



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, JUNE 6, 2022, 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, June 6, 2022, 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 Kerry Chin  
 Councilor Lauren Key (*absent*)  
 Councilor Nia Livingston  
 Councilor Josh Messinger

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Police Chief Richard Pike  
 Chief Financial Officer Danielle Dyer-Tyler  
 Community Development Director Samantha Brisolara  
 Grants and Resiliency Coordinator Colin Moore  
 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**

**APPROVAL OF MINUTES**

**Minutes**

Made by Messinger, seconded by Chin.

**MOTION: TO APPROVE THE FOLLOWING:**

**May 2, 2022, Regular City Council Meeting**  
**May 16, 2022, Workshop City Council Meeting**

**Roll Call Vote:**

Ayes: 4-Livingston, Messinger, Chin, and Brown  
 Noes: 0

**MOTION CARRIED**

**City Attorney/City  
Manager  
Comments**

Mayor Brown stated that there has been misinformation about our form of city government and what comes under the guise of the City Manager. She requested City Attorney Zachary Roth go over the City's kind of government. She requested City Manager Stefen Wynn explain the fee structure and how that came about.

Mr. Roth explained that Neptune Beach is a Council-Manager form of government, which means the Council, including the Mayor, are the elected officials that operate through Council for legislative functions.

All legislative functions are carried out by a City Manager, which in Neptune Beach is Stefan Wynn, that includes enforcement of the Codes. This includes imposition of fines related to enforcement in relation to the Codes and imposition of fees related to services provided. There may be items in our ordinances and resolutions that are established by Council instructing the City Manager on how that should be billed. In the absence of that, it is at the discretion of the City Manager as the Chief Executive Officer, which is a directly from our Code in terms of the enforcement. He essentially carries out all executive functions of the City. The role of the City Manager is to put everything into operations.

Mr. Wynn stated that City staff have worked in the City long enough from every department to find what fees and what pieces of fees, throughout all of our Code can be brought together into something easier to follow and understand. They would be set by resolution.

Mr. Wynn added that the City is guided by a couple of statutes that allow or tell us what kind of fees we can set and the limits on fees. It is also meant to cover the cost of things that go above and beyond our normal service. Building permit fees are included. The Neptune House rental fees are being recommended from what they are existing to being reduced.

He reported that this was discussed at length in Council workshop on May 16, 2022, and what is being presented is the product of that workshop in a final draft.

Mr. Roth clarified that this is not only a product of that Council workshop, but staff review and legal review for compliance with statutes

#### **PUBLIC COMMENTS**

##### **Public Comment**

Christine Burke, 113 Walnut Street, Neptune Beach, stated that there are a lot of major projects that people are deciding on looking into. She added that she knows the fees are a product of progress. She thinks that right now people need to understand the fees and more details behind them. She requested Council take a pause before taking a vote.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, commented that the first time they heard about the fees was two weeks ago. They don't understand terms such as complex public records or significant amount of staff time. These things are vague. She thinks it is being rushed and more information is needed. She added that impact fees are a significant way to get money from development that we do not use and other city governments use, along with these kinds of charges.

#### **COMMUNICATIONS / CORRESPONDENCE / REPORTS**

##### **City Manager Report**

Mr. Wynn reviewed the TRIM (Truth in Mileage) timetable. He presented the letter from the Property Appraiser. He reported that the City's operating taxable value increased about \$100 million. Mr. Wynn advised that budget workshops would be scheduled.

Mr. Wynn announced that Florida Boulevard is open. A ribbon-cutting ceremony was held on June 3, 2022. He informed everyone that this project replaced a two-foot diameter pipe that went across the intersection with two seven- by six-foot box culverts poured in place, not prefabricated. This project was completed on time

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

##### **Police Chief Report**

Police Chief Richard Pike reported the Police Department is preparing for the 4<sup>th</sup> of July weekend. He also advised that they are also preparing for the Atlantic hurricane season.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS**

Variance  
Application  
V22-06,  
Marsh point  
Properties Two,  
LLC

**V22-06**, Variance Request on Lots 8,9, 10, 11, 12, 13, 15 & 16, Marsh Point Road, Neptune Beach, Florida. Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Marsh Point Properties Two, LLC, for the property known as lots 8,9,10,11,12,13,15 & 16 Block 2 of Florida Beach Prado Ferrer (RE# 173292-0000, 173293-0000, 173294-0000, 173295-0000, 173296-0000, 173298-0000 & 173299-0000). The request is to vary Table 27-229-1 rear yard and both interior side setbacks. The request is 12 feet, leaving 3 feet in lieu of the required 15-foot rear setback, 10 feet leaving 5 feet in lieu of the required 15 feet on the north side, and 15 feet leaving 0 feet of the required 15 feet to the south side yard. The request for variance is to build a rectangular 2-story commercial building.

Community Development Director Samantha Brisolara explained that this is a commercial variance request for the C-2 zoning district for Lots 8, 9, 10, 11, 12 and 13 Marsh Point Road. An application for a variance was submitted requesting relief from the rear setback and side yard setbacks. The applicant is planning to construct a 4,000 square foot, 2-story commercial office building with café and storage in the C-2 Zoning District on lots 8 – 13. The side yard setback variance, if granted, would only apply to lots 8 and 13. The applicant will be re-platting the subject lots into one larger lot prior to construction of the proposed building. The rear yard setback variance, if granted, would apply to all lots listed in the variance request. Pending the Land Development Code Update and subsequent Future Land Use Map Amendment to the Comprehensive Plan, the subject lots will be located in the NC Overlay within the C-2 Zoning District. The side setbacks for the NC Overlay in the C-2 Zoning District is zero feet for internal lots. Additionally, the rear yard setback is 10 feet. If approved, the side setback variance will be in compliance with the proposed land development code provision for the NC Overlay in C-2.

The Community Development Board unanimously supported approval of the variance on May 11, 2022, with conditions. (See the motion for conditions)

Mr. Wynn pointed out that the staff report was done under the guise of the existing Code and all conclusions are based on what is existing in our current Code.

Council Discussion Ms. Brisolara confirmed Councilor Livingston's remark that some of this would be in compliance if the Code was updated and what was discussed and considered was the Code in place right now.

Ms. Brisolara added it would be bad planning not to consider both codes because if the new Code is passed, we want to make sure whatever impact this variance has will not be negative towards what we are trying to accomplish.

Councilor Livingston questioned if there were any neighbors or anyone who opposed this application.

Ms. Brisolara indicated there was no one at the meeting in opposition.

Councilor Messinger stated that Councilor Livingston had the two questions he had and he was good at this time.

Vice Mayor Chin commented that the staff report mentions that JTA (Jacksonville Transit Authority) will also be reviewing this and submitting comments. He asked if that had happened yet. [JTA owns property abutting Lot 12]

Ms. Brisolara remarked that the variance request has to be approved before submitting to JTA.

Vice Mayor Chin pointed out that there was a large tree at the north end of the property and was wondering if it is within the bounds of Lot 13 or is it outside of that and would it be preserved.

Ms. Brisolara stated that it would be something she would see during Development Review. She does not have a tree survey.

Vice Mayor Chin continued that the tree appears to be outside the building area but this is something he would like to have looked at. Ms. Brisolara confirmed that if it is outside the area, it would be under JTA's purview.

Vice Mayor Chin remarked that at the CDB meeting on May 11, the origin of the tiny lots had been discussed and it was noted that perhaps the original intention was a trailer park. That is definitely not conducive to commercial development and he can see the rationale for moving forward.

Grants and Resiliency Coordinator Colin Moore reported that when it was originally platted in the 1920s, it was during the Florida land boom and was actually probably townhouse plots.

Ms. Brisolara confirmed Mayor Brown's inquiry that the surrounding lots are all under the same ownership.

#### Public Hearing

Mayor Brown opened the public hearing for V22-06.

John Bakkes, 2009 Marsh Point Road, Neptune Beach, stated he is the applicant and wanted to make he has the rear yard setback of three feet for Lots 9, 10, 11 and 12 because of the irregular alley in the back corner. He added that they are planning to preserve the tree mentioned earlier if they can.

Penny Kennedy, 2010 Acacia Road, Neptune Beach, questioned with such a development happening the in the neighborhood, they weren't notified. There was no signage.

Ms. Brisolara advised that there is not a sign requirement and property owners within 300 feet received notification.

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

Made by Livingston, seconded by Chin.

**MOTION:** **TO APPROVE V22-06 FOR LOTS 8, 9, 10, 11, 12 AND 13, MARSH POINT ROAD, WITH ALL SIX CONDITIONS AS LISTED AND APPROVED BY THE COMMUNITY DEVELOPMENT BOARD:**

- 1) NO PARKING SIGNS SHALL BE PLACED ALONG THE CITY'S RIGHT-OF-WAY ABUTTING THE JTA PROPERTY.**
- 2) A LOADING ZONE SHALL BE ADDED TO THE SOUTHEASTERLY CORNER OF LOT 8 AND SHALL DOUBLE AS TWO PARALLEL COMPACT PARKING SPACES WHEN NOT USED AS A LOADING ZONE.**
- 3) LEAVE DUMPSTER ENCLOSURE ON LOT 8.**
- 4) REPLAT TO BE APPROVED BY BOARD AND CITY COUNCIL PRIOR TO RECORDING.**
- 5) THE STORAGE COMPONENT SHALL REMAIN TIED TO THE OFFICES SPACES AND SHALL NOT BE LEASED OR RENTED OUT SEPARATELY.**
- 6) THERE WILL BE ZERO INTERIOR LOTS, A 5-FOOT SOUTH EXTERIOR SETBACK FOR LOT 8 AND A 15-FOOT SETBACK FOR LOT 13.**

Roll Call Vote:

Ayes: 4-Messinger, Livingston, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS**

Res. No. 2022-06, Resolution No. 2022-06, A Resolution of the City of Neptune Beach, Florida, Adopting a Schedule of Fees to be Instituted for Various City Services; Providing for Severability, and Providing an Effective Date.

Mayor Brown requested Mr. Wynn walk through the fees in Resolution No. 2022-06.

(Verbatim)

Mr. Wynn – Yeah, I can. I think there's, I thought it was going to be page by page, but it looks like it's going to be broken up more in these slides (referencing the slides on the screen), so bear with me, we'll probably skip some because there were no changes from our workshop. The first one, there were changes made, so, we can see how this is the Neptune House rental, and you can see how we've broken it done for Residents, Monday through Thursday, Friday, to over the weekend. With Alcohol, without alcohol, and then the caveats that those fees, for alcohol also include the cost of an officer for each hour. You'll also see, Mayor, you had asked for, you cut one off Catherine, but there was one for non-profits, and there was no fee associated with non-profits. However, like the school board or parent teacher association, however, if they were going to have an event with alcohol, there would be a cost recovery for that, with a deposit for cleaning required. It was not a full \$1,000, it was a set flat fee. That was also included in this, and again that hourly rate of officers may be required for events with alcohol, but that's in your agenda packet.

Mr. Wynn – The other fee is concerning complex public records. So you can see that it's significantly changed from the last time we saw it at the workshop. You'll see that the cost is the rate of employee time by number of hours required to complete the request. This has gone through Zach, and there was a, I believe it does fall within statute, he can tell if it does or not.

Mr. Roth – It's essentially verbatim from the statutes.

Mr. Wynn - So, and then the caveat is, what is a complex public records request? We put that asterisk in , and explained it. Complex public records requests include requests that contain complex, or historical information, or those that call for bulk data reports, or recurring subscriptions. Such determination will be made in the City Clerk's discretion.

Mr. Wynn – This is almost verbatim from Jacksonville Beach, which has also been through their legal team, I'm assuming, before it was ever introduced. So, that is the big, those, these are the ones with big changes.

Mayor Brown – Before you move on from that.

Mr. Wynn – Yes, Mayor

Mayor Brown – Let's explain to the public, so that there's no misunderstanding here. Complex and what it means in the amount of time it would take, are those requested very often?

Mr. Wynn – We don't get those very often. So we have, we do have one that has recently come in, but it's requesting all of the correspondence or emails back and forth with one of our consultants, including thousands of pages of iterations of documents that went back and

forth. So that's something that you know would obviously be a complex public records request. That would require significant staff time to do. So, before we do that, we provide an estimate of what it would cost, and then, you know, that person has the opportunity to either to say yes, I want to go forward with it, or no I don't. Typically, the requests we get are like, today we fulfilled one for a request for barricades. What was the final cost to the City concerning Dancing in the Streets. It was a little under \$4,300. Whereas that was the deal that we worked out with Dancing in the Streets Committee. It was, we would cover the cost of the barricades and they would cover the cost of overtime for our officers. We came out ahead in that deal, and of course that'll be something we'll share with you in a future Council Meeting. We just fulfilled that public records request today, that's simple, no charge. As soon as we got the invoice, it was easy to send over.

Mayor Brown – So, we very seldom get complex and what we are saying, is the normal request, it's something that has always been, and will still always be available to the public.

Mr. Roth – And if I can build on that, honestly, when I read this, and when I interpret it, is typically, and aside from the one that Stefen mentioned a moment ago, about every bit of correspondence on something, are these institutional requests that we get quite a bit from these companies that are basically trying to fish for different government entities so that they can try to sell us services. And so they want every instance of something back for twenty years, or something like that. We get those, a few a year. Those are the ones that honestly most of the time are going to be the requests that we get to fall into these, individual Residents that are asking about can I get this one document, or this one answer to this one thing. A lot of times it's companies.

Mayor Brown – Does anyone else have a question related to this, go ahead?

Councilor Livingston – I have a question. First, this is something that has always been in our code, is that right? Fee specific.

Mr. Roth – It's not in our Code because it's...

Councilor Livingston – or a fee schedule somewhere?

Mr. Roth – We've never had a written schedule as far as I'm aware, but that doesn't mean we haven't had the right to charge it under the Statute.

Councilor Livingston – So, I guess just to clarify exactly, I think this might just, all though I know that you brought up, something that I think might help, if I was confused about it, and I asked earlier. All of these fees, for the most part were, somewhere on the website, or somewhere or in existence. It's just a matter that we did not have, like a one document or one spreadsheet that you can go to and say, listen I need x,y,z, and it's going to cost \$20, or whatever. That has never existed. But these fees, in general, this is not something that is brand new, or anything like that. We've always had this, it was just harder to find. This is making it more simple.

Mr. Wynn – Correct, what we did was, we pulled from all over our Code and put it into one document that's easy to update and understand. So rather than try to change an Ordinance, if something were to change, you know, fee goes up or fee disappears because it's no longer relevant, it's done by resolution. These have been in place, and I think the only reason the public records wasn't included in our Code was because it was governed by Statute. So Statute, wins over a municipal ordinance.

Mr. Roth – There's no reason to have an Ordinance, because we would have to change it every time the Statute changes, when we can just refer back to the Statute.

Councilor Livingston – But as far as this one in particular, the public records requests, again, this is not, this is something like, you said, businesses, lawsuits, things like that, that people

might just, capture information that might not necessarily be on site, or things like that.

Mr. Roth – Correct.

Councilor Livingston – So, you know, anyone trying to gain information that they can't find on our website, or have a question on something, we're not trying to just gouge residents or anything like that.

Mr. Wynn – Correct. And Councilor if I may, it's, I would call this more transparent than what we currently have in existence. So, it should be something where you can easily find our fees in a nice schedule, and that's what we're attempting to do, accomplish.

Vice Mayor Chin – Right, I think that that makes sense because instead of having to you know refer to the building department, or to the Finance Department, or to the Clerk's office, it's all in one schedule that they can just scan down and find what they need. I think the biggest impetus towards the back, you know the outcries is really about the public records, and I'm glad that you explained that, you know, for your typical, standard request from the public, they won't get charged anything when it's a simple request because you just look something up quickly. You know, as you say it's the ones that require the deep historical dive, let's say, you know if we need to have somebody spend hours in the file room going through the boxes of paper that we have and read each piece of paper to try to find those references then that's going to take a lot of time. That would indeed fall under complex, and I think that once people start to understand that then I think that they'd be ok with this.

Mr. Wynn – Sure.

Mayor Brown – Is this common right now throughout, I know you gave us the state statutes on it tonight, and just the other Cities around us etcetera, and it really hasn't in, and your indicator is that it's not going to affect just the day to day business that we have, just the ones that really are four to five hours of research.

Mr. Roth – To my knowledge, we're the only one around that hasn't been doing this.

Mayor Brown – I'm sorry, who, we are?

Mr. Roth – We're the only one that hasn't been doing it, so everyone else has been charging.

Mr. Wynn – So, Mayor if you would like, I could go through some of them that are new.

Mayor Brown – Wait just a second, I think that Councilor Messinger wanted to say something.

Councilor Messinger – Yeah, so, are we on the docket, resolution as a whole, or are we still on.

Mayor Brown – We're just going through this right now the complex public records.

Councilor Messinger – Ok, I think one thing that would be helpful, certainly be helpful to me, is if I could see, here's Jacksonville Beach's, here's Atlantic Beach's, here's St. Johns County's, here's Duval County's, here's are, you know surrounding municipalities' and sister cities', because so often, we're looking for consistency, and you know, visually seeing that consistency is important. And then that knowledge, you know the knowledge is out there that, you know we're not, we're doing what is within the norm, and the impetus from this is from staff, and furthermore that it's related to a lot of commercial requests that we're receiving that are consuming an inordinate amount of staff time because they want to come in and know every pump and when it was produced, so that they can come and sell us pumps, or insurance for the pumps, or new trucks, etc. So, that would be helpful to me, I wasn't at the last meeting to request that. So on that item, and then as a whole, I would really like, you

know, I think it would be helpful for a presentation, and for this document to show that here's the new thing, here's what it was previously. And you can see, where those changes would be, and what those changes would be, an amount. You know it was here, and now it's moving to this, versus just an omnibus because it's hard for me to discern and go through this and go well, what changed from where to where. And if that's in one complete document, then it furthers the transparency. So, that's my opinion, and concern on this. Not that it doesn't need to be passed at a later date, but that having that ability to see those two items is important.

Mayor Brown – Are you making a request here right now, or are you asking for us to defer it tonight?

Councilor Messinger – Yeah, that would my request that it would be deferred to the next meeting, and that at the next meeting we have those items laid out for us.

Mayor Brown – Ok, so I have a motion to defer, do I have a second?

Councilor Livingston – Are we still on discussion about this now, I mean.

Mayor Brown – This is taking precedent over, a motion now coming forward to open it, over what we were doing, and it's my understanding that we should address that first.

Mr. Roth – Correct.

Mayor Brown – And the motion is because they would like to have, Councilor Messinger would like to have comparatives, as opposed to just looking at this as new, so that everyone will be able to see that, so, Councilor Messinger has made a motion, do we have a second?

Councilor Livingston – I second that.

Mayor Brown – Okay.

Mr. Roth – Just to clarify the Robert's Rules of Order on this, whoever makes a motion must vote yes, but the person seconding it does not have to. The second purely puts it in position so it could be discussed, and then voted on.

Mayor Brown – Ok, we have a motion and a second, and under discussion, we'll start with Vice-Mayor and then go around this way.

Vice Mayor Chin – Since we're, you know, we're already operating as we've always been, a momentary delay is not going to be, have any impact, or adverse impact on city operations, would it?

Mr. Wynn – For some of the new items that we were getting ready to discuss it could very well, but we can put some things together.

Vice Mayor Chin – Is there something that can be, you know, pulled out specifically, or that we can act on quickly, or?

Mr. Wynn – I think it would be best to do it, the intent of this is to pull all of this from our Code, existing Code into one document that we'll put into our fee section of our Code of Ordinances, so it's easy to recall. But I'd advise against trying to piece it out, that's what we're trying to get away from doing.

Vice Mayor Chin – Right.

Mayor Brown – Ok, and comments on deferring?



Councilor Livingston – I think this kind of goes back to what I was saying earlier, that I think, yes, this is something that was in existence all over the place, that it could help to see. I think that we had questions and concerns sent to us last night, and I know there was an email concerning it. I would suggest that as with maybe with that, I don't know, if it does get to something that we are looking at a breakdown of what it was versus what we're proposing it to change to that maybe there's some also breakdown of what happens to the money that we're receiving for these fees to maybe, I don't know if that's something that would be too complicated, or if there's an easy kind of breakdown of these fees go here, to give an idea that, you know, how this is benefiting us, is a lot, it's obvious, but at the same time maybe sometimes we forget what projects and what they follow this going to and what funding.

Mr. Wynn – So, I can answer kind of part of that, so where the money was going before was going into a miscellaneous revenue fund that wasn't broken down until this year, and so those were new accounts that I created within that miscellaneous revenue to give specific descriptions to like, building permits go to the building department, you know community development department, code enforcement violations go to code enforcement, you know, budget. Prior to that they were going back into the miscellaneous revenue line for the general fund. You know, so, that's a change that's historic that I would say would fall upon my office to make those changes that would operate government a little more transparently. So, knowing that, trying to find anything historical, I'm going to tell you is next to impossible because I couldn't pull out that miscellaneous revenue where things were going, so.

Councilor Livingston – Well, maybe not historical at least, but I mean something, what you just described, like that is something that seems like it's going in a better direction for us, but maybe somethings that if you could maybe breakdown some of your ideas of that, or what you have done in the way changes, maybe that would be good.

Mr. Wynn – Sure.

Mayor Brown – I think it would be very easy to just put on each one, you know, where they are.

Mr. Wynn – Yeah, they account numbers. We can get them from Danielle, too.

Made by Messinger, seconded by Livingston.

**MOTION: TO DEFER RESOLUTION NO. 2022-06**

Roll Call Vote:

Ayes: 4-Livingston, Messinger, Chin, and Brown

Noes: 0

**MOTION CARRIED**

**NEW BUSINESS**

Approval of Sale of  
Police Vehicle

Consideration of Approval of the Sale of 2016 Ford Explorer Police 4WD for \$10,099.99 on GovDeals

Mr. Wynn reported that anything over \$10,000 has to go to Council for approval. A 2016 Ford Explorer sold on GovDeals for \$10,099.99.

Made by Messinger, seconded by Chin.

**MOTION: TO APPROVE THE SALE OF THE 2016 FORD EXPLORER**

Roll Call Vote:

Ayes: 4-Messinger, Livingston, Chin, and Brown

Noes: 0

**MOTION CARRIED**

Proposed  
Drainage  
Alternatives

Proposed Drainage Alternatives for 400 Block of South Street.


Mayor Brown announced that this agenda item has been deferred. She stated we need more discussion and to set it for a Council workshop.

Adjournment

There being no further business, the meeting adjourned at 6:47 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk

Approved: 07/05/2022