



AGENDA
Regular City Council Meeting
Monday, October 5, 2020, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. Traffic Plan for Kings Road Area/Bridge Reopening - Police Chief Richard Pike p. 4
3. APPROVAL OF MINUTES
 - A. September 8, 2020, Regular City Council Meeting
September 10, 2020, Special City Council Meeting
September 21, 2020, Special City Council Meeting p. 5
September 21, 2020, Workshop City Council Meeting
September 22, 2020, Mayor/Councilor-Elect/City Staff Meeting
4. COMMUNICATION / CORRESPONDENCE / REPORTS

| | |
|----------------|------------------------|
| • Mayor | • City Attorney |
| • City Council | • City Clerk |
| • City Manager | • Departmental Reports |
5. COMMENTS FROM THE PUBLIC
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS
 - A. **V20-01** Application for variance as outlined in Chapter 27, Article 8 of the Unified Land Development Code of Neptune Beach for Neptune Beach FI Realty, LLC for the property known as 540-580 Atlantic Blvd (RE#172395-0130). This property is the former Lucky's Market in the Neptune Beach Plaza. The variance request is to provide relief from Note 6 of Table 27s229-1 by varying the 1000 linear foot requirement for businesses that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate. **Pulled at Applicant's Request**
 - B. Development Agreement between City of Neptune Beach, Florida and Neptune Beach, FL Realty LLC **Pulled at Applicant's Request**
8. ORDINANCES

- A. ORDINANCE NO. 2020-06, SECOND READ AND PUBLIC HEARING: An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System of the Code of Ordinances of the City of Neptune Beach; Amending Section 2-349.12, Minimum Distribution of Benefits; Amending Section 2-349.25, Reemployment After Retirement; Amending Section 2-349.27, Individual Member Share Accounts; Providing for Compliance with the SECURE Act; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date. p. 27
- B. ORDINANCE NO. 2020-10, SECOND READ AND PUBLIC HEARING: An Ordinance Amending Section 27-479, Regarding Sidewalk Construction and Use Requirements; Amending Requirements Regarding Outdoor Seating in Rights-of-Way; Providing for Payment in Lieu; Providing Appeal Procedure; Providing for Severability; Providing an Effective Date. p.36
- C. ORDINANCE NO. 2020-09, FIRST READ AND PUBLIC HEARING: An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date. p. 43
- D. ORDINANCE NO. 2020-12, FIRST READ AND PUBLIC HEARING: 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. 48
- E. ORDINANCE NO. 2020-13, FIRST READ AND PUBLIC HEARING: 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. 52
9. OLD BUSINESS / NONE
10. NEW BUSINESS
- A. RESOLUTION NO. 2020-08, A Resolution Establishing the Order of Business for the City Council Regular and Workshop Meetings. p. 56
11. COUNCIL COMMENTS
12. ADJOURN

INSTRUCTIONS FOR THE OCTOBER 5, 2020, REGULAR CITY COUNCIL MEETING

This Regular Council 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, 20-193, and 20-246. The City has adopted Emergency Rules Regarding 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/7157696862012337680>

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: 801-548-719

Audio PIN: Shown after joining the webinar

Webinar ID: 538-748-427

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.



NEPTUNE BEACH POLICE

Chief of Police Richard J. Pike

★ HONOR

★ INTEGRITY

★ EXCELLENCE

200 LEMON STREET ☆ NEPTUNE BEACH, FLORIDA 32266 ☆ 904 270 2413

MEMORANDUM

DATE: October 1, 2020
TO: Stefan Wynn, City Manager
FROM: Chief Richard Pike
SUBJECT: Reopening of Kings Road Bridge

Mr. Wynn,

Please see the attached regarding the traffic monitoring plan for the Kings Road corridor once the construction project has been completed.

I will keep you updated on the results.


Chief Richard J. Pike



NEPTUNE BEACH POLICE

Chief of Police Richard J. Pike

★ HONOR

★ INTEGRITY

★ EXCELLENCE

200 LEMON STREET ☆ NEPTUNE BEACH, FLORIDA 32266 ☆ 904 270 2413

MEMORANDUM

DATE: September 30, 2020

TO: Chief Richard Pike *OK JWP*

FROM: Commander Gary Snyder

SUBJECT: Kings Road Bridge Reopening

Chief,

As we approach the completion of the Kings Road Bridge project, I have initiated a proactive traffic study that will include a vehicle count and vehicle speed data.

As of today, the traffic monitoring system has been deployed on Kings Road for the purpose of calculating the data prior to the completion of the construction project.

- Prior to the bridge opening we will deploy an electronic signboard and radar trailer to remind drivers of the posted speed limit and strict enforcement of violators.
- Once the bridge is open and traffic is resumed, we will continue to gather data via the traffic monitoring system for 60 days.
- Patrol Officers will be assigned to work the area frequently to monitor and enforce speeding violations within the residential area. The results our efforts will be furnished to you weekly.
- 60 days after traffic is returned to normal, I will forward the results of the traffic study to include any recommendations for traffic calming on the Kings Road corridor and vicinity.

COMMANDER GARY SNYDER



**MINUTES
REGULAR CITY COUNCIL
VIRTUAL MEETING
TUESDAY, SEPTEMBER 8, 2020, 6:00 P.M.**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, September 8, 2020, at 6:00 p.m., by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, issued on March 20, 2020 as extended by Executive Order 20-112, 20-123, 20-139, 20-150, 20-179, and 20-193.

Attendance:**IN ATTENDANCE:**

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

Councilor-Elect Lauren McPhaul

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Chief Financial Officer Carl LaFleur
Commander Michael Key
Public Works Director Leon Smith
Deputy Public Works Director Megan George
Code Compliance Supervisor Piper Turner
Community Development Director Kristina Wright
Senior Center Director Leslie Lyne
Grant and Resiliency Coordinator Colin Moore
City Clerk Catherine Ponson

Call to Order/Roll Call

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

APPROVAL OF MINUTES**Minutes**

Made by Wiley, seconded by Messinger.

MOTION:**TO APPROVE THE FOLLOWING MINUTES:**

August 3, 2020, Regular City Council Virtual Meeting
August 17, 2020, Workshop City Council Virtual Meeting
August 31, 2020, Special City Council Virtual Meeting

Roll Call Vote:

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

MOTION CARRIED**COMMUNICATIONS AND CORRESPONDENCE****CITY MANAGER REPORT**

| | |
|---------------------|--|
| Hurricane Season | City Manager Stefen Wynn reminded everyone we are at the peak of the hurricane season. He advised for citizens to have a kit and a plan. Information on where to get information is available at www.ready.gov/hurricanes and www.jaxready.com . |
| FY2020-2021 Budget | <p>Mr. Wynn gave an update on the budget timeline and process. The first reading will be on September 10, 2020 and the final adoption will be on September 21, 2020. The City Manager, Chief Financial Officer and Department Heads presented a proposed budget and Capital Improvement Plans for review at the September 2, 2020, Finance Committee meeting.</p> <p>Mr. Wynn pointed out that the renewal rate for health insurance would be a 3.7% increase. The Medical Loss Ratio (MLR) Rebate Check would be applied and employee premiums would remain the same. Also, the life insurance benefit would now be two-times the annual salary for all employees.</p> <p>Mr. Wynn reported that there would be current FY2020 Budget Amendments including Jarboe Park improvements, the Senior Center, and the Community Vision Plan. He reviewed the FY2020-2021 Preliminary Budget Summaries for Governmental Funds and Proprietary Funds. The Mobility Management Program or Paid Parking Fund is being added.</p> <p>Vice Mayor Jones requested that Council should discuss a minimum amount or a certain fixed percentage from the parking fund that would be dedicated to the Beaches Town Center. This would allow visible improvements from the funding.</p> |
| Police Chief Report | Police Chief Richard Pike thanked Grants and Resiliency Coordinator Colin Moore for finding and facilitating a CARES Act Grant in the amount \$50,000 that will be used to buy key equipment. The Police Department is partnering with Fresh Farm Foods to organize a food drive. Details will be forthcoming. |

PUBLIC COMMENTS / NONE

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

| | |
|---|---|
| CDB 20-02, Art Project, 301 Atlantic Blvd | <p><u>CDB 20-02-</u> Application for an Art Project as outlined in Chapter 27 Sec. 27-596 of the Unified Land Development Code for the property known as 301 Atlantic Blvd (Re#172982-0000) and the dumpster enclosure that is located on the City's right of way of Second Street adjacent to 301 Atlantic. The property is owned by Huron Sophia, LLC and is occupied The Local restaurant. The request is to paint a mural on the eastern wall of the building and paint the dumpster enclosure to match.</p> <p>Mayor Brown reported that this application passed unanimously through the Community Development Board on August 12, 2020.</p> |
| Applicant Representative | <p>Jack Demetree, representing the applicant, was sworn in by City Attorney Zachary Roth.</p> <p>Councilor Wiley questioned if the work that is currently on the wall now is going to come down and be replaced with this project.</p> <p>Mr. Demetree stated that what is on the wall now is the base for the project. He did not realize they needed to go through this process and that was his mistake. He added that the artist is a good friend who has done work for him in the past and has done work inside the restaurant. Mr. Demetree added it is trendy and beachy.</p> |

Councilor Messinger commented that this is a great project by an incredibly talented artist and he fully supports it.

Made by Messinger, seconded by Jones.

MOTION: TO APPROVE CDB 20-02, ART PROJECT FOR PROPERTY AT 301 ATLANTIC BOULEVARD

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2020-05, Dogs on the Beach Ordinance No. 2020-05: Second Read and Public Hearing. An Ordinance Amending Section 6-31 Regarding Dogs on the Beach to Clarify Leash Requirements; Correcting a Typo; Providing for Severability; Providing an Effective Date.

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

Made by Messinger, seconded by Chin

MOTION: TO ADOPT ORDINANCE NO. 2020-05 ON SECOND READ

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-06, Pension Benefits Ordinance No. 2020-06, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System of the Code of Ordinances of the City of Neptune Beach; Amending Section 2-349.12, Minimum Distribution of Benefits; Amending Section 2-349.25, Reemployment After Retirement; Amending Section 2-349.27, Individual Member Share Accounts; Providing for Compliance with the SECURE Act; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

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

Mr. Roth stated that he did go through and review what the Pension Board attorney had put together. He had no additional comments.

Made by Wiley, seconded by Messinger.

MOTION: TO PASS ORDINANCE NO. 2020-06 ON FIRST READ

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ord. No. 2020-09,
Voting
Requirements for
Certain Millage
Rate Increases

Ordinance No. 2020-09, First Read and Public Hearing. An Ordinance Creating Section 21-26 Regarding Voting Requirements for Certain Millage Rate Increases; Providing for Severability; Providing an Effective Date.

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

Councilor Wiley stated that he is sponsoring this ordinance, which would require a super majority vote of the Council to increase the millage rate any higher than one-half mil.

Councilor Chin commented that he was curious historically what was the millage rate increase in the past and how this had been handled by our neighboring cities. He expressed that it would be useful for the Council to take this to a workshop before first read to answer some of these questions.

Councilor Wiley explained that Neptune Beach has not increased the millage rate in quite some time. He stated that having four out of five votes would have more of a buy into a rate increase and it is necessary to protect certain increases. It is not saying you cannot increase it above a half a mill. It is saying you have to have four out of five votes.

Councilor Messinger questioned if there had been a staff report or research done on what is happening throughout the state and other cities on this issue.

Mr. Wynn stated that there was not a report generated. However, it looks like the City of Jacksonville (COJ) does not require a super-majority vote.

Councilor Wiley reported that COJ has 19 members and we have five. This is self-explanatory. One-half a mill would generate approximately \$400,000 on the current ad valorem base we have. It does not matter to him what the rest of the state is doing. This is for the residents of Neptune Beach. He does not see the need to workshop this item.

Vice Mayor Jones questioned if precedent has been made in other communities. He added he would like more information. He requested City staff research or look at some examples of similar kinds of language. He would just like to have a basis.

Mayor Brown advised that this ordinance would be moved to the next Council workshop.

Ord. No. 2020-10,
Sidewalk
Construction
Fund

Ordinance No. 2020-10, First Read and Public Hearing. An Ordinance Amending Section 27-479, Regarding Sidewalk Construction and Use Requirements; Amending Requirements Regarding Outdoor Seating in Rights-of-Way; Providing for Payment in Lieu; Providing Appeal Procedure; Providing for Severability; Providing an Effective Date.

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

Community Development Director Kristina Wright stated that Staff has devised a solution where constructing sidewalks is not practical. This will allow for flexibility. The ordinance language allows for payment in lieu of construction. This is based on cost per linear foot, as established by the Public Works Department on the rate being used for sidewalks at that time. This is something issued prior to any development permits.

Councilor Wiley asked if any cities other than Orlando had been researched and had other comparisons been researched.

Ms. Wright explained that Mount Dora, which is a city similar in size, had been utilized. She added that Orlando was used because the language is more sophisticated than some of

the smaller communities. This actually covers not only the process but some basic design standards and establishes an appeal process. It also makes more clear the difference between a lease and a permit.

Councilor Messinger questioned if there was a mechanism in place that would require repair or replacement of the existing sidewalk due to damage from heavy equipment during construction.

Ms. Wright indicated that the language could be tightened up to address quality and maintenance. This could be added before the next reading to address any loophole that would take place.

Councilor Chin pointed out that it states authority is given to the Public Works Director alone. He suggested modifying the language to add "or designee" in case the Public Works Director is not available. He also questioned the appeals process going directly to Council and not to the Community Development Board. Councilor Chin was concerned that this conflicts with the current provisions of the Code.

Ms. Wright advised that the first appeal is to the City Manager then to Council.

Mr. Roth commented that it is creating a new appellate and is not inconsistent with any provision of the Code. This would be a separate procedure.

Vice Mayor Jones emphasized that it would be good to add quality maintenance information. Also, when we talk about the type of sidewalk, as a reference, we should defer to the Florida Design Manual. This is FDOT's new standard for constructing sidewalks. He would also urge some caution around a minimum of three feet for a sidewalk. While that is ADA compliant, wherever you have a sidewalk that is less than 60 inches, you have to provide passings every 200 feet that are five feet across. We may want to be specific regarding this language. He suggested including the full language regarding sidewalks and referencing the Florida Design Manual as a basis for design and construction of new sidewalks.

Mayor Brown commented she too had concerns regarding the three-foot minimum.

Councilor Messinger stated that he gets the design standard and understands the component of it. However, he wants to ensure consistency throughout the community.

Made by Messinger, seconded by Jones.

MOTION:

TO ADOPT ORDINANCE NO. 2020-10 ON FIRST READ

Roll Call Vote:

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

Noes: 1-Wiley

MOTION CARRIED

OLD BUSINESS

Senior Center
Funding

Neptune Beach Senior Activity Center Funding. City Manager Stefen Wynn explained this is for approval for \$400,000 from the Better Jax Half-Cent Sales Tax for the Senior Activity Center. Approval is needed at this meeting in order to start moving forward with the contract for the proposed modular building. Mr. Wynn reported that \$45,000 in donations has already been received. There are also foundational grants and corporate donations that the City is waiting for approval on.

Senior Center Director Leslie Lyne commented that she is working hard to get more donations and written for more grants. She has also requested City of Jacksonville include the Senior Center in their budget as the Center serves all three beach communities. The design work has been done and the floor plan completed.

Vice Mayor Jones stated he thought the number was under \$200,000. He questioned the basis for the increase.

Ms. Lyne explained that there were upgrades, which included nine-foot ceilings and LED lighting. The original number was around \$290,000. The extra amenities make it look better and helps with keeping with the neighborhood.

Mr. Wynn remarked that the model the City is looking at is the Carolina Skiff model. Ms. Lyne was able to negotiate with the pricing and the \$400,000 is lower than the original quote.

Ms. Lyne stated that this is going to be more of a Community Center. The accessibility and the parking will be extraordinary, and the layout is very workable.

Mr. Wynn continued that the crowdfunding has been successful and the City does continue to seek more donations and grants. Staff is requesting the full \$400,000 to get into production knowing there is \$45,000 less but anything in excess would come out of the donation fund.

Ms. Lyne advised that this modular building is almost 5,000 square feet and costs less than Neptune House. This company does all of the work and there are no subcontractors.

Councilor Messinger stated this is a worthwhile project but would like more detail such as design layout. He added that it would not be unreasonable to bring this to a workshop or one more Council meeting to go over the details with the sales representative. Due to COVID-19, buildings are being laid out differently and he wants to be sure the final design is future proof.

Ms. Lyne stated she knows what is needed to make this work. She would be happy to review all of the details but would like approval tonight to sign off on the contract and hold the pricing. She remarked that the layout is perfect, and the bathrooms are more than adequate and supersede any amount that would ever be needed.

Councilor Messinger stated he had not been provided documents regarding the project. He would like to review them before approving this kind of expenditure.

Councilor Wiley expressed that this has been talked about on several occasions. These numbers and figures have been available and did not just appear tonight. The money is there. This was discussed at the Finance Committee meeting and he is content moving forward with this project

Councilor Chin asked if the vendor will not lock in the price if a decision is not made tonight. He stated there is a meeting on September 10th. Materials could be distributed and then a decision could be made on that date.

John Patrick, with Vanguard Modular Homes, stated that material costs have been increasing. There is not a price increase anticipated this week.

Mayor Brown commented that she is comfortable moving forward with this project.

Vice Mayor Jones stated that it is about making sure everything is there and transparent. He added he did not know it was 5,000 square feet. He added it is about being informed.

Councilor Wiley stated he is fine addressing it as it is being looked at tonight.

Councilor Messinger agreed with Vice Mayor Jones. He does not have a problem budgeting for the Senior Center. He wants to receive the information to know what the final product is.

Councilor Chin added he would like to have seen the breakdown sooner than this. He would like to have this included on the September 10th meeting to have more time to review the information.

Councilor Messinger stated he supports allocating the funds but would like the detail. He would like Council to have final say on what is being built. He would like to see the final design brought back to Council.

Mr. Wynn answered that if we deviate from the design, the price may fluctuate.

Made by Chin.

MOTION: **TO MOVE THIS ITEM TO THE SEPTEMBER 10TH SPECIAL COUNCIL MEETING**

MOTION DIED FOR LACK OF A SECOND

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE FUNDING FOR THE NEPTUNE BEACH SENIOR ACTIVITY CENTER IN THE AMOUNT OF \$400,000**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

NEW BUSINESS

Public Safety
Dept. Budget
Requests

Public Safety Department Budget Requests. Chief Pike and Commander Michael Key reviewed the FY2020-2021 Budget requests. The items included three police vehicles, radio refresh, Computer Aided Dispatch Project (CAD), TASER refresh, a new generator which would also service City Hall, exterior paint of Police HQ, HVAC for Training Room, replacement of 4 x 4 UTV, purchase of two sign boards and water barricades with trailer, purchase of two Body Worn Cameras (BWC) and in-car cameras for DUI Unit, firearm range upgrades, Glock duty weapon 9mm transition project, bicycle repair station and patrol rifle refresh.

Public Works
Dept. Budget
Requests

Public Works Department Budget Requests. Public Works Director Leon Smith reviewed the Public Works Department FY2020-2021 Budget requests. The requests include building repairs, roof replacement, auto-lift replace, beach crossover replacement, City sidewalk repairs and installation, culvert replacement, backhoe replacement, public works building maintenance, CIPP pipes in the City, water main installation, storage tank maintenance, a well study, wastewater treatment plant upgrades, sewer improvements, pump replacement and repairs.

Councilor Messinger requested costs for water pipe replacement at Arrowhead Trail as there have been water main failures in that area.

Vice Mayor Jones suggested looking at the most critical infrastructure needs now that the stormwater fund is being regenerated. He proposed a line of credit or bonding mechanism to address this.

Mr. Wynn reported that the City is in the process of mapping existing utilities with Parsons Engineering. The City would be able to see the areas that need repairs and prioritize those projects.

Res. No. 2020-06, CDB Appointment

Resolution No. 2020-06, A Resolution Appointing Member to the Community Development Board. Mayor Brown reported that Jonathan Raiti was appointed on June 6, 2020, to fill a term that would expire on September 4, 2020. This resolution appoints Mr. Raiti to a full one-year term as an alternate to the Community Development Board.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NUMBER 2020-06, APPOINTING ALTERNATE MEMBER TO THE COMMUNITY DEVELOPMENT BOARD**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

Res. No. 2020-07, Adopt Duval Co. Local Hazard Mitigation Strategy

Resolution No. 2020-07, A Resolution of the City of Neptune Beach City Council Accepting and Adopting the Updated Duval County Local Hazard Mitigation Strategy Document.

A resolution adopting the county plan is a requirement for Neptune Beach projects to be eligible for mitigation grant funding.

Made by Jones, seconded by Chin.

MOTION: **TO ADOPT RESOLUTION NUMBER 2020-07, ACCEPTING AND ADOPTING THE UPDATED DUVAL COUNTY LOCAL HAZARD MITIGATION STRATEGY DOCUMENT**

Roll Call Vote:

Ayes: 5-Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Jarboe Park Funding

Jarboe Park Funding. City Manager Stefen Wynn explained this item has been discussed in multiple committees and workshops and is ready for approval. The funds would come from the Better Jacksonville Half-Cent Sales Tax. Approval is needed in order to get under contract and move forward.

Councilor Messinger commended City staff for their effort and time on this project and stated he is looking forward to seeing construction begin.

Included in the funding is the trail, bridge and bridge relocation, site work (ponds courts and playgrounds), ADA parking, Kompan playgrounds and Kompan fitness equipment, courts (lighting and fencing), and concrete (sidewalks, curbs, and parking).

Made by Messinger, seconded by Jones.

MOTION: **TO APPROVE FUNDING FOR JARBOE PARK IMPROVEMENTS
IN THE AMOUNT OF \$596,288**

Roll Call Vote:

Ayes: 5-Wiley, Chin, Messinger, Jones, and Brown.

Noes: 0

MOTION CARRIED

Adjournment

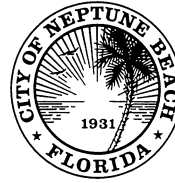
There being no further business, the meeting adjourned at 8:28 p.m.

Elaine Brown, Mayor

Attest:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 10, 2020, AT 6:00 P.M.
COUNCIL CHAMBERS, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Thursday, September 10, 2020, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32255, and by Communications Media Technology, as permitted by Governor Executive Order Number 20-69, as extended by Executive Order Number 20-112, 20-123, 20-139, 20-150, 20-179 and 20-193

Attendance**IN ATTENDANCE:**

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

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Chief Financial Officer Carl LaFleur
 Community Development Director Kristina Wright
 Senior Center Director Leslie Lyne
 City Clerk Catherine Ponson

**Order
Call/Pledge**

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

**Ordinance
2020-07
Final Millage
Rate**

ORDINANCE NO. 2020-07, 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, 2020, AND ENDING SEPTEMBER 30, 2021; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATE"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; AND PROVIDING AN EFFECTIVE DATE.

TRIM

Mayor Brown read "for the record" the Truth in Millage (TRIM) as follows: "This is the millage public hearing for the City of Neptune Beach, Florida. The "rolled-back" rate for the City of Neptune Beach is 3.2058 mills. The rate to be adopted reflects a 4.98% increase over the "rolled-back" rate. The rate that is to be levied in this ordinance by the City Council is 3.3656. This is the same rate levied by the City last year, not the higher rate proposed on your Notice of Proposed Property Taxes from Duval County."

**Public
Hearing
Millage Rate**

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

Made by Messinger, seconded by Wiley.

MOTION: **TO APPROVE ORDINANCE 2020-07, ADOPTING FINAL MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 ON FIRST READ**

Roll Call Vote:

Ayes: 5—Chin, Messinger, Wiley, Jones, and Brown.

Noes: 0

MOTION CARRIED

Ordinance
2020-08
Final Budget
FY2020

ORDINANCE NO. 2020-08, ADOPTING A FINAL BUDGET, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATE FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

Public
Hearing
Budget

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

Made by Messinger, seconded by Wiley.

MOTION: **TO APPROVE ORDINANCE 2020-08, ADOPTING FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 ON FIRST READ**

Roll Call Vote:

Ayes: 5 – Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

COMMENTS FROM THE PUBLIC / NONE

Adjournment

There being no further business, the special meeting adjourned at 6:07 p.m.

Elaine Brown, Mayor

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, SEPTEMBER 21, 2020, AT 6:00 P.M.
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 21, 2020, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266, and by Communications Media Technology, as permitted by Governor Executive Order Number 20-69, as extended by Executive Order Number 20-112, 20-123, 20-139, 20-150, 20-179 and 20-193.

Attendance

IN ATTENDANCE:

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

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Chief of Police Richard Pike
 Chief Financial Officer Carl LaFleur
 Public Works Director Leon Smith
 Community Development Director Kristina Wright
 Senior Center Director Leslie Lyne
 Grants and Resiliency Coordinator Colin Moore
 Code Compliance Supervisor Piper Turner
 Code Enforcement Officer Denzel Dehm
 City Clerk Catherine Ponson

**Order
 Call/Pledge of
 Allegiance**

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

**Ord. No. 2020-07,
 Final Millage Rate**

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

**Public Hearing-
 Millage Rate**

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

Councilor Chin commented that the advertisement in the newspaper is required by State law and the millage rate has remained the same.

Made by Messinger, seconded by Wiley.

MOTION: **TO ADOPT ORDINANCE 2020-07, ADOPTING FINAL MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones and Brown.

Noes: 0

MOTION CARRIED

Ord. No.
2020-08,
Final Budget

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 APPROPRIATE FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

Public Hearing,
Budget

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

Made by Wiley, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE 2020-08, ADOPTING FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021**

Roll Call Vote:

Ayes: 5- Messinger, Wiley, Chin, Jones, and Brown.

Noes: 0

MOTION CARRIED

Parsons
Engineering.,
Task Order # 2

APPROVAL OF PARSONS ENGINEERING TASK ORDER #2 – ASSET INVENTORY PHASE II (SUPPLEMENTAL AGREEMENT 2). This is to accommodate additional surveying and engineering services required to continue the preparation of GIS maps. Also included is the update of the GIS maps for stormwater, wastewater and water. The tentative project schedule is the survey data collection would be completed in five months. The final Geodatabase and maps would be completed in three months.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE TASK ORDER #2 - ASSET INVENTORY PHASE II (SUPPLEMENTAL AGREEMENT 2)**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

FDOT
Perpetual
Easements

APPROVAL OF PERPETUAL EASEMENTS TO FDOT. Mayor Brown explained that FDOT is requesting two easements for the Third Street/Bay Street pedestrian improvement project.

FDOT is planning to install a new crosswalk and pedestrian hybrid beacon at the intersection of Third Street and Bay Street in FY 21. FDOT will install blank-out signs restricting vehicles turning into the crosswalk when the beacon is activated. In addition,

FDOT will be constructing a small section of sidewalk within the proposed easement on the west side of Third Street in anticipation of a future path connection to Jarboe Park.

Councilor Messinger commented this is a worthwhile project. His only concern is making sure the design does not conflict with the future Vision Plan for bringing more pedestrian and connectivity to Third Street. He requested that FDOT loop in the overlay from Dover, Kohl & Partners in case the design needs to be tweaked to keep any future bike and pedestrian pathways in the Plan. The date of this project precedes the Vision Plan project.

Councilor Chin stated he looks forward to this as he has had several residents comment regarding the need for something in this area.

Vice Mayor Jones expressed this is a great project. He added that if there is a bike lane, it could be addressed with striping and bicycles could move freely through the intersection.

Grant and Resiliency Coordinator Colin Moore confirmed Councilor Wiley's inquiry that this project and the A1A/Atlantic Boulevard project are separate, but they will be led and mobilized at the same time in the next fiscal year.

Made by Wiley, seconded Messinger.

MOTION: **TO APPROVE THE FDOT PERPETUAL EASEMENTS FOR THE PEDESTRIAN SAFETY IMPROVEMENT PROJECT ALONG A1A**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the special meeting adjourned at 6:12 p.m.

**Reopening of
Special Meeting** Mayor Brown reopened the Special Council meeting at 6:45 p.m.

TRIM Notice Mayor Brown read into the record: "This is the millage public hearing for the City of Neptune Beach, Florida. The "Rolled-back" rate for the City of Neptune Beach is 3.2058 mills. The rate to be adopted reflects a 4.98% increase over the "Rolled-back" rate. The rate that is to be levied in this ordinance by the City Council is 3.3656. This is the same rate levied by the City last year, not the higher rate proposed on your Notice of Proposed Property Taxes from Duval County."

Motion for
Re-Vote Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE ORDINANCE 2020-07, ADOPTING FINAL MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021**

Roll Call Vote:

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

Noes: 0

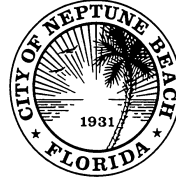
MOTION CARRIED

The meeting adjourned at 6:46 p.m.

Elaine Brown, Mayor

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING
SPECIAL BUDGET MEETING
MONDAY, SEPTEMBER 21, 2020, 6:10 P.M.
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, September 21, 2020, at 6:10 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266, and by Communications Media Technology, pursuant to Governor Executive Order Number 20-69, as extended by 20-112, 20-123, 20-139, 20-150, 20-179, and 20-193.

Attendance

IN ATTENDANCE:

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

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Chief Financial Officer Carl LaFleur
 Community Development Director Kristina Wright
 Grants and Resiliency Coordinator Colin Moore
 Senior Center Director Leslie Lyne
 Public Works Director Leon Smith
 Deputy Public Works Director Megan George
 Code Compliance Supervisor Piper Turner
 City Clerk Catherine Ponson

Call to Order

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

CITY MANAGER REPORT

City Manager Report

City Manager Stefen Wynn reported the following:

- The FY2020-2021 Budget has been the main focus of work.
- Labor negotiations with the public works union were conducted. This is the Northeast Florida Public Employee's Local 630.

COMMITTEE REPORTS

**Finance/Boards/
Charter Review**

Committee Chairman Wiley reported the Finance Committee had been working on the budget and it had been adopted earlier. He thanked the Chief Financial Officer and Department Heads for their hard work.

**Land Use &
Parks**

Committee Messinger reported the committee met on September 2, 2020. Jarboe Park permitting is still ongoing and we hope to have the permit from the St. Johns River Water Management District within the next 30 days. The ponds will be looked at for grant purposes. We should be receiving 30% plans for the stormwater project. The Florida Boulevard culvert should be going out to bid shortly. Grant opportunities were discussed and the prioritizing projects. We are looking at expanding the use of golf carts and

bicycles throughout the City. That language will be coming soon. Chris Chin and the Beautification Committee have been identifying places throughout the City for tree planting using the tree mitigation fund. The trees in Jarboe Park will also use the tree mitigation fund, and will be tied into the irrigation system.

**Strategic Planning
& Visioning**

Committee Chairman Jones reported the committee met on August 19 and 26, 2020. The final tweaks and discussions are being made on the Vision Plan. We will continue to work through the revisions using comments provided by Staff and the public. We are beginning to think about implementation. The goal is to have a final draft and move into a concurrent plan for the Comprehensive Plan and Land Development Code. There will be a meeting on September 23, 2020.

**Transportation &
Public Safety**

Vice Mayor Jones reported this committee met August 26, 2020. The committee has identified a list of short-term safety improvements. They include traffic calming around Florida Boulevard between Third Street and First Street and widening and alignment of sidewalks. This would be a milestone completing the gap in the East Coast Greenway. We will look at coordinating with FDOT on the appropriate crossing from where the it ends at Jarboe Park to First Street. COJ is evaluating the installation of a pedestrian beacon at Florida Boulevard and Kings Road. There was also discussion regarding the sidewalk construction fund.

PUBLIC COMMENT / NONE

PROPOSED ORDINANCES

**Proposed Ord. No.
2020-09, Millage
Rate Increase
Voting
Requirements**

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. Councilor Wiley stated this not to keep any council or future council from increasing the millage rate. It is simply brings into the voting process, another mechanism on something that is important to homeowners. He does not think this is asking too much and it does not take away that you can roll back taxes.

Vice Mayor Jones stated his only question is the basis for one-half mill. He wants to make sure we have done research to see if that is enough to warrant the increase. He added if there is an emergency or infrastructure needs, there is may be a Councilmember that does not want to raise the millage rate for any reason. He asked if there was a mechanism to address real needs.

Councilor Wiley explained that if the City has an emergency, the process would not happen that quick. The City could always borrow money to handle an emergency and the increase could always be taken back. He does not see any reason to worry that we could not come up with funding for emergencies.

Councilor Messinger communicated at the last meeting he had a requested a Staff report outlining what has been done in other municipalities and to hear legal recommendations. He added this is good legislation but agrees with Vice Mayor Jones regarding Councilmembers raising taxes. He would like Staff to weigh in before moving it forward.

Councilor Chin stated there were other triggers that would precede this process if we tried to initiate a millage rate change. He would also appreciate seeing a report on what other municipalities are doing or have done in this situation.

Councilor Wiley commented that there were other ordinances that are passed that have not been into this much depth. He understands about emergencies and the City can handle those. These are our homeowners, City, and our millage rate. This has nothing to

do with other cities. We have brought it to workshop, and this is good discussion. It is not enough to keep postponing it.

Mayor Brown reported that this ordinance would be deferred until Staff reports have been submitted.

City Attorney Zachary Roth confirmed Councilor Wiley's inquiry that a Councilor can request an item be placed on the agenda.

Proposed
Ordinance, R-4 Lot
Split Moratorium

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.

Mr. Roth explained that initially, the first moratorium was on the PUD application and was on a March time track. We also had another moratorium on lot splits in the R-4 zoning district. Both of these were done to allow the Dover, Kohl & Partners process to work through and see what we need to do, if anything, to our Code to address concerns about these two items.

Throughout the discussion, it was his interpretation from Council that once it comes time to extend the R-4 lot split moratorium to the extent it is not ready to be lifted, that the two moratoriums could be tied together. Then, we would not have to extend them at different times. This was intended essentially, because the moratorium on the R-4 lot split will expire three days before the December 7th, 2020, Council meeting. Hopefully by next November, the whole process will be close to complete and we won't need to extend, but if we do, they can be done at the same time.

Vice Mayor Jones stated this is a valid purpose when evaluating codes that it is in our right to extend a moratorium when going through that process.

Councilor Messinger commented he agrees with moving forward and keeping our timeline and now there is an opportunity to accelerate it.

Councilor Chin remarked it makes sense to synchronize it with the timing of the Code rewrite.

Councilor Wiley expressed that he did not support this ordinance a year ago and he does not support it now.

Hand Vote to
Move to October
5, 2020

Councilor Chin, Councilor Messinger, Vice Mayor Jones and Mayor Brown raised their hands in support of moving this ordinance to first read on October 5, 2020.

Proposed
Ordinance, PUD
Moratorium

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.

Councilor Wiley stated he voted for this before. It is an extension on an extension to another extension, but he does support this.

CONSENSUS:

**TO MOVE THE PROPOSED ORDINANCE FOR THE PUD
MORATORIUM TO FIRST READ ON OCTOBER 5, 2020**

PUBLIC COMMENT / NONE

Adjournment

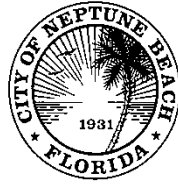
There being no further business, the workshop meeting adjourned at 6:45 p.m.

ATTEST:

Elaine Brown, Mayor

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
MAYOR ELAINE BROWN
COUNCILOR-ELECT LAUREN MCPHAUL
CITY STAFF
TUESDAY, SEPTEMBER 22, 2020, 9:00 A.M.

Pursuant to proper notice, a Meeting was held on Tuesday, September 22, 2020, at 9:00 a.m. in the Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
Councilor-Elect Lauren McPhaul

STAFF:

City Manager Stefen Wynn

The Mayor opened the meeting and discussed the intent of the meeting was to gauge the interest of Councilor-Elect McPhaul in regard to Committee Assignments. Mayor Brown explained that her vision for Committees in 2021 is to have two Councilors assigned to each Committee.

Councilor-Elect McPhaul stated that her interests are in serving as the second Councilor to the *Parks & Land Use* Committee under Councilor Messinger's Leadership.

CM-Wynn explained that the Finance Committee is going to be split from the Boards & Charter Review Committee. This will help

Councilor-Elect McPhaul also stated her interest in chairing the Finance Committee. She also stated her interest in being a representative of the Council on various agencies that support the Town Center.

The Mayor discussed plans to have a Roundtable meeting in January to discuss the general direction and vision that the Council has for 2021. Mayor Brown discussed celebrating the City's 90th Anniversary.

Discussion began on important upcoming dates. The swearing-in of new council members is believed to be on 12/7/2020. The Council should also be ready for an updated Group photo and individual pictures.

The Mayor asked Councilor-Elect McPhaul if there were any pressing issues that she would want to pursue throughout the year. Councilor-Elect McPhaul stated that she would like to open a dialogue on Impact Fees and see if there is support to move forward with implementing impact fees to offset the cost of providing services as growth and redevelopment happens.

Councilor-Elect McPhaul would also like to ensure that the improvements scheduled to happen at the park are protected. More specifically from potential damage caused by a gaggle of Canada Geese that have taken over areas of the park.

CM-Wynn was asked to check into what FSCJ-South does to prevent geese from visiting the main water feature on campus.

There being no further discussion, the meeting ended at 9:55 AM

Elaine Brown, Mayor

Attest:

Catherine Ponson, CMC
City Clerk

Approved: _____



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

AGENDA ITEM: ORDINANCE NO. 2020-06, SECOND READ AND PUBLIC HEARING: An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System of the Code of Ordinances of the City of Neptune Beach; Amending Section 2-349.12, Minimum Distribution of Benefits; Amending Section 2-349.25, Reemployment After Retirement; Amending Section 2-349.27, Individual Member Share Accounts; Providing for Compliance with the SECURE Act; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

SUBMITTED BY: Neptune Beach Police Officers' Retirement Board

DATE: September 29, 2020

BACKGROUND: This ordinance amendment addresses three different issues. First, the in-service distribution issue with respect to the Police Chief's continued employment is rectified with the enclosed verbiage. While the Fund will still require an election to opt out of the Plan, technical compliance with the IRC is accomplished. Second, the amendment provides a necessary update again with respect to its IRC technical compliance recognizing the recent enactment of the SECURE Act (IRS guidance indicates that qualified plans are not technically required to be amended until 12/31/20). Finally, the police officer share plan provisions, as voted on by the police union, are also incorporated. This ordinance was discussed at the August 17 Council Workshop and moved forward to first read. It was approved on first read on September 8, 2020.

BUDGET: N/A

RECOMMENDATION: Adopt Ord. No. 2020-06 at the Regular Council Meeting on October 5, 2020.

ATTACHMENT: 1. Ord. No. 2020-06, Pension

INTRODUCED BY:
COUNCILOR WILEY



ORDINANCE NO. 2020-06

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-349.12, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-349.25, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 2-349.27, INDIVIDUAL MEMBER SHARE ACCOUNTS; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Setting Every Community Up for Retirement Enhancement ("SECURE") Act, signed into law on December 20, 2019, amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code; and

WHEREAS, amendments to the Plan are necessary to conform the Retirement System to the requirements of the SECURE Act; and

WHEREAS, the Board of Trustees of the City of Neptune Beach and Police Officers' Retirement System has recommended an amendment to the Retirement System to comply with the SECURE Act; and

WHEREAS, an amendment to the Plan is necessary to reconcile existing administrative practice with employment of certain City personnel; and

WHEREAS, an amendment to the Plan is necessary to fully define the eligibility rules, value and administration of Plan member share accounts as elected by the police officer union; and

WHEREAS, the trustees of the City of Neptune Beach Police Officers' Retirement System have requested and approved the amendments provided herein as being in the best interests of the participants and beneficiaries and improving the administration of the Fund, and

WHEREAS, the City Council has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, the City Council deems it to be in the public interest to provide this change to the Retirement System for its police officers; and

WHEREAS, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following

NOW, THEREFORE, be it ordained by the City Council of the City of Neptune Beach, Florida that:

SECTION 1: That Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System, of the Code of Ordinances of the City of Neptune Beach is hereby amended by amending Section 2-349.12, Minimum Distribution of Benefits, subparagraph (b), *Time and manner of distribution*, by adding the following underlined language and deleting the stricken through language:

Sec. 2-349.12. - Minimum distribution of benefits.

* * * * *

(b) *Time and manner of distribution.*

(1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than:

a. With regard to distributions required to be made to a member who reaches age 70 ½ before January 1, 2020; no later than the Member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one-half (70 ½); or April 1 of the calendar year in which the member

terminates employment with the district,
whichever is later.

- b. With regard to distributions required to be made on or after January 1, 2020 to a participant who reaches the age of 70 ½ on or after said date: April 1 of the calendar year that next follows the calendar year in which the participant attains or will attain the age of 72 years, or April 1 of the calendar year that next follows the calendar year in which the participant retires, whichever is later.

* * * * *

SECTION 2: That Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System, of the Code of Ordinances of the City of Neptune Beach is hereby amended by amending Section 2-349.25, Reemployment After Retirement, subparagraph (b), *After normal retirement*, by adding the following underlined language and deleting the stricken through language:

Sec. 2-349.25. - Reemployment after retirement.

- (a) Any retiree under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Reemployment by the city shall be subject to the limitations set forth in this section.
- (b) *After normal retirement.* Any retiree who is retired under normal (or early) retirement pursuant to this system and who is reemployed as a police officer and, by virtue of that reemployment, is required ~~eligible~~ to participate in this system, shall upon being reemployed, discontinue receipt of benefits. Upon reemployment, the member shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Notwithstanding, a retiree who is retired under normal (or early) retirement pursuant to this system and is subsequently reemployed as the Police Chief, and by virtue of such reemployment is permitted to opt out of participation in this system, shall be required to opt out of participation in this

system pursuant to F.S. 185.02(16) and shall continue receiving eligible benefit payments during his period of reemployment. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, and credited service (and early retirement reduction factor, if applicable) as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period and not including any period of DROP participation), and credited service (and early retirement reduction factor, if applicable) as of the date of subsequent retirement. The amount of any death or disability benefit received during a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the retiree may select a different optional form and joint pensioner applicable only to the subsequent retirement benefit.

* * * * *

SECTION 3: That Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System, of the Code of Ordinances of the City of Neptune Beach is hereby amended by amending Section 2-349.27, Individual Member Share Accounts, by adding the following underlined language and deleting the stricken through language:

Section 2-349.27. - Individual Member Share Accounts.

- (a) *Individual member share accounts.* The board shall create individual "member share accounts" ("Share Plan") for all eligible actively employed plan members and DROP participants and maintain appropriate books and records showing the respective interest of each member or DROP participant hereunder. Each member or DROP participant shall have a member share account for his respective share as provided for herein. The board shall maintain separate member share accounts; however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.
- (b) ~~These share accounts shall be funded, according to provisions herein, if and when monies become available in accordance with the union contract and state statutes. In accordance with F.S. § 185.35, all annual premium tax revenues received up to \$48,395.90 shall be~~

used to reduce the city's annual required contribution to the System. Annual premium tax revenues received in excess of \$48,395.90 shall be split 50/50, with 50 percent of the excess used to fund the share plan provided for herein, and the other 50 percent used to reduce the city's annual contribution to the system. Additionally, the portion of the Excess State Monies Reserve in place as of September 30, 2015 (after adjustment for the 13th check benefit provided in Ordinance 2015-06) is equally split between a credit to the Plan's Unfunded Actuarial Accrued Liability and a Share Plan allocation. Accordingly, the Share Plan allocation for this use of the Excess State Monies Reserve is \$115,524.10.

- (c) The supplemental pension retirement benefit shall consist of an individual share account for each active police officer employed by the City on or after September 11, 2019. DROP participants and retirees on such date shall be ineligible for such supplemental pension benefits. On or after September 11, 2019, all active police officers on the City's payroll, or new hires, or who enter the DROP, shall remain eligible for the supplemental pension retirement benefits provided for herein. The supplemental retirement benefit shall be funded solely by premium tax revenues received by the city pursuant to F.S. Chapter 185, as provided for by the City of Neptune Beach. The total initial amount to be allocated to the participants' share accounts as provided herein shall be \$126,120.74, comprised of the \$115,524.10 described in paragraph (b) above, in addition to allocations for fiscal years 2016 through 2018 due to retroactive application of the "Default" methodology pursuant to F.S. 185.35(1). Additionally, \$13,908.10 shall be allocated to the Share Plan for the fiscal year ending September 30, 2019. For plan years beginning October 1, 2019 and later, 50% of all premium tax revenues received by the city pursuant to F.S. Chapter 185, in excess of \$48,395.90 shall be allocated to the participants' share accounts as provided for herein. Participants' share accounts shall be credited with premium tax revenues and investment earnings or losses, and interest, and distributed as follows:
- (d) Initial crediting. The share account of each active police officer, excluding DROP participants, on the city's payroll as of September 11, 2019, shall be credited as of that date based on the Plan's definition of Credited Service. Each member who was employed on September 11, 2019 as a police officer, excluding members participating in DROP as of that date, shall receive a portion of the initial allocation of \$126,120.74, based on their Credited Service as a fraction of the total Credited Service of all members eligible for a Share allocation. Additionally, the fiscal 2019 allocation of \$13,908.10 shall be equally allocated to all members eligible for a Share allocation as of September 11, 2019.

- (e) Annual crediting. Effective January 1, 2020, and each January 1 thereafter, the share account of each eligible active police officer and DROP participant on the city's payroll as of the preceding September 30th shall receive an equal allocation of available Chapter 185 Premium Tax Monies. The total amount for allocation shall be 50% of amounts in excess of \$48,395.90.
- (f) Investment earnings and losses. Effective January 1, 2020, and each January 1 thereafter, the share account of each eligible active police officer and DROP participant shall be credited or debited with earnings or losses based upon the amount in the share account at the close of the immediately preceding calendar year at a rate equal to the pension plan's actual net rate of investment return for the preceding plan year. An annual administrative fee may be charged on each January 1 for the costs associated with the administration and operation of a participant's Share Plan account at a rate to be set by the Board of Trustees, however, in no event to exceed one-half (½) of one (1) percent. In the case of a participant who separates from service after January 1, the administrative fee shall be paid on a prorated basis for the partial year of participation.
- (g) Distribution of share accounts. An eligible active police officer, or DROP participant, with ten or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 50% of the balance in his or her share account, together with all earnings and losses credited to the share account through the quarter immediately preceding the date of termination of employment. An eligible active police officer or DROP participant with 15 or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 75% of the balance in his or her share account, together with all earnings and losses and interest credited to the share account through the date of termination of employment. An eligible active police officer or DROP participant with 20 or more years of continuous service upon termination of employment and eligibility for receipt of pension benefits shall be eligible to receive a distribution of 100% of the balance in his or her share account, together with all earnings and losses and interest credited to the share account through the date of termination of employment. No benefit shall be payable to an active police officer who terminates covered employment with less than ten years of credited service. The share account balances of such partially vested, as described herein, and non-vested terminated members shall be redistributed among all eligible participants' share accounts in the same manner as premium tax revenues in the following calendar year. The designated beneficiary of an active police officer who dies shall receive the accumulated total of his or her share account balance, and an active

police officer awarded a disability pension from the Retirement System shall receive the accumulated total of his or her share account balance. There shall be no forfeiture of a member's share account based on the member's death, disability or termination of employment with ten or more years of credited service. Payment of share account benefits shall be by lump sum, which shall consist of the accumulated total balance of the active police officer's share account, or, at the participant's direction, the share account balance may be rolled over to another qualified plan in accordance with applicable Internal Revenue Code provisions and regulations, with an additional final payment made for any amount credited in the year following termination of employment.

SECTION 4: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Neptune Beach.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7: That this Ordinance shall become effective immediately upon its passage and adoption by the City Council.

VOTE RESULTS OF FIRST 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 8th day of September, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

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

Kristina L. Wright, FRA-RA, Community Development Director
116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 x 34 • FAX (904) 270-2526



MEMORANDUM

TO: Neptune Beach City Council
FROM: Kristina L. Wright, MAURP, FRA-RA, Community Development Director
DATE: September 29, 2020
SUBJECT: Sidewalk Construction Fund

Background

Circumstances can occur that make sidewalk improvements less than feasible or practical. Situations where no sidewalk sections exist at all, or where infrastructure needs to be relocated, may preclude the best use of time and resources toward creating certain desired sidewalk sections to immediately expand our sidewalk network for walkability. However, a Sidewalk Construction Fund can provide all parties with the flexibility to make the necessary provisions to realize and implement a sustainable, safe, and functional sidewalk network at the most appropriate time.

Summary

Within the attached ordinance, payment in lieu of construction via a Sidewalk Construction Fund presents an option when constructing a sidewalk is not practical. Existing physical impediments such as grade changes, trees, impending road or right-of-way construction, and other factors can lead to the determination that immediate sidewalk construction is not practical or feasible.

The Sidewalk Construction Fund will allow the property owner(s) to make a payment into the Sidewalk Construction Fund prior to the issuance of any development permits. The calculation is based on the city's cost per linear foot to install a sidewalk. The ordinance also addresses quality, maintenance, and design standards for sidewalks that will lead to further improvements in terms of the construction and use of sidewalks.

Conclusion

Due to situations that arise where the implementation of a sidewalk is not practical and due to the desire to expand the level of walkability throughout the community, staff recommends approval Ordinance 2020-10 establishing the Sidewalk Construction Fund to make improvements regarding sidewalks.



VICE MAYOR JONES

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING SECTION 27-479 REGARDING SIDEWALK CONSTRUCTION AND USE REQUIREMENTS; AMENDING REQUIREMENTS REGARDING OUTDOOR SEATING IN RIGHTS-OF-WAY; PROVIDING FOR PAYMENT IN LIEU; PROVIDING APPEAL PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 27-479 of the Code of Ordinances of the City of Neptune Beach, the City regulates the construction and use of City sidewalks and rights-of-way; and

WHEREAS, in the course of conducting its operations, the City has determined that certain modifications are required to such provisions to regulate and finance the installation, maintenance, and use of sidewalks through the City; and

WHEREAS, the City desires to clarify and supplement such provisions; 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. Amending Section 27-479 of the City of Neptune Beach Code of Ordinances. Section 27-479 of the City of Neptune Beach Code of Ordinances is hereby amended to read as follows:

(a) No person shall lay any sidewalk or foot paving on the public rights-of-way of the city without a permit. Sidewalks laid in public rights-of-way shall be a minimum of five (5) ~~three (3)~~ feet wide and shall be laid with a slope of one-fourth inch per foot toward the street. Sidewalks, when constructed in front of any high traffic area or driveway apron, shall be at least six (6) inches deep. Sidewalks shall be provided on one (1) side of residential streets where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet. The Florida Design Manual is the basis for the design and construction for new sidewalks. Sidewalks are required to be maintained in good condition as determined by the Public Works Director, or designee. Any damage as a result of construction, age, neglect, or substandard design shall require payment to the City's Sidewalk Construction Fund or must be repaired or replaced by the property owner.

(b) Sidewalks shall be provided on one or both sides of residential streets ~~where the average lot width at the street is sixty (60) feet or less as provided in sections (e)-(g) below.~~

(c) Access for physically handicapped persons. Sidewalks shall be handicapped accessible and a minimum width of five (5) feet.

(d) Right-of-way/sidewalk lease restriction. Outside seating for restaurants, coffee shops and sidewalk cafes may be operated by the management of adjacent permitted food service establishments, subject to the following provisions:

- (1) The city council shall determine and establish by resolution the charges, terms and termination procedures for right-of-way/sidewalk uses.
- (2) Approval of the proposed right-of-way/sidewalk lease by the city council will be deemed the equivalent of the granting of a permit as subsequent sections state.
- (3) The unenclosed portion of the restaurant or cafe shall be accessory to or under the same ownership or control as the restaurant or cafe which is operated within a totally and permanently enclosed building on the same lot.
- (4) The area of unenclosed, outdoor customer service area of a restaurant or cafe shall not exceed fifteen (15) percent of the total enclosed area of the restaurant or cafe.
- (5) Outside seating within public rights-of-way may be permitted under a renewable annual lease agreement approved by the city council. As a condition of the lease, the owner of such establishment shall agree in writing to maintain that portion of the right-of-way where the outside seating is located. The owner/lessee/lessor of the business establishment and the property owner shall agree in writing to hold the city harmless for any personal injury or property damage resulting from the existence or operation of, and the condition and maintenance of the right-of-way upon which any outside seating is located, and shall furnish evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) per occurrence with the city as additional named insured.
- (6) Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed activity. The outdoor dining area shall leave not less than five (5) consecutive feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic.

- (7) Outside seating areas shall be defined by an enclosure of at least three (3) feet in height measured from the ground or sidewalk level. Enclosures shall be designed in compliance with ADA accessibility guidelines and shall provide safe pedestrian access to the public right-of-way and designated parking spaces. Such enclosure may consist of screens, planters, fencing or other similar materials.
- (8) Alcoholic beverages shall not be allowed outside the limits of the outdoor seating area, and measures shall be taken to educate customers of the prohibition of alcohol leaving the premises.
- (9) Alcoholic beverages shall be served with meals only and all sales shall end at 1:30 a.m.
- (10) The hours of operation shall be limited to the open of business to 2:00 a.m.
- (11) No heating or cooking of food or open flames shall be allowed in outside seating areas.
- (12) There shall be no use, operation or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound in such a manner as to constitute a violation of the City of Neptune Beach's ordinances which regulate noise.
- (13) Lighting to serve outside seating areas shall be white in color and shall not project onto adjacent property.
- (14) The outside seating area shall be designated as a nonsmoking area. It shall be assumed that an outdoor dining area is a privilege and not a right. The city council or designee shall have the right to prohibit the operation of an outdoor dining area at any time because of anticipated or unanticipated problems or conflicts with the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, marches, or repairs to the street or sidewalk. To the extent that is possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area will be prohibited.
- (15) As stated in subsection (14) above, outdoor dining permits are to be considered a privilege and not a right. The outdoor dining permit may be revoked by the city council following notice of the permittee. Any lease for the use of the city's right-of-way shall include a provision authorizing the right of city to terminate such lease in accordance with this section. In the event the lease fails to include such a provision, the operation of outdoor dining in accordance with such an outdoor dining permit shall be deemed to grant consent of the applicant to the right of the city to terminate any lease in accordance with this section without the requirement for further amendment to such lease. The permit may be revoked if one (1) or more conditions

outlined in this section have been violated, or if the outdoor dining area is being operated in a manner which constitutes a public nuisance not specifically outlined in the above article. Following the revocation of an outdoor dining permit, no application for the same site shall be filed within one (1) year from the date of revocation.

- (16) The community development director, building official, code enforcement officer, or other person authorized by the city manager, shall be authorized to enforce provisions of this section and to take such action as may be necessary to ensure compliance with the regulations, general provisions or conditions imposed upon the outdoor dining permit.

(e) Sidewalks Required. Except as provided otherwise herein, sidewalks shall be required on one or both sides of all streets in accordance with the City of Neptune Beach Sidewalk Plan adopted from time to time by the City Manager or their designee, subject to the following:

(1) Modification of Sidewalk Location. The Public Works Director, or designee, shall be authorized to approve or require modifications in sidewalk locations to accommodate unique design characteristics or to protect existing trees or when there is a conflict between the required sidewalk and the provisions of this Code.

(f) Payment in Lieu of Construction.

(1) When Not Physically Practical. Upon request of a building permit applicant, the Public Works Director, or designee, shall be authorized to determine that construction of sidewalks is not physically practical. Examples of factors that may make sidewalk construction not physically practical include but are not limited to the following:

- A. Existing physical impediments;
- B. Substantial grade changes;
- C. Trees;
- D. Impending road/right-of-way construction;
- E. Impacts on pedestrian network; and/or
- F. A determination made by the Public Works Director, or designee, that sidewalk construction is not physically practical.

(2) Sidewalk Construction Fund. If the Public Works Director, or designee, determines that sidewalk construction is not physically practical, the permit applicant shall not be required to construct sidewalks. Instead, the permit applicant shall make a payment into the Sidewalk Construction Fund to be established by the City prior to issuance of any permit for development of the site. Such payment shall be the equivalent of the per linear foot cost to the City for installing the sidewalk, based upon the usual cost to the City to install sidewalk at such time, using a 6" minimum thickness of concrete for the driveway and a 4" minimum thickness of concrete for the remainder of the

parcel frontage. The City shall expend proceeds from the Sidewalk Construction Fund for sidewalk construction only.

(g) Appeals.

- (1) Any person desiring to appeal a determination issued by the Public Works Director, or designee, is hereinafter referred to as "Appellant." In order to secure administrative review under this subsection, Appellant must file a written Notice of Appeal with the City of Neptune Beach City Manager within ten calendar (10) days of the decision sought to be appealed. A required processing fee, as established from time-to-time by the City Manager, may be required with the Notice of Appeal in order to defray actual administrative costs associated with processing the appeal.
- (2) All Notices of Appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation which the applicant desires to be considered.
- (3) Within thirty (30) days following the receipt of the Notice of Appeal, the City Manager will review the submitted documents and any other relevant material. The thirty (30) day review period may be extended if additional information is needed from the Appellant in order to render a decision. Upon completion of the administrative review, the City Manager will provide a written response to the Appellant.
- (4) Appellant may appeal the determination of the City Manager by filing a written Notice of Appeal to City Council. Said filing shall be made with the City Clerk for the City within fifteen (15) days following receipt of the City Manager's determination. All Notices of Appeal to City Council shall include a full explanation of the reasons for the appeal, specifying the grounds therefore, and containing any documentation which the applicant desires to be considered. The appeal shall contain the name and address of the person(s) filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property.
- ~~(4)~~(5) The City Clerk is responsible for scheduling the appeal before the City Council and will provide at least ten (10) days' notice to the Appellant of the date of the designated Council meeting. Postponements of the City Council appeal date may be granted by the City Clerk if they are requested in writing at least ten (10) days in advance of the scheduled City Council meeting date. When an Appeal is scheduled before the City Council, the Appellant and the City staff shall each be given five (5) minutes for presentation at the meeting

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of

this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

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

VOTE RESULTS OF FIRST READING:

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

Passed on First Reading this 8th day of September, 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



Stefen Wynn, M.P.A.
City Manager

MEMORANDUM

Mayor & City Council

September 30th, 2020

RE: Similar Cities in Florida w/ Ordinances Limiting Millage Rate Increases

Mayor & Council –

As suggested by Council, please find below information related to Ordinances that relevant communities have regarding a limit on how high a millage rate can be raised. The ordinance discussed during the 9/21/2020 Council Workshop seeks to require a supermajority vote of the council (4/5) for any increase over ½ mil.

Communities reviewed have the following criteria:

- Between 8,000 – 6,000 in population size (Exceptions being other Duval Communities); and
- An emphasis placed on Coastal Communities
- Since Duval County is the only county in Florida with a consolidated government, there isn't a community exactly like Neptune Beach (excepting Jacksonville Beach and Atlantic Beach)

There exists a Florida Statute that sets requirements on approving a millage rate increase higher than the previous years' adopted rate:

F.S. § 200.065 (5) – (a) The maximum millage rate that a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may levy is a rolled-back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied, adjusted for change in per capita Florida personal income, unless a higher rate was adopted, in which case the maximum is the adopted rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 and which did so in fiscal year 2007 shall exclude the revenues required to be contributed to the county public general hospital in the current fiscal year for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied, the total of which shall be considered the maximum millage rate for such a county for purposes of this subsection. The revenue required to be contributed to the county public general hospital for the upcoming fiscal year shall be calculated as 11.873 percent times the millage rate levied for countywide purposes in fiscal year 2007 times 95 percent of the preliminary tax roll for the upcoming fiscal year. A higher rate may be adopted only under the following conditions:

1. *A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a*

two-thirds vote of the membership of the governing body of the county, municipality, or independent district; or

2. A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the county, municipality, or independent district or by a three-fourths vote of the membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum.

City Attorney's Analysis:

... The big distinction [between the two] is that the statute is tied to a percentage of the millage and the proposed ordinance is tied to a flat figure of .5 mil. Right now, the State Statute would control before [the proposed ordinance's provisions] would come into play. In the event a proposed millage rate increases above 110% of the previous years' millage rate, the Statute would require a unanimous vote of the Council. The Statute does not appear to preclude municipalities from placing stricter voting requirements for increases, but given the lack of precedent its impossible to be certain how a court would rule.

Relevant Local Communities:

- **Saint Augustine Beach** pop. 7,004 – Millage Rate increases are guided by Florida Statutes.
- **Jacksonville Beach** – Millage Rate increases are guided by Florida Statutes.
- **Atlantic Beach** – Millage Rate increases are guided by Florida Statutes.
- **Fort Myers Beach** pop. 7,094 – Millage Rate increases are guided by Florida Statutes (also have 65+ add'l homestead exemption)
- **Sanibel** pop. 7,401 – Millage Rate increases are guided by Florida Statutes.
- **Lauderdale-By-The-Sea** pop. 6,664 – 65+ add'l homestead exemption; payment in lieu of parking; § 18-64 – Annual Budget clarifies how the City determines millage rate, but ultimately, the budget and millage shall b adopted pursuant to Florida Statutes.
- **Islamorada, Village of the Islands** pop. 6,317 – Millage Rate increases are guided by Florida Statutes.
- **Tequesta** pop. 6,138 – Millage Rate increases are guided by Florida Statutes.

City Manager's Discussion:

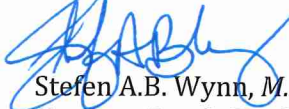
It is my opinion that the proposed ordinance has merit. The reviewed communities may not have specific language limiting the amount a millage rate can be increased, but that shouldn't preclude this ordinance from consideration.

Determining an appropriate maximum mil increase will take further research and may be difficult to predict based on many variables. A better option is to allow for a mechanism within the ordinance that allows for an amendment procedure should a millage rate increase limit be too low.

Rather than require a supermajority to amend the ordinance, language could be added that allows for a simple majority of council members to amend the ordinance, but only after allowing the ordinance to run through two regularly scheduled council meetings.

Through this process, it would allow for a simple majority to eventually make a change to the ordinance allowing for a millage rate increase above the previously set maximum. I believe that this also keeps the intent of the ordinance by ensuring that future Councils have fully-considered the impacts that such an increase could have on residents.

In Public Service,



Stefan A.B. Wynn, M.P.A.

Neptune Beach City Manager

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: ORDINANCE NO. 2020-12, FIRST READ AND **PUBLIC HEARING**, 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: Councilor Kerry Chin and Councilor Josh Messinger

DATE: September 29, 2020

BACKGROUND: This original moratorium was put in place by Ord. No. 2019-10, adopted on December 2, 2019, to allow time for revision to the Comprehensive Plan and Land Development. Ord. No. 2020-12 extends the moratorium.

BUDGET: N/A

RECOMMENDATION: Approve Ord. No. 2020-12 on First Read

ATTACHMENT: 1. Ord. No. 2020-12, R-4 Lot Split

SPONSORED BY:

**COUNCILOR CHIN
COUNCILOR MESSINGER**



ORDINANCE NO. 2020-12

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: ORDINANCE NO. 2020-13, FIRST READ AND **PUBLIC HEARING**, 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: Councilor Kerry Chin and Councilor Josh Messinger

DATE: September 29, 2020

BACKGROUND: Ordinance No. 2019-03, adopted March 4, 2019 and extended on April 20, 2020, placed a moratorium on PUD applications to give time to review the revisions to the Comprehensive Plan and Land Development Code. This ordinance is being considered in order to synchronize the expiration date with Ord. No. 2020-12.

BUDGET: N/A

RECOMMENDATION: Consider Ord. No. 2020-13 on First Read

ATTACHMENT: 1. Ord No. 2020-13 PUD

SPONSORED BY:

COUNCILOR CHIN

COUNCILOR MESSINGER



ORDINANCE NO. 2020-13

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



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

AGENDA ITEM: RESOLUTION NO. 2020-08, A Resolution Establishing the Order of Business for the City Council Regular and Workshop Meetings.

SUBMITTED BY: City Manager Stefen Wynn

DATE: September 29, 2020

BACKGROUND: The Order of Business of City Council is set by resolution pursuant to Code Section 2-33.

The City Manager gives an in-depth report during the Regular City Council meeting on the first Monday of the month. During the workshop held on the third Monday, the City Manager would like to present the Departmental Score Card (formerly known as the City Manager's Action List).

BUDGET: N/A

RECOMMENDATION: Adopt Resolution No. 2020-08, Establishing the Order of Business

ATTACHMENT: 1. Resolution 2020-08, Order of Agenda



RESOLUTION NO. 2020-08
A RESOLUTION ESTABLISHING THE ORDER OF BUSINESS
FOR THE CITY COUNCIL REGULAR AND WORKSHOP MEETINGS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA;

The business of the Council shall be taken up for consideration and disposition in the following order by Resolution as per Section 2-33 Order of Business, Neptune Beach Code of Ordinances:

A. Regular Meetings.

1. Call to Order/ Roll Call / Pledge of Allegiance
2. Awards / Presentations / Recognition of Guests
3. Approval of Minutes
4. Communications and Correspondence
 - Mayor
 - Council
 - City Clerk
 - City Manager
 - Departmental Reports
5. City Manager Report
6. Comments from the Public
7. Consent Agenda
8. Variances / Special Exceptions / Development Orders
9. Ordinances
10. Old Business
11. New Business
12. Council Comments
13. Adjourn

B. Workshop Meetings.

1. Call to Order / Roll Call / Pledge of Allegiance
2. Awards / Presentations / Recognition of Guests
3. ~~City Manager Report~~ Departmental Score Card
4. Committee Reports
 - Land Use and Parks Committee Report
 - Transportation and Public Safety Committee Report
 - Finance, Charter and Boards Committee Report
 - Strategic Planning/Visioning Committee Report
5. Public Comments
6. Proposed Ordinances
7. Contracts / Agreements
8. Issue Development
9. Public Comments

10. Council Comments

11. Adjourn.

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular City Council Meeting held this ____ day of _____, 2020.

Elaine Brown , Mayor

Catherine Ponson, CMC
City Clerk