



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 3, 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, March 3, 2025, at 6:00 p.m. at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

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/Pledge**

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

**Irish American
Heritage Month**

Mayor Bylund presented and read a proclamation declaring the month of March as "Irish American Heritage Month" in Neptune Beach. Edward Rice, Vice President of the St. Augustine Division of the Ancient Order of Hibernians, thanked Council on behalf of the Irish American Community.

**Flood Awareness
Week**

Mayor Bylund read a proclamation declaring March 3rd-March 9th, 2025, as Flood Awareness Week in Neptune Beach. Flood Awareness Week promotes awareness and increase knowledge of flood risk, the availability of flood insurance, flood protection methods and how to prepare for emergencies.

APPROVAL OF MINUTES

Minutes

Made by Livingston, seconded by Rogers.

MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:

February 3, 2025, Regular Council Meeting
February 18, 2025, Special City Council Meeting
February 18, 2025, Workshop City Council Meeting
February 18, 2025, Town Hall Council Meeting

Roll Call Vote:

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

Noes: 0

MOTION CARRIED**PUBLIC COMMENTS**

Public Comments Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding the Senior Center and the proposed roundabout at Florida Boulevard and Penman Road.

CITY MANAGER REPORT

City Manager
Report

City Manager Richard Pike reported on the following:

- There would be a Special Magistrate Hearing on Tuesday, March 25, 2025, at 9:00 a.m. The Special Magistrate will hear a case regarding the cutting down of trees without a permit. This hearing is open to the public.
- There is a review committee made up of staff to review various fees for City services.
- He and Chief Financial Officer Jaime Hernandez will be meeting with department heads to review the status of each department's FY24-25 budget.
- Three positions at Public Works have been filled and that department is almost fully staffed.

3rd and Atlantic
Update

Public Works Director Deryle Calhoun reported that on February 18th, 2025, during a routine cleaning of the 12-inch sanitary sewer pipe at the 3rd Street crossing, the cleaning tool became lodged in the pipe and dirt was noted, indicating a pipe failure. This pipe was video inspected in 2023, but nothing showed the liner had been compromised. The sinkhole started showing up in November 2024 and had been being tracked. It was caused by the failure of two pieces of plastic pipe that had been joined together. This has been repaired and will be monitored until the upcoming new redundant pipe crossing is in place.

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

ORDINANCES

Ord. No. 2025-01,
Beach Fires

Ordinance No. 2025-01, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 7, Beaches and Waterways by Amending Section 7-36, by Banning Beach Fires, Providing Codification, Conflicts, Severability, and Providing Codification, Conflicts, Severability, and Providing an Effective Date.

Public Hearing

Mayor Bylund opened the public hearing. There being no further comments from the public, Mayor Bylund closed the public hearing.

Council Discussion/
Questions

Councilor Horvath verified that this brings everything together and there is still the opportunity for him and the City Attorney to work on an ordinance that allows permitted fires on the beach.

Mayor Bylund stated that she hopes they work on that ordinance and allowing beach fires in a controlled environment is less restrictive than banning them altogether.

Made by Messinger, seconded by Horvath.

MOTION:**TO ADOPT ORDINANCE NO. 2025-01, BANNING BEACH FIRES,
AT SECOND AND FINAL READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2025-02, Sand Removal or Beach Digging Ordinance No. 2025-02, Second Read and Public Hearing. 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; Providing Codification, Conflicts, Severability, And Providing an Effective Date.

Public Hearing Mayor Bylund opened the public hearing. There being no comments from the public, Mayor Bylund closed the public hearing.

Made by Messinger, seconded by Livingston.

MOTION: **TO ADOPT ORDINANCE NO. 2025-02, RELATING TO SAND REMOVAL OR BEACH DIGGING, AT SECOND AND FINAL READ**

Roll Call Vote:

Ayes: 4 - Horvath, Messinger, Livingston and Bylund

Noes: 1- Rogers

MOTION CARRIED

Ord. No. 2025-03, Amending FY2025 Budget Ordinance No. 2025-03, Second Read and Public Hearing. An Ordinance Amending the Operating Budget for Fiscal Year 2025, Beginning October 1, 2024, and ending September 30, 2025.

Public Hearing Mayor Bylund opened the public hearing. There being no comments from the public, Mayor Bylund closed the public hearing

Made by Messinger, seconded by Livingston.

MOTION: **TO ADOPT ORDINANCE NO. 2025-03, AMENDING FY2024-2025 BUDGET AT SECOND AND FINAL READ**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2025-04, Creating Finance and Auditor Selection Committee Ordinance No. 2025-04, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article VII, Boards and Commissions by Creating Division 4, Finance and Auditor Selection Committee; Providing Codification, Conflicts, Severability, and Providing an Effective Date.

Public Hearing Mayor Bylund opened the public hearing. There being no comments from the public, Mayor Bylund closed the public hearing.

Council Discussion Councilor Messinger stated he spoke with the City Attorney regarding this ordinance. Some of the ordinance language is prescriptive by the state so there are mandatory obligations. A large chunk of the language before Council is not prescriptive and gives authority to amend. Some of the language is redundant. His recommendation is to move this to workshop to remove the redundant language and also workshop some of the other points before passing this on first read.

City Attorney Paul Waters commented that a portion of the ordinance is required by Florida Statutes Section 218.391 which creates a request for bids to select an auditor. The auditor

looks at City's debt service to make sure the City can cover its debt. They look at any outstanding loans, bonds, and payroll. It is a narrow focus. The statute requires the creation of an auditor selection committee consisting of three members.

Mr. Waters reported that everything else in the ordinance is in addition to the state requirements. This includes everything related to finance, such as insurance policies and fees schedules. Some of the language could be repetitive to what the auditor selection committee and to what the auditor is doing.

Mr. Waters answered Mayor Bylund's question that the redundancies are not harmful to the statutes and do not conflict.

Mayor Bylund stated that she does not see the point in delaying the ordinance. The redundancies can be discussed, or it can be moved to a workshop. She is flexible either way.

Vice Mayor Livingston pointed out a typo on Page 2 of the ordinance, Section 2-486, in the second line, the word "toe" should be "to." She added that she agrees there are redundancies, but they could be ironed out now. She is open to what Council would like.

Made by Messinger.

MOTION: **TO MOVE ORDINANCE 2025-04 TO THE NEXT WORKSHOP WHERE THE LANGUAGE THAT IS REQUIRED BY THE STATE, THE LANGUAGE SPECIFIC TO THE CITY'S FINANCE COMMITTEE AND THE ADDITIONAL LANGUAGE BEING ADDED ARE BROKEN OUT IN THREE COLOR CODES AND MAKE COMMENTS AND MODIFICATIONS AS NECESSARY**

Motion died due to lack of a second.

Mr. Waters recommended Council could take the next two weeks and review the material. Then, bring changes to the second read. He also stated through staff, a color-coded version could be distributed.

Made by Messinger.

MOTION: **TO DEFER THE ORDINANCE AND MOVE TO A WORKSHOP TO DISCUSS THE POINTS THAT ARE REQUIRED VERSUS THE POINTS THAT ARE NOT REQUIRED**

Motion died due to lack of a second.

Made by Rogers, seconded by Bylund.

MOTION: **TO APPROVE ORDINANCE NO. 2025-04 AT FIRST READ**

Roll Call Vote:

Ayes: 4 - Rogers, Horvath, Livingston and Bylund

Noes: 1- Messinger

MOTION CARRIED

OLD BUSINESS**Senior Center
Repair**

Senior Center Repair. Mr. Pike reviewed the financial activity of the Senior Center as of December, 2024. He reported that the estimated cash available for the repairs and maintenance is \$279,598.98. He is recommending that Council move forward with the maintenance and improvements. He stated that at Council's request, an architect was consulted regarding the repairs.

Mr. Calhoun introduced Frank Anderson, VP Operations, ACON Construction. Mr. Anderson gave an overview of projects by ACON Construction including the Neptune House and work in Jarboe Park.

Mr. Anderson remarked he had reviewed the water intrusion report. He stated that modular buildings are built in a different way than normal construction. He pointed out that what is there needs to stay in the realm of repairing a building and not constructing a new one.

Mr. Anderson introduced Steve Lazar, VRL Architects, and added they have worked together for many years.

Mr. Lazar reported that it is important to get the water off of the roof. He looked at the roof and without removing the parapets, it would be impossible to do that. The suggested roof replacement is TPO (Thermoplastic Polyolefin) that will be adhered to the membrane. That type of roof has been used at a number of places and is an excellent material. The decorative foam needs to be removed as it is hiding issues that need to be uncovered and repaired. This is a challenging project and working with Mr. Anderson and the roofer, a solution could be reached to keep the water out of the building.

Mr. Waters clarified the procedure for the repairs would be to piggyback the contract between ACON and COJ through cooperative agreement. The contract would be amended based on the scope of work specific to this job. A contract would be presented with the COJ contract and the design-build scope of work so everything can be seen before approval.

Council discussion included the timeline for approval of the contract and scope of work, warranty length and interior work.

Councilor Horvath inquired if it would be worth \$7,500 to tarp the building [previously approved on February 18, 2025] would be beneficial.

Mr. Anderson answered that he would not spend the money in his opinion as a general contractor.

Councilor Messinger addressed the funding for the repairs. He commented that unless the funds raised that were mentioned during the presentation are new, there was a payback clause. The General Fund would front the money and then the funds raised would pay back the General Fund to make the Senior Center self-sufficient. He would like to see basic accounting for what was the initial cost incurred, what repairs were made, and what was paid back. He is curious if the funds being discussed are additional funds or are they meant to pay back the other process. He requested, before the next meeting, a breakdown of the funds spent each fiscal year and were the funds raised transferred back.

Vice Mayor Livingston agreed there was discussion regarding the payback and would also like to see the financial history. She wants to make sure the City actually has the money. She commented that if the City is going to repair the Senior Center, she agrees the City needs to take the recommendations of an architect. She expressed that she has concerns in even doing anything. She supports the Senior Center but does not support the building.

She added that in three years we could be back about something else. Neptune House should be considered as another option.

Mayor Bylund commented that these are important discussions to have as several things were learned at this meeting. We do not know what the repair is going to cost and the dollars may be owed back to the City. She does not want to delay this but the accounting should be squared away first to know the budget.

Councilor Rogers commented that the City needs a better-defined proposal from the contractor so Council could be prepared to take the next step.

Made by Livingston, seconded by Bylund.

MOTION: **TO HAVE CFO JAMIE HERNANDEZ DO FINANCIAL AUDIT OF SENIOR CENTER DATING BACK TO THE INCEPTION OF THE SENIOR CENTER ON FOREST; HAVE PUBLIC WORKS DIRECTOR DERYLE CALHOUN ENGAGE WITH ACON CONSTRUCTION TO WORK ON PROPOSAL CONTINGENT UPON APPROVAL OF SCOPE OF WORK, TIMELINE AND RELATED ITEMS AS PART OF THE PIGGYBACK CONTRACT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Cancellation of
Tarp

Mr. Calhoun reported the vendor for the blue tarp approved on February 18, 2025 had ordered the material. The cost also included installation.

Mr. Waters advised to cancel the blue tarp request.

Made by Bylund, seconded by Rogers.

MOTION: **TO CANCEL THE \$7,500 SENIOR CENTER TARP**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

BTC-Stormwater
Force Main Design

Beaches Town Center - Stormwater Force Main Design Services. Mr. Calhoun explained the City has a stormwater pump station in the Beaches Town Center that is maintained by the City of Atlantic Beach and the discharge is in Neptune Beach. During heavy rains last summer/fall, standing stormwater overtopped curbs at Atlantic Boulevard and First Street, threatening some of the businesses. This proposal would design an extension of the pump station's force main, moving the discharge point to the drainage ditch on the west side of 3rd.

Jones Edmunds, a current continuing services engineering firm for the City, has previously created stormwater models for City of Neptune Beach and City of Atlantic Beach. Jones Edmunds has provided a scope of services fee on a time and materials basis of \$83,875.20.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE THE BEACHES TOWN CENTER STORMWATER FORCE
MAIN DESIGN SERVICES**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

FDEP Second
Amended Consent
Order

Settlement for FDEP Second Amended Consent Order. Mr. Calhoun explained the City has an active consent order with FDEP for violation of its water reclamation facility permit primarily with respect to Total Nitrogen (TN) and Total Phosphorus (TP). The original Consent Order was executed on August 11, 2020, and first amended on March 9, 2023, regarding violations from March, 2020 to December, 2022. This Second Amended Consent Order covers violations from September, 2022 to January, 2024.

Following completion of extensive projects, including a return of Plant 2 to service in March 2024, the facility has returned to compliance with Consent Order interim limits for TN and TP. Permit compliance for TP was achieved in December 2024 and TN should occur in March 2025. Penalties assessed for this Consent Order include \$18,000 for civil penalties, \$5,000 for stipulated penalties required by the first amended consent order, and \$750.00 for costs and expenses incurred by the Department for a total of \$23,750.00. Public Works is proposing an in-kind penalty project, such as the purchase of sanitary sewer camera equipment.

In lieu of making cash payment for civil and stipulated penalties (\$23,000), an in-kind penalty project, which must be approved by FDEP, may be undertaken. The value of the in-kind penalty project must be one and a half times the civil penalty. Total for this option would be \$27,000.00 plus \$750 for a total of \$27,750.00.

Councilor Horvath questioned the penalty calculation and Mr. Calhoun confirmed it was one and a half times the civil penalties.

Made by Messinger, seconded by Horvath.

MOTION: **TO APPROVE UP TO \$27,750.000 TO FDEP IN SETTLEMENT OF
SECOND AMENDED CONSENT ORDER**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Crape Myrtle
Rehabilitation
Project

Award for Crape Myrtle Rehabilitation Project from Tree Conservation Trust Fund. Mr. Pike reported he asked the City's project manager to look into replacing and rehabilitating the crape myrtles along Florida Boulevard. There are about 120 crape myrtles over 30 years old. They have never been fertilized or maintained. The City solicited bids with Rockaway Landscaping being the sole bidder on January 22, 2025, with a bid amount of \$32,404.45.

Subsequently, staff has coordinated with the City of Jacksonville Arborist on a request to the COJ Tree Commission for the replacement of 14 Crape Myrtles that was originally included in the bid scope. This request will be presented at that Tree Commission meeting

and the expected authorization for these trees would reduce the cost of the project by \$13,368.32

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE AWARD TO ROCKAWAY LANDSCAPING FOR CRAPE MYRTLE REHABILITATION PROJECT FROM THE TREE CONSERVATION FUND**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Flood Awareness
Week

Flood Awareness Week – Education and Awareness. Community Development Director Heather Whitmore gave a presentation on Flood Awareness Week – Education and Prevention. She explained that the National Flood Insurance Program Community Rating System program benefits Neptune Beach. Staff worked to reduce the cost of Flood Insurance to property owners by 20%. She reported that each day, a social media post would provide information on flood awareness, insurance, and planning responsibly.

COUNCIL COMMENTS

Council Comments

Councilor Horvath asked about ACON Construction's previous work in the City, including Neptune House.

Mr. Calhoun stated the Neptune House was built before he came to Neptune Beach. He had received feedback from Atlantic Beach that they were satisfied with their work.

Mr. Moore commented that he worked with ACON on the Jarboe Park project. They added the new bridge and part of the path. He also worked with them at COJ.

Mayor Bylund announced on March 17, 2025, there would be a Workshop and Town Hall meeting. The topic at the Town Hall meeting will be code enforcement. This would be the last opportunity to propose any recommendations for Code changes.

Councilor Messinger pointed out that at the [CDB] meetings, there was an extensive amount of conversation regarding the Code. The recommendation was to keep the Code as is and the Codes are currently properly formatted on the issues that were identified at those meetings.

Adjournment

There being no further business, Mayor Bylund adjourned the meeting at 7:56 p.m.


Corrine A. Bylund, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk



Approved: 04-07-2025

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, please go to, <https://www.nbfl.gov/minutes-and-agendas>, and click on the video for the meeting in question.*