



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, MARCH 1, 2021, 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 1, 2021, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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

Mayor Elaine Brown  
 Vice Mayor Fred Jones  
 Councilor Kerry Chin  
 Councilor Lauren Key  
 Councilor Josh Messinger (*via CMT*)  
 (6:05 p.m.)

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Chief of Police Richard Pike  
 Chief Financial Officer Carl LaFleur  
 Public Works Director Jim French  
 Mobility Management Director Megan Steward  
 Senior Center Director Leslie Lyne  
 Grant and Resiliency Coordinator Colin Moore  
 Community Development Director Kristina Wright  
 City Clerk Catherine Ponson

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

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

**AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE**

**APPROVAL OF MINUTES**

**Minutes**

Made by Jones, seconded by Key.

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

**February 1, 2021, Regular City Council Meeting**  
**February 16, 2021, Special City Council Meeting**  
**February 16, 2021, Workshop City Council Meeting**

**Roll Call Vote:**

Ayes:            4- Chin, Key, Jones, and Brown.  
 Noes:            0

**MOTION CARRIED**

**Mixed-Use  
Zoning**

Discussion of Resident-Requested Statement Concerning Mixed-Use Zoning. Mayor Brown advised that this agenda item would be moved to this portion of the meeting. She stated that there had been so much significant feedback from the public. She asked Council if there is a consensus on directing City staff and Dover, Kohl and Partners to remove any residential component from the mixed-use commercial zoning.

Councilor Chin commented that he is fine with that. He added that he has been outspoken about having the apartments at 500 Atlantic from the beginning. He has been pretty clear that this would drastically change the character of the community. He has no problem moving forward.

Vice Mayor Jones stated he has differing opinions about this. There is a perspective that says we should eliminate. He does have concerns in the long term. In some respects, it can sort of handicap the City by explicitly saying "any residential use." The City already has some residential. But if it is the will of the people that it is taken out for the Plan's purposes, then it is fine with him. He disagrees personally, but it is the City's plan.

Councilor Key remarked that she had received significant feedback and emails. It is definitely the right thing to do.

Made by Chin, seconded by Key.

**MOTION:**

**TO GIVE DIRECTION TO STAFF AND DOVER, KOHL AND PARTNERS TO REMOVE RESIDENTIAL COMPONENT FROM THE MIXED-USE COMMERCIAL ZONING AREAS**

Roll Call Vote:

Ayes: 4 -Key, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Councilor Messinger joined the meeting virtually at 6:05 p.m.

City Attorney Zachary Roth reported that Councilor Messinger had informed Mr. Roth that he was unable to attend the meeting as the company he is employed by is helping the state roll out the COVID-19 vaccine. Councilor Messinger has requested if he could attend virtually and this be considered an extraordinary circumstance.

**CONSENSUS:**

**TO EXCUSE COUNCILOR MESSINGER AND ALLOW VIRTUAL ATTENDANCE AT THIS MEETING**

Councilor Messinger commented that he could hear the discussion regarding residential component in mixed-use commercial zoning areas and he would like to say he concurs with the unanimous vote.

**COMMUNICATIONS / CORRESPONDENCE / REPORTS****City Manager  
Report**

City Manager Stefen Wynn reported the following:

- He gave an update on Jarboe Park.
- He reported on the Senior Center project.
- Coordination meetings with TLM Realty are underway.
- He gave an update of the schedule for the Comprehensive Plan and LDC process.
- JAX Surf and Paddle Lease Agreement is being reviewed.
- He reported on the Mobility Management Program.
- The recent water main break on Arrowhead Trail is being addressed and a plan is in place for that area.

All monthly City Manager reports can be found, in their entirety, at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>

**Police Chief  
Report**

Commander Gary Snyder reported the Council had been presented the monthly report. There were three major crashes on A1A in the last few days that involved rollovers. Moving into the spring, there will be pedestrian safety performance with the Florida Highway Patrol. The Farm Share Drive-Thru Food Distribution Event will be held on Saturday, April 24, 2021, from 9:00 a.m. – 12:00 p.m. at Beaches Chapel, 610 Florida Boulevard, Neptune Beach. New speed limit signs have been installed in cooperation with Public Works.

**PUBLIC COMMENTS**

**Public Comment**

Charles McCue, 1908 3<sup>rd</sup> Street, Neptune Beach, thanked Council for increasing the time to speak to five minutes. He questioned where the old aluminum bridge would be used from Jarboe Park. He asked about the variance being granted for the new Publix. He stated that citizens should not have to pay to park when attending Council meetings and asked for that to be addressed. He is concerned with cost overruns on Jarboe Park. Mr. McCue stated he had an issue with nonresidents voting at community meetings. He added he had concerns with the infrastructure in general.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, agreed that the residential needs to be removed from the Plan. She stated that the residents' primary concerns are around the infrastructure. She just became aware of the subdivision that had its seventh water main break. The City has been expanding the Park without a plan and spending money without looking at the infrastructure. She requested the City have better oversight in expenditures. She does not think you can blame the previous City Manager.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS**

**Development  
Agreement, 540-  
580 Atlantic Blvd**

Second of Two Public Hearings. Development Agreement between City of Neptune Beach and Neptune Beach, FL Realty LLC, for the property known as 540-580 Atlantic Boulevard (RE#172395-0130).

**Public Comment**

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

**City Attorney  
Comments**

Mr. Roth stated that this is the second and final hearing on the Development Agreement. He added that the variance is also being brought forward. They are conditional upon each other and that will be key when the motion is made. In the motion to approve, it will be made clear that the Development Agreement is contingent upon passing the variance and vice versa.

Mr. Roth advised that at the February 16 Special Council meeting, there were three overarching tasks that Council wanted to address. The first was to remove the mobility fee references in the agreement. Those have been removed. The second was to address bicycle parking. The developers will address what they have posed for that. The third was for the City Attorney to get more information on Publix with regard to the obligation of opening a business on that site.

Mr. Roth reported that to date, he had not seen the Publix lease provision. Publix would not allow him to review it. Their basis is that they have other deals over time that they work on. If the confidential provisions of the lease become public, it would put them at a commercial disadvantage in negotiations with future landlords. They prefer to keep them confidential.

Mr. Roth specified that they have used the phrase "fully-stocked, staffed and fixtured." He indicated that both Publix and the developer have stated that the "staffed" phrase is in the lease. There is an obligation to maintain it as fully-stocked, staffed, and fixtured. The developer has also represented that this is consistent with what they would generally see

in a lease, which is an obligation to operate. From his perspective, covering the stocked, staff, and fixtures of a store is all-encompassing. Publix wanted to share that they don't want to have perceived shenanigans and wanted to give as much information without disclosing the actual provision.

Publix also wanted Mr. Roth to express that their intent is to invest more than \$7 million in renovations in this project. They would not commit to an actual timeline of what they would represent but it is consistent with the Development Agreement timeline attached as an exhibit. The developer confirmed that the schedule was crafted with the terms of the lease.

Applicant  
Presentation

Andrew Greene, with TLM Realty, stated that the opening of Publix is important to them. They would not have proceeded to move forward without that requirement. The lease requires it. They have been consistent on this. No variance would be needed to keep the store closed.

Mr. Greene addressed the bicycle parking. He reported that there are bicycle parking requirements in the CBD (Central Business District) in the Land Development Code(LDC). The LDC does not set up bicycle parking requirements in the C-3 Zoning District, where the property is located. During the Development Agreement discussions, there was interest of bicycle parking and they specified 20 spaces. Based on the calculations for the CBD, the number was 18 or 19 and that is where 20 came from.

Mr. Greene continued that for the provision of bicycle parking, looking with the architect, they saw the opportunity to further enhance that number to come back to Council. They are proposing 30 spaces distributed throughout the property in convenient locations that follow the guidelines and are readily accessible from the road and are high-quality.

Mr. Greene reported that they heard the suggestion of artwork integrated into a bike rack. This is an opportunity to pick up on the lemon theme.

Mr. Greene advised that three exhibits have been submitted. They are a bicycle parking plan, bicycle rack design, and revised elevations. The revised elevation was updated from the February 16 meeting. This was revised to avoid disturbing active tenants having to enter into the space.

Council  
Questions/  
Discussion

Councilor Messinger questioned if the bump out where there is going to be a courtyard with all of the trees is still remaining.

Mr. Greene confirmed that is located in the existing areas will still remain.

Councilor Chin stated that the property has sat vacant for long enough. He has heard from many people that they want something because they feel it is a detriment to the City. He added that this development package, at least the promised items, is a good faith effort towards contributing something to the character of the area adjacent to the CBD. He is generally in favor of it.

Councilor Messinger commented that the applicant can continue to address concerns. Feedback from staff is going well. With all of the hardwoods and significant improvements being made to this space, it will be an asset and increase the quality in that corridor and he is in favor of this.

Vice Mayor Jones remarked that this is probably what you want to do to make the Center better. People have expressed the desire to have an extension of the Beaches Town Center across the street, but if residential is not allowed in mixed-use areas, then this is the best you are going to get.

Made by Jones, seconded by Chin.

**MOTION:**      **TO APPROVE THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND NEPTUNE BEACH, FL REALTY, LLC CONTINGENT UPON THE APPROVAL OF CDB V20-01 AND TO INCLUDE THE ADDITION OF THE THREE EXHIBITS PROVIDED**

Roll Call Vote:

Ayes: 4 -Messinger, Chin, Jones, and Brown.

Noes: 1-Key

**MOTION CARRIED**

V20-01,  
Variance  
Request for 540-  
580 Atlantic Blvd

V20-01, Application for variance as outlined in Chapter 27, Article 8 of the Unified Land Development Code of Neptune Beach for Neptune Beach FI Realty, LLC for the property known as 540-580 Atlantic Blvd (RE#172395-0130). This property is former Lucky's Market in the Neptune Beach Plaza. The variance request is to provide relief from Note 6 of Table 27-229-1 by varying the 1000 linear foot requirement for businesses that operate under common business ownership or management, share a warehouse or distribution facility, or otherwise operate as an associated, integrated or cooperative business shall not exceed a combined sixty thousand (60,000) square feet of total gross floor area in aggregate.

Public Hearing

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

City Attorney

Mr. Roth explained that as previously discussed, this is the companion to the Development Agreement. He would incorporate everything that he said about the Development Agreement into this discussion for purposes of this agenda item. Essentially now, for purposes of consideration of the variance, the Council would be considering the Development Agreement that just passed and did it affect their analysis of the elements of a variance for the determination of the issuance of a variance. When the motion is made, it will be explicit that it is contingent on the execution of the Development Agreement that just passed.

Mr. Roth advised that Mr. Greene intended to essentially adopt everything for the previous item, so as not to repeat it all, for purposes of this agenda item.

Council  
Questions/  
Discussion

Councilor Messinger commented that all questions had been answered by staff. This will be a great improvement to that site. This is a companion piece of legislation and he is fine with it.

Councilor Chin commented that this application has been before the City for several months now. He has been thinking a long time about this. He was on the planning board when the "big box" ordinance was first entertained and passed. It was in response to residential concerns about a store like Wal-Mart coming in, which that board rejected the application.

Councilor Chin continued that the original intent was for an entity like a Wal-Mart that would take up space and bring some of the traffic concurrency ills that were noted at the time. They did not, at that time, contemplate a situation like this. One of the progenitors of that ordinance stated that he could see this happening if the second location was a GreenWise. From Councilor Chin's understanding, Publix leadership could not commit to that type of branding. In terms of reviewing what is in the lease, it would be detrimental to their competitive marketplace.

He can see where Publix would not want to reveal some internal plans that would harm them in the marketplace. However, with this new placemaking provided by this Development Agreement and with Publix's stated commitment to presenting a different set

of services in the store, he sees where it meets the definition of something that is different enough from the main store that the original objection of the big box store could be overcome.

Councilor Chin concluded that this would be a benefit to this Center that has lain empty for so long. It gets us to where we want to be if not exactly the way we want it to. He reminded the public that this is a variance from an established ordinance as opposed to what happened with 500 Atlantic, which was a special exception. The Council at that time denied the special exception based on it going against the character of the City. That was upheld by the District Court and Circuit Court. The Courts agreed that a special exception would violate the character. That is a whole different story and he does not want people mixing it up.

Made by Messinger, seconded by Jones.

**MOTION:**            **TO APPROVE CDB V20-01, CONTINGENT ON EXECUTION OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEPTUNE BEACH AND NEPTUNE BEACH, FL REALTY, LLC**

Roll Call Vote:

Ayes: 4-Chin, Messinger, Jones, and Brown.

Noes: 1-Key

**MOTION CARRIED**

#### **ORDINANCES / NONE**

Ord. No. 2021-01, Parking Penalties      Ordinance No. 2021-01, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-46, Penalties; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Made by Key, seconded by Chin.

**MOTION:**            **TO APPROVE ORDINANCE NO. 2021-01 ON FIRST READ**

Roll Call Vote:

Ayes: 5-Key, Messinger, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

#### **OLD BUSINESS / NONE**

#### **NEW BUSINESS**

Res. No. 2021-05, Beaches Trail Loop      Resolution No. 2021-05, A Resolution of the City of Neptune Beach Requesting a Beaches Trail Loop/East Coast Greenway Feasibility Study Be Included in the North Florida Transportation Planning Organization's 2021/2022 Unified Planning Work Program.

Vice Mayor Jones commented that this is positive and shows another illustration of working together with the Beach communities.

Made by Jones, seconded by Key.

**MOTION:** **TO APPROVE RESOLUTION NO. 2021-05, REQUESTING A BEACHES TRAIL LOOP/EAST COAST GREENWAY FEASIBILITY STUDY BE INCLUDED IN THE NORTH FLORIDA TRANSPORTATION PLANNING ORGANIZATION'S 2021/2022 UNIFIED PLANNING WORK PROGRAM**

Roll Call Vote:

Ayes: 5-Messinger, Chin, Key, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

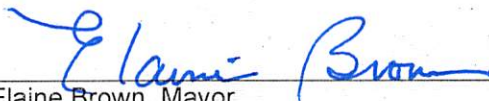
Vice Mayor Jones commented that he had been in the Beaches Town Center over the weekend and he found a parking space quickly. The parking program is working and turnover is about two hours.

Councilor Key asked about the Council meeting about goal setting and priorities.


Mr. Wynn stated that before the City gets heavily into the budgeting process, he recommends something in the next couple of months.

Adjournment

There being no further business, the meeting adjourned at 7:00 p.m.

  
Elaine Brown, Mayor

Attest:

  
Catherine Ponson, CMC  
City Clerk



Approved: 4-5-2021