



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, AUGUST 5, 2019, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held Monday, August 5, 2019, at 6:00 pm in the Council Chambers, City Hall 116 First Street, Neptune Beach, Florida.

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

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

**STAFF:**

Interim City Manager Leon Smith  
 Director of Finance Peter Kajokas  
 Police Chief Richard Pike  
 Commander Gary Snyder  
 Deputy Public Works Director Megan George  
 Code Compliance Supervisor Piper Turner  
 City Clerk Catherine Ponson

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

Mayor Brown called the meeting to order at 6:00 p.m. She asked for a moment of silence in honor of families of the victims of recent shootings and for Jacksonville Beach Police Officer Andy Lavender. Mayor Brown led the Pledge of Allegiance.

**AWARDS / PRESENTATION / RECOGNITION OF GUESTS**

**Click It or Ticket**  
**Safety Campaign**  
**Award**  
**Presentation**

Commander Gary Snyder reported the Neptune Beach Police Department had received recognition for the City's participation in the Click It or Ticket Traffic Safety Challenge. He explained the Police Department received second place for agencies with 25 officers or less.

**Swearing In**  
**Ceremony**

The swearing in of Officer Tyler Deel was deferred until the August 19, 2019 Council Workshop.

\*The agenda item below was moved to this portion of the meeting.

**Proposed**  
**Historical Marker**

**Proposed Historical Marker in Jarboe Park.**

Emma Hamilton, Girl Scout Ambassador, Troop 814, and her mother, Amy Scott, explained that for Emma's gold award project, she is proposing to install a historical marker honoring the Girl Scout's Beaches Little House in Jarboe Park. This would be first registered historical marker in Neptune Beach. The project must be approved by the City Council before it is submitted to the State of Florida.

Mayor Brown stated that the Council will review and make sure the process begins as soon as possible.

### **APPROVAL OF MINUTES**

#### **Minutes**

Made by Messinger, seconded by Wiley.

**MOTION: TO APPROVE THE FOLLOWING MINUTES, AS AMENDED:**

**July 1, 2019, Regular City Council Meeting**  
**July 15, 2019, Workshop City Council Meeting**

Roll Call Vote:

Ayes: 5-Chin, Wiley, Messinger, Jones, Brown

Noes: 0

**MOTION CARRIED**

### **COMMUNICATIONS AND CORRESPONDENCE**

#### **CITY MANAGER REPORT**

#### **City Manager Report**

Interim City Manager Smith reported the following:

- Mr. Smith reported that Seagate Avenue will be open on Monday, August 12, daily for school. It will close at 5:00 p.m.
- The water and sewer replacement at the 400 and 500 block from Florida Boulevard to Seagate Avenue has been completed.

#### **Police Chief Report**

Police Chief Richard Pike reported that critical incident training would begin for Council and City staff. The Commission for Florida Law Enforcement Accreditation (CFA) will be here August 13, 2018.

### **PUBLIC COMMENTS**

#### **Public Comment**

Sean Taylor, 122 South Street, Neptune Beach, spoke in support of the additional parking for The Local at 301 Atlantic Boulevard.

Randy Taylor, 1315 1st Street, Neptune Beach, spoke in support of the additional parking at The Local. He added that the beaches area has grown and it would make it easier to get in and out.

Paul Helow, 1516 1st Street, Neptune Beach, spoke in favor of the additional seating for The Local. He stated that the restaurant would be an asset to the community.

Ray Grass, 512 Davis Street, Neptune Beach, spoke in support of The Local. He also stated that this would be a great addition and complement the area.

Diana Kelly, 207 Walnut Street, Neptune Beach, spoke regarding information for the new paid parking program and communicating to the public.

John November, 536 South Street, Neptune Beach, stated that denying the special exception for parking at The Local would only exacerbate the problem. He added that the application meets the requirements for the special exception.

Dustin Kaloostian, 828 1st Street, Neptune Beach, owner of Beach Buggies free ride service, is here to learn what is being proposed and supports The Local.

Ian McKillop, 199 Oleander Street, Neptune Beach, stated his support of The Local. He added that the parking is not an issue for locals as they ride their bikes and walk. He agreed with those who spoke before him and looks forward to another option.

Alex Sifakis, 340 8<sup>th</sup> Street, Atlantic Beach, stated that the Beaches Town Center needs more options with less wait times. He added that the application meets the special exception requirements and is a definite asset to the neighborhood.

Brian Bush, 2577 Forbes Street, Jacksonville, spoke in support of The Local Restaurant and stated that as Neptune Beach continues to grow, more options are needed to keep up with the growing population.

Griffin Rapp, 109 Palm Place, Neptune Beach, stated his support for The Local. He added he chose to live in Neptune Beach because of the walkable environment and The Local would be a great fit.

Shellie Thole, 217 Oleander Street, Neptune Beach, stated she is excited for The Local and that a proven concept is coming for everyone to enjoy. She spoke regarding the parking situation.

Bob Hillis, 152 3<sup>rd</sup> Street, Atlantic Beach, spoke in support of The Local. He added that is great to have additional options within walking and biking distance.

Ginny Thurson, 1200 7<sup>th</sup> Street, Neptune Beach, spoke regarding the special exception parking being for the liquor license.

Lauren McPhaul, 123 Cedar Street, Neptune Beach, requested Council provide resources regarding suicide and people struggling with mental health.

Councilor Wiley questioned the timeframe for the approval for the historical marker. Ms. Scott stated they needed approval within the next month. Councilor Wiley stated that he wanted to ensure that a deadline was not missed.

Mayor Brown stated that the Council would review the proposal and then Interim City Manager Smith could give written permission in order for the application to be submitted.

#### **VARIANCES / SPECIAL EXCEPTION / DEVELOPMENT ORDERS**

CDB 19-07, 1425  
Atlantic Blvd

CDB 19-07, Application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Community First Credit Union of Florida for the property known as 1425 Atlantic Blvd. (177392-0000). Proposing to construct two additions to the existing building.

Made by Messinger, seconded by Chin.

**MOTION:**

**TO APPROVE CDB 19-07, DEVELOPMENT ORDER FOR 1425  
ATLANTIC BOULEVARD**

Roll Call Vote:

Ayes:

5-Messinger, Wiley, Chin, Jones, and Brown

Noes:

0

**MOTION CARRIED**

- CDB SE 19-07,  
301 Atlantic Blvd,  
Off-Site Parking  
and Outdoor  
Dining
- CDB SE19-07, Application for a special exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The application is for off-site parking and outdoor dining for a new restaurant.
- City Attorney Terrell Arline introduced himself and stated he would like to have more organization for the hearing for the next items. He would be swearing in anyone who would like to speak, then ask for Council to disclose any ex-parte communication on these items. He advised that Agenda Item 7B is for two special exceptions, one for off-site parking and one for outdoor seating. He recommended Council vote on those separately. He stated he had passed out provisions of the Code pertaining to special exceptions, variances and development orders.
- Swearing In
- Mr. Arline asked anyone who would be speaking to stand. He administered the oath to those who stood.
- Ex-Parte  
Communications
- Councilor Wiley stated he had spoken with the applicant Ted Stein the neighbors, and businesses in the area, Mary Frosio, Steve Diebenow, and John November. He reported he had received numerous emails from neighbors and had answered them.
- Vice Mayor Jones disclosed he had communications with Mr. Stein, staff with Driver McAfee Hawthorne, and Diebenow, Bradley Wester, and had received email correspondence.
- Mayor Brown reported she had spoke with Mr. Stein and representatives and received emails.
- Councilor Messinger reported he had communications with Mr. Stein and with numerous members of the public, both for and against the application and received phone calls and email communications.
- Councilor Chin stated he had spoken with Mr. Stein, community members, and business owners and received emails.
- Applicant
- Ted Stein, 301 Atlantic Boulevard, Neptune Beach, stated he had worked to find the best off-site parking solution. He found 13 parking spaces, 37 feet behind the building. They have signed a lease for these spaces. They will be able to use that for their customers. They would be closing the exit from the parking lot onto Atlantic Boulevard for safety and adding three spaces. There will be a bike rack to accommodate 30 bikes. He stated he is willing to put conditions on the approval by not moving tables and chairs and be willing to close early. He wants to give the neighborhood a great place to eat for people of all ages.
- Cyndy Trimmer, with Driver, McAfee, Hawthorne & Diebenow, PLLC, Attorney for the applicant, stated that competent and substantial evidence has been presented to show that the Code requirements have been met. She stated an affidavit from Bradley Wester, Land Use Planner, had been submitted explaining in detail that the requirements have been met.
- Mr. Arline reminded the Council that there are two special exceptions up for approval.
- Mayor Brown opened the floor for public comment.
- Diana Kelly, 207 Walnut Street, Neptune Beach, after being sworn in, spoke regarding any other agreements the applicant may have and stated that there was already a 50% reduction in parking. She added that people come for the good food and wait in line, whether they serve alcohol or not.

Alex Sifakis, 340 8<sup>th</sup> Street, Atlantic Beach, after being sworn in, stated that there are restaurants in the Town Center that serve alcohol and have the SRX license. There is still a family-friendly environment. The required parking is 37 feet away and the special exception requirements have been met. He requested the Council approve both exceptions.

There being no further comment, the public hearing was closed.

#### Discussion

Councilor Chin stated he is not in concept strongly opposed to providing alternate parking solutions. He added that is a dedicated lot. He stated he appreciated Mr. Stein's efforts. He questioned the closing time that Mr. Stein had mentioned and pulling seats. Councilor Chin also questioned the City being an equal partner in the parking agreement in order to be informed of any changes.

Mr. Stein answered that he would be willing to consider the condition of a 12:00 or 12:30 a.m. closing time if the special exception is approved. He also stated he would be willing to undergo a yearly audit.

Councilor Messinger stated he had concerns about the parking agreement, closing times and location of the parking spaces. He added that he and Mr. Stein had spoken about fines being put in place for noncompliance. Councilor Messinger commented that the upcoming Comprehensive Plan and Land Development Code revision could alleviate the safety concerns.

Mr. Stein reported that there would be a parking attendant in place directing people to go the sidewalk on Third Street. Mr. Stein agreed to put that condition in writing if approved.

Vice Mayor Jones stated that the existing parking standards in the City are outdated. He added that overall the project is good and added there needs to be more certainty in the parking agreement by including Neptune Beach.

Councilor Wiley questioned the number of seats that have been approved. Code Compliance Supervisor Piper Turner stated that there 100 seats. The request is for 83 seats.

Councilor Wiley stated he had concerns that there is not enough parking and where all the cars will go.

Councilor Messinger questioned the parking spaces on Atlantic Boulevard. Ms. Turner answered that those are on the right-of way and it would be the City's option of what to do with those. Ms. Turner confirmed that the applicant closing the exit to Atlantic Boulevard would provide more spaces and that the building would need to be up to Code with regards to the sprinkler system.

Made by Messinger, seconded by Jones.

#### **MOTION:**

**TO APPROVE CDB SE 19-07, SPECIAL EXCEPTION  
REQUEST FOR OUTDOOR DINING**

Roll Call Vote:

Ayes:

5-Wiley, Chin, Messinger, Jones, and Brown

Noes:

0

**MOTION CARRIED**

Made by Jones.

**MOTION:**

**TO APPROVE CDB SE 19-07, SPECIAL EXCEPTION REQUEST FOR OFF-SITE PARKING WITH CONDITIONS ADDED TO INCLUDE AN ANNUAL AUDIT AND ALCOHOL SERVICE TO STOP AT 12:30 A.M.**

The motion failed due to lack of a second.

Mr. Arline stated that the request for off-site parking would be denied.

No further action was taken.

CDB V 19-07,  
301 Atlantic  
Boulevard, Fence  
Height Variance

CDB V19-07, Application for variances as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The request is to vary section 27-330(a) (1) for the height of a fence. The applicant is proposing to install a fence that is a total of 10 feet tall with an 8-foot opaque surface and 2-foot open area with posting connecting to a 3-foot overhang to provide shade.

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

Made by Messinger, seconded by Chin.

**MOTION:**

**TO APPROVE CDB V19-07, VARIANCE REQUEST FOR 10-FOOT TALL FENCE AT 301 ATLANTIC BOULEVARD**

Roll Call Vote:

Ayes:

5-Chin, Messinger, Wiley, Jones, and Brown

Noes:

0

**MOTION CARRIED**

CDB 19-06,  
Development  
Permit, 301  
Atlantic  
Boulevard

CDB 19-06, An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). Proposing to construct a 12' by 40' awning on the western face of the building and an 8' by 16' service bar for outdoor seating for a new restaurant. Pursuant to the approval of CDB SE19-07 and V19-07

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

Made by Messinger, seconded by Chin.

**MOTION:**

**TO APPROVE CDB 19-06, DEVELOPMENT PERMIT FOR CDB 19-06 AT 301 ATLANTIC BOULEVARD TO CONSTRUCT AN AWNING, SERVICE BAR AND FENCE FOR A NEW RESTAURANT**

Roll Call Vote:

Ayes:

5 -Messinger, Wiley, Chin, Jones, and Brown

Noes:

0

**MOTION CARRIED**

**NEW BUSINESS****Beaches Town  
Center Lighting  
Project Proposal**

**Beaches Town Center Lighting Project Proposal.** Richard Arthur, President, Beaches Town Center(BTC) Agency, gave the background for this lighting project. The project dates back to 2017 during discussions of installing new landscaping in the BTC. At that time, the project was initiated to further enhance, illuminate, and increase safety to walkways, Neptune Beach and Atlantic Beach entrance monuments, the Neptune Beach Jaguar, uplight Ligustrums and palm trees. The system chosen is Dark Sky Compliant. They minimize glare while reducing light trespass and skyglow. To qualify, all lights are required to be fully shielded.

While installing the new landscaping about a year ago, the conduit for this lighting was installed to minimize rework and future install costs of this project now.

Installation is to be completed by Limbaugh Electric which already maintains a service contact for the BTC enter and is familiar with electrical layout of the BTC.

The total project cost is \$53,515.00 with Neptune Beach, Atlantic Beach and BTC to split that three ways.

Mr. Arthur confirmed that bids were sent out and NiteLites was chosen.

Councilor Wiley commented that he would like to see more lighting distributed towards Second Street and other areas.

Vice Mayor Jones and Councilor Messinger agreed with Councilor regarding Second Street lighting. Councilor Messinger stated Finance Director Peter Kajokas reported there are dedicated funds for the BTC area and it has been budgeted

**CONSENSUS:****TO AUTHORIZE INTERIM CITY MANAGER LEON SMITH  
TO MOVE FORWARD WITH THIS PROJECT****Comprehensive  
Plan and Land  
Development  
Code RFQ  
Revision  
Consultant**

**Approval of Comprehensive Plan and Land Development Code RFQ Revision Consultant Recommendation.** Vice Mayor Jones reported that Dover, Kohl and Partners had been chosen through an RFP process for the Comprehensive Plan and Land Development Code revision. He expressed that citizen engagement would be fundamental to the project.

Made by Jones, seconded by Messinger.

**MOTION:****TO NEGOTIATE WITH DOVER, KOHL AND PARTNERS TO  
UPDATE THE COMPREHENSIVE PLAN AND LAND  
DEVELOPMENT CODE REWRITE**

Roll Call Vote:

Ayes:

5-Wiley, Chin, Messinger, Jones, and Brown

Noes:

0

**MOTION CARRIED****Enterprise Fund  
Budget  
Discussion**

**Enterprise Fund Budget Discussion.** Mr. Kajokas reviewed the Enterprise Funds for FY 2019-2020. These include the water and sewer fund, sanitation fund and stormwater utility fund.

COUNCIL COMMENTS

Councilor Messinger thanked City staff for their efforts during the transition in the City. He also commended IS Administrator Miklos Stoffel.

Adjournment

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

Attest:



Catherine Ponson, City Clerk



Elaine Brown, Mayor

Approved:

9/9/19

