



AGENDA
Special and Workshop City Council Meeting
Monday, September 21, 2020, 6:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

**THIS MEETING WILL BE HELD IN PERSON AND
VIA COMMUNICATIONS MEDIA TECHNOLOGY**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
- PH* 2. ORDINANCE NO. 2020-07, ADOPTING FINAL MILLAGE RATE, SECOND 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, 2020, and ending September 30, 2021; 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. 4
- PH* 3. ORDINANCE NO. 2020-08, ADOPTING A FINAL BUDGET, SECOND 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, 2020, and ending September 30, 2021; Providing an Effective Date p. 7
4. APPROVAL OF PARSONS ENGINEERING TASK ORDER #2 – ASSET INVENTORY PHASE II (SUPPLEMENTAL AGREEMENT 2) - Additional surveying and mapping for stormwater, wastewater, and water p. 9
5. APPROVAL OF PERPETUAL EASEMENTS TO FDOT – Pedestrian Safety Improvement Project Along A1A from 2nd Avenue North to Bay Street p. 12
6. COMMENTS FROM THE PUBLIC
7. ADJOURN

**WORKSHOP CITY COUNCIL MEETING IMMEDIATELY FOLLOWING THE ABOVE
SPECIAL MEETING**

1. CALL TO ORDER / ROLL CALL
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST / NONE
3. CITY MANAGER REPORT
4. COMMITTEE REPORTS
 - A. Finance, Boards and Charter Review
 - B. Land Use and Parks
 - C. Strategic Planning and Visioning
 - D. Transportation and Public Safety

5. PUBLIC COMMENTS

6. PROPOSED ORDINANCES

- A. PROPOSED ORDINANCE NO. 2020-09, An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date p. 24
- B. PROPOSED ORDINANCE NO. 2020-, An Ordinance of the City Of Neptune Beach, Florida, Extending A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date p. 27
- C. PROPOSED ORDINANCE NO. 2020-, An Ordinance of the City of Neptune Beach, Florida, To Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-244.1, Temporary Moratorium; and Providing an Effective Date p. 31

7. CONTRACTS / AGREEMENTS / NONE

8. ISSUE DEVELOPMENT / NONE

9. PUBLIC COMMENTS

10. COUNCIL COMMENTS

11. ADJOURN

**INSTRUCTIONS FOR THE SEPTEMBER 21, 2020,
SPECIAL AND WORKSHOP CITY COUNCIL MEETING**

This Special Council and Workshop meeting will be a hybrid in-person and a webinar conducted electronically. The Go to Webinar portion as permitted in Governor Executive Order No. 20-69, extended by Executive Order 20-112, 20-123, 20-139, 20-150, 20-179, and 20-193. The City has adopted Emergency Rules Regarding to COVID-19 to Govern the Operation of Meetings of the City Council and Board of the City of Neptune Beach. Such rules are available from the City Clerk.

Members of the public may provide written comments in the following manner:

1. Email to the City Clerk prior to the meeting at clerk@nbfl.us.
2. Placing them in the drop box outside of City Hall, 116 First Street, Neptune Beach, Florida.
3. Fill out the speaker request form located at: <https://www.ci.neptune-beach.fl.us/home/webforms/request-address-council>

Only written comments of 300 words or less will be read into the record during the meeting. All other written comments received by the deadline will be entered into the record and distributed to the City Council.

Registered webinar participants can also share comments live during the meeting, You must request to do this using the “raise your hand” feature during “Comments from the Public” portion of the meeting or during the public hearing portion. During the public hearing portion, any comments must be about that specific agenda item.

The special meeting can be observed in the following ways:

You may register to attend the Go To Webinar and view the meeting on your computer or dial in and listen on your telephone by visiting the following link:

<https://attendee.gotowebinar.com/register/665255521852324622>

TO USE YOUR COMPUTER'S AUDIO:

When the webinar begins, you will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

--OR--

TO USE YOUR TELEPHONE:

If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers below.

United States: +1 (415) 655-0052

Access Code: 818-194-978

Audio PIN: Shown after joining the webinar

Webinar ID: 806-750-139

In accordance with the Americans With Disabilities Act and Section 286.26, Florida Statute, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at least 48 hours prior to the meeting.



INTRODUCED BY:

ORDINANCE NO. 2020-07

**MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR SCOTT WILEY,
COUNCILOR JOSH MESSINGER, COUNCILOR KERRY CHIN**

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, 2020, AND
ENDING SEPTEMBER 30, 2021; 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 2020-2021 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, 2020, and ending September 30, 2021; 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, 2020, and ending September 30, 2021, 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 2020 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 4.98 percent more than the "rolled-back rate," 3.2058, 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 | YES |
| Vice Mayor Fred Jones | YES |
| Councilor Scott Wiley | YES |
| Councilor Josh Messinger | YES |
| Councilor Kerry Chin | YES |

Passed on First Reading this 10th day of September, 2020.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

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

Passed on Second and Final Reading this 21st day of September, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents:

Zachary R. Roth, City Attorney

INTRODUCED BY:



ORDINANCE NO. 2020-08

**MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR SCOTT WILEY,
COUNCILOR JOSH MESSINGER, COUNCILOR KERRY CHIN**

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, 2020, AND ENDING
SEPTEMBER 30, 2021; 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 2020-2021 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, 2020 and ending September 30, 2021.

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 2019-2020 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 2020-2021 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, 2020.

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

| | |
|--------------------------|-----|
| Mayor Elaine Brown | YES |
| Vice Mayor Fred Jones | YES |
| Councilor Scott Wiley | YES |
| Councilor Josh Messinger | YES |
| Councilor Kerry Chin | YES |

Passed on First Reading this 10th day of September, 2020.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

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

Passed on Second and Final Reading this 21st day of September, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents

Zachary R. Roth, City Attorney

January 22, 2020

Mr. Leon Smith, PE
Public Works Director

City of Neptune Beach

Subject: Task Order 2 – Asset Inventory Phase II (Supplemental Agreement 2)

Dear Mr. Smith:

Parsons would appreciate consideration of **Supplemental Agreement 2 (SA2)** to the scope of work and budget for **Task Order 2: Asset Inventory Phase II** to accommodate additional surveying and engineering services required to continue the preparation of GIS maps. This SA2 would collect the survey for the remaining areas of the City of Neptune Beach not previously collected. Also included is the update of the GIS maps for stormwater, wastewater and water. The following items are included:

SCOPE OF SERVICES

Task 1 – Field collection

Using the work products developed to date, Parsons will continue to compile an inventory of the water, wastewater, and drainage infrastructure within the CONB as part of Phase 2. Phase 1 was collection of water and wastewater systems in the area where field crews have previously surveyed drainage infrastructure under TO1, as well as fill any gaps within the project area. Phase 2 will be a systematic survey of all three utility systems in the remainder of the city.

The same field reconnaissance and GPS based rapid data collection (field data collection) will be used. Parsons will collect field data using the Trimble R10 GNSS System of GPS devices using Network RTK. The inventory will include horizontal and vertical position, dimensions, condition, and photographs. Depending on satellite coverage, buildings, and tree canopy the instruments are expected to capture with 8 mm + 1 ppm RMS horizontal and 15 mm + 0.5 ppm RMS vertical accuracy.

As it may not be possible to collect all features, Parsons will closely track progress and make bi-weekly reports to prioritize areas, make adjustments, and trouble shoot complex areas. Regular updates will be provided to CONB on production, and if the entire network cannot be captured, the CONB will be notified. Features collected will include.

- 1) Wastewater: manholes, pipelines, forcemains, lift stations, and valves,
- 2) Water systems: valve covers, pipelines, valves, and fire hydrants
- 3) Drainage: Inlets, manholes, outfalls, culverts, pond structures, and lateral ditches

The field data collection will be compiled into a geo-spatial data base in an Esri ArcGIS (shapefile) format.

Task 2 – Verification

Parsons will coordinate with CONB to populate the database based on existing information such as as-built drawings, GIS, operator knowledge, and possible sub-surface exploration. Maps will be provided where CONB staff can mark-up maps that will be later digitized.



Task 3 – Presentation

Parsons will demonstrate to CONB during this project the ESRI ArcGIS software for the infrastructure database. Parsons will demonstrate the type of information that can be queried and observed from the database.

Task 4 – Map Production

Parsons will provide hardcopy and PDF maps of the surveyed utility systems. The following maps will be provided:

- 1) 11x17 size sheet with street level basemap background for each of the three utilities on separate sheets (water, wastewater, and drainage)
- 2) 24x36 size sheet with street level basemap background for each of the three utilities on separate sheets (water, wastewater, and drainage)
- 3) Roll plot with aerial level basemap with all of the three utilities on the same sheet.

PROPOSED SCHEDULE

Parsons will commence this project within one (1) week upon receipt of a written authorization from CONB. A tentative project schedule is provided below:

- Survey data collection – 5 months
- Final Geodatabase and maps – 3 months

COMPENSATION

Parsons estimates that this proposed scope of work will be completed for an additional fee as follows:

Task 1 - \$40,500.00

Task 2 through Task 4 - \$34,400.00

Total - \$74,900.00

This letter seeks approval of SA2 for additional services in the amount of \$74,900.00, for a new not-to-exceed amount of \$124,900.00.

Sincerely,



Keith Travis, P.E.
Vice President

01/23/20

Date



Thomas J. Gyorog, P.E.
Project Manager

01/23/20

Date

Leon Smith
Interim City Manager

Date

Peter V Kajokas CPA, MBA
Director of Finance

Date



January 10, 2020

Mr. Tom Gyorog, PE
Parsons Transportation Group
1300 Riverplace Boulevard, Suite 200
Jacksonville, FL 32207

RE: Complete GIS Survey of Infrastructure, City of Neptune Beach

Dear Mr. Gyorog:

We are pleased to submit the following proposal for Professional Surveying and Mapping Services for the above-referenced project.

From information supplied by Parsons, we have estimated the following quantities to be surveyed:

- 224 storm inlets & culverts.
- 429 sanitary manholes, with 32 in back yards of private property.
- 10 pump stations.
- 34 fire hydrants with associated valves.

We will require the assistance of the City of Neptune Beach in gaining access to those sanitary manholes in back yards, as well as accessing the 10 pump station sites.

Information to be collected at the pump stations shall include top and bottom of wet well, and pipe inverts entering the wet well.

Based upon the stated quantities, our ESTIMATED FEE is \$40,500.00.

Field conditions may result in addition items being located. If the final count is more than 10 percent higher, additional charges may result based upon our hourly rates.

Deliverables shall be consistent with previous submittals.

I trust this is the information you need at this time. Please feel free to contact me with any questions or comments. Thank you for another opportunity to work with you and the PTG team!

Sincerely,

Philip M. Ghiotto, President
Ghiotto & Associates, Inc.



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

| | |
|------------------------|--|
| AGENDA ITEM: | |
| SUBMITTED BY: | |
| DATE: | |
| BACKGROUND: | |
| BUDGET: | |
| RECOMMENDATION: | |
| ATTACHMENT: | |



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1109 South Marion Avenue
Lake City, Florida 32025

KEVIN J. THIBAUT, P.E.
SECRETARY

July 15, 2020

City of Neptune Beach
Stefen Wynn, City Manager
2100 Forest Avenue
Neptune Beach, FL 32266

RE: Item: 4411941
 District: Two
 State Road: A1A
 County: Duval
 Parcel: 802/803

Dear Mr. Wynn:

The Florida Department of Transportation is acquiring right of way for the pedestrian safety improvement project along A1A from 2nd Avenue North to Bay Street. The Department is seeking a two Perpetual Easements for the purpose of constructing and maintaining electronic blank out signs with the stop sign assemblies and all associated ancillary materials, in, over, under, upon and through the above referenced parcels.

Attached are copies of the Right of Way Sketches, Parcel Information Sheets, Construction Plans and Easement Documents to assist in the conveyance of the interest sought within the project limits.

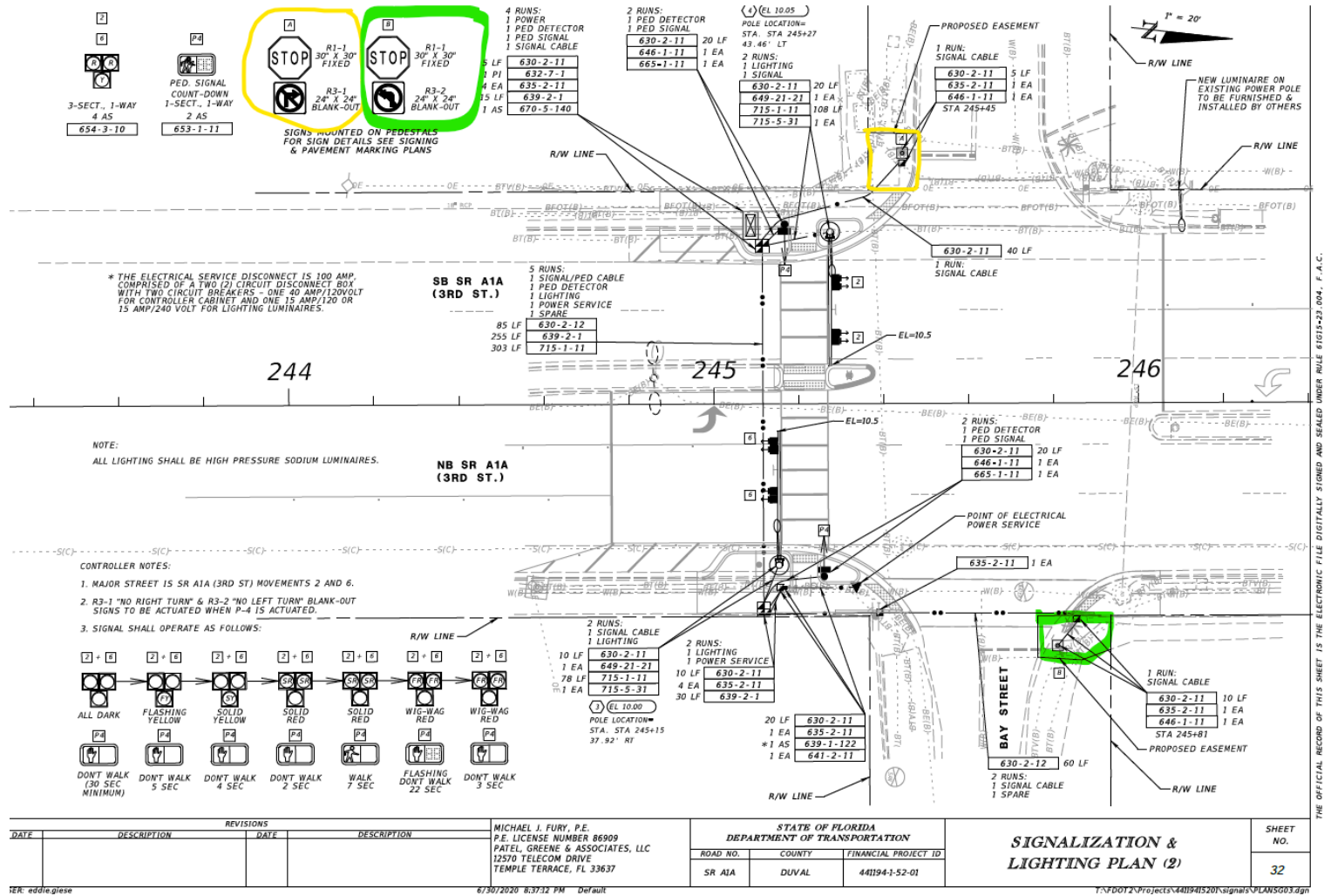
If you should have any questions or need any further information, please feel from to contact me directly at 386-961-7489 or via email at Kiersten.Dicks@dot.state.fl.us.

Sincerely,

Kiersten M. Dicks

Kiersten M. Dicks
Right of Way Agent

Proposed easements highlighted in yellow and green with corresponding electronic blank-out signs circled:



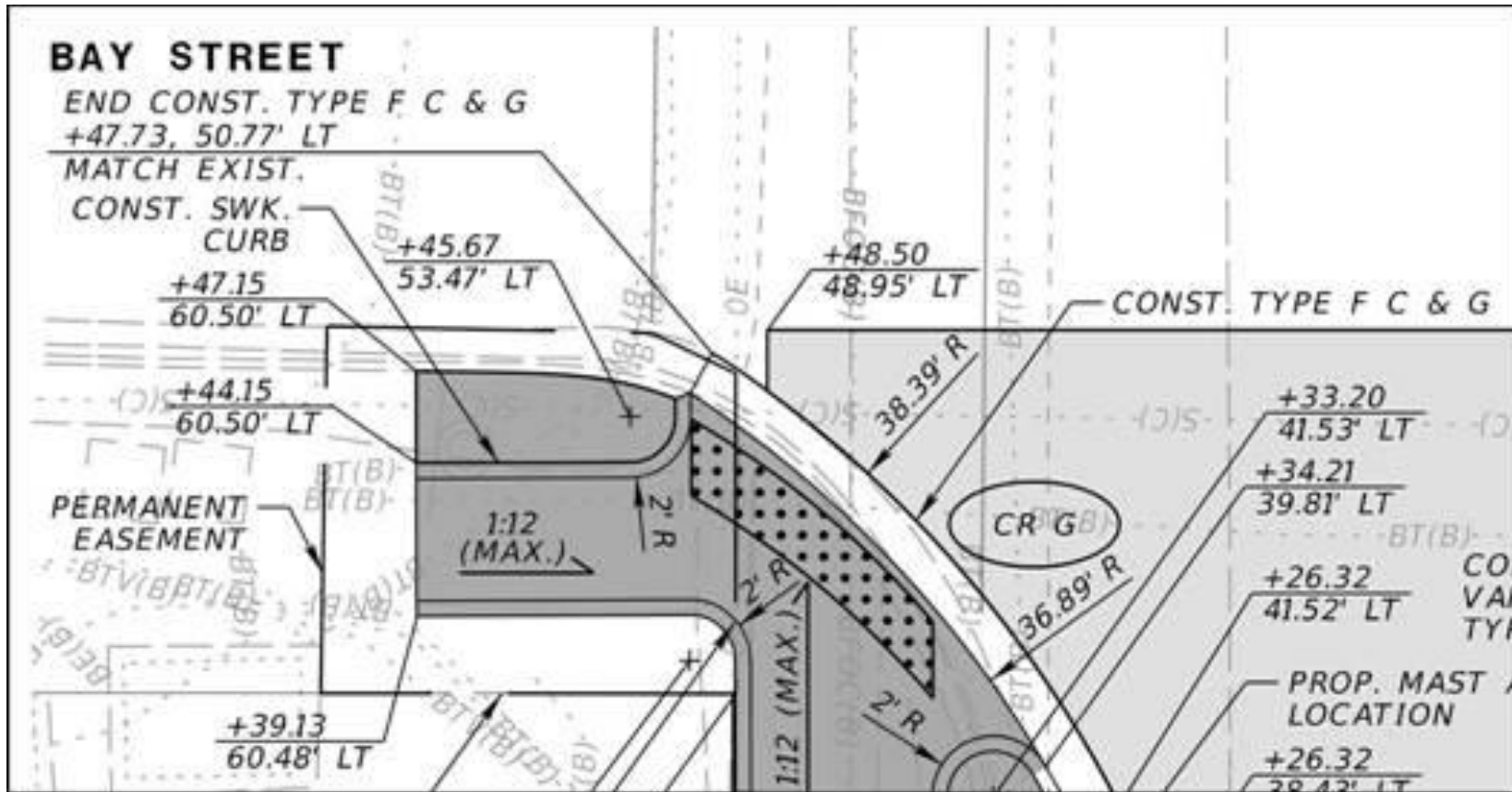
Pedestrian Hybrid Beacon:



Example of blank-out sign to be activated when pedestrians and bicyclists are in the crosswalk:



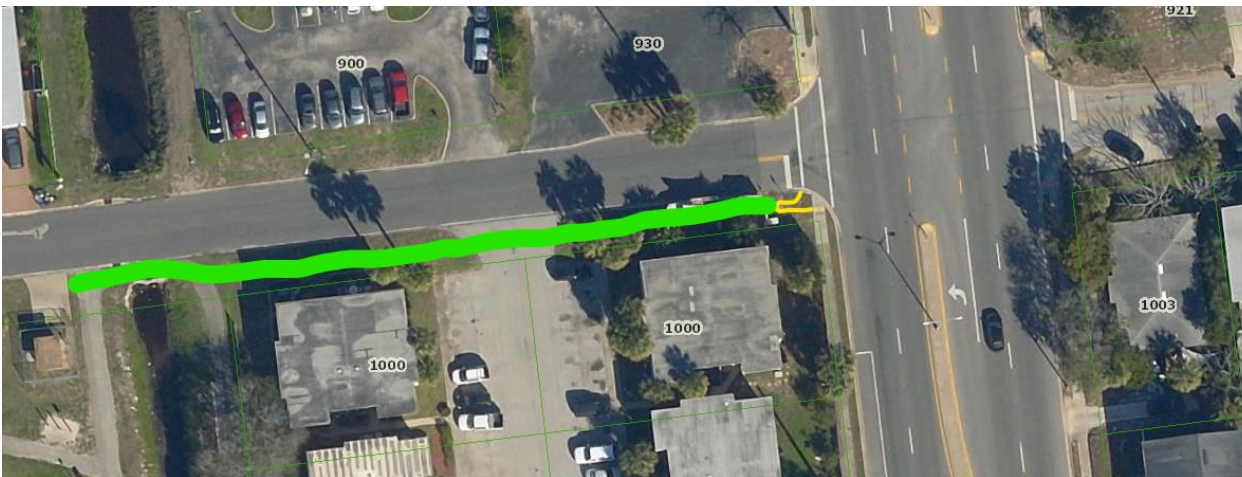
Sidewalk stub-out (5' width) to be constructed by FDOT in easement on the west side of Third St:



Approximate location of sidewalk stub-out (to be constructed by FDOT) highlighted in yellow:



Future path connection to NE corner of Jarboe Park (to be constructed by CONB) highlighted in green:



07-PE.13-Date: July 15, 2020

T. S. No. N/A
R/W Map Sheet No. (Sketch)
Tax Parcel No. N/A

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 802.1
SECTION NO. 72100
F.P. NO. 4411941
STATE ROAD NO. A1A (3rd St.) at
Bay Street
COUNTY OF Duval

PERPETUAL EASEMENT

THIS EASEMENT, made this _____ day of _____, 2020, by the CITY OF NEPTUNE BEACH, FLORIDA, 116 First Street, Neptune Beach, Florida 32266, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining electronic blank out signs with the stop sign assemblies and all associated ancillary materials, in, over, under, upon and through the following described land in Duval County, Florida, viz:

SEE **Exhibit "A"**, attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: _____

The City of Neptune Beach, Florida,
By its Board of City Commissioners

Print Name: _____
Clerk (or Deputy Clerk)

Witness:
Print Name: _____

By: _____
Elaine Brown, Mayor

Witness:
Print Name: _____

STATE OF FLORIDA

CITY OF NEPTUNE BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Elaine Brown, Mayor, and _____, its City Clerk / Deputy Clerk who are personally known to me.

Print Name: _____
Notary Public
My Commission Expires: _____

(Notary Seal)

Form Approved:

Assistant General Counsel

07-PE.13-Date: July 15, 2020

T. S. No. N/A
R/W Map Sheet No. (Sketch)
Tax Parcel No. N/A

This instrument prepared by
or under the direction of:
David M. Robertson
Chief Counsel District Two
Florida Department of Transportation
1109 South Marion Avenue
Lake City, Florida 32025-5874

PARCEL NO. 803.1
SECTION NO. 72100
F.P. NO. 4411941
STATE ROAD NO. A1A (3rd St.) at
Bay Street
COUNTY OF Duval

PERPETUAL EASEMENT

THIS EASEMENT, made this _____ day of _____, 2020, by the CITY OF NEPTUNE BEACH, FLORIDA, 116 First Street, Neptune Beach, Florida 32266, grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, 1109 South Marion Avenue, Lake City, Florida 32025-5874, its successors and assigns, grantee.

WITNESSETH: That the grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining electronic blank out signs with the stop sign assemblies and all associated ancillary materials, in, over, under, upon and through the following described land in Duval County, Florida, viz:

SEE **Exhibit "A"**, attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same unto said grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Mayor, and its seal to be hereto affixed, attested by its City Clerk, the date first above written.

ATTEST: _____

The City of Neptune Beach, Florida,
By its Board of City Commissioners

Print Name: _____
Clerk (or Deputy Clerk)

Witness:
Print Name: _____

By: _____
Elaine Brown, Mayor

Witness:
Print Name: _____

STATE OF FLORIDA

CITY OF NEPTUNE BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Elaine Brown, Mayor, and _____, its City Clerk / Deputy Clerk who are personally known to me.

Print Name: _____
Notary Public
My Commission Expires: _____

(Notary Seal)

Form Approved:

Assistant General Counsel



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

- AGENDA ITEM:** PROPOSED ORDINANCE NO. 2020-09, An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date.
- SUBMITTED BY:** Councilor Scott Wiley
- DATE:** September 16, 2020
- BACKGROUND:** This ordinance desires to require a super-majority vote (80%) of the City Council to authorize increasing the millage rate greater than one-half (0.5) mil.
- Proposed Ordinance No. 2020-09 was on the agenda at the September 8 Regular Council meeting. It was moved for discussion at the September 21 workshop.
- BUDGET:**
- RECOMMENDATION:** Consider and discuss Proposed Ordinance No. 2020-09
- ATTACHMENT:** 1. Ord. No. 2020-09

INTRODUCED BY:
COUNCILOR WILEY



ORDINANCE NO. 2020-09

A BILL TO BE ENTITLED

AN ORDINANCE CREATING SECTION 21-26 REGARDING VOTING REQUIREMENTS FOR CERTAIN MILLAGE RATE INCREASES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 200, Florida Statutes, regulates the determination of millage rates for ad valorem taxation; and

WHEREAS, Fla. Stat. §200.001(2) establishes four separate categories of municipal millage rates; and

WHEREAS, the City recognizes that increases in millage rates significantly impact real property owners within the City; and

WHEREAS, the City desires to require a super-majority vote of the City Council to authorize increases in all millage rates over a certain threshold; 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, 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 21-26 of the City of Neptune Beach Code of Ordinances. Section 21-26 of the City of Neptune Beach Code of Ordinances is hereby created to read as follows:

Sec. 21-26. – Voting Requirements for Certain Millage Rate Increases.

For any millage rate authorized to be charged by the city under Florida law, such rate may only be increased over the rate established for the prior year by an amount greater than one-half (0.5) mill if approved by the affirmative vote of no less than eighty percent (80%) of a quorum of the city council present at the meeting at which the vote is taken.

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 Scott Wiley

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this _____ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



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

- AGENDA ITEM:** PROPOSED ORDINANCE NO. 2020-, An Ordinance of the City Of Neptune Beach, Florida, Extending A Temporary Moratorium To Prohibit The Acceptance or Processing of any Application for a Development Order or Any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3, Sections 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; Providing an Effective Date.
- SUBMITTED BY:** City Attorney Zachary Roth
- DATE:** September 16, 2020
- BACKGROUND:** Ordinance No. 2019-10, sponsored by Councilors Kerry Chin and Josh Messinger, was adopted on December 2, 2019. It placed a one-year moratorium on platting and replatting of lots in the R-4 Zoning District.
- This proposed ordinance extends the moratorium for one year.
- BUDGET:** N/A
- RECOMMENDATION:** Consider the proposed ordinance extending the moratorium on replats in the R-4 Zoning District and move forward for first read on October 5, 2020.
- ATTACHMENT:** 1. Ordinance - Extending Platting Moratorium

SPONSORED BY:



ORDINANCE NO. 2020-__

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, EXTENDING A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF CERTAIN APPLICATIONS FOR A DEVELOPMENT ORDER OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING FOR THE APPLICATION OF A PLAT OR REPLAT IN THE R-4 ZONING DISTRICT AS SET FORTH IN CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, DIVISION 3 SECTION 27-101 THROUGH 27-102, PLATTING REQUIREMENTS CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, DIVISION 4 SECTION 27-105 THROUGH 27-109, MINOR REPLAT REQUIREMENTS, AND 27-110 TEMPORARY MORATORIUM; PROVIDING 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, to protect the public health, safety and welfare of its citizens, the City of Neptune Beach wants to review and discuss the platting and minor replat code regulations; and

WHEREAS, the City Council has noted the significant number of requested plats and replats of properties in the R-4 zoning district as established by Section 27-221 resulting in an increase in the number of lots in such district, as well as the significant number of potential future requests, and the potential effects of these activities on the unique character and environment of Neptune Beach and the R-4 zoning district, in particular, including but not limited to those effects caused by the impacts of high-tide events, storm surge, flash floods, stormwater runoff, and sea-level rise as recognized by the Florida Legislature in sec. 163.3178, Fla. Stat.; and

WHEREAS, the City Council determines that additional time is required to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the City of Neptune Beach Unified Land Development Code and/or Code of Ordinances or

comprehensive plan regarding platting and replatting of lots in the R-4 zoning district; and

WHEREAS, the City's retained professionals, Dover, Kohl & Partners have prepared and issued a vision plan regarding the potential revisions of Comprehensive Plan and the Unified Land Development Code and the process of preparing such revisions has moved into Phase II regarding drafting of revisions to the Comprehensive Plan; and

WHEREAS, an extension of the temporary moratorium on the processing of applications for, and the issuance of approvals or any other official action of the City of Neptune Beach permitting or having the effect of allowing platting or replatting of lots in the R-4 zoning district will allow time for the continued analysis of revisions to the City's Comprehensive Plan and the Unified Land Development Code; and

WHEREAS, proper notice has been given of the public hearings of this proposed ordinance and of the public hearings in the accordance with applicable law; 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, that it permits the continued process of evaluation and drafting of revisions to the City's Comprehensive Plan and Unified Land Development Code 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. 27-110.

(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 ~~the ordinance from which this section derives~~ this ordinance, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by ordinance of the City Council.

(f) **Effective Date.**

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

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this ____ day of October, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

| | |
|--------------------------|-----|
| Mayor Elaine Brown | YES |
| Vice Mayor Fred Jones | YES |
| Councilor Kerry Chin | YES |
| Councilor Josh Messinger | YES |
| Councilor Scott Wiley | NO |

Passed on Second and Final Reading this ____ day of November, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



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

- AGENDA ITEM:** PROPOSED ORDINANCE NO. 2020-, An Ordinance of the City of Neptune Beach, Florida, To Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-244.1, Temporary Moratorium; and Providing an Effective Date.
- SUBMITTED BY:** City Attorney Zachary Roth
- DATE:** September 16, 2020
- BACKGROUND:** Ordinance No. 2019-03, sponsored by Councilor Messinger and adopted on March 4, 2019, placed a moratorium on PUDs for one year.
- Ordinance No. 2020-01, sponsored by Councilors Chin and Messinger and adopted on April 20, 2020, extended the moratorium on PUDs for one year.
- To synchronize the expiration dates of both the R-4 plat moratorium and this PUD moratorium, both ordinances are being considered.
- BUDGET:** N/A
- RECOMMENDATION:** Consider the proposed ordinance extending the PUD moratorium
- ATTACHMENT:** 1. Ordinance - Second Extension of PUD Moratorium

SPONSORED BY:

COUNCILOR MESSINGER

COUNCILOR CHIN



ORDINANCE NO. 2020-__

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, TO FURTHER EXTEND A TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A SPECIAL EXCEPTION PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING FOR THE APPLICATION OF A PLANNED UNIT DEVELOPMENT AS SET FORTH IN CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 27-244 PLANNED UNIT DEVELOPMENT AND 27-244.1 TEMPORARY MORATORIUM; 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 to ensure their health, safety and welfare; and

WHEREAS, the City is actively engaged in the process of evaluating revisions to its Comprehensive Plan and the Unified Land Development Code, including how planned unit developments are processed within the City and the City anticipates that such process will take additional time to complete; and

WHEREAS, the City Council determines that it is in the best interest of its residents, businesses and visitors to enact sufficient regulations to protect the public health, safety and welfare; and

WHEREAS, the City Council for the City of Neptune Beach, Florida previously found and declared that a temporary moratorium regarding the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits was 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 advanced a significant and important governmental interest; and

WHEREAS, the City Council for the City of Neptune Beach, Florida previously adopted a temporary moratorium on the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits, may be accepted or processed or approved by the City, except as may be required by applicable law, in Ordinance No. 2019-03, with an effective date of March 4, 2019; and

WHEREAS, the City Council for the City of Neptune Beach, Florida previously extended the temporary moratorium by Ordinance No. 2020-01, with an effective date of April 20, 2020, to allow the continued analysis of revisions to its Comprehensive Plan and the Unified Land Development Code; and

WHEREAS, said temporary moratorium is scheduled to expire on March 4, 2021; and

WHEREAS, the City's retained professionals, Dover, Kohl & Partners have prepared and issued a vision plan regarding the potential revisions of Comprehensive Plan and the Unified Land Development Code and the process of preparing such revisions has moved into Phase II regarding drafting of revisions to the Comprehensive Plan; and

WHEREAS, the City previously adopted Ordinance 2019-10, which implemented a temporary moratorium on the consideration of platting and replatting within the R-4 zoning district to also facilitate the City's analysis of revisions to its Comprehensive Plan and the Unified Land Development Code; and

WHEREAS, the City does not anticipate that such process will be completed by March 4, 2021 and the City Council deems it to be in the best interest of the City and its citizens and residents to synchronize the expiration of the moratorium regarding consideration of PUDs and that regarding platting and replatting within the R-4 zoning district; and

WHEREAS, proper notice has been given of the public hearing of this proposed ordinance and of a public hearing in accordance with applicable law; 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 an extension to the temporary moratorium regarding the City's consideration of any application for special exception permit, authorization or any other official action of the City having the effect of permitting or allowing the PUDs within the city limits is in the best interest of the public health, safety and welfare of the citizens and residents of the City of Neptune Beach, Florida, will permit the continued process of evaluation and drafting of revisions to the City's Comprehensive Plan and Unified Land Development Code, and will

advance a significant and important governmental interest.

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

ARTICLE IV. – LAND USE

Sec. 27-244.1. Temporary moratorium on permitting planned unit developments (PUD).

(c) Term.

The moratorium imposed by this ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve ~~after the initial expiration date of March 4, 2020 as established by Ordinance No. 2019-03~~ three hundred and sixty-five (365) days after 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.

(f) Effective Date.

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

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this _____ day of October, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

Passed on Second and Final Reading this _____ day of November, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents

Zachary Roth, City Attorney