



**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, MARCH 4, 2019, AT 6:00 P.M.  
CITY HALL, 116 FIRST STREET,  
NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held Monday, March 4, 2019, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

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**Attendance****IN ATTENDANCE:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Josh Messinger  
Councilor Scott Wiley

**STAFF:**

City Manager Andrew Hyatt  
Deputy City Manager Amanda Askew  
City Attorney Patrick Krechowski  
Finance Director Peter Kajokas  
Chief of Police Richard Pike  
Public Works Director Leon Smith  
Deputy Public Works Director Megan George  
City Clerk Catherine Ponson

**Call to  
Order/Pledge**

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

**AWARDS / PRESENTATION / RECOGNITION OF GUESTS**

**Swearing In**

Mayor Brown administered the Oath of Office to Kerry Chin, City Council, Seat 3.

**APPROVAL OF MINUTES**

Made by Messinger, seconded by Jones.

**MOTION:****TO APPROVE THE FOLLOWING MINUTES:**

**February 4, 2019, Regular City Council Meeting**  
**February 19, 2019, Workshop City Council Meeting**  
**February 19, 2019, Special City Council Meeting**

**Roll Call Vote:**

Ayes: 5—Chin, Messinger, Wiley, Jones, and Brown.  
Noes: 0

**MOTION CARRIED**

**CITY MANAGER REPORT****City Manager Report**

City Manager Andy Hyatt reported the following:

- The Transportation and Public Safety and Finance Committee would be held on Wednesday, March 13, 2019, at 9:00 a.m. and 10:30 a.m.
- The Sea Level Rise Resolution on the agenda tonight will allow the City to apply for funding.  
The City is working on a parking plan along Second Street from Cherry Street to Walnut Street.

Deputy City Manager Amanda Askew gave an update on the City's new website. She reported that the City would be going live in four to six weeks. This will include live streaming of Council meetings.

Chief Richard Pike reported that recruiting, hiring and training of lifeguards has begun. Planning has started for Dancin' in the Streets and July 4<sup>th</sup>. The next Chief's Walk will be from the police station down Second Street to North Street. The date is still pending.

City Attorney Patrick Krechowski announced he has submitted his resignation.

**COMMENTS FROM THE PUBLIC**

Public Comment James Lee, 244 Myra Street, Neptune Beach, spoke regarding the sea level rise issue.

Kate Debolt, 222 Winter Springs Way, Jacksonville, spoke against the lighting ordinance.

Benton Lowey-Ball, 133 Lora Street, Neptune Beach, spoke regarding the traffic calming policy.

Diana Kelly, 207 Walnut Street, Neptune Beach, spoke regarding code enforcement and police statistics.

Chuck McCue, 1908 3<sup>rd</sup> Street, Neptune Beach, commented on the sea level rise issue. He spoke regarding the lighting ordinance and added he did not see the problem with the lights. He stated had 270 signed petitions with names and addresses.

Wanda Sauls, 126 Cedar Street, Neptune Street, spoke regarding the lighting ordinance. She suggested tabling this issue until it is reviewed.

**CONSENT AGENDA**

Resolution No. 2019-02, Sea Level Rising

Resolution No. 2019-02, A Resolution of the City of Neptune Beach Acknowledging that Sea Level Rise and Coastal Resiliency are Matters of Urgent Concern that Require Proactive Measures for Community Planning in Neptune Beach and Beyond; and Providing an Effective Date

Made by Jones, seconded by Wiley.

**MOTION: TO APPROVE THE CONSENT AGENDA**

Roll Call Vote:

Ayes: 5—Messinger, Wiley, Chin, Jones, and Brown.  
Noes: 0

**MOTION CARRIED**

**VARIANCES / SPECIAL EXCEPTION / DEVELOPMENT ORDERS**

CDB 19-03, CDB SE19-03, Application for a Special Exception as Outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for David and Laura Osborn for the Property Known as 1309 Forest Avenue. The Request is to Construct a Pool in the Conservation Zoning Designation of their Rear Yard.

Mayor Brown explained this had been approved by the Community Development Board (CDB).

Councilor Chin stated that he supports moving this forward as the length of ownership predates the zoning and the ground as already been disturbed. He would like to propose a restriction on any further variances or exceptions.

Ms. Askew explained that any further deviation because it is in a conservation zoning district would have to go through the process again.

Mr. Krechowski advised that the Council can condition a special exception if the applicant accepts it. He added that the Council cannot impose a future prohibition on an application.

Councilor Messinger commented that there is already a deck and a pool and the land has been disturbed. He added that development has already taken place and is replacing what is already existing and is not deviating from the current footprint.

Councilor Wiley disclosed he had been to the location and has spoken with the applicant. He stated that if approved, the exception should stay within those boundaries.

Made by Messinger, seconded by Wiley.

**MOTION:** **TO APPROVE CDB SE 19-03, APPLICATION FOR SPECIAL EXCEPTION FOR 1309 FOREST AVENUE**

Roll Call Vote:

Ayes: 5—Wiley, Chin, Messinger, Jones, and Brown.  
Noes: 0

**MOTION CARRIED**

**ORDINANCES**

Ord. No. 2019-01, Ordinance No. 2019-01, Chapter 6, Animals, Article I, Section 6-5, Second Read and Public Hearing: An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 6, Animals, Article I, In General, Section 6-5, Penalties, and Providing an Effective Date.

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Councilor Wiley stated that this ordinance was proposed to stop repeat offenders and asked if this was still an issue.

Chief Pike reported there were 12 violators that received two or more violations since Council asked for the statistics and there was one violator who had four or five violations.

Councilor Wiley commented that this is not correcting a problem and there is not need to follow through with this ordinance.

Vice Mayor Jones remarked that the idea is to have a mechanism in place to address these issues if and when they arise.

Councilor Messinger remarked that he does not want to react to the problem. He added the City should be forward thinking and he supports this ordinance.

Councilor Chin stated that the Council should be supportive of the Police Department in enforcing the Codes. He pointed out that this would honor former Councilor Rory Diamond who originally sponsored the ordinance.

Mayor Brown added that this is about public safety and she supports the ordinance.

Made by Jones, seconded by Messinger.

**MOTION:** **TO ADOPT ORDINANCE NO. 2019-01 ON SECOND READ**

Roll Call Vote:

Ayes: 4—Chin, Messinger, Jones, and Brown  
Noes: 1—Wiley

**MOTION CARRIED**

Ord. No. 2019-03, PUD  
Moratorium

Ordinance No. 2019-03, Chapter 27, Unified Land Development Regulations, Article IV, Land Use, Section 27-245, Temporary Moratorium Second Read and Public Hearing: An Ordinance of the City of Neptune Beach, Florida, Enacting a Temporary Moratorium to Prohibit the Acceptance or Processing of Any Application for a Special Exception Permit, Development Order, or any other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development, and Section 27-245, Temporary Moratorium; Providing for a Temporary Moratorium Term to be Extended if Necessary by the City Council; Providing for Early Termination; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Brown opened the public hearing.

Mark Scruby, Rogers Towers, PA, 1301 Riverplace Boulevard, Jacksonville, confirmed that the ordinance would not affect his clients, Neptune Beach FL Realty, LLC, and TriBridge Residential, LLC.

Mary Frosio, 1830 Nightfall Drive, Neptune Beach, commended Council and specifically, Councilor Messinger for bringing the moratorium for the PUD forward.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated that there should be more transparency and asked for more community involvement.

Chuck McCue, 1908 3<sup>rd</sup> Street, Neptune Beach, stated he had concerns with the PUD moratorium for the future.

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

Mr. Krechowski explained that any application that has been submitted and deemed complete would be governed by the rules at that time. This proposed moratorium would be for applications moving forward.

Vice Mayor Jones stated that this is about giving the City time to modify the governing language regarding PUDs.

Councilor Messinger commented that the City would be rewriting the Comprehensive Plan and Land Development Code and this would prevent any PUDs during that process.

Councilor Chin stated it is ideal to give the Boards more tools to evaluate applications for development and he supports the ordinance.

Made by Messinger, seconded by Jones.

**MOTION:** **TO ADOPT ORDINANCE NO. 2019-03 ON SECOND READ**

Roll Call Vote:

Ayes: 5—Messinger, Wiley, Chin, Jones, and Brown  
Noes: 0

**MOTION CARRIED**

Ord. No. 2019-02, Nuisance Lighting

Ordinance No. 2019-02, Chapter 28, Nuisances, Article III, Sections 28-11—28-15, First Read and Public Hearing, An Ordinance Amending Chapter 28, Nuisances, of the Code of Ordinances of the City of Neptune Beach, by adding a new Article III, Nuisance Lighting, Sections 28-11—28-15; and Providing an Effective Date.

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Councilor Chin commented he heard both sides of this issue. He added that this is a broader issue than just one business. He pointed out that this brought out the fact that the City does not have a lighting ordinance. He remarked that we should want to be consistent with our sister cities and hopes to come to a consensus. He also added he had questions regarding Christmas lighting.

Councilor Messinger stated that this affects many people not just the commercial district. He added that citizens should not have to by blackout curtains for quality of life. He remarked that holiday lighting could be covered under the low voltage language. An amendment could be made if this becomes an issue. This is a fundamental property rights issue. There are situations that cannot be worked out, and the City has the responsibility to mediate that.

Vice Mayor Jones remarked that it is about health, safety and welfare. He added that there would be an opportunity to review the streetlights and infrastructure. This could possibly eliminate further concerns regarding light installations.

Councilor Wiley stated that the City possibly needs a lighting ordinance, but not this one. He added that commercial and residential should be separate and the wording is vague. He questioned the enforcement and would if it fall under code enforcement.

Chief Pike answered that it would be handled at the code enforcement level.

Mayor Brown stated that an ordinance is needed to regulate nuisance lighting in future developments

Made by Messinger, seconded by Wiley.

**MOTION:** **TO ADOPT ORDINANCE NO. 2019-02 ON FIRST READ**

## Roll Call Vote:

Ayes: 4—Chin, Messinger, Jones, and Brown  
Noes: 1—Wiley

**MOTION CARRIED****OLD BUSINESS / NONE****NEW BUSINESS**

Traffic Calming Policy Traffic Calming Policy. Vice Mayor Jones explained that this is to provide some clarity and provide the City some cover when it comes to traffic calming. This also provides a comprehensive menu of options that are more effective and aesthetically better than a speed hump. He pointed out there is a process of review used to determine if a countermeasure is warranted. He added that this is meant for local streets that are 25 mph or less.

Councilor Messinger questioned the checklist for staff review that included the question regarding if there were signs posted that were greater than 25 mph. Vice Mayor Jones stated that question could be removed.

Councilor Chin asked what was the process for choosing the traffic calming method.

Vice Mayor Jones stated that the idea is that there are options based on the circumstances. It gives flexibility and expand the options and provide a basis for the traffic calming method.

Councilor Wiley commented that the City does a good job of traffic calming now. He added that the current process has four steps and the proposed policy has eight steps. He questioned if the proposed traffic calming methods could be used anyway.

Vice Mayor Jones explained that there is a speed hump request policy and not a traffic calming policy. This provides a basis for the traffic calming and from a legal standpoint it provides a cover for the City.

Mayor Brown stated this policy be forwarded and she requested Council see the requests and how neighborhoods are improved from the new policy.

Resolution No. 2019-03, Building Application Fees Resolution No. 2019-03, A Resolution of the City of Neptune Beach, Florida, Establishing Fees to be Charged for Various Building Applications, Large Zoning Maps and Zoning Verifications Letters, and Providing an Effective Date

Made by Wiley, seconded by Messinger.

**MOTION:****TO ADOPT RESOLUTION NO. 2019-03**

Councilor Chin asked about the fee for large copies, such as maps and site plans. He questioned if this could be increased to \$20.00

Ms. Askew stated that the \$10.00 amount was based on the paper usage and the ink was not included, so \$20.00 was possible.

Made by Chin, seconded by Messinger.

**AMENDED MOTION:****TO AMEND THE FEES FOR LARGE COPIES FROM \$10.00 TO \$20.00**

The amended motion was approved unanimously.

Roll Call Vote: (original motion)

Ayes: 5—Chin, Messinger, Wiley, Jones, and Brown  
Noes: 0

**MOTION CARRIED**

Pittman  
Landscape  
Architecture

Proposal for Consulting Services-Pittman Landscape Architecture. Councilor Messinger explained that the City is currently reviewing the engineering of Phase 1 of Jarboe Park. There was no landscape architect in place. Buck Pittman has already been involved in the process. Also, a landscaping and irrigation plan needs to be in place to apply for Duval Tree Mitigation Funds, which could potentially pay for all of the trees and irrigation in Jarboe Park.

Councilor Wiley questioned if this should be put out for bid. Mr. Hyatt answered that this is professional services.

Councilor Wiley remarked that this is something that could be done at a later time and it is premature to enter into a contract at this point.

Vice Mayor Jones commented that this is the time to have a landscape plan and it is a timely exercise.

Made by Jones, seconded by Messinger.

**MOTION:**

**TO APPROVE THE PROPOSAL FOR CONSULTING SERVICES  
WITH PITTMAN LANDSCAPE ARCHITECT**

Roll Call Vote:

Ayes: 4—Messinger, Chin, Jones, and Brown  
Noes: 1—Wiley

**MOTION CARRIED**

Adjournment

There being no further business, the meeting adjourned at 7:54 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, City Clerk

Approved: 4/1/19

