



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, FEBRUARY 5, 2024, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, February 5, 2024, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

ATTENDANCE:

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

STAFF:

City Manager Richard Pike
City Attorney Zachary Roth
Chief of Police Michael Key
Chief Financial Officer Jaime Hernandez
Community Development Director Heather Whitmore
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
City Clerk Catherine Ponson

Call to Order/Roll
Call/Pledge

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

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS

Swearing In
Ceremony

Swearing In Ceremony. Mayor Brown administered the Oath of Office to new Neptune Beach Police Officer Jacob Rhoden.

Officer of the
Year

Neptune Beach Police Department Officer of the Year. Chief of Police Michael Key presented the 2023 Officer of the Year Award to Officer Patrick Carlson. Officer Carlson was also presented the award for 2019.

APPROVAL OF MINUTES

Minutes

Made by Livingston, seconded by Key.

MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:

January 2, 2024, Regular City Council Meeting
January 16, 2024, Penman Road Open House/Special Workshop

Roll Call Vote:

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

MOTION CARRIED

PUBLIC COMMENT

Public Comment Fletcher High School Beach Volleyball Coach Tanner Bell and Team Captains Alyssa Fraser and Abigail Givens thanked the Council and the City of Neptune Beach for their efforts in having volleyball courts installed on the beach in order to provide a safe place to play.

Councilor Key commented that with the support of the Council, City, and City Manager, she is happy that the team was able to have everyone come together to accomplish and improve something in the community.

Brent Rogers, 1932 Strickland Road, Neptune Beach, spoke regarding the Penman Road project. He requested Council tell the City of Jacksonville to not move forward yet with the project in order to make sure comments are incorporated into the scope and the plan.

CITY MANAGER REPORT

City Manager City Manager Richard Pike reported that the City is off to a busy year so far. Capital requests for next year are being compiled. He added that Public Works would be presenting information at this meeting.

Police Chief Chief of Police Michael Key announced appointments within the Police Department, which include Liam Toal to the rank of Commander and Elaine Dean to Services Division Supervisor. The monthly report for January would be ready by the end of the week. The department is actively hiring for a police officer and one dispatcher position. They are finishing the service weapon upgrade. There would be upcoming draft ordinances to propose. The DONNA run and Pete's 90th celebrations were held with moderate success.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

DP24-01, 2231 Marsh Point Rd **DP24-01**, Application for Preliminary Development Plan as outlined in Chapter 27 Article II Division 3 "Platting Requirements" of the Unified Land Development Code of Neptune Beach for Anthony Middleton for the property at 2231 Marsh Point Road (RE# 173435-0000).

Community Development Director Heather Whitmore explained that Application DP 24-01 is a request for a subdivision plat approval as outlined in Chapter 27, Division 3, Platting Requirements of the Unified Land Development Code. The property is located at the southeast corner of Marsh Point Road and Kings Circle South. The subject lot is a large irregularly shaped nonconforming "flag" lot with an existing condominium. The property is approximately 9,254 square feet and is located in the R-4 district. The R-4 district has a minimum lot width requirement of fifty feet, and a minimum lot area of 4,356 square feet.

The applicant is requesting to subdivide the .21 acre (9,254 square feet) parcel into two lots. The granting of the subdivision would create two lots (lot one being 4,622 square feet) and (lot two being 4,632 square feet).

The subject lot split was approved by the Community Development Board for variance V23-10 on October 11, 2023, to permit the subdivision of an existing nonconforming lot. The subdivision will split the lot to create a conforming lot with approximately sixty feet of frontage along Kings Circle S. The new lot will have 4,632 square feet in lot area. The remaining lot will maintain its existing 34-foot frontage along Marsh Point Road and have 4,622 square feet in lot area. The newly created lot will adhere to all R-4 development standards. The remaining lot will continue to adhere to R-4 size, setbacks, and impervious surface development standards.

Council
Questions/
Discussion

Ms. Whitmore reported that the Community Development Board reviewed and approved this replat at the January 17, 2024, board meeting. Staff is recommending approval of Application DP24-01 for 2231 Marsh Point Road.

Vice Mayor Chin commented that there may be some concern about the subdivision of the lot. Both of the new lots would exceed the minimum lot size requirement. The new lot would not require a variance to build on. The lot with the existing home on it is too narrow for the current code. The variance that was passed was to approve an existing condition.

Ms. Whitmore stated the lot was an existing nonconforming flag lot. She answered Vice Mayor Chin's inquiry that there was no indication that the homeowner would ask for a variance for the newly created lot. The new lot meets all of the minimum standards.

Councilor Messinger expressed that Vice Mayor Chin had perfectly articulated the concerns and this is something worth approving.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE DP 24-01, FOR 2231 MARSH POINT ROAD (RE#173435-0000)

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Res. No. 2024-01, CDB Appts.

Resolution No. 2024-01, A Resolution Appointing Members to the Community Development Board.

Rhonda Charles	Alternate Member	2 nd 1-year	02/06/2024	02/06/2025
Marc Boran	Alternate Member	2 nd 1-year	02/06/2024	02/06/2025
Lynda Padrta	Alternate Member	1 st 1-year	02/06/2024	02/06/2025

Councilor Messinger pointed out that these are existing alternate members already on the Community Development Board. They have proven well and competent in their duties. He sees no reason not to continue their service.

Made by Messinger, seconded by Key.

MOTION: TO ADOPT RESOLUTION NO. 2024-01, APPOINTING MEMBERS TO THE COMMUNITY DEVELOPMENT BOARD

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Hall Exterior
Color Scheme

City Hall Exterior Color Scheme. City Manager Richard Pike introduced Kathleen Franza, owner of KMH Design. Her office is in the Beaches Town Center and he asked her to

design a color scheme for City Hall exterior that goes with the area. She presented three color palettes. He is asking Council for direction on which palette to move forward with. Mr. Pike stated he liked Palette One.

Ms. Franza described how she came up with the color designs. She picked colors that were timeless and would blend in with the surrounding areas. She added that they had considered the colors in the city logo(seal) when designing the scheme.

Vice Mayor Chin stated he was leaning toward Color Palette #1. The only thought he had would be to have the main volume also be alabaster with the corners being the contrast.

Councilor Key commented that she prefers Color Palette #1 as designed. She favors the blue, the gray, and the alabaster.

Councilor Livingston stated she likes Color Palette #1 as designed. She likes gray tones. The trend is getting away from the beiges. It also compliments the logo nicely.

Councilor Messinger agrees with Councilors Key and Livingston and likes Color Palette #1 as designed. He likes the contrast that the color anchors the front and carries to the back.

Mayor Brown expressed that she likes Color Palette #1 as well.

Councilor Key mentioned that she would like to see some sort of uniformity among all of the government buildings. Once it is time for a building to be painted, we could use the same color palette for government buildings.

Councilor Messinger agreed with Councilor Key that we have a consistency moving forward.

CONSENSUS: APPROVAL OF COLOR PALETTE #1 AS DESIGNED FOR THE CITY HALL EXTERIOR

Electric Services Agreement

Electric Service Agreement between City of Jacksonville Beach and City of Neptune Beach. City Manager Pike explained that after reviewing the contract between Beaches Energy and the City of Neptune Beach, he found it was last negotiated on October 7, 2002. According to the contract, it would stay in effect for ten years and then would go to a year-to-year lease. He is seeking direction from Council to move forward with the City of Jacksonville Beach to renegotiate and update this contract. He has also requested the contracts that Beaches Energy has with St. Johns County and Clay County to see their terms.

Vice Mayor Chin asked if this would come back to Council after more research has been done with the other contracts?

Mr. Pike stated that it would need Council approval once the new agreement is reached.

Councilor Messinger commented that after speaking with our City Attorney, this process does not confine the City to one vendor. We still have the ultimate authority to pick the vendor that we see as the best knowing there are intangibles. He added we would be remiss not to approach the Jacksonville Electric Authority (JEA) so there is competition to drive the best benefit. He also pointed out that we are engaged with The Southern Group as our lobbyist who has dealt with utilities. Our Public Works Director has a vendor who has done utility negotiation. It would be worthwhile to talk to these companies to get the best deal possible for our residents.

Mayor Brown agreed that if we can get the best deal possible, we should reach out to the other companies. She requested the City Manager bring this back to Council to review.

Wastewater
Manhole
Rehabilitation

Wastewater Manhole Rehabilitation. Public Works Director Deryle Calhoun reported there are nineteen manholes east of Third Street which require repair of the lining system and other maintenance. This request is to make repairs to the liners. While that work is being done, the request includes repairs to the bench, which is the bottom of the manhole where the sewage flows through.

Made by Messinger, seconded by Chin.

MOTION: **TO AWARD THE WASTEWATER MANHOLE REHABILITATION TO CONCRETE CONSERVATION, LLC IN THE AMOUNT OF \$42,200.00**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Inflow &
Infiltration
Investigation

Engineering Support for Wastewater Collection System Inflow and Infiltration(I&I) Investigation. Mr. Calhoun explained the City has an active Consent Order with the Florida Department of Environmental Protection to resolve sewer overflows which occurred in September of 2022 during a period of heavy rainfall. I&I during that period was estimated at 660,000 gallons per day. For perspective, the current 12-month average flow for the treatment plant is approximately 725,000 GPD.

The Consent Order required an assessment of the wastewater collection and transmission system; the estimate for I&I on any given day is 150,000 - 220,000 GPD. Mr. Calhoun stated he had submitted the fourth quarter update to FDEP and asked to close the Consent Order. The work is going to go on to look for those I&I sources.

I&I adds to treatment costs, reduces capacity in pipes and is required by FDEP to be eliminated as much as practical. The engineering support proposal for consideration will identify pipes to be targeted and support staff in managing contractors for the field work, amongst other tasks noted. Saltus Engineering, Inc. has a continuing services contract with CONB.

Made by Messinger, seconded by Chin.

MOTION: **TO AWARD TO SALTUS ENGINEERING A CONTRACT NOT TO EXCEED \$17,500.00 FOR ENGINEERING SUPPORT FOR INFLOW AND INFILTRATION INVESTIGATION**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Plant 1 Return
Sludge
Modification

Water Reclamation Facility Plant 1 Return Sludge Modification. Mr. Calhoun advised that FDEP would modify the Consent Order for the failure to meet nitrogen limits due to the efforts being made and give additional time to make improvements.

Mr. Calhoun reported that bio-organisms are returned to the treatment process in Plant 1 utilizing draft tubes in the settling tanks, or clarifiers. Staff have struggled to maintain

proper flow through the tubes and have now resorted to manually draining the tanks as needed twice per day. This process is both time consuming and subjects the treatment process to slug flow.

A quote was received to retrofit the clarifiers to eliminate the draft tubes, but the cost was prohibitive and would have required five weeks of construction for each of the two clarifiers.

Gruhn-May has an existing continuing services contract with CONB and will perform this work on a time and materials basis. Staff does not expect this project to exceed \$35,000.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE EMERGENCY AWARD TO GRUHN-MAY FOR PLANT 1 RETURN SLUDGE MODIFICATION IN THE AMOUNT OF \$35,000**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Water
Reclamation
Facility Plant 2
Return to Service

Water Reclamation Facility Plant 2 Return to Service. Mr. Calhoun explained that Plant 2 went off-line in May 2022, due to failure of the clarifier drive, thereby placing all treatment load on Plant 1 which has not been performing up to permit requirements. Failure to meet permit conditions ultimately led to a Consent Order with FDEP.

Plant 2 improvements were designed and subsequently bid in December 2023. Bids received were significantly higher than anticipated, and long lead time for equipment would mean many additional months of poor treatment performance. Various improvements at Plant 1 are in process and bringing Plant 2 back on-line would add additional much needed treatment capacity.

Gruhn-May has an existing continuing services contract with the City and will perform this work on a time and materials basis. Staff does not expect this project to exceed \$40,000.

Made by Livingston, seconded by Messinger.

MOTION: **TO APPROVE EMERGENCY AWARD TO GRUHN-MAY FOR PLANT 2 RETURN TO SERVICE IN THE AMOUNT OF \$40,000.00**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Rejection of Bids
for 2024-01,
WWTP
Improvements

Rejection of All Bids for Wastewater Treatment Facility Plant 2 Improvements. Mr. Calhoun stated that the City entered into a consent order with FDEP to correct violations of its wastewater permit, primarily regarding total nitrogen exceedances. Dewberry Engineers were engaged in December 2021 to provide consent order support, and to provide planning, permitting, design, bid and construction phase services for Plant 2 modifications necessary to provide nitrogen removal capability. In addition, improvements would include bringing electrical up to code and out the flood plain.

Pursuant to Neptune Beach Code Section 2-380, bids were opened on December 12, 2023, by the committee designated in said section. Bids ranged from \$7.6 – 8.4M, significantly higher than anticipated. In addition, long lead times for equipment are a concern for returning the system to compliance. Staff has worked with consulting engineers to identify alternatives, to include improvements at Plant 1 and returning Plant 2 to service. There may be a rebid for Plant 2 improvements at a future date which would include a reduced work scope.

Pursuant to Neptune Beach Code Section 2-381, the committee recommends rejection of all bids.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE REJECTION OF ALL BIDS FOR WASTEWATER TREATMENT FACILITY PHASE I IMPROVEMENTS

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

MOTION CARRIED

COUNCIL COMMENTS

Councilor Messinger commented that continual feedback has been received regarding the state of bathrooms in Jarboe Park. In conversation with Parks and Sustainability Director Colin Moore and City Manager Pike, they would jointly be getting together and looking at solutions. Whether its vendors cleaning the park, policies and procedures for existing staff, or if any design modifications need to be made to make improvements. It would come back in an open discussion about what that solution looks like. Additionally, cameras are being upgraded. We also need to look at giving our Police Department more teeth to go after the vandals and criminals that keep destroying our facilities.

Mr. Calhoun advised the City would redo some shifts so there would be staff present on Saturday and Sunday. They will be doing trash runs multiple times a day and maintaining the bathrooms.

Councilor Key agreed with Councilor Messinger and she added that it is a good reminder that we cannot legislate people being decent human beings. We cannot legislate people not destroying things or flushing a toilet. She would hope that individuals would show more respect for what we have in the community. She hopes we do not have to close bathrooms because people do not know how to behave.


Vice Mayor Chin commented that he has heard from parents and kids that the water fountains are also disgusting. We are also going to have to figure out what to do about the water fountains as well.

Adjournment

There being no further business, the meeting adjourned at 7:05 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

03-04-2024
Approved: _____

