



AGENDA (Amended)
Special and Regular City Council Meeting
Monday, December 6, 2021, 6:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. RECOGNITION OF BOY SCOUT TROOP 282 AND EAGLE SCOUT MILO MOORE
3. COMMENTS FROM THE PUBLIC
- PH 4. ORDINANCE NO. 2021-07, ADOPTING FINAL MILLAGE RATE, SECOND READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting Final Millage Rate and Levying Ad Valorem Taxes for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Setting Forth Certain Information Regarding "Rolled-Back Rate"; Directing the City Manager to Adjust the Adopted Millage Rate in the Event of Changes in the Assessment Roll and Taxable Value; Providing an Effective Date p. 3
- PH 5. ORDINANCE NO. 2021-08, ADOPTING A FINAL BUDGET, SECOND READ AND PUBLIC HEARING. An Ordinance of the City of Neptune Beach, Florida, Adopting a Final Budget and Appropriating Funds for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; Providing an Effective Date p. 12

6. ADJOURN

REGULAR CITY COUNCIL MEETING IMMEDIATELY FOLLOWING
THE ABOVE SPECIAL MEETING

1. CALL TO ORDER / ROLL CALL
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST / NONE
3. APPROVAL OF MINUTES: p. 16
November 1, 2021, Regular City Council Meeting
November 15, 2021, Special City Council Meeting
November 15, 2021, Workshop City Council Meeting
November 23, 2021, Charter Review Discussion

4. COMMENTS FROM THE PUBLIC
5. COMMUNICATIONS AND CORRESPONDENCE

- Mayor
- City Council
- City Manager
- City Attorney
- City Clerk
- Police Chief

6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

- A. SE21-04 Application for a new special exception to modify the outdoor dining as outlined in Chapter 27, Article 3 Division 9 of the United Land Development Code for MNCW, LLC for the property known as 1455 Atlantic Blvd. The request is to build an awning type structure to cover the existing outdoor seating. The original special exception for outdoor dining was granted on October 1, 2012. No additional seating capacity is being requested p. 30

8. ORDINANCES

- PH* A. ORDINANCE NO. 2021-13, FIRST READ AND PUBLIC HEARING, An Ordinance Creating a New Article VIII, Emergency Management, within Chapter 2, Administration; Providing for Severability; Providing an Effective Date p. 56
- PH* B. ORDINANCE NO. 2021-14, FIRST READ AND PUBLIC HEARING, An Ordinance by the City Council of the City of Neptune Beach, Extending a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters as Provided in Section 22-7 of the City's Code of Ordinances; Providing for Legislative Findings, Conflicting Ordinances, Severability, Enforcement, and an Effective Date p. 68
- PH* C. ORDINANCE NO. 2021-15, FIRST READ AND PUBLIC HEARING, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022 p. 74
9. OLD BUSINESS / NONE
10. NEW BUSINESS
- A. Consideration of Approval of Supplemental Agreement No. 2 with Jones Edmonds & Associates, Inc., for Stormwater Study and Design Services p. 98
- B. Consideration of Approval of Supplemental Agreement No. 1 with Dewberry|Hydro for Phase I WWTF Consent Order Compliance Services p. 104
11. COUNCIL COMMENTS
12. ADJOURN

The meeting will be available online for viewing and posted on the website the next day.

Please register for **Special and Regular City Council Meeting, December 6, 2021, 6:00 PM EDT** at:

<https://attendee.gotowebinar.com/register/4269355691544159755>



Residents attending public meetings can use the code **PF48** 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."



Florida Department of Revenue
Property Tax Oversight

Special Meeting Agenda Item #3
Ordinance No. 2021-07
Millage Rate

Jim Zingale
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

November 19, 2021

Stefen A. B. Wynn, City Manager
City of Neptune Beach
116 First Street
Neptune Beach, Florida 32266

Re: Truth in Millage (TRIM) Certification

Dear Mr. Wynn:

The Department of Revenue (Department) has reviewed the millage certification documents that your taxing authority submitted under sections 200.065 and 200.068, Florida Statutes (F.S.). The following errors are violations of the Truth in Millage (TRIM) law. Your taxing authority must correct these errors immediately or be subject to the loss of revenue sharing and the loss of ad valorem revenues from millage in excess of the rolled-back rate.

FINDINGS OF FACT

1. The ad valorem proceeds in the Budget Summary advertisement were calculated using less than 95 percent of the gross taxable value, as s. 200.065(2)(a)1., F.S., requires. The ad valorem proceeds were understated by approximately \$94,008 or 2.85 percent (see attached copy for correct calculations).
2. Portions of the property tax levy in the Notice of Proposed Tax Increase advertisement s. 200.065 (3)(a), F.S., requires, were incorrect (see attached copy for correct amount to advertise). The notice understated last year's initially proposed tax levy and incorrectly stated the tax reductions because of value adjustment board and other assessment changes.

CONCLUSIONS OF LAW

1. Section 200.065(2)(a)1., F.S., requires each taxing authority, in calculating the millage, to use not less than 95 percent of taxable value the property appraiser certified. This is 95 percent of the gross taxable value appearing on line 4 of Form DR-420. The taxing authority must apply the millage to at least 95 percent of the taxable value, and the tentative advertised budget must be at least 95 percent of actual proceeds. Your use of less than 95 percent of the gross taxable value constitutes non-compliance with s. 200.065(2)(a)1. and (3)(l), F.S., as well as Rule 12D-17.005 (2)(c)3., F.A.C

2. The Notice of Proposed Tax Increase advertisement misstated last year's initially proposed tax levy and the reductions resulting from value adjustment board and other assessment changes. This violates s. 200.065(3)(a), F.S., and Rule 12D-17.005(2)(a), (2)(c)6., F.A.C.

OPPORTUNITY TO REMEDY

The law provides the opportunity to correct these violations by re-advertising and re-holding the hearing and re-certifying compliance under section 200.065(13), F.S.

Within 15 days of receipt of this notice, the taxing authority will need to advertise the: *Notice of Proposed Tax Increase* with applicable violation clause, and *Budget Summary* advertisements.

Section 200.065(13)(b) and (c), F.S., establishes the requirements of this letter. Section 200.065(12), F.S., requires the taxing authority to hold a new millage and budget hearing two to five days following publication of the advertisement.

After the re-advertised notices and the new final hearing, please forward to this office copies of the advertisements (full page from newspaper) with proofs of publication, a copy of the resolution/ordinance adopting the millage, a copy of the resolution/ordinance adopting the budget and the *Certification of Compliance* (Form DR-487).

By copy of this notice, the Department is notifying and directing the tax collector to withhold ad valorem tax revenue collected in excess of the rolled-back rate until the taxing authority has met the requirements of law.

By copy of this notice, the Department is notifying the Refunds and Revenue Distribution process of the General Tax Administration program to proceed under sections 200.065(13)(a), 218.23(1), and 218.63(2), F.S., and Rule Chapter 12-10, Florida Administrative Code, to withhold revenue sharing funds until the taxing authority corrects its noncompliance or, if not corrected, for 12 months following the Department's determination of noncompliance. If the taxing authority does not correct its noncompliance, the Department will deposit these withheld funds into the General Revenue Fund.

If the taxing authority fails to correct these violations in the manner section 200.065(13), F.S., describes and to re-certify compliance to the Department after re-advertising and re-holding the hearings, the taxing authority will forfeit its state revenue sharing funds and ad valorem proceeds in excess of the rolled-back rate. If the taxing authority re-certifies compliance and the Department determines the re-certification is not in compliance with section 200.065, F.S., the same consequences will occur.

This determination applies only to the TRIM certification requirements. The Department will send a determination regarding the maximum millage levy requirements of section 200.065(5), F.S., in a separate notice.

If you believe the certification the taxing authority submitted does not support the Department's determination, please consider the following notice.

NOTICE OF RIGHTS

You may have the right to seek an administrative determination of the facts in this matter under chapter 120, Florida Statutes, by filing a petition for administrative hearing with the Department's clerk in the Office of General Counsel, Post Office Box 6668, Tallahassee, Florida 32314- 6668. Any such petition must meet the requirements of Chapter 28-106, Florida Administrative Code, and should be filed, and received, within 15 days from receipt of this notice. Such administrative tribunal has no equitable or injunctive powers under Florida Law. Under section 200.065, F.S., mediation is not available in any administrative dispute of the type of agency action announced in this notice.

If you proceed with the administrative determination and are unsuccessful and you do not correct the noncompliance as outlined in this notice, your ability to levy ad valorem taxes, based on the violations stated in this letter, will be seriously in question.

You may also have the right to adjudicate this matter before a circuit court under chapter 86, F.S., and applicable Florida law.

You have the right to seek judicial review of this order as provided in section 120.68, F.S., by the filing of a Notice of Appeal as provided in Rule 9.110, Florida Rules of Appellate Procedure, with the Department's clerk in the Office of General Counsel, Post Office Box 6668, Tallahassee, Florida 32314-6668 and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. This Notice of Appeal must be filed within 30 days from the date of this order.

If you have any questions, please contact Wyatt Peters at (850) 617-8921.

Sincerely,

A handwritten signature in blue ink that reads "Sue Harlan".

Sue Harlan, Director
Property Tax Oversight

cc: Honorable Jim Overton
Duval County Tax Collector

Andrea Hunter, Program Administrator
Refunds and Revenue Distribution

BS/#26.07

BUDGET SUMMARY Corrected ad

CITY OF NEPTUNE BEACH, FLORIDA - FISCAL YEAR 2021 - 2022

THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE CITY OF NEPTUNE BEACH ARE 2.4%
MORE THAN LAST YEARS TOTAL OPERATING EXPENDITURES

General Fund 3.3656

Published 12-02-2021

ESTIMATED REVENUES:	GENERAL FUND	SPECIAL REVENUE	DEBT SERVICE	ENTERPRISE FUNDS	TRUST & AGENCY FUNDS	TOTAL ALL FUNDS
Taxes: Millage per \$1,000						
Ad Valorem Taxes	3.3656					\$3,293,583
Sales and Use Taxes	856,800	\$ 998,030				1,854,830
Franchise and Utility Taxes	592,200					592,200
Charges for Services	73,841			\$ 8,405,650		8,479,471
Grants and Contributions	40,000	121,100				161,100
Fines and Forfeitures	56,025	19,460				75,485
License & Permits	240,000					240,000
Intergovernmental	1,581,645				\$610,761	2,192,406
Interest Income	2,500	336		21,785		24,621
Miscellaneous	5,000					5,000
TOTAL SOURCES	\$6,647,566	\$1,138,926	\$ -	\$8,427,435	\$610,761	\$16,918,696
Transfers In	205,000	510,290				
Funds Balances/Reserves/Net Assets	1,524,747	1,316,500		12,025,000	11,250,000	26,022,239
TOTAL REVENUE & BALANCES	\$8,377,313	\$2,965,716	\$0	\$20,452,435	\$11,860,761	\$42,940,935
EXPENDITURES						
General Government	1,727,642	936,820		463,770		3,128,232
Public Safety	3,804,863	19,474			808,000	4,632,337
Public Works	636,575	571,822		7,740,424		8,948,821
Culture and Recreation	256,460	121,100				377,560
Debt Services				18,241		18,241
TOTAL EXPENDITURES	\$ 6,425,540	\$ 1,649,216	\$ -	\$ 8,222,435	\$808,000	\$17,105,191
Transfers Out	427,026			205,000		632,026
Fund Balances/Reserves/ Net Assets	1,524,747	1,316,500	0	12,025,000	11,052,761	\$25,203,718
TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES & BALANCES	\$8,377,313	\$2,965,716	\$0	\$20,452,435	\$11,860,761	\$42,940,935

THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE MENTIONED
TAXING AUTHORITY AS A PUBLIC RECORD.



INTRODUCED BY:

ORDINANCE NO. 2021-07

MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR KERRY CHIN
COUNCILOR LAUREN KEY, COUNCILOR JOSH MESSINGER

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATE AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED-BACK RATE"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATE IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Neptune Beach has held a public hearing on the tentative budget and proposed millage rate for the 2021-2022 fiscal year, and has adopted a tentative budget and proposed millage rate necessary to fund the tentative budget; and

WHEREAS, the City of Neptune Beach proposed by separate ordinance to finally adopt a budget and make appropriations for various funds for the City of Neptune Beach for fiscal year beginning October 1, 2021, and ending September 30, 2022; and

WHEREAS, the budget as proposed will require revenues be raised and collected by ad valorem tax levy.

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

SECTION 1. Revenues shall be raised and collected for the City of Neptune Beach by ad valorem taxes for fiscal year beginning October 1, 2021, and ending September 30, 2022, as follows:

- A. There is hereby levied on all nonexempt property within the City of Neptune Beach an ad valorem tax of 3.3656 mills for operational purposes, and an ad valorem tax of 0.0000 mills for debt service, making a total of 3.3656 mills.
- B. Such millage shall be levied upon the dollar amount of the assessed valuation of all nonexempt taxable property in the City of Neptune Beach as

returned by the Duval County Property Appraiser as shown in the 2021 assessment roll for the City, allowing homestead and other lawful exemptions. All such taxes so specified and levied are ordered extended upon the assessment roll to show the tax attributable to all taxable property, and shall be collected by the Duval County Tax Collector as provided by law.

SECTION 2. The ad valorem taxes hereby levied are for the purpose of raising funds, revenues and monies to be used, set aside, and exempted for the functions and purposes of the municipal government of the City of Neptune Beach pursuant to the provisions of the City Charter and the laws of the State of Florida.

SECTION 3. The following information is set forth as required by Section 200.065(2)(d), Florida Statutes;

- A. As to the entire City of Neptune Beach, the millage rate levied herein is 5.93 percent more than the "rolled-back rate," 3.1773, which represented the "percentage increase in property taxes" according to the characterization ascribed to said percentage by Florida law.

SECTION 4. Pursuant to Section 200.065(6), Florida Statutes, the City Manager is hereby authorized to adjust the adopted millage rate set forth herein if the taxable value within the jurisdiction of the City of Neptune Beach as certified by the property appraiser is at variance by more than one percent with the taxable value shown on the assessment roll to be extended, such that the taxes are computed by applying the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll extended, except that no adjustment shall be made to levies required by law to be a specific millage amount. The City Manager shall certify to the property appraiser of the aggregate change in the assessment roll and taxable value, if any, from that certified.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council.

SECTION 6. This ordinance was reheard on December 6, 2021 in order to comply with the provisions of Fla. Stat. §200.065(13).

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 8th day of September, 2021.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger

Passed on Second and Final Reading this 6th day of December, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents:

Zachary R. Roth, City Attorney



INTRODUCED BY:

ORDINANCE NO. 2021-08

**MAYOR ELAINE BROWN, VICE MAYOR FRED JONES, COUNCILOR KERRY CHIN,
COUNCILOR LAUREN KEY, COUNCILOR JOSH MESSINGER**

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE
FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING
SEPTEMBER 30, 2022; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Neptune Beach has held a public hearing on its proposed millage rate and its tentative budget for the 2021-2022 fiscal year, and has adopted a tentative budget and proposed millage rate necessary to fund the tentative budget; and

WHEREAS, a further public hearing has been held to adopt a final millage rate and to adopt a final budget.

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

SECTION 1. The budget for the City of Neptune Beach as attached, marked Exhibit "A", is hereby adopted as the final and approved budget for fiscal year beginning October 1, 2021 and ending September 30, 2022.

SECTION 2. Funds are hereby appropriated in accordance with the City Charter as set forth in the budget adopted above.

SECTION 3. The City Council may amend this budget in order to make any appropriations, transfers, authorizations, or adjustments by adoption of a Resolution.

SECTION 4. All funds appropriated for the 2020-2021 fiscal year which are encumbered, but unexpended as of the last day of the fiscal year, shall be deemed re-appropriated for the same purpose for the 2021-2022 fiscal year.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption, but the budget adopted hereby shall take effect as of October 1, 2021.

SECTION 6. This ordinance was reheard on December 6, 2021 in order to comply with the provisions of Fla. Stat. §200.065(13).

VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 8th day of September, 2021.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Lauren Key
 Councilor Josh Messinger

Passed on Second and Final Reading this 6th day of December, 2021.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and contents

Zachary R. Roth, City Attorney



CITY OF

**Neptune
Beach**

DATE: 12/01/2021


BUDGET AMENDMENT REQUEST

Name of Requestor: Stefen Wynn

Budget Amendment/Transfer Number: 2022-06-02

Account Number	Project Number	Budget Amendment/Transfer	Description	Amount Increase/ (Decrease)	Current Budget	Revised Budget
001-0000-311-10-00	Rev.	Amendment	Understated Ad-Valorem Revenues	\$94,008	\$3,133,814	\$3,227,822
001-1113-513-10-12	Exp.	Transfer	Regular Salaries - Finance Department	\$15,000	\$143,000	\$158,000
001-1113-513-10-12	Exp.	Transfer	FICA - Finance Department	\$2,000	\$9,000	\$11,000
001-1113-513-10-12	Exp.	Transfer	Retirement Contributions - Finance Department	\$3,000	\$9,950	\$12,950
001-1119-519-30-34	Exp.	Transfer	Other Contractual Svcs. - Non-Departmental	40,000	\$96,000	\$136,000
001-1119-519-60-64	Exp.	Transfer	Machinery & Equipment - Non-Departmental	\$9,008	-\$0-	\$9,008
001-1119-519-60-64	Exp.	Transfer	Building Improvements - Non-Departmental	\$10,000	\$45,000	\$55,000
001-1221-521-60-64	Exp.	Transfer	Machinery & Equipment - Police Department	\$15,000	\$137,048	\$152,048

REVIEW PROCESS:

Department Head	
Chief Financial Officer	
City Manager	 Digitally signed by Stefen Wynn Date: 2021.11.22 12:25:03 -05'00'

Date of Council Meeting Approval:

Mayor Elaine Brown



BUDGET AMENDMENT REQUEST

Budget Amendment/Transfer Number: 2022-06-02

Explanation:

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

The Florida Department of Revenue reviewed the TRIM notice for FY-2022, Calendar Year 2021 and found corrections needed within the Advertisements and revenue associated with property taxes. The City understated the amount of revenue to be collected by \$94,008. Florida Statute allows City's to budget for no less than 95% of revenue to be collected from Ad-Valorem. The City's notice advertised collecting only collecting 92.15% or 2.85% less than allowed by state law. This discrepancy was caught by the interim CFO after the advertisement was published by the Beaches Leader.

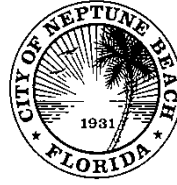
The Correction will bring the total anticipated revenue collected through Ad-Valorem taxes to \$3,293,583. This budget amendment asks to place all \$94,008 within the Real Property Taxes line. The current amount is: \$3,133,814.00 after adding the \$94,008 the total will be \$3,227,822. The Personal Property Taxes line anticipates \$55,761. The Delinquent Real Property line item anticipates \$10,000. Adding all line items \$3,227,822 (includes \$94,008 amendment) + \$55,761 + \$10,000 = \$3,293,583.

\$3,293,583 is the amount that the Florida DOR has calculated as the necessary correction to be published.

Where are funds available ?

The funds are available from understated expected revenues collected from ad-valorem taxes (property taxes). The correction is from the calculated amounts produced by the Florida Department of Revenue.

The unanticipated revenue is being distributed among various accounts within the general fund, including the Finance Department, the Police Department and the Non-Departmental line items.



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 1, 2021, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 1, 2021, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
 Vice Mayor Fred Jones (*absent*)
 Councilor Kerry Chin
 Councilor Lauren Key
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Public Works Director Jim French
 Senior Center Director Leslie Lyne
 Grant and Resiliency Coordinator Colin Moore
 Community Development Director Kristina Wright
 Animal Control Officer Denine Zagari
 City Clerk Catherine Ponson

Call to Order/Roll Call/Pledge

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

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Minutes

Made by Messinger, seconded by Key.

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

October 4, 2021, Regular City Council Meeting

October 18, 2021, Special City Council Meeting

October 18, 2021, Workshop City Council Meeting

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment John Pitocchelli, 520 South Street, Neptune Beach, spoke regarding the safety of the Florida Boulevard and 5th Street detour during the drainage project.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report

City Manager Stefen Wynn reported the following:

- He distributed the Athenian Oath to Department Heads. This is a public service oath.
- He reviewed the status and budget of the Jarboe Park project.
- There is a Senior Center Community Design Charette scheduled for Monday, November 29, 2021, at 5:30 p.m. This will be held at the site, 2004 Forest Avenue. The community will have the opportunity to share ideas for the Senior Center exterior.
- He gave an update of the detour on Florida Boulevard from Penman Road to 3rd Street.
- He reviewed the repairs completed by the Public Works Department.
- He presented a schedule of upcoming special events.

All monthly City Manager reports can be found, in their entirety, at:

<https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>.

Police Chief Report

Police Chief Richard Pike reported on the upcoming special events. The Chief's Walk would be held on Wednesday, November 3, 2021, beginning at 5:00 p.m., at First Christian Church, 2125 Ocean Front.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS

SE 21-03, Special Exception, Outdoor Dining, 218 First Street

SE 21-03, Application for a special exception for outdoor dining as outlined in Chapter 27, Article 3, Division 9 of the Unified Land Development Code for 218 First Street, LLC, and Slider's Restaurant. The request is to create an accessible outdoor seating area on the east side of the existing building and associated landscaping. No additional seating capacity is being requested.

Mayor Brown reported this has been approved by the Community Development Board and is recommended by staff.

Councilor Chin questioned where the seats are being moved from.

Matt Wilson, Managing Director for Safe Harbor Seafood and Slider's Oyster Bar, explained that due to the remodel, the seats are being relocated from the inside and from the back to the new space out front, which is 100% permeable green space. There are no additional seating or parking requirements.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE SE 21-03, 218 FIRST STREET, FOR OUTDOOR DINING

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

CDB 21-03,
Development
Order, 218 First
Street

CDB21-03, Pursuant to the approval of SE21-03, an application for Preliminary Development Order for a restaurant as outlined in Chapter 27, Article 3 of the Unified Land Development Code for 218 First Street, LLC. The property is currently known as 218 First Street. The request is to remove the existing windows on the east elevation and replace with two garage style doors and mounting a bar top for outdoor seating. Replacement of the wall mounted sign with a new one. No increase in outdoor seating capacity.

Councilor Chin commented that he had concerns with noise complaints received regarding The Local. He added that with the seats being moved up front and the bar, he hopes the applicant is respectful of the Community at large and not generate as much noise as some of the other businesses in the Central Business District.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE CDB 21-03, 218 FIRST STREET

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

ORDINANCES

Ord. No. 2021-03,
Comprehensive
Plan

Ordinance No. 2021-03, Second Read And Public Hearing. An Ordinance Of The City Of Neptune Beach, Florida Adopting The 2021-2046 Comprehensive Land Use Plan; Goals, Objectives And Policies; The Future Land Use Element; Transportation Element; Housing Element; Infrastructure Element; Coastal Management And Conservation Element; Recreation And Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; Public School Facilities Element; Establishing The Future Land Use Map Providing For Intent; Authority; Findings Of Consistency; Findings Of Fact; Severability; Recordation And An Effective Date

Public Hearing

Mayor Brown opened the public hearing.

David Blais, 800 1st Street, Neptune Beach, stated it was frustrating that this document came out less than a week before it is being voted on. It is a 25-year plan and a road map for the City. It does not give time to share with neighbors and to be able to dig into something of this magnitude. He requested that in the future, more time be given to have the opportunity to share and review it.

Nicole de Venoge, 617 Oak Street, Neptune Beach, agreed with Mr. Blais regarding the timeframe. She pointed out a few challenges, including water quality issues and capital improvements. She encouraged Council to look at some of the new technology. She looks forward to seeing the implementation of the items in the Plan.

Councilor Key stated she would appreciate more time. It takes time to hear back from people to work through their issues. This is one of our City's largest investments, and it is important to have enough time.

Councilor Key questioned beach accesses and what was meant by "limited and scattered parking." This is located on Map E-7, Public Beach Access Points, page E-18.

Community Development Director Kristina Wright stated that this map had been added to show the location of the beach accesses. She commented that this is characterizing what is in existence. This is not a proposal or a plan to make changes. It is just a classification of what is there.

Councilor Key remarked that the verbiage was not in the prior version. Ms. Wright confirmed Councilor Key's inquiry that based on that statement, there is no intention to add parking to public beach accesses.

Councilor Chin stated that his key question was on Bullet Item 1 of the Summary of Changes. He remarked that the DEO had asked for some regulation or specification on how to control the intensity of usage in the commercial districts. He asked after discussion with the City Manager, if the addition of Policy A.1.4.4., regarding the 35-foot height limit is all DEO wanted to hear.

Ms. Wright explained that if DEO would give us feedback if they need something that beyond that. It is standard practice to use the 35-foot limit to control intensity.

Councilor Messinger stated that two separate legal entities had reviewed the Comp Plan. He asked the City Attorney to comment on what is the substance of these changes and does it affect the City's intent.

City Attorney Zachary Roth advised that he does not believe the changes alter the intent. For the most part, it is DEO saying instead of referencing the statute, just put what the statute says. There are also maps added that show existing conditions and don't change anything.

Mr. Wynn pointed out that Charter Section 4.06 states: "The city shall be prohibited from closing, vacating or abandoning any public right-of-way ending on the ocean access without prior approval of the electors." This ties to Policy E.1.7.1. of the Comp Plan, which states " The City will not allow closure of the current beach access at street ends to benefit development."

Councilor Key explained that this is why it is difficult to have conversations like this when there is not enough time to answer questions from citizens.

Councilor Chin mentioned that he has spoken to Councilors from other municipalities and they too face the same issue. They receive the information packet days before the meeting and there isn't time to have questions answered.

Made by Messinger, seconded by Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-03, ADOPTING THE 2021-2046 COMPREHENSIVE AT SECOND READ**

Roll Call Vote:

Ayes: 3-Chin, Messinger, and Brown.

Noes: 1-Key

MOTION CARRIED

Ordinance No. 2021-09, R-4 Lot Split Moratorium	<u>Ordinance No. 2021-09, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Further Extending a Temporary Moratorium to Prohibit the Acceptance or Processing of Certain Applications for a Development Order or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Plat or Replat in the R-4 Zoning District as set forth in Chapter 27, Unified Land Development Regulations, Division 3 Section 27-101 through 27-102, Platting Requirements Chapter 27, Unified Land Development Regulations, Division 4 Section 27-105 through 27-109, Minor Replat Requirements, and 27-110 Temporary Moratorium; Providing An Effective Date</u>
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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 Chin.

MOTION: **TO ADOPT ORDINANCE NO. 2021-09, APPROVE ORDINANCE NO. 2021-09, EXTENDING TEMPORARY MORATORIUM ON PLAT OR REPLAT IN R-4 ZONING DISTRICT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ordinance No. 2021-10, PUD Moratorium Ordinance No. 2021-10, Second Read and Public Hearing. An Ordinance of the City of Neptune Beach to Further Extend a Temporary Moratorium to Prohibit the Acceptance or Processing of any Application for a Special Exception Permit, Development Order, or any Other Official Action of the City Having the Effect of Permitting or Allowing for the Application of a Planned Unit Development as set forth in Chapter 27, Unified Land Development Regulations, Section 27-244, Planned Unit Development and 27-245, Temporary Moratorium; 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 Chin, seconded by Messinger.

MOTION: **TO ADOPT ORDINANCE NO. 2021-10, EXTENDING THE TEMPORARY MORATORIUM FOR APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS (PUDs)**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2021-11, Dogs on the Beach Ordinance No. 2021-11, First Read and Public Hearing, An Ordinance of the City of Neptune Beach Amending Section 6-31, Regarding Dogs on the Beach to Establish Consistency with Atlantic Beach; Clarifying Leash Requirements; Requiring Certain Protections for Dogs; 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.

Councilor Key stated that she had not heard anyone speak against this ordinance, so she is with it for right now.

Councilor Chin requested Council wait on this ordinance since we are now past the restrictions until April. That is when the restrictions would kick back in. There is no rush in passing this. He does not think that many of the original people who had asked for the restricted hours know that this is being contemplated. It would give them time to think about it and get back to Council. He added that this ordinance was driven by Neptune Beach residents who want to have more dog-free time on the beach. It sounds like the intent of this was due to issues with non-Neptune Beach residents.

Councilor Messinger stated he had spoken to many of his neighbors who have dogs and are very responsible owners and have no problem abiding by the rules. Our animal control officer stated that we are turning people away when they crossover from Atlantic Beach to Neptune Beach.

We have had significant changes in our daily lives and the type of animal owners in Neptune Beach are more respectful and compliant. This doesn't change our leash laws. It further clarifies them. The people who are significantly breaking the rules are going to continue to do that. This affects people who do follow the rules and are respectful. Our animal control officer has asked for this and will make us more consistent with our neighbors.

Mayor Brown stated she has had positive reaction and she likes the clarification of it. It helps everyone.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE ORDINANCE NO. 2021-11, DOGS ON THE BEACH, ELIMINATING TIME CONSTRAINTS AND CLARIFYING LEASH REQUIREMENTS ON FIRST READ

Roll Call Vote:

Ayes: 2-Messinger and Brown

Noes: 2-Chin and Key

MOTION FAILED

Ord. No. 2021-12, Ordinance No. 2021-12, First Read and Public Hearing, An Ordinance Amending the Budget Amendment Operating Budget for the City of Neptune Beach, Florida for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022

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

Mr. Wynn explained that changes have been implemented to the budget amendment process. We will be doing them more than just an omnibus, end of the year amendment. Included in this budget amendment is: 2022-01-01, \$2,500-Funding required advertising for Community Development; 2022-02-01, \$20,000 -Donation for Jarboe Park; 2022-04-01, \$1,817,848-ARPA (America Rescue Plan Act) Funding. A new account was set up for the ARPA Funding to be used for any expense allowable.

Councilor Messinger commented that in the water tower maintenance project, we could use this as an opportunity to add character to that process. When we did the Vision Plan, there were different patterns shown. He would like to explore what that final design would look like.

Councilor Key questioned the donations received. She asked for clarification on grants and donations as it keeps being referred to as a grant.

Mr. Wynn clarified that it is discretionary funding which is truly a donation. The Eckstein Foundation gave \$50,000 as discretionary funding. \$20,000 went to the Police Department, \$20,000 to Jarboe Park and \$10,000 to the Senior Center.

Councilor Chin stated he appreciated doing the budget amendments throughout the year as it gives a clearer picture of what monies are coming in and out and it is another way of tracking projects.

Made by Key, seconded by Messinger.

MOTION: TO APPROVE ORDINANCE NO. 2021-12, FY2022 BUDGET AMENDMENTS ON FIRST READ

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Recreational Trails Grant – Notice of Limitation of Use

Consideration of Approval of Recreational Trails Program Grant- Notice of Consideration of Use. Mr. Roth explained that this authorizes the recording of a restrictive covenant that binds the City for a period of 99 years.

Councilor Messinger pointed out that there was a voter referendum on our park spaces. If you were to reduce park spaces in any way, it would have to go to the voters.

Made by Messinger, seconded by Key.

MOTION: TO APPROVE THE RECREATIONAL TRAILS PROGRAM GRANT – NOTICE OF LIMITATION OF USE

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Councilor Key questioned when the dogs on the beach provisions could be brought back to Council.

Mr. Roth stated it could be brought back when the sponsor requests it be back on the agenda.

Councilor Key commented that it is in the Code that Council should receive their packet by Wednesday before the meeting. She would appreciate getting it on time in order to have time to review and have questions answered.

Adjournment

There being no further business, the meeting adjourned at 7:14 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, NOVEMBER 15, 2021, 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, November 15, 2021, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:

Mayor Elaine Brown
 Vice Mayor Fred Jones (6:16 p.m.)
 Councilor Kerry Chin
 Councilor Lauren Key
 Councilor Josh Messinger (*absent*)

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Commander Michael Key
 Commander Gary Snyder
 Public Works Director Jim French
 Senior Center Director Leslie Lyne
 Grant and Resiliency Coordinator Colin Moore
 Community Development Director Kristina Wright
 City Clerk Catherine Ponson

Call to Order/Roll
 Call/Pledge

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

Res. No. 2021-17,
 Declaring a
 Namesake
 Roadway

Resolution No. 2021-17, A Resolution of the City of Neptune Beach Honoring Officer Paul "Eddie" Bounds and Declaring a Namesake Roadway.

Made by Key, seconded by Chin.

MOTION:

TO ADOPT RESOLUTION NO. 2021-17, DEDICATING SEAGATE AVENUE FROM A1A TO PENMAN ROAD, AS OFFICER PAUL "EDDIE" BOUNDS- LEGACY LANE

Roll Call Vote:

Ayes: 3-Chin, Key, and Brown.
 Noes: 0

Proclamation,
 Eddie Bounds Day

Mayor Brown, Councilor Chin, Councilor Key, and Chief Richard Pike read and presented Officer Bounds' family, Janice, Cayla and Tyler, a proclamation declaring every June 3 hereafter, Eddie Bounds Day in Neptune Beach.

Officer Bounds devoted his entire adult life to serve Neptune Beach and the beaches community as a law enforcement officer. He also devoted hundreds of off-duty hours to assist in coaching the Fletcher High School football and baseball teams. He has left a legacy that will live forever.

Janice Bounds thanked the City and Council for honoring her late husband, Officer Paul "Eddie" Bounds.

Ord. No. 2021-12,
FY22 Budget
Amendment

Ordinance No. 2021-12, Second Read and Public Hearing, An Ordinance Amending the Operating Budget for the City of Neptune Beach, Florida for Fiscal Year 2022. Beginning October 1, 2021 and Ending September 30, 2022

Public Hearing

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

Made by Chin, seconded by Key,

MOTION: TO ADOPT ORDINANCE NO. 2021-12, FY2022 BUDGET AMENDMENTS ON SECOND READ

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

MOTION CARRIED

Supplemental
Agreement No. 1,
Jones Edmonds

Supplemental Agreement No. 1 with Jones Edmonds and Associates for the Preparation of Utility Response Plans. Public Works Director Jim French explained that America's Water Infrastructure Act of 2018 (AWIA) contains requirements and deadlines for community water systems including updating the Risk and Resiliency Assessment (RRA) and certifying its completion to the EPA by June 30, 2021, and updating the Emergency Response Plans (ERP) and certifying its completion to the EPA within six months of certifying the RRA.

Staff coordinated with Jones Edmonds, a consultant engaged through one of CONB's continuing service contracts, to provide the ERP updates. Staff determined the proposed total fee of \$41,964.00 to be reasonable for the scope of services provided.

Mr. French confirmed Councilor Key's inquiry that this is a federal requirement and not something the City is doing on its own.

Mr. Wynn advised there would be another supplemental agreement for Jones Edmonds next month for stormwater improvements.

Made by Key, seconded by Jones.

MOTION: TO APPROVE SUPPLEMENTAL AGREEMENT NO. 1 WITH JONES EDMONDS AND ASSOCIATES FOR THE PREPARATION OF UTILITY RESPONSE PLANS IN THE AMOUNT OF \$41,964

Roll Call Vote:
Ayes: 4-Chin, Key, Jones, and Brown
Noes: 0

MOTION CARRIED

Beaches Town
Center Holiday
Lighting

Consideration of Approval of Beaches Town Center 2021-2022 Holiday Lighting Request. Beaches Town Center President Richard Arthur stated the lighting has started in the Beaches Town Center in 2014. This is the second time they have asked for assistance. They are planning to wrap 281 Palms at \$100 each. Neptune Beach, Atlantic Beach and the Beaches Town Center Agency would split the total cost of \$30,600.

Made by Jones, seconded by Key.

MOTION: **TO APPROVE THE 2021 HOLIDAY LIGHTING FOR THE BEACHES TOWN CENTER IN THE AMOUNT OF \$10,200**

Roll Call Vote:
Ayes: 4-Key, Chin, Jones, and Brown
Noes: 0

MOTION CARRIED

Adjournment

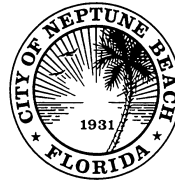
There being no further business, the Special Meeting adjourned at 6:24 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266
MONDAY, NOVEMBER 15, 2021, 6:24 P.M.**

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, November 15, 2021, at 6:24 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance

IN ATTENDANCE:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Lauren Key
Councilor Josh Messinger(*absent*)

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Public Works Director Jim French
Grant and Resiliency Coordinator Colin Moore
Senior Center Director Leslie Lyne
Community Development Director Kristina Wright
City Clerk Catherine Ponson

Call to Order/Roll Call

Mayor Brown called the workshop meeting to order at 6:24 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

City Manger Stefen Wynn presented the Departmental Score Card. He reviewed each department's current and upcoming events and projects.

The Departmental Score Cards are posted on the City website at: <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>

Police Chief Report

Police Chief Richard Pike presented the monthly crime analysis report. He reported that the plan for Pete's Thanksgiving Day event is in place. He thanked everyone who participated in the Chief's Walk on November 3, 2021. He mentioned that Movies with the Mayor on November 19, 2021, showing E.T. would be completely funded by Community First. He also reported that the No Empty Stockings program is well on its way and they would be helping 26 kids and delivering 12 Thanksgiving dinners.

COMMITTEE REPORTS

Finance Councilor Key reported that the Finance Committee met on November 10, 2021, and discussed FY21 closeout process, FY21 Audit, FY22 budget amendments and process, ARPA funding discussion, new purchase authorization process and the CFO search.

Strategic Planning/ Transportation & Public Safety Vice Mayor Jones reported that in lieu of the meeting, there was a ribbon cutting for the East Coast Greenway on November 4 in conjunction with the Safe Streets Summit in Jacksonville. He sees us as a model community building support around active transportation and bicycle pedestrian safety.

PROPOSED ORDINANCES

Proposed Ordinance, Emergency Management Proposed Ordinance No. 2021- An Ordinance Creating a New Article VIII, Emergency Management, within Chapter 2, Administration; Providing for Severability; Providing an Effective Date.

Councilor Key questioned how we came about the wording and verbiage used in the ordinance.

City Attorney Zachary Roth explained that when COVID-19, in reviewing the City's ordinance, we were underprepared for a situation like that. We were also underprepared for other situations that we are likely to encounter, such as a hurricane, in terms of the powers that the City has regarding residents and businesses.

He continued that this ordinance is a blend of Jacksonville Beach and Orange Park. He expressed that this is a draft. When he submits ordinances to Council, he hopes there is not a lot of discussion. That is not what this is. This is designed to elicit feedback in response from the Council wants in terms of the power of the City, in the event of an emergency. There are some things that are statutory based. But there are areas where there is room for adjustment. His main point is that he is interested in hearing what Council has to say.

Councilor Key stated that she had reviewed everything and had conversations with the City Manager. Since we have a Council-Manager form of government and our sister city have done this since 2008, she wants to give the authority to Council, unless there's not a quorum, then it goes to Mayor and City Manager versus the automatic power going to Mayor and City Manager. As a Council, if we all have equal voting rights and legislative powers, her preference would be to see this as a Council-Manager situation and if there's not a quorum then defaulting to the Mayor and City Manager.

She also stated that she would prefer the duration of the declaration to be 30 days as opposed to the 60 days currently proposed.

Mr. Roth confirmed Councilor Chin's statement tthere would be time to submit any notes about things Council would like expounded. Mr. Roth would present it in redline format in order for the changes to be seen.

Made by Jones, seconded by Chin.

MOTION: TO MOVE THE PROPOSED ORDINANCE TO FIRST READ ON DECEMBER 6, 2021

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

MOTION CARRIED

CONTRACTS / AGREEMENTS

Local Option Gas Tax Interlocal Agreement Local Option Gas Tax Interlocal Agreement. Mayor Brown stated that this needs to be sent to the City of Jacksonville by January 1, 2022. The formula is the same with the added gas tax.

City Attorney Zachary Roth advised that there was no prohibition on taking action during a workshop.

Made by Chin, seconded by Key.

MOTION: **TO APPROVE THE LOCAL OPTION GAS TAX INTERLOCAL AGREEMENT**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Public Comment Scott Wiley, 723 Davis Street, Neptune Beach, spoke regarding the emergency powers ordinance. He added this needs to be looked at closely.

COUNCIL COMMENTS

Councilor Chin pointed out that there are telecom installations being installed in Summer Sands. There is preemption from the State that takes away the City's regulation and control over the placement of wireless communication.

Vice Mayor Jones commented that there would be a lot of competitive grant opportunities with the passing of the infrastructure bill.

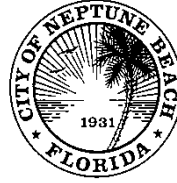
Adjournment There being no further business, the Workshop meeting adjourned at 6:44 p.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____



**MINUTES
CHARTER REVIEW DISCUSSION
TUESDAY, NOVEMBER 23, 2021, 10:30 A.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a meeting attended by Mayor Elaine Brown and Councilor Kerry Chin was held on Tuesday, November 23, 2021, 10:30 a.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:

IN ATTENDANCE:
Mayor Elaine Brown
Councilor Kerry Chin

STAFF:
City Manager Stefen Wynn
City Attorney Zachary Roth
City Clerk Catherine Ponson

Charter Review

A meeting was held on Tuesday, November 23, 2021, at 10:30 a.m. to discuss the need for a Charter Review Committee due to some of the Charter provisions being out of date. Some of the provisions also contradict each other.

Discussion included the process for forming a Charter Review Committee consisting of Council Members and possibly forming a Citizens Advisory Committee.

Adjournment

There being no further business, the meeting adjourned at 11:45 a.m.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved: _____

City of Neptune Beach

Kristina L. Wright, CNU-A, MAURP, FRA-RA, Community Development Director
116 First Street • Neptune Beach, Florida 32266-6140



MEMORANDUM

TO: Community Development Board
FROM: Kristina Wright, CNU-A, MAURP, FRA-RA, Community Development Director
DATE: November 1, 2021
SUBJECT: SE 21-04 1455 Atlantic Boulevard (PIN: 173424-0010)

Background

SE21-04 Application for a new special exception to modify the outdoor dining as outlined in Chapter 1, Article 3, Division 9 of the United Land Development Code for MNCW, LLC for the property known as 1455 Atlantic BLVD. The request is to build an awning type of structure to cover the existing outdoor seating area. The original special exception for outdoor dining was granted on October 1, 2012. No additional seating capacity is being requested.

Summary

The applicant is seeking to add an awning to an existing outdoor seating area that was granted a special exception for outdoor dining on October 1, 2012. The applicant is not requesting any additional seating capacity and is only looking to cover the existing seating area. The original request was heard by the Community Development Board on September 19, 2012. The CDB recommended approval and the agenda item was forwarded to and unanimously approved by the City Council on October 1, 2012.

Section 27-160: Required Findings Needed to Recommend a Special Exception

A. The proposed use is consistent with the Comprehensive Plan.

The comprehensive plan for the plaza is to promote foot traffic. By offering shaded, outdoor seating, we will be a cornerstone of entertainment and a destination for patrons to come and enjoy this facility as well as Neptune Beach as a whole.

B. The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses.

Our proposed use will be completely compatible with all aspects of the general character of this area. We will add more covered space to the complex and add more family-friendly seating, which will also add to the property values and overall appeal.

C. The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.

There is nothing involved with the proposed special exception that would negatively affect any aspect of the welfare of the community.

D. The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community.

Since we are already an existing business, we will not negatively affect any movement or parking conditions. The seating will not be affected to a point where it will have any effect on the health, safety and/or welfare of the community.

E. The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.

By our establishment already being a consistent and valued restaurant for our community, our continued success will only serve to further develop this area as a tourist destination. This makes our success important to the Comprehensive Plan.

F. The proposed use would not overburden existing public services and facilities.

Having been in business for well over a year, we feel more than confident that the proposed use will not affect the existing public service facilities or how they function.

G. The proposed use meets all other requirements as provided for elsewhere in this Code.

The requirements in Chapter 27 and the Comprehensive Plan are not being compromised by the proposed use. Existing parking and/traffic will also not be affected.

Staff Recommendation

Staff recommends approval of SE 21-04 1455 Atlantic Boulevard.

SE 21-04

APPLICATION FOR SPECIAL EXCEPTION

2021 Application

CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT

116 FIRST STREET

NEPTUNE BEACH, FLORIDA 32266-6140

PH: 270-2400 Ext 34 or CDD@NBFL.US



RECEIVED OCT 05 2021

Application Fee: \$300 Residential / \$500 Commercial

Date Filed:

Name & Address of Property Owner:	Telephone:
MN CW, LLC	E-Mail:
	Real Estate #: 173424.. 0010
Property Address (if different from mailing):	Lot Block: # 16
1455 1/2 Atlantic Blvd	Subdivision: 03171 Fla Beh Plat 2 Pkcs
Neptune Beach, FL 32266	Zoning District:

Name and Address of Agent:	Telephone: (904) 412-4313
Marco Monroy / Derek Schroyer	E-Mail: mmonroy52@gmail.com
Ma Monroy	

Describe Special Exception Request:

To build an awning to cover existing outdoor seating.

The Unified Land Development Code (ULDC) requires that the Community Development Board may not recommend for approval unless it makes a positive finding, based on substantial competent evidence, outlined in Section 27160

1. Based on the required findings needed to issue a special exception in Section 27-160 explain the following (attach additional sheets as necessary):

A. How the proposed is consistent with the comprehensive plan:

The comprehensive plan for the plaza is to promote foot traffic. By offering shaded outdoor seating, we will be a cornerstone of entertainment & a destination for patrons to come & enjoy this facility as well as Neptune Beach as a whole.

B. Indicate how the proposed special expectation (use) would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses.

Our proposed use will be completely compatible with all aspects of the general character of this area. We will add more covered space to the complex & add more family - friendly seating, which will also add to the property values & overall appeal.

C. Indicate how the proposed special exception (use) would not have an environmental impact inconsistent with the health, safety and welfare of the community.

There is nothing involved with the proposed special exception that would negatively affect any aspect of the welfare of the community.

D. Explain how the proposed special exception (use) would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety and welfare of the community.

Since we are already an existing business, we will not negatively affect any movement or parking conditions. The seating will not be affected to a point where it will have any effect on the health, safety and/or welfare of the community.

E. Explain how the proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.

By our establishment already being a consistent & valued restaurant for our community, our continued success will only serve to further develop this area as a tourist destination. This makes our success, important to the comprehensive plan.

F. Indicate how the proposed use would not overburden existing public services and facilities.

Having been in business for well over a year, we feel more than confident that the proposed use will not affect the existing public service facilities or how they function.

G. Explain how the proposed use meets all other requirements as provided for elsewhere Chapter 27.

The requirements in Chapter 27 are in no way compromised by the proposed use. No effect to existing parking, traffic or affect to the comprehensive plan.

THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETINGS.

Per 27-163, If a special exception is granted the use or construction, must be commenced within twelve (12) months following the date the special exception is rendered or the special exception shall expire and be of no further force, validity, or effect.

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

NAME (S) OF PROPERTY OWNER (S)

NAME OF AUTHORIZED AGENT



Signature

Signature



BAKKAR
group

September 17, 2021

City of Neptune Beach
116 First Street
Neptune Beach, FL 32266

To Whom It May Concern:

This is to certify that MNCW, LLC (Landlord) gives permission to DOS VATOS TACOS, LLC (Tenant) and its agents or assigned to obtain permits for construction of an awning located at 1451 & 1455 Atlantic Blvd., Neptune Beach, FL 32266 at The Shoppes of Summer Sands.

Sincerely,


Ramzy Bakkar
Manager

Signed, sealed and delivered
in the presence of:

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 17th day of September, 2021 by Ramzy Bakkar, as Manager of MNCW, LLC.

Michelle L Guthrie
Notary Public, State and County aforesaid
My commission expires: 4/3/2023
Commission No.: GG308727

He/ She: (please check appropriate statement)
 is personally known to me
 produced identification (specify type)







CDB Minutes
11-10-2021



MINUTES
COMMUNITY DEVELOPMENT BOARD
NOVEMBER 10, 2021 AT 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held on November 10, 2021 at 6:00 p.m. in the Council Chambers.

Attendance Board members were in attendance:
Charley Miller, Member
Nia Livingston, Member
Bob Frosio, Member
Greg Schwarzenberger, Alternate Member

The following staff members were present:
Zach Roth, City Attorney
Kristina Wright, Community Development Director
Piper Turner, Code Compliance Supervisor

Call to Order Vice-Chair Livingston called the meeting to order at 6:03 p.m.
Roll Call

Ex Parte There was no communication between the applicants and themselves prior to the
Communications meeting.

Minutes Made by Miller, seconded by Schwarzenberger.

MOTION: TO APPROVE OCTOBER 13, 2021 MINUTES AS SUBMITTED.

Roll Call Vote:

Ayes: 4 -Miller, Schwarzenberger, Raitti, Frosio, Livingston

Noes: 0

MOTION CARRIED

CDB 21-04
Application for
a Special
Exception to

SE21-04 Application for a new special exception to modify the outdoor dining as outlined in Chapter 1, Article 3, Division 9 of the United Land Development Code for MNCW, LLC for the property known as 1455 Atlantic BLVD. The request is to build an awning type of structure to cover the existing outdoor seating area. The original special exception for

modify the
Outdoor
Seating 1455
Atlantic Blvd

outdoor dining was granted on October 1, 2012. No additional seating capacity is being requested.

Kristina Wright stated that the applicant is seeking to add an awning to an existing outdoor seating area that was granted a special exception for outdoor dining on October 1, 2012. The applicant is not requesting any additional seating capacity and is only looking to cover the existing seating area. The original request was heard by the Community Development Board on September 19, 2012. The CDB recommended approval and the agenda item was forwarded to and unanimously approved by the City Council on October 1, 2012.

Sec. 27-160 Required Findings Needed to Recommend a Special Exception

1. Is the proposed use consistent with the Comprehensive Plan?

The comprehensive plan for the plaza is to promote foot traffic. By offering shaded, outdoor seating, we will be a cornerstone of entertainment and a destination for patrons to come and enjoy this facility as well as Neptune Beach as a whole.

2. Is the proposed use compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses?

Our proposed use will be completely compatible with all aspects of the general character of this area. We will add more covered space to the complex and add more family-friendly seating, which will also add to the property values and overall appeal.

3. Will the proposed use have an environmental impact that is inconsistent with the health, safety, and welfare of the community?

There is nothing involved with the proposed special exception that would negatively affect any aspect of the welfare of the community.

4. Will the proposed use generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community?

Since we are already an existing business, we will not negatively affect any movement or parking conditions. The seating will not be affected to a point where it will have any effect on the health, safety and/or welfare of the community.

5. Will the proposed use have a detrimental effect on the future development of the area as allowed in the Comprehensive Plan?

By our establishment already being a consistent and valued restaurant for our community, our continued success will only serve to further develop this area as a tourist destination. This makes our success important to the Comprehensive Plan.

6. Will the proposed use result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust, or physical activities inconsistent with existing or permissible uses in the area?

No concerns.

7. Will the proposed use overburden existing public services and facilities?

Have been in business for well over a year, we feel more than confident that the proposed use will not affect the existing public service facilities or how they function.

8. Does the proposed use meet all other requirements as provided for elsewhere in the Code?

The requirements in Chapter 27 and the Comprehensive Plan are not being compromised by the proposed use. Existing parking and/traffic will also not be affected.

Staff Recommendation

Staff recommends approval of SE 21-04 1455 Atlantic Blvd.

Mr. Mark Monroy, restaurant owner, addressed the board. They would like to install an awning over to the existing outdoor seating area. This will allow them to offer outdoor dining during colder weather with heaters being added and have doggie dining. This will give the customers an alterative dining option.

Made by Frosio, seconded by Miller.

MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION SE 21-04 FOR 1455 ATLANTIC BLVD TO BUILD AN AWNING TYPE STRUCTURE TO COVER THE EXISTING OUTDOOR DINING. NO ADDITIONAL SEATING CAPACITY IS GRANTED.

Roll Call:

Ayes: 4-Miller, Schwartzenberger, Frosio. Livingston

Noes: 0

MOTION APPROVED.

The applicant was informed that the City Council makes the final decision and they should attend the Monday December 6, 2021 meeting at 6:00 pm.

Open Discussion The comprehensive plan has been approved. The rewrite of the ULDC will be presented to the board in 2023.

Adjournment There being no further business, the meeting adjourned at 6:17 p.m.

Nia Livingston , Vice-Chairperson

ATTEST:

Piper Turner, Board Secretary

2012

City of Neptune Beach
Commercial Development Review Application

Applicant or authorized representative must be present in order for the Board to make a recommendation to the City Council. The undersigned hereby applies for a commercial development review as follows:

Application Fee: \$250.00 Date Filed: 8/6/12 Zoning Classification: C-2

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 corporate 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).

Legal description property: Lot 38-28-29E Block Subdivision 03171 FLA BCH PLAT 2, PRADO FERR
Plat Book 16 Page 27 Real Estate No. 173424-0010

Street Address: 1455 ATLANTIC BLVD

Name and Address of Owner	Name and Address of Agent, If Any:
WADIE BAKKAR	
PO BOX 50910	
JACKSONVILLE BEACH, FL 32240	
Phone No. (904) 270-1970	Phone No.

Describe Request being made: SPECIAL EXCEPTION FOR OUTDOOR DINING

PLEASE BE ADVISED THE PLANNING DEVELOPMENT REVIEW 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 COMMERCIAL DEVELOPMENT.

STATE OF FLORIDA
COUNTY OF DUVAL

Wadie Bakkar
Signature of Owner

Subscribed and sworn to before me on this 6th day of August, 2012
Wadie Bakkar who is personally known to me or has presented as identification.

Sharon Perlini
Notary Public



City of
Neptune Beach

116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 • FAX (904) 270-2432



MEMORANDUM

TO: Community Development Board

FROM: Amanda L. Askew, Community Development Director

DATE: September 6, 2012

SUBJECT: CDB12-04 / 1455 Atlantic Blvd / Special Exception –outdoor seating

Background

A special exception application for outdoor seating has been submitted by Wadie Bakkar for the property located at 1455 Atlantic Blvd (Shoppes of Summer Sand). The property is located at the southeast corner of Atlantic and Brant Blvd. and is used as a shopping center.

Section 27-227 of the Unified Land Development Code (ULDC) requires interior service restaurants to apply for a special exception permit for outdoor seating.

The seating is on private property and is located in the parking lot in front of the existing vacant restaurant lease space (formerly Hala's). The property is zoned C-2. They are proposing to convert 2 parking spaces and a landscape area into the covered outdoor dining area for a future restaurant tenant.

The existing parking lot has a total of 85 parking spaces. Under our current code, they are required 75 spaces. Their conversion of 2 of the spaces will leave them with a total of 83 parking spaces therefore; they will meet our code requirements for parking.

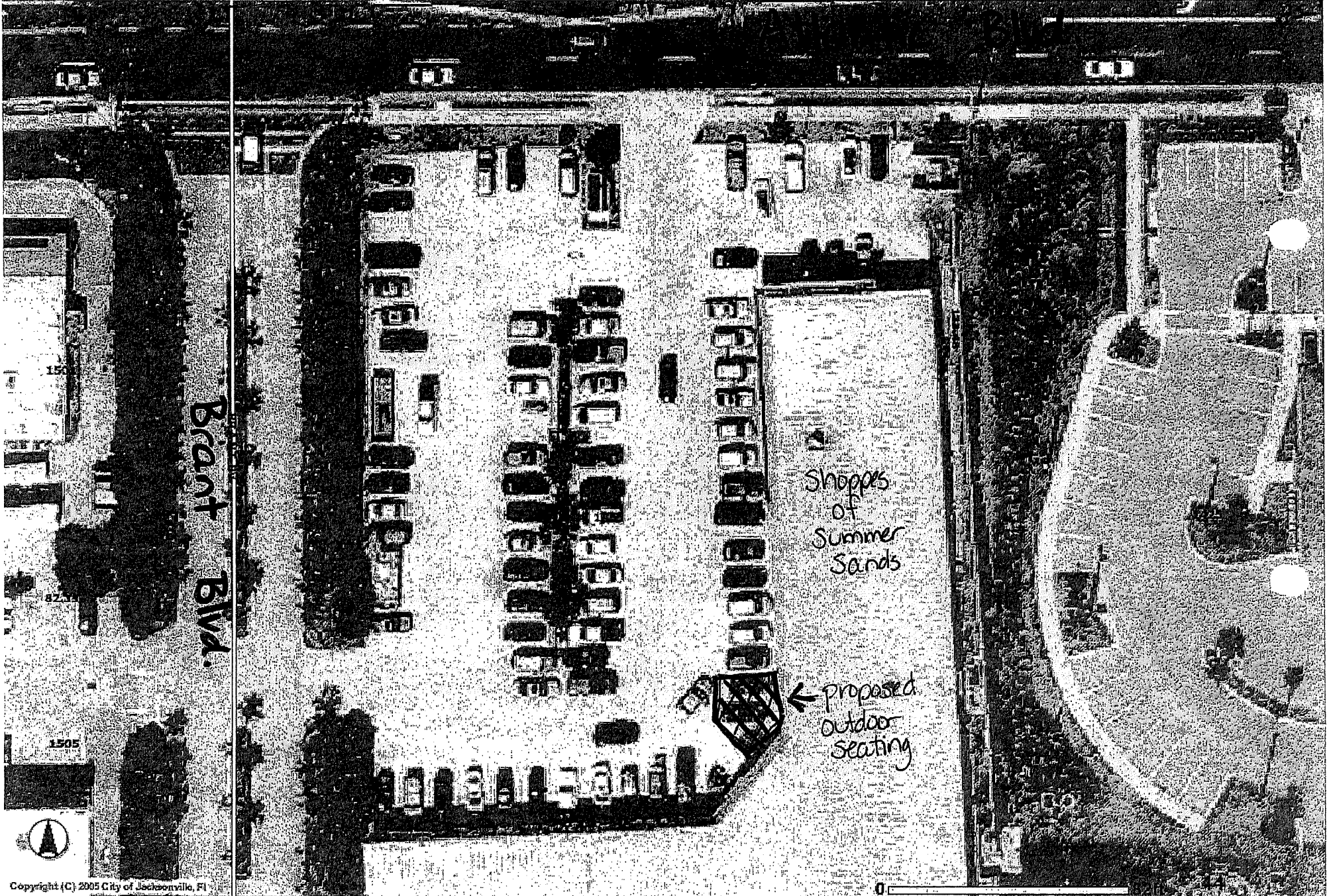
Analysis

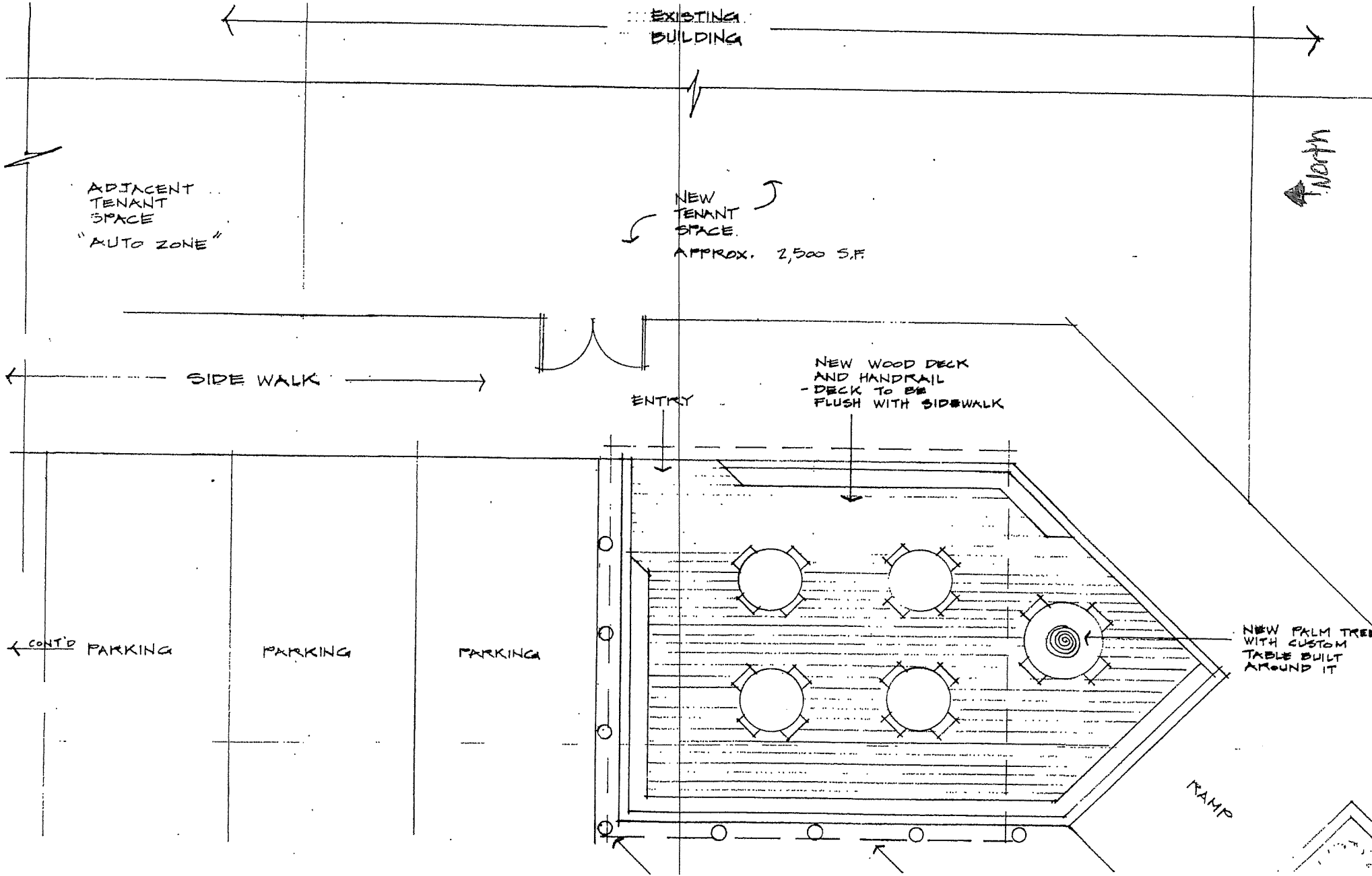
The proposed outdoor seating is situated in front of the vacant restaurant space parking area. A roof will connect from the existing building out over the proposed outdoor dining area. The existing ADA ramp and sidewalks will not be blocked and will remain ADA compliant.

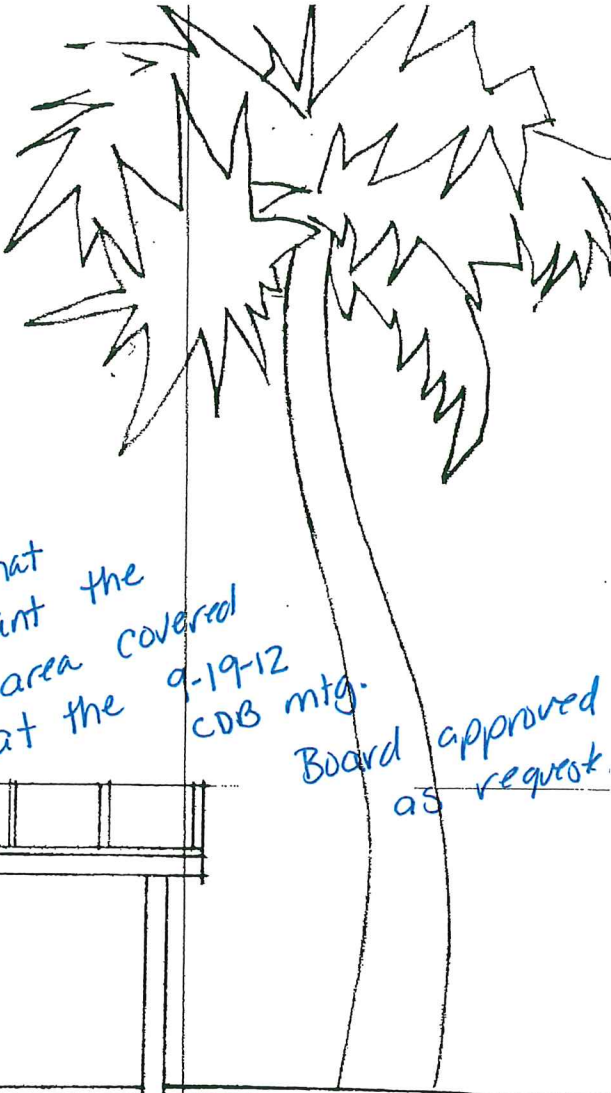
Because this business is part of an overall shopping center the parking is reviewed based on the demand for the entire retail shopping center (retail = one space per 300 square feet). Even with the 2 parking spaces converted into the outdoor dining area they have sufficient parking to meet our code. They also will not be adding any additional impervious surface area because the covered portion is over the existing parking area and the uncovered portion is over the landscape area however, the flooring is a wooden deck and the city considers this as permeable. Water can penetrate between the wooden slats on the decking.

The outdoor seating will not have an environmental impact or detrimental effect on traffic or pedestrian safety.

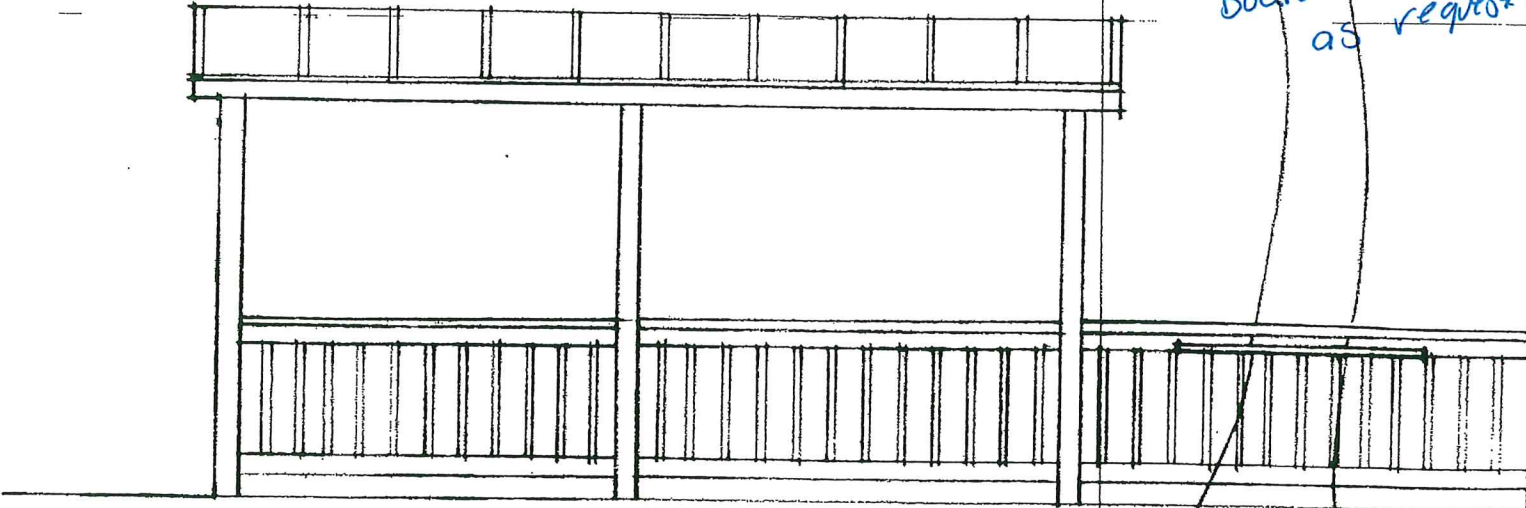
↑
North







Applicant stated that they did not want the outdoor area covered at the 9-19-12 CDB mtg. Board approved as request.



FRONT ELEVATION @ 1/4" = 1'-0

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 9/19/12

Applicant: Wadie Bakkar/Summer Sand Plaza Case # CDB12-04

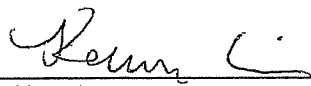
Property Address: 1455 Atlantic Blvd. outdoor dining

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	<i>in commercial zone</i>	<i>YES</i>
2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;	<i>re-using existing location of former restaurant</i>	<i>YES</i>
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	<i>no impact</i>	<i>YES</i>
4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;	<i>little to no effect</i>	<i>YES</i>
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	<i>no effect</i>	<i>YES</i>
6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;	<i>none created</i>	<i>YES</i>
7) The proposed use would not overburden existing public services and facilities; and	<i>no effect</i>	<i>YES</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	<i>meets requirements</i>	<i>YES</i>

I, KERRY CHIN, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.


Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 9/19/12

Applicant: Wadie Bakkar/Summer Sand Plaza

Case # CDB12-04

Property Address: 1455 Atlantic Blvd. outdoor dining

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;		Yes
2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;		Yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;		No impact
4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;		No detrimental effect
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;		ditto ↑
6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;	⊗	ditto ↑
7) The proposed use would not overburden existing public services and facilities; and		ditto ↑
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		ditto ↑

I, John C. Keene, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.

John C. Keene
Signature

⊗ with a limit on outside speakers or amplified speakers-

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 9/19/12

Applicant: Wadie Bakkar/Summer Sand Plaza

Case # CDB12-04

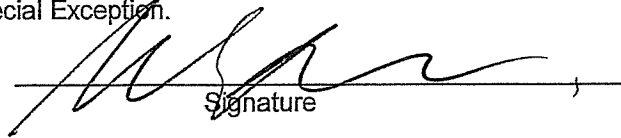
Property Address: 1455 Atlantic Blvd. outdoor dining

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	IT IS.	YES
2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;	IT WOULD BE COMPATIBLE.	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	IT WOULD NOT.	YES
4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;	NO DETRIMENTAL EFFECT.	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	NO DETRIMENTAL EFFECT.	YES
6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;	IT WOULD NOT.	YES
7) The proposed use would not overburden existing public services and facilities; and	IT WOULD NOT.	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	IT MEETS.	YES

I, William Hilton, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.


Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 9/19/12

Applicant: Wadie Bakkar/Summer Sand Plaza Case # CDB12-04

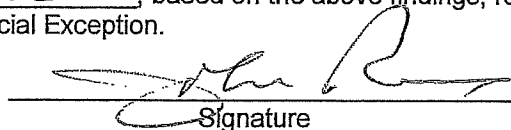
Property Address: 1455 Atlantic Blvd. outdoor dining

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	<i>it is</i>	<i>YES</i>
2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;	<i>it is</i>	<i>YES</i>
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	<i>would not</i>	<i>YES</i>
4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;	<i>would not</i>	<i>YES</i>
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	<i>would not</i>	<i>YES</i>
6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;	<i>would not</i>	<i>YES</i>
7) The proposed use would not overburden existing public services and facilities; and		<i>YES</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		<i>YES</i>

I, John Reeve, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.


Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 9/19/12

Applicant: Wadie Bakkar/Summer Sand Plaza Case # CDB12-04

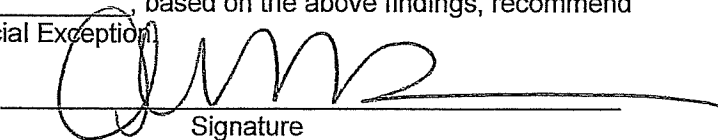
Property Address: 1455 Atlantic Blvd. outdoor dining

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	CONSISTENT W/ COMP. PLAN	YES
2) The proposed use would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses;	COMPATIBLE W/ CHARACTER	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	NO IMPACT	YES
4) The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community;	NO EFFECT	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	NO EFFECT	YES
6) The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area;	NO NEGATIVE IMPACTS	YES
7) The proposed use would not overburden existing public services and facilities; and	NO BURDEN	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	MEETS ALL REQ.	YES

I, AMY N. COVE, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.


Signature

MOTION CARRIED

Mr. Hilton introduced Mr. Hutton to the board. Mr. Hutton was asked to join the board to hear the remaining cases.

CDB12-04
Special Exception
1455 Atlantic Blvd
Wadie Bakkar
Summer Sand Plaza

CDB12-04 Application for a special exception for outdoor dining as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Wadie Bakkar. The property is known as 1455 Atlantic Blvd. The request is for outdoor dining for a restaurant.

Chair Cole stated the request was to allow outdoor seats. She asked the applicant to address the board.

Mr. Ramsey Bakkar, representative for the shopping center, stated that they would take up 2 parking spaces and a small landscape area to construct a wood deck for the dining area. There would be 5 tables with 20 seats. The railing will only allow access to the sidewalk not directly to the parking lot. The new restaurant tenant will be Dirty Red's. They have decided to eliminate the roof from the proposed plan. The restaurant will serve beer and wine.

The board asked Mr. Bakkar if there were plans for outdoor music. He stated that his other shopping center had ambient music that was played through speakers under the façade that can only be heard within 5 to 7 feet from the speakers. This music is calming and relaxing. No music was planned to be played on the deck of the outdoor seating itself.

Chair Cole opened the public hearing.

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

Moved by Chin, seconded by Reeve.

Discussion ensued about music and if it would be disruptive to the community.

STATEMENT OF FACTS

- 1) The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.

Written Comments from the Board:

Cole: Consistent with comp plan.

Hilton: It is.

Chin: In commercial zone.

Reeve: It is.

Hutton: Yes no detrimental.

- 2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

Written Comments from the Board:

Cole: Compatible with character.

Hilton: It would be compatible.

Chin: Reusing existing location of former restaurant.

Reeve: It is.

Hutton: Compatible improves value to restaurant.

- 3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

Written Comments from the Board:

Cole: No impact.
Hilton: It would not.
Chin: No impact.
Keene: No impact.
Reeve: Would not.
Hutton: Nothing inconsistent, safety or other concerns.

- 4) The proposed variance will not substantially diminish property values in or alter the essential character of the area surrounding the site.

Written Comments from the Board:

Cole: No effect.
Hilton: No detrimental effect.
Chin: Little to no effect.
Keene: No detrimental effect.
Reeve: Would not.
Hutton: No detrimental effect.

- 5) The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area of the ULDC.

Written Comments from the Board:

Cole: No effect.
Hilton: No detrimental effect.
Chin: Mp effect.
Keene: No detrimental effect.
Reeve: Would not.
Hutton: No detrimental effect.

- 6) The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

Written Comments from the Board:

Cole: No negative impacts.
Hilton: It would not.
Chin: None created.
Keene: No detrimental effect with a limit on outside speakers or amplified speakers.
Reeve: Would not.
Hutton: Applicant confirms no excessive noise.

- 7) Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures.

Written Comments from the Board:

Cole: No burden.
Hilton: It would not.
Chin: No effect.
Keene: No detrimental effect.
Hutton: Would not overburden.

8) The proposed use meets all other requirements as provided for elsewhere in this Code.

Written Comments from the Board:

Cole: Meets all requirements.

Hilton: It meets.

Chin: Meets requirements.

Keene: No detrimental effect.

Hutton: Meets requirements.

**CONCLUSION ON REQUIRED FININGS
PURSUANT TO SEC. 27-147, ORDINANCE CODE**

Sec. 27-160(1)	Positive 6-0
Sec. 27-160(2)	Positive 6-0
Sec. 27-160(3)	Positive 6-0
Sec. 27-160(4)	Positive 6-0
Sec. 27-160(5)	Positive 6-0
Sec. 27-160(6)	Positive 6-0
Sec. 27-160(7)	Positive 6-0
Sec. 27-160(8)	Positive 6-0

Moved by Chin, seconded by Reeve.

Motion: **TO APPROVE THE FINDINGS OF FACTS.**

APPROVED BY CONSENSUS

Moved by Hilton, seconded by Chin.

Motion: **TO RECOMMEND APPROVAL OF SPECIAL EXCEPTION REQUEST FOR CDB12-04 FOR OUTDOOR DINING AT 1455 ATLANTIC BLVD WITH THE CONDITION THERE IS TO BE NO LIVE AMPLIFIED MUSIC ON THE DECK.**

Roll Call Vote:

Ayes: 6–Hilton, Chin, Keene, Reeve, Hutton, Cole

Noes: 0

MOTION CARRIED

The applicant was informed that their request would be forwarded to the City Council for their final decision on October 1, 2012. The applicant will need to attend this meeting.

CBD12-05
Special Exception
309 Atlantic Blvd
VRE 301 Atlantic

CDB12-05 Application for a special exception for outdoor dining as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for VRE 301 Atlantic, LLC. The property is known as 309 Atlantic Blvd. The request is for outdoor dining.

Chair Cole stated the request was to allow outdoor seats.

Mr. Mark Turner, owner of Yogaberry and new tenant stated that is the exact same plan that was approved for the Fish place in the past. The Fish place never installed the deck or used the tables. No music is planned for this area.

Chair Cole opened the public hearing.

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

City Council Minutes
October 1, 2012

Consensus: **TO FORWARD THE REVOKABLE PARKING LEASE AGREEMENT TO THE OCTOBER WORKSHOP MEETING.**

City Manager Jarboe suggested holding a special meeting after the October workshop to finalize the parking situation.

Consensus: **TO HOLD A SPECIAL MEETING AFTER THE OCTOBER WORKSHOP MEETING TO VOTE ON THE PARKING AGREEMENT.**

CDB12-04
1455 Atlantic
Blvd.

CBD12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING / 1455 ATLANTIC BOULEVARD: Mr. Wadie Bakkar, owner of the property at 1455 Atlantic Boulevard, submitted an application for a special exception for outdoor seating. The seating will be on private property in the parking lot in front of the restaurant formerly known as Hala's. Two parking spaces and a landscaped area will be converted into a covered outdoor seating area. The Community Development Board and staff have recommended approval.

Moved by Tucker, seconded by Jolly

Motion: **TO APPROVE CDB12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR 1455 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

CDB12-05
309 Atlantic Blvd.

CDB12-04 / SPECIAL EXCEPTION FOR OUTDOOR SEATING / 309 ATLANTIC BOULEVARD: Mr. Stanton Hudmon, representative for Yogaberry, 309 Atlantic Boulevard, submitted an application for a special exception for outdoor seating. The seating will be on private property located on a new deck area on the west side of the building. The Community Development Board and staff have recommended approval.

Moved by Tucker, seconded by Jolly

Motion: **TO APPROVE CDB12-05 / SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR 309 ATLANTIC BOULEVARD.**

Roll Call Vote:

Ayes: 5 – Arthur, Jolly, Tucker, Wiley, Pruette

Noes: 0

MOTION CARRIED

COUNCIL COMMENTS

Mayor Pruette felt Council may want to consider employee parking when looking at parking requirements for the Central Business District. She suggested bringing this to a workshop meeting.

City Attorney Krechowski stated he was working on the proposed garbage ordinance and welcomed any suggestions or recommendations from Council before the October workshop meeting.



**Agenda Item #8A
Ordinance No. 2021-13,
Emergency Management**

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

AGENDA ITEM:	Regular Meeting Agenda Item # 8A, Ordinance No. 2021-13, Emergency Management
SUBMITTED BY:	City Manager Stefen Wynn
DATE:	12-01-2021
BACKGROUND:	<p>In the event of a disaster or emergency in the City of Neptune Beach, it may be necessary for the City to take certain actions and declare certain rules in effect in order to protect citizens, residents, visitors, and their properties.</p> <p>It is in the best interest of the City and its citizens to establish lines of authority, procedures, rules and regulations, and actions which the City may take in the event of a disaster or emergency to protect its citizens and their properties.</p> <p>The proposed ordinance was discussed at the November 15, 2021, Council workshop. City Attorney Zachary Roth requested Council input and the attached Ordinance No. 2021-13 shows the changes in red.</p>
BUDGET:	N/A
RECOMMENDATION:	Consider Ordinance No. 2021-13 at First Read
ATTACHMENT:	Ordinance No. 2021-13

INTRODUCED BY:



ORDINANCE NO. 2021-13

A BILL TO BE ENTITLED

AN ORDINANCE CREATING A NEW ARTICLE VIII (EMERGENCY MANAGEMENT), WITHIN CHAPTER 2 (ADMINISTRATION); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

WHEREAS, Fla. Stat. § 252.38 grants political subdivisions, including municipalities, certain power and authority in the event of emergencies or disasters for local and general emergencies; and

WHEREAS, in the event of a disaster or emergency in the City of Neptune Beach, it may be necessary for the City to take certain actions and declare certain rules in effect in order to protect citizens, residents, visitors, and their properties; and

WHEREAS, it is in the best interest of the City and its citizens to establish lines of authority, procedures, rules and regulations, and actions which the City may take in the event of a disaster or emergency to protect its citizens and their properties; 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. Creating a new Chapter 2. Administration, Article VIII, Emergency Powers, Sections 2-500 through 2-519. New Sections 2-500 through 2-519, Chapter 2 (Administration), Article VIII (Emergency Management), City of Neptune Beach Code of Ordinances are hereby created to read as follows:

**CHAPTER 2. ADMINISTRATION
ARTICLE VIII. EMERGENCY MANAGEMENT**

* * *

Sec. 2-500. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the content clearly indicates a different meaning.

Abandoned vehicle shall mean any vehicle meeting the definitions of "Junked, abandoned property" as defined below or in Sec. 22-35:

- (i) In a wrecked, inoperative, junked, or partially dismantled condition upon any public property of this city;
- (ii) On any roadway of this city without the consent of the authority having jurisdiction thereof; or
- (iii) Left, stored, or abandoned upon the property of another without the consent of the owner of the property.

City shall mean the City of Neptune Beach.

County shall mean Duval County.

Derelict vessel shall mean any vessel that is left, stored, or abandoned:

- (i) In a wrecked, junked, or substantially dismantled condition upon any public waters of this city;
- (ii) On or at any beach, public property, or roadway without the consent of the agency having jurisdiction; or
- (iii) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

Disaster means the actual occurrence of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made causes including but not limited to, fire, flood, hurricane, tornado, ice/snow storm, wind, oil spill, earthquake, explosion, water contamination, utility failure, hazardous materials or radiological incidents, pandemic, epidemic, air contamination, blight, drought, infestation, or hostile military action, terrorist activities, riots, or civil disorders.

Emergency or local emergency means any occurrence, event, disaster or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population of the city or substantial damage to or loss of property within the city or a condition which threatens or adversely affects the public health, safety or security and which is or threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act of imminent threatened act of war, riot, terrorism, mob or other acts of violence; from conflagration, explosion, hazardous materials incident or release; from a weather event such as a flood, hurricane or tornado; from a disruption in the city's utility system; from the threat or spread of disease, virus, or infection; or from any other cause. A state of emergency exists when either, the President of

the United States, the Governor of the State of Florida, or the government of Duval County declares a state of emergency that applies to the city, or when an emergent situation exists or is imminent in the city that impacts the health, safety, and welfare of the residents of the city, including situations where it affects the city uniquely.

Mayor shall mean

- (i) The mayor of Neptune Beach;
- (ii) In the absence of the mayor of Neptune Beach, the vice mayor of Neptune Beach;
- (iii) In the absence of the mayor and vice mayor of Neptune Beach, the mayor pro tempore as provided in Section 2.04(b) of the Charter of the City of Neptune Beach.

Municipal Comprehensive Emergency Management Plan shall mean the City of Neptune Beach's emergency management plan as permitted by Fla. Stat. §252.38.

State shall mean State of Florida.

Weapon means a cutting instrument of any type, size or configuration; tear gas gun or chemical weapon or device; electric weapon or device; or any other device or object not commonly considered a weapon but which, in its use, intended use, or threatened use, is capable of causing injury to a person; e.g., rock, bottle, stick, club, bat, etc.

Sec. 2-501. - Administration and maintenance of an active municipal comprehensive emergency management plan in accordance with federal, state, and county guidelines.

A Municipal Comprehensive Emergency Management Plan for the city shall be administered, maintained, and updated as appropriate, in their discretion, by the city manager for the purpose of the management of emergency and disaster preparedness, response, recovery, and mitigation in accordance with current federal, state, and county guidelines.

Sec. 2-502. - Authority to declare and extend a state of emergency; activation of disaster plans; duration of state of emergency.

(1) When it is determined that any emergency or disaster has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action to protect the lives and property of the citizens and to provide for the continued operation of essential services, a majority of a quorum of the city council, or, in the absence of same, the mayor, is authorized to declare a state of emergency. A declaration of a state of emergency shall activate the Municipal Comprehensive Emergency Management Plan and any other disaster emergency plans applicable to the city and shall be the authority and guidelines for emergency measures as well as to

authorize the use or distribution of any supplies, equipment, materials, or facilities assembled or arranged to be made available pursuant to such plans. A state of emergency declared by the mayor shall automatically expire unless extended by the city council within sixty (60) days of declaration.

(2) To the extent permitted by the provisions of state law, the mayor and city manager shall, as necessary, convene meetings of the city council with members of the city council attending, as appropriate, by telephone or other electronic means. The mayor and city manager may rely upon actions of the city council for guidance and direction notwithstanding the absence of a legal quorum; provided, however, that the mayor and city manager's taking of necessary emergency actions shall not be conditioned upon the actual receipt of any such guidance or direction in dealing with emergency situations.

(3) Upon the declaration of a state of local emergency pursuant to this division, the state of local emergency shall be effective during the period of such local emergency for the duration of the period of time established in the applicable proclamation or as otherwise provided by state law, to protect the health, safety and welfare of the citizens of Neptune Beach and those other persons residing in, traveling in or conducting business in the city.

(4) The city council by a majority vote may declare or extend a state of emergency until such disaster or emergency no longer exists. Any extension declared by the city council shall be of a fixed and stated duration, subject to future extensions.

(5) In the absence of either the mayor or city council, the city manager may declare a state of emergency.

~~(5)(6)~~ The provisions of this Article VIII shall be deemed supplementary to, and not in lieu of, the powers granted to the city by law and shall not be construed as to limit the powers granted by law.

Sec. 2-503. - Clarifying and designating powers of the council, mayor and city manager during emergencies and disasters.

(1) General powers. ~~¶~~A majority of a quorum of the city council or, in the absence of same, the mayor and city manager, acting jointly, have the power to invoke any or all of the following provisions during a declared state of emergency or disaster, as well as any other powers the city may have by law. Should it be necessary to invoke any of the following provisions, a notice, when possible, should be made to the local news media for immediate dissemination to the public.

a. *Alcoholic beverages.* No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

b. *Weapons.* No person, except certified law enforcement or U.S. military personnel, shall carry or possess any weapon in a public place or upon the

property of another; such possession shall be prima facie evidence of an intent to violate the provisions of this section.

c. *Restricted areas.* No person shall enter any area designated by the City of Neptune Beach as a restricted area unless in the performance of official duties or with written permission from the city manager, or their designated representative.

d. *Curfews.* No person shall be allowed in the public or private streets or places throughout the city or in any designated sections of the same during the hours in which the city has declared a curfew, except for the provision of designated, essential services, such as fire, utilities, police, emergency medical services and hospital services, including the transportation of patients, utility emergency repairs, and emergency calls by physicians. The provisions of this subsection shall not apply to government employees in the performance of essential services or while in the service of protecting the life, health, property, welfare or public peace of the community.

e. *Budget.* The mayor and city manager may recommend a budget to the city council for the creation and maintenance of an emergency response capability as provided herein.

f. *Emergency Regulations.* Emergency regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an emergency may be issued by the city manager and mayor.

g. *Control Center.* An emergency operations control center to include equipment, manning, and operational procedures necessary to the management and control of emergency conditions may be established.

h. *Permits.* Development permits may be issued to allow the reconstruction and repair of non-conforming structures that have been damaged. Development permits and construction permits may be issued without assessing customary fees and charges for activities that pertain to the restoration and rehabilitation of any and all structures damaged.

i. *Water.* The city may suspend the watering or irrigation of properties in the event that the city's water supplies or water supply system or facilities is or are threatened with harm or an inability to function at a level that is consistent with the protection of the public health, safety and welfare. The city may prohibit the use of fresh water supplied by the city for any purpose other than cooking, drinking or bathing.

j. *Emergency Housing.* Provisions may be made for the availability and use of temporary emergency housing and the emergency warehousing of materials and the city may establish emergency operating centers and shelters in addition to or in place of those provided in Jacksonville's or the city's emergency management plans.

k. *Requisition.* The city confiscate merchandise, equipment, vehicles or property needed to alleviate the local emergency. Reimbursement to the owner shall occur within 60 days and at customary value charged for the items during 90 days previous to the state of local emergency.

l. *Support.* The city may call on the National Guard of the Army, public safety officials and law enforcement officials as necessary to assist in the

mitigation of the local emergency or to help maintain law and order, rescue and traffic control.

m. *Price Gouging.* The city may prohibit the sale of merchandise, goods or services at more than the average retail price.

n. *Rules.* In addition to any other power, to the fullest extent permitted by law, the city may promulgate such other emergency rules as may be deemed necessary for the protection of the health, safety and general welfare of the city.

(2) During a state of emergency, the procedures and formalities otherwise required of the city by law may be waived by the mayor and city manager jointly and may authorize actions pertaining to the following as necessary:

a. Performing public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;

b. Entering into contracts;

c. Suspending bid provisions for a period not to exceed six (6) months from the declaration of the emergency in accordance with the provisions of Sec. 2-377(b)(4) of the Code;

d. Employment of permanent and temporary workers;

e. Utilization of volunteer workers;

f. Rental of equipment;

g. Acquisition and distribution of supplies, materials, and facilities;

h. Additional appropriation and expenditure of funds as needed for the emergency;

i. Implementing emergency personnel policies;

j. Activating and/or executing the statewide mutual-aid system and/or interlocal agreements;

k. Determining a threat to public health and safety that may result from the generation of widespread debris throughout the city, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the city, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property within the city, whether publicly-owned lands, privately-owned lands, both public and private roads and easements, including lands and roads located within any private, gated community to eliminate an immediate threat of additional damage to improved property and to promote economic recovery of the community at large and the health and safety of the community at large;

l. Authorize the city or their contracted agent right of access to private roads and easements and/or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, medical care, debris removal, utility repairs, and sanitation to alleviate immediate threats to public health and safety;

m. Authorize the removal of debris and wreckage resulting from a major disaster from all property whether public lands, public or private roads, or gated communities for a safe and sanitary living or functioning condition;

- n. Authorize the removal of derelict vessels pursuant to current Statutes of the State of Florida and in conjunction with the Florida Fish and Wildlife Conservation Council; and
- o. Authorize the removal of abandoned vehicles pursuant to current Statutes of the State of Florida and in conjunction with law enforcement of the city, county, and state.

Sec. 2-504. - Emergency response costs.

Any expenditure made in conjunction with emergency activities, including mutual aid agreements and interlocal agreements, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.

Sec. 2-505. - Responsibility for debris removal.

The city, its designee, or their contractor will be responsible for removing and disposing of any wide spread debris generated by a disaster on public land, public or private roadways, or roadways in gated communities that is determined to be a public threat to health or safety, as determined by the city manager.

The city is not responsible for removing debris generated from private residential or commercial property unless the debris is in the public right-of-way. However, the city may remove debris from private residential or commercial property if the removal of the debris is required to lessen an immediate threat to life, public health and safety, and reduce the threat of additional damage to improved property or to promote economic recovery of the community. This determination will be made by the city manager on a case-by-case basis.

Sec. 2-506. - Administrative rules.

The city manager is hereby authorized to adopt administrative rules that are deemed necessary and appropriate to implement the provisions of this division.

Sec. 2-507. - Termination of a state of emergency.

A state of emergency shall be terminated by a vote of the city council if practicable or upon the certification of the city manager or authorized person who originally requested the declaration of the state of emergency, that the conditions leading to or causing the emergency no longer exist and the city's agencies and departments are able to manage the situation without extraordinary assistance; provided that a state of emergency established under F.S. § 870.041 et. seq. shall terminate at the end of a period of 72 consecutive hours after the declaration of the emergency, unless, prior to the end of the 72-hour period, the state of emergency has been terminated by an appropriate authority. Any extension of the 72-hour time limit must be accomplished with the concurrence of the city council by adoption of a resolution. Notice of termination of the emergency declaration shall be made to the public by the city manager, or designee, by the same means as the notice of the declaration of the state of emergency.

Sec. 2-508. - Applicability of provisions.

All persons, officers, employees, contractors, vendors, boards, councils, authorities and all other agencies of the city are subject to the provisions of this division.

Sec. 2-509. - Police emergencies.

A public police emergency may be declared because of civil unrest or imminent threat to public peace or order when the chief of police, or if unavailable, the next highest ranking officer in the police department chain of command, certifies to the city manager, or designee, that an emergency condition arising from hostile actions of others, terrorism, or other imminent threat to public peace or order, requires extraordinary measures for control, including, but not limited to curfew; blockade; proscription of the sale of firearms and other weapons to the extent permitted by law, alcohol beverages; explosives and combustibles; evacuation; and other like actions. Such events may be either armed or unarmed in nature. The city manager, or designee, shall report said certification to the city council regarding the need to declare a state of emergency and a declaration of emergency may then issue.

Sec. 2-510. - Utility emergencies.

(a) A public emergency may be declared because of utility conditions, when the appropriate official of the relevant utility, or designee, certifies to the city manager, or designee, that:

- (1) A condition exists or is imminent that endangers the safety, potability, quantity, availability, collection, conveyance, transmission, distribution, treatment, or storage of water or waste water through or within the city's water or wastewater utility system; or
- (2) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, distribution, or storage of gas through or within the city; or
- (3) A condition exists or is imminent that endangers the safety, quality, quantity, availability, transmission, or distribution of electric power through or within the city; or
- (4) A condition exists or is imminent that endangers the safety of citizens due to failures in communications system within the city; or
- (5) Other extraordinary actions to control and correct a situation relating to utility services of whatever nature are required including, but not limited to emergency purchase; call-in of off-duty personnel; assistance by other communities and agencies; and other like actions.

Sec. 2-511. - Weather emergencies.

A public emergency may be declared because of weather conditions when the national weather service or the state or county or other emergency management agency informs the city that emergency conditions resulting from meteorological conditions are present or imminent. Meteorological conditions include, but are not limited to hurricane, floods, tornados, or other severe weather conditions and the results therefrom. The city manager, or designee, may request a declaration of a state of emergency from appropriate officials.

Sec. 2-512. – Health emergencies.

A public emergency may be declared because of health conditions when the Center for Disease Control or the state or county or other emergency management agency

declares that a health concern is present or imminent in the state or county. Health concerns include, but are not limited to pandemics, epidemics, or other spread of disease, virus, bacteria, or other health-impacting matters, organic or inorganic, and the results therefrom. The city manager, or designee, may request a declaration of a state of emergency from appropriate officials.

Sec. 2-513. - Suspension of local building regulations.

The city manager, or designee, may authorize a suspension of local building regulations during and following a declared state of emergency when the city's building official certifies to the city manager, or designee, that such action is necessary for the expeditious restoration of property damaged by the emergency event. Such suspension of building regulations may be applied on a case-by-case basis as required to remedy specific conditions and to facilitate the provision of emergency housing to disaster victims. The building official shall specify the provisions of the building code to be suspended and the reasons therefore, when certifying the necessity of such suspension to the city manager, or designee. The city manager, or designee, shall communicate to the city council the need to suspend local building regulations. The city council may confirm the suspension in its discretion.

Sec. 2-514. - Certification of emergency conditions.

A certification of emergency conditions to the city manager, or designee, may be verbal, but each verbal certification shall be confirmed in writing within 24 hours following an emergency declaration.

Sec. 2-515. - Immunity.

Elected and appointed officials, their designees, and all city employees shall have immunity for any actions taken in accordance with this division and the city retains its sovereign immunity for all actions taken relating to emergency preparedness, response and/or clean-up. The city retains extensive sovereign immunity for actions taken during a state of emergency and does not waive any of its sovereign immunity in this division.

Sec. 2-516. - Violation; penalties.

Any person or persons convicted of violating any of the provisions of this division including, but not limited to, any proclamation or rule adopted under the provisions of this division, shall be punished by a fine of not more than five hundred dollars (\$500.00), plus costs of prosecution, or by imprisonment for not more than sixty (60) days, or by both such fine, costs and imprisonment in the discretion of the court.

The provisions of this division may be enforced by any and all lawful means by the city pursuant of all codes and ordinances duly adopted by the city council or as may otherwise be available to the city pursuant to state law and nothing contained in this division shall prohibit the city from enforcing this division by other means set forth in the city's codes and ordinances, provided in the statutory law of the State of Florida, or otherwise available to the city.

Sec. 2-517. - City council; powers.

(a) Given the exigency and danger that exists during a state of emergency, the city council may attend emergency briefings in person or by phone. These briefings are

intended to inform members of the city council on the status of emergency preparedness and rescue and clean-up efforts, and of any emergency issues that may have arisen. Emergency briefings will not involve any items that will later be presented to the city council to act on as a body and will only relate to emergency matters.

(b) The city council retains authority to act if a city council meeting is held during the state of emergency. The city council may prospectively modify any emergency policies or approvals issued by the mayor under any provisions of state law, although any prior actions taken in reliance on such emergency policies or approvals shall remain effective and enforceable.

Sec. 2-518. - City attorney; powers.

(a) The city attorney may issue authoritative interpretations of any emergency management provision upon which the mayor, city councilors, and city manager, or designee, and their designees may rely.

(b) The city attorney may issue cease and desist letters, as necessary, in order to require compliance with the city Code and other controlling law.

(c) The city attorney may execute emergency documents on behalf of the mayor and other city officials with their permission.

Sec. 2-519. - Building official and code enforcement division; powers.

(a) During a state of emergency, the building official has full jurisdiction over any construction site and can give any orders deemed appropriate which can be enforced by the city attorney or code enforcement personnel.

(b) During a state of emergency or once the five-day forecast cone from the National Hurricane Center predicts that the city will be impacted by a tropical storm or hurricane, whichever comes first, best efforts shall be used by owners and/or any occupants of real property to secure all furniture, display racks, materials and similar loose objects in exposed outdoor locations, including loose materials or equipment at construction sites that must be secured or otherwise appropriately braced to rigid construction or stored in buildings to the extent practicable, given the conditions. The city shall give oral or written orders to any person on the premises most logically responsible for maintenance and such orders shall be carried out before winds of tropical storm velocity begin. In the event of construction, the city shall also attempt to give notice to the contractor, if practicable.

* * *

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 Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this _____ day of _____, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this _____ day of _____, 2022.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC, City Clerk

Approved as to form and
correctness:

Zachary Roth, City Attorney



**Agenda Item # 8B Ordinance
No. 2021-14, E-scooter
Commercial Rental Moratorium
Extension**

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

AGENDA ITEM:	Regular Agenda Item #8B, Ordinance No. 2021-14, E-scooter Rental Moratorium Extension
SUBMITTED BY:	Mayor Elaine Brown
DATE:	December 1, 2021
BACKGROUND:	<p>The City previously adopted a temporary moratorium (Ord. No. 2020-18, 1-19-2021) on the commercial leasing and renting and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City.</p> <p>The City determines that additional time and information is required in order to properly evaluate how to regulate such items within the City, independently and as part of the City's ongoing process of analyzing and amending the Land Development Code</p>
BUDGET:	N/A
RECOMMENDATION:	Consider Ordinance No. 2021-14 on First Read
ATTACHMENT:	Ordinance No. 2021-14

**SPONSORED BY:
MAYOR BROWN**



ORDINANCE NO. 2021-14

ORDINANCE NO. 2021-14

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, EXTENDING A TEMPORARY MORATORIUM ON THE COMMERCIAL RENTAL AND LEASE, AND USE OF RENTED AND LEASED, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS AS PROVIDED IN SECTION 22-7 OF THE CITY'S CODE OF ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS, CONFLICTING ORDINANCES, SEVERABILITY, ENFORCEMENT, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Section 166.021, Florida Statutes, provides that municipalities have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, pursuant to the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in further thereof, including its policing and regulatory powers; and

WHEREAS, the City of Neptune Beach ("City") is experiencing the unusual presence and increasing use of commercially rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the downtown area of the City; and

WHEREAS, Section 316.003(23), Florida Statutes, defines an electric personal assistive mobility device as any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour, and electric personal assistive mobility devices are not vehicles as defined in this section; and

WHEREAS, Section 316.003(39), Florida Statutes, defines a micromobility device as any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground, and the term includes

motorized scooters and bicycles; and

WHEREAS, Section 316.003(46), Florida Statutes, defines a motorized scooter as any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground, and the term does not include an electric bicycle; and

WHEREAS, City staff and City law enforcement officers have observed users of electric personal assistive mobility devices, micromobility devices, and motorized scooters riding in an unsafe manner, riding on sidewalks and park areas, failing to observe traffic control devices, and neglecting to stop at intersections with stop signs, failing to yield to pedestrians, and other dangerous maneuvers that have put people at risk; and

WHEREAS, local commercial vendors who rent these devices and scooters have advised police department officials that although they were not prepared for the immense popularity of these devices and scooters, they intend to obtain more such devices and increase rentals at hotels and store fronts throughout the City; and

WHEREAS, there appears to be no organized management or control of the devices and scooters that are being used in the City and that are being left in areas throughout the City when the user discontinues use; and

WHEREAS, with this sudden occurrence of the large number of devices and scooters, and their rampant uncontrolled use, the City has found it necessary to issue this ordinance concerning this emergent special condition in the interest of public health, safety, and welfare and for protection of the users of the devices and scooters; and

WHEREAS, Section 316.008(1)(t), Florida Statutes, authorizes local authorities to reasonably exercise their police powers to adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

WHEREAS, Section 316.2068(5), Florida Statutes, authorizes a municipality to regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the municipality determines that regulation is necessary in the interest of safety; and

WHEREAS, Section 316.2128(1), Florida Statutes, provides that a local government through the exercise of its powers under Section 316.008, Florida Statutes, may regulate and govern the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the existing situation regarding such devices creates a danger to person and property within the City that must be addressed expeditiously to protect the residents and businesses of the City; and

WHEREAS, allowing such matters to remain unregulated will result in damage to property and potential loss of life which requires immediate attention; and

WHEREAS, pursuant to the above cited laws the City also has the authority to impose a moratorium and pause the abounding expansion of rentals until such time as appropriate regulations are in place for the public health, safety and welfare; and

WHEREAS, the City previously adopted a temporary moratorium on the commercial leasing and renting and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City determines that additional time and information is required in order to properly evaluate how to regulate such items within the City, independently and as part of the City's ongoing process of analyzing and amending the Land Development Code; and

WHEREAS, City staff and the City police department are to continue researching and working on permanent solutions to these emergent special conditions during the temporary moratorium imposed by this Ordinance, including but not limited to permitting and licensing regulations, zoning regulations, police powers regulations, traffic safety, and public safety; and

WHEREAS, during the temporary moratorium imposed by this Ordinance, the City Council desires additional opportunities to hear input from local residents, businesses, and City departments to better prepare and take any steps necessary for the adoption and implementation of permanent regulations to address these emerging matters; and

WHEREAS, it is not the purpose or intent of this Ordinance to restrict or deny the use of personally owned electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City, if they are operated consistent with Florida Law and City Code; and

WHEREAS, it is not the purpose or intent of this Ordinance to adversely affect the local businesses that lawfully engage in the business or intend to lawfully engage in the business of leasing or renting electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City intends to continue to work to effectively determine the best approach to permit and govern the leasing and renting business and use of electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

WHEREAS, the City finds a legitimate public purpose and it is in the best interests of the public health, safety, and welfare to impose a temporary moratorium on the commercial leasing and rental and use of commercially rented or leased electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City until such time as appropriate City regulations are in place.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.

The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. EXTENDING TEMPORARY MORATORIUM.

The temporary moratorium established by Section 22-7 of the City's Code of Ordinances shall be deemed to be extended for a period of 12 months from the Effective Date of this Ordinance. All other provisions of Section 22-7 shall otherwise remain of full force and effect.

SECTION 3. CONFLICTING ORDINANCES.

That all ordinances or parts of ordinances in conflict with this Ordinance or parts thereof previously adopted or entered by the City in conflict with this Ordinance are temporary suspended to the extent inconsistent herewith and until a future ordinance is permanently addresses the subject matter.

SECTION 4. SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 5. ENFORCEMENT.

The City's code enforcement officer, law enforcement officers, or any other person authorized to enforce ordinances in the City, may enforce the provisions of this Ordinance. Any enforcement action or legal remedy available under controlling state law, including but not limited to, prosecution as a misdemeanor with a fine not exceeding \$500.00 per violation, may be imposed as a penalty against the business and/or individual violator. Nothing contained herein shall prevent the City from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

- a. Code enforcement action pursuant to City of Neptune Beach Ordinances against a business and/or individual;
- b. Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction against a business and/or individual;
- c. Initiating an action against a business and/or individual to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or
- d. Utilizing any other action or enforcement method allowable by law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon approval.

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on First Reading this ____ day of December, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren Key

Passed on Second and Final Reading this ____ day of January, 2022.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, City Clerk

Approved as to form and content:

Zachary Roth, City Attorney



**Agenda Item # 8C
Ordinance No. 2021-15,
FY22 Budget Amendment**

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

AGENDA ITEM:	Regular Agenda Item #8C, Ordinance No. 2021-15, FY22 Budget Amendment
SUBMITTED BY:	City Manager Stefen Wynn
DATE:	December 1, 2021
BACKGROUND:	Please see Budget Amendment # 2022-07-03(attached)
BUDGET:	
RECOMMENDATION:	Consider Ordinance No. 2021-15 at First Read
ATTACHMENT:	Ordinance No. 2021-15 Budget Amendment Request 2022-07-03 Memo from Police Chief Richard Pike Documentation - Vehicle Cost

INTRODUCED BY:
MAYOR BROWN



ORDINANCE NO. 2021-15

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2022, BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.

WHEREAS, the City of Neptune Beach adopted an operating budget for fiscal year 2022,
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:

- 1. The Fiscal Year 2022 Final Budget be Amended as follows:

<u>GENERAL FUND</u>	<u>Original Budget</u>	<u>Amendment</u>	<u>Amended Budget FY 2022</u>
Revenue Additions:			
001-0000-389-10-00	\$20,000	\$ 16,000	\$ 36,000
<i>Appropriated Fund Balances</i>			
Total	\$20,000	\$ 16,000	\$ 36,000
<u>EXPENDITURES:</u>			
Added Expenditures:			
001-1221-521-60-64	\$152,048	\$ 16,000	\$ 168,048
<i>Police Department Machinery & Equipment</i>			
Total	\$152,048	\$ 16,000	\$ 168,048

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

VOTE RESULTS OF FIRST READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Josh Messinger
Councilor Kerry Chin
Councilor Lauren Key

Passed on First Reading on this 6th day of December, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Josh Messinger
Councilor Kerry Chin
Councilor Lauren Key

Passed on Second and Final Reading on this 3rd day of January, 2022.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk

Approved as to form and correctness:

Zachary Roth
City Attorney



CITY OF

**Neptune
Beach**

BUDGET AMENDMENT REQUEST

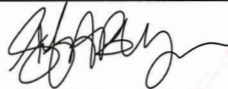
DATE: 12/1/2021

Name of Requestor: Stefen Wynn

Budget Amendment/Transfer Number: 2022-07-03

Account Number	Project Number	Budget Amendment/Transfer	Description	Amount Increase/ (Decrease)	Current Budget	Revised Budget
001-0000-389-10-00	Rev.	Budget Amendment	Appropriated Fund Balance - Eckstein Grant	\$14,000	\$20,000	\$34,000
001-1221-521-60-64	Exp.	Budget Amendment	Machinery & Equipment - Police Department	\$14,000	\$152,048	\$166,048
001-0000-389-10-00	Rev.	Budget Amendment	Appropriated Fund Balance - Vehicle Surplus Sales FY-2021	\$2,000	\$34,000	\$36,000
001-1221-521-60-64	Exp.	Budget Amendment	Machinery & Equipment - Police Department	\$2,000	\$166,048	\$168,048

REVIEW PROCESS:

Department Head	
Chief Financial Officer	
City Manager	 <small>Digitally signed by Stefen Wynn Date: 2021.12.01 15:17:56 -05'00'</small>

Date of Council Meeting Approval:

Mayor Elaine Brown



BUDGET AMENDMENT REQUEST

Budget Amendment/Transfer Number: 2022-07-03

Explanation:

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

The Police Department experienced a total loss of a vehicle while performing traffic control duties for a car accident. This caused the department to be without a police cruiser. The amount that the insurance provider is giving to the Police Department to cover the loss of the vehicle is less than the cost of purchasing a new vehicle and outfitting it. A Commander's Tahoe is being transferred to a duty officer and will require additional outfitting. The Commander will need a cruiser and the Police Department has found a Ford Explorer to purchase.

The cost of the Ford Explorer and the cost of outfitting equipment will cost more than the anticipated insurance payment. The total cost is: \$45,450. The insurance company will provide \$19,494 leaving a shortfall of \$25,956. Funds are available through a donation received in FY-2021 from Mr. Eckstein. There are a total of \$14,000 available, \$5,000 of which is to go towards Gym Equipment at the Police Department, and \$9,000 towards the Explorer. Budget Amendment 2022-06-02 allocated funds from unrealized property taxes to go towards the Ford Explorer in the amount of \$15,000. The Eckstein donation and the previous Budget Amendment leave a shortfall of \$2,000 that will need to come from an appropriated fund balance for the sale of surplus vehicles in FY-2021.

Where are funds available ?

\$15,000 will come from unrealized ad-valorem (property tax) revenue as found on Budget Amendment 2022-06-02. \$9,000 will come from the Appropriated Fund Balance from a donation by Mr. Eckstein in FY-2021, and \$2,000 will come from the appropriated fund balance from the sale of surplus vehicles in FY-2021. An additional \$5,000 is being allocated from the appropriated fund balance from the donation by Mr. Eckstein to the police department for Gym Equipment. The purchase and outfitting of the Ford Explorer and Chevy Tahoe and the purchase of the gym equipment will exhaust all of the funds available from the Eckstein donation that was earmarked for the Police Department.



NEPTUNE BEACH POLICE

★ HONOR

★ INTEGRITY

★ EXCELLENCE

200 LEMON STREET ★ NEPTUNE BEACH, FLORIDA 32266 ★ 904 270 2413

December 1, 2021

TO: Stefen Wynn

FROM: Richard J. Pike

RE: Replacement -Cost Breakdown Police Unit #1017

On 11/24/2021, the claims adjuster for the Florida League of Cities declared that the damage to Unit#17 was so extensive that the asset would be a total loss.

On 11/29/2021, the claims adjuster submitted the actual cash value (ACV) of the vehicle at \$20,494 less the \$1000 deductible the city would be compensated \$19,494.

The actual loss was substantially higher, as all the installed police equipment was valued at \$8,000 in 2017. The equipment is vehicle year, make and model specific and cannot be salvaged to be reinstalled into a replacement vehicle.

The cost of a replacement vehicle:

2021 Ford Explorer AWD	\$36,950
Equipment Upfit Cost-	\$ 8,500
TOTAL	\$45,450
Less FLC payment	<u>-\$19,494</u>
Shortfall	\$25,956

Funding Sources:

- State Attorney-Restitution/DUI Driver (Will request \$25,956 replacement cost)
- Donated Funds-Eckstein
- Surplus Vehicles-Govdeals

CITY OF NEPTUNE BEACH, FLORIDA

116 First Street
(904) 270-2400 - Fax: 270-2417

Order # 1173NE

PURCHASE AUTHORIZATION

Vendor Name: Duval Ford Date: Monday, January 30, 2017
 Vendor Address: 1616 Casset Ave. Phone Number: 904-388-2144
Jacksonville, FL 32210 Contact: Bambi Darr
 Requesting Department: Police Department Account to Charge: _____
 Purpose or Use: Patrol and Enforcement Vehicle or Equipment Number: 1017 & 11176

Quotes (check the appropriate box)

- \$500-\$999 Two verbal quotes (PLEASE ATTACH QUOTES)
- \$1,000-\$24,999 Three quotes signed by vendor
- \$25,000 and over-Appropriate Authorization and Project Approved by Council

Quantity	Description	Price	Total
1	2017 Ford Police Interceptor Utility AWD (Explorer) VIN# 1FM5K8AROHG807883	\$27,225.00	\$27,225.00
1	2017 Ford Police Interceptor Utility AWD (Explorer) VIN# 1FM5K8AR8HGB15486	\$27,225.00	\$27,225.00
*State Bid Pricing			
TOTAL AMOUNT OF PURCHASE			\$54,450.00

APPROVED: _____ Date _____
Department Head

APPROVED: _____ Date _____
Finance Director

APPROVED: _____ Date _____
City Manager

Prepared by: Lt. M.J. Key

CITY OF NEPTUNE BEACH, FLORIDA
 116 First Street
 (904) 270-2400 - Fax: 270-2417

Order # 1264NV

PURCHASE AUTHORIZATION

Vendor Name: Dana Safety Supply Date: Monday, February 6, 2017
 Vendor Address: 1855 Cassat Ave. Phone Number: (904) 388 7006
Jacksonville, FL 32210 Contact: JJ Etheridge
 Requesting Department: Police Department Account to Charge: _____
 Purpose or Use: Patrol and Enforcement
 Vehicle or Equipment Number: 1017 & 1117

Quotes (check the appropriate box)

- _____ \$500-\$999 Two verbal quotes (PLEASE ATTACH QUOTES)
 \$1,000-\$24,999 Three quotes signed by vendor
 _____ \$25,000 and over-Appropriate Authorization and Project Approved by Council

Quantity	Description	Price	Total
	Emergency Equipment and Upfitting for new 2017 patrol vehicle	\$16,283.36	\$16,283.36
	Please see attached invoice Sole Source Provider		
TOTAL AMOUNT OF PURCHASE			\$16,283.36

APPROVED: _____ Date _____
Department Head

APPROVED: _____ Date _____
Finance Director

APPROVED: _____ Date _____
City Manager

Prepared by: Lt. M.J. Key



5021 San Juan Ave.
Jacksonville, FL 32210

904-389-8585

thecrew@boldcitygraphics.com
www.boldcitygraphics.com

INVOICE

INVOICE #

15067

DATE

7/6/2020

BILL TO

NEPTUNE BEACH POLICE
ATTN: ACCTS PAYABLE
200 LEMON STREET
NEPTUNE BEACH, FL 32266

**Please make checks payable to:
Bold City Graphics**

P.O. NO.	TERMS	REP
1346PD	Net 30	ZM

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Ghost graphics for black Tahoe, reflective, #1220	785.00	785.00
1	White graphics for black Tahoe, reflective, #1120	785.00	785.00
1	White graphics for black Silverado, 4 door, reflective, #1020	785.00	785.00
		Subtotal	\$2,355.00
		Sales Tax (7.0%)	\$0.00
		Total	\$2,355.00

Bold City Graphics is a division of Randy's Auto Trim Inc.

CITY OF NEPTUNE BEACH, FLORIDA
 116 First Street
 (904) 270-2400 - Fax: 270-2417

Order # 1366PD

PURCHASE AUTHORIZATION

Vendor Name: Dana Safety Supply **Date:** Wednesday, February 3, 2021
Vendor Address: 1855 Cassat Ave. **Phone Number:** (904) 388 7006
Jacksonville, FL 32210 **Contact:** JJ Etheridge
Requesting Department: Police Department **Account to Charge:** 001-1221-521-60-64
Purpose or Use: Patrol & Enforcement
Vehicle or Equipment Number: 1121 & 1221

Quotes (check the appropriate box)

- \$500-\$999 Two verbal quotes (PLEASE ATTACH QUOTES)
- \$1,000-\$24,999 Three quotes signed by vendor
- \$25,000 and over-Appropriate Authorization and Project Approved by Council

Quantity	Description	Price	Total
2	Emergency Equipment & Upfitting for 2021 Chevrolet Tahoes	\$30,217.42	\$30,217.42
See attached invoice State Contract #FSA18-VEL260			
TOTAL AMOUNT OF PURCHASE			\$30,217.42

APPROVED: 
 Department Head

2/10/2021
 Date

APPROVED: 
 Finance Director

2/25/21
 Date

APPROVED: 
 City Manager

2/25/2021
 Date

Prepared by: 
 Cmdr. M.J. Key -mjk

Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
NEPTUNE BEACH POLICE DEPT 200 LEMON STREET NEPTUNE BEACH, FL 32266

Ship To
DSS JACKSONVILLE <i>PATROL TAHOES</i> <i>VEN 1121 + 1221</i> <i>P.O. #1366 PD</i>

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30
Entered By		Salesperson	Ordered By	Resale Number
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	GB2EEEE WEC LEGACY WC 54" BW/BW/BW/BW Warehouse: JACK Vin #:	1,295.0000	2,590.00
2	2	Y	MISC WEC WHELEN STRAP KIT - PART# TBD Warehouse: JACK Vin #:	0.0000	0.00
2	2	Y	WEC-295SLSA6 Whelen 100/200W Scan-Lock Self-Contained Siren/Switch Warehouse: JACK Vin #:	299.0000	598.00
2	2	Y	SA315P Whelen 100W Compact Black Composite 122DB Speaker Warehouse: JACK Vin #: MOUNTING BRACKET SOLD SEPERATELY- *****	138.0000	276.00
2	2	Y	SAK70 WEC SA315P MOUNT FOR 2021 TAHOE Warehouse: JACK Vin #:	0.0000	0.00
4	4	Y	TLIB WEC BLUE T-SERIES SURFACE MOUNT ION W/BLACK FLA Warehouse: JACK Vin #: EITHER SIDE OF TAG	72.9000	291.60

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Printed By: JJ ETHERIDGE

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
NEPTUNE BEACH POLICE DEPT 200 LEMON STREET NEPTUNE BEACH, FL 32266

Ship To
DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30
Entered By		Salesperson	Ordered By	Resale Number
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
4	4	Y	TCRHS5 WEC 60" TRACER SOLO 5-LAMP HOUSING (SINGLE ARRAY Warehouse: JACK Vin #: ONE ARRAY PER SIDE OF VEHICLE--- MOUNTING BRACKETS SOLD SEPERATELY- SPECIFY COLOR CONFIGURATION- *****	361.1700	1,444.68
4	4	Y	TCRB54 WEC RUNNING BOARD MOUNT 2021 TAHOE Warehouse: JACK Vin #:	26.8800	107.52
2	2	Y	WEC-HOWLER WEC LOW FREQUENCY SIREN AMPLIFIER & 2 SPEAKERS Warehouse: JACK Vin #: OPTIONAL VEHICLE SPECIFIC MOUNTING BRACKETS MUST BE ORDERED SEPERATELY(NO CHARGE IF ORDERED WITH HOWLER SYSTEM) ***** **	395.0000	790.00
2	2	Y	HWLRB32 WEC HOWLER MTG BKT 2021 TAHOE Warehouse: JACK Vin #:	0.0000	0.00
2	2	Y	MISC WEC REAR PILLAR OUTER EDGE - PART# RPLS54 Warehouse: JACK Vin #: ALL BLUE	822.6400	1,645.28

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
NEPTUNE BEACH POLICE DEPT 200 LEMON STREET NEPTUNE BEACH, FL 32266

Ship To
DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30	
Entered By		Salesperson	Ordered By	Resale Number	
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7	
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	MISC TROY WEAPONS VAULT - SEE BELOW Warehouse: JACK Vin #:	1,514.4000	3,028.80
2	2	Y	MATCH INV#672549 2021 CHEVY TAHOE PPV BK2019TAH21 SMC PB450L4 W/IONS FOR 2021 TAHOE PPV Warehouse: JACK Vin #: 4 - WHELEN IONS - BLUE	781.5200	1,563.04
2	2	Y	C-VS-1012-TAH HAV 2021+ TAHOE CONSOLE Warehouse: JACK Vin #:	379.6200	759.24
2	2	Y	C-EB30-APS-1P C-EB40-WS2-1P C-LP-3 HAV 2 PLATE W/ THREE 12VDC LIGHTER OUTLETS Warehouse: JACK Vin #:	30.4500	60.90
2	2	Y	C-CUP2-I HAV IN-CONSOLE DUAL CUP HOLDER Warehouse: JACK Vin #:	29.0600	58.12

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Sales Quote

DANA SAFETY SUPPLY, INC
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Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
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Ship To
DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30	
Entered By		Salesperson	Ordered By	Resale Number	
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7	
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	C-ARM-101 HAV EXTERNAL MTD ARMREST, HEIGHT ADJUSTABLE Warehouse: JACK Vin #: REPLACES C-ARM, C-ARM-7, C-ARM-9, ETC. ***** *	54.3400	108.68
2	2	Y	C-AP-0325 HAV ACCESSORY POCKET 3 HIGH 2.5 DEEP Warehouse: JACK Vin #:	31.8400	63.68
2	2	Y	C-HDM-204 HAV TELESCOPING SIDE MOUNTED POLE ASSY Warehouse: JACK Vin #: MOUNTS TO SIDE OF CONSOLE BOX *****	116.9700	233.94
2	2	Y	C-MD-119 HAV 11" SLIDE-OUT LOCKING SWING ARM - LOW PROFILE Warehouse: JACK Vin #:	217.9500	435.90
2	2	Y	UT-1001 Hav Universal Rugged Cradle for approximately 11"-14" Warehouse: JACK Vin #:	199.7300	399.46
2	2	Y	219076-0002 UNITY LED SPOTLIGHT - 2021 TAHOE Warehouse: JACK Vin #:	283.0800	566.16

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
NEPTUNE BEACH POLICE DEPT 200 LEMON STREET NEPTUNE BEACH, FL 32266

Ship To
DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30
Entered By		Salesperson	Ordered By	Resale Number
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	8996 UNITY INSTALL KIT Warehouse: JACK Vin #:	40.0000	80.00
2	2	Y	EAGLE 3 KUSTOM, EAGLE 3, DUAL KA-BAND Warehouse: JACK Vin #:	2,629.7600	5,259.52
2	2	Y	TINT-NEPTBCH1 TINT NEPTUNE BEACH POLICE DEPT Warehouse: JACK Vin #:	180.0000	360.00
2	2	Y	MISC STICK ON RAIN GUARDS -- 2021 TAHOE Warehouse: JACK Vin #:	85.0000	170.00
2	2	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: JACK Vin #: LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	75.0000	150.00
2	2	Y	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: JACK Vin #:	2,405.0000	4,810.00
2	2	Y	BR-930 BI TRIPLE 12VDC OUTLET BOX WITH ON OFF SWITCH Warehouse: JACK Vin #:	14.1500	28.30

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Printed By: JJ ETHERIDGE

Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30
Entered By		Salesperson	Ordered By	Resale Number
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLI	MIKE KEY	85-8012621646C7

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
4	4	Y	WIONB WEC BLUE WIDE ANGLE ION LED W/UNIVERSAL MOUNT Warehouse: JACK Vin #:	78.4000	313.60
2	2	Y	REAR SIDE CARGO WINDOWS - BOTTOM CENTER PK0602TAH21SCA SMC 10C-VS-RP 21 TAHOE Warehouse: JACK Vin #:	615.3000	1,230.60
2	2	Y	PK0602TAH21SCA PK0316TAH212ND SETINA 12VS FOR 2021 TAHOE Warehouse: JACK Vin #:	363.3000	726.60
2	2	Y	PK0316TAH212ND WK0514TAH21 SMC REAR WINDOW BARRIER Warehouse: JACK Vin #:	188.3000	376.60
2	2	Y	WK0514TAH21 DK0100TAH21 SMC TPO DOOR PANELS TAHOE Warehouse: JACK Vin #:	188.3000	376.60
2	2	Y	DK0100TAH21 QK0634TAH21 SMC REAR SEAT/BELTS TAHOE 2021 Warehouse: JACK Vin #:	608.3000	1,216.60
			QK0634TAH21		

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Print Time	10:40:35 AM
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Printed By: JJ ETHERIDGE

Continued on Next Page

Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	375552-A
Customer No.	NEPTBCH

Bill To
NEPTUNE BEACH POLICE DEPT 200 LEMON STREET NEPTUNE BEACH, FL 32266

Ship To
DSS JACKSONVILLE

Contact:
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
02/01/21	GROUND SHIPMENT	PPAY & ADD TO INVOICE	PATROL TAHOE	NET 30
Entered By		Salesperson	Ordered By	Resale Number
JJ ETHERIDGE		JJ ETHERIDGE JACKSONVILLE	MIKE KEY	85-8012621646C7

Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	ECVDMLTAL00 SOI UNIVERSAL DOME LIGHT ALL LED, RED/CLEAR Warehouse: JACK Vin #:	49.0000	98.00
FREIGHT NOT INCLUDED PATROL TAHOE			<p>Approved By: _____</p> <p><input type="checkbox"/> Approve All Items & Quantities</p> <p>Quote Good for 30 Days</p>		

Print Date	02/03/21
Print Time	10:40:35 AM
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Subtotal	30,217.42
Freight	0.00
Order Total	30,217.42

Printed By: JJ ETHERIDGE

✓ mja

DANA5001
P-01

APPROVED

ACCT# 001-1221-5216044 DATE _____

DEPT. HEAD RJ Pike

FINANCE DIRECTOR _____

CITY MANAGER _____

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Invoice

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
200 LEMON STREET
ATT: COMMANDER MIKE KEY
NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
ATT: INSTALLS/NBPD

RECEIVED
9-30-21
mja

Contact: COMMANDER MIKE KEY
Telephone:
E-mail:

Contact:
Telephone:
E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOICE	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	GB2EEEE U of M: EACH WEC LEGACY WC 54" BW/BW/BW/BW	1,295.0000	2,590.00
2	2	Y	MKEZ101 U of M: EACH WEC STRAP KIT FOR 2021+ TAHOE	0.0000	0.00
2	2	Y	WEC-295SLSA6 U of M: EACH Whelen 100/200W Scan-Lock Self-Contained Siren/Switch	299.0000	598.00
2	2	Y	SA315P U of M: EACH Whelen 100W Compact Black Composite 122DB Speaker MOUNTING BRACKET SOLD SEPERATELY- *****	138.0000	276.00
2	2	Y	SAK70 U of M: EACH WEC SA315P MOUNT FOR 2021 TAHOE	0.0000	0.00
4	4	Y	TLIB U of M: EACH WEC BLUE T-SERIES SURFACE MOUNT ION W/BLACK FLA EITHER SIDE OF TAG	72.9000	291.60
4	4	Y	WEC-TCRHS5-B U of M: EACH WEC 60" TRACER SOLO 5-LAMP HOUSING BLUE	361.1700	1,444.68
4	4	Y	TCRB54 U of M: EACH	26.8800	107.52

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Printed By: Susan Robinson

Invoice

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 ATT: COMMANDER MIKE KEY
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
 ATT: INSTALLS/NBPD

Contact: COMMANDER MIKE KEY
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOIC	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	WEC RUNNING BOARD MOUNT 2021 TAHOE WEC-HOWLER U of M: EACH WEC LOW FREQUENCY SIREN AMPLIFIER & 2 SPEAKERS OPTIONAL VEHICLE SPECIFIC MOUNTING BRACKETS MUST BE ORDERED SEPERATELY(NO CHARGE IF ORDERED WITH HOWLER SYSTEM) ***** ***	395.0000	790.00
2	2	Y	HWLRB32 U of M: EACH WEC HOWLER MTG BKT 2021 TAHOE	0.0000	0.00
2	2	Y	RPLS54-BB U of M: EACH WEC OUTER EDGE REAR PILLAR BB w/white lens	822.6400	1,645.28
2	2	Y	AC-21TH-CPMNT U of M: EACH TROY 2021 CARGO FRAME AC-21TH-CPMNT	301.3200	602.64
2	2	Y	CP-GB443212-PB U of M: EACH TROY STORAGE VAULT CP-GB443212-PB 44"W x 32"L x 12"H	1,288.6300	2,577.26

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Printed By: Susan Robinson

Invoice

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 ATT: COMMANDER MIKE KEY
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
 ATT: INSTALLS/NBPD

Contact: COMMANDER MIKE KEY
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOIC	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	BK2019TAH21 U of M: EACH SMC PB450L4 W/IONS FOR 2021 TAHOE PPV 4 - WHELEN IONS - BLUE	781.5200	1,563.04
2	2	Y	C-VS-1012-TAH U of M: EACH HAV 2021+ TAHOE CONSOLE C-EB30-APS-1P C-EB40-WS2-1P	379.6200	759.24
2	2	Y	C-LP-3 U of M: EACH HAV 2 PLATE W/ THREE 12VDC LIGHTER OUTLETS	30.4500	60.90
2	2	Y	C-CUP2-I U of M: EACH HAV IN-CONSOLE DUAL CUP HOLDER	29.0600	58.12
2	2	Y	C-ARM-101 U of M: EACH HAV EXTERNAL MTD ARMREST, HEIGHT ADJUSTABLE REPLACES C-ARM, C-ARM-7, C-ARM-9, ETC. ***** **	54.3400	108.68
2	2	Y	C-AP-0325 U of M: EACH HAV ACCESSORY POCKET 3 HIGH 2.5 DEEP	31.8400	63.68
2	2	Y	C-HDM-204 U of M: EACH	116.9700	233.94

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Invoice

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 ATT: COMMANDER MIKE KEY
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
 ATT: INSTALLS/ NBPD

Contact: COMMANDER MIKE KEY
Telephone:
E-mail:

Contact:
Telephone:
E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOIC	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
			HAV TELESCOPING SIDE MOUNTED POLE ASSY MOUNTS TO SIDE OF CONSOLE BOX *****		
2	2	Y	C-MD-119 U of M: EACH HAV 11" SLIDE-OUT LOCKING SWING ARM - LOW PROFIL	217.9500	435.90
2	2	Y	UT-1001 U of M: EACH Hav Universal Rugged Cradle for approximately 11"-14"	199.7300	399.46
2	2	Y	219076-0002 U of M: EACH UNITY LED SPOTLIGHT - 2021 TAHOE	283.0800	566.16
2	2	Y	8996 U of M: EACH UNITY INSTALL KIT	40.0000	80.00
2	2	Y	EAGLE 3 U of M: EACH KUSTOM, EAGLE 3, DUAL KA-BAND	2,629.7600	5,259.52
2	2	Y	94706 U of M: EACH AUTO VENTSHADE STICK ON VENT VISORS 2021+ TAHOE	85.0000	170.00
2	2	Y	INSTALL KIT U of M: EACH MISC INSTALLATION SUPPLIES I.E.	75.0000	150.00

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Printed By: Susan Robinson

Invoice

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 ATT: COMMANDER MIKE KEY
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
 ATT: INSTALLS/ NBPD

Contact: COMMANDER MIKE KEY
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOIC	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
			LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****		
2	2	Y	INSTALL U of M: EACH DSS INSTALLATION OF EQUIPMENT VIN #: MR274104 / Vehicle ID: VIN #: MR274139 / Vehicle ID:	2,405.0000	4,810.00
2	2	Y	BR-930 U of M: EACH BI TRIPLE 12VDC OUTLET BOX WITH ON OFF SWITCH	14.1500	28.30
4	4	Y	WIONB U of M: EACH WEC BLUE WIDE ANGLE ION LED W/UNIVERSAL MOUNT REAR SIDE CARGO WINDOWS - BOTTOM CENTER	78.4000	313.60
2	2	Y	PK0602TAH21SCA U of M: EACH SMC 10C-VS-RP 21 TAHOE PK0602TAH21SCA	615.3000	1,230.60
2	2	Y	PK0316TAH212ND U of M: EACH SETINA 12VS FOR 2021 TAHOE PK0316TAH212ND	363.3000	726.60
2	2	Y	WK0514TAH21 U of M: EACH SMC REAR WINDOW BARRIER WK0514TAH21	188.3000	376.60

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Printed By: Susan Robinson

Invoice

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Invoice No.	750315
Customer No.	NEPTBCH

Bill To

NEPTUNE BEACH POLICE DEPT
 200 LEMON STREET
 ATT: COMMANDER MIKE KEY
 NEPTUNE BEACH, FL 32266

Ship To

DSS JACKSONVILLE
 ATT: INSTALLS/NBPD

Contact: COMMANDER MIKE KEY
 Telephone:
 E-mail:

Contact:
 Telephone:
 E-mail:

Invoice Date	Order Date	SO Number	Ordered By	Customer PO Number	Payment Method
09/30/21	02/17/21	375552	MIKE KEY	1366PD	NET30
Warehouse	Ship Via	F.O.B.	Salesperson	Resale Number	
JACK	GROUND SHIPMENT	PPAY & ADD TO INVOIC	JJ ETHERIDGE	85-8012621646C7	

Order Quantity	Ship Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	DK0100TAH21 U of M: EACH SMC TPO DOOR PANELS TAHOE DK0100TAH21	188.3000	376.60
2	2	Y	QK1374TAH21 U of M: EACH SMC REPLACEMENT SEAT 2021 TAHOE CENTER PULL BELTS STAND ALONE OEM REPLACEMENT CONTOUR TRANSPORT SEAT **REQUIRED #12VS Cargo Area Rear Partition NOT INCLUDED *FOR USE WITHOUT 2ND ROW SEAT DELETE OPTION (CODE:ATZ) "	608.3000	1,216.60
2	2	Y	ECVDMLTAL00 U of M: EACH SOI UNIVERSAL DOME LIGHT ALL LED, RED/CLEAR	49.0000	98.00
FREIGHT NOT INCLUDED PATROL TAHOE			Remit To: Dana Safety Supply, Inc. P.O. Box 117297 Atlanta, GA 30368-7297		
* All Return Merchandise Requires Prior Approval. * Return Merchandise can be subject to a 20% restocking charge. * Claims against this Invoice for Price and/or Quantity must be filed in writing within 30 days of invoice date. * A Finance Charge of 1.5% per month (18% annual rate) will be added to all invoices that are 30 days beyond the invoice date.					

Print Date	09/30/21
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Total Paid	0.00
Balance Due	31,156.78
Due Date	10/30/21

Subtotal	30,008.52
Freight	1,148.26
Invoice Total	31,156.78

Printed By: Susan Robinson



Vehicle Description

EXPLORER 2021 4DR AWD POLICE
4-DOOR 3.0L ECOBOOST V6 ENGINE
 10-SPEED AUTO TRANSMISSION

Exterior

AGATE BLACK METALLIC

Interior

EBONY INTERIORCLOTH
 BUCKETS/VINYL REAR SEATS

Standard Equipment INCLUDED AT NO EXTRA CHARGE

EXTERIOR

- . 255/60R18 A/S BSW
- . CLASS III HITCH RECEIVER
- . DUAL POWER MIRRORS
- . HEADLAMPS - AUTO, LED HOUSING (W/ LED WIG-WAG)
- . PRIVACY GLASS 2ND/3RD ROW
- . 35/30/35 SPLIT VINYL REAR CONTROL, DUAL ZONE
- . CERTIFIED SPEEDOMETER
- . CONSOLE MOUNTING PLATE
- . PWR DR SEAT/8-WAY/M LUMBAR
- . SEATBACK INTRUSION PLATES WHL W/ 4 CONFIGURABLE
- . UNIVERSAL TOP TRAY
- . AM/FM/MP3/BLUETOOTH & USB
- . ENGINE OIL COOLER
- . FULL-TIME ALL WHEEL DRIVE
- . HEAVY DUTY SUSPENSION
- . INTERIOR TRUNK/LIFTGATE
- . POLICE BRAKES: 4 WHL DISC
- . POWER STEERING W/EPAS
- . TRANSMISSION OIL COOLER

SAFETY/SECURITY

- . ADVANCETRAC[®] WITH RSCA[®]
- . AIRBAGS - SAFETY CANOPY
- . TIRE PRESSURE MONITOR SYS

WARRANTY

BUMPER WARRANTY
 CARE EXTENDED SERVICE PLAN

- . 18" H.D.STEEL WHEELS POLICE TIRES
- . DUAL EXHAUST SYSTEM
- . FULL SIZE 18" SPARE W/TPMS
- . LOW/HIGH INCLUDES FRONT
- . KEY LOCKS (DR/PASS/LFTGT)

INTERIOR

- . A/C W/AUTOMATIC CLIMATE
- . BLACK VINYL FLOOR COVERING
- . CLOTH BUCKET FRONT SEATS
- . ENGINE HOUR / IDLE METER
- . RED/WHITE TASK LIGHTING
- . TILT/TELESCOPING STEERING LATCHING SWITCHES

FUNCTIONAL

- . COLUMN MOUNTED SHIFTER
- . FORD TELEMATICS SYSTEM
- . HEAVY-DUTY 80-AMP BATTERY RELEASE
- . W/ ABS & TRACTION CONTROL
- . REAR VIEW CAMERA
- . TRANSMISSION-10-SPEED AUTO
- . 75 MPH REAR-CRASH TESTED
- . AIRBAGS - FRONT AND SIDE
- . SOS POST CRASH ALERT SYS
- . 3 YR/36K MILE BUMPER-TO-5 YR/100K MILE POWERTRAIN (ZERO DEDUCTIBLE)

Price Information

STANDARD VEHICLE PRICE MSRP \$40,615

Included on this Vehicle

EQUIPMENT GROUP 500A

Optional Equipment

- 2021 MODEL YEAR
- AGATE BLACK METALLIC
- EBONY CLOTH FRT/VINYL REAR
- .AM/FM STEREO
- 3.0L ECOBOOST V6 ENGINE 790
- 10-SPEED AUTO TRANSMISSION
- JOB #2 ORDER
- FORD FLEET SPECIAL
- ADJUSTMENT
- BADGE DELETE
- GLOBAL LOCK/UNLOCK
- H8 AGM BATTERY 110
- 50 STATE EMISSIONS
- COURTESY LAMP DISABLE 26
- POWER 60
- MIRROR/SPOTTER/HEATED
- WIRING 50
- GRILL/LAMP/SIREN/SPKRS
- OBD-II SPLIT CONNECTOR 55
- FRONT LICENSE PLATE BRACKET

TOTAL VEHICLE & OPTIONS 41,705
 DESTINATION & DELIVERY 1,245

TOTAL MSRP \$42,950

Disclaimer: Option pricing will be blank for any item that is priced as 0 or "No Charge".



Estimated Annual Fuel Cost: \$

CITY MPG 17
HIGHWAY MPG 22

Vehicle Engine Information

Actual mileage will vary with options, driving conditions, driving habits and vehicle's condition. Results reported to EPA indicate that the majority of vehicles with these estimates will achieve between _ and _ mpg in the city and between _ and _ mpg on the highway. For Comparison Shopping all vehicles classified as have been issued mileage ratings from _ to _ mpg city and _ to _ mpg highway.



Ford Extended Service Plan is the ONLY service contract backed by Ford and honored by the Ford and Lincoln dealers. Ask your dealer for prices and additional details or see our website at www.Ford-ESP.com.

✓ \$37,950⁰⁰



**Agenda Item # 10A
Supplemental
Agreement No. 2,
Jones Edmonds**

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

AGENDA ITEM:	
SUBMITTED BY:	
DATE:	
BACKGROUND:	
BUDGET:	
RECOMMENDATION:	
ATTACHMENT:	

**Supplemental Agreement No. 2 to the General Engineering Continuing Contract
CONB RFQ No. 2021-04 for Stormwater Study and Design services.**

Consultant:	Jones Edmunds & Associates, Inc. Brian Icerman, PE, ENV SP 730 NE Waldo Road Gainesville, FL 32641	Owner:	City of Neptune Beach
Date:	December 6, 2021		

Item	Description of Services	
	Provide consulting services as identified in the attached Consultant's scope of services and fee proposal dated November 29, 2021.	
Task #1	Project Management and Public Outreach	\$14,670
Task #2	Drainage Improvement Project Prioritization	\$45,152
Task #3	Design Services	\$199,995
Total Lump Sum and Not-to-Exceed Fees		\$259,817

The Consultant shall complete tasks diligently and as soon as practical to avoid delays. The Consultant shall also complete all work by September 30, 2022. Tasks# 1 through 2 shall be lump-sum totaling \$59,822, and Task #3 shall be billed on a time-and-materials basis up to a not-to-exceed amount of \$199,995. The Consultant shall not exceed the Fees stated above without prior written approval from the City. This document, along with Consultant's scope of services and fee proposal dated November 29, 2021, shall become an amendment to the General Engineering Continuing Contract CONB RFQ No. 2021-04 and all provisions of the Agreement will apply hereto.

Accepted by: _____
 Consultant:
 Jones Edmunds & Associates, Inc.
 Stanley F. Ferreira, JR., PE

Date: _____

Accepted by: _____
 Owner:
 Stefen Wynn, M.P.A. – City Manager
 City of Neptune Beach

Date: _____

SCOPE OF SERVICES



PREPARED FOR: City of Neptune Beach

DATE: November 29, 2021

SUBJECT: Stormwater Study and Design

1 BACKGROUND

The City has drainage issues that cause repeated localized flooding and would like to begin making improvements in these areas to alleviate the issues. Parsons Corporation completed a drainage study in 2020, which identified drainage improvement projects, but did not address many of the localized drainage problems throughout the City. Typically, the flooding in the localized areas results in standing water in streets and/or yards following moderate rainfall events. In some cases, the water does not drain for several days after the rainfall occurs, which results in the City receiving complaints from residents. The causes, severity, and potential solutions of the flooding in these areas varies by location.

The City has requested a proposal from Jones Edmunds to assist with developing a prioritized list of capital improvement projects to alleviate flooding in these areas. This includes:

- Investigating the causes of the localized flooding issues.
- Identifying potential solutions and order of magnitude costs for alleviating the localized flooding.
- Prioritizing the list of drainage improvement projects.
- Engaging the residents throughout the process as a stakeholder.

Additionally, the City would like to begin the engineering design process based on the available budget and selected alternatives within the highest ranking priority projects with the goal of having a contractor awarded before the end of fiscal year 2022.

Jones Edmunds will complete the following tasks for this project.

2.1 TASK 1: PROJECT MANAGEMENT AND PUBLIC OUTREACH

Kickoff Meeting: Jones Edmunds will schedule and attend a kick-off meeting with the Project team members to discuss various topics, including but not limited to the following: project goals and expectations, project schedule, project deliverables, team member roles, communication plan, and known issues in the problem areas that will be included in the study.

Public Outreach and Public Meetings: Jones Edmunds will prepare presentation materials for and attend up to two open-house style public meetings and present at one City Council meeting. We anticipate that the first meeting will be open-house format and occur at the beginning of Task 2. The goal of this meeting will be to gather more information and

evidence from residents regarding drainage issues that they've observed and brainstorm ideas for how the issues could be resolved. The second meeting will also be open-house format and occur toward the end of Task 2 once the preliminary improvements are formulated. The goal of this meeting will be to get feedback from residents on the proposed improvements and explain how they were determined. The third meeting will be a presentation during a City Council meeting to summarize the project and our recommendations. The goal of this meeting is to summarize the improvements and receive feedback that can be incorporated into the study before it is finalized.

Deliverables: Jones Edmunds will prepare an agenda for the kickoff meeting and provide meeting minutes for distribution to the City staff as documentation of proceedings. Jones Edmunds will prepare appropriate presentation materials for each public meeting. This will include display boards for the open-house style meetings and a PowerPoint presentation for the Council meeting.

2.2 TASK 2: DRAINAGE IMPROVEMENT PRIORITIZATION

Existing Data Collection: Jones Edmunds will collect existing pertinent drainage related data that will be used to evaluate the drainage issues. This will include, but is not limited to:

- LiDAR generated digital elevation models.
- Existing hydrologic and hydraulic stormwater models.
- Aerial imagery.
- Geospatial datasets (SSURGO soils, SJRWMD landuse, asset inventories, etc.)
- Existing Environmental Resource Permit (ERP) data.
- Previously completed drainage related studies.
- Photographs or anecdotal information that the City has of the existing flooding issues.

Drainage Issue Investigations: Jones Edmunds will complete the following for each of the drainage issues identified by the City during the data gathering and public meeting processes:

- Conduct a site visit and review existing data to determine existing drainage patterns and the cause(s) of flooding.
- Categorize the drainage issues and develop a list of potential solutions for each of the areas. We will develop a list of potential solutions with planning level unit costs and life-cycle considerations that can be applied to the areas where applicable. Depending on the nature of the flooding issues, multiple problem areas may be combined into a larger project area if they are close geographically and the potential solutions are similar/related.
- Identify potential permitting requirements.
- Identify potential grant funding opportunities for the solutions.

Jones Edmunds will meet with City staff to review the drainage issues and solution categories/costs and discuss how the solutions should be applied. We will develop planning level costs and note design consideration for the areas based on the selected solutions to apply. The expected accuracy of the planning level cost will vary by project. For the highest priority localized flooding issues, we expect to have a rough idea of the project concept and will develop ASTM Class 5 costs, which are used when the project definition is 0% to 2%.

These are considered rough-order-of-magnitude costs and have an expected accuracy range of -50% to +100%. For the lower priority areas, the project concepts will not be well developed and we will assign high-level CIP placeholder costs. We anticipate that these costs will be less accurate than the Class 5 costs and will be developed based on our understanding of the magnitude of the flooding and typical cost ranges to construct drainage improvement projects to alleviate these types of flooding issues.

Prioritization: Jones Edmunds will work with the City to develop a prioritization matrix for ranking the improvement projects based on selected criteria. The solutions for each area will be given a score based on the matrix, which will be used to rank/prioritize the projects. The prioritization will include the projects identified in the Parsons drainage study.

Documentation: Jones Edmunds will document the analysis and findings from this task in a technical memorandum. We will provide a draft report to the City for review. We will make updates to the reports as necessary based on City comments as well as feedback received from the City council and the residents and the report will be finalized.

Deliverables: Meeting with the City to discuss drainage issue categorization and proposed solutions. Draft/Final technical memorandum.

2.3 TASK 3: DESIGN SERVICES

Jones Edmunds will assist the City by designing drainage improvements based on the selected projects from the ranking. The goal of these services is to improve drainage through smaller local drainage improvement projects. This Task does not include large scale drainage design since that is beyond the City's construction budget of \$217,848 this fiscal year. These services include permitting and bidding assistance, but do not include construction phase services at this time. Construction phase services can be provided under a new Supplemental Agreement after the improvements are awarded for construction. The fee and schedule for this Task are based on completing a combination of the following subtasks:

Bal Harbour: The City has previously designed improvements for the Bal Harbour area and put them out for bid in 2015. The City did not receive any contractor bids in 2015, so the project was not constructed. This is also one of the low areas within the City. Jones Edmunds will review the existing design and recommend next steps or modifications to help improve the drainage in the neighborhood.

Higher Priority Projects: Based on the results of Task 2, Jones Edmunds can assist with developing the designs for the highest ranked priority projects.

Cured in Place Pipe (CIPP) Lining: Jones Edmunds will evaluate the potential to CIPP line parts of the City's Stormwater system. Additionally, we can assist the City in procuring CIPP lining contractors through a unit price RFP.

Alternative Delivery Evaluation: Based on the size and number of projects identified in Task 2, it may be advantageous for the City to utilize an alternative delivery method for construction. Jones Edmunds will assist the City in evaluating methods (such as Construction Manager at Risk, known as CMAR) that will increase the likelihood of receiving competitive bids. For example, the City could obtain a multiyear on-call CMAR similar to

professional service providers which would give it access to local sub-contractors with a streamlined procurement process.

Jones Edmunds will complete a combination of these services on a Time-and-Material basis as requested by the City. We will coordinate with the City regarding the anticipated budget and schedule required to complete the selected assignments.

Deliverables: TBD based on requested services.

EXCLUSIONS AND CONDITIONS

The following items are exclusions to or conditions of this Scope of Services:

- Detailed hydrologic and hydraulic modeling is not included in Tasks 1 and 2.
- Survey and geotechnical data collection is not included in Tasks 1 and 2, but may be needed for task 3.
- FEMA flood map revisions are excluded.
- Land acquisition services are excluded at this time.
- Construction administration services are excluded at this time.

3 SCHEDULE

Jones Edmunds expects to complete the work public meetings and draft technical memorandum by April 15, 2022. The schedule for Task 3 will be negotiated on an assignment basis. We expect to complete all work under this Supplemental Agreement by September 30, 2022. A detailed Project Schedule with milestone deliverables and proposed public meetings and workshops will be discussed with the City at the kickoff meeting.

4 COMPENSATION

In accordance with our professional services agreement dated October 28, 2021. Jones Edmunds proposes to complete the Scope of Services outlined above in Tasks 1 and 2 for a lump-sum fee of \$59,822. Services will be billed monthly as incurred. Task 3 will be completed on a time-and-material basis; work will be completed and billed only after the City requests our services up to a not-to-exceed amount of \$199,995. The total lump-sum and not-to-exceed fee for Tasks 1 through 3 is \$259,817. The table below provides the breakdown of the fees by Tasks.

Tasks	Labor	Expenses	Total
Task 1 – Project Management and Public Outreach	\$14,120	\$550	\$14,670
Task 2 – Drainage Improvement Project Prioritization	\$45,152	\$0	\$45,152
Task 3 – Design Services	\$199,995	\$0	\$199,995
Total Lump-Sum and Not-to-Exceed Fees	\$259,267	\$550	\$259,817



**Agenda Item # 10B
Supplemental Agreement # 1,
Dewberry**

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

AGENDA ITEM:	Supplemental Agreement No. 1 with Dewberry Hydro for Phase 1 WWTF Consent Order Compliance services
SUBMITTED BY:	Jim French, Public Works Director
DATE:	November 29, 2021
BACKGROUND:	<p>The City entered a Consent Order with the FDEP back in August, 2020 for the Wastewater Treatment Facility (WWTF) exceeding its nutrient limits. Staff is regularly coordinating with the FDEP on the Consent Order including collecting influent characteristics for the design, demonstration/pilot projects, identifying issues, and working towards the award of the General Engineering Continuing Contracts (GECC). Over this year we believe that Plant 2 (extended air) needs to change the treatment process to improve its total nutrient removal to better match that of Plant 1 (IFAS). This is the first phase of several other needed improvement projects at the WWTF.</p> <p>Staff coordinated with Dewberry Hydro, a consultant engaged through one of CONB's continuing service contracts, to request the attached fee proposal to provide the professional services needed to address the first phase of the WWTF Consent Order with the FDEP. The Consultant identified Task 9 - Owner Contingency Services in the amount of \$98,678.86 to handle unknown or unforeseen issues that may be identified during the study and planning phases of the project based on the final process alternative selection. Task 9 is the result of Consultant negotiations to timely finalize scope so that elements of the FDEP's Consent Order requirements such as the submission of a Compliance Plan and time extension can start as soon as possible. Staff determined the proposed total fee of \$412,096.43 to be reasonable for the scope of services provided.</p> <p>CCNA, F.S. s. 287.055, does apply to the use of a consultant under continuing contract. The study activity fee for professional services for each individual study under this Supplemental Agreement does not exceed \$500,000, and the estimated construction budget shall not exceed \$4,000,000. Staff negotiated this Supplemental Agreement in compliance with F.S. s. 287.055.</p>
BUDGET:	\$386,000 in 401-4335-535-30-31 Professional Services
RECOMMENDATION:	Staff respectfully recommends Councils' approval of the attached Supplemental Agreement No. 1 with Dewberry Hydro, Inc., for Phase 1 WWTF Consent Order Compliance services.
ATTACHMENT:	Supplemental Agreement No 1 Consultant's Scope and Fee proposal dated November 26, 2021

**Supplemental Agreement No. 1 to the General Engineering Continuing Contract
CONB RFQ No. 2021-04 for Phase 1 WWTF Consent Order Compliance service.**

Consultant:	Dewberry Engineers Inc. d/b/a Dewberry Hydro Robert Beltran, P.E. 7220 Financial Way, Suite 200, Jacksonville, FL 32256	Owner:	City of Neptune Beach
Date:	December 6, 2021		

Item	Description of Services	
	Provide consulting services as identified in the attached Exhibit A Consultant's scope of services and fee proposal dated November 26, 2021.	
Task #1	Project Management	\$23,023.68
Task #2	Study Services	\$2,342.52
Task #3	Planning Services	\$4,645.36
Task #4	Consent Order Services	\$7,731.92
Task #5	Preliminary Design Phase	\$17,215.18
Task #6	Design Phase	\$188,014.40
Task #7	Bid and Advertising Support Services	\$10,444.05
Task #8	Post-Design Services	\$52,800.46
Task #9	Owner Contingency Services	\$98,678.86
Task #10	Reimbursable Expenses	\$7,200.00
Total Not-to-Exceed Fees		\$412,096.43

The Consultant shall complete tasks diligently and as soon as practical to avoid delays. The Consultant shall bill the above tasks as incurred. Task 9 – Owner Contingency Services shall require the City's prior written authorization before starting any work. The Consultant shall not exceed the Fees stated above without prior written approval from the City. This document, along with Consultant's scope of services and fee proposal dated November 26, 2021, shall become an amendment to the General Engineering Continuing Contract CONB RFQ No. 2021-04 and all provisions of the Agreement will apply hereto.

Accepted by: _____ Date: _____
 Consultant:
 Dewberry Engineers Inc. d/b/a Dewberry | Hydro
 Robert Beltran, P.E.

Accepted by: _____ Date: _____
 Owner:
 Stefen Wynn, M.P.A. – City Manager
 City of Neptune Beach

EXHIBIT A

CITY OF NEPTUNE BEACH, FLORIDA

DEWBERRY ENGINEERS INC.

NEPTUNE BEACH WASTEWATER TREATMENT FACILITY IMPROVEMENTS: PHASE 1

CONSENT ORDER COMPLIANCE

Scope: The City of Neptune Beach (*Herein referred to as "CITY"*) seeks a Consultant to assist with completing improvements associated with the CITY's wastewater treatment facility (WWTF) effluent nutrient level reduction in an efficient and effective manner. The facility requires multiple Improvements that due to budgetary constraints will be implemented with a multi-phased approach over the next several years. Phase 1 is focused on addressing the consent order centered around Plant 2 (extended air process) to reduce nutrient concentrations and meet permit requirements. Future WWTF improvement phases include addressing hydraulic limitations in Plant 1 (IFAS Process), electrical and instrumentation and control upgrades, and operational improvements determined through evaluation of the WWTF over the next several years. The goal of this and future efforts is to provide the CITY with a facility that meets its regulatory obligations and is capable of handling future flows and conditions in an effective manner. Dewberry | Hydro (*Herein referred to as "Consultant"*) was selected to provide services on phase 1. These services are dependent on timely and effective cooperation and communication. Professional services shall facilitate the following project needs:

- Overall management of the project as required,
- Evaluate Plant 2 (extended air process) improvements to decrease effluent nitrogen concentrations,
- Assist with modifications to the consent order,
- Prepare a Compliance Plan to address the consent order,
- Coordinate discussions with FDEP,
- Prepare solicitation documents of the proposed improvements of Plant 2 (extended air process) that includes technical specifications and using CITY's standard Division 0 and Division 1 bidding services specifications,
- Applicable facility permitting and/or permit modifications needed for the improvements. The facility design, permitting, and intended operation shall be in conformance with 62-620 Florida Statutes F.S.,
- Construction oversight services, as required,

Project Scope of Services

Consultant shall use its past experiences to give professional guidance and judgement that produces a reasonable outcome that will benefit the CITY. The Consultant shall develop deliverables that reduce risk over the Project including: a review and examination of the existing site, identify issues that can be addressed during the design phase, evaluation of design related decisions and alternatives, and QA/QC of all deliverables. Engineering services will generally include the following items:

Task 2 Study Services – These are services necessary to clearly define a program or provide further investigation of need. This shall include an existing conditions limited investigation and sampling execution, sampling plan, sample analysis, and development of a Technical Memorandum summarizing data and existing conditions at Plant 2 (extended air process). Deliverables shall be specified within the Scope as applicable.

- The Consultant will review existing information provided by the City regarding the consent order history and WWTF infrastructure,
- Consultant will conduct field reconnaissance to collect missing data and fill in identified items in need of additional information for Plant 2 (extended air process).

Task 3 Planning Services – The planning phase consists of collecting water samples from existing facility operations. The Consultant will also outline the number of samples and locations to collect additional data to assist to evaluate the existing process and develop the BioWin model on Plant 2 (extended air process) to determine potential treatment process improvements and analyze the proposed treatment process in BioWin. The Consultant will collect the samples and send them to a certified laboratory for analysis.

Task 4 Consent Order Services - Consultant will assist the City with addressing the Consent Order. These tasks include putting together an estimated schedule and suggested alternative language for FDEP to utilize to amend the consent order. The Consultant will also facilitate discussions with FDEP on how the City can demonstrate compliance and end the consent order. Consultant will prepare the Compliance Plan for submittal to FDEP as required in the current Consent Order.

Task 5 Preliminary Design Phase - Upon receipt of the information gathered from the study and planning services, the Consultant will utilize the data to develop a technical memorandum to evaluate potential process improvements. The Consultant will develop preliminary design calculations for two alternatives for process modifications of Plant 2 (extended air process). A BioWin model will be developed for the selected alternative for improvements to Plant 2 (extended air process) to evaluate nutrient removal from selected process and final design considerations.

Task 6 Design Phase - During the design phase, the selected scheme is developed in detail to establish the validity and constructibility of the schematic design. This phase consists of preparing final construction documents, including supporting calculations and design documents, drawings, specifications, project manuals, and materials identified in the solicitation documents. It is also anticipated that this phase will consist of:

- Site visits as the Engineer of Record (EOR) determines in the best interest for the project needs,
- Deliverables shall include electronic forms in both PDF and AutoCAD .dwg formats,
- Include summary documentation of the QA/QC reviews with all deliverables,
- Preparation and submittal of applicable FDEP minor permit modification applications.
- During the project development the Consultant shall evaluate design related issues, discuss potential risk, discuss mitigation strategies, and collaboratively give recommendations when needed.

- The Consultant shall effectively and efficiently communicate and collaborate with the CITY.
- The Consultant shall provide the following:
 - The Consultant shall actively participate in progress meetings and periodic teleconferences,
 - Meeting Notes (for all project-related meetings and teleconferences attended),
 - Monthly progress summary memos provided with the pay application that typically include the following:
 - Any changes in the scope, schedule and budget since last update?
 - Any open or unresolved issues since the last update?
 - What is the status of project?
 - Design calculations,
 - Consultant's CPM schedule (updated with review materials),
 - Kick-off meeting,
 - 30%, 75%, and 100% review materials and meetings,
 - Engineer's opinion of probable construction costs and updated milestone schedule with the 75%, and 100% review materials,
 - 30%, 75%, and 100% review materials and meetings including:
 - Engineer's opinion of probable construction costs and basis of estimate with the 75%, and 100% review materials,
 - For specifications, it is assumed that the 30% design level will have a table of contents for the intended specifications, the 75% design level will include cutsheets for discussions with the CITY, and the full specifications will be provided at the 100% design level.
 - Project Notebook that includes all above referenced technical memorandum and updated with 30%, 75%, and 100% review materials that shall include the project permitting needs, design notes, design criteria and design calculations, cut sheets, permit BDR, model input and results, risk register, copies of obtained permits, and other associated project materials.
 - Consultant's CPM schedule (updated with the 30%, 75%, and 100% review materials),
 - Agenda for the 30%, 75%, and 100% review meetings that shall include project monitoring and control update, project schedule update, project update, design-related issues, open items and questions, unresolved items, action items, and potential risks to the Project for discussion,
 - Two (2) full-size copies of all drawings and documents, as well as electronic documents (PDF) of all drawings and documents delivered to CITY prior to the review meeting,
 - Two (2) copies of specifications, as well as electronic documents (PDF) delivered to CITY prior to the review meeting,
 - Include a summary of the Consultant's completion of their QA/QC review process prior the submission of review submission deliverables,
 - 30% Review materials shall include: processes, flows, major equipment and materials information, preliminary schedule, design criteria, plans, layout, design parameters, preliminary sizing, design criteria memo, and Agenda for the meeting.

- 75% Review materials shall include: updated 30% information, incorporated 30% review comments, cross discipline coordinate cut sheets of major equipment, construction phasing plan, details, design calculations, Divisions 0 & 1 bid specifications draft, and Agenda for the meeting.
 - 100% Review materials shall include: updated 75% materials, incorporated 75% review comments, Agenda for the meeting, and final cross discipline coordination, design calculations, drawings, details, specifications, bid documents, contract documents, basis of design, project manuals or reports, copies of obtained permits, equipment data sheets for asset management, etc.
 - Permit applications or modifications and supporting documents to include:
 - The Consultant shall determine the permitting needs for the project and include permit determination submissions with the Authority having jurisdiction and making required permit applications,
 - The Consultant shall document the permitting needs and acquire final permits in the Technical Memorandum,
 - Preparation of FDEP/CITY permit as required,
 - The Consultant will respond to one (1) request for additional information (RAI).
 - Inclusion of at least one (1) appropriately signed and sealed full size record copy and one digital (.pdf) copy of all permit correspondence and submissions for a file copy with CITY,
 - The Consultant shall determine the application fees needed for each permit application and submit a check request to CITY a minimum of four (4) weeks prior to each permit submission for CITY to pay the permit application fees,
 - Consultant shall submit PDF versions of either a letter or memo requesting each check. Each check request should be on a separate letter/memo and include:
 - Project name
 - CITY PA Number
 - Brief explanation/reason for the check
 - Who to make the check out to and contact information (name, address, phone number)
 - Amount of the check
 - Any check delivery instructions (e.g. mail, direct payment, provide to consultant, etc.)
 - Attendance of preapplication meetings or meetings with applicable jurisdictional permitting agencies as the EOR determines in the best interest for the Project or permitting needs. Provide notes for all meetings and teleconferences attended,
- The Consultant shall schedule and attend a kick-off meeting with the project team members to discuss various topics, including but not limited to the following: CITY project goals and expectations, critical success factors, project constraints, schedule, team members' roles, project stakeholders, CITY points of contact, communications plan,

equipment preferences, operational goals, project deliverables, design concepts and constraints, and special requirements.

Task 7 Bid and Advertising Support Services – This phase consists of services performed by the Consultant during the period that CITY issues a solicitation to the public. The Consultant will prepare design drawings, specifications, bid, and procurement documents and provide bidding services to include the following:

- CITY uses standardized Division 0 and Division 1 specifications that includes the Engineers Joint Contract Documents Committee (EJCDC) front end specifications. Note that the EJCDC language does allow for awarding projects by parts. At CITY's discretion, the Consultant may prepare separate bid packages of drawings and specifications, a single package of drawings and specifications, or a single package of drawings and specifications awarded by parts. The Consultant shall comply with all obligations of the Engineer of Record (EOR) obligations within the EJCDC documents. Preparation of procurement documents (bid documents, advertisement(s), addenda, drawings, details, contracts, specifications and requirements, etc.),
- The Consultant shall interpret plans and specifications, prepare and issue amendments and related drawings, coordinate and attend a pre-bid meeting(s), answer questions and requests for information, develop necessary addenda drawings and specifications, include at least two (2) addenda packages, attend the bid opening, review all received Bids (responsive, responsibility, verify references, material deficiency, conformance with solicitation requirements, etc.), provide a certified bid tabulation, provide recommendations for award with basis, and conform the contract documents as required by Consultant during the period that CITY issues a solicitation(s) to the public,
- Preparation of four (4) Issued for Construction (IFC) Documents per contract (drawings, details, contracts, addenda, specifications and requirements, etc.),
- Coordination and attendance of pre-bid meeting(s) that includes CITY staff, contractors, key permitting agencies, and other applicable utility company representatives.

Task 8 Post-Design Services – This phase consists of services performed by the Consultant during the construction phase of the project. During the construction phase the Consultant will attend monthly site meetings, prepare and distribute minutes from those meetings, review shop drawings, samples, operation and maintenance manuals, test results, submittals and submittal logs, mock ups, review and perform detailed cost estimates, review contractor and subcontractor qualifications and subsequently provide recommendations, resolve design errors, review contractor's coordination documents and adherence to the construction schedule, review and verify contractor's change orders and prepare Consultant's design change orders, respond to requests for additional information, issue field orders and design clarifications, participate in the preparation of a punch list, and participate in commissioning of the facility. The Consultant shall review items for conformance with the design concept of the Project, and compliance with the information provided in the contract documents. Reviews are not intended to relieve the contractor of full responsibility for its contract performance. Items that are used on the project and are within the CITY's Approved Materials Manual do not need a submittal from the contractor. The Consultant shall provide technical interpretation of the drawings, specifications, and contract documents when a Change Order Request (COR) is submitted (typically 2 to 3.) The means, methods, techniques, and safety are the sole responsibility of the contractor and not the responsibility of the Consultant. Submittals and shop drawing reviews shall include checking for conformance with information given and

the design concept expressed in the contract documents. The Consultant's actions will include such reasonable promptness as to not cause delays in the progress of work while allowing sufficient time for reviews. The Consultant's post-design services may include the following:

- The construction schedule is anticipated to take eight (8) months from NTP to substantial completion plus one (1) additional month to final completion for a total of nine (9) months,
- Attend and participate in monthly progress meetings,
- Document variations from the contract documents and report instances of apparent deviations from the design and any non-conformances observed during field visits to the CITY's project manager,
- Perform Engineer of Record (EOR) obligations
- Review and approve contractor's periodic pay requests,
- Respond to Requests for Information (RFI) responses from the contractor (typically 4 to 6),
- Evaluate and respond to contractor-requested deviations from the approved design or specifications (typically 2 to 3),
- Review contractor requests for change orders and advise the CITY,
- The Consultant shall track and log RFIs, shop drawings, Submittals, Field Orders, Change Orders, and corresponding responses,
- Determine compliance with project contract documents/specifications,
- Upon substantial completion of work, coordinate with the CITY and EOR and other affected agencies, perform a project inspection and develop a comprehensive 'punch list' of items to be completed by the Contractor,
- Upon final completion, perform a project inspection to verify 'punch list' items are completed and provide written notice certifying to the CITY that the Contractor's work is generally in accordance with the Contract Documents to the best of the Consultant's knowledge and belief based on the extent of its services.
- Conduct final inspections,
- Provide punch lists,
- Review operation and maintenance manuals provided by the contractor,
- The Consultant shall certify that the project has been constructed in substantial conformance with the permitted construction plans and specifications. The contractor shall prepare any as-built drawings for the Consultant's review. The Consultant shall base such review on its site visits, monthly construction meetings, correspondence, and available information supplied by the contractors, onsite representative personnel, suppliers, and other sources. The Consultant shall review submitted as-builts for general conformance with the requirements of the CITY As-Built Specification Standards Manual and substantial conformance with the permitted and conformed contract plans and specifications. Upon acceptance of the As-Builts, the Consultant will sign the engineer's certification block on each sheet. The responsibility for the accuracy of the as-builts shall remain the contractors. The Consultant shall report known deviations and non-conformances observed during its review.
- Provide As-Builts, reviews, and certifications,
- Provide CITY file copies of all meeting notes (for all project related meetings and teleconferences attended), logs, observation reports, site photographs, submittals,

close-out documents, certifications, as-builts, manuals, punch lists test results, recommendations, reviews, etc., performed during the post-design phase.

- Provide periodic construction observation services in conjunction with monthly progress meetings at the site:
 - The construction schedule is anticipated to take eight (8) months from NTP to substantial completion plus one (1) additional month to final completion for a total of nine (9) months.
 - Attend preconstruction meeting,
 - Attend and participate in monthly progress meetings,
 - Determine compliance with project contract documents/specifications,

Consultant shall use its past experiences to give professional guidance and judgement that produces a reasonable outcome that will benefit the CITY. The Consultant's services shall include all personnel, labor, materials, overhead, equipment, postage, printing, copying, plotting, mileage, deliveries, all direct and indirect costs, administrative costs, reimbursables, and all things necessary to provide all research, recommendations, conferences, presentations, written documents, details, drawings, review of documents, supervision and approval of work, and work acceptance as necessary to accomplish assigned projects.

- Provide milestone schedule for completion of the tasks and deliverables from issuance of the Notice to Proceed (NTP) through completion.
- Consultant shall first review any provided information, or the work products provided by others, within the Consultant's abilities and advise the CITY in writing of any potential error, omissions, or inconsistencies the Consultant discovers or becomes aware of, if any, before proceeding with any work under this Supplemental Agreement.
- The CITY shall not be billed or invoiced for time spent traveling to and from the Consultant's offices or other points of dispatch of its subcontractors, employees, officers or agents in connection with the services being rendered.
- The CITY shall not be liable to reimburse the Consultant for any courier service, telephone, facsimile, copying expenses or postage charges incurred by the Consultant.
- Fees to the Consultant shall be based on the established Rate Schedule. The Consultant's services, fees, and invoices shall be in accordance with the terms and conditions of the Professional Services Agreement.
- Changes to the approved scope and fee shall include the Consultant's entitlement documentation.
- The Consultant and CITY shall mutually agree to a schedule for progress reporting for the Project. Progress reporting shall include, but is not limited to, critical path design schedule with defined milestones, meeting minutes, with assigned action items, telephone log of significant calls, transmittal and submittal logs, issues or questions log, log project risks and issues identified in the design phase to monitor the risk management processes within the project, and punch list. The schedule shall be updated and submitted with each design review and/or monthly progress meeting during the post-design phase. Consultant shall complete all work according to the mutually agreed schedule and provide deliverables in a timely manner. The Consultant shall provide documentation of performance monitoring and measurements for each project. Documentation will be delivered to CITY in accordance with the schedule agreed to by both parties and may include a checklist for

project coordination and project meeting review, checklist for project deliverables, and conformance to assigned design schedules.

- Presentation products, architectural, and engineering construction drawings and written product and performance specifications will be delivered to CITY in hard copy and electronic format (PDF and DWG Autodesk format files). CITY shall determine the number of hard copies to be provided by the Consultant.
- This Project, or any portion thereof, may span beyond a single budget year and subject to CITY's budget approval process, and this Project and the Consultant's services could be suspended from time to time for various periods of time or during any of the Consultant's performance of the Scope or Supplemental Agreement(s) proposed hereunder, permanently or temporarily, by action of CITY.

Task 9 Owner Release Contingency Services: – These services will only be authorized upon prior written consent from the CITY. This phase consists of services that may be deemed necessary if during the Study and Planning Services Phases it is determined that there is a need for additional structures to provide the necessary treatment to meet the Consent Order through an increase plant capacity related to process or solids improvements and the associated electrical upgrades with such facilities that are necessary to complete them. The anticipated services for these efforts would include, survey, subsurface utility evaluation (SUE) geotechnical, process design, mechanical design, electrical design, and construction services associated with these improvements.

30% Deliverable Submission Checklist

Project Name

Consultant: _____

Date: _____

Submit the following a minimum of seven (7) working days prior scheduling the 30% review meeting.

- Agenda
- Progress Memo
- Memo from the Engineer of Record (EOR) outlining design issues and risks
- Survey: provide both hard copy and electronic format (PDF and DWG AutoCAD file formats)
- 30% Drawings
- 30% Technical Memorandum
- 30% preliminary design criteria, sizing, and calculations
- Evidence that all deliverables have been through the Consultant's QA/QC review prior to submission
- Provide both hard copy and electronic format (PDF file format)

Typical 75% Deliverable Submission Checklist

Project Name

Consultant: _____

Date: _____

Submit the following prior scheduling the 75% review meeting.

- Draft cutsheets for major equipment

Submit the following, prior to scheduling the 75% review meeting.

- Agenda that includes any outstanding design-related issues and potential risks to the Project identified
- Memo from the EOR outlining the permitting needs and requirements for the project
- Draft Permit applications
- Permit application check requests
- Memo from the EOR accepting the survey and geotechnical report as suitable for the project needs
- 75% Opinion of Probable Construction Cost
- 75% Drawings
- 75% Basis of Design
- Draft design calculations
- Evidence that all deliverables have been through the Consultant's:
 - o QA/QC review,
 - o Constructability review, and
 - o Cross discipline coordination prior to submission
- Provide both hard copy and electronic format (PDF file format)

Typical Final% Deliverable Submission Checklist

Project Name

Consultant: _____

Date: _____

Submit the following, prior to scheduling the 100% review meeting.

- Final specifications
- Agenda that includes any outstanding design-related issues and potential risks to the Project identified
- Final Opinion of Probable Construction Cost
- Final Drawings
- Final Technical Memorandums
- Final design calculations
- Evidence that all deliverables have been through the Consultant's:
 - QA/QC review,
 - Constructability review, and
 - Cross discipline coordination prior to submission
- Submit final copies of all documents along with any necessary supporting documentation signed and sealed in accordance with 61G15-23.001 F.A.C.
- Provide both hard copy and electronic format (PDF, DWG AutoCAD, .docx, .xlsx, or other original file formats)

Assumptions:

- For budgeting purposes, the Consultant assumes that samples will be collected for 2 days. During each sampling event, samples will be collected from up to 10 locations throughout the plant. Samples may be grab or composite and may be field filtered for analysis of dissolved analytes. Samples may be analyzed for COD, BOD₅, cBOD, TSS, VSS, TN, TKN, ammonia, nitrate, nitrite, total phosphorus, and alkalinity. It is assumed that each sample will be analyzed for up to 18 analytes. An allowance of up to \$7,200 for sample analysis is included in the fee.
- City permitting, if required, will consist of completing relative permit application forms, and submission of one copy of the final design documents. Meetings with City permitting staff to review documents and response to comments are excluded.
- FDEP permitting will consist of completing appropriate permit modification forms, compilation of a Preliminary Engineering Report (PER) and submission of design documents. One teleconference to review the permit application and design documents with FDEP staff is included. One resubmission of permitting and design documents to address comments from FDEP permitting staff is included.
- The existing conditions investigation will consist of one day of on-site inspection of existing conditions by one staff process engineer. This will include taking photographs of existing equipment and process tanks, recording nameplate information from existing equipment.
- The Consultant assumes the process improvements necessary to achieve compliance in accordance with the Consent Order will be made within Plant 2 (extended air process). The clarifier capacity and process tank volume of Plant 2 (extended air process) is assumed to be adequate for implementing a biological nutrient removal process that will achieve compliance. As a result, design of additional process tank volume or major yard piping is not included in the design scope but could be authorized under Task 9, Owner Release Contingency Services.
- Survey, including location, boundary, topographic, subsurface utility engineering (SUE), obtaining elevation data for hydraulic analysis, and development of base mapping is not included in the main scope of services, if new process structures are deemed necessary during preliminary design, the Consultant assumes that necessary survey will be completed under the Task 9, Owner Released Contingency Services.
- A geotechnical investigation is not included in the main services. It is assumed that process improvements will be made within existing process vessels and that new major process structures will not be required. However, if new process structures are deemed necessary during preliminary design, the Consultant assumes that a geotechnical investigation will be completed under Task 9, Owner Released Contingency Services.
- Specifications will be developed in accordance with the Construction Specification Institute (CSI) 16 Division numbering system. The Consultant assumes that standard contract language (Division 0 and 1) will be provided by the City.
- Electrical investigation and design will be limited to what is required for power and controls of improvements to Plant 2 (extended air process) necessary to achieve compliance with the Consent Order.
- It is assumed that the existing electrical system will have sufficient capacity for handling any of the new loads required as part of the phase 1 improvements. This scope does not include design of new power panels, MCCs, primary transformers, switch gear, or generators which will be part of a future phase.
- Should the City receive a SJRWMD cost share funding agreement or an FDEP

administered grant, Consultant agrees to provide, in a timely fashion, monthly project summary completed as a part of invoicing back up materials, up to date project schedule, risk register, or any project deliverables or correspondence to aid in grant reporting requirements.

Fee:

This contract establishes a not-to-exceed cost as provided in Table 1. Compensation for the services performed under this scope shall be on an hourly, not-to-exceed basis using the current hourly rate schedule as set forth in General Engineering Continuing Contract CONB RRFQ 2021-04. The not-to-exceed cost includes Contingency Funds, Task 9 Owner Contingency. The Owner Contingency Funds authorized for use on this contract may only be expended upon written approval from the City’s Utilities Director.

Tasks	Description	Fee
Task 1	Project Management	\$23,023.68
Task 2	Study Services	\$2,342.52
Task 3	Planning Services	\$4,645.36
Task 4	Consent Order Services	\$7,731.92
Task 5	Preliminary Design Phase	\$17,215.18
Task 6	Design Phase	\$188,014.40
Task 7	Bid and Advertising Support Services	\$10,444.05
Task 8	Post-Design Services	\$52,800.46
	Subtotal	\$306,217.57
	Directs	\$7,200.00
Task 9	Owner Contingency Services	\$98,678.86
	Combined Total	\$412,096.43