



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 5, 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, May 5, 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
 Senior Center Director Leslie Lyne
 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 meeting to order at 6:00 p.m. and led the Pledge of Allegiance.
HEAL Surf Camp	Mayor Bylund announced that since 2016, the City has partnered with HEAL Foundation Surf Camp to hold a surf camp here in Neptune Beach. Joe Matacia, Board member and Surf Camp manager, thanked the City for hosting the surf camp. He added how much it means to the participants and helps enrich lives.
Clerk Week Proclamation	Mayor Bylund read and presented a proclamation to City Clerk Catherine Ponson, recognizing May 4-10, 2025, as Municipal Clerks' Week.

APPROVAL OF MINUTES

Minutes Made by Messinger, seconded by Livingston.

MOTION: TO APPROVE THE FOLLOWING, AS AMENDED:

April 7, 2025, Regular Council Meeting
April 21, 2025, Special City Council Meeting
April 21, 2025, Workshop City Council Meeting
April 21, 2025, Town Hall Council Meeting

Roll Call Vote:

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

MOTION CARRIED

PUBLIC COMMENTS

Public Comments Jack Sminkey, 59 Oak Knoll Court, St. Augustine, Florida, 32092, spoke regarding an incident where he had been arrested.

David Wicker, 427 South Street, Neptune Beach, thanked City staff and commended the Police Department on their response to a recent incident in his neighborhood.

CITY MANAGER REPORT

FY26 Budget Timeline Report City Manager Richard Pike presented the FY26 Budget Workshop Schedule. The workshop would begin at 4:00 p.m. before the June 2, 2025, Council meeting. The meetings would continue on June 16, August 4 and August 18. Each department would present their budget requests at the workshops. These would lead to the public hearings of the FY26 Millage Rate and Budget on September 2 and September 15.

FY26 Millage Rate Chief Financial Officer Jaime Hernandez presented a preliminary budget for FY2025-2026. He also presented different millage rate proposals using a comparison chart. He added that the numbers would change as the budget process moves forward

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. 2025-08, Historical Review Board Ordinance No. 2025-08, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Relating to Durational Residency Requirements for Qualification as Elector; Amending the Code of Ordinances by Amending Chapter 9, Entitled "Elections" by Amending Section 9-7. "Elector"; Providing for Legislative Findings and Intent; Providing for Amendment; Providing for Conflicts; Providing for Codification; Providing for Severability; and Providing for 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 Livingston, seconded by Messinger.

MOTION: TO APPROVE ORDINANCE NO. 2025-08, AMENDING AT FIRST READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Finance Committee Appointment of Members of Finance & Auditor Selection Committee. Mayor Bylund explained that Council would be given the opportunity to ask questions of the applicants, Joe Cox and Lynda Padrta, who are present.

Made by Rogers, seconded by Bylund.

MOTION: TO APPOINT JOE COX AND LYNDY PADRTA TO THE FINANCE & AUDITOR SELECTION COMMITTEE

Roll Call Vote:

Ayes: 2- Rogers and Bylund

Nays: 3- Horvath, Messinger and Livingston

MOTION FAILED

Made by Rogers, seconded by Bylund.

MOTION: TO APPOINT JOE COX TO THE FINANCE & AUDITOR SELECTION COMMITTEE

Roll Call Vote:

Ayes: 2-Rogers and Bylund

Nays: 3-Horvath, Messinger and Livingston

MOTION FAILED

Made by Messinger, seconded by Horvath.

MOTION: TO APPOINT LYNDIA PADRTA TO THE FINANCE & AUDITOR SELECTION COMMITTEE

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Police Pension Board

Appointment of Police Pension Board Members. There are two Council-appointed positions on the Pension Board of Trustees. Mayor Bylund announced that the first position was previously held by Raymond Len who had resigned from the Board. The new applicants are Julio Esteban, Lorelei Lampe, Tim Strong, and Heather Weidle.

Julio Esteban and Heather Weidle introduced themselves to Council and gave a brief background of themselves.

Mayor Bylund stated that for the first position, Council would write the name of their choice on the ballot and submit to the City Clerk. The result for the first position was Heather Weidle-4, Julio Esteban -1

Made by Messinger, seconded by Livingston.

MOTION: TO APPOINT HEATHER WEIDLE TO THE NEPTUNE BEACH POLICE OFFICERS' PENSION BOARD

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mayor Bylund announced the second position is currently held by Michael Phillips whose first term expired April 6, 2025. He would like to be reappointed to a second term.

Mr. Phillips addressed Council and gave a brief background of himself.

Council again submitted the name of their choice for the second position to the City Clerk. The result for the second position was Julio Esteban -2, Lorelei Lampe -2 and Michael Phillips -1.

Made by Rogers, seconded by Bylund.

MOTION: **TO APPOINT JULIO ESTEBAN TO THE POLICE OFFICERS' RETIREMENT FUND BOARD**

Roll Call Vote:

Ayes: Rogers and Bylund

Noes: Horvath, Messinger and Livingston

MOTION FAILED

Made by Messinger, seconded by Livingston.

MOTION: **TO APPOINT LORELEI LAMPE TO THE POLICE OFFICERS' RETIREMENT FUND BOARD**

Roll Call Vote:

Ayes: 4-Messinger, Rogers, Horvath and Livingston

Noes: 1-Bylund

MOTION CARRIED

Senior Center

Neptune Beach Senior Activity Center Finances Presentation. Senior Center Activity Director Leslie Lyne gave the history and background of the Senior Center. The Senior Center was established in May 2001 through a Community Development Block Grant. The Senior Center was approved for 501(c)3 Not-for-Profit status in December 2006.

NEW BUSINESS

1901 Forest
Avenue Fine
Reduction

City of Neptune Beach v. Steins - Homeowners Request for Code Enforcement Fine Reduction -1901 Forest Avenue. The Neptune Beach Special Magistrate heard this case on March 25, 2025, due to the violation of Sections 27-445 and 27-448 of the Code of Ordinances pertaining to the removal trees. The Steins were cited for cutting and removing 10 trees without a permit. A Special Magistrate order was issued on April 28, 2025, ordering the Steins to pay a fine of \$25,000, reduced from the City's recommended penalty of \$50,000. The Steins, through their attorney, have requested a hearing before Council to further reduce the fine imposed by the Special Magistrate.

Public Comments

Kurt Stein, 1901 Forest Avenue, Neptune Beach, property owner, stated he hired what he believed to be a reputable tree company that had a certified arborist on staff to perform the initial evaluation. The arborist informed the Steins that the trees were hazardous and should be removed. They were never told that permits were required or that they needed to do anything further. He is willing to work with the City on finding a more appropriate resolution.

Council
Discussion

Councilor Horvath stated he knows the Steins and sees this as an opportunity to turn a negative into a positive. He suggested counting the \$15,000 in legal fees already incurred, accept the offer to plant five live oak trees at a designated location, become part of a campaign awareness, and authorize the City to pursue the remaining \$10,000 from the tree company.

Councilor Rogers commented he had spoken with Mr. Stein. He suggested dropping the fines entirely. The trees, from what he gathers, would have been approved to be removed anyway.

Mayor Bylund stated she had also met the Steins. She added the Steins have not gone through full litigation with the tree company. The City does not have standing to sue the tree company. The Steins have the right to mitigate their loss with the tree company.

City Attorney Paul Waters explained that the City opens a case against the homeowner. The City has no leverage against the tree company.

Connor Larkin, representing Sanford Tree Services, contracts with an arborist, who acts as a consultant. Sanford Tree Services' position is that the trees would have been taken down without a permit based on F.S. 163.045. There are very strong equitable considerations that warrant elimination or heavy reduction of the fine.

Mr. Waters advised that we are not here to relitigate the Findings of Fact or Conclusions of Law by the Special Magistrate. That is for the Steins to appeal through a Petition of Writ of Certiorari at the Circuit Court. If appealed, the Circuit Court will hear if there was due process, if the Special Magistrate follow proper law, and if there was competent substantial evidence. Mr. Waters added there is a plethora of competent substantial evidence.

Vice Mayor Livingston commented that the liability is on the tree company. The Steins put their faith in the tree company.

Councilor Messinger indicated there is a reason these protections are in place. It is frustrating to see what this company has done. He asked if there was a legal mechanism for the City to go after the tree company or arborist, or both.

Mr. Waters explained the City would need to initiate a code enforcement proceeding against the tree company. The cause of action is the homeowners against the tree company.

Councilor Messinger added that the fine has already been reduced from what it was originally.

Mayor Bylund expressed that she has a problem with doing anything that limits the ability to go after the homeowners. She added that we can't let everyone off the hook because they are nice people. The City did not cause this, the tree service did. The City is trying to enforce the Code.

Mayor Bylund called for recess at 7:52 p.m. Mayor Bylund reconvened the meeting at 7:56 p.m.

Public Comment

Joe Cox, 1842 Nightfall Drive, Neptune Beach, stated this seems like selective enforcement. He added he has seen houses in his area cut down many trees.

Stephen R. Smith, representing the Steins, pointed out the deadline in the Special Magistrate Order. The fine must be paid within 15 days of the order.

Made by Messinger, seconded by Bylund.

MOTION: TO MAKE \$25,000 THE LAST AND FINAL OFFER FOR SETTLEMENT

Roll Call Vote:

Ayes: 4 -Horvath, Messinger, Livingston and Bylund

Noes: 1-Rogers

MOTION CARRIED

Made by Messinger, seconded by Horvath.

MOTION: TO DEFER THE RULING UNTIL THE END OF THE MEETING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mr. Larkin stated he had nothing further from his client at that time.

Made by Livingston, seconded by Messinger.

MOTION: TO APPROVE THE FINE AT \$25,000, AS ESTABLISHED BY THE SPECIAL MAGISTRATE, TO DIRECT STAFF TO NOT FILE A LIEN AGAINST THE STEINS PROPERTY AT THIS TIME AND TO REVISIT THIS ISSUE AT THE MAY 19th MEETING

Roll Call Vote:

Ayes: 3-Messinger, Livingston and Bylund

Noes: 2-Rogers and Horvath

MOTION CARRIED

Dancin' in the
Street

Dancin' in the Street Event – May 17th.

Patsy Bishop and Kendra Robertson, Beaches Town Center Agency, stated they have the licenses and permits ready and are seeking approval for the event to be held on May 17th.

Made by Messinger, seconded by Horvath.

MOTION: TO APPROVE THE ANNUAL EVENT AS STIPULATED IN THE CITY MANAGER'S CONDITIONAL APPROVAL LETTER WITH THE CHANGES THAT INCLUDE ADDING "BEACHES TOWN CENTER AGENCY" AND "UP TO 20 OFF-DUTY POLICE OFFICERS"

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Res. No. 2025-09, Kayak Launch Resolution No. 2025-09, A Resolution for Assistance 2025 Under the Florida Inland Navigation District Waterways Assistance Program (Hopkins Creek Kayak Launch)

Made by Livingston, seconded by Messinger.

MOTION: **TO APPROVE RESOLUTION NO. 2025-09, A RESOLUTION FOR ASSISTANCE 2025 UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM (HOPKINS CREEK KAYAK LAUNCH)**

Roll Call Vote:

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

Noes: 0

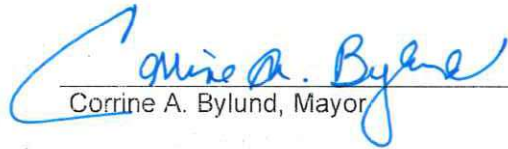
MOTION CARRIED

COUNCIL COMMENTS

Mayor Bylund recognized the Fletcher High School Girls Beach Volleyball team for reaching regionals of the state tournament.

Adjournment

There being no further business, Mayor Bylund adjourned the meeting at 8:18 p.m.


Corrine A. Bylund, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk



Approved: 06-02-2025

****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.***