



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JANUARY 21, 2025, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
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 Tuesday, January 21, 2025, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Cori Bylund
 Vice Mayor Nia Livingston
 Councilor Tim Horvath
 Councilor Josh Messinger
 Councilor Brent Rogers

STAFF:

City Manager Richard Pike
 City Attorney Paul Waters
 Chief of Police Michael J. Key, Jr.
 Chief Financial Officer Jaime Hernandez
 Public Works Director Deryle Calhoun
 Community Development Director Heather Whitmore
 Parks and Sustainability Director Colin Moore
 City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Bylund called the Special Meeting to order at 6:00 p.m. and Councilor Horvath led the Pledge of Allegiance

**Cleaning and
Video Inspecting
Stormwater Pipes**

Cleaning and Video Inspecting of Various Stormwater Pipes. Public Works Director Deryle Calhoun first gave an update on the cleaning and televising of the sanitary sewer pipes in Oceanwood, parts of the Fletcher Pump Station collection system, and Indian Woods. He reported they had cleaned about three miles of sanitary sewer pipe. They are currently reviewing the video and will have the budget request for FY26. He also reported that with the recent rain on Sunday, January 18, 1.1 million gallons of water ran through the system instead of the usual 640,000 gallons per day.

Mr. Calhoun stated that this request is for the stormwater system. The City has about ten miles of stormwater pipes and related infrastructure in that system. There is about 4,500 feet of pipe constructed in 1980 and earlier. This is to video and clean as necessary those pipes and develop an FY26 budget request.

Made by Messinger, seconded by Livingston.

MOTION: **TO AWARD ATLANTIC PIPE SERVICES IN THE AMOUNT OF \$41,063.29**
WITH STAFF AUTHORIZATION FOR CHANGE ORDERS UP TO 15% OF
AWARD

Roll Call Vote:

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

MOTION CARRIED

**Surplus, Fines and
Forfeiture Funds**

Surplus Sale Funds, Fines and Forfeiture Funds for Vehicle Purchase. Chief of Police Michael Key stated this is before the Council as state law has requirements when the Police Department is going to utilize fines and forfeiture funds. This is unique and not a part of the normal budget that the Police Department operates on. He indicated that the governing body must approve the request and be certified by the Chief of Police that the item being purchased will be used in the narrowest scope defined by fines and forfeiture money.

Chief Key explained this request is to spend up to, but not to exceed, \$26,000 for the purchase of a detective vehicle, as a result of an agency vehicle being deemed unfit for service resulting in an unbudgeted need. The quoted amount for the vehicle is less than \$25,000, which would not preempt authorization from the City Council. However, due to the deficit between selling surplus vehicles for \$20,000 and \$5,000 to reach the amount of the vehicle, he is opting to ask to use fine and forfeiture money and not use a normal budgeted line item account. The request for up to \$26,000 is in the case of unforeseen title work or registration costs that may occur.

Made by Livingston, seconded by Messinger.

MOTION: **TO APPROVE THE REQUEST TO UTILIZE SURPLUS SALE FUNDS,
FINES AND FORFEITURE FUNDS FOR VEHICLE PURCHASE**

Roll Call Vote:

Ayes: 5 - Messinger, Rogers, Horvath, Livingston, and Bylund

Noes: 0

MOTION CARRIED

**Res. No. 2025-05,
CDB
Appointments**

Resolution No. 2025-05, A Resolution of the City of Neptune Beach Appointing Members to the Community Development Board. Mayor Bylund commented that she is recommending the appointment of Hillary Weatherhead, Coral Messina, and Kathy Lahr-David as the alternate members to the CDB. She explained that the City has had some applications on file for several years. She met with and had phone interviews with applicants. She looked at their applications which contained information such as educational, work history and how long they had lived in Neptune Beach. It is not based on seniority but on what is best for Neptune Beach.

Made by Livingston, seconded by Rogers.

MOTION: **TO ADOPT RESOLUTION NO. 2025-05**

Roll Call Vote:

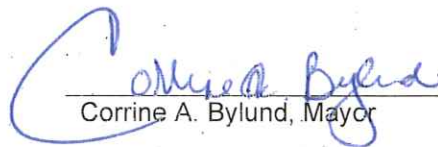
Ayes: 5 - Rogers, Horvath, Messinger, Livingston and Bylund

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the Special Meeting adjourned at 6:13 p.m.


Corrine A. Bylund, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk

Approved: 02-03-2025





MINUTES
WORKSHOP CITY COUNCIL MEETING
TUESDAY, JANUARY 21, 2025, 6:13 P.M.
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
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 Tuesday, January 21, 2025, at 6:13 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Cori Bylund
 Vice Mayor Nia Livingston
 Councilor Tim Horvath
 Councilor Josh Messinger
 Councilor Brent Rogers

STAFF:

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

**Call to
Order/Roll Call**

Mayor Bylund called the workshop meeting to order at 6:13p.m.

PUBLIC COMMENTS

Public Comments Chuck McCue, 1908 3rd Street, Neptune Beach, spoke regarding the parking in-lieu of program, the bollards between the two Publix grocery stores and other bollards in the City, the purchase of a bronze plaque and bolder in Jarboe Park, and the Senior Center Director position.

Shellie Thole, 310 Oleander Street, Neptune Beach, stated citizens should have time to get into compliance with the Code provisions on boats and added that there is so much opportunity for the Senior Center building.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated she had concerns about the money that has not been spent over the last 20 years on the water system. She also questioned what was done with the money received from the federal government.

PROPOSED ORDINANCE

**Proposed
Ordinance
2025-01**

Proposed Ordinance No. 2025-01, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 7, Beaches and Waterways by Amending Section 7-27, Relating to Sand Removal or Digging on the Beach; and by Amending Section 7-36, by Allowing Beach Fires; Providing Codification, Conflicts, Severability, And Providing An Effective Date.

Mayor Bylund stated she is sponsoring this ordinance and asked Chief of Police Michael Key to present the information.

Chief Key explained he would present this in two parts. First, would be beach digging. This came in response to being proactive in continuing to explore areas to improve. During command staff meetings, they hypothesized deficiencies in the Code as it pertains to various situations that could arise. One of them was beach digging. There was a tragic accident in Lauderdale by the Sea, where children dug a deep hole. The hole collapsed burying a seven and a nine-year old. It took 20 minutes for beachgoers to help dig them out. The seven-year-old died. It would be horrible if that happened here.

Chief Key continued that the Police Department commonly hears from Ocean Rescue that people go on the beach, dig big holes, and do not fill them back in. There is nothing specific in the Code that says you are not allowed to dig to a certain depth and not fill it back in. This ordinance would give officers the ability to enforce the depth in which someone could dig a hole. It would also protect children, beachgoers, government and sea turtle patrol vehicles, and sea turtles nesting. It is not a local problem yet other than ocean rescue reporting that they have had incidents.

Chief Key then addressed beach fires. He stated that beach fires are not specifically addressed in the Code. It was never set forth by Council of what they want the Police Department to enforce. There is the option of no beach fires at all. The City could mirror the City of Atlantic Beach and other counties and municipalities throughout the State and provide a mechanism and a permitting process to legally have a fire on the beach

Councilor Messinger expressed his support of having a permitting process to be able to have fires on the beach. He wants to make sure that as we codify this, we want to say to not only extinguish the fire, but there has to be water and no burning or hot embers remaining

Councilor Rogers asked if there were any incidents where there has been a problem with holes or fires at the beach and what was the genesis for this being brought forward

Chief Key commented it came from being proactive and trying to make our Codes better. He reiterated that ocean rescue routinely encounter holes. Ocean rescue has expressed their support for the regulations. There have been instances where people have built fires.

City Attorney Paul Waters pointed out that allowing holes on the beach is a violation of the Endangered Species Act by threatening sea turtles.

Councilor Rogers remarked that it does not sound like the incidents described would be prevented by these ordinances

Vice Mayor Livingston asked if there is a citation or fine for someone who violates this by digging a hole

Chief Key answered it would be a municipal ordinance violation and there are fee structures in other parts of the Code that enumerate the fine.

Vice Mayor Livingston expressed that she would support permits for beach fires if it were for a certain time period. We should protect our beach by not allowing beach fires year-round. She requested information from Atlantic Beach on how successful the permitting process is and if they are having issues.

Councilor Messinger stated that the finer details of this are important rather than the conceptual. He would not be opposed to going to another workshop. He would also support

separating the two items as two ordinances. We could Section 1, Beach Digging, to a first read and take Section 2, Beach Fires, to another workshop

Mayor Bylund summarized that the Council consider moving the ordinance to first read and striking Section 2 regarding beach fires at this time.

CONSENSUS: **TO MOVE PROPOSED ORDINANCE 2025-01 TO A FIRST READ OMITTING SECTION 2, BEACH FIRES, ON FEBRUARY 3, 2025**

Mayor Bylund confirmed Mr. Waters inquiry that a second ordinance regarding beach fires be proposed at the February 18, 2025, Council Workshop.

ISSUE DEVELOPMENT

**FY 24-25 Budget
Summary**

Budget Summary Report – First Quarter FY2024-2025. Chief Financial Officer Jamie Hernandez reported on FY24-25 First Quarter financial activity ending December 31, 2024. He reminded everyone that the total revenue for the FY24-25 budget is \$27.8 million. The total expenses are \$26.6 million. This will give the City a potential surplus of \$1.2 million. We have received so far this year \$3.9 million in revenues. We have collected 75% of the property taxes.

Mr. Hernandez confirmed in response to Mayor Bylund's question that we would begin discussing the millage rate in the near future.

Vice Mayor Livingston inquired about the status of the audit as she knows they are behind.

Mr. Hernandez stated the City is working on the FY22-23 audit. When that is completed, the City will begin the FY23-24 audit.

Vice Mayor Livingston expressed the City should start having the millage rate discussion months in advance.

Mayor Bylund announced that a finance committee would be formed. She asked for qualified people with background and experience in accounting to serve on the finance committee.

Mr. Hernandez explained that a finance committee needs to be created pursuant to state law to be part of the RFP process for an auditing firm.

Mr. Hernandez confirmed Mayor Bylund's statement that the recommendation for reserves is to have 20% of the total operating budget for emergencies.

**LDC
Discussion-
Boats/RVs**

Land Development Code Discussion – Boats/RVs. Community Development Director Heather Whitmore explained the discussion would be the LDC specific to boats and RVs in driveways and front yards. Specifically, Code Section 27-335, "*Parking, Storage or Use of Major Recreational Equipment.*" This section prohibits the parking of boats and RVs in front yards. Recent code enforcement action to enforce the Code has resulted in frustrations from citizens. The purpose of this discussion is to review the Code and for the Council to give directions to proceed with any revisions or keep it the way it is.

Ms. Whitmore reported that staff has discussed the Code with property owners at the November 13, 2024, and January 15, 2025 Community Development Board meetings. During these discussions concerned citizens have requested that the City repeal the code to permit boats/RVs in front yards, whereas the CDB has not recommended an amendment to the code.

Ms. Whitmore prepared and presented a report that compares the City's Code to six neighboring communities, including Jacksonville Beach, Atlantic Beach, Jacksonville, Fernandina Beach, St. Johns County/Ponte Vedra Beach, and St. Augustine. They all prohibit the parking of boats/RVs in front yards. Based on staff analysis, CONB's code is consistent with most cities in Florida. The definition of front yard is different in each city, but they all sum up to the same, which is known as the front yard setback. Ms. Whitmore advised there are currently 10 outstanding cases regarding this issue, and this is a frequent complaint.

Mayor Bylund stated laws cannot be applied differently across the City. Some people have purchased storage space for their boats or RVs. It is a difficult problem.

Ms. Whitmore advised that all enforcement of this has been put on pause and she is seeking guidance on whether to continue this pause. She clarified to Mayor Bylund that no one has been fined. The City has a series of courtesy notices. There have been no notices of violations issued that would result in a fine. There were 30 courtesy notices issued and 20 of them quickly came into compliance. There is a set process for coming into compliance.

Councilor Rogers commented that his understanding is that people were upset that they have been putting their boats in a place for decades. Now, they have received notice and did not like the interaction.

Mayor Bylund expressed that she received complaints about lack of code enforcement and then we hired a Code Enforcement Officer. The new code enforcement officer is undergoing training. She suggested maybe we could approach the situation with education and offering solutions and alternatives rather than issue citations, especially with the unresolved cases.

Ms. Whitmore remarked there was no informed roll-out of code enforcement. The City did not have a Code Enforcement Officer for a very long time. Prior to that there was no aggressive code enforcement.

Councilor Messinger asked for clarification and questioned if we were not going to enforce the rules until Council gives direction.

Ms. Whitmore expressed she would not enforce this until she receives direction from the Council.

Councilor Messinger commented that giving people a timeline is appropriate and fair as they need to find a location. This is not a new law, and it is in compliance with every other community around the City.

Mayor Bylund agreed this is not a new law. It has been in place for quite a while. Those who have not been following that law deserve some grace and exhaust those opportunities to come into compliance.

Councilor Messinger remarked that his concern is not enforcing a very important ordinance because of ten individuals. He agrees there should be grace and dialogue with those individuals. He wants to make sure Ms. Whitmore has the clarity for the ten individuals to work with them.

Vice Mayor Livingston stated that this is a matter of something that has been in the Code and how do we enforce it. She agrees we should lead with grace as we are all neighbors. It is not a matter of not enforcing it but coming up with a date or amount of days to actually begin citing people.

CONSENSUS: **TO CONTINUE THE PAUSE FOR 90 DAYS ON THE INDIVIDUALS WHO HAVE ALREADY BEEN ISSUED THE COURTESY WARNING**

Mayor Bylund pointed out this is not a pause on code enforcement. This gives time for the CDB to have another workshop. This also gives people notice to find a solution.

Ms. Whitmore indicated she would continue to focus on education and voluntary compliance. She would continue documenting complaints and cases observed. Feedback would be received from the CDB. She would come back to Council to see if they would like revisions or keep the Code as is and proceed with the cases that have been on pause.

Councilor Messinger suggested workshopping a mechanism for the current system and timeline in the Code.

PUBLIC COMMENT

Public
Comments

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated that our ordinances have never been consistently enforced. She spoke regarding code enforcement of construction sites.

Chuck McCue, 1908 3rd Street, Neptune Beach, proposed giving citizens at least six months to find a place for their boat. He suggested offering residents a space at the City Yard. He proposed to keep writing the warnings and talk to them in a kinder way.

Gina Kline, 220 Myra Street, Neptune Beach, stated she had received a courtesy notice. She has a garage and was able to store her travel trailer. She has seen boats and trailers all over. She requested a future workshop to look at exceptions or modifications for applying for a variance.

COUNCIL COMMENTS

Councilor Horvath commented that the City sends out a newsletter with the utility bill. He suggested using emails to send monthly notices. There would be benefits to this for educating and informing citizens on a regular basis.

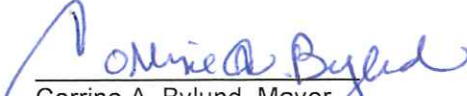
Mayor Bylund informed everyone that schools would be closed due to the winter storm tomorrow, January 22. City Hall will open at 10:00 a.m. She encouraged everyone to download the Jax Ready app.

Mayor Bylund also announced there would be an Open House on Tuesday, February 18, 2025, at 5:00 p.m. on the Penman Road Project. That will be followed by the Council Workshop and Town Hall meeting. The plan is to have Town Hall meetings after the workshops.

Councilor Messinger commented he supports the Town Hall meeting and would like to see the meeting be topic based. This would allow everyone to be prepared at the time and be able to answer questions.

Adjournment

There being no further business, the workshop meeting adjourned at 8:01 p.m.


Corrine A. Bylund, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: 02-03-225



**MINUTES
TOWN HALL MEETING
IMMEDIATELY FOLLOWING WORKSHOP MEETING
TUESDAY, JANUARY 21, 2025, 8:13 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Town Hall Meeting of the City Council of the City of Neptune Beach was held on Tuesday, January 21, 2025, at 8:13 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:**IN ATTENDANCE:**

Mayor Cori Bylund
Vice Mayor Nia Livingston
Councilor Tim Horvath
Councilor Josh Messinger
Councilor Brent Rogers

STAFF:

City Manager Richard Pike
City Attorney Paul Waters
Chief of Police Michael J. Key, Jr.
Chief Financial Officer Jaime Hernandez
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Bylund called the Town Hall Meeting to order at 8:13 p.m.

Mayor Bylund announced each speaker would be given five minutes. This could be changed to three minutes if the meetings go longer. She does want to give everyone the opportunity to talk and get their issues addressed. She added people would give their statement and if any questions are not answered, staff contact information would be given for further information. Speaker forms should be filled out for public record.

**Public Comments-
Open Topic**

Jonathan Boston, 552 Myra Street, Neptune Beach, spoke regarding boats/RVs. He commented about the delivery of the notices, the complaints, and storage solutions.

Mayor Bylund stated that there have been discussions on the way the notices were delivered. She added that an effort has been made on how that is handled. We will continue to workshop this as there is an opportunity for revisions.

Ms. Whitmore confirmed that by statute a complaint cannot be anonymous. She has not had any request for complaints for the recent violations.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, suggested having the Town Hall meetings differently. She spoke about the Dover, Kohl process and asked for pages from the first draft of the vision plan that contained form-based housing for the Kmart property and Town Center area. They were removed from the final draft. She spoke about JEA taking over and the Penman Road project.

Mayor Bylund expressed that there are no plans for form-based housing, PUDs (Planned Unit Development), or any residential property either at the Seahorse or at the 500 Atlantic property. She asked everyone to look forward.

Councilor Messinger clarified that a PUD was placed in the Code with specific restrictions on that PUD due to state preemption forcing laws and regulations into Code that cities do not want. The City had a vague PUD-related Code process. This time, the City created a PUD very explicitly. In no way, shape, or form is residential allowed to be asked for via PUD in a zoning district that does not already allow it. The PUD is only a mechanism if someone buys three parcels and wants to do an office building. They only need to apply for one variance for one project. He expressed that in no way, shape or form, does our Code allow residential to be placed at the 500 Atlantic property.

Vice Mayor Livingston stated that she would send Ms. Hazouri a copy of where it is in the Code where it states those provisions.

Public Works Director Deryle Calhoun addressed the JEA issue and stated that a lot of things would have to fall into place for JEA to take over.

Shellie Thole, 310 Oleander Street, Neptune Beach, spoke regarding e-bike safety, Airbnb's, communication to citizens, and code enforcement.

Chief of Police Michael Key reported the Police Department is in the middle of a six-week roll out campaign for e-bike enhanced enforcement.

Ginny Thurson, 1200 7th Street, Neptune Beach, asked about the second phase of Jarboe Park status and how it would be funded.

City Manager Richard Pike stated the parking areas and the field would be redone in Phase 2. Engineering is underway.

Mayor Bylund reported the City is requesting funds for Jarboe Park from COJ. We are also renegotiating the Interlocal Agreement.

Councilor Messinger stated that we are requesting funding from COJ for parking lot and irrigation funding. There is also the tree mitigation fund, which is a separate fund. The vast majority of Jarboe Park was funded via grants.

Will Gibson, 2136 Acacia Road, Neptune Beach, suggested getting questions ahead of time. He also proposed issuing public notice explaining code enforcement issues.

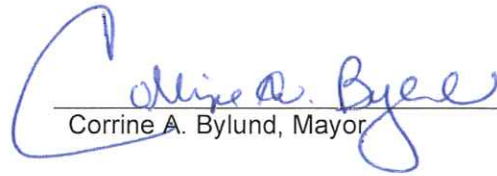
Mark Dubiel, 1805 4th Street, Neptune Beach, stated four years ago he bought an Airstream, and was previously told he was in compliance by the former code enforcement officer. This can cause frustration now when he is now being told he is not compliant.

Mayor Bylund commented she is happy with how the meeting went. Communication is important. She does not want people to feel left out and let them know they are part of the process.

The entire Town Hall Meeting can be found at: <https://www.nbfl.gov/minutes-and-agendas>

Adjournment

The Town Hall Meeting adjourned at 9:14 p.m.


Corrine A. Bylund, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 02-03-2025

