MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JANUARY 6, 2025, 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, January 6, 2025, at 6:00 p.m, at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

IN ATTENDANCE:	STAFF:
Mayor Cori Bylund	City Manager Richard Pike
Councilor Tim Horvath	City Attorney Paul Waters
Councilor Nia Livingston	Chief of Police Michael Key
Councilor Josh Messinger	Chief Financial Officer Jaime Hernandez
Councilor Brent Rogers	Public Works Director Deryle Calhoun
	Parks and Sustainability Director Colin Moore
	HR Coordinator Jillian McCann
	City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

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

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Rogers.

MOTION: TO APPROVE THE FOLLOWING:

December 2, 2024, Regular Council Meeting
December 3, 2024, Special City Council Meeting/Swearing In Ceremony

APPROVED BY CONSENSUS

Election of Vice Mayor

Election of Vice Mayor. Mayor Bylund announced the vice mayor would be elected at this meeting. She would like to make a recommendation that Councilor Nia Livingston be elected as vice mayor.

Made by Horvath, seconded by Rogers.

MOTION: TO ELECT COUNCILOR NIA LIVINGSTON AS VICE MAYOR

Roll Call Vote:
Ayes: 5-Messinger, Rogers, Horvath, Livingston and Bylund.
Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comments

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated she came to give thanks to Mayor Bylund and Councilor Rogers for running phenomenal campaigns and giving hope to the City and citizens for real meetings. She hopes everyone keeps attending the meetings and give Council their support.

Susie Miller, 106 Myra Street, Neptune Beach, wants Council to reinforce the Senior Center. She stated that it is important for people like her to be surrounded by community. One of the biggest problems with aging is loneliness and it is very important to keep the Senior Center open and to support it. She also addressed bicycle safety.

CITY MANAGER REPORT

City Manager Report

City Manager Richard Pike reminded everyone that the City Manager Report will come out every month. If there are any questions, they can follow up with him or staff members. The report includes an update on each department.

The monthly City Manager Reports can be found on the City website at: https://www.nbfl.gov/city-manager/pages/city-manager-reports

OLD BUSINESS

Drivers vs. City of Neptune Beach Final Special Magistrate Report

Drivers vs. City of Neptune Beach Special Magistrate Report. City Attorney Paul Waters stated this is a quasi-judicial hearing and there are procedural matters involved. He asked if there were any ex parte communications from Council about this issue.

Ex Parte Communications

Vice Mayor Livingston reported she had spoken briefly with the Schoonovers but it was nothing new from the first time. She had also spoken to people back then as well.

Councilor Messinger stated that since the last meeting, he had not spoken to anyone. For encompassing the case as a whole, he has spoken to the Schoonovers, additional neighbors, and representatives of the Drivers.

Mayor Bylund reported since she was on the Community Development Board in May, she has spoken to the Schoonovers and several neighbors.

Councilor Rogers stated he had spoken to the Schoonoves and Scott Wiley.

Councilor Horvath reported he had spoken to the Schoonovers,

Swearing In

Mr. Waters administered the oath to anyone who would be speaking giving testimony and staff.

Special Magistrate Report

Special Magistrate Sid Ansbacher stated it was a privilege to be asked to be the Special Magistrate by the Drivers and the City to act as Special Magistrate under Florida Statutes §70.51.

Mr. Ansbacher explained that the heart of this process F.S.§70.51, created in 1995 by the legislature, was to try to give people the opportunity to see if there is the possibility of a resolution short of litigation. This could be for land use or enforcement action association with the property. He stated he is taking a snapshot of what was presented at a half-day presentation on October 31, 2024, with exceptional filings by both sides.

Mr. Ansbacher summarized he had looked at the history of the case, including the first applications and appeals. He stated that the first structure was substantially larger than what we are dealing with today. This was addressed on many of the same lines as the first bed and breakfast objection which was principally a question of compatibility. In the final report, he tried to delineate between what a court might do if the Drivers were to win and what a court might do if the City were to win. The Council's job is either to accept, reject, or accept with conditions his recommendations.

Mr. Ansbacher provided that the general sense of what he tried to determine is what are the objections. Does it comply with a bed and breakfast (B&B)? The Neptune Beach Code has limited definitional criteria. He added that the City's definition provides sufficient criteria for any court. Do they offer breakfast onsite? He recommended if there was an approval, there should be stricter requirements. He did find it met the criteria. He tried to be very clear about the height issue. His recommendation, if approved, is the height be dropped to 33 feet. This is just a starting point. He also stated that there is a very thorough frontage set of criteria that applies appropriately for most of the Central Business District (CBD). This is more of a commercial set of requirements.

Public Comments

The following speakers spoke in opposition to the proposed bed and breakfast:

- Henny Schoonover, 214 Ocean Front, Neptune Beach
- George Schoonover, 214 Ocean Front, Neptune Beach
- Alison Ronzon, 221 South Street, Neptune Beach
- Alison Ronson read a statement in opposition from Rosemary Naughton, 516 1st Street, Neptune Beach
- Russell Peters, 99 Orange Street, Neptune Beach

Council Discussion

Mr. Waters reminded Council that the choices are to approve, deny, or approve with conditions the Special Magistrate Report.

Vice Mayor Livingston stated she appreciated the thorough work on the report. She does not agree with the recommendations. It has not swayed her position since the last time it came before Council. The recommendation of scaling the appearance on the outside gives the applicant what they want, which is a house that is 35 feet. She stands by her discussion and arguments from last time.

Councilor Messinger agreed with Vice Mayor Livingston. The lack of compatibility and functionality in the discussions that took place made it clear that the desire was more a single-family residence put into the box of a B&B to get the benefits out of it. He appreciates Mr. Ansbacher's concern regarding the commercial aspects that work for the vast majority of the CDB but not this parcel. A variance request would come in to fix that piece. He has not changed his original vote.

Councilor Horvath asked if this is denied and the petitioner seeks legal counsel again, does it leave the City's hands.

Mr. Waters reported that if this is denied, the petitioner has a couple of different routes. If this were to go to court, there would be a strong ruling that would be best to follow.

Mayor Bylund agreed with Vice Mayor Livingston and Councilor Messinger. She stated that the proposed building is out of scale with the neighborhood. There is a lot of competent substantial evidence from the previous proceedings. The concerns and desires of the surrounding land owners and other persons is a factor. The conformity with the proposed development with the Comprehensive Plan, the Code and other applicable regulations are all factors.

Made by Livingston, seconded by Messinger.

MOTION: **TO REJECT THE SPECIAL MAGISTRATE RECOMMENDATIONS IN THE REPORT DATED NOVEMBER 20, 2024**

Roll Call Vote:
Ayes: 5 - Rogers, Horvath, Messinger, Livingston, and Bylund.
Noes: 0

MOTION CARRIED

Doug Conkey, SJRWMD

Mayor Bylund recognized Doug Conkey, Intergovernmental Coordinator, Governmental Affairs Program with the St. Johns River Water Management District. Mr. Conkey welcomed the new Mayor and Councilmembers and stated that he is available to help if needed.

Purchase and Sale Agreement of City Right-of-Way

Purchase and Sale Agreement of City Right-of-Way. Mr. Waters explained this is proposed purchase and sale agreement between the City and Marshpoint Properties Two, LLC. He pointed out that this is the City right-of-way at Marshpoint Road and Florida Boulevard that has often been referred to as the "weird ally."

Mr. Waters reviewed the key provisions of the sale. There is a $70,000 purchase price. An escrow deposit of 10% is due within five days of execution of the contract. The buyer pays all of the closing costs, which will be no later than 120 days of the execution of the contract Between the execution of the contract and closing, there will be a Statutory Development Agreement negotiated which gives the City the opportunity to have the purchaser not only meet the standards of the Code, but to go above and beyond what the Code requires to ensure the City is getting what the City wants for this project.

Mr. Waters continued that before closing, the applicant has to go through the site plan approval process, which includes hearings before the CDB and City Council. There will be restrictive covenants that will be baked into the deed. The restrictive covenants ensure that the property will be used as the City intends it to be. If the property was to be sold, the restrictive covenants go with the deed. This is not the final product. This is the green light to begin the negotiations. He is recommending approval of the purchase/sale agreement.

Vice Mayor Livingston stated she knows this has been ongoing. She wants to confirm that this is just to enter into the purchase and sale agreement. She appreciates the safeguarding of previous conversations in the past regarding what the property would look like. She added that she does feel a little pain in the idea of selling City property. She sees that the land does not offer any use to the City. The City could benefit by making some money from the sale and we can work to make whatever is built there something that can benefit everyone.

Councilor Messinger wants to make sure what is abundantly clear to not only Council but to the representatives of the purchaser, Jean Bakkes, when the development agreement goes through. In that process, Council and staff can provide feedback to produce a product beyond what our Code requirements are to benefit that section of town. When the new Publix requested a variance, a significant amount of improvements were made to that building, including the amount of landscaping and trees. He requested Mr. Bakkes' attorney come up and be aware of those requirements.

Mr. Waters reported that the statutory development process allows the City to put in any conditions, terms, restrictions, or any requirements to make a project what they want, which includes going above and beyond the Code.

Ruth McDonald, Hathaway and Reynolds, PLLC, attorney for Mr. Bakkes, confirmed that the approval of the site plan and the development agreement are conditions precedent to the closing. The closing cannot proceed without the appropriate approvals. Mr. Bakkes and Marshpoint Properties understand those requirements.

Councilor Rogers expressed the City is an unmotivated seller and we have a motivated buyer. He does not see any point in getting rid of this property for $70,000. He saw the comps and thought they were light. He is not in favor.

Mr. Horvath stated the land that is not being utilized and there is no benefit now. If we can get something in exchange, it helps the City grow. It makes sense to him.

Mayor Bylund remarked that she has the same anxiety associated with selling any City property. This is a proposal for just a small part of the weird alley.

Made by Horvath, seconded by Livingston.

MOTION: **TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALLOW TRANSACTION TO PROCEED**

Roll Call Vote:
Ayes: 4 – Horvath, Messinger, Livingston, and Bylund.
Noes: 1- Rogers

MOTION CARRIED

NEW BUSINESS

Res. No. 2025-02, Interlocal Agreement, CDBG Program

Resolution. No. 2025-02, Interlocal Agreement, CDBG Program. Mayor Bylund read the resolution by title and asked for any discussion from Council.

Councilor Rogers remarked that the agreement states the City of Jacksonville (COJ) and Neptune Beach agree to cooperate to enable City of Jacksonville to expend these funds on eligible activities within Neptune Beach's jurisdiction. It talks about lower income housing assistance and community renewal. He asked if this allows low-income housing and what is meant by emergency shelter grant.

Mr. Waters stated that the Florida Department of Economic Opportunity typically administers HUD funds through CDBG grants. This agreement allows citizens to apply to COJ instead of the state. It is not stating there would be low-income housing in Neptune Beach. This agreement has been in place for years.

Mr. Pike explained that for the last 25 years the City has been receiving this block grant to offset the funding for the Senior Center Coordinator. The money can only be used for that purpose. This is the sole benefit we receive.

Mayor Bylund expressed she had initial concerns. She understands now that we have been under this same contract for many years and we get $48,000 per year. We are not being asked to do anything other than be in this contract and we receive the funds for the Senior Center Director.

Councilor Messinger clarified that Council is authorizing the Mayor to enter into the negotiation and then ultimately the terms of the agreement.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE RESOLUTION NO. 2025-02**

Roll Call Vote:
Ayes: 4 - Messinger, Horvath, Livingston, and Bylund.
Noes: 1- Rogers

MOTION CARRIED

Res. No. 2025-04, CDB Appointment

Resolution No. 2025-04, Appointment to the Community Development Board. Mayor Bylund read the resolution by title and explained two members' terms had expired and are up for reappointment. She is reappointing Greg Schwartzenberger and René Atayan. She also stated that due to the fact that she was elected as mayor, it opened up a vacancy. She is appointing alternate member Lynda Padrta as a regular member. The mayor appoints the member and is approved by Council through a resolution.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE RESOLUTION NO. 2025-04**

Roll Call Vote:
Ayes: 5 - Rogers, Horvath, Messinger, Livingston, and Bylund
Noes: 0

MOTION CARRIED

COJ Interlocal Agreement- 911 Fees

Agreement for 911 User Fee Distribution between Jacksonville Sheriff's Office and the City of Neptune Beach. Mayor Bylund explained that this is an agreement where the City receives money from the Jacksonville Sheriff's Office to help with our dispatcher expenses.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE THE 911 USER FEE AGREEMENT BETWEEN JACKSONVILLE SHERIFF'S OFFICE AND THE CITY OF NEPTUNE BEACH**

Roll Call Vote:
Ayes: 5 - Horvath, Messinger, Rogers, Livingston, and Bylund.
Noes: 0

MOTION CARRIED

The Southern Group Agreement

Contract for Lobbying Services Between The Southern Group of Florida, Inc. and the City of Neptune Beach. Mayor Bylund stated this is the contract for lobbying services with The Southern Group.

Councilor Rogers asked what we have gotten from The Southern Group since they have been under contract.

Councilor Messinger explained that Jim Gilmore has been the primary representative on this agreement. One of the big achievements last year, in looking at infrastructure, was over $7 million in funding that has been secured from COJ, for culvert and large drainage passageways in different parts of the City. There has also been additional funding in the 2025 budget. Mr. Gilmore is a well-known entity at the beach. He lives at the beach and has longtime connections with the current administration.

Mayor Bylund added that there was $7-8 million for the culvert under Florida Boulevard and we could lock in funds for the culvert under Forest Avenue. She commented that Mr. Gilmore is not the only representative from The Southern Group that the City works with. There are representatives from The Southern Group who have contacts in Tallahassee who will be helping her with those relationships to pursue other funding sources. She added that those funding sources outside of Neptune Beach are important because it helps keep money in residents' pockets and not raise the millage rate.

Mayor Bylund pointed out that the contract is only for one year and if at any point it is not working, we can explore other options. It seems worth it to her to continue the agreement.

Made by Livingston, seconded by Messinger.

MOTION:

Roll Call Vote:
Ayes: 4 - Messinger, Horvath, Livingston, and Bylund.
Noes: 1- Rogers

MOTION CARRIED

COUNCIL COMMENTS

Council Comments

Councilor Rogers questioned if the metal detectors are still in use and stated that this does not fit with the City.

Mayor Bylund stated that the proper procedure to do something would be to propose a resolution. They could not vote today. She expressed that as an attorney for the last 20 years she has been going through metal detectors, sometimes several times a day. She does not feel the same way as others about the privacy concern. She knows they have them at COJ. They do have them in other cities. She has discussed this with our law enforcement and there are identified threats within our City the people don't know about. She questioned the metal detectors herself and there were threats she did not know about.

Mayor Bylund commented that she has had her life threatened. To her, the metal detector is a small inconvenience for the safety of those at the meetings. She reported you can go Google and search out shootings in Council meetings, and they are there. They are in small cities like ours. She wanted everyone to know that this has been on her radar. She has done the research and wants to be transparent about her feelings.

Adjournment

There being no further business, Mayor Bylund adjourned the meeting at 7:15 p.m.

Corrine A. Bylund

Corrine A. Bylund, Mayor

ATTEST:

____
Catherine Ponson, CMC
City Clerk

Approved: 02-03-2025