



AGENDA (Amended)
Regular City Council Meeting
Monday, August 7, 2023, 6:00 PM
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS
 - A. Council Confirmation of the City Manager's Recommendation of New Chief of Police/Director of Public Safety
3. APPROVAL OF MINUTES p. 3
 - A. June 5, 2023, Regular City Council Meeting
June 20, 2023, Special & Workshop City Council Meeting
June 28, 2023, Special City Council Meeting
July 17, 2023, Special & Workshop City Council Meeting
July 19, 2023, Emergency City Council Meeting
July 26, 2023, Special City Council Meeting
4. COMMENTS FROM THE PUBLIC
5. COMMUNICATION / CORRESPONDENCE / REPORTS p. 14.1
 - Mayor
 - City Council
 - City Manager
 - City Attorney
 - City Clerk
 - Police Chief
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS
 - A. **DP23-01** Application for Final Development Order approval as outlined in Chapter 27, Article II, Division 2 of the Unified Land Development Code of Neptune Beach for Pierre's LLC for the properties known as Pete's Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000) p. 30
8. ORDINANCES
 - A. Ordinance No. 2023-04, Second Read and Public Hearing, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2023, Beginning October 1, 2022, and Ending September 30, 2023. p. 46
PH
 - B. Ordinance No. 2023-05, First Read and Public Hearing, An Ordinance Amending Section 6-31, Regarding Dogs on the Beach to Establishing Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing for an Effective Date. p. 54
PH

PH C. Ordinance No. 2023-06, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Article VI, Section 2-377, Competitive Bidding; Written Contracts, Providing for Severability; and Providing an Effective Date. p. 59

9. OLD BUSINESS

A. Consideration to Award CONB 2023-02, City Hall Roof Repair p. 63

10. NEW BUSINESS

A. Consideration to Approve Bidding of Wastewater Plant 2 Improvements p. 116

B. Consideration of Approval of Phase II, Plant 1 Operational Improvements Study, with Hazen and Sawyer, P.C. p. 117

C. Land Development Code Updates: p. 120

1. Section 27-332, Home-Based Businesses
2. Section 27-335 and 27-336, Recreational/Commercial Vehicles in Residential Districts

D. Initiation of Civil Service Board p. 125

E. Resolution No. 2023-08, A Resolution of the City of Neptune Beach, Florida, Instructing Staff and Lobbyists to Actively Pursue Additional Funding Mechanisms from the City of Jacksonville; Providing for Adoption of Recitals, Repeal of Prior Inconsistent Resolutions, and Council Decisions, Severability, and an Effective Date p.130

11. COUNCIL COMMENTS

12. ADJOURN

Residents attending public meetings can use the code **1LWE** to validate their parking session at no cost. After 5:30 on the date of the meeting, follow these steps:

Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.

- **To use a kiosk:** Using a nearby kiosk, press the Start button and then select 2 to enter your plate and the validation code.
- **To use the Flowbird app:** Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" – the price will show "Free."



**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 5, 2023, 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 5, 2023, 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
Councilor Nia Livingston
Councilor Josh Messinger | STAFF:
Interim City Manager Richard Pike
City Attorney Zachary Roth
Interim Police Chief Michael Key
Community Development Director Heather Whitmore
Public Works Director Deryle Calhoun
Deputy Public Works Director Colin Moore
City Clerk Catherine Ponson
Interim CIO Yoan Gutierrez |
| Call to Order/Roll Call/Pledge | Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Mayor Brown announced the passing away of the City's IT Director, Miklos Stoffel. He had been with the City for five years and did a great job in that position. He was very well-liked and will be missed. | |
| Proclamation | <u>Presentation of Proclamation.</u> Mayor Brown presented a proclamation declaring the first Friday of June as National Gun Violence Awareness Day. Representatives from Moms Demand Action were present to receive the proclamation. | |
| Beaches Town Center Presentation | <u>Beaches Town Center Presentation.</u> Deanne Dunlop, Beaches Town Center Merchants Association President, presented information about the Beaches Town Center Agency (BTCA). She reported that they are a nonprofit, community board that works for the improvement of the shared Atlantic Beach/Neptune Beach Central Business District. Their goal is to preserve the unique character blend of two traditional seaside neighborhoods joined by a cultural town center enjoyed by residents, merchants, and visitors. | |
| Beaches Town Center Pressure Washing | <u>Beaches Town Center Pressure Washing.</u> Richard Arthur, Beaches Town Center Agency Treasurer, stated that the project of the pressure washing of the sidewalks in the Beaches Town Center (BTC) has been in the works for some time. Krystal Klean was awarded a contract in St. Johns County. The price for Neptune Beach, including gum removal is \$7,409.25. | |

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE THE NEPTUNE BEACH PORTION OF THE KRYSTAL KLEAN PROPOSAL TO CLEAN THE BEACHES TOWN CENTER, INCLUDING GUM REMOVAL**

MOTION CARRIED

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

Swearing In-Sergeant William E. Torres

Swearing In - Sergeant William E. Torres. Mayor Brown administered the Oath of Office to Sergeant William E. Torres

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE THE FOLLOWING:**

May 1, 2023, Regular City Council Meeting
May 24, 2023, Workshop City Council Meeting

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

FY21 Audit Report

FY21 Audit Report Update. Interim City Manager Richard Pike reported that CFO Jaime Hernandez had explained to him that the \$226,000, which was brought up at the FY21 audit presentation, has been located and is now included in that report. This was a result of a glitch in software that had been in use and the City is implementing a new ERP system and we should not have this issue in the future.

PUBLIC COMMENTS

Public Comments

Miriam Cinotti, 1031 Marvone Lane, Neptune Beach, spoke regarding the Senior Center 501(c)(3) nonprofit organization, and the Community Garden.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, Spoke regarding getting more information and getting questions answered.

Interim City Manager Report

Interim City Manager Pike reported that due to an employee retention plan put into place with support of Council, the Public Works Department has gone from having 16 vacancies to three vacancies. Public Works will be starting on sidewalks and parking on the west side of 5th Street in Jarboe Park. The wooden bridge will be replaced with a 30-foot aluminum bridge. Construction on the Senior Center porch will begin on June 12, 2023.

Interim Police Chief Report

Interim Police Chief Michael Key reported that June 3, 2023, was Eddie Bounds Day by proclamation. He presented the May crime analysis report. He reminded everyone to keep their bicycles locked up. Dancin’ in the Streets held on May 20, 2023, was a success with no noteworthy events to report.

Interim Police Chief Key gave an update on the yellow curb painting on First Street. The curb painting is a form of a traffic control device. He and the Public Works Director have been working to remedy the situation and creating a more visible approach. Everything has been weighed on public safety and the need for beach parking

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

ORDINANCES

Ord. No. 2023-02, Ordinance No. 2023-02, Second Read and Public Hearing. An Ordinance Creating Tree Trimming and Removal Section 14-12, Chapter 14 (Offenses); Governing Waste from Tree Trimming and Removal; Providing for Severability; 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 Messinger, seconded by Key.

MOTION: TO ADOPT ORDINANCE NO. 2023-02, CREATING SECTION 14-12, GOVERNING WASTE FROM TREE TRIMMING AND REMOVAL ON SECOND READ

Roll Call Vote

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

Ord. No. 2023-03, Ordinance No. 2023-03, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Creating Sections 18-10 through 18-13, Article II, Smoking, Chapter 18, Streets, Sidewalks and Other Places; Prohibiting Smoking and Vaping in Public Parks and Beaches within the City; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Public Hearing Mayor Brown opened the public hearing.

Alexi Gonzales, 12566 Brookchase Lane, Jacksonville, member of Tobacco Free Jacksonville and Duval County Students Working Against Tobacco Club, spoke in favor of the ordinance.

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

Made by Livingston, seconded by Key.

MOTION: TO ADOPT ORDINANCE NO. 2023-03, CREATING SECTIONS 18-10 THROUGH 18-13, ARTICLE II, SMOKING, CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS AND BEACHES WITHIN THE CITY ON SECOND READ

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

MOTION CARRIED

Waste Pro

Waste Pro Discussion. City Attorney Zachary Roth reported that the City had received a proposed rate on a six-year extension. The current contract expires on October 31, 2023, and then this would commence on November 1, 2023, if moved forward. There was also the issue of the franchise fee and fuel recovery fee. It was discovered that Waste Pro was not remitting the franchise fee and the City was not paying the fuel recovery fee. After an analysis, the results resulted in the City owing about \$170,000. Waste Pro has offered to waive that amount if Council moves forward with the extension as proposed.

Council discussion included frequency of service, pricing from other vendors and service levels.

Steve Diebenow, on behalf of Waste Pro, stated there were other options for lowering the rate, such as the franchise fee. There is consensus that \$170,000 is owed to Waste Pro. Waste Pro has put their best foot forward. The rate proposed is in line with recent bid in the region and have offered to waive the amount that is owed. If Council needs more time, they can work that out but not so much that it becomes difficult to do an RFP.

Made by Messinger, seconded by Livingston.

MOTION: **TO EXTEND THE CONTRACT FOR AN ADDITIONAL 30 DAYS UNDER THE CURRENT TERMS AND COUNCIL AGREES TO NEGOTIATE WITH WASTE PRO AND STAFF IN THE NEXT 30 DAYS**

Mr. Diebenow stated that Waste Pro would agree to a 30-day extension until November 30, 2023. He added that if there is a solution in two or three weeks, he would hope a special meeting could be held in order to address any additional issues.

Made by Key, seconded by Messinger.

AMENDED MOTION: **IF NEGOTIATIONS ARE NOT MADE WITHIN THE NEXT 30 DAYS, AN RFP WOULD BE ISSUED**

Amended Motion Roll Call Vote:
 Ayes: 5-Livingston, Messinger, Key, Chin, and Brown
 Noes: 0

AMENDED MOTION CARRIED

Original Motion as Amended Roll Call Vote:
 Ayes: 5-Messinger, Key, Livingston, Chin, and Brown
 Noes: 0

MOTION CARRIED

City Hall Roof

City Hall Roof Update. Public Works Director Deryle Calhoun reported the City Hall roof replacement bid had been modified since no bids were received the first time. He is recommending bidding the project now and see what the solar panel reinstallation would take and make a decision on the payback. The engineer has suggested the entire project could take six weeks and due to storm season, the reinstallation of the solar panels could be delayed.

NEW BUSINESS

Surplus Items Surplus Items. Deputy Director of Public Works Colin Moore explained there were vehicles and equipment needing to be declared surplus in order to list for sale, including a street sweeper.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE SURPLUS ITEMS, AS REQUESTED

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

MOTION CARRIED

Ocean Vehicle Replacement Ocean Vehicle Replacement. Interim City Manager Pike reported the current Ocean Rescue vehicle was discovered to be in disrepair. A replacement vehicle has been found that meets the requirements for use by Ocean Rescue.

Made by Chin, seconded by Livingston

MOTION: TO APPROVE PURCHASE OF OCEAN VEHICLE REPLACEMENT

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

Utility Van Purchase of Utility Van. Mr. Calhoun stated that the City has recently filled the Maintenance Technician position. A maintenance utility van is needed to carry tools, parts and materials needed. Public Works is requesting to authorize a not-to-exceed amount of \$55,000 in order to acquire a utility van.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE A NOT TO EXCEED AMOUNT OF \$55,000 FOR THE PURCHASE OF A UTILITY VAN

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

Development of Stormwater Model Development of Stormwater Model. Mr. Calhoun advised that the stormwater engineering consultant, Jones-Edmunds, presented the strategic plan at the May 19, 2023, Transportation and Infrastructure Planning Committee meeting. During the presentation the benefits of a stormwater model were presented and discussed. One of the more significant benefits of a stormwater model was in seeking various grants for improvement projects. The entire model is estimated at \$160,000, with \$50,000 estimated in FY23 to focus first on Hopkins Creek improvements at Florida Boulevard and Forest Avenue. He added that he wanted to focus on Hopkins Street as it relates to Duval County putting together their FY24 budget together. Atlantic Beach drains through Hopkins Creek on the way to the ICW.

Made by Livingston, seconded by Messinger.

MOTION: TO APPROVE THE DEVELOPMENT OF A STORMWATER MODEL FOR THE CITY OF NEPTUNE BEACH STORMWATER SYSTEM

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

MOTION CARRIED

Emergency Pump Work

Potable Well #1 – Emergency Pump Work. Mr. Calhoun reported that Potable Well #1 is not operable, leaving two operating wells. The motor and well pump must be removed from the well to diagnose the issue. To take advantage of the pump being removed, a video survey of the well condition will be performed.

Made by Key, seconded by Livingston.

MOTION: TO APPROVE EMERGENCY AUTHORIZATION TO PULL WELL #1 PUMP FOR REPAIR AND VIDEO LOG

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

RFP for Wellfield Investigative and Rehabilitation Work

RFP for Wellfield Investigative and Rehabilitation Work. Mr. Calhoun explained that the City currently operates three wells drawing from the Floridan Aquifer. The wells were constructed in 1938, 1971 and 1972 and range from 852 to 1,212 feet below surface. Licensed water well contractors would be solicited for services to inspect, test and rehabilitate each well as needed in accordance with a request for proposals (RFP) developed by our consulting engineer.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE STAFF TO FINALIZE RFP FOR WELLFIELD INVESTIGATIVE AND REHABILITATIVE WORK

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Councilor Key commended Mr. Calhoun Interim City Manager Pike for getting things done and taking care of business.

Councilor Messinger agreed added complimented Deputy Public Works Director Colin Moore, Community Development Director Heather Whitmore, and Interim Police Chief Michael Key and staff for their hard work during this time.

Adjournment

There being no further business, the meeting adjourned at 8:00 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 20, 2023, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, June 20, 2023, 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
Councilor Nia Livingston
Councilor Josh Messinger

STAFF:
City Attorney Zachary Roth
City Manager Richard Pike
Public Works Director Deryle Calhoun
CFO Jaime Hernandez
Deputy Public Works Director Colin Moore
Interim Police Chief Michael Key
Senior Center Director Leslie Lyne
HR Coordinator Jillian McCann
Community Development Director Heather Whitmore
City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the Special Meeting to order at 6:00 p.m. and Councilor Key led the Pledge of Allegiance.

City Manager Appointment

City Manager Appointment. Mayor Brown reported that Council is pleased to have a new city manager coming in. Richard Pike is well-known and respected in the community.

Councilor Key disclosed that voting on this matter could result in special, private gain for a relative of hers. She recused herself from voting. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, has been submitted and pursuant to F.S. Section 112.3143(4)(b), is incorporated into these minutes.

Vice Mayor Chin pointed out a typographical error on Page 6 of the contract. The words “effective upon” had been repeated.

Councilor Messinger pointed out that the salary is fair in keeping with what other city managers are making throughout coastal communities in Florida. He couldn’t be happier that Richard Pike will be the next city manager. Including the cost of the healthcare, it is a fair contract. The City is going to be in good hands for years to come.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE APPOINTMENT OF RICHARD PIKE AS CITY MANAGER

Roll Call Vote:
 Ayes: 4- Livingston, Messinger, Chin, and Brown
 Noes: 0
 Abstain: 1-Key

MOTION CARRIED

Swearing In Mayor Brown administered the Oath of Office to City Manager Pike.

The Southern Group Contract Agreement, The Southern Group. Vice Mayor Chin stated he fully supports hiring The Southern Group and Jim Gilmore to provide the City with lobbying services from the City of Jacksonville and the State. He is highly connected and experienced. He will become our voice in getting the grant dollars we need to move forward with our infrastructure needs.

Councilor Messinger agreed and added this further strengthens our efforts to get real infrastructure dollars.

Made by Messinger, seconded by Chin.

MOTION: TO APPROVE THE CONTRACT AGREEMENT WITH THE SOUTHERN GROUP.

Roll Call Vote:
 Ayes: 5-Messinger, Key, Livingston, Chin, and Brown
 Noes: 0

MOTION CARRIED

Ord. No. 22023-04, FY23 Budget Amendment Ordinance No. 2023-04, First Read and Public Hearing. An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2023, Beginning October 1, 2022 and Ending September 30, 2023.

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

City Manager Pike explained that is for the transfer of funds from the paid parking program to the police department as the paid parking is now under the police department. An officer is being paid to perform those duties. Monies are being transferred to offset that cost

Mr. Pike confirmed Councilor Key's inquiry this is the same amount that would have paid for the parking director and is being transferred to another department.

Made by Messinger, seconded by Livingston.

MOTION: TO APPROVE ORDINANCE NO. 2023-04, AMENDING OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2023, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023 AT FIRST READ

Roll Call Vote:
 Ayes: 5-Key, Livingston, Messinger, Chin, and Brown
 Noes: 0

MOTION CARRIED

Task Order #2, UF Resiliency Grant Task Order #2, Master Research Agreement with University of Florida. Deputy Public Works Director Colin Moore explained that this is a grant agreement we received for \$180,000 from Resilient Florida for a vulnerability assessment required by statute in order to apply for infrastructure funding for resiliency projects. The project is laid out in tasks and should be completed by April of next year.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE TASK ORDER #2 OF THE MASTER RESEARCH AGREEMENT WITH THE UNIVERSITY OF FLORIDA**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

Potable Well #1-Emergency Geophysical Logging Potable Well #1-Emergency Geophysical Logging. Public Works Director Deryle Calhoun explained that on June 5, 2023, Council approved the emergency pulling of the failed pump at Well #1. He is asking for the approval of emergency geophysical logging of Well #1.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE EMERGENCY SERVICES TO COMPLETE SERVICES WELL DRILLING, INC IN THE AMOUNT OF \$12,500.00**

Roll Call Vote:

Ayes: 5-Messinger, Key, Livingston, Chin, and Brown

Noes: 0

MOTION CARRIED

Well #5, Kimley-Horn Extension Well #5-Extension of Supplemental Agreement #1 – Kimley-Horn. Mr. Calhoun explained this is for approval of moving forward with Well #5 construction and to extend Supplemental Agreement No. 1 for Consumptive Use Permitting(CUP) and well permitting and design services with Kimley Horn to July 31, 2025.

Made by Messinger, seconded by Livingston.

MOTION: **TO APPROVE CONSTRUCTION OF WELL #5 AND THE EXTENSION OF KIMLEY-HORN SUPPLEMENTAL AGREEMENT NO. 1**

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown

Noes: 0

MOTION CARRIED

CIPP Project Cured in Place Project – 3rd Street 8" Sanitary Sewer and Bal Harbor Subdivision Stormwater Pipe. Mr. Calhoun explained this is for the rehabilitation of pipe using cured-in place pipe (CIPP) versus traditional excavation and PVC pipe. This includes full rehabilitation of the eight-inch sewer pipe on 3rd Street near Myrtle Street and where needed for the Bal Harbor subdivision.

Made by Messinger, seconded by Key.

MOTION: **TO APPROVE CURED-IN-PLACE PIPE (CIPP) PROJECT – 3RD STREET NEAR MYRTLE STREET AND BAL HARBOR SUBDIVISION**

Roll Call Vote:
 Ayes: 5-Livingston, Messinger, Key, Chin, and Brown
 Noes: 0

MOTION CARRIED

Belt Filter Press Water Reclamation Facility Belt Filter Press. Mr. Calhoun reported the water reclamation facility treats approximately 600,000 gallons per day (GPD) of wastewater. Biosolids produced from the treatment process are approximately 180,000 gallons per week which must be thickened in the belt filter press prior to transport by roll-off to the landfill. He is requesting partial rehabilitation of the belt filter press originally installed in 1997.

Made by Messinger, seconded Key.

MOTION: **TO APPROVE THE WATER RECLAMATION FACILITY BELT FILTER PRESS REHABILITATION TO LANGLEY SEPARATION AND PROCESS, LLC IN THE AMOUNT OF \$67,445.00**

Roll Call Vote:
 Ayes: 5-Messinger, Key, Livingston, Chin, and Brown
 Noes: 0

MOTION CARRIED

Emergency Commercial Dive Services Emergency Commercial Dive Services. Mr. Calhoun explained one of the water reclamation facility tanks has experienced a failure of the aeration system pipework submerged in wastewater. A hazardous waste commercial dive team will be utilized to assess the condition of the pipework for possible repair. Staff is also investigating surface aerators as an alternative to the pipe network.

Made by Messinger, seconded by Chin.

MOTION: **TO APPROVE EMERGENCY COMMERCIAL DIVE SERVICES TO MAINSTREAM COMMERCIAL DIVERS, INC.**

Roll Call Vote:
 Ayes: 5-Key, Livingston, Messinger, Chin, and Brown
 Noes: 0

MOTION CARRIED

PUBLIC COMMENT

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated she is happy that Chief Pike is City Manager. She asked for greater transparency and greater involvement from the Community. She added that we need a Community Development Board that represents the Community. She spoke regarding the Community Vision Plan and commented: "It isn't really ours, it's yours."

Adjournment There being no further business, the Special Meeting adjourned at 6:38 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Key Lauren Dominique	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 6/20/23	NAME OF POLITICAL SUBDIVISION: Neptune Beach
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lauren Key, hereby disclose that on June 20, 20 23 :

(a) A measure came or will come before my agency which (check one or more)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, Michael Key _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

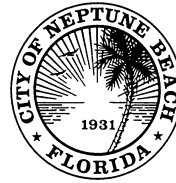
Given that my husband is the interim Chief of Police and this vote would result in an opening in that position permanently, I abstained from voting out of an abundance of caution.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

6/30/23
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
TUESDAY, JUNE 20, 2023, 6:38 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, June 20, 2023, at 6:38 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger

STAFF:

City Attorney Zachary Roth
City Manager Richard Pike
CFO Jaime Hernandez
Public Works Director Deryle Calhoun
Deputy Public Works Director Colin Moore
Interim Police Chief Michael Key
Senior Center Director Leslie Lyne
Community Development Director Heather Whitmore
City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:38 p.m.

AWARDS/PRESENTATIONS/RECOGNITION OF GUESTS / NONE

PROPOSED ORDINANCES

Dogs on the Beach

Proposed Ordinance, An Ordinance Amending Section 6-31, Regarding Dogs on the Beach to Establishing Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing for an Effective Date.

Councilor Livingston stated this had been brought up before. The main goal is to have consistency with Atlantic Beach and it tightens up the restrictions, including having potable water and shade.

Councilor Messinger commented that he is overall supportive of this legislation.

Vice Mayor Chin stated he had a few concerns and would caution against moving too quickly on this considering there had been a couple of recent dog attacks. He pointed out that people are not respecting the leash requirement so he is concerned will not be able to adequately patrol or enforce the beaches. Until he hears a critical threshold of residents

who want no restrictions, he would hold off on this.

Councilor Key commented after speaking with Police Services Officer Dee Zagari and understanding why this legislation would help enforce the rules better, it makes sense. If there were signs at every beach access and communication about the rules, this would help Ms. Zagari in issuing tickets and enforcement

Vice Mayor Chin agreed with increasing signage, and we could also make Atlantic Beach aware of what our rules are

Ms. Zagari stated this would help enforce the leash requirement if dogs were allowed at all times. It would also help with the enforcement of service animal restrictions. She also added having water, shade and prohibiting electric and remote collars as part of the legislation.

Councilor Key pointed out on Page 3 of the ordinance, “be” needs to be added to “dogs in tide pools must on-leash.”

CONSENSUS: MOVE FORWARD FOR FIRST READ

ISSUE DEVELOPMENT

FDOT A1A Complete Streets FDOT A1A Complete Streets. Deputy Public Works Director Colin Moore presented the preliminary Complete Streets concept from FDOT for Third Street from Atlantic Blvd to Seagate Ave. This project would coincide with a yet to be determined SR A1A resurfacing project (most likely FY 27 at the earliest). We are also coordinating stormwater improvements as part of this project

FDOT has requested feedback on this plan and noted that median closures can be added to the extent that they are justified for safety or operational needs or if they are requested by the users. FDOT also said we could request addition Pedestrian Hybrid Beacons (Lemon Street was mentioned as one potential location)

Councilor Messinger pointed out that in the Community Visioning Plan process, concepts were introduced that include multi-purpose paths on both sides, more landscaping in the medians and sides of the street so it is more of a slower entrance into a community and residential area. He would like these sent to FDOT to show how we have those ideas in place.

PUBLIC COMMENT

Pat Hazouri, 207 Florida Blvd, Neptune Beach, spoke regarding dangerous intersections. She requested having input on the above-mentioned FDOT A1A project.

COUNCIL COMMENTS

Councilor Key announced that on June 21, 2023, the installation of beach volleyball court Seagate and Hopkins. The Fletcher High Girls Beach Volleyball team is paying for and s; The practice times will be noticed on the net. Outside of those times, the City will be putt individuals to play. This will provide public amenity on the beach. She has been working Turtle Patrol in this partnership.

Vice Mayor Chin announced that the Sea Turtle Patrol will be holding their annual party and raffle at Slider's on June 27, 2023, at 6:00 p.m. He encouraged everyone to attend and support the organization.

Adjournment The workshop meeting adjourned at 7:10 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, JUNE 28, 2023, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, June 28, 2023, 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
- Councilor Nia Livingston
- Councilor Josh Messinger (*absent*)

STAFF:

- City Attorney Zachary Roth
- City Manager Richard Pike
- Parks and Sustainability Director Colin Moore
- Interim Police Chief Michael Key
- City Clerk Catherine Ponson

Call to
Order/Roll
Call/Pledge

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

Waste Pro
Contract

City Attorney Zachary Roth explained that he had several meetings with Waste Pro representatives and also exchanged emails. They have created an amendment to the existing contract to propose to Council for consideration.

City Attorney
Review

Mr. Roth reviewed the changes, which include extending the contract until November 30, 2023. Waste Pro has agreed to forgive the approximately \$170,000 amount based on the fuel recovery and franchise fee, Waste Pro will pressure wash and deodorize the trash compactor in the Beaches Town Center, a new Exhibit C, which includes the new rate and clarification of the process to follow for an extension in the future. He added that if routes changed, they would be included in the utility bill. He advised if there is an increase in tipping fee, the City would bear that cost.

Mr. Roth advised that a compromise was reached that any annual rate increase would be capped at 6%. If the CPI (Consumer Price Index) rate is increased at more than 6%, Waste Pro can bank any additional to future years when the rate is not 6%. He added that there is an addition of the right by the contractor to petition the City if there are extraordinary or unusual changes that result in increased costs. It would be at the Council's discretion to grant the request. He also stated there was one sentence he added regarding the auditing being changed to every 12 months.

Mr. Roth reported that the donations Waste Pro makes every year would be more general to public events that the City sponsors and not specific events.

Mr. Roth stated Council needs to decide about two issues, the fuel recovery fee and the franchise fee. The franchise fee is rebated back to the City, and the fuel recovery fee is a charge added based on the cost of fuel.

Steve Diebenow, on behalf of Waste Pro, confirmed stated the rate without the franchise fee would be \$29.34. If the franchise fee is added back, it would add \$2.93 for a rate of \$32.27. He also confirmed the waiving of the fuel recovery fee. He also agreed with the CPI language and that Waste Pro would be able come to Council if there extraordinary or unusual circumstances.

Council
Discussion

Vice Mayor Chin asked how a tipping fee increase would be passed on.

Mr. Roth stated that the fee Waste Pro charges the City does not automatically dictate what the City charges to residents.

Councilor Key commented that Waste Pro does a great job and she is comfortable moving forward. She would like to see the franchise fee included as it is important for budgetary purposes.

Councilor Livingston expressed she is comfortable with the rate presented. She is of the opinion that we should move forward with the franchise fee deleted. We have not had the money in the General Fund as the contract was not being enforced.

Mr. Roth responded that when the City previously requested the franchise fee, up to that point it was not contemplated in the budget. The CFO has reported that it should be included in the budget.

Councilor Livingston stated that the City should be creative to find fund other than from the residents.

Mayor Brown commented that the City has been operating at a deficit with the service and we have to at least break even. In talking with the CFO, the \$120,000 annually that could be received from the franchise fee is needed in the budget.

Councilor Key agreed with Mayor Brown. After also talking with the CFO, the franchise fee is needed for the budget and this is a small way to add to what is needed for infrastructure work and things that need to be done. If it is in the best interest of the City as a whole, she is comfortable moving forward with it.

Mr. Roth informed Council he had comments from Councilor Messinger, who was unable to attend. Councilor Messinger is okay with the contract with the franchise fee and without the fuel recovery fee. He would like to go to an RFP, but he believes this contract is reasonable if Council wants to move forward.

Vice Mayor Chin expressed that he does not want to add another fee to residents. The City is facing a lot of needs that are piling up. At this point, he would agree that we should include the franchise fee as much as he dislikes that option.

Mr. Roth advised that what was included in the packet was a draft. He would clarify that the motion be to approve the amendment that was sent earlier that day and to include the franchise fee and the rate be adjusted.

Councilor Livingston commented that she has a hard time passing the fee on to residents.

Mayor Brown thanked the City Attorney for his efforts throughout this negotiation process as well as Waste Pro.

Councilor Key agreed with Councilor Livingston that it is a hard decision. This is one of those times where a hard decision is in the best interest of the City.

Made by Key, seconded by Chin.

MOTION: **TO APPROVE THE AMENDMENT TO THE WASTE PRO CONTRACT THAT WAS RECEIVED THIS DAY TO INCLUDE THE FRANCHISE FEE AND THE RATE BE ADJUSTED TO THE RATE AS STATED BY THE WASTE PRO ATTORNEY**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment There being no further business, the Special Meeting adjourned at 6:26 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, JULY 17, 2023, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, July 17, 2023, 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
- Councilor Nia Livingston
- Councilor Josh Messinger *(via CMT)*

STAFF:

- City Attorney Zachary Roth
- City Manager Richard Pike
- Public Works Director Deryle Calhoun
- CFO Jaime Hernandez
- Parks and Sustainability Director Colin Moore
- Interim Police Chief Michael Key
- Senior Center Director Leslie Lyne
- Community Development Director Heather Whitmore
- City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

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

Neptune Trident Award

Neptune Trident Award. Mayor Brown presented the Neptune Trident Award to Ms. Patsy Bishop. Ms. Bishop is the second recipient of this award. She was nominated by the Mr. Richard Keene who received the inaugural award in 2021. The Neptune Trident Award was established to recognize outstanding residents for their service to the community. The award is symbolic of King Neptune’s Trident and each tine represents a tenet on which the award was founded, selflessness, integrity and leadership.

CDB Appts

CDB Appointments. Mayor Brown announced this item is deferred.

Well #1 Replacement and Pump

Well #1 Replacement and Pump. Public Works Director Deryle Calhoun reminded everyone there was a failure of the pump serving Well #1. Council had approved on June 5, 2023, the emergency award to pull the pump and motor. While the pump was out of the well, it was video logged and was determined to be in poor condition. The replacement of this pump will bring Well #1 back online.

Made by Key, seconded by Messinger.

MOTION: TO APPROVE REPLACEMENT AND INSTALLATION OF WELL #1 PUMP IN THE AMOUNT OF \$54,856.00 TO COMPLETE SERVICES WELL DRILLING, INC.

Roll Call Vote:
Ayes: 5-Key, Livingston, Messinger, Chin, and Brown
Noes: 0

MOTION CARRIED

PUBLIC COMMENT

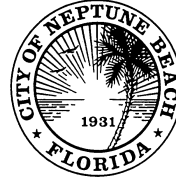
- Public Comment Shellie Thole, 124 Margaret Street, Neptune Beach, thanked Public Works for their recent help over the weekend with a drainage issue on her street.
- Adjournment There being no further business, the Special Meeting adjourned at 6:09 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING THE SPECIAL MEETING
MONDAY, JULY 17, 2023, 6:09 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, July 17, 2023, at 6:09 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger (via CMT)

STAFF:

City Attorney Zachary Roth
City Manager Richard Pike
CFO Jaime Hernandez
Public Works Director Deryle Calhoun
Parks and Sustainability Director Colin Moore
Interim Police Chief Michael Key
Community Development Director Heather Whitmore
City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:09 p.m.

AWARDS/PRESENTATIONS/RECOGNITION OF GUESTS / NONE

DEPARTMENT REPORTS

City Manager Report

City Manager Richard Pike reported that he and CFO Jaime Hernandez have been working on the FY 24 budget and will begin meeting with department heads. He announced Thursday, July 20, 2023, would be the Annual Hurricane Preparedness Meeting. Representatives from City of Jacksonville, Baldwin and the Beaches would be attending the annual tabletop exercise.

Interim Police Chief Report

Interim Police Chief Michael Key reported on the following:

- The e-bike enforcement campaign has kicked off. This includes handing out warnings and brochures to educate citizens of the laws that regulate the use of e-bikes. There is also partnership with Fletcher High School, Neptune Beach Elementary, and Beaches Chapel, to have Neptune Beach Police Officers in those schools to educate, provide lecture and hold question and answer sessions with those students.
- The 4th of July holiday was successful with no major incidents to report.

- Since July 1st, 2023, Ocean Rescue has had three lost people, 14 first aid cases, 11 preventative water actions, and seven rip current related issues. He added that Ocean Rescue is reporting that heat is the major concern.
- The Narcan rollout has taken place. This medicine saves lives during an overdose.
- He presented the June crime statistics report.

Senior Center Update Public Works Director Deryle Calhoun reported the Senior Center project is on schedule. The deck is up. The foundation was first and has been signed off on. Notice to Proceed was issued in mid-May with substantial completion in 90 days and full completion in 20 days.

Mr. Calhoun advised that the Bal Harbour stormwater system work would begin the last week of August. A flyer would be distributed to homes along the route.

Parks and Sustainability Report Parks and Sustainability Director Colin Moore announced the next Public Meeting for the Penman Road project would be Wednesday, August 16th, 2023, from 5:30 to 7:00 p.m. at Jacksonville Beach City Hall, 11 3rd Street N., Jacksonville, Florida 32250.

The jaguar in the Beaches Town Center would be removed to be repainted on Wednesday, July 19, 2023. The project should take about 60 days.

The pressure washing in Beaches Town Center would take place the following week after hours. The merchants have been notified.

COMMITTEE REPORTS

TIP Committee Mayor Brown reported there would be a meeting of the Transportation and Infrastructure Planning Committee in August.

PROPOSED ORDINANCES

Spending Threshold Proposed Ordinance. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Article VI, Section 2-377, Competitive Bidding; Written Contracts, Providing for Severability; and Providing an Effective Date.

Mr. Calhoun stated that he has been coming to Council for project approval numerous times. He said that the threshold amount of \$10,000 should be adjusted to account for inflation.

City Attorney Zachary Roth pointed out that the amount had previously been \$25,000 and moved down to \$9,999.00.

Vice Mayor Chin expressed that he supports this in order to get things done quicker. He does request that Council be apprised of when a big purchase is made and for what purpose if questions arise.

Mr. Pike confirmed Councilor Key’s inquiry that he would be given the authority to make the decision rather than coming to Council.

Mr. Roth pointed out that there may be items that have already been budgeted for and laid out, but the actual estimate has not been procured. The department head could move forward with getting the contract.

Councilor Messinger commented that this is straightforward. This is what was historically done. Based on all of the improvements at Public Works and other places, the City Manager will do well with this change in authority.

CONSENSUS: MOVE FORWARD FOR FIRST READ

Adjournment The workshop meeting adjourned at 6:24 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
EMERGENCY CITY COUNCIL MEETING
WEDNESDAY, JULY 19, 2023, 3:30 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, an Emergency City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, July 19, 2023, at 3:30 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
- Councilor Nia Livingston (*absent*)
- Councilor Josh Messinger (*absent*)

STAFF:

- City Attorney Zachary Roth (*via CMT*)
- City Manager Richard Pike
- Public Works Director Deryle Calhoun
- CFO Jaime Hernandez
- Parks and Sustainability Director Colin Moore
- Interim Police Chief Michael Key
- City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

Mayor Brown called the Emergency Meeting to order at 3:30 p.m.

Disk Filter Repair

Disk Filter Emergency Repair. City Manager Richard Pike reported he had been advised by the Public Works Director of an existing machinery issue. Mr. Pike considers this a public safety emergency and requested this meeting for the Director to move forward with the purchase of the equipment required to avoid this emergency.

Public Works Director Deryle Calhoun expressed that since the equipment has been down, the City has been exceeding the normal operational levels for the bacteriological tests. If the City keeps on this trend, the annual permitted limit is at risk. He would like to get the order in due to the lead time needed. The equipment is a disk filter that is involved with the filtration of treated water prior to disinfection by chlorine.

Made by Chin, seconded by Key.

MOTION: TO APPROVE THE EMERGENCY REPAIR OF THE DISK FILTER IN THE AMOUNT OF \$55,675.00

Roll Call Vote:
Ayes: 3-Key, Chin, and Brown
Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the Emergency Meeting adjourned at 3:36 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, JULY 26, 2023, 5:30 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, July 26, 2023, at 5:30 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
 Councilor Nia Livingston (*absent*)
 Councilor Josh Messinger

STAFF:

City Attorney Zachary Roth
 City Manager Richard Pike
 CFO Jaime Hernandez
 Parks and Sustainability Director Colin Moore
 City Clerk Catherine Ponson

Call to
 Order/Roll
 Call/Pledge

Mayor Brown called the Special Meeting to order at 5:30 p.m.

Tentative
 Proposed
 Millage Rate

Tentative Proposed Millage Rate. Mayor Brown explained that this is for the millage rate to be presented to Council.

Chief Financial Officer Jaime Hernandez stated that he asked this meeting as it is required by the State for Mayor and Council to be advised of the proposed millage rate for the ensuing year. He reported that he is proposing an increase from 0.3656 to 4.038. This is a .67 cent increase per thousand dollars. This will be certified to the Property Appraiser.

Mr. Hernandez presented information showing the breakdown of the percentages and amounts. He confirmed that this is only for the certification and is not setting the millage rate.

Mr. Hernandez answered Vice Mayor Chin’s inquiry that that this meeting was called as Council must be advised of the proposed millage rate prior to submitting the certification to the property appraiser by August 4, 2023.

Mr. Roth confirmed Vice Mayor Chin’s question that the threshold of a millage rate increase that requires a super-majority vote by Council is one-half (0.5) mil.

Councilor Messinger expressed he is a firm believer that we should be actively seeking a CRA and actively looking to work with COJ to keep more tax dollars. There are more conversations to be had before we would have a 20% increase. He would like to exhaust all options. We do need long-term revenue streams, and a big part of that is keeping that tax dollars here.

Mr. Hernandez advised he would submit the certification to the property appraiser and continue the budget process.

MOTION CARRIED

Adjournment There being no further business, the Special Meeting adjourned at 5:41 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____

City Manager Report

Council Meeting August 7th, 2023.

Departmental Recaps-08/01/2023

Police Department

- Internal PD Budget meeting this Thursday
- Air Show Meeting this Thursday
- DEA Gun Range Donation Received for \$50,000.
- 2023 Jag Grant Award Received for \$52,000.

Paid Parking

- First draft of Paid Parking SOP completed
- Re-wrote Parking Ambassadors job description and posted vacancy w/ Jillian.
- New signage for City Hall parking (east and south side)
- Met with BTC President Kendra Robertson regarding BTC parking for business employees
- August 7th meeting with all Parking Ambassadors
- Purchasing new supplies for Parking Office and tools for Parking Ambassadors
- Working on a laptop for the parking office for City email - Isolved - Internet access
- Process of getting Business Cards made (see attached)
- Re-evaluating payment and fine structures

Animal Control

- New signs, located at Public Works, have been placed throughout Jarboe Park for picking up pet waste and keeping dogs leashed
- New ordinance 1st read at next council meeting

Community Development

- Updates to go to Council on August 7th
 - LDC Update: Recreational Vehicles/Commercial Vehicles in Residential Districts
 - Will require revisions to Home-based Businesses
 - Pete's Development Order
- CDB September 13th
 - 412 South St Side Setback Variance
 - 2101Bartolome Lot Split
- Seahorse redevelopment
 - Traffic Concurrency
 - Land Use verification
 - Height verification
 - Stormwater verification
 - Utility verification

IT Department

- In the process of replacing the Cisco Meraki MX65W. As for backup internet providers, we have received quotes from AT&T and Xfinity Fiber. The former offers 10Mbps Switched Ethernet (symmetrical fiber) at a monthly cost of \$382.77, while the latter proposes 200Mbps EDI (symmetrical fiber) at a rate of \$509.00 per month.
- In the realm of access control and CCTV, we are awaiting the vendor application from Bates Security for both services.
- As for our current orders, they include two mini desktops and ten UPC backups for the Wastewater department, as well as one vlog and social media camera, two desktop workstations for Ryan and Ricardo, and one laptop for Ricardo, all for City Hall.
- Lastly, regarding follow-ups, we are working on obtaining admin access to the T-Mobile and Verizon portals. We also plan to upgrade the Veeam Backup to version 12 and add Wasabi Storage as an offsite backup.

Public Works

Operations

1. Wastewater Reclamation Facility
 - a. Plant 1 – Hazen and Sawyer are wrapping up the Phase 1 study, which has identified construction needs. Currently drafting Phase 2 proposal for presentation to Council.
 - b. Plant 2 – Dewberry is still on for the August bid, with an addendum for clarifier and structural improvements to follow. Will request approval from Council on 8/07 to bid.
 - c. FDEP inspection 7/31; staff from Tallahassee in attendance.
2. Water Plant and Wells
 - a. Replacement Well 5 kick-off meeting held with Kimley-Horn 7/27; current schedule would have Well 5 on-line FY24 Q4.
 - b. Consumptive Use Permit (CUP) work continues by Kimley-Horn.
3. Stormwater
 - a. Meeting with Mayor Deegan held 7/28 regarding Hopkins Creek at Florida and Forest improvements.
 - b. Jones-Edmunds submitted a constructability review to FDOT for 3rd Street improvements.

Projects

1. Water Tower Project
 - a. Held call with the contractor regarding logistics for upcoming blasting operation.
 - b. CONB contractor programming high service pumps to handle system demands once the tank is drained and out of service; will run the program for a few weeks

before blasting operations (mobilization on barrier and bonnet that covers the tank to begin 9/03).

- c. Logo confirmed at no additional cost.
 - d. New Verizon lease agreement and request for rent abatement; emailed Verizon rep 7/30 for additional information to support the request.
2. City Hall Roof Replacement
 - a. Will request approval from Council on 8/07 to award the project to NexGen in the amount of \$70,144.60 without solar panel reinstallation (\$90,144.60 with panels)
 - b. Ardurra Engineers requested of A1A Solar the cost to install at DPW when roofs are replaced in FY24.
 3. Senior Center
 - a. Roof leak – Jacksonville Roofing to remove and replace sealant on roof joints at a cost of \$3,475.00.
 - b. Building inspection is scheduled, as both architect and engineer have signed off on work completed.
 - c. Architect reviewing bid documents with respect to painting the entire deck structure; not clear at this time if it was explicitly defined.
 - d. Landscaping to begin 8/02 with a pre-con meeting; there will be some credit due to CONB for a reduction in landscape materials due to rock rubble under the oak tree.
 - e. Fire sprinkler system – Platinum Fire Protection has its approved permit and will begin on 8/02.
 4. Senior Center building painting – First quote of roughly \$8k has been received.
 5. Bal Harbor Televising of Stormwater Pipes - Scheduled to begin 8/07; flyers distributed to affected residents.
 6. SB64 Zero Discharge - Florida Rural Board approved moving forward with legislative push-back efforts. Email to members requesting compliance cost estimates. Deryle is attending the FRWA conference from 7/31 - 8/02.
 7. 500 Atlantic water and sewer service – Call scheduled 7/31
 8. Seahorse ability to serve letter – Terrell Arline provided a mark-up for consideration; Deryle passed it along to CM Pike, Heather, and Zach for review on 7/31.

Senior Activity Center

- CDBG Contract 2023-2024- Requesting \$48,000 (estimated approval August)
- Event Stats YTD-1,016 total events offered
- Services Delivered YTD- 496 unduplicated individuals
- Construction on Forest Ave.- Anticipated move in November 2023
- Status Report to Eckstein Charitable Trust- All monies are to be used no later than October 31, 2023

- Medicare Made Simple Presentation on August 14 @ 10 am
- Day Trips -August & December (King Tut & Sarah Brightman)
- Vintage Players Presentation on August 16
- Fundraisers through travel & grants- YTD \$6,877
- Travel Opportunities- Domestic & World
- Suggested Senior Activity Board-Recommendations under review by City Manager

Parks & Sustainability

- Penman Road Public Meeting at Jax Beach City Hall, Aug 16 at 5:30 pm
- FDOT “Road Work Ahead” signs are still up for the Third St project because a few of the signal items are on back order and haven’t been installed
- Locations for replacement path lighting in Jarboe Park have been identified (Beaches Energy has committed to replacing 13 lights that were removed during park construction)
- Pickleball lights are now working – the electrical contractor made the repairs under warranty

Human Resources

- New Employee Onboarding
 - Ricardo Pizzaro-will be joining us as the Chief Information Officer on 8/21/2023.
 - Roya Nateghi-will be joining us as a Wastewater Operator on 9/5/2023.
- Preparing insurance renewal data
- Preparing for the implementation of the new payroll system, Paycor.
- Revising Job Descriptions into a standardized format
- Drafting a Veteran’s preference policy for review
- Recruiting for Four New Positions
 - Police Officer (full-time and part-time)
 - Beaches Ambassador
 - School Crossing Guard
 - Lead Wastewater Operator

City Clerk

- August 7 Regular meeting agenda prep questions
- August 9 Finance Committee meeting agenda
- Surplus vehicle sale update

Finance

- The FY 21-22 Audit is scheduled to start on September 4 and is expected to end on December 8, 2023. Having an audit meeting to discuss the audit schedule.

- Wrapping up the budget meetings with department heads:
 - Compile new or additional data,
 - Update spreadsheet and forward to department heads
 - Final review
 - Acceptance
 - Build initial FY 22-23 budget draft.
- FEMA projects for Nichole and Ian have been closed (debris pick up). The funds will be sent to the state by FEMA, then the state will send us the funds for the reimbursement, around \$57,000.
- Initial DR-420 certification submitted to the Property Appraisal
 - Recommended an increase of \$.6731 Per \$1,000 of assessed value or 20 percent.
 - About \$302.90 for a property with an assessed value of \$500,000.
 - The property tax increase will represent an additional \$800,000. Mostly, the revenue will be used for IT projects:
 - Update IT infrastructure,
 - Establish and maintain security requirements,
 - Convert city records from hard copy to soft copy / digital.



Agenda Item #7A
 Final Development Order,
 Pete's Bar

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	Agenda Item 7A - DP23-01, Application for Final Development Order, Pete's Bar
SUBMITTED BY:	Heather Whitmore, AICP, Community Development Director
DATE:	August 7, 2023
BACKGROUND:	<p>DP23-01 Application for Final Development Order approval as outlined in Chapter 27 Article II Division 2 of the Unified Land Development Code of Neptune Beach for Pierre’s LLC for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000)</p> <p>This item was brought before the Community Development Board on July 12, 2023 and was unanimously approved. The Final Development Order requires review and approval by City Council.</p> <p>Pete’s is requesting a final development order approval. The existing building has previously been used for a bar and it has a current building permit for interior renovations only. The applicant must obtain an exterior remodeling building permit and Development Order for the outdoor improvements.</p> <p>The applicant requested a Historically Significant parking exemption from the Community Development Board as permitted in Sec. 27-540 (b) of the Land Development Code to provide the additional required parking spaces. The new total number of seats including the deck requires a total of 49 parking spaces. The sites 30 spaces is 19 spaces short of the required 49 spaces. The Community Development Board may exempt, in whole or in part, any Historically Significant property from providing required parking.</p> <p>On July 12, 2023, the Community Development Board unanimously approved the Preliminary Development Plan and unanimously approved the requested History Significant parking exemption for the 19 parking space balance of the required spaces. The Community Development Board recommended Final Development Order review and approval to the City Council.</p> <p>The Final Development Plan shall be consistent with the Preliminary Development Plan and shall contain no land uses different than those approved in the Preliminary Development Plan.</p>

	<p>The Final Development Plan as presented here is consistent the Preliminary Development Plan and does not contain land uses different than those approved in the Preliminary Development Plan.</p>
BUDGET:	NA
RECOMMENDATION:	<p>Staff recommends approval of the application for the Final Development Order as presented for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000).</p>
ATTACHMENT:	<p>Exhibits:</p> <p>July 12, 2023 Community Development Board Staff Report for DP23-01: Development Plan for Pierre’s LLC for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000) including application and Development Plan</p> <p>July 12, CDB Minutes</p>



STAFF REPORT

MEETING DATE: July 12, 2023
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: DP23-01

TO: Community Development Board

FROM: Heather Whitmore, AICP, Community Development Director

DATE: July 3, 2023

SUBJECT: DP23-01 Application for Preliminary Development Plan as outlined in Chapter 27 Article II Division 2 of the Unified Land Development Code of Neptune Beach for Pierre’s LLC for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000)

- I. BACKGROUND:** A preliminary development application has been submitted for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The existing building has previously been used for a bar and it has a current building permit for interior renovations. The applicant must obtain an exterior remodeling building permit and Development Order for the outdoor improvements. The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

The building was built in 1931 and Pete’s Bar was established in 1933. The existing building is 3,956 square feet with 76 of seats. The deck is approximately 1,700 square feet with 117 seats. The new total number of seats including the deck will be 193. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking.

The request is to build a ground level wood slatted deck structure with outdoor seating, smoking area, open-air serving counters, an employee service area, and storage area. This will be behind the existing building at 117 First St running east behind the buildings at 120 & 110 Lemon St.

The deck is a controlled area attached to the existing building with an access gate. The two enclosed counter serving areas will be attached to existing commercial structures bordering the deck. The small storage and employee area will be attached and behind the existing restaurant. The storage addition is off of the kitchen and will not be used for seating.

The site currently has 30 parking spaces and two handicap spaces. The handicap spaces are ADA compliant. 27-540 Parking Requirements requires 1 parking space per 4 seats for restaurants and bars. Section 27-540 (1) permits a 50% parking reduction for uses located in CBD. The new total number of seats including the deck will be 193 and therefore the site requires a total of 49 parking spaces. The site requires 1 bicycle space, and 3 are provided. Section The sites 30 spaces is 19 space short of the required 49 spaces.

The applicant has requested a Historically Significant parking exemption from the Community Development Board as permitted in Sec. 27-540 (b) of the Land Development Code to provide an additional required 19 parking spaces. The Community Development Board may exempt, in whole or in part, any Historically Significant property from providing required parking.

“Historically significant is defined as “any structure or area that is included or is eligible for inclusion on the National Register of Historic Places, the Florida Master Site File, or local historic registry.” The applicant is the process of obtaining a Historic Designation on the Florida Master File List of the Florida Bureau of Historic Preservation.



Figure 1: Pete's Bar, 117 First Street, 120 & 110 Lemon Street, Neptune Beach, FL

II. **FINDINGS:**

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasijudicial public hearing and shall consider the following factors when issuing a development order:

(1) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same.

(2) Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Concurrency:

Traffic: The proposed redevelopment will not generation any additional traffic because the area was storage, smoking and seating.

Water/Sewer: This project area has water and sewer.

School: Not applicable

Drainage: No new additional hard surfaces area will be added. The wood slatted deck is pervious to rain.

(3) The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The use complies with density and lot coverage. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same. The applicant has requested a Historically Significance required parking reduction.

(4) Conformity of the proposed development with the comprehensive plan, this

Code, and other applicable regulations.

Staff Response: The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

(5) Applicable regulations, review procedures, and submission requirements.

Staff Response: The existing building has previously been used for a bar and it has a current building permit for interior renovations. The applicant must obtain an exterior remodeling permit and Development Order for the outdoor improvements. The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

The applicant is requesting a Historically Significant parking exemption from the Community Development Board as permitted in Sec. 27-540 (b) of the Land Development Code to provide required additional parking. The Community Development Board may exempt, in whole or in part, any Historically Significant property from providing required parking.

(6) Concerns and desires of surrounding landowners and other persons.

Staff Response: The Development Order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

(7) Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: None. The applicant must obtain an exterior remodeling permit and Development Order for the outdoor improvements.

Staff Recommendation

Staff recommends approval of the application for Preliminary Development for the properties known as Pete's Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). Staff recommends approval the requested History Significant parking exemption for the 19 parking space balance of the required spaces.

The developer shall submit a Final Development Plan, as defined in this Code, for review by the City Council. The Final Development Plan shall be consistent with the Preliminary Development

Order and shall contain no land uses different than those approved in the Preliminary Development Order.

APPLICATION FOR DEVELOPMENT PLAN REVIEW



TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT
 116 FIRST STREET
 NEPTUNE BEACH, FLORIDA 32266-6140
 PH: 270-2400 Ext 34 FAX: 270-2432
 CDD@NBFL.US

**APPLICATION FEE: \$300 Residentially Zone Property
 \$500 Commercially Zone Property plus \$.005 (1/2 cent) for each square foot of land
 or \$1500 whichever is greater**

Date Filed:	Name and address of the applicant requesting development review: (NOTE: If the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporation ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows.	
Name & Mailing address of Owner of Record: Pierre's LLC 500 3rd St S Jax Beach Contact phone # 904-588-4538 e-mail address deraz12@gmail.com	Property Address: 117 1st Street Neptune Beach, FL 32266 Real Estate ID # 172782-0000 Lot 1 _____ Block 24 _____ Subdivision 03151 Zoning District: CBD	
Name and Address of Agent/Applicant: Shahab Derazi 500 3rd St S Jax Beach	Telephone #- 904-588-45389 Email: deraz12@gmail.com	
Describe Request being made: Outdoor Bar		
<p><u>PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.</u></p>		

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR DEVELOPMENT REVIEW AS REQUESTED.

CHECKLIST FOR DEVELOPMENT PLAN REVIEW

For a complete list of requirements see Article III, Chapter 27 of the Code of Ordinances

Commonly required items needed for development reviews.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Floor Plan |
| <input type="checkbox"/> Elevations (all four sides) | <input type="checkbox"/> Survey of property (dated within one year)
For replat must submit existing and propose surveys |
| <input type="checkbox"/> Landscape Plan/Exiting Tree Survey | <input type="checkbox"/> Parking Plan |
| <input type="checkbox"/> Impervious Surface Calculations | <input type="checkbox"/> Stormwater and drainage plan |
| <input type="checkbox"/> Light Plan (exterior only) | <input type="checkbox"/> Wetland Buffer |
| <input type="checkbox"/> Signage Plan | <input type="checkbox"/> Utility Plan with existing and/or proposed easements |

DISCLAIMER: This helpful guide is not intended to replace any or all of the Unified Land Development Regulations, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only.

Re: Petes Bar and 110 Lemon Street

From: Jessica Hatmaker (jessica_rh2properties@yahoo.com)
To: andrew.waber@dos.myflorida.com
Cc: fmsfile@dos.myflorida.com; nationalregister@dos.myflorida.com
Date: Saturday, May 20, 2023 at 09:23 AM EDT

Yes please

[Sent from Yahoo Mail for iPhone](#)

On Friday, May 19, 2023, 6:01 PM, Waber, Andrew J. <Andrew.Waber@DOS.MyFlorida.com> wrote:

Ms. Hatmaker

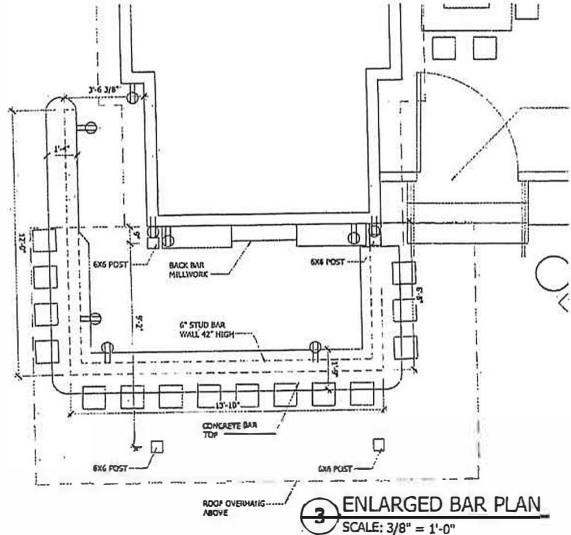
Thank you for submitting two Preliminary Site Information Questionnaires (PSIQs) for the Petes Bar and 110 Lemon Street. Before we review this, I would like to confirm with you that you are interested in pursuing National Register of Historic places (NR) listing for the properties. Is this correct?

Andrew Waber

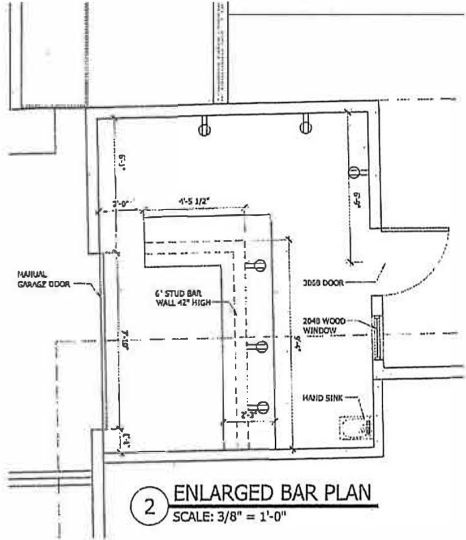
Historian | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State
| 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6430 | 1.800.847.7278 | Fax:
850.245.6439 | Andrew.Waber@DOS.MyFlorida.com | www.flheritage.com



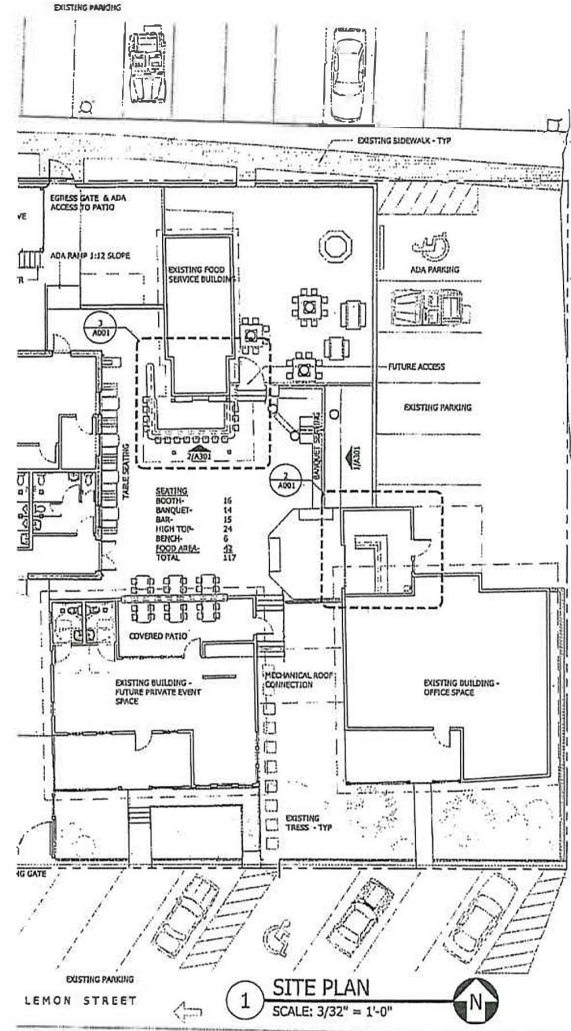
THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE PROPERTY OF DESIGN COOPERATIVE, LLC AND IT SHALL NEVER BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF DESIGN COOPERATIVE, LLC



3 ENLARGED BAR PLAN
SCALE: 3/8" = 1'-0"



2 ENLARGED BAR PLAN
SCALE: 3/8" = 1'-0"



1 SITE PLAN
SCALE: 3/32" = 1'-0"

**PETE'S
COMPOUND**



DESIGN COOPERATIVE, LLC
1032 HENDRICKS AVENUE
JACKSONVILLE, FL 32207
TEL / (904) 226-1032
FAX / (904) 632-5192
www.dcoop.com
FLAA22001840

CLIENT
AUSTIN TOWEY
LOCATION
TBD
CIVIL ENGINEERING
TBD
STRUCTURAL ENGINEERING
TBD
M.E.P. ENGINEERING
TBD
LANDSCAPING
TBD
INTERIOR DESIGN
TBD

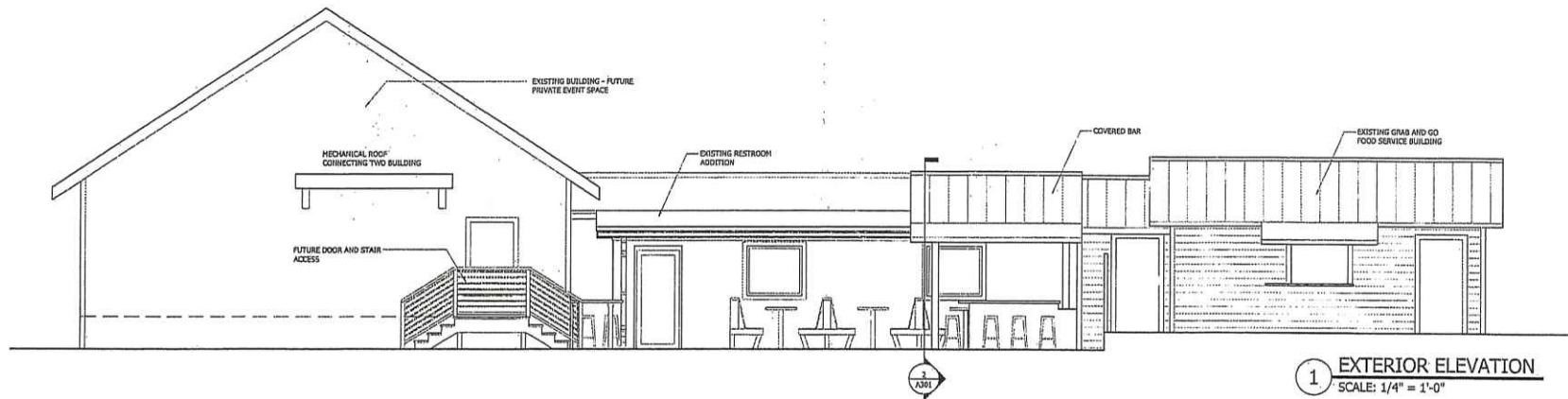
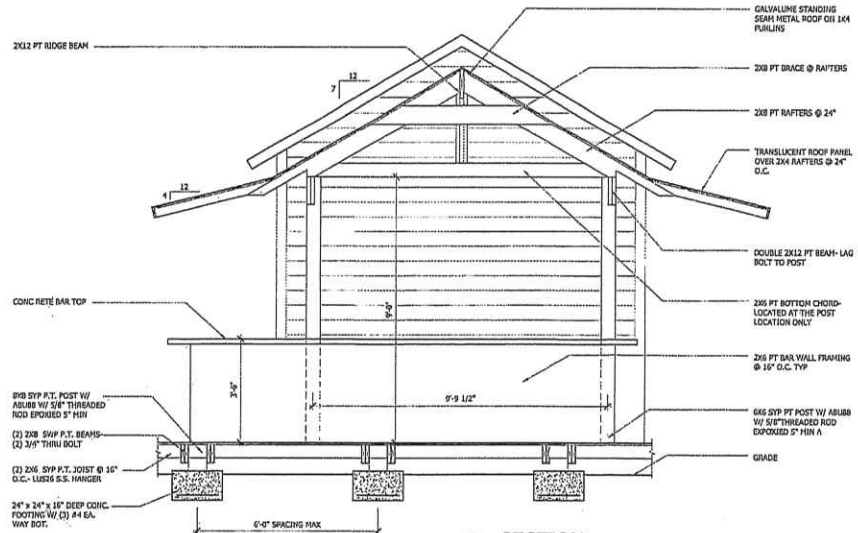
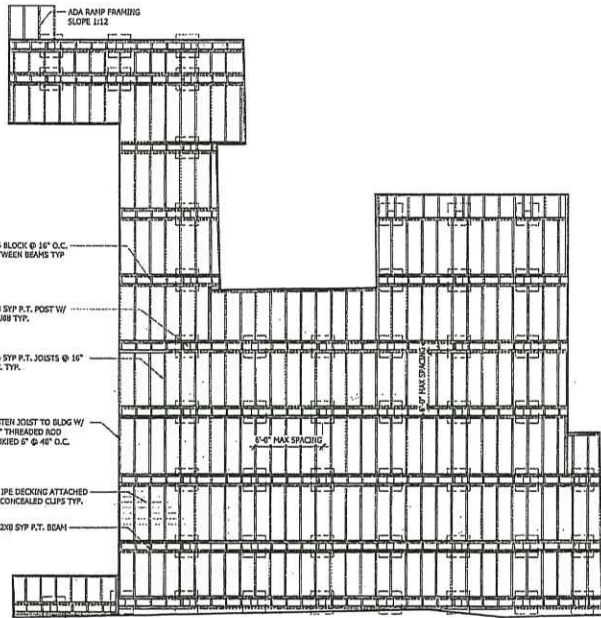
DATE: 4.18.2023

PROJECT NO: 21025

**SITE PLAN
A001**

NOT ISSUED FOR PERMIT OR CONSTRUCTION

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE PROPERTY OF DESIGN COOPERATIVE, LLC AND IT SHALL NEVER BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF DESIGN COOPERATIVE, LLC



PETE'S COMPOUND



DESIGN COOPERATIVE, LLC
1032 HENDRICKS AVENUE
JACKSONVILLE, FL 32207
TEL / (904) 248-1022
FAX / (904) 682-6902
WWW.DCOOP.COM
FLA028010408

- CLIENT: AUSTIN TOWERY
- LOCATION: TBD
- CIVIL ENGINEERING: TBD
- STRUCTURAL ENGINEERING: TBD
- M.E.P. ENGINEERING: TBD
- LANDSCAPING: TBD
- INTERIOR DESIGN: TBD

DATE: 4.18.2023

PROJECT NO: 21025

BAR SECTION & PATIO ELEV.
A301

NOT ISSUED FOR PERMIT OR CONSTRUCTION

Development
Review
DP23-01
Pierre's, LLC
117 First, 110
& 120 Lemon St

DP23-01 Application for Preliminary Development Plan as outlined in Chapter 27 Article II Division 2 of the Unified Land Development Code of Neptune Beach for Pierre's LLC for the properties known as 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The request is to build a ground level deck structure with outdoor seating and an open-air bar and employee service area. This will be behind the existing building at 117 First St running east behind the buildings at 120 & 110 Lemon. The purpose of the deck structure is to provide a smoking area for patrons of Pete's Bar.

Heather Whitmore, Community Development Director, went over the staff report.

I. BACKGROUND: A preliminary development application has been submitted for the properties known as Pete's Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The existing building has previously been used for a bar and it has a current building permit for interior renovations. The applicant must obtain an exterior remodeling building permit and Development Order for the outdoor improvements.

The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

The building was built in 1931 and Pete's Bar was established in 1933. The existing building is 3,956 square feet with 76 of seats. The deck is approximately 1,700 square feet with 117 seats. The new total number of seats including the deck will be 193. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking.

The request is to build a ground level wood slatted deck structure with outdoor seating, smoking area, open-air serving counters, an employee service area, and storage area. This will be behind the existing building at 117 First St running east behind the buildings at 120 & 110 Lemon St.

The deck is a controlled area attached to the existing building with an access gate.

The two enclosed counter serving areas will be attached to existing commercial structures bordering the deck. The small storage and employee area will be attached and behind the existing restaurant. The storage addition is off of the kitchen and will not be used for seating.

The site currently has 30 parking spaces and two handicap spaces. The handicap spaces are ADA compliant. 27-540 Parking Requirements requires 1 parking space per 4 seats for restaurants and bars. Section 27-540 (1) permits a 50% parking reduction for uses located in CBD. The new total number of seats including the deck will be 193 and therefore the site requires a total of 49 parking spaces. The site requires 1 bicycle space, and 3 are provided. Section The sites 30 spaces is 19 space short of the required 49 spaces.

The applicant has requested a Historically Significant parking exemption from the Community Development Board as permitted in Sec. 27-540 (b) of the Land Development Code to provide an additional required 19 parking spaces. The Community Development Board may exempt, in whole or in part, any Historically Significant property from providing required parking.

Historically significant is defined as “any structure or area that is included or is eligible for inclusion on the National Register of Historic Places, the Florida Master Site File, or local historic registry.” The applicant is the process of obtaining a Historic Designation on the Florida Master File List of the Florida Bureau of Historic Preservation.

II. FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasi-judicial public hearing and shall consider the following factors when issuing a development order:

(1) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same.

(2) Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Traffic: The proposed redevelopment will not generation any additional traffic because the area was storage, smoking and seating.

Water/Sewer: This project area has water and sewer.

School: Not applicable

Drainage: No new additional hard surfaces area will be added. The wood slatted deck is pervious to rain.

(3) The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The use complies with density and lot coverage. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same. The applicant has requested a Historically Significance required parking reduction.

(4) Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

Staff Response: The property has a Comprehensive Plan Town Center Land Use Designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

(5) Applicable regulations, review procedures, and submission requirements.

Staff Response: The existing building has previously been used for a bar and it has a current building permit for interior renovations. The applicant must obtain an exterior remodeling permit and Development Order for the outdoor improvements. The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district. The applicant is requesting a Historically Significant parking exemption from the Community Development Board as permitted in Sec. 27-540(b) of the Land Development Code to provide required additional parking. The Community Development Board may exempt, in whole or in part, any Historically Significant property from providing required parking.

(6) Concerns and desires of surrounding landowners and other persons.

Staff Response: The Development Order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

(7) Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: None. The applicant must obtain an exterior remodeling permit and Development Order for the outdoor improvements.

Staff Recommendation

Staff recommends approval of the application for Preliminary Development for the properties known as Pete's Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). Staff recommends approval the requested History Significant parking exemption for the 19-parking space balance of the required spaces.

The developer shall submit a Final Development Plan, as defined in this Code, for review by the City Council. The Final Development Plan shall be consistent with the Preliminary Development Order and shall contain no land uses different than those approved in the Preliminary Development Order.

Mr. Shahab Derazi, co-owner, addressed the board. They are currently going through the Historical Preservation process which takes 9 to 12 months to complete. The deck is 1700 square feet and will join the three properties together going from west to east. There is two enclosed services area with storage. There are 76 seats inside Pete's Bar and seating for 117 outside for a total of 193 seats. 49 parking spaces are required by code. 30 regular and 2 handicap parking spaces are provided.

Questions from the Board for the applicant:

Are you interested in adding more bike parking spaces to offset some of car spaces?
Mr. Sahad stated: Yes, they would be agreeable to adding more bike parking.

The floor was opened for public comments. There being none, the public hearing was closed.

Made by Hilton, seconded by Atayan.

MOTION: TO APPROVE THE PRELIMINARY DEVELOPMENT ORDER TO 23-01 AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL WITH THE CONDITION THAT THE APPLICANT SHALL ADD TWO BICYCLE RACK THAT WOULD ACCOMMODATE AT LEAST EIGHT (8) BICYCLES.

Roll Call Vote:

Ayes: 7-Hilton, Charles, Randolph, Atayan, Mazzola,
Schwartzenger, Frosio

Noes: 0

MOTION CARRIED

Applicant was informed that their application would be forwarded to the City Council for their final hearing on August 7, 2023 and that they should attend that meeting.



Agenda Item #8A
 Ord. No. 2023-04
 Amending FY 23 Budget

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	Agenda Item #8A, Ordinance No. 2023-04 , Second Read and Public Hearing, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2023, Beginning October 1, 2022, and Ending September 30, 2023.
SUBMITTED BY:	Mayor Elaine Brown
DATE:	August 2, 2023
BACKGROUND:	<p>The NBPD recently promoted one of their Officers to the rank of Sergeant. This individual will now be responsible for overseeing and managing the operations of the Mobility Management department. There are unused funds in the Mobility Management budget to fund this promotion and assignment of new job duties.</p> <p>The Finance Department has successfully conducted interviews for Accounting Technician and Staff Accountant roles. The candidates will assist with daily tasks and finalize audits, payroll, and accounts payable.</p> <p>The ordinance was passed at First Read on June 20, 2023.</p>
BUDGET:	See Budget Amendment Request
RECOMMENDATION:	Consider Adoption of Ord. No. 2023-04
ATTACHMENT:	Ordinance No. 2023-04, Budget Amendment Request

INTRODUCED BY:
MAYOR BROWN



ORDINANCE NO. 2023-04

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2023, BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023.

WHEREAS, the City of Neptune Beach adopted an operating budget for fiscal year 2023, and

WHEREAS, the nature of budgetary systems and those day to day decisions affecting such budgetary systems requires adjustments from time to time.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. The Fiscal Year 2023 Final Budget be Amended as shown on the attached Budget Amendment Request.

Section 2. The Ordinance shall become effective immediately upon its passage by the City Council

VOTE RESULTS OF FIRST READING:

e	Mayor Elaine Brown	YES
	Vice Mayor Kerry Chin	YES
	Councilor Lauren Key	YES
	Councilor Nia Livingston	YES
	Councilor Josh Messinger	YES

Passed on First Reading on this 20th day of June, 2023.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger

Passed on Second and Final Reading on this ____ day of _____, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and correctness:

Zachary Roth
City Attorney



DATE: 06/06/2023

BUDGET AMENDMENT REQUEST

Name of Requestor: Chief Pike

Budget Amendment/Transfer Number:

Account Number	Project Number	Budget Amendment/Transfer	Description	Amount Increase/ (Decrease)	Current Budget	Revised Budget
500-1550-541-10-12		Mobility Management	Salaries	33,000.00	228,000.00	195,000.00
001-1221-521-10-12		Police	Salaries	33,000.00	2,125,500.00	2,158,500.00
500-1550-541-10-21		Mobility Management	FICA	2,100.00	14,150.00.00	12,050.00
001-1221-521-10-21		Police	FICA	2,100.00	146,000.00	148,100.00
500-1550-541-10-24		Mobility Management	Workers Compensation	1,250.00	3,700.00	2,460.00
001-1221-521-10-24		Police	Workers Compensation	1,250.00	72,250.00	73,500.00
500-1550-541-10-25		Mobility Management	Medicare	500.00	3,300.00	2,800.00
001-1221-521-10-25		Police	Medicare	500.00	35,000.00	35,500.00

REVIEW PROCESS:

Department Head	
Chief Financial Officer	
City Manager	

Date of Council Meeting Approval:

Mayor Elaine Brown



CITY OF

BUDGET AMENDMENT REQUEST

Budget Amendment/Transfer Number:

Explanation:

Why are the funds needed, or Where are the funds coming from?

Funds are needed to cover employee salaries, payroll taxes, and worker's compensation for the Sergeant position that will oversee the Mobility Management program.

Where are funds available ?

Funds are available from the Mobility Management budget to move to the Police budget to cover employee costs for the Sergeant position that will oversee the Mobility Management program.

Human Resources

From: Zachary Roth <Zachary.Roth@ansbacher.net>
Sent: Wednesday, May 31, 2023 10:29 AM
To: Human Resources; CFO
Cc: Richard Pike; Michael Key; neptune
Subject: RE: Budget Amendment guidance

Follow Up Flag: Follow up
Flag Status: Flagged

If the transfer changes the total amount of appropriated funds within one or more funds, then a budget amendment with council approval is required. If the total amounts in the fund are not changed and it is just a reallocation, then the City Manager has authority. This sounds like funds are changing, so it would seem a budget amendment is required.

Zachary R. Roth

Board Certified Real Estate Attorney

Zachary.Roth@ansbacher.net
904.737.4600 ext 159

ANSBACHER LAW

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From: Human Resources <hr@nbfl.us>
Sent: Tuesday, May 30, 2023 2:16 PM
To: Zachary Roth <Zachary.Roth@ansbacher.net>; CFO <cfo@nbfl.us>
Cc: Richard Pike <cop@nbfl.us>; Michael Key <michaelkey@nbfl.us>; neptune <neptune@ansbacher.net>
Subject: Re: Budget Amendment guidance

Good afternoon, Zach,



DATE: 06/13/2023

BUDGET AMENDMENT REQUEST

Name of Requestor: Jaime Hernandez

Budget Amendment/Transfer Number:

Account Number	Project Number	Budget Amendment/Transfer	Description	Amount Increase/ (Decrease)	Current Budget	Revised Budget
001-1115-515-10-12		Community Development	Salaries	26,175.00	285,000.00	258,825.00
001-1113-513-10-12		Finance	Salaries	26,175.00	126,750.00	152,925.00
001-1115-515-10-21		Community Development	FICA	1,640.00	18,000.00	16,360.00
001-1113-513-10-21		Finance	FICA	1,640.00	9,000.00	10,640.00
001-1115-515-10-25		Community Development	Medicare	370.00	4,250.00	3,880.00
001-1113-513-10-25		Finance	Medicare	370.00	2,100.00	2,470.00
001-1115-515-10-24		Community Development	Worker's Compensation	500.00	2,000.00	1,500.00
001-1113-513-10-24		Finance	Worker's Compensation	500.00	225.00	725.00

REVIEW PROCESS:

Department Head	
Chief Financial Officer	
City Manager	

Date of Council Meeting Approval:

Mayor Elaine Brown

Explanation Page for Each Line Item Must Immediately Follow



BUDGET AMENDMENT REQUEST

Budget Amendment/Transfer Number:

Explanation:

Why are the funds needed, or Where are the funds coming from?

Funds are needed to cover employee salaries; payroll taxes; and worker's compensation for the two new positions in Finance.

1. Accounting Technician (\$40,000 annually)
2. Staff Accountant (\$45,000 annually).

Where are funds available ?

Funds are available to move from the unfilled Code Enforcement position in the Community Development budget.



Agenda Item #8B
 Ord. No. 2023-05
 Dogs on the Beach

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	Agenda Item #8B , Ordinance No. 2023-05, First Read and Public Hearing, An Ordinance Amending Section 6-31, Regarding Dogs on the Beach to Establishing Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; Providing for Severability; Providing for an Effective Date.
SUBMITTED BY:	Councilor Nia Livingston
DATE:	August 2, 2023
BACKGROUND:	<p>Neptune Beach restricts time periods during which dogs are permissible on the Atlantic Ocean Beach.</p> <p>Atlantic Beach does not currently restrict the time periods for dogs on the beach.</p> <p>To remedy the confusion along the beaches and also establish provisions for water, shade and to prohibit electric and remote collars, the attached proposed ordinance is being presented.</p> <p>The proposed ordinance was discussed at the June 20, 2023 workshop and forwarded for First Read</p>
BUDGET:	N/A
RECOMMENDATION:	Consider Ordinance No. 2023-05 at First Read
ATTACHMENT:	Ordinance No. 2023-05

INTRODUCED BY:
COUNCILOR LIVINGSTON



ORDINANCE NO. 2023-05

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING SECTION 6-31 REGARDING DOGS ON THE BEACH TO ESTABLISHING CONSISTENCY WITH ATLANTIC BEACH; CLARIFYING LEASH REQUIREMENTS; REQUIRING CERTAIN PROTECTIONS FOR DOGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6-31 of the Code of Ordinances of the City of Neptune Beach, the City regulates the presence of dogs on the Atlantic Ocean Beach adjacent to the City; and

WHEREAS, the City restricts time periods during which dogs are permissible on the Atlantic Ocean Beach; and

WHEREAS, the City of Atlantic Beach does not currently restrict the time periods during which dogs are permissible on the Atlantic Ocean Beach; and

WHEREAS, the City's Animal Control/Service Officer has observed confusion on the part of persons walking dogs across the city limits between the City and the City of Atlantic Beach who are unaware of the differences between the respective Codes of Ordinances; and

WHEREAS, elimination of time restrictions on the presence of dogs on the Atlantic Ocean Beach will eliminate such confusion, assist the Animal Control/Service Officer in the performance of their duties, and provide for a more predictable regulatory scheme regarding the matter; and

WHEREAS, the City's Animal Control/Service Officer has also observed that dogs brought to the Atlantic Ocean Beach are frequently not provided with a means of potable water or shade, potentially causing harm to the animals; and

WHEREAS, the City desires to establish provisions to protect the health, safety and welfare of such animals by instituting certain requirements for dogs to be brought to the beach for a significant period of time; and

WHEREAS, the City's Animal Control/Service Officer has also observed the use of electric collars and remote collars on dogs brought to the Atlantic Ocean Beach; and

WHEREAS, such devices provide insufficient control of dogs to protect members of the public enjoying the Atlantic Ocean Beach; and

WHEREAS, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Amending Section 6-31 of the City of Neptune Beach Code of Ordinances. Section 6-31 of the City of Neptune Beach Code of Ordinances is hereby amended to read as follows:

(a) Dogs are permissible on the Atlantic Ocean Beach adjacent to the city year-round. ~~during the following time periods:~~

~~(1) At any hour from October 1st through March 31st; and~~

~~(2) During the hours of 5:00 p.m. through 9:00 a.m., from April 1st through September 30th.~~

(b) In addition to the above provisions, all owners, custodians and/or persons responsible for and in control of any dog(s) on the beach must comply with following:

(1) Each such dog must be fastened to a suitable leash of dependable strength not to exceed twelve (12) feet in length and the leash must be held or controlled by that person at all times. Electric collars, remote collars, or other non-physically connected collars or leashes do not comply with this requirement. The person must control a leash physically connected to the dog.

(2) Any person having a dog on the beach ~~during the above enumerated hours~~ must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.

(3) Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year. ~~The civil penalties for violation of this chapter shall be those set forth in section 6-5.~~

(4) If dog and the person responsible for such dog's presence on the beach are in the Atlantic Ocean together, the dog shall be allowed to swim unleashed and then immediately put back on the leash before returning to

the beach. This does not include walking the dog in the water. Tide pools are not considered part of the Atlantic Ocean and dogs in tide pools must on-leash.

(5) Any person spending more than 30 minutes on the beach must provide a source of potable water and shade to the dog.

(c) The civil penalties for violation of this chapter shall be those set forth in section 6-5.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Nia Livingston
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this _____ day of _____, 2023.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Nia Livingston
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



Agenda Item #8C
 Ord. No. 2023-06
 Spending Threshold

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	Agenda Item #8C, Ordinance No. 2023-06, First Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Article VI, Section 2-377, Competitive Bidding; Written Contracts, Providing for Severability; and Providing an Effective Date
SUBMITTED BY:	Mayor Elaine Brown
DATE:	August 2, 2023
BACKGROUND:	<p>The ordinance places the threshold for requiring Council approval for expenditures at \$25,000.</p> <p>This was the amount prior to 2016 and was changed to \$9,999.00. This reverts the amount back to \$25,000.</p> <p>The proposed ordinance was discussed at the July 17, 2023 Council Workshop and moved forward for First Read</p>
BUDGET:	N/A
RECOMMENDATION:	Consider Ordinance at First Read
ATTACHMENT:	Ordinance No. 2023-06

INTRODUCED BY:
MAYOR BROWN



ORDINANCE NO. 2023-06

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE VI, SECTION 2-377, COMPETITIVE BIDDING; WRITTEN CONTRACTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Neptune Beach desires to protect its citizens by diligently updating the Code of Ordinances of the City of Neptune Beach, and

WHEREAS, in 2016, the threshold for requiring City Council approval for expenditures was reduced from \$25,000 to \$9,999.00,

WHEREAS, since 2016, there have been significant increases in prices occasioned by numerous factors, including COVID-19, inflation, supply chain issues, and other matters;

WHEREAS, the City Council has observed that the current threshold makes administration of the City's business unwieldy, requires matters to be delayed, and otherwise impairs the City's ability to perform its functions, and determines that reestablishing the prior threshold is appropriate.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

Section 1. Amending Chapter II, Article VI, Section 2-377 of the City of Neptune Beach Code of Ordinances. Section 2-377 of the Code of Ordinances of the City of Neptune Beach, Florida, is hereby amended as follows:

Section 2-377. Competitive bidding; written contracts.

- (a) Before making any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition, as prescribed herein. All expenditures for supplies, materials, equipment or contractual services involving more than, ~~nine thousand, nine hundred ninety nine dollars (\$9,999.00)~~ twenty-five thousand dollars (\$25,000.00) excluding automobiles, shall be made on a written contract, as prescribed herein, and such contract shall be awarded to the lowest and most responsible bidder, if awarded.

An emergency purchase is required when the city experiences an emergency that warrants the immediate delivery of goods or services and in doing so, are unable to comply with the competitive bidding provisions.

The city council has determined that approval under this provision is automatically granted when:

- (1)The public's health, safety or welfare requires the immediate delivery of goods or the performance of services.

(2)The award of any such contracts is made pursuant to the provisions of competitive bidding.

(3)Contracts are issued in response to a formal declaration of an emergency by the governor or mayor.

(4)Approval of the purchase shall be made at the next scheduled meeting of the city council.

(b) The formal bid procedure defined in subsection (a) is not required in the following cases:

(1) When the city council, by a vote of the majority of those members present, waives a formal bid procedure;

(2) When the goods or services to be procured are procurable from only one (1) source, such as contracts for telephone service, electrical energy and other public utility services; books, pamphlets, periodicals, specifically designed business and research equipment and related supplies;

(3) Where the services required are for professional, artistic skills or insurance, pursuant to a written contract;

(4) In emergencies involving public health, safety or where immediate expenditure is necessary for repairs to city property in order to protect against further loss of or damage to the city property to prevent or minimize serious destruction of city services;

(5) Contracts for the maintenance or servicing of equipment, which are made with the manufacturer or authorized service agent of equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent where such a contract would otherwise be advantageous to the city;

(6) When the goods or services are procured from other governmental agencies or their contracts;

(7) Purchase and contracts for the use or purchase of data processing equipment or data processing systems software and reproduction equipment; or

(8) When the goods or services are procured from government-related state-wide or national associations.

(c) None of the exceptions detailed above shall void the city's responsibility to procure all goods and services at reasonable and competitive rates.

Section 2. Severability. If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

Section 3. Effective Date. This Ordinance shall become immediately upon passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Nia Livingston
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this _____ day of _____, 2023.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Nia Livingston
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2023.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and correctness:

Zachary Roth, City Attorney



**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	City Hall Roof Replacement – Construction Award Request
SUBMITTED BY:	Deryle Calhoun, P.E. Public Works Director
DATE:	July 27, 2023
BACKGROUND:	<p>City Hall roof replacement was readvertised for bid. At the bid opening on July 14, 2023, two bids were received. Staff and consulting engineer Ardurra Group, Inc., reviewed the two bids and determined:</p> <ul style="list-style-type: none"> • Neither bidder provided the required references • A previous bid amendment posted by staff to DemandStar during the first bid attempt was inadvertently included in the second bid and could have caused confusion regarding permissible roof type. <p>Both bidders were provided an opportunity to amend their bid as necessary in response to these items. Additionally, NexGen Restoration and Roofing, LLC, was given the opportunity and has confirmed those items priced as “\$N/A” are in fact bids of \$0.00.</p> <p>The reinstallation of solar panels was bid as a separate line item. Low bidder’s proposal of \$24,000.00 would mean a 10-year payback assuming current Beaches Energy credits continue at the same average rate. Because these panels are already 14 years old, staff recommends not reinstalling the units. Roofs at Public Works are planned for replacement in FY24 and installation costs of the solar panels there could possibly be less.</p> <p>Bids received:</p> <ul style="list-style-type: none"> • Advanced Roofing, Inc. - \$263,411.00 (\$145,711.00 base bid plus \$117,700.00 reinstallation of solar panels and appurtenances) • NexGen Restoration and Roofing, LLC - \$94,144.60 (\$70,144.60 base bid plus \$24,000.00 reinstallation of solar panels and appurtenances)
BUDGET:	Previously approved FY23 Budget – 001-1119-519-60-62 Building Improvements. As of 7/27/23, original budget was \$174,999.96 with funds available of \$160,665.10.
RECOMMENDATION:	Award to NexGen Restoration and Roofing, LLC in the amount of \$70,144.60.
ATTACHMENT:	Bid summary memo from Ardurra Group, Inc.; Bids information



July 27, 2023

Deryle Calhoun
Director of Public Works
City of Neptune Beach
2010 Forest Avenue
Neptune Beach, FL 32266

Subject: City of Neptune Beach
City Hall Roof Repair Project
Issue for Bid No.: 2023-002
Ardurra Project No.: 100437.04
Bid Review and Evaluation of Findings

Dear Mr. Calhoun:

This letter summarizes the construction contract bids received for the City Hall Roof Repair Project. City of Neptune Beach (CONB) opened the project on DemandStar on June 7, 2023 at 12:00 P.M. Two bids were received by July 14, 2023 at 2:00 P.M. Based on the interest from two contractors, Ardurra Group, Inc. believes the project was well advertised. The two bids ranged from \$94,144.60 to \$263,411.00.

NexGen Restoration and Roofing, LLC (NexGen) submitted the lowest base bid for \$94,144.60. Ardurra Group, Inc. has reviewed the NexGen bid package provided by CONB with the following findings:

- The Bid bond was provided, and the Bid Bond surety is licensed in Florida.
- NexGen is not a federally debarred contractor.
- Ardurra Group, Inc. investigated the Contractor's experience, reputation, performance, past projects, and outstanding projects and finds the Contractor capable to perform the scope of work for this project.

While the final determination of which contractor will be awarded this project will be made by CONB, Ardurra Group, Inc. believes the bid to be responsive and, based on the findings above, does not take exception to awarding the low bidder, NexGen Restoration and Roofing, LLC for the total contract amount of \$94,144.60.

If you have any questions or comments, feel free to contact me at (904) 593-5606 or cswain@ardurra.com.

Sincerely,

ARDURRA GROUP, INC.

Camryn Swain, E.I.
Project Manager

SECTION 00300

BID FORM

**CONB BID NO. 2023-02
City Hall Roof Repair**

This Bid is submitted to The City of Neptune Beach.

In submitting this Bid, the Bidder represents that:

1. The Bidder, hereby declares that the only person or persons interested in the proposal as Principal(s) is (or are) named herein and that no other person who is herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company, or parties making a bid or proposal; and that it is in all respects fair and in good faith, without collusion, fraud or coercive practices;
2. The Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid, and the Bidder has not solicited or induced any individual or entity to refrain from bidding;
3. The Bidder further declares that the Bidder has examined the Point of Destination and the site of the Work and is fully informed in regard to all conditions pertaining to the places where the Work is to be performed that may affect the delivery, cost, progress, or furnishing the Work;
4. The Bidder is familiar with and is satisfied as to the observable local and site conditions that may affect delivery, cost, progress, and furnishing all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
5. The Bidder has carefully examined and studied the Procurement Documents for the Work, and that the Bidder has read all the provisions furnished prior to the opening of bids, and that the Bidder is satisfied as to the work to be performed;
6. The Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect the cost, progress, and performance to provide all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
7. The Bidder further understands that the Buyer reserves the right to waive formalities in any Bid, to reject any or all bids with or without cause, and/or to accept the Bid or any portion thereof that, in the Buyer's sole and absolute judgment, will be in the best interest of the Buyer;
8. Bidder accepts all terms and conditions of the Procurement Documents;
9. The Bidder has carefully studied, considered, and correlated the information known to Bidder with respect to the effect of such information on the cost, progress, and performance to provide all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
10. Bidder has given the Buyer and/or the Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Procurement Documents, and the written resolution (if any) thereof is acceptable to Bidder;
11. The Procurement Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance of Seller's obligations under the Procurement Contract.

12. The Bidder proposes and agrees, if this Bid is accepted, to contract with the Buyer in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the contract in full and complete it in accordance with the Procurement Documents to the full satisfaction of the contract with the Buyer with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions, Special Conditions, and contract documents.
13. The submission of a Bid will constitute an incontrovertible representation by Bidder that Bidder has complied with every requirement of the Procurement Documents, that without exception the Bid (including all Bid prices) is premised upon furnishing all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work as required by the Procurement Documents.

Bid Schedule:

Unit Price Bids: The Bidder will furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work in accordance with the Procurement Documents for the following Unit Price(s):

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Amount
1	Mobilization & Demobilization (3% Max)	LSum.	1	\$	\$ 2,825
2	Bonds and Insurance	LSum.	1	\$	\$ 4,708
3	General Conditions including: shop drawings, temporary toilets, dumpsters, shipping, temporary erosion controls, construction layout and staking, permits, etc.	LSUM.	1	\$	\$1500
4	Construction Engineering	LSum.	1	\$	\$ N/A
5	Construction Testing including QA/QC	LSum.	1	\$	\$ N/A
6	Photography and Video	LSum.	1	\$	\$N/A
9	As-built Survey	LSum.	1	\$	\$N/A
10	Site Restoration and clean-up	LSum.	1	\$	\$ 2,100
11	Disposal and Disposal Fees	LSum.	1	\$	\$ 5,890
12	Notices of Commencement and Termination	LSum.	1	\$	\$N/A
13	City Hall Roof Repair	LSum.	1	\$	\$53,121.60
14	Reinstallation of Solar Panels & Appurtenances	LSum.	1	\$	\$24,000
Total of All Unit Price Bid Items					\$ 94,144.60

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Procurement Contract Documents. Bidder also acknowledges that each unit price includes an amount considered by Bidder to be adequate to cover Bidder's overhead and profit for each separately identified item.

The Bid Price is supplemented by the following Buyer's Contingency Allowance, as described in the Procurement Documents.

Buyer's Contingency Allowance: \$50,000.00
(Numerals)

The Total Bid Price is the sum of the Lump Sum Bid Price, the Total of All Unit Price Bid Items, and the Buyer's Contingency Allowance. The Total Bid Price, if accepted and incorporated in the Procurement Contract to be awarded, will be subject to any Buyer-accepted Alternates and to final Unit Price and Buyer's Contingency Allowance adjustments.

Total Bid Price: \$ 94,144.60
(Numerals)

Addendum Receipt:

Bidders shall acknowledge below the receipt of all addenda, if any, to plans and specifications.

ADDENDUM NO. 1 DATED 6/15/2023

ADDENDUM NO. 2 DATED 7/12/23

ADDENDUM NO. _____ DATED _____

Bidder's DUNS Number: 042146099

Bidder's FEIN Number: 83-2582059

Bidder's License Information:

Bidder's License Type: Certified Building Contractor

Bidder's License Category (if any): _____

Bidder's License Special Qualification (if any): _____

Bidder's License No: CBC1263996

Bidder's License State: FL

License Name/Organization: Certified Building Contractor

Bidder's Sub-Contractor License Information:

Sub-Contractor's License Type: Solar / Electrical / General Contractor

Sub-Contractor's License Category (if any): _____

00300-3

Sub-Contractor's License Special Qualification (if any): _____
 Sub-Contractor's License No: CVC56771 / EC13001175 / CGC1513100
 Sub-Contractor's License State: Florida
 License Name/Organization: A1A Solar Contracting

MBE/WBE Utilization:

Total MBE/WBE percent utilization on this project: 0 %

Total local preference percent utilization on this project: 100 %

List MBE/WBE firms and local firms from within Cities of Neptune Beach, Jacksonville Beach, and Atlantic Beach utilized on this project:

	Prime	Sub	Supplier	MBE WBE	Local
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Unauthorized Alien Statement:

The bidder acknowledges and agrees that any contract awarded will include a requirement that the bidder register with and use the E-Verify System as provided in Fla. Stat. §448.095. Further, the bidder acknowledges and agrees that if the bidder enters a contract with any subcontractor, the subcontractor must provide the bidder with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with any unauthorized aliens.

List of Major Sub Contractors:

Bidders are required to list, on this Bid Form, all major sub-contractors who will perform work of \$10,000 or more on this Contract during the execution of the Work. Failure to complete the list may be cause for declaring the Proposal irregular and disqualifying the Bid.

The successful Bidder shall employ the subcontractors listed hereunder for the class of Work indicated, which list shall not be modified in any way without the written consent of the City of Neptune Beach.

The Bidder expressly agrees that:

1. If awarded a Contract as a result of this Proposal, the major subcontractors used in the execution of the Work will be those listed below.

2. The Bidder represents that the subcontractors listed below are financially responsible and are qualified to do the Work required.

Category of Class	Name of Subcontractor, license type, and license no.	Address of Subcontractor
Solar	A1A Solar Contracting, Solar, CVC56771	10418 New Berlin Rd. #223 Jacksonville, FL 32226

At the Buyer's option, the Bidder shall be required to provide the Buyer with the details of Bidder's Purchase Order, including vendor quote(s), vendor name, address, and quantity and type of materials being ordered. The Buyer may choose to order the major materials and/or equipment direct. Should the Buyer choose to do this, any payment that is made direct by the Buyer (plus an amount equal to the sales tax that would have been paid by the Bidder) for the materials shall be a direct deduct from the Bidder's contract as if the payment were made direct to the Bidder. The whole purpose of this provision is to save the amount of sales taxes that would be otherwise assessed to the Bidder for the major material purchases.

It shall be the Bidder's responsibility to ensure conformance with contract requirements, coordinate ordering, deliveries, submit Shop Drawings, receive and verify accuracy of such shipments and, unload such shipments as if Bidder had purchased the materials direct. Any Shop Drawings received directly by the Buyer from the suppliers will be forwarded by the Buyer to the Bidder for the Bidder's review of accuracy and correctness of the Shop Drawings, and the Bidder shall provide an approval action on each product. The Bidder then shall submit Shop Drawings to the Buyer and/or the Engineer for review and approval action.

The Bidder shall include all risk of loss and bear the cost of insurance on all materials purchased tax exempt. Once the Buyer's Purchase Authorization is prepared, then it will be returned to the Bidder for proofing and mailing to the vendor.

The Bidder further proposes and agrees to commence work under the Bidder's contract on a date to be specified in the Notice-to-Proceed and shall complete all work there under within the time schedule in the Agreement.

The Bidder has fully reviewed and informed themselves regarding the Bidding Documents. The Bidder, by submitting a Bid to the Buyer, warrants that the Bidder conforms with all specified requirements including experience, present commitments, schedule, necessary facilities, MBE/WBE utilization, local preference, insurance verification, bonding capacity, local license(s), required Form(s), ability, and financial resources contained in the Bidding Documents. The Bidder shall provide any required proof of experience, license(s), form(s), coverages, requirements, and limits specified in the Bidding Documents within 10 days of the Bid Opening or the Owner may consider Bidder to be in default or non-responsive and reject the Bid and the Owner may then award the Bid to the next lowest conforming, responsive Bidder.

The following documents are attached to and made a condition of this Bid:

1. Required Bid Security
2. Section 00420 - Sworn Statements, Acknowledgements, And Affidavits
 - a. Non-Collusion Affidavit
 - b. Certification Regarding Lobbying
 - c. Anti-Kickback Affidavit
 - d. Sworn Statement on Public Entity Crimes
 - e. Drug-Free Workplace Form

Refer to Section 00200, Instructions to Bidders, for items required to be submitted post-Bid by the three apparent lowest bidders.

[Reminder of this page intentionally left blank]

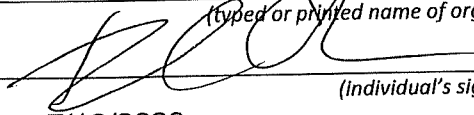
This Bid is offered by:

Bidder:

NexGen Restoration & Roofing, LLC

(typed or printed name of organization)

By:



(individual's signature)

Date:

7/13/2023

(date signed)

Name:

Brandon Cornellier

(typed or printed)

Title:

COO

(typed or printed)

(If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:

(individual's signature)

Title:

(typed or printed)

Address for giving notices:

2862 Ballard Oaks Rd

Jacksonville, FL 32207

Designated Representative:

Name:

Brian Hobbs

(typed or printed)

Title:

Commercial Roofing Manager

(typed or printed)

Address:

2862 Ballard Oaks Rd

Jacksonville, FL 32207

Phone:

(904)671-5548

Email:

brian@nexgenfl.com

License No.:

Classification:

Limitation:

00300-7

**SECTION 00400
BID BOND**

STATE OF FLORIDA)
)
SS. COUNTY OF DUVAL)

KNOW ALL MEN BY THESE PRESENTS, that NexGen Restoration & Roofing, LLC

2862 Ballard Oaks Rd, Jacksonville, FL 32207 (904) 802-7150 as Principal, and

Merchants National Bonding, Inc., P.O. Box 14498, Des Moines, IA 50306 (515) 243-8171, as Surety,

a Corporation chartered and existing under the laws of the State of Iowa, with its principal offices in the City of Des Moines, and authorized to do business in the State of Florida are held and firmly bound unto the City of Neptune Beach, in the full and just sum of FIVE PERCENT (5%) of the actual total amount of the Bid or Proposal, lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal has submitted the accompanying bid, dated July 14th, 2023, for:

**CITY HALL ROOF REPAIR
CONB BID NO. 2023-02
CITY OF NEPTUNE BEACH, FLORIDA**

NOW, THEREFORE:

- A. If the principal shall not withdraw said bid within sixty (60) days after date of opening of the same, and shall within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Owner in accordance with the bid as accepted, and give bonds with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, then the above obligations shall be void and of no effect, otherwise to remain in full force and effect.
- B. In the event of the withdrawal of said bid within the period specified, or the failure to enter into such contract and give such bonds within the time specified, if the principal shall pay the Owner the difference between the amount specified in said bid and the amount for which the Owner may procure the required work and supplies, if the latter amount be in excess of the former, then the above obligations shall be void and of no effect, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals, this 14 day of July, 2023, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

00400-1

WITNESSES: (If Sole Ownership or Partnership, two (2) witnesses required)
(If Corporation, Secretary Only will attest and affix seal)

WITNESSES:

PRINCIPAL:

Emily Van - Emily Wabury

Amant J Cornthier

Next Gen Restoration & Roofing

Name of Firm

[Signature]

Signature of Authorized (Affix Seal)

owner

Title

2862 Ballard Oaks Rd

Business Address

Jacksonville, FL 32207

City, State & Zip Code

WITNESSES:

[Signature]

Anita Waters, Witness

[Signature]

Matthew Mahoney, Witness

SURETY:

Merchants National Bonding, Inc.

Corporate Surety

Attorney-in-Fact

(Affix William J. Palmer, Attorney-In-Fact, Florida Resident Agent

P.O. Box 14498

Seal) Business Address

Des Moines, IA

City, State & Zip Code

Hatcher Insurance, LLC

Name of Local Insurance Agency

MERCHANTS BONDING COMPANY

POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,
 William J Palmer

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 20th day of October, 2022.

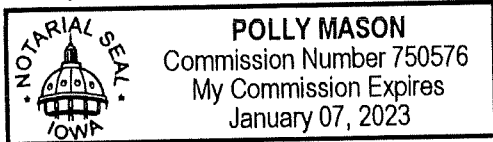


MERCHANTS BONDING COMPANY (MUTUAL)
 MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
 President

STATE OF IOWA
 COUNTY OF DALLAS ss.

On this 13th day of October 2020, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

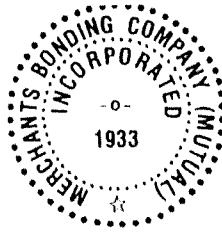
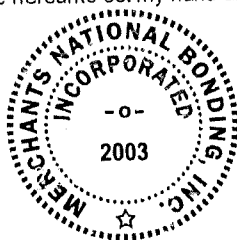


Polly Mason
 Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 14th day of July, 2023.



William Warner Jr.
 Secretary

SECTION 00420

SWORN STATEMENTS, ACKNOWLEDGEMENTS, AND AFFIDAVITS

1. NON-COLLUSION AFFIDAVIT

State of Florida

County of Duval

Brandon Cornellier ("Affiant"), being first duly sworn, deposes and says that:

1. Affiant is Brandon Cornellier of NexGen Restoration & Roofing, LLC (the "Bidder") and has submitted the attached Bid;
2. Affiant has personal knowledge of the matters set forth herein and is competent to testify;
3. Affiant is fully informed respecting the preparation and contents of the attached Bid and all pertinent circumstances respecting the Bid;
4. The Bid is genuine and is not collusive or a sham Bid;
5. Neither the Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including the Affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm, or person to submit a collusive or sham Bid, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Neptune Beach or any person interested in the proposed Contract.

By: [Signature]

Title: COO

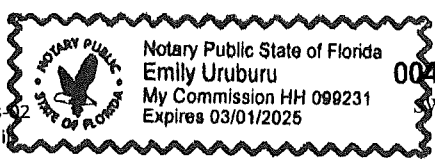
Subscribed and sworn before me this 13 day of JULY, 2023, by

Brandon Cornellier, who is personally known to me or has produced physical presence as identification. [Signature]
Notary Public

My Commission expires: 3/1/2025

Emily Uruburu
Print Name

(Affix Seal)



00420-1

2. Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements
Appendix "A" - 49 CFR Part 20

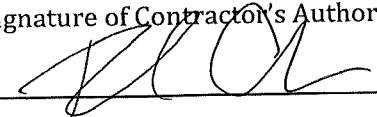
The undersigned (Contractor) certifies, to the best of his or her knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employees of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with the instructions {as amended by "Government Wide Guidance for New Restrictions on Lobbying," Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et. seq.)}
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. sec. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to Civil Penalty of not less than \$10,000 and not more than \$100,000 for each such failure. {Note: Pursuant to 31 U.S.C. sec. 1352 (c) (1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure}.

The Contractor, NexGen Restoration & Roofing, LLC, certified or affirms the truthfulness and accuracy of each statement of its certifications and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et. seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official



Name and Title of Contractor's Authorized Official

Brandon Cornellier, COO

Date: 7/13/23


00420-2

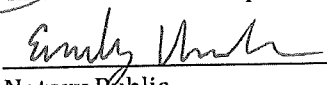
3. **Anti-Kickback Affidavit**

State of Florida

County of Duval

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the City of Neptune Beach, its elected officials, or its consultants, as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

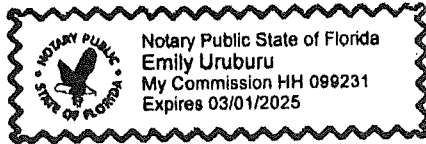
By: 
Title: Brandon Cornellier, COO

Subscribed and sworn before me this 13 day of JULY, 2023, by Brandon Cornellier, who is personally known to me or has produced physical presence as identification. 
Notary Public

My Commission expires: 3/1/2025

Emily Uruburu
Print Name

(Affix Seal)



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00420-3

4. Sworn Statement on Public Entity Crimes
Section 287.133 (3) (a), Florida Statutes

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the City of Neptune Beach

by: Brandon Cornellier, COO

(Print Name and Title)

for: NexGen Restoration & Roofing, LLC

(Print Name of Entity Submitting Sworn Statement)

whose business address is:

2862 Ballard Oaks Rd

Jacksonville, FL 32207

and (if applicable) its Federal Employer Identification Number (FEIN) is: 83-2582059

If the entity has no FEIN, include the Social Security Number of the individual signing this sworn Statement.

I, the undersigned, understand that a, "public entity crime" as defined in Paragraph 287.133(1)(9)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or the United States, including, but not limited to, any bid or contract for goods and services to be provided to any public entity or an agency or political subdivision of any other state or the United States involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

Further, I, the undersigned, understand that, "convicted," or, "conviction," as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction or a public entity crime, with or without an adjudication of guilt, in any Federal or State Trial Court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

I, the undersigned, understand that an, "affiliate," as defined in Paragraph 287.133(1)(a), Florida Statutes means:

- a. A predecessor or a successor of a person convicted of a public entity crime; or

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b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term, "affiliate," includes those officers, director, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person control another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding thirty-six (36) months shall be considered an affiliate.

I, the undersigned, understand that a, "person," as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term, "person," includes those officers, director, executives, partners, shareholders, employees, members, and agents who are active in the management of an entity.

Based on information and belief, the statement that I have marked below is true in relation to the entity submitting the sworn statement. **[Indicate which statement applies by initialing.]**

 JK Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 This entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 This entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989. HOWEVER, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. **[Attach a copy of the final order.]**

00420-5

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

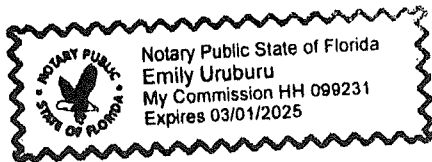
By: [Signature]
Title: Brandon Cornellier, COO

Subscribed and sworn before me this 13 day of July, 2023, by Brandon cornellier, who is personally known to me or has produced physical presence as identification. Emily M
Notary Public

My Commission expires: 3/1/2025

Emily Uruburu
Print Name

(Affix Seal)



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Solar - Electrical - Feneral

00420-6

5. Drug-Free Workplace Form

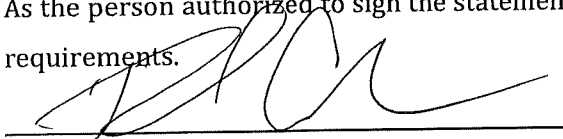
The undersigned vendor in accordance with Section 287.087, Florida Statutes, hereby certifies that

NexGen Restoration & Roofing, LLC does:

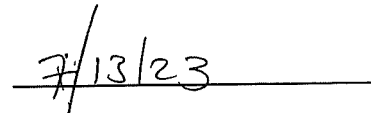
(Name of Business)

- a. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled-substance is prohibited in the workplace and specifying the actions that will be taken against the employees for violations of such prohibition.
- b. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- c. Give each employee engaged in providing the commodities or contractual services that are under bud a copy of the statement specified in subsection (a).
- d. In the statement specified in subsection (a), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- e. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance and rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- f. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.



Proposer's Signature



Date

END OF SECTION

SECTION 00425

W-9 Form

(See next page for W-9 Form)

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. NexGen Restoration & Roofing, LLC	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) See instructions. 2862 Ballard Oaks Rd	Requester's name and address (optional)
	6 City, state, and ZIP code Jacksonville, FL 32207	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
or									
Employer identification number									
8	3		2	5	8	2	0	5	9

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶ 1/3/2023
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABL accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/identitytheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

SECTION 00440
BONDING CAPACITY CERTIFICATION LETTER

OWNER:

City of Neptune Beach
116 1st Street
Neptune Beach, FL 32266
904-270-2400

BIDDER:

Firm Name: **NexGen Restoration & Roofing, LLC**
Address: **2862 Ballard Oaks Rd**
City, State, Zip: **Jacksonville, FL 32207**
Phone: **(904) 802-7150**

This letter serves as a certified statement that the Surety Company's authorized bonding Capacity for the referenced Bidder will not be exceeded by the inclusion of Bidder's Submitted Bid for City Hall Roof Repair.
The present limits on bonding for the referenced Bidder are as follows:

\$ **750,000** each occurrence

\$ **750,000** aggregate

Percentage of bonding capacity expended with inclusion of this Bid **5** %

Bidder's Bonding Rate **3.0** %

Amount of ALL projects that the Bidder is currently preparing bid/proposals and/or have not yet been awarded:
\$ _____

(Amount indicated above must be representative of all projects inclusive of delivery methods such as the following but not limited to: Competitive Bids, Competitive Sealed Proposals, Design-Build, Construction Manager at Risk, Job Order Contracting etc.) Issuance and approval of any bond shall be predicated on the most current financial and job information available to the underwriter on the date that the bond is issued. The Surety Company hereby certifies that they are duly authorized by certificate of authority issued by the State of Florida and that they are rated as follows:

A.M. Best Rating: **A**

Financial Size Category: **IX (\$250 Million to \$500 Million)**

Notes: This is the only acceptable format for the Surety's Bonding Capacity Certification Letter. This statement must be notarized (on an original document with an embossed stamp). Power of Attorney form must be attached.

SURETY COMPANY

Surety Company Name: **Merchants National Bonding, Inc.**
Address: **P.O. Box 14498**
City, State, Zip Code: **Des Moines, IA 50306**
Authorized Signature: **William J. Palmer, Attorney-in-Fact, Florida Resident Agent**
Date: **July 14, 2023**

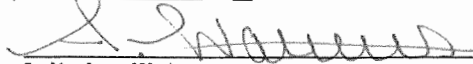
STATE OF **Florida**

COUNTY OF **Orange**

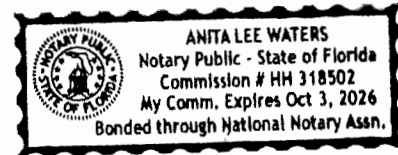
00440-1

PERSONALLY APPEARED BEFORE ME, the undersigned authority William J. Palmer who after first being sworn by me, affixed his/her signature in the space provided above on this 14th day of July, 2023
(name of individual signing)

My commission expires:
October 3, 2026


Anita Lee Waters NOTARY PUBLIC

END OF SECTION



SECTION 00300**BID FORM****CONB BID NO. 2023-02
City Hall Roof Repair**

This Bid is submitted to The City of Neptune Beach.

In submitting this Bid, the Bidder represents that:

1. The Bidder, hereby declares that the only person or persons interested in the proposal as Principal(s) is (or are) named herein and that no other person who is herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company, or parties making a bid or proposal; and that it is in all respects fair and in good faith, without collusion, fraud or coercive practices;
2. The Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid, and the Bidder has not solicited or induced any individual or entity to refrain from bidding;
3. The Bidder further declares that the Bidder has examined the Point of Destination and the site of the Work and is fully informed in regard to all conditions pertaining to the places where the Work is to be performed that may affect the delivery, cost, progress, or furnishing the Work;
4. The Bidder is familiar with and is satisfied as to the observable local and site conditions that may affect delivery, cost, progress, and furnishing all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
5. The Bidder has carefully examined and studied the Procurement Documents for the Work, and that the Bidder has read all the provisions furnished prior to the opening of bids, and that the Bidder is satisfied as to the work to be performed;
6. The Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect the cost, progress, and performance to provide all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
7. The Bidder further understands that the Buyer reserves the right to waive formalities in any Bid, to reject any or all bids with or without cause, and/or to accept the Bid or any portion thereof that, in the Buyer's sole and absolute judgment, will be in the best interest of the Buyer;
8. Bidder accepts all terms and conditions of the Procurement Documents;
9. The Bidder has carefully studied, considered, and correlated the information known to Bidder with respect to the effect of such information on the cost, progress, and performance to provide all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work;
10. Bidder has given the Buyer and/or the Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Procurement Documents, and the written resolution (if any) thereof is acceptable to Bidder;
11. The Procurement Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance of Seller's obligations under the Procurement Contract.

12. The Bidder proposes and agrees, if this Bid is accepted, to contract with the Buyer in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the contract in full and complete it in accordance with the Procurement Documents to the full satisfaction of the contract with the Buyer with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions, Special Conditions, and contract documents.
13. The submission of a Bid will constitute an incontrovertible representation by Bidder that Bidder has complied with every requirement of the Procurement Documents, that without exception the Bid (including all Bid prices) is premised upon furnishing all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work as required by the Procurement Documents.

Bid Schedule:

Unit Price Bids: The Bidder will furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation, permits and labor necessary to complete the Work in accordance with the Procurement Documents for the following Unit Price(s):

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Amount
1	Mobilization & Demobilization (3% Max)	LSum.	1	\$ 6,000.00	\$ 6,000.00
2	Bonds and Insurance	LSum.	1	\$ 8,200.00	\$ 8,200.00
3	General Conditions including: shop drawings, temporary toilets, dumpsters, shipping, temporary erosion controls, construction layout and staking, permits, etc.	LSUM.	1	\$ 7,000.00	\$ 7,000.00
4	Construction Engineering	LSum.	1	\$ 1,000.00	\$ 1,000.00
5	Construction Testing including QA/QC	LSum.	1	\$ 500.00	\$ 500.00
6	Photography and Video	LSum.	1	\$ 250.00	\$ 250.00
9	As-built Survey	LSum.	1	\$ 500.00	\$ 500.00
10	Site Restoration and clean-up	LSum.	1	\$ 2,000.00	\$ 2,000.00
11	Disposal and Disposal Fees	LSum.	1	\$ 3,000.00	\$ 3,000.00
12	Notices of Commencement and Termination	LSum.	1	\$ 1,330.00	\$ 1,330.00
13	City Hall Roof Repair	LSum.	1	\$ 115,931.00	\$ 115,931.00
14	Reinstallation of Solar Panels & Appurtenances	LSum.	1	\$ 117,700.00	\$ 117,700.00
Total of All Unit Price Bid Items					\$ 263,411.00

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Procurement Contract Documents. Bidder also acknowledges that each unit price includes an amount considered by Bidder to be adequate to cover Bidder's overhead and profit for each separately identified item.

The Bid Price is supplemented by the following Buyer's Contingency Allowance, as described in the Procurement Documents.

Buyer's Contingency Allowance: \$50,000.00
(Numerals)

The Total Bid Price is the sum of the Lump Sum Bid Price, the Total of All Unit Price Bid Items, and the Buyer's Contingency Allowance. The Total Bid Price, if accepted and incorporated in the Procurement Contract to be awarded, will be subject to any Buyer-accepted Alternates and to final Unit Price and Buyer's Contingency Allowance adjustments.

Total Bid Price: \$ 313,411.00
(Numerals)

Addendum Receipt:

Bidders shall acknowledge below the receipt of all addenda, if any, to plans and specifications.

ADDENDUM NO. 1 DATED 06/14/2023

ADDENDUM NO. 2 DATED 07/12/2023

ADDENDUM NO. _____ DATED _____

Bidder's DUNS Number: 11-2954359

Bidder's FEIN Number: 59-2360591

Bidder's License Information:

Bidder's License Type: Roofing Contractor

Bidder's License Category (if any): Roofing Contractor

Bidder's License Special Qualification (if any): Roofing Contractor

Bidder's License No: CCC024413

Bidder's License State: Florida

License Name/Organization: Robert P. Kornahrens/Advanced Roofing, Inc.

Bidder's Sub-Contractor License Information:

Sub-Contractor's License Type: Solar Contractor & Lightning Protection

Sub-Contractor's License Category (if any): Solar Contractor & Lightning Protection

00300-3

Sub-Contractor's License Special Qualification (if any): Solar Contractor & Lightning Protection
 Sub-Contractor's License No: CVC56944 & EC13005203
 Sub-Contractor's License State: Florida & Florida
 License Name/Organization: Advanced Green Technologies, Inc. & All South Lightning Protection, Inc.

MBE/WBE Utilization:

Total MBE/WBE percent utilization on this project: 0 %

Total local preference percent utilization on this project: 0 %

List MBE/WBE firms and local firms from within Cities of Neptune Beach, Jacksonville Beach, and Atlantic Beach utilized on this project:

	Prime	Sub	Supplier	MBE WBE	Local
<u>1.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>2.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>3.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>4.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>5.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>6.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>7.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>8.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Unauthorized Alien Statement:

The bidder acknowledges and agrees that any contract awarded will include a requirement that the bidder register with and use the E-Verify System as provided in Fla. Stat. §448.095. Further, the bidder acknowledges and agrees that if the bidder enters a contract with any subcontractor, the subcontractor must provide the bidder with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with any unauthorized aliens.

List of Major Sub Contractors:

Bidders are required to list, on this Bid Form, all major sub-contractors who will perform work of \$10,000 or more on this Contract during the execution of the Work. Failure to complete the list may be cause for declaring the Proposal irregular and disqualifying the Bid.

The successful Bidder shall employ the subcontractors listed hereunder for the class of Work indicated, which list shall not be modified in any way without the written consent of the City of Neptune Beach.

The Bidder expressly agrees that:

1. If awarded a Contract as a result of this Proposal, the major subcontractors used in the execution of the Work will be those listed below.

2. The Bidder represents that the subcontractors listed below are financially responsible and are qualified to do the Work required.

Category of Class	Name of Subcontractor, license type, and license no.	Address of Subcontractor
Lightning Protection	All South Lightning Protection	1036 Dunn Avenue St. 4-211 Jacksonville, FL 32218
Solar Scope	Advanced Green Technologies	1950 NW 22nd St. Suite A Fort Lauderdale, FL 33311

At the Buyer's option, the Bidder shall be required to provide the Buyer with the details of Bidder's Purchase Order, including vendor quote(s), vendor name, address, and quantity and type of materials being ordered. The Buyer may choose to order the major materials and/or equipment direct. Should the Buyer choose to do this, any payment that is made direct by the Buyer (plus an amount equal to the sales tax that would have been paid by the Bidder) for the materials shall be a direct deduct from the Bidder's contract as if the payment were made direct to the Bidder. The whole purpose of this provision is to save the amount of sales taxes that would be otherwise assessed to the Bidder for the major material purchases.

It shall be the Bidder's responsibility to ensure conformance with contract requirements, coordinate ordering, deliveries, submit Shop Drawings, receive and verify accuracy of such shipments and, unload such shipments as if Bidder had purchased the materials direct. Any Shop Drawings received directly by the Buyer from the suppliers will be forwarded by the Buyer to the Bidder for the Bidder's review of accuracy and correctness of the Shop Drawings, and the Bidder shall provide an approval action on each product. The Bidder then shall submit Shop Drawings to the Buyer and/or the Engineer for review and approval action.

The Bidder shall include all risk of loss and bear the cost of insurance on all materials purchased tax exempt. Once the Buyer's Purchase Authorization is prepared, then it will be returned to the Bidder for proofing and mailing to the vendor.

The Bidder further proposes and agrees to commence work under the Bidder's contract on a date to be specified in the Notice-to-Proceed and shall complete all work there under within the time schedule in the Agreement.

The Bidder has fully reviewed and informed themselves regarding the Bidding Documents. The Bidder, by submitting a Bid to the Buyer, warrants that the Bidder conforms with all specified requirements including experience, present commitments, schedule, necessary facilities, MBE/WBE utilization, local preference, insurance verification, bonding capacity, local license(s), required Form(s), ability, and financial resources contained in the Bidding Documents. The Bidder shall provide any required proof of experience, license(s), form(s), coverages, requirements, and limits specified in the Bidding Documents within 10 days of the Bid Opening or the Owner may consider Bidder to be in default or non-responsive and reject the Bid and the Owner may then award the Bid to the next lowest conforming, responsive Bidder.

The following documents are attached to and made a condition of this Bid:

1. Required Bid Security
2. Section 00420 - Sworn Statements, Acknowledgements, And Affidavits
 - a. Non-Collusion Affidavit
 - b. Certification Regarding Lobbying
 - c. Anti-Kickback Affidavit
 - d. Sworn Statement on Public Entity Crimes
 - e. Drug-Free Workplace Form

Refer to Section 00200, Instructions to Bidders, for items required to be submitted post-Bid by the three apparent lowest bidders.

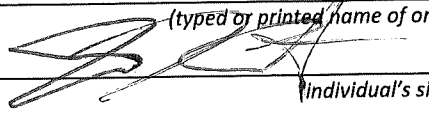
[Reminder of this page intentionally left blank]

This Bid is offered by:

Bidder:

Advanced Roofing, Inc.

By:


(typed or printed name of organization)
(individual's signature)

Date:

July 13, 2023

(date signed)

Name:

Jason Carruth

(typed or printed)

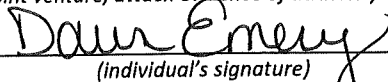
Title:

Vice President

(typed or printed)

(If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:


(individual's signature)

Title:

Office Manager

(typed or printed)

Address for giving notices:

200 Northstar Court

Sanford, FL 32771

Designated Representative:

Name:

Jason Carruth

(typed or printed)

Title:

Vice President

(typed or printed)

Address:

200 Northstar Court

Sanford, FL 32771

Phone:

407-322-1555

Email:

jasonc@advancedroofing.com

License No.:

CCC024413

Classification:

Roofing Contractor

Limitation:

00300-7



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Profit Corporation
ADVANCED ROOFING, INC.

Filing Information

Document Number	G65116
FEI/EIN Number	59-2360591
Date Filed	10/08/1983
State	FL
Status	ACTIVE
Last Event	CORPORATE MERGER
Event Date Filed	06/28/2001
Event Effective Date	NONE

Principal Address

1950 NW 22ND STREET
FORT LAUDERDALE, FL 33311

Changed: 04/10/2015

Mailing Address

1950 NW 22ND STREET
FORT LAUDERDALE, FL 33311

Changed: 04/10/2015

Registered Agent Name & Address

KORNAHRENS, KEVIN
1950 NW 22ND STREET
FORT LAUDERDALE, FL 33311

Name Changed: 04/29/2015

Address Changed: 04/09/2018

Officer/Director Detail

Name & Address

Title PSD

Kornahrens, Robert
 1950 NW 22ND STREET
 FORT LAUDERDALE, FL 33311

Title Treasurer, VP

Kornahrens, Kevin
 1950 NW 22ND STREET
 FORT LAUDERDALE, FL 33311

Title VP

CARRUTH, JASON
 200 NORTHSTAR COURT
 SANFORD, FL 32771

Title VP

Kornahrens, Michael
 1950 NW 22ND STREET
 FORT LAUDERDALE, FL 33311

Title VP

Sockman, Clinton
 1950 NW 22ND STREET
 FORT LAUDERDALE, FL 33311

Title CFO

Craig, Diane
 1950 NW 22ND STREET
 FORT LAUDERDALE, FL 33311

Annual Reports

Report Year	Filed Date
2022	01/05/2022
2022	09/21/2022
2023	01/13/2023

Document Images

01/13/2023 -- ANNUAL REPORT	View image in PDF format
09/21/2022 -- AMENDED ANNUAL REPORT	View image in PDF format
01/05/2022 -- ANNUAL REPORT	View image in PDF format
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04/09/2018 -- ANNUAL REPORT	View image in PDF format
02/21/2017 -- ANNUAL REPORT	View image in PDF format

11/29/2016 -- AMENDED ANNUAL REPORT	View image in PDF format
04/26/2016 -- ANNUAL REPORT	View image in PDF format
01/22/2016 -- Off/Dir Resignation	View image in PDF format
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01/20/1995 -- ANNUAL REPORT	View image in PDF format

**SECTION 00400
BID BOND**

STATE OF FLORIDA)
)
SS. COUNTY OF DUVAL)

KNOW ALL MEN BY THESE PRESENTS, that Advanced Roofing, Inc.

_____ as Principal, and

Atlantic Specialty Insurance Company, as Surety,

a Corporation chartered and existing under the laws of the State of New York, with its principal offices in the City of Plymouth, MN, and authorized to do business in the State of Florida are held and firmly bound unto the City of Neptune Beach, in the full and just sum of FIVE PERCENT (5%) of the actual total amount of the Bid or Proposal, lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal has submitted the accompanying bid, dated July 14, 2023, for:

**CITY HALL ROOF REPAIR
CONB BID NO. 2023-02
CITY OF NEPTUNE BEACH, FLORIDA**

NOW, THEREFORE:

- A. If the principal shall not withdraw said bid within sixty (60) days after date of opening of the same, and shall within ten (10) days after the prescribed forms are presented to him for signature, enter into a written contract with the Owner in accordance with the bid as accepted, and give bonds with good and sufficient surety or sureties, as may be required, for the faithful performance and proper fulfillment of such contract, then the above obligations shall be void and of no effect, otherwise to remain in full force and effect.

- B. In the event of the withdrawal of said bid within the period specified, or the failure to enter into such contract and give such bonds within the time specified, if the principal shall pay the Owner the difference between the amount specified in said bid and the amount for which the Owner may procure the required work and supplies, if the latter amount be in excess of the former, then the above obligations shall be void and of no effect, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals, this 14th day of July, 2023, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

00400-1

WITNESSES:

(If Sole Ownership or Partnership, two (2) witnesses required)
(If Corporation, Secretary Only will attest and affix seal)

WITNESSES:

Dawn Emery
Kalvin Kellum

PRINCIPAL:

Advanced Roofing, Inc.
Name of Firm

[Signature]
Signature of Authorized (Affix Seal) Jason Carruth

Vice President

Title

200 Northstar Court

Business Address

Sanford, FL 32771

City, State & Zip Code

WITNESSES:

[Signature]
John Allen

SURETY:

Atlantic Specialty Insurance Company
Corporate Surety

Attorney-in-Fact (Affix William Grege Griffin

605 Highway 169 North, Suite 800

Seal) Business Address

Plymouth, MN 55441

City, State & Zip Code

American Global, LLC

Name of Local Insurance Agency

00400-2

CERTIFICATES AS TO CORPORATE PRINCIPAL

I, Robert P. Kornahrens, certify that I am the Secretary of the Corporation named as Principal in the within bond; that Jason Carruth who signed said bond on behalf of the principal, was then Vice President of said corporation; that I know his signature, and his signature hereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

Mth
Secretary (Corporate Seal)

STATE OF FLORIDA)
)
SS: COUNTY OF BROWARD)

Before me, a Notary Public duly commissioned, qualified and acting, personally appeared William Grefe Griffin, to be well known, who being by me first duly sworn upon oath, says that he is the Attorney-in-Fact, for the Atlantic Specialty Insurance Company and that he has been authorized by Atlantic Specialty Insurance Company to execute the foregoing bond on behalf of the Contractor named therein in favor of the Owner, the City of Neptune Beach

Sworn and Subscribed to before me this 14th day of July, 2023.

Kristi Messel
Notary Public

(Attach Power of Attorney to original Bid Bond)

Kristi Messel
(Printed Name)

State of Florida at Large (Seal)



My commission expires: 11/14/2025

END OF SECTION
00400-3



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Ricardo Davila Lamar, William Grefe Griffin, Vivian Santiago, Michael Marino, Torre Taylor**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

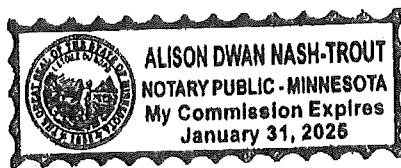
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.



By 
Paul J. Brehm, Senior Vice President

STATE OF MINNESOTA
HENNEPIN COUNTY

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.





Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 14th day of July, 2023




Kara Barrow, Secretary

This Power of Attorney expires
January 31, 2025

SECTION 00420

SWORN STATEMENTS, ACKNOWLEDGEMENTS, AND AFFIDAVITS

1. NON-COLLUSION AFFIDAVIT

State of Florida

County of Duval

Jason Carruth ("Affiant"), being first duly sworn, deposes and says that:

1. Affiant is Vice President of Advanced Roofing, Inc. (the "Bidder") and has submitted the attached Bid;
2. Affiant has personal knowledge of the matters set forth herein and is competent to testify;
3. Affiant is fully informed respecting the preparation and contents of the attached Bid and all pertinent circumstances respecting the Bid;
4. The Bid is genuine and is not collusive or a sham Bid;
5. Neither the Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including the Affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm, or person to submit a collusive or sham Bid, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Neptune Beach or any person interested in the proposed Contract.

By: [Signature]

Title: Vice President

Subscribed and sworn before me this 13th day of July, 2023, by

Jason Carruth, who is personally known to me or has produced

[Signature] as identification.

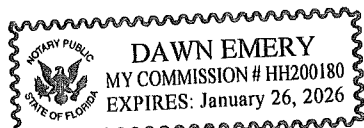
Notary Public

My Commission expires: January 26, 2026

Dawn Emery

Print Name

(Affix Seal)



00420-1

2. Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements
Appendix "A" - 49 CFR Part 20

The undersigned (Contractor) certifies, to the best of his or her knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employees of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with the instructions {as amended by "Government Wide Guidance for New Restrictions on Lobbying," Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et. seq.)}
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. sec. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to Civil Penalty of not less than \$10,000 and not more than \$100,000 for each such failure. {Note: Pursuant to 31 U.S.C. sec. 1352 (c) (1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure}.

The Contractor, Advanced Roofing, Inc., certified or affirms the truthfulness and accuracy of each statement of its certifications and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et. seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official



Name and Title of Contractor's Authorized Official

Jason Carruth, Vice President

Date: July 13, 2023

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SWORN STATEMENTS, ACKNOWLEDGEMENTS, AND AFFIDAVITS
May 2023

3. Anti-Kickback Affidavit

State of Florida

County of Duval

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the City of Neptune Beach, its elected officials, or its consultants, as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

By: [Signature]

Title: Vice President

Subscribed and sworn before me this 13th day of July, 2023, by

Jason Carruth, who is personally known to me or has produced

[Signature] as identification.

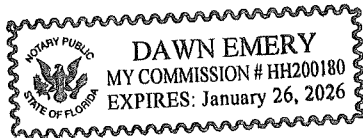
[Signature]
Notary Public

My Commission expires: January 26, 2026

Dawn Emery

Print Name

(Affix Seal)



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4. Sworn Statement on Public Entity Crimes
Section 287.133 (3) (a), Florida Statutes

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the City of Neptune Beach

by: Jason Carruth, Vice President

(Print Name and Title)

for: Advanced Roofing, Inc.

(Print Name of Entity Submitting Sworn Statement)

whose business address is:

200 Northstar Court

Sanford, FL 32771

and (if applicable) its Federal Employer Identification Number (FEIN) is: 59-2360591

If the entity has no FEIN, include the Social Security Number of the individual signing this sworn Statement.

I, the undersigned, understand that a, "public entity crime" as defined in Paragraph 287.133(1)(9)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or the United States, including, but not limited to, any bid or contract for goods and services to be provided to any public entity or an agency or political subdivision of any other state or the United States involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

Further, I, the undersigned, understand that, "convicted," or, "conviction," as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction or a public entity crime, with or without an adjudication of guilt, in any Federal or State Trial Court of record relating to charges brought by indictment or information after July 1, 29189, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

I, the undersigned, understand that an, "affiliate," as defined in Paragraph 287.133(1)(a), Florida Statutes means:

- a. A predecessor or a successor of a person convicted of a public entity crime; or

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- b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term, "affiliate," includes those officers, director, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person control another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding thirty-six (36) months shall be considered an affiliate.

I, the undersigned, understand that a, "person," as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term, "person," includes those officers, director, executives, partners, shareholders, employees, members, and agents who are active in the management of an entity.

Based on information and belief, the statement that I have marked below is true in relation to the entity submitting the sworn statement. **[Indicate which statement applies by initialing.]**

 X Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 This entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

 This entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1, 1989. HOWEVER, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. **[Attach a copy of the final order.]**

00420-5

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

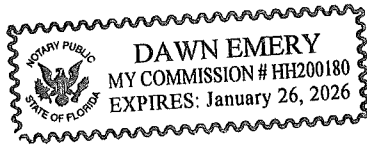
By: [Signature]
Title: Vice President

Subscribed and sworn before me this 13th day of July, 2023, by Jason Carruth, who is personally known to me or has produced [Signature] as identification.

My Commission expires: January 26, 2026

[Signature]
Notary Public
Dawn Emery
Print Name

(Affix Seal)



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5. Drug-Free Workplace Form

The undersigned vendor in accordance with Section 287.087, Florida Statutes, hereby certifies that

Advanced Roofing, Inc. does:

(Name of Business)

- a. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled-substance is prohibited in the workplace and specifying the actions that will be taken against the employees for violations of such prohibition.
- b. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- c. Give each employee engaged in providing the commodities or contractual services that are under bud a copy of the statement specified in subsection (a).
- d. In the statement specified in subsection (a), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- e. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance and rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- f. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.



Proposer's Signature

July 13, 2023

Date

END OF SECTION

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Advanced Roofing, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
1950 NW 22nd Street

6 City, state, and ZIP code
Fort Lauderdale, FL 33311

7 List account number(s) here (optional)

Requester's name and address (optional)

Print or type.
See Specific Instructions on page 3.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
or										
Employer identification number										
5	9		-	2	3	6	0	5	9	1

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶ 1/1/2023
------------------	----------------------------	------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

SECTION 00440

BONDING CAPACITY CERTIFICATION LETTER

OWNER:

City of Neptune Beach
116 1st Street
Neptune Beach, FL 32266
904-270-2400

BIDDER:

Firm Name: Advanced Roofing, Inc.
Address: 200 Northstar Court
City, State, Zip: Sanford, FL 32771
Phone: 407-322-1555

This letter serves as a certified statement that the Surety Company's authorized bonding Capacity for the referenced Bidder will not be exceeded by the inclusion of Bidder's Submitted Bid for City Hall Roof Repair.
The present limits on bonding for the referenced Bidder are as follows:

\$ 40,000,000.00 each occurrence
\$ 150,000,000.00 aggregate

Percentage of bonding capacity expended with inclusion of this Bid 30 %

Bidder's Bonding Rate 7.20/slide %

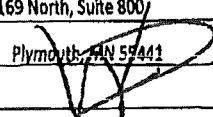
Amount of ALL projects that the Bidder is currently preparing bid/proposals and/or have not yet been awarded:
\$ 35,000,000.00

(Amount indicated above must be representative of all projects inclusive of delivery methods such as the following but not limited to: Competitive Bids, Competitive Sealed Proposals, Design-Build, Construction Manager at Risk, Job Order Contracting etc.) Issuance and approval of any bond shall be predicated on the most current financial and job information available to the underwriter on the date that the bond is issued. The Surety Company hereby certifies that they are duly authorized by certificate of authority issued by the State of Florida and that they are rated as follows:

A.M. Best Rating: A+
Financial Size Category: XV

Notes: This is the only acceptable format for the Surety's Bonding Capacity Certification Letter. This statement must be notarized (on an original document with an embossed stamp). Power of Attorney form must be attached.

SURETY COMPANY

Surety Company Name: Atlantic Specialty Insurance Company
Address: 605 Highway 169 North, Suite 800
City, State, Zip Code: Plymouth, TN 37441
Authorized Signature:  William Greff Griffin, Attorney In Fact
Date: July 14, 2023

STATE OF Florida COUNTY OF Broward

00440-1

PERSONALLY APPEARED BEFORE ME, the undersigned authority William Grege Griffin who after first being sworn by me, affixed his/her (name of individual signing)

signature in the space provided above on this 14th day of July, 2023.

My commission expires:


NOTARY PUBLIC



END OF SECTION



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: Ricardo Davila Lamar, William Grege Griffin, Vivian Santiago, Michael Marino, Torre Taylor, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: unlimited and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

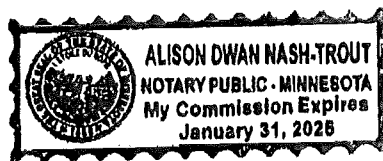
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this twenty-seventh day of April, 2020.



By *Paul J. Brehm*
Paul J. Brehm, Senior Vice President

STATE OF MINNESOTA
HENNEPIN COUNTY

On this twenty-seventh day of April, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Alison Nash-Trout
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 14th day of July, 2023



This Power of Attorney expires
January 31, 2025

Kara Barrow
Kara Barrow, Secretary



Agenda Item #10A

Wastewater Plant 2 Improvements

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM:	Water Reclamation Facility – Bid of Wastewater Plant 2 Improvements
SUBMITTED BY:	Deryle Calhoun, P.E. Public Works Director
DATE:	August 1, 2023
BACKGROUND:	<p>City of Neptune Beach entered into a consent order with Florida Department of Environmental Protection to correct violations of its wastewater permit, primarily regarding Total Nitrogen exceedances.</p> <p>CONB engaged Dewberry Engineers, Inc. in December 2021 to provide consent order support, and to provide planning, permitting, design, bid and construction phase services for Plant 2 modifications necessary to provide nitrogen removal capability. In addition, Plant 2 electrical and control panels will be moved out of the flood plain and provide for future relocation of Plant 1 equipment.</p> <p>Dewberry has presented 90% plans and specifications for staff review and currently anticipate Plant 2 improvements ready for bid in August.</p> <p>Current budget for this work is \$2,400,000 in FY24.</p>
BUDGET:	FY23 revised budget 401-4335-535-60-62 Improvements – Buildings is \$1,909,999.96 with \$1,906,939.83 remaining. Additionally, American Rescue Plan Act (ARPA) funds were budgeted in FY23 at 001-0000-332-10-00 (\$3,635,695.92)
RECOMMENDATION:	Approve bidding of Plant 2 improvements
ATTACHMENT:	None



Agenda Item #10B
 Plant 1 Operations Study
 Phase 2

**CITY OF NEPTUNE BEACH
 CITY COUNCIL MEETING
 STAFF REPORT**

AGENDA ITEM:	Water Reclamation Facility Plant 1 – Operations Study
SUBMITTED BY:	Deryle Calhoun, P.E. Public Works Director
DATE:	August 2, 2023
BACKGROUND:	<p>CONB has an active consent order with the Florida Department of Environmental Protection (FDEP) for violation of its water reclamation facility permit with respect to Total Nitrogen and Total Phosphorus. Plant 2 is currently off-line pending construction improvements. Plant 1 has been treating all flow while struggling to perform and will be required to contribute to permit limits even after Plant 2 improvements are complete.</p> <p>Hazen and Sawyer completed a study which reviewed historical operations data and developed an operational model of the plant (BioWin) which permits considerations of improvements.</p> <p>During the study, an aeration header blew apart which led to additional operational challenges. As a result, a decision to replace the IFAS media or not will be necessary. Estimates for replacement are in the \$1M range.</p> <p>This requested study would further evaluate the biological nutrient removal (BNR) process capabilities and other items as noted in the proposal.</p>
BUDGET:	Sewer Operations 401-4335-535-30-31 / Professional Services FY23 Budget = \$587,000.04, Available = \$440,219.77
RECOMMENDATION:	Approval of Phase 2 with Hazen and Sawyer in the amount of \$34,810.00
ATTACHMENT:	Phase 2 Scope

ENGINEERING SERVICES PROPOSAL FOR
City of Neptune Beach
WRF PROCESS EVALUATION AND OPTIMIZATION

August 2, 2023 Phase 2 FINAL

SCOPE OF SERVICES

Hazen and Sawyer, P.C. will perform the following tasks in association with the process evaluation and optimization at the Neptune Beach WRF.

Task 6 – Clarifier Flow and RAS Flow Hydraulic Control and Constraints: Operations staff have reported significant issues in controlling influent flow, RAS and blanket levels in the secondary clarifiers. Hazen will evaluate options for improved control of RAS, WAS, and internal recycle flows and conceptual modifications if required to improve control. Assumes elevation data from record drawings are accurate. The task includes:

- Conceptual level assessment of implementing a splitter box vs. utilizing control valves on existing piping. A conceptual level cost will be developed for each option to provide a magnitude difference. The assessment will identify key considerations (pros and cons) for each alternative.
- Conceptual review of the equalization piping configuration proposed by the City. Hazen will review the feasibility of the piping configuration to serve both Plant 1 and Plant 2. The review does not include an evaluation of pump hydraulics or detailed design elements.
- Operational guidance for influent flow, RAS, and internal recycle flows assuming the equalization basin is online.

Evaluations are focused on hydraulic and mechanical reviews and do not include siting, structural, electrical, or instrumentation and control considerations. Detailed cost estimates are not included.

Task 7 – BNR Optimization Evaluation: The results from the historical data review and the BioWin model will be used to evaluate BNR optimization options. In addition, an initial estimate of the capacity limitations, aeration requirements, and recommended conceptual modifications for the existing Neptune Beach Plant 1 BNR basins will be provided. BNR optimization options will consider the future impacts of having Plant 2 in operation.

The task also includes evaluation and recommendations for feed equipment and control for MicroC. Evaluation outcomes include conceptual pump sizing and guidance for dosing based on influent flow

Exhibit A

with an option for feed-forward nitrate-based control. Hazen will model changing the feed location of Micro C to the second anoxic tank under design flows.

Task 8 –Workshop: Hazen will conduct a virtual 2-hour workshop with Neptune Beach staff to review the results and recommendations from Tasks 1-7.

Task 9 – Immediate Assistance / Calls: Hazen will provide on-call support for WRF operators. A total of 4 hours for this task is included.

Task 10 – Existing Aeration Evaluation: Hazen will review the existing blower piping and hydraulic conditions to assess the feasibility of aerating both the IFAS and proposed anoxic tank diffusers using a common blower header served by the existing blowers. Record drawings, equipment information, and photos collected during Phase 1 will be used as the best available information for review.

This task does not include evaluating the electrical capacity for improvements. The City is responsible for design and installation of the air header based on the current scope.

TIME OF PERFORMANCE

The work described in Tasks 6 through 10 of this Scope of Services will be completed within 120 days of receipt of a written notice-to-proceed.

COMPENSATION

Hazen and Sawyer, P.C. proposed to provide the above services to Neptune Beach for a not-to-exceed lump sum of \$34810 dollars.

AUTHORIZATION

Hazen and Sawyer, P. C.

Neptune Beach

By: _____

By: _____

Name: Andre Dieffenthaller

Name: Richard Pike

Title: Vice President

Title: Neptune Beach City Manager

Date: _____

Date: _____



Agenda Item #10C
LDC Updates

**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM:	LDC Updates
SUBMITTED BY:	Heather Whitmore, AICP, Community Development Director
DATE:	August 7, 2023
BACKGROUND:	<p>Land Development Code Updates to Bring Before Council for Discussion:</p> <p>LDC Section 27-332: Home-based Businesses LDC Section 27-335 and 27-336: Recreational/Commercial Vehicles in Residential Districts</p> <p>This item was brought before the Council on May 1, 2023. The intent of the amendment is to add Sections 27-335 and 27-336: Recreational/Commercial Vehicles in Residential Districts back into the LDC. It appears these important code sections were inadvertently deleted in the recent LDC update.</p> <p>Staff has updated the proposed language for these amendments since the May 1, 2023 meeting and now seeks Council feedback on the recent text updates.</p> <p>In order to address recent concerns regarding commercial vehicles parked in residential areas, staff has recommended several amendments to the previous text “27-336: Parking of commercial vehicles in residential districts.”</p> <p>Specifically, the amendment clarifies the definition of commercial vehicles as any motor vehicle more than 5,500 pounds and used for commercial purposes. The amendment also limits parking in residential areas and parking commercial/heavy vehicles associated with home-based businesses.</p> <p>The amendment to LDC Section 27-336 regulating parking in residential areas associated with home-based businesses required a minor amendment to Section “27-332: Home-based Businesses” to prohibit the loading and unloading of commercial vehicles in conjunction with home-based business activities in residential areas.</p>

BUDGET:	NA
RECOMMENDATION:	Review, discuss, make recommendations
ATTACHMENT:	<p>Exhibits:</p> <p>A. 27-332 Home-based Business: Proposed text (including strikethrough and underline attachment)</p> <p>B. 27-335 and 27-336 Recreational/Commercial Vehicles: Proposed text (including strikethrough and underline attachment)</p>

Sec. 27-332. - Home-based businesses.

This section acknowledges the ability of residents to conduct small-scale home-based businesses that are secondary to the primary use of their residence, in accordance with F.S. § 559.955. This section also provides regulations to preserve the character of residential neighborhoods.

(a) As an accessory use, the activities of the home-based business must remain secondary to the property's legal use as a residence. The home must remain consistent with the surrounding residential area as viewed from the street, without additional client or consumer entrances for the home-based business. External modifications to a home to accommodate a home-based business must conform with the residential character and architectural aesthetics of the neighborhood.

(b) An employee or proprietor of the business must live in the home. Up to two (2) non-resident employees or independent contractors may also work at the business. The business may also have remote employees that neither live in the home nor work on-site.

(c) The business may not conduct retail transactions from a structure other than the home; however, incidental business uses, and activities may be conducted at the residential property.

(d) Additional parking spaces are not required for the business, but any on-site parking spaces that serve the business must comply with requirements of this code. Any vehicles or trailers parked at or near the business must be parked in legal parking spaces that comply with all restrictions in this Code that apply to the home, and they may not be parked over a sidewalk ~~or on any unimproved surfaces at the residence~~. Heavy equipment (commercial, industrial, or agricultural vehicles, equipment, or machinery) shall not be parked or stored where it would be visible from the street, or neighboring property in any residential district ~~except as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or except for~~ at structures or activities permitted in such residential districts by the terms of this chapter.

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(e) No signs are allowed for the business; signs are regulated by article XV of chapter 27.

(f) The business must comply with all local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids, including the requirements in section 23-60 of this code regarding prohibited substances.

(g) Home-based businesses may be restricted further on land that is subject to deed restrictions when such documents are valid and recorded in the public records of Duval County.

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(g) Home-based businesses may be restricted further on land that is subject to deed restrictions when such documents are valid and recorded in the public records of Duval County.

Sec. 27-336. - Parking of commercial vehicles in residential districts.

Commercial vehicles shall not be parked in any residential district except as permitted for home-based business according to the restrictions in Sec. 27-332 or as may be required for normal loading or unloading of such vehicles and during the time normally required for service at dwellings, or at structures or activities permitted in such residential districts by the terms of this chapter. The term “commercial vehicle” shall refer to any motor vehicle more than 5,500 pounds curb weight, unless excepted in this section, used primarily for a business or commercial purpose and not used primarily for personal, non-business transportation. The term “commercial vehicle” shall not be deemed to include law enforcement vehicles or recreational or utility vehicles or vehicles such as pick-up trucks, vans, or cars, even if they include decals for the business, if they are used by the property occupant on a daily basis for normal transportation and are not used at the property for commercial purposes.

Commercial vehicles do not include those for which their parking at a residential property is ancillary to the residential use of the property. Examples of indications that the commercial purpose is primary, rather than ancillary, include, but are not limited to, more than one vehicle displaying the information of a commercial business being parked at the same property, the loading of employees or equipment on the residential property or adjacent right of way other than the residents of such property, and the parking of the vehicle with displays of information of a commercial business associated with a home-based business as described in Chapter 559, Florida Statutes on the right of way adjacent to a residential property or on unimproved surfaces at the property.

Any vehicle with more than two axles and four regular-sized tires shall be considered a commercial vehicle. Any vehicle that utilizes anything other than tires for locomotion (e.g., skids, belts, or similar items) shall be deemed commercial equipment and be prohibited.



**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM:	Civil Service Board
SUBMITTED BY:	Jillian McCann, HR Coordinator
DATE:	08/02/2023
BACKGROUND:	<p>If a Neptune Beach Police Department staff member faces disciplinary action, they have the right to request a hearing before the City of Neptune Beach Civil Service Board. The City Council is obliged to evaluate the necessity for a Civil Service Board per Ordinance No. 2015-09 and nominate two employees to serve on the board. The employees themselves will elect the third board member.</p>
BUDGET:	
RECOMMENDATION:	To assess the requirement for the Civil Service Board and select two employees who have served for over a year to form the board.
ATTACHMENT:	Copy of Ordinance

DIVISION 3. - CIVIL SERVICE BOARD

Footnotes:

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Editor's note— Ordinance No. 92-1-8, adopted August 3, 1992, set out provisions for a civil service board for the city, designating said provisions as §§ 2-256—2-265. For classification purposes, the editor has redesignated same as division 3 herein.

State Law reference— Civil service system, Florida Constitution art. III, § 14.

Sec. 2-476. - Established.

A Civil Service Board for the City of Neptune Beach, Florida, is hereby established.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-477. - Composition, qualifications and terms of office.

- (a) Upon a determination of need by the city council, the civil service board shall be initiated and called to order as set forth herein.
- (b) The civil service board shall be composed of three (3) members.
- (c) The third member whose term shall be one (1) year shall be elected to membership by vote of all employed employees under the civic service of the city. The election shall take place no later than August 14, 1992, and thereafter be held on an annual basis. The votes shall be counted in public by the city manager, city clerk and city attorney or their designees on the day of said elections.
- (d) All members of said board shall serve without compensation.
- (e) Whenever vacancies shall occur, a person qualified shall be appointed by the mayor and approved by the city council to fill such vacancies for the unexpired term, with the exception of the elected member. The vacancy of the elected member shall prompt a new election by the employees covered by the division.
- (f) No person who has been convicted of a crime, or who has been within one (1) year prior to his appointment or election an officer or employee in any remunerative capacity of the city shall be eligible for appointment or election to the board.

(Ord. No. 92-1-8, § 1, 8-3-92; Ord. No. 1993-10, § 1, 10-4-93; Ord. No. 2015-09, § 1, 6-1-15)

Sec. 2-478. - Meetings.

The board shall hold one meeting as is deemed necessary by the board or as directed by the city council or city manager.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-479. - Clerical assistance.

The city clerk shall provide to said board such clerks, stenographers and clerical help as is necessary for the performance of the duties of the civil service board.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-480. - Appropriation of funds.

The city council shall annually appropriate and provide for a sum sufficient for the board to carry out the purposes of this division. The city council shall be the sole judge of the amount to be so budgeted, appropriated and provided.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-481. - Career civil service: Employees covered by civil service; appointments.

(a) The career civil service shall be a permanent service to which this article shall apply and shall comprise all tenured positions in the public service now existing or hereafter established, except the following:

- (1) The members of the city council, city clerk, deputy city clerk, city attorney, assistant city attorney and prosecuting attorney;
- (2) Members of boards and councils and heads of departments appointed by the city manager;
- (3) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the city council, a committee thereof or the city manager;
- (4) The city manager, assistant city managers and other assistants to the city managers;
- (5) The following positions which by their nature cannot be or should not be appropriately included in the career civil service are exempted:
 - a. Department, division and agency heads (including, but not limited to: Police lieutenant, water/sewer superintendent, and building official);
 - b. Person serving in positions funded in whole or part by United States Government manpower assistance programs.

(b) All appointments to positions in the career civil service of the city shall be made by the city manager, who shall likewise be responsible for dismissals, suspensions or demotions of all persons in the career service. The city manager shall have the same appointing authority and

disciplinary authority with respect to persons exempted from the career service in subsection (a)(4), except as otherwise provided in this Code.

- (c) Any person in the classified civil service who is appointed to a position exempt from the civil service system by this section shall be entitled to return to the same or comparable civil service classification, with the same rights and status as held immediately prior to such appointment. Compensation for an employee returning to a civil service classification under this provision will be established based upon the rate that he or she would be receiving had the appointment not been made.

(Ord. No. 92-1-8, § 1, 8-3-92; Ord. No. 1995-05, § 1, 8-28-95; Ord. No. 1996-15, § 1, 10-7-96)

Sec. 2-482. - Appeals.

- (a) The board shall recognize the policies and procedures established by the city council in Resolution No. 1-7-90 adopted on the 2nd of July, 1990 and shall serve as a board of appeals in determining compliance or failure to comply with the provisions thereof and other resolutions amending such policies adopted from time to time.
- (b) An appeal by an aggrieved party shall be filed with the board within ten (10) working days of termination or disciplinary action and said board shall hold a hearing as soon as practical and either approve or disapprove the action taken.
- (c) The board shall have the power to issue subpoenas and administer oaths.
- (d) The board shall render its order within ten (10) working days of final hearing and its decision shall be final and binding.
- (e) Members of the collective bargaining unit may choose to file a grievance under the civil service or the collective bargaining unit, but not both.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-483. - Demotion; suspension; discharge; probation; selection.

- (a) No members of the career civil service shall be demoted, suspended or discharged except in accordance with the provision of this division, Resolution No. 1-7-90 or a collective bargaining agreement.
- (b) All new employees under the career civil service employed after August 3, 1992 shall be considered probationary for a period of six (6) months from the date of employment.

(Ord. No. 92-1-8, § 1, 8-3-92)

Sec. 2-484. - Causes for removal, suspension, fine or discharge.

Any person employed by the city manager under the civil service, who shall be incompetent or be guilty of neglect of duty, or of malfeasance, or misfeasance, vicious or uncivil conduct, or immorality or drunkenness, or of any offense involving turpitude, or who has been adjudged guilty of any crime, shall be immediately removed from service by the city manager. The city manager may suspend, demote or discharge an employee for drunken, disorderly or disruptive conduct, incompetency, neglect of duty, malfeasance, misfeasance, vicious or uncivil conduct, immorality, or any offense involving turpitude or who has been adjudged guilty of any crime without the necessity of a letter or reprimand prior to such job action. However, such a letter shall be delivered to the employee within five (5) days of the actual dismissal, demotion or suspension, mailed to last known home address by certified mail, receipt requested.

(Ord. No. 92-1-8, § 1, 8-3-92; Ord. No. 1996-15, § 2, 10-7-96)

Sec. 2-485. - Other provisions.

In the event any section hereof shall be held invalid, such invalidity shall not affect the other provisions hereof.

(Ord. No. 92-1-8, § 1, 8-3-92)

Secs. 2-486—2-499. - Reserved.

**SPONSORED BY:
COUNCILOR MESSINGER**



Agenda Item #10E

Res. No. 2023-08

Funding Sources

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, INSTRUCTING STAFF AND LOBBYISTS TO ACTIVELY PURSUE ADDITIONAL FUNDING MECHANISMS FROM THE CITY OF JACKSONVILLE; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach (the "City") has significant expenses projected to be necessary for maintenance of quality of life and infrastructure; and

WHEREAS, funding mechanisms entirely within the control of the City, such as millage rate increases, will not be sufficient alone; and

WHEREAS, Florida law and the City's agreements provide other mechanisms for raising revenue necessary to cover the City's expenses; and

WHEREAS, these include, but are not limited to, the creation of a community redevelopment area, revisions to the City's interlocal agreements regarding proportions of tax revenue shared between the City and the City of Jacksonville, and other sources; and

WHEREAS, the Council finds that it is in the best interest of the City to actively pursue such mechanisms in the short term.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Instruction to Staff and Lobbyists. The City Council of the City of Neptune Beach instructs staff and the City's lobbyists to prioritize and actively seek implementation of a community redevelopment area, revisions to the City's agreements with the City of Jacksonville regarding revenue sharing, and other funding mechanisms that may be available. The instruction is that such efforts be prioritized as a short term goal to establish these additional funding sources.

SECTION 3. Repeal of Prior Inconsistent Resolutions and Council Decisions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. Effective Date. This resolution shall become effective immediately upon passage and adoption by City Council.

AUTHENTICATED this ____ day of _____, 2023.

Elaine Brown, Mayor

Catherine Ponson, City Clerk

Approved as to form and legal sufficiency:

Zachary R. Roth, City Attorney