



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, MARCH 4, 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, March 4, 2024, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

---

Attendance:	<b>ATTENDANCE:</b> Mayor Elaine Brown Vice Mayor Kerry Chin Councilor Lauren Key Councilor Nia Livingston Councilor Josh Messinger (via CMT)	<b>STAFF:</b> City Manager Richard Pike City Attorney Zachary Roth Chief of Police Michael Key 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 Key led the Pledge of Allegiance.
--------------------------------	--

**APPROVAL OF MINUTES**

Minutes	Made by Chin, seconded by Key.
---------	--------------------------------

**MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:**

**February 5, 2024, Regular City Council Meeting**  
**February 20, 2024, Special City Council Meeting**  
**February 20, 2024, Workshop City Council Meeting**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

**PUBLIC COMMENT**

Public Comment	Mayor Brown reminded everyone to include their name and address as requested on the Speaker Request Form. It is by ordinance that a speaker shall give their name and address before speaking.
----------------	--

Donald Rogers, 1400 Neptune Grove Drive W., Neptune Beach, stated he had emailed members of the Council with his concerns about the Penman Road project. He added an email he sent on February 20<sup>th</sup>, 2024, listed changes that could be made without a

roundabout or medians being added, including lane changes, smart lights, and lengthening turn lanes.

David Wicker, 427 South Street, Neptune Beach, commented there was a significant problem with speeding on his street. He expressed his gratitude to City Manager Richard Pike and Public Works Director Deryle Calhoun for being responsive and reactive. He added everyone is relieved to have people that are actually doing something to help the residents. He also expressed that they need help with the drainage on his street.

Chuck McCue, 1908 3<sup>rd</sup> Street, Neptune Beach, spoke in opposition of Ordinance No. 2024-01, Automated Traffic Enforcement. He requested Council vote against it. He stated that from his research there is no evidence that this camera system will deter personal death or injury, property damage, and speeding. He commented that on Ordinance No. 2024-02, Park Hours and Loitering, there should be one set of rules and hours for all.

Brian Masonbrink, 1842 Twelve Oaks Lane, Neptune Beach, commented he lives near the five-way intersection. He suggested using the police to enforce the speed limit on Penman Road. He said that traffic on Penman Road is only bad for one hour a day. He added that the citizens would rather nothing be done than blow it up with medians and traffic circles. He suggested putting wide sidewalks on both sides of the road and add hawker crosswalks at the five-way intersection.

#### **CITY MANAGER REPORT**

##### **Overview of City Projects**

Mr. Pike announced that the Beaches Green Market request to return to Jarboe Park has been placed on hold until further notice by that organization. DIG Local had presented a proposal to Council at the February 20<sup>th</sup>, 2024, Council Workshop.

Mr. Calhoun gave an update on public works projects. His report included that 100% design documents for Well #5 have been received, the lead service line inventory will complete field work in July, 2024 with no lead found in over 1,200 service pipes, Plant 2 should be on-line by the weekend of March 9, 2024, the stormwater model for Hopkins Street is complete and there will be a project kick-off meeting with COJ, beach accesses at South Street and Lora Street have been completed, the water tower renovation should be complete the first week in April and the contract for the City Hall refresh is being prepared.

Parks and Sustainability Director Colin Moore reported that one of the City Manager's initiatives has been to spruce up the main thoroughfares in the City. In doing that, Public Works crews identified a stormwater inlet at 3<sup>rd</sup> Street and Seagate Avenue that had exposed rebar. FDOT will be in the area later this month to do some concrete repairs throughout Atlantic Boulevard and 3<sup>rd</sup> Street, including sidewalk repairs. He also stated that the crosswalk on Florida Boulevard at Jarboe Park would be reinstalled and refreshed on March 20, 2024. The beach renourishment project would begin April 28, 2024, in south Jacksonville Beach, and would be in Neptune Beach from June 2, 2024, through June 22, 2024.

Vice Mayor Chin pointed out Mr. Moore's monthly report indicated that FDOT did think that additional crosswalks would be useful for 3<sup>rd</sup> Street, namely Davis Street and Myra Street, and asked if there was a potential timeline for that project.

Mr. Moore stated that a meeting with the FDOT safety office regarding the next steps had been scheduled. The meeting was postponed by FDOT and he advised that he hoped to have an update by the next Council Workshop.

ORDINANCES

Ord. No. 2024-01, Ordinance No. 2024-01, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Creating Chapter 22, Article VI, Sections 22-101 through 22-105, Automated Traffic Enforcement; Providing for Severability; and Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing.

Donald Rogers, 1400 Neptune Grove Drive W., Neptune Beach, stated that he had a bad feeling from putting cameras up to catch speeders. He added that if there were flashing yellow lights during school hours and better signage, most of the speeders would slow down.

Brent Rogers, 1932 Strickland Road, Neptune Beach, stated improving safety for the kids arriving or departing from school is a worthy cause. However, outsourcing portions of our policing to private corporations with a profit motive to issue fines to our residents and visitors is a significant change that shouldn't be taken lightly. He suggested flashing yellow lights and giving crossing guards inexpensive cars with conspicuous police markings to park while on duty to deter speeding. He is sure we can find the money to do those things for our kids before bringing in out-of-state mercenaries.

There being no further comments from the public, the public hearing was closed.

Council Discussion/ Questions Mayor Brown requested Chief of Police Michael Key clarify some issues that had been brought up.

Chief Key explained, to clear up any confusion, that part of the endeavor here is not to trick anyone. There is clear signage in these areas and throughout all of our roadways. It is incumbent upon the driver to pay attention to the signage and to heed the warnings that are clearly posted.

He confirmed that part of implementation would be to ensure that all school speed zones that have automated traffic enforcement systems would have flashing lights and clear signage. He expressed it is not about ticket revenue. This is about protecting our students. We are already spending a massive amount of time, energy, and effort to secure our children from active shooter assailants and everything else, once they are at school. He is just trying to get them there safely. He added it is a holistic approach to ensuring the safety of our community.

Chief Key reiterated that ticket revenue will feed back into license plate readers that have already proven themselves to be a massive public safety force multiplier to find missing persons, etc.

Chief Key clarified that if school is in session, the devices would be activated. He also reported that statutes provide a ticket would be issued if the speed is "in excess of 10 miles per hour." For instance, if the speed limit is 15 m.p.h., a citation would not be issued until 26 m.p.h. However, if an officer right now catches someone going six m.p.h. over the speed limit in person, that citation is going to be \$304. A citation at 26 m.p.h. using the devices would be \$100.

He also expressed if he had the funds and more police officers, he would place officers at every school. He has two to three officers working a day watch who are constantly getting calls for service. He advised that since 2016, there is a standing order that if an officer is not on a call for service, the officer is assigned to a school zone.



Vice Mayor Chin stated that there have been comments about this being outsourcing of our police. He added that from his reading what was presented last time, one of our officers would have to review the violation and then approve whether the violation had occurred. So, in fact, our own police would be part of the process and be officially issuing the citation.

Chief Key commented that this is leveraging technology used to ensure public safety. This is one of the new innovations to keep our community safe. An automated speed camera is not just where someone speeds through a school zone and automatically gets a citation. Every time a violation occurs, a Neptune Beach Police Officer will view that violation and ensure that the violation occurred, that it's not a mistake, and issue the citation. If someone feels the citation was issued in error, there is an option to contest it and the officer will show up for the court date.

Councilor Key stated one of her previous questions was why tickets would be issued throughout the school day. She stated that the point was made that there are kids coming and going to school all day long. Why would we limit it to just the period before and after school hours? She added that this working in other cities and when it comes to the safety of children, if we can implement another layer to protect them, she supports it.

Chief Key confirmed Councilor Livingston's inquiry that the devices would be activated during school hours.

Councilor Livingston stated that she lives in a school zone and speeding is an issue. Anything we can do to help with that is important. There will be a Neptune Beach Police Officer double-checking the citation. Her only concern is the devices being installed in someone's yard.

Chief Key remarked that implementation is further down the process. He expressed that cameras would never be on someone's private property. They would only be on the right-of-way.

Councilor Livingston requested working with the neighbors during the implementation process. She wants the cameras to be noticeable to drivers but as least intrusive on people's property.

Councilor Messinger commented that there is a lot of misinformation being spread. He stated the Council is voting on an ordinance. They are not voting on a vendor or a specific design. This is an ordinance that would then allow the Police Chief and staff to explore all the different vendors available. This is a piece of technology that we would contract with that our police would utilize to cut down speeding in our school zones while children are coming and going to school. This is only an ordinance allowing the technology to be used.

Chief Key remarked that technology exists around us. It is going on in every community and state. It is continuing to advance. We should be looking at, as a law enforcement agency, technology and how we can leverage it to keep our community safe. He has found no data that he can find that it increases traffic crashes for school speed cameras. This is not a red-light camera. We are looking to implement school speed cameras during school hours to keep our kids safe.

Made by Chin, seconded by Livingston,

**MOTION:** **TO ADOPT ORDINANCE NO. 2024-01, CREATING CHAPTER 22, ARTICLE VI, SECTIONS 22-101 THROUGH 22-105, AUTOMATED TRAFFIC ENFORCEMENT AT SECOND READ**

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Ord. No. 2024-02, Park Hours and Loitering      Ordinance No. 2024-02, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Creating Chapter 14, Sections 14-12, Park Hours, and 14-13, Loitering, Soliciting, Begging, Etc., in Public Offices or Buildings Open to the Public; Providing for Severability; and Providing an Effective Date.

Public Hearing      Mayor Brown opened the public hearing.

Lynda Padrta, 1113 1<sup>st</sup> Street, Neptune Beach, spoke in favor of the ordinance. She supports having park hours and having some strength for the police to handle people who are in places that they shouldn't.

There being no further comments from the public, the public hearing was closed

Council Discussion/ Questions      Councilor Livingston stated that there may have been some confusion that we need park hours. This ordinance sets the park hours as 5:00 a.m. to 10:00 p.m.

Vice Mayor Chin commented that the scope of this encompasses people that may constitute a threat to public safety. Someone actually has to show that they are a threat to public safety or breaching the peace.

Chief Key explained that the City is continuing to have problems with security in the park, including the bathrooms. He stated that he and staff had looked at COJ municipal ordinances. He advised he would continue to bring municipal ordinances that he feels would enhance public safety.

City Attorney Zachary Roth commented that the City also looked at the language of the COJ ordinance. This has the benefit of being supported if someone were to challenge it.

Councilor Key remarked she had received a phone call about concerns that the loitering aspects of the ordinance were an attack on the homeless population. She responded to them was that all kinds of people can loiter. She added that anyone who has been following the progress of how we got here would know that the City has had many park complaints. This is another step to enforce a problem that has been going on for quite some time.

Made by Livingston, seconded by Key.

**MOTION:**      **TO ADOPT ORDINANCE NO. 2024-02 CREATING CHAPTER 14, SECTIONS 14-12, PARK HOURS, AND 14-13, LOITERING, SOLICITING, AND BEGGING, ETC. IN PUBLIC OFFICES OR BUILDINGS AT SECOND READ**

## Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**



**NEW BUSINESS****Sand and Grit  
Removal**

Sand and Grit Removal. Mr. Calhoun explained sand and grit accumulation in process tanks reduces the tank capacity available for the biological treatment process. In addition, the fine bubble diffusers recently approved by Council will be installed in the tank proposed for cleaning; removing accumulated sand and grit will permit the diffuser system to install on the tank floor.

In April 2023, a scan of the subject tank utilizing acoustic technology was performed. It is estimated that 10% of tank capacity has been lost to sand and grit. As noted in the cleaning proposal, there is an estimated 33 tons of material to be removed. Additional quantities of materials will be removed and charged at the rates noted in the proposal. U.S. Submergent Technologies has provided a piggyback contract from the City of Orlando.

Vice Mayor Chin commented that there was a line item in the budget for Sewer Services, Repair and Maintenance. That is where this request is being paid from. This is not a new addition to the budget.

Made by Messinger, seconded by Key.

**MOTION:**      **TO AWARD TO U.S. SUBMERGENT TECHNOLOGIES IN THE AMOUNT OF \$39,815.00 FOR THE SAND AND GRIT REMOVAL**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED****Stormwater  
Design Services**

Stormwater Design Services. Mr. Calhoun noted that the stormwater strategic plan approved by Council contains a number of projects throughout the City totaling about \$55 million of high-level work. The plan includes the 400 and 500 blocks of South Street, Myra Street and Margaret Street. Staff worked in the 400 block of South Street to direct flow to existing catch basins by reestablishing a swale and reforming asphalt as needed. The subject of this proposal is the 500 block of South Street at 5th Street, in addition to Myra Street and Margaret Street.

Jones Edmunds has provided a proposal of \$41,278.00 to provide engineering design services (lump sum \$32,478.00), subsurface utility exploration in support of design as needed and construction administration (time and materials \$8,800.00). Jones Edmunds has a current continuing services contract with the City.

Made by Messinger, seconded by Key.

**MOTION:**      **TO AWARD TO JONES EDMUNDS IN THE AMOUNT OF \$41,278.00 DRAINAGE IMPROVEMENT DESIGN SERVICES FOR SOUTH STREET, MYRA STREET AND MARGARET STREET**

Roll Call Vote:

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

Noes: 0

**MOTION CARRIED**

Davis Creek  
Erosion Control  
Pilot Program

Davis Creek Erosion Control Pilot Program. Mr. Calhoun explained this is a pilot project that would include installing 100 feet of a Sox system, which is a permeable mesh system, which is UV resistant. This would be installed on the west bank of Davis Creek at Florida Boulevard. The project goals are to reduce or eliminate erosion, identify plantings that reduce maintenance and beautify drainage corridors. He reported that Bluewater Environmental of Florida, Inc., who would be performing the pilot project, is researching various plant options that are salt-tolerant including Peanut Grass and Muhly Grass.


Councilor Messinger requested information regarding the lifespan of the material and any warranty that comes with it.

Adjournment

There being no further business, the meeting adjourned at 7:13 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk



Approved: 04-01-2024