and Local Governments (over 10 to 18 years):	\$1,000
Litigating Local Government Participation:	100%
City/County Fund (over 10 to 18 years):	\$150
Expense Fund (paid over 2 years):	\$15
Amount Paid to Expense Fund in 1st year:	\$7.5
Amount Paid to Expense Fund in 2nd year:	\$7.5
Amount that may be borrowed from Regional Fund in 1st year:	\$7.5
Amount that may be borrowed from Regional Fund in 2nd year:	\$7.5
Amount that must be paid back to Regional Fund in 3rd year:	\$5
Amount that must be paid back to Regional Fund in 4th year:	\$5
Amount that must be paid back to Regional Fund in 5th year:	\$5

- (d) Creation of and Jurisdiction over the Expense Fund- The Expense Fund shall be established, consistent with the provisions of this Section of the MOU, by order of the Circuit Court of the Sixth Judicial Circuit in and for Pasco County, West Pasco Division New Port Richey, Florida, in the matter of *The State of Florida, Office of the Attorney General, Department of Legal Affairs v. Purdue Pharma L.P., et al.*, Case No. 2018-CA-001438 (the “Court”). The Court shall have jurisdiction over the Expense Fund, including authority to allocate and disburse amounts from the Expense Fund and to resolve any disputes concerning the Expense Fund.
- (e) Allocation of Payments to Counsel from the Expense Fund- As part of the order establishing the Expense Fund, counsel for the litigating Local Governments shall seek to have the Court appoint a third-neutral to serve as a special master for purposes of allocating the Expense Fund. Within 30 days of entry of the order appointing a special master for the Expense Fund, any counsel who intend to seek an award from the Expense Fund shall provide the copies of their contingency fee contracts to the special master. The special master shall then build a mathematical model, which shall be based on each litigating Local Government’s share under the Negotiation Class Metrics and the rate set forth in their contingency contracts, to calculate a proposed award for each litigating Local Government who timely provided a copy of its contingency contract.

10. **Dispute resolution**- Any one or more of the Local Governments or the State may object to an allocation or expenditure of Opioid Funds solely on the basis that the allocation or expenditure at issue (a) is inconsistent with the Approved Purposes; (b) is inconsistent with the distribution scheme as provided in paragraph 3, or (c) violates the limitations set forth herein with respect to administrative costs or the Expense Fund. There shall be no other basis for bringing an objection to the approval of an allocation or expenditure of Opioid Funds.

Schedule A

Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“**Core Strategies**”)[, such that a minimum of __% of the [aggregate] state-level abatement distributions shall be spent on [one or more of] them annually].¹

A. Naloxone or other FDA-approved drug to reverse opioid overdoses

1. Expand training for first responders, schools, community support groups and families; and
2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. Medication-Assisted Treatment (“MAT”) Distribution and other opioid-related treatment

1. Increase distribution of MAT to non-Medicaid eligible or uninsured individuals;
2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
4. Treatment and Recovery Support Services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication with other support services.

C. Pregnant & Postpartum Women

1. Expand Screening, Brief Intervention, and Referral to Treatment (“SBIRT”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“OUD”) and other Substance Use Disorder (“SUD”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with Opioid Use Disorder (OUD) including housing, transportation, job placement/training, and childcare.

D. Expanding Treatment for Neonatal Abstinence Syndrome

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

¹ As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Term Sheet.

E. Expansion of Warm Hand-off Programs and Recovery Services

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions. ;
4. Provide comprehensive wrap-around services to individuals in recovery including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. Treatment for Incarcerated Population

1. Provide evidence-based treatment and recovery support including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. Prevention Programs

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools.;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. Expanding Syringe Service Programs

1. Provide comprehensive syringe services programs with more wrap-around services including linkage to OUD treatment, access to sterile syringes, and linkage to care and treatment of infectious diseases.

- I. Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the State.

Schedule B

Approved Uses

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:²

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.
8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training,

² As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs. Priorities will be established through the mechanisms described in the Term Sheet.

scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. [Intentionally Blank – to be cleaned up later for numbering]

13. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

14. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

15. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have – or at risk of developing – OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Fund community anti-drug coalitions that engage in drug prevention efforts.

6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

7. Engage non-profits and faith-based communities as systems to support prevention.

8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create of support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address

mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities provide free naloxone to anyone in the community
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Support mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Provide training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in sections C, D, and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend opioid settlement funds; to show how opioid settlement funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.



**Agenda Item # 11A
Holiday Schedule**

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

AGENDA ITEM: Resolution No. 2021-16

SUBMITTED BY: City Manager Stefen Wynn

DATE: September 3, 2021

BACKGROUND: This Resolution amends the holiday schedule and makes the days consistent for all employees.

BUDGET: N/A

RECOMMENDATION: Consider Resolution No. 2021-16, Amending the Holiday Schedule

ATTACHMENT: 1. Resolution 2021 -16 Amending Holiday Pay and Personnel Policy (1)



RESOLUTION NO. 2021-16

**AMENDING HOLIDAYS WITHIN THE PERSONNEL POLICY
OF THE CITY OF NEPTUNE BEACH, FLORIDA.**

WHEREAS, The City Manager and City Clerk are tasked with periodically reviewing and improving personnel policies,

WHEREAS, The City Manager and City Clerk have found various conflicts between existing policies and collective bargaining agreements for the City that must be considered, and recent holiday additions by the federal government that also must be considered.

WHEREAS, The City Manager and City Clerk have determined that it is desirable for the City to amend and edit the existing Holiday Leave Personnel Policy.

WHEREAS, The collective bargaining agreement for the Local 630 allows for (2) personal days, selected by the employee, but must be approved by management, and must be taken in the calendar year or be forfeited; that is in conflict with the existing personnel policy, "Holiday Leave."

WHEREAS, The collective bargaining agreement for the FOP #017, allows for (1) floating holiday for sworn officers, (2) floating holidays for non-sworn officers, and adds Police Memorial Day for sworn officers; that is in conflict with the existing personnel policy, "Holiday Leave."

WHEREAS, On June 17, 2021, President Joe Biden signed into a law a bill declaring June 19th as, "Juneteenth National Independence Day," and declaring such a legal public holiday.

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

SECTION 1. The Personnel Policy of the City of Neptune Beach, Florida, is hereby amended at Holiday Leave, Paragraph A, to read as follows:

- A. The schedule of legal holidays found below are observed by the City, and such other days as may be designated by the City Council and/or the City Manager. For a holiday falling on Saturday, the preceding Friday will be the observed holiday; for a holiday falling on a Sunday, the following Monday will be the observed holiday.

To receive holiday pay, an employee must be a full-time employee and must not have been absent without leave either on the workday

immediately before or after the holiday. If an employee is on paid leave, they will receive pay for the holiday in lieu of using personal time or compensatory time.

<u>Holiday</u>	<u>Observed</u>
New Year's Day	January 1
Martin Luther King Jr's Birthday	Third Monday in January
President's Day	Third Monday in February
Police Memorial Day	May 15 – <i>(only sworn officers within the collective bargaining unit, non-sworn employees and administrative personnel within the police department are eligible for (2) personal days as described below)</i>
Memorial Day	Last Monday in May
Juneteenth <i>National Independence Day</i>	June 19
Fourth of July	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
(2) Personal Days	Selected by all employees, except sworn officers in the collective bargaining unit who may only select (1) personal day, all selected personal days, regardless of exemption status, must be taken in calendar year or be forfeited, and are ineligible for sell back.

SECTION 4. The amendments adopted herein shall be effective immediately upon passage.

Resolution adopted by the City Council at the regular meeting held September 8, 2021.

Elaine E. Brown
Mayor

ATTEST:

Catherine B. Ponson, CMC
City Clerk



**Agenda Item # 12A
RTA Settlement
Agreement**

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

AGENDA ITEM: Settlement Agreement

SUBMITTED BY: City Attorney Zachary Roth

DATE: September 3, 2021

BACKGROUND: This settlement agreement is between RTA Consulting, Inc. and the City of Neptune Beach, with respect to the lawsuit in the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Case No. 21-CA-2547.

BUDGET: See Settlement Agreement

RECOMMENDATION: Approve the Settlement Agreement between RTA Consulting, Inc. and the City of Neptune Beach.

ATTACHMENT: 1. Settlement Agreement.Final - signed

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered as of the date of Council Approval (as defined below) (the "Effective Date"), by and between the **CITY OF NEPTUNE BEACH** (the "City") and **RTA CONSULTING, INC.** ("RTA"), with respect to the lawsuit styled as *RTA Consulting, Inc. v. City of Neptune Beach*, in the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, Case No. 21-CA-2547 (the "Lawsuit"). The City and RTA are collectively referred to as the "Parties."

1. A dispute arose between the City and RTA regarding amounts alleged owed by the City to RTA for services (the "Services") provided by RTA in relation to the City's parking program;
2. The Parties wish to resolve all issues raised in such dispute by and among them and discharge any obligations owed by any to the other relating to same; and
3. It is agreed and understood that this settlement is the compromise of a disputed claim, and that the consideration made is not to be construed as an admission of liability by any party.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, sufficiency and receipt of which is hereby acknowledged, intending to be bound, the Parties hereto agree as follows:

1. **PARTIES BOUND BY THE AGREEMENT.** This Agreement is binding upon all Parties to this Agreement and their heirs, predecessors, successors, agents, insurers, and assigns.
2. **COUNCIL APPROVAL.** This Agreement is contingent on its approval by a majority of the City's council ("Council Approval"). The affirmative vote of the council shall be deemed as sufficient approval and no further signature or execution will be necessary this Agreement to be effective. Such matter shall be placed on the agenda for an affirmative vote during the first regular meeting of the City's council after August 27, 2021.
3. **PAYMENT.** No later than fourteen days after Council Approval, the City shall cause to be paid to RTA, by payment to RTA Consulting, Inc., c/o The Liles Firm, P.A., 50 North Laura Street, Suite 1200, Jacksonville, Florida 32202, the amount of sixty-eight thousand dollars (\$68,000.00) (the "Settlement Funds"). Time is of the essence for payment of the Settlement Funds.
4. **IN-KIND RECEIPT.** No later than thirty days after Council Approval, the City shall cause to be issued an in-kind donation receipt to RTA, made out to "Parking 411, Inc." in the amount of thirty-one thousand five hundred sixty-seven and 20/100 dollars (\$31,567.20) for donation of services.
5. **DISMISSAL OF LAWSUIT.** Within five (5) days of payment of the Settlement Funds and receipt of the above-described in-kind receipt, RTA shall dismiss the Lawsuit with prejudice.
6. **MUTUAL RELEASE.** Except for the Parties' respective obligations under this Agreement, upon satisfaction of such obligations, the Parties release each other, and their predecessors, successors, agents, insurers, lenders, heirs, and assigns, and any related persons or parties, from any and all manners of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances,

trespasses, damages, judgments, executions, claims, warranties and demands whatsoever, in law or in equity, for, regarding or relating to the dispute over the facts alleged in the Lawsuit.

7. **DUTY OF COOPERATION.** The Parties shall cooperate fully with each other in order to carry out promptly and fully the terms and provisions of this Agreement and shall from time to time execute and deliver such other agreements, documents or instruments and take such other actions as may be reasonably necessary or desirable to effectuate the terms of this Agreement.

8. **ATTORNEYS' FEES AND COSTS.** Except as provided in this paragraph, the Parties shall bear their own costs and attorneys' fees incurred relating to the dispute, as well as the settlement and negotiation of this Agreement. In any action to enforce the terms of this Agreement, the prevailing party shall be entitled to their reasonable attorneys' fees and costs through appeal.

9. **TIME IS OF THE ESSENCE.** Time is of the essence for this Agreement and none of the Parties shall unreasonably delay the conclusion of the transactions required hereunder. This clause shall apply to and is incorporated into all paragraphs of this Agreement.

10. **THIRD PARTIES.** The Parties intend that this Agreement is solely for their benefit, and no person or entity that is not a party to this Agreement shall have any rights or privileges under this Agreement whatsoever, either as a third-party beneficiary or otherwise.

11. **INTEGRATION AND BINDING EFFECT (WAIVER).** The entire agreement, intent and understanding between the Parties are contained in the provisions of this Agreement, including the recitals, which are incorporated herein, and any stipulations, representations, promises, or agreements, written or oral, made prior to or contemporaneously with this Agreement shall have no legal or equitable effect or consequence unless reduced to writing herein. No waiver of any of the provisions hereof shall be effective unless in writing and signed by the other party to be charged with such waiver.

12. **EFFECTIVENESS AND SEVERABILITY.** This Agreement shall become effective immediately following execution by the parties. In the event that any term or paragraph of this Agreement is deemed invalid by a court of competent jurisdiction, all remaining terms, conditions, recital and paragraphs shall remain in full force and effect.

13. **GOVERNING LAW.** This Agreement shall be read, construed and interpreted in accordance with the laws of the state of Florida, and courts located in Duval County, Florida, shall have exclusive jurisdiction to adjudicate any action to enforce this Agreement.

14. **COUNTERPARTS.** This Agreement may be signed in counterparts, each of which when executed shall be deemed an original, and all of which together shall constitute a single instrument binding upon the Parties. This Agreement and any counterpart may be executed by signatures provided via facsimile transmission and/or via electronic mail in a "pdf" file, which facsimile and/or electronic mail "pdf" signatures shall be as binding and effective as original signatures.

15. **INTERPRETATION.** As the product of negotiation between the Parties, this Agreement shall be interpreted as drafted by all Parties and no presumptions shall be drawn against any Party as drafter.

16. **ADMISSIBILITY.** This Agreement is being entered into in order to resolve outstanding disputes between the parties and shall be effective only upon execution by all of the parties. In the event that this Agreement is not so executed, it shall be inadmissible as evidence in any court.

17. **HEADINGS.** The headings of the paragraphs of this Agreement are for convenience and for reference only and are not to be construed as defining or limiting in any way the scope or intent of the provisions themselves.

18. **VOLUNTARY AGREEMENT.** The Parties acknowledge that they have signed this Agreement only after due consideration and the opportunity for consultation with their respective attorneys, that the Parties and their counsel were not fraudulently induced, coerced, or intimidated to sign this Agreement, and that in signing the Agreement, the Parties have not relied upon any oral or written statements or acts made by any other Party other than as expressly set forth in this Agreement.


19. **ASSIGNMENT.** No Party may delegate its duties or assign its rights under this Agreement without the prior written consent of all Parties to this Agreement.

20. **SOVEREIGN IMMUNITY.** Nothing in this Agreement shall be construed to waive or otherwise affect the protections of sovereign immunity and/or Section 768.28, Florida Statutes, otherwise enjoyed by the City.

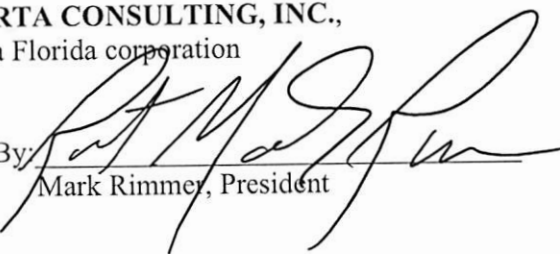
SIGNATURE PAGE OF SETTLEMENT AGREEMENT

IN WITNESS WHEREOF, each party has executed this Agreement to be effective as of the Effective Date.

CITY OF NEPTUNE BEACH, FLORIDA

By: 
Stefan Wynn, City Manager

RTA CONSULTING, INC.,
a Florida corporation

By: 
Mark Rimmer, President



**Agenda Item # 13A
LDR Update Format**

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

- AGENDA ITEM:** Phase 3: Land Development Regulations
- SUBMITTED BY:** Dover, Kohl & Partners
- DATE:** September 3, 2021
- BACKGROUND:** The City of Neptune Beach is engaging in a three-phase process with Dover, Kohl & Partners for a Community Vision Plan. Phase I was the Vision Plan to gather big-picture input from citizens and establish a long-term vision for the City.
Phase II was the Comprehensive Plan that will manage growth and provide the broad policy foundation.
Phase III is the update of the Land Development Regulations that regulate any aspect of land development within a municipality. A kickoff was held for this phase on August 25, 2021.
- BUDGET:**
- RECOMMENDATION:** Consider the format for the update of the Land Development Regulations.
- ATTACHMENT:** 1. NB_Phase 3 LDRs Restart_081821_small



PHASE 3: LAND DEVELOPMENT REGULATIONS

August 25, 2021

AGENDA

What we will cover tonight:

- ★ Introduction
- ★ Land Development Regulations: Refresh
- ★ State Regulatory Changes
- ★ Preliminary Scope of Updates for Neptune Beach
- ★ Timeline

WINTER WORKSHOPS

Check out the meeting recordings: www.neptunebeachvisionplan.com/resources

December 2020 - March 2021

- 12/2: Introduction to Comprehensive Plans & Land Development Regs.
- 12/8: Residential Density Workshop
- 12/10: Community Resilience Planning Workshop #1
- 2/18: Predictable Development Outcomes
- 2/22: City Council & CDB Code Framework Workshop
- 2/23: Community Resilience Planning Workshop #2
- 3/2: Site Design Standards & Building Height
- 3/4: Architectural Guidelines

COMPREHENSIVE PLAN WORKSHOPS & HEARINGS

Check out the Transmittal Draft: www.neptunebeachvisionplan.com/resources

April - December 2021

- 4/21 - 5/29: Draft Comprehensive Plan Internal Staff Reviews
- 5/12: First Draft Comprehensive Plan - CDB Workshop
- 5/17: First Draft Comprehensive Plan - City Council Workshop
- 6/21: City Council - Comprehensive Plan Transmittal Hearing #1
- 6/25: Comprehensive Plan Transmittal
- Fall/Winter 2021: City Council - Comprehensive Plan Adoption Hearing #2

LAND DEVELOPMENT REGULATIONS: REFRESH

COMP PLAN VS. LDRs: OVERALL OBJECTIVE

Comprehensive Plan:

- Manage overall location and scale of growth
- Coordinate needed facilities & services
- Preserve natural amenities

Land Development Regulations:

- Detailed regulations for development in accordance with the plan
- LDRs include zoning districts, rezoning procedures, subdivision regulations, building codes, and rules for signs, landscaping, etc.

STATE REVIEW ISSUES FOR COMP PLAN CHANGES:

- 1. Can state roads accommodate the traffic expected from the proposed changes?
- 2. Can water, sewer, and drainage facilities accommodate any projected population increases?
- 3. Will public schools be able to accommodate any increase in the number of students?
- 4. Are any environmentally vulnerable lands being compromised by the proposed changes?



If no, has the comp plan addressed the changes to public services/infrastructure needed to deal with these land use changes and has this planning been coordinated with local agencies?

If yes, have adequate mitigation measures been included in the comp plan?

LOCAL CONSIDERATIONS FOR LDR CHANGES:

City's update their zoning and LDRs for a variety of reasons, including to:

- Revitalize underutilized and failing commercial centers and downtowns
- Reflect changing community desires, market realities, and/or environmental threats
 - Create more walkable, bikeable, and transit-friendly neighborhoods
 - Ensure that high-quality and desirable redevelopment is feasible
 - Encourage development to diversify and strengthen the City's tax base
 - Ensure building standards address changing flood hazards
- Preserve historic assets and neighborhoods
- Encourage affordable and diverse housing options to meet the needs of residents
- Improve useability, require adherence to stricter standards, and simplify enforcement
- Conform with comprehensive plan changes and/or updated statutory requirements

EXISTING LAND DEVELOPMENT REGULATIONS

Code of Ordinances: Chapter 27 – Unified Land Development Regulations, Articles:

- | | |
|---|--|
| I. General | X. Streets, Sidewalks & Rights-of-Way |
| II. Administrative & Enforcement Bodies | XI. Utilities |
| III. Administrative & Enforcement Procedures | XII. Stormwater Management & Erosion Control |
| IV. Land Use | XIII. Off-Street Parking & Loading |
| V. Accessory Structures & Uses | XIV. Solid Waste Collection |
| VI. Concurrency | XV. Advertising |
| VII. Protection of Potable Well Fields | XVI. Reserved |
| VIII. Protection of Environmentally Sensitive Lands | XVII. Reserved |
| IX. Tree Protection & Landscaping | XVIII. Nonconforming Lots, Structures, Uses, and Signs |

Where to find it:

https://library.municode.com/fl/neptune_beach

LAND DEVELOPMENT REGULATIONS UPDATES

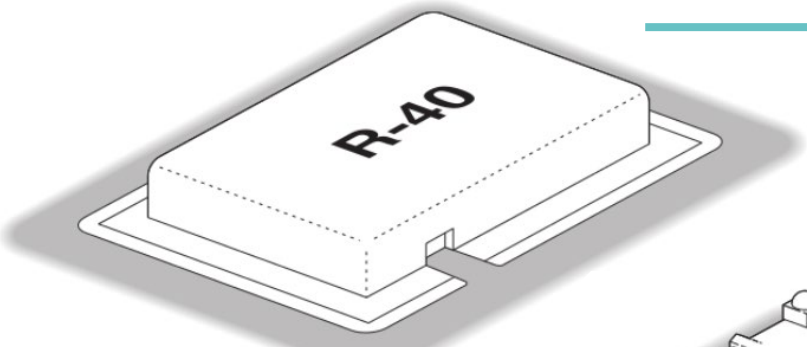
Most updates will be focused on the following articles, as per public input:

- I. General
- II. Administrative & Enforcement Bodies
- III. Administrative & Enforcement Procedures
- IV. Land Use**
- V. Accessory Structures & Uses**
- VI. Concurrency
- VII. Protection of Potable Well Fields
- VIII. Protection of Environmentally Sensitive Lands
- IX. Tree Protection & Landscaping**
- X. Streets, Sidewalks & Rights-of-Way**
- XI. Utilities
- XII. Stormwater Management & Erosion Control**
- XIII. Off-Street Parking & Loading**
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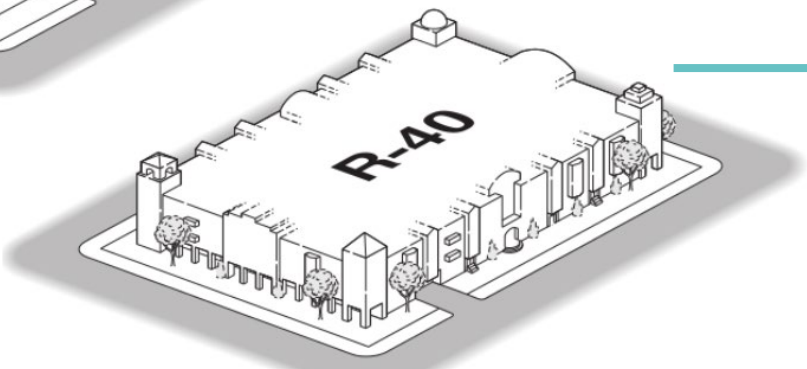
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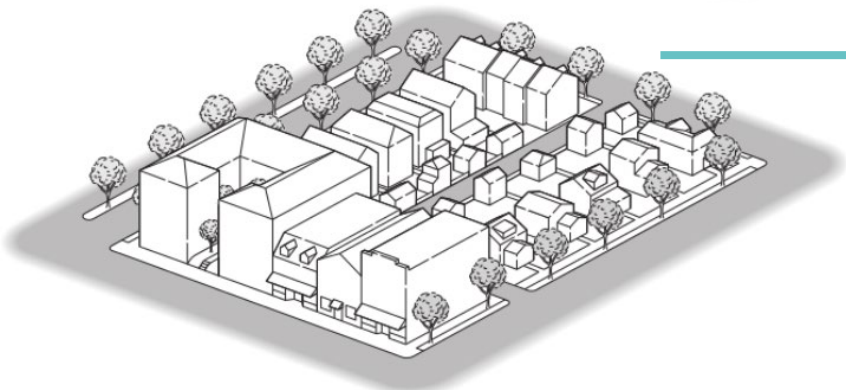
COMPARING DIFFERENT KINDS OF ZONING



Conventional (Euclidean) Zoning:
Organizing Principle – Use
Permitted use, density, floor area ratio (FAR), setbacks, parking requirements, maximum building height



Zoning Design Guidelines:
Organizing Principle – Use
Conventional zoning requirements with design specifications like frequency of openings and surface articulation

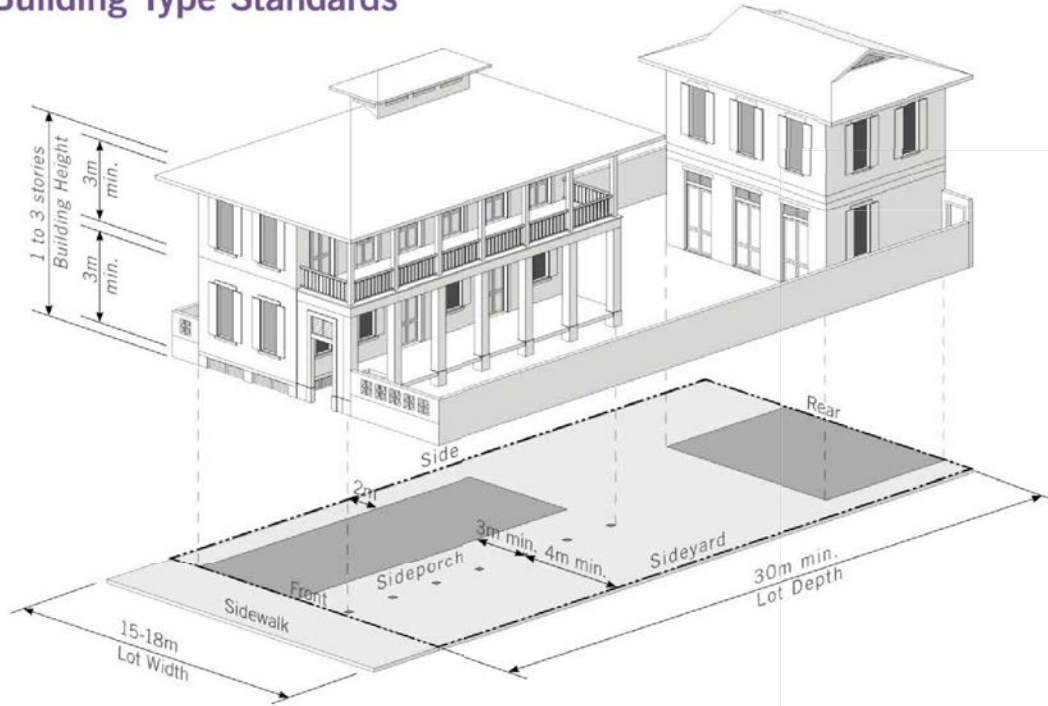


Form-Based Code:
Organizing Principle – Building Form & Place Type
Street & building types (or mix of types), build-to lines, number of floors, and percentage of site frontage specified

T4 Building Type: Sideyard Building

T4

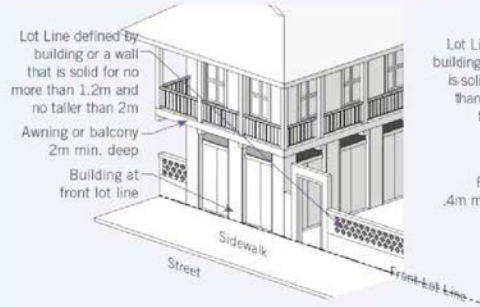
Building Type Standards



Standards (comply with all)

- Lot width 15-18m
- Lot depth 30m min.
- Building distance from side lot line 2m
- Building height 1-3 stories
- Floor-to-ceiling height 3m min.
- Sideyard width 4m min.
- Sideporch depth 3m min.
- Eave depth 1.8m min.
- Parking (if provided) accessed from rear alley.
- Front lot line defined by an allowed street facade type; side and rear lot lines defined by a building or wall . . .

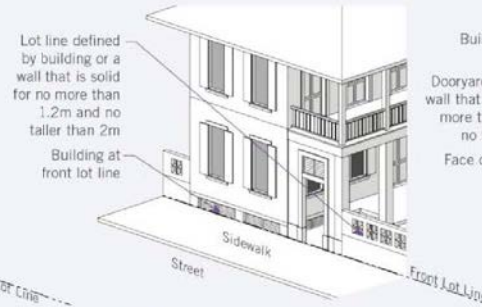
Allowed Street Facade Types (select one)



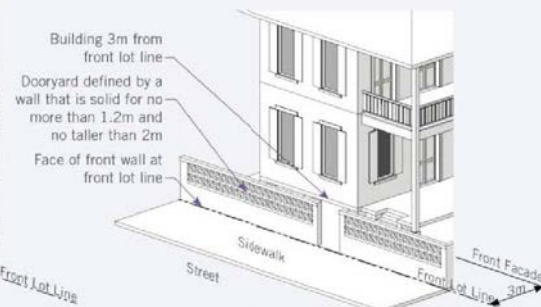
Flex



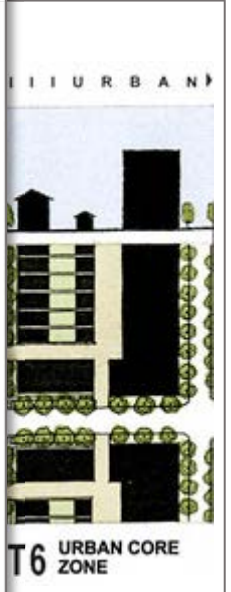
Gallery



Wall and Forecourt



Dooryard



T6 URBAN CORE ZONE

COMPARING BUILT RESULTS

Houses built according to conventional use-based code vs. a new form-based code:

Higgins Beach, Massachusetts



Houses built according to traditional Use-based Zoning

Houses built according to new Form-based Code

LEGISLATIVE CHANGES WORTH NOTING

NEW FLORIDA LEGISLATION & FEDERAL RULINGS

The following bills and laws impact Neptune Beach’s local land development regulations:

HB 401: Building Design Elements

- Restricts local governments from regulating “building design elements” for single-family homes and duplexes
 - Building design elements include architectural style, exterior cladding & roof materials, exterior non-structural ornamentation, and the location and orientation of garages
- Exceptions for areas within a CRA, historic districts, or areas with a design review board or architectural review board

HB 403: Home-Based Businesses

- Preempts local governments from regulating “home-based businesses”
- A few minor edits needed to NB’s existing Land Development Code, Section 27-332: Home Occupations

Supreme Court Ruling Reed vs. Town of Gilbert: Sign Ordinances

- Sign codes should be updated to eliminate unconstitutional requirements and minimize risk of lawsuits
- Outside the scope of work for Phase 3

PRELIMINARY SCOPE OF CHANGES

LOOKING BACK AT THE CITY'S ORIGINAL RFQ

Request for Qualifications Posted in May/June of 2019

“The new LDC is meant to supersede the present zoning ordinance and other local land development regulations that apply to the City. The City desires an innovative and highly-illustrated hybrid LDC with form-based and transect elements that takes an adaptive approach to achieve an attractive, competitive, and sustainable suburban/urban transitioning environment.”

POSSIBLE ALTERNATIVES TO UPDATE ZONING

Option 1: Revise Existing LDRs- Strategically update the administrative & enforcement procedures, land uses & development standards, PUD ordinance, street standards, stormwater requirements, and parking standards for the existing zoning districts as needed.

OR

Option 2: Revise Existing LDRs & Add Design Guidelines- In addition to the revisions described above, draft and adopt design guidelines for use in certain zoning districts to encourage better design and building forms.

Options 3 and 4 would require a CRA, historic district, or an architectural review or design review board

OR

Option 3: Revise Existing LDRs & Create a New FBC to Replace the Existing Zoning for a Specific Area of Neptune Beach- Strategically update the administrative & enforcement procedures and PUD ordinance for the city as a whole and convert a specific portion of the existing zoning, for instance the CBD and R-4 zoning districts, to form-based districts where only high-quality and predictable redevelopment would be allowed.

OR

Option 4: Full Form-Based Code Rewrite – Replace Neptune Beach’s existing Unified Land Development Regulations with a citywide form-based code.

UPDATED OBJECTIVES BASED ON COMMUNITY INPUT

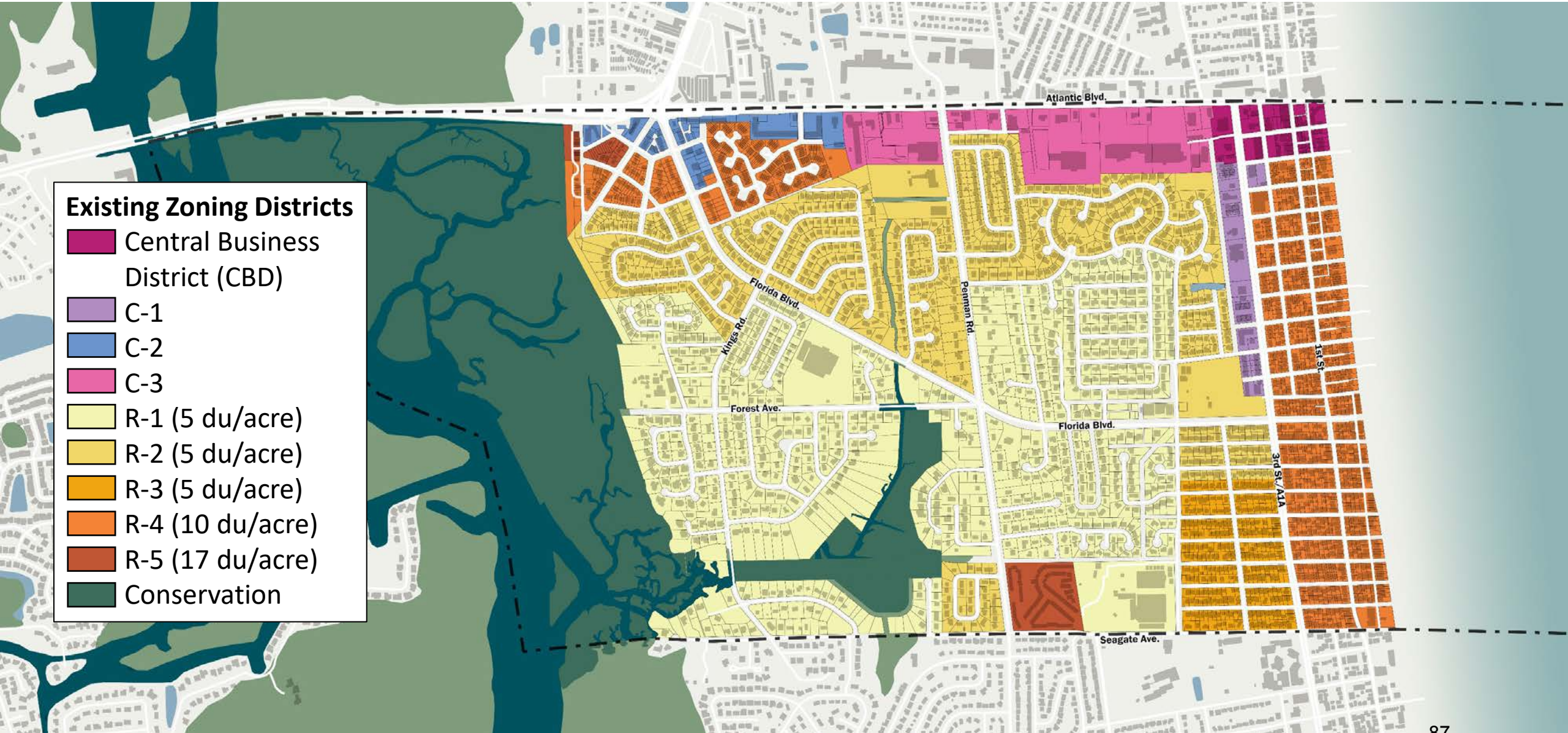
Option 1: Revise Existing LDRs-

1. Explore and address concerns about code enforcement and review procedures
2. Improve or replace the existing Planned Unit Development (PUD) ordinance
3. Revise development standards and apply frontage standards to a pre-defined area of the City to help ensure more predictable development outcomes, better building-to-street relationships, and more walkable neighborhoods
4. Address citizen concerns about site design standards including off-street parking and stormwater management
5. Ensure that the Land Development Regulations and zoning are consistent with the Comprehensive Plan updates

EXISTING ZONING MAP

Existing Zoning Districts

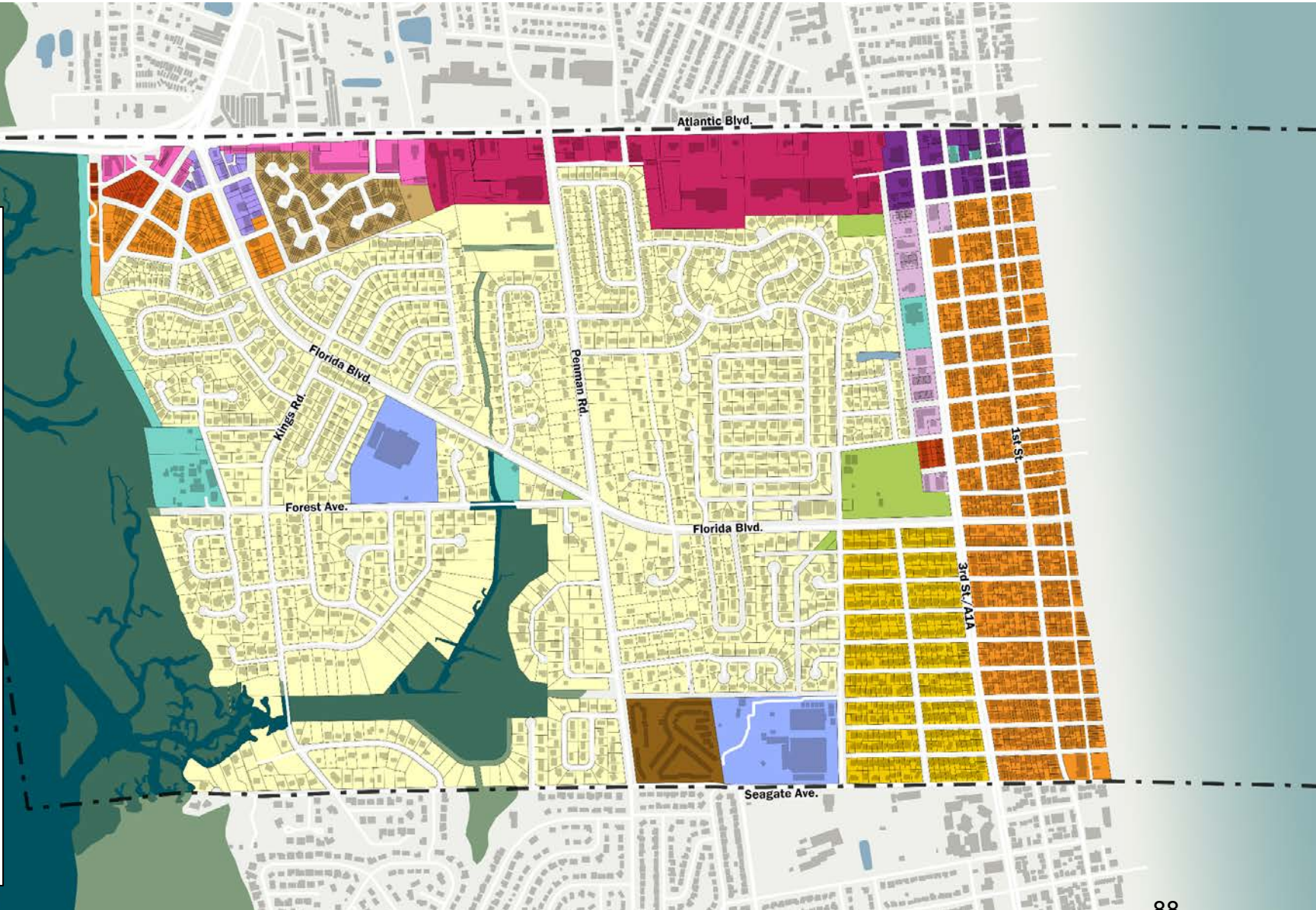
- Central Business District (CBD)
- C-1
- C-2
- C-3
- R-1 (5 du/acre)
- R-2 (5 du/acre)
- R-3 (5 du/acre)
- R-4 (10 du/acre)
- R-5 (17 du/acre)
- Conservation



COMP PLAN: PROPOSED FUTURE LAND USE MAP

Proposed Future Land Uses

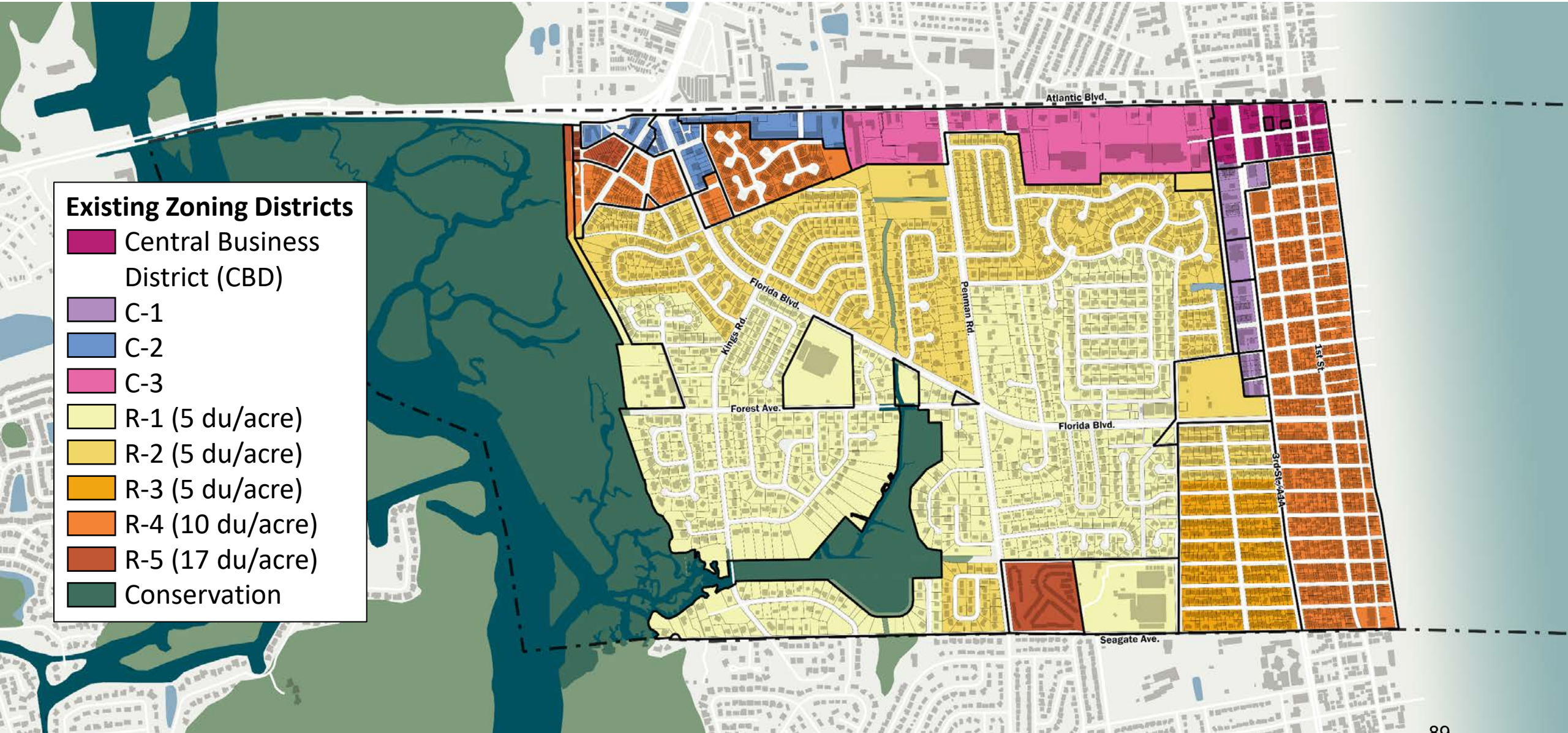
- Town Center
- Neighborhood Center
- Walkable Commercial Corridor
- Commercial I
- Commercial II
- Suburban Res. I (5 du/ac)
- Suburban Res. II (10 du/ac)
- Suburban Res. III (17 du/ac)
- Traditional Res. I (5 du/ac)
- Traditional Res. II (10 du/ac)
- Traditional Res. III (17 du/ac)
- Government & Public Utilities
- Conservation
- Recreation & Open Space



EXISTING ZONING MAP WITH FLUM OVERLAY











Existing Zoning Districts

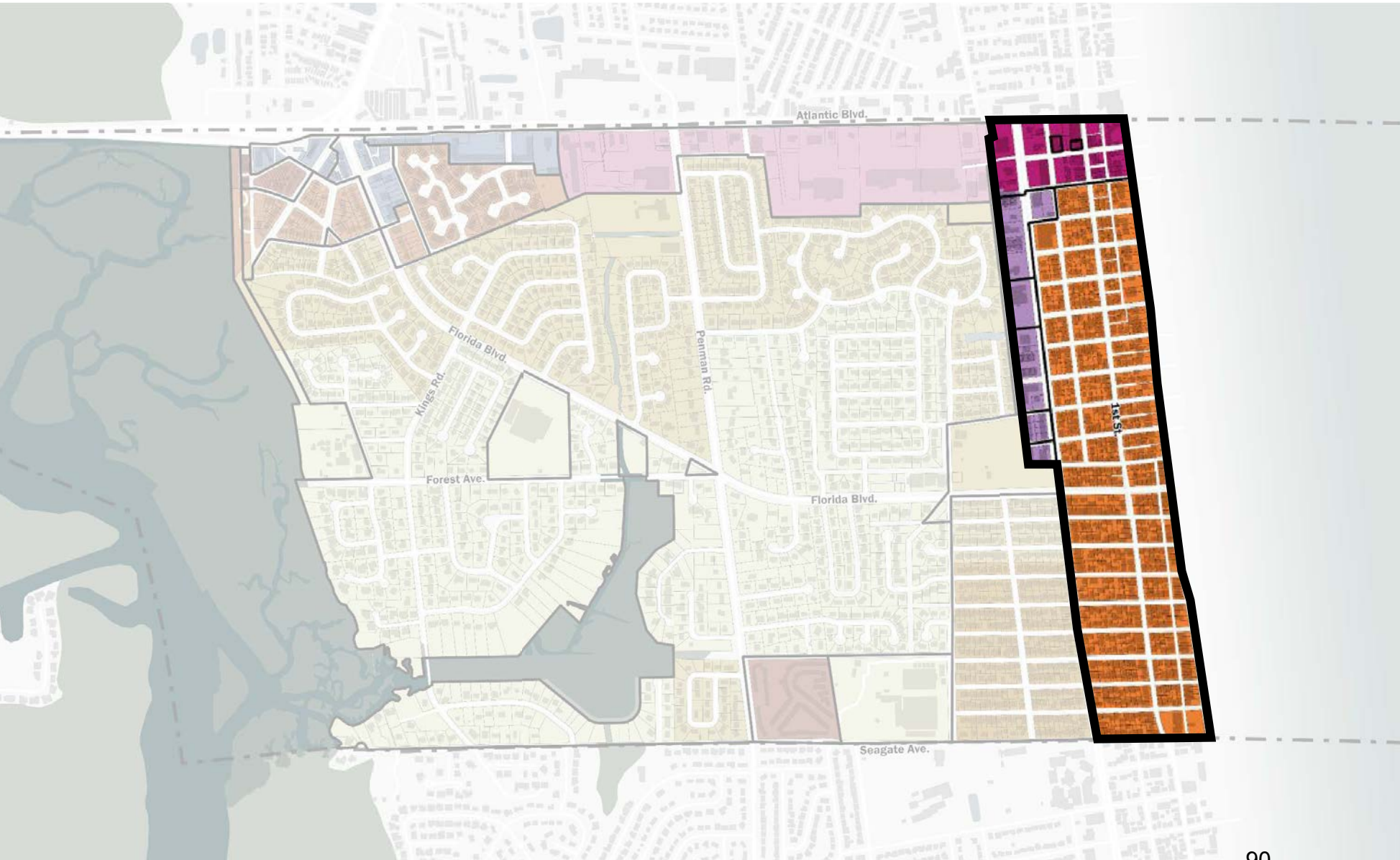
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- R-5 (17 du/acre)
- Conservation



KEY FOCUS AREA FOR LDR UPDATES











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-  **R-4 (10 du/acre)**
-  **R-5 (17 du/acre)**
-  **Conservation**



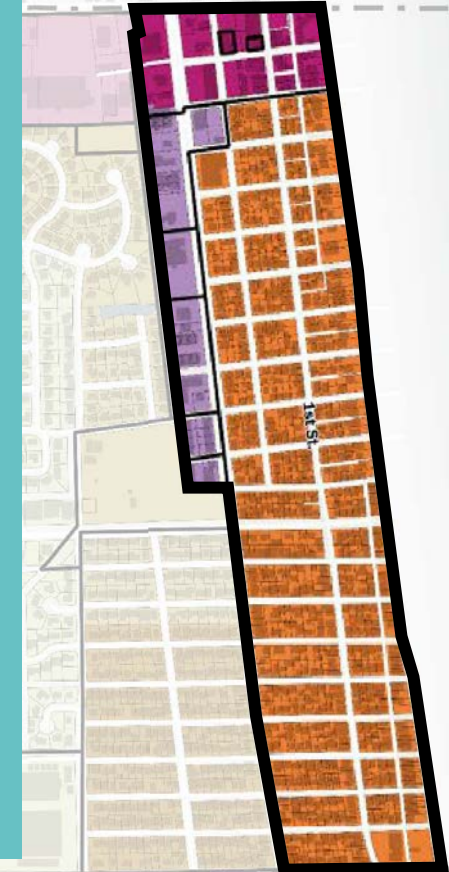
SCOPE OF LDR CHANGES

Existing Zoning Districts

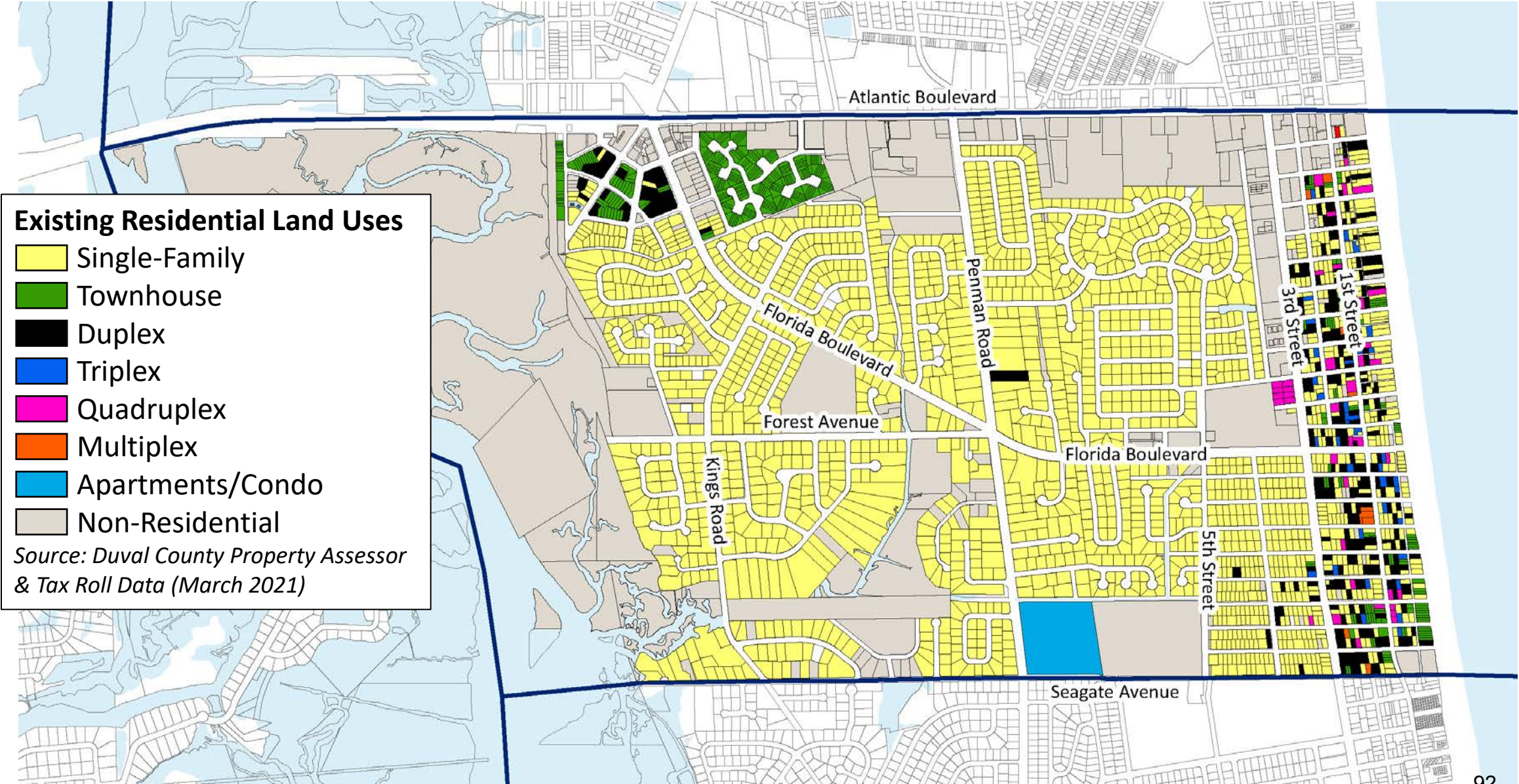
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-  **R-4 (10 du/acre)**
-  R-5 (17 du/acre)
-  Conservation

WE WILL FOCUS ON:

1. Improving Building-to-Street Relationships:
 - Setbacks & Permitted Encroachments
 - Frontage Element Standards (Porches, Porticos, Balconies, Dormers, etc.)
 - Location of Parking Areas
2. Re-Calibrating Minimum Parking Requirements
3. Bringing Existing Duplexes into Conformity
4. Adjusting Pervious vs. Impervious Surface Requirements (especially for residential driveways and parking areas)













WHY FOCUS ON R-4 EAST OF 3RD STREET?



KEY FOCUS AREA FOR UPDATES: OPTIONAL

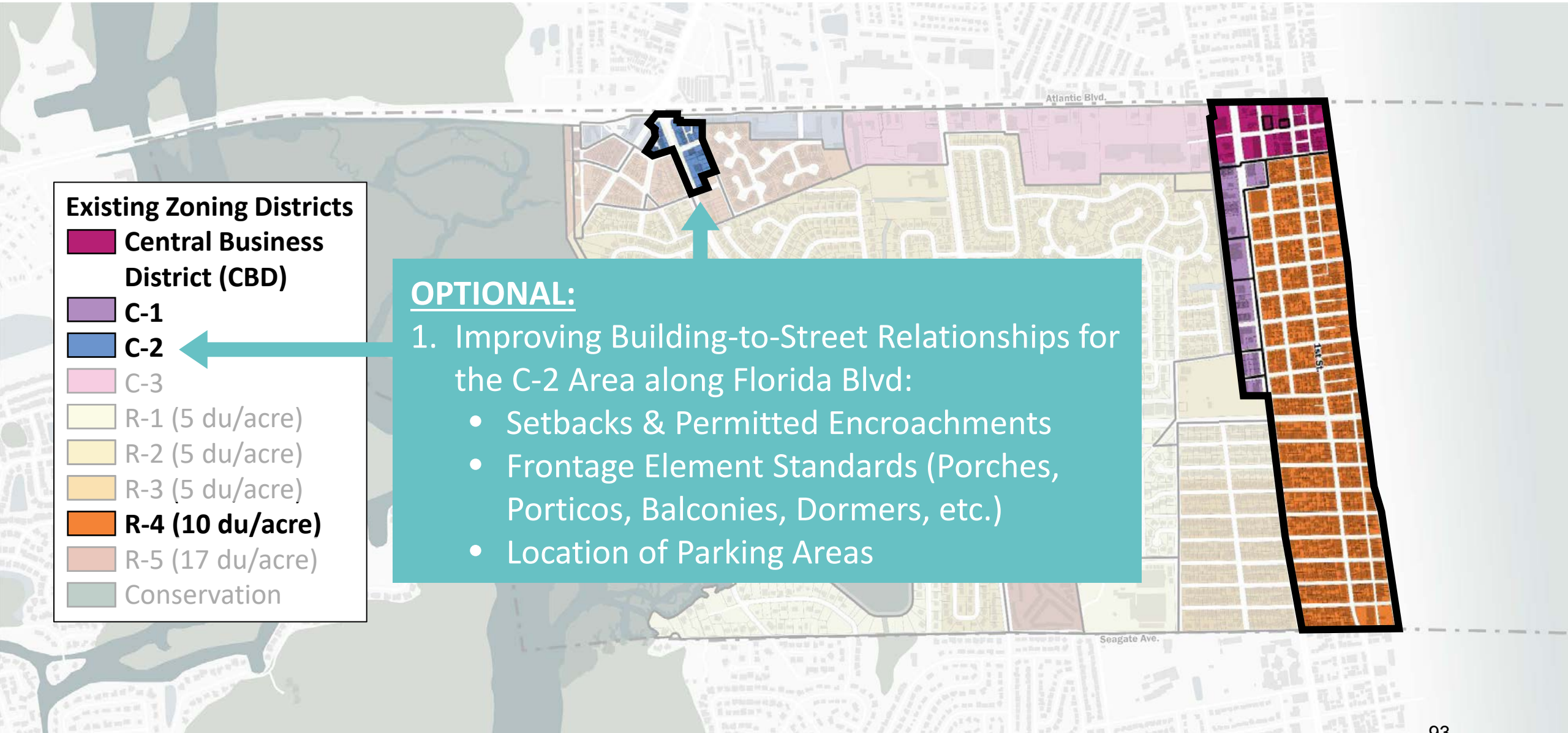
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-  R-5 (17 du/acre)
-  Conservation

OPTIONAL:

1. Improving Building-to-Street Relationships for the C-2 Area along Florida Blvd:

- Setbacks & Permitted Encroachments
- Frontage Element Standards (Porches, Porticos, Balconies, Dormers, etc.)
- Location of Parking Areas



OTHER LDR UPDATES

In addition to updating development standards for the CBD, C-1, and R-4 (east of 3rd Street), the LDR updates will also address:

1. How building height is measured, to better reflect changing FEMA building elevation requirements
 - Current point of reference is the greater of one (1) foot above the crown of the road in front of the building or the average of the natural existing grade. For commercial buildings affected by the coastal construction control line the reference point will be the minimum elevation required for habitable space required by the Florida Administrative Code.
2. Existing PUD language in Section 27-244, which is too vague
 - Option 1: Eliminate PUDs
 - Option 2: Revise the existing PUD language to be more explicit about what kinds of planned developments may be permitted and where, and how these should comply with all Comprehensive Plan policies (i.e. no residential in commercial areas)

UPDATED TIMELINE & MILESTONES

- DEC - MAR 2021:** Public Winter Meetings & Workshops
- MAY 2021:** First Draft Comprehensive Plan Update
- JUN 2021:** Comp Plan Public Hearing #1: Transmittal
-  **AUG 2021:** Phase 3 Land Development Regulations Restart
-  **AUG – OCT 2021:** Comp Plan Final Revisions
 - TBD: Comp Plan Public Hearing #2: Adoption
- NOV 2021:** Internal Draft of LDR Updates
 - 3 Weeks for Internal; Staff and Attorney Reviews
- DEC 2021:** First Public Draft of LDR Updates
- JAN – MAR 2022:** Public Presentation, Open House, and Comment Period
- APR – MAY 2022:** Code Revisions, Final Draft LDR Updates, and Adoption

DISCUSSION

Any thoughts on the:

- Geographic focus areas
- Overall scope of changes (e.g. revision of setbacks/encroachments, off-street parking requirements, stormwater and site design standards, as well as the inclusion of frontage standards)
- Optional code updates for the commercial area along Florida Blvd.
- Omission of any architectural standards, including permitted styles, exterior cladding and roof materials, window and door types, etc.
- Adjustment of how building height is measured
- Revision or omission of the existing PUD ordinance