



City of Jacksonville Beach

Agenda

City Council

11 North Third Street
Jacksonville Beach, Florida

Monday, June 5, 2023

6:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council.

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

A. Regular City Council Meeting held on May 15, 2023

APPROVAL OF THE AGENDA

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

CONSENT AGENDA

- A. Award/Reject Bid No. 2223-01 Tree Trimming and Vegetation Management to Trees, LLC
- B. Award/Reject Bid No. 2223-04 Fencing Services to Newsom Fence Company, Inc.

MAYOR AND CITY COUNCIL

- A. Adopt the Declaration of Election results as provided by the Duval County Canvassing Board and certified by the State of Florida for the election results of the City of Jacksonville Beach (Duval County Unitary) General Election held May 16, 2023

CITY CLERK

CITY MANAGER/NEW BUSINESS

RESOLUTIONS

ORDINANCES

- A. Approve/Disapprove Ordinance No. 2023-8198 on the first reading amending Chapter 6 "Beaches and Bulkheads", Article III "Use of Atlantic Ocean Beach", Section 6-45 "Prohibited activities and items on Atlantic Ocean Beach", and schedule a second reading for June 20, 2023

ADJOURNMENT

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.

You may use this website <http://www.jacksonvillebeach.org/publichearinginfo> to find information concerning the hearing process. This information is also available in the City Hall first floor display case.

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

Council Member Janson provided the invocation, followed by the Pledge of Allegiance.

CALL TO ORDER:

Mayor Hoffman called the meeting to order at 6:00 P.M.

ROLL CALL:

Mayor: Christine Hoffman

Council Members: Sandy Golding Bill Horn Dan Janson
Fernando Meza Cory Nichols (absent) Greg Sutton

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Chief Financial Officer Ashlie Gossett, Police Chief Gene Paul Smith, Assistant to the City Manager Molly Allegor, and City Clerk Sheri Gosselin.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, and passed unanimously to approve the following minutes:

- City Council Workshop held on May 1, 2023
- Regular City Council Meeting held on May 1, 2023
- Council Briefing held on May 8, 2023

APPROVAL OF THE AGENDA

Motion: It was moved by Mr. Horn, seconded by Mr. Janson, to approve the agenda, subject to the removal of Ordinance 2023-8196 (Ordinance A) from the agenda.

Discussion: A brief discussion ensued about Ordinance A.

Roll Call Vote: Ayes – Horn, Janson, Meza, Sutton, Mayor Hoffman
Nays – Golding
The motion passed 5-1.

Mayor Hoffman invited anyone who submitted a speaker card for Ordinance A to address the Council during Courtesy of the Floor to Visitors.

ANNOUNCEMENTS:

Council Member Golding stated she attended the Police Officer Memorial Ceremony with other Council Members, honoring the ten fallen officers from Florida in 2022. She thanked the Police Department for keeping the community safe. She also announced upcoming Comprehensive Plan and Land Development Code (LDC) workshops on May 18, May 24, May 31, and June 7, 2023. Ms. Golding provided an update on the legislative session and noted the vacation rental bill died in the Senate. She announced Election Day would be May 16, 2023, and encouraged citizens to vote.

Mayor Hoffman recognized Police Officer Memorial Day and thanked the Police Department.

COURTESY OF THE FLOOR TO VISITORS:

- Mark Braddock, 464 14th Avenue South, Jacksonville Beach, shared his concerns about the Latham Plaza and Seawalk Pavilion redesign.
- Dylan Beaver, 838 Carvalla Road, Atlantic Beach, spoke about petitions, referendums, and citizen concerns.
- Jeff Miller, 1115 9th Street North, Jacksonville Beach, spoke about harassment at the beach.
- KC Braun, 804 13th Avenue North, Jacksonville Beach, spoke about the Latham Parking Lot project and the Latham Plaza redesign.
- Ty Miller, 522 4th Street South, Jacksonville Beach, spoke about community safety.
- Mary Phillips, 934 10th Street North, Jacksonville Beach, spoke about the Fletcher Middle School swim teams' accomplishment and Ordinance A.

The following submitted a speaker card in support of Ordinance A but did not wish to speak:

- Trey Phillips, 934 10th Street North, Jacksonville Beach

CONSENT AGENDA:

Item A Accept/Reject the Monthly Financial Reports for the month of April 2023

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve the Consent Agenda.

Discussion: None

Voice Vote: In a voice vote, the motion passed unanimously.

MAYOR AND CITY COUNCIL:

Item A Proclamation for National Safe Boating Week

Mayor Hoffman read the Proclamation [on file] and made a presentation.

Item B Proclamation for National Gun Violence Awareness Day

Mayor Hoffman read the Proclamation [on file] and made a presentation.

Item C Citizen Information Academy Graduation

Mayor Hoffman recognized the graduates of the Citizen Information Academy and presented each with a certificate of completion. Graduates in attendance were Kamal Aboshamaa, Molly Alleger, Jennifer Ashley, Merrilea Bilik, George Candler, Tony Davenport, Gene Funkhouser, Tyler Glenn, Edee Herwig, Alice Kenyon, Mike Kibler, Greg Kleffner, Melissa Larsuel, Matt Metz, Bonnie Muale, Donna Shirley, Jeanine Wood, and Claudia Wright.

CITY CLERK: *None*

CITY MANAGER:

Item A 1. Approve/Disapprove the purchase of camera systems to be located in the redevelopment districts and Cradle Creek from Siemens Industry, Inc., utilizing Sourcewell Contract #030421

Police Chief Gene Paul Smith provided a presentation [on file].

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve the purchase of camera systems to be located in the redevelopment districts and Cradle Creek from Siemens Industry, Inc., utilizing Sourcewell Contract #030421.

Discussion: A discussion ensued about additional locations, phases, and records requests.

Roll Call Vote: Ayes – Janson, Meza, Sutton, Golding, Horn, Mayor Hoffman
The motion passed unanimously.

2. Approve/Disapprove the Video Management System Service Agreement with Siemens and authorize the Mayor and City Manager to execute the same

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve the Video Management System Service Agreement with Siemens and authorize the Mayor and City Manager to execute the same.

Discussion: None

Roll Call Vote: Ayes – Meza, Sutton, Golding, Horn, Janson, Mayor Hoffman
The motion passed unanimously.

RESOLUTIONS: None

ORDINANCES:

Item A Approve/Disapprove Ordinance No. 2023-8196 on the second reading providing for text amendments to Sec. 34-348 - Planned Unit Development District: PUD

Item A was removed from the agenda.

Item B Approve/Disapprove Ordinance No. 2023-8197 on the second reading repealing Code of Ordinances Chapter 2, "Administration," Article II "City Council," Division 2 "Rules of Order"

City Attorney Sandra Robinson provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2023-8197 by title only, whereupon Ms. Gosselin read the following:

"AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, REPEALING CODE OF ORDINANCES CHAPTER 2, "ADMINISTRATION," ARTICLE II "CITY COUNCIL," DIVISION 2 "RULES OF ORDER" IN ITS ENTIRETY; AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE."

Mayor Hoffman read the following: "This ordinance is before this Council for a public hearing and consideration on its second reading.

I will now open the public hearing on Ordinance No. 2023-8197."

Public Hearing: No one came forth to speak. Mayor Hoffman closed the public hearing.

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, to approve Ordinance No. 2023-8197 on the second reading repealing Code of Ordinances Chapter 2, "Administration," Article II "City Council," Division 2 "Rules of Order."

Discussion: *None*

Roll Call Vote: Ayes – Sutton, Golding, Horn, Janson, Meza, Mayor Hoffman
The motion passed unanimously.

ADJOURNMENT:

Motion: It was moved by Ms. Golding, seconded by Mr. Janson, and unanimously approved to adjourn.

There being no further business, the meeting adjourned at 7:02 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:

Christine H. Hoffman, MAYOR

Date: _____



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Allen Putnam, Director Beaches Energy Services
DATE:	04/27/2023
SUBJECT:	Bid No. 2223-01 Tree Trimming and Vegetation Management

BACKGROUND

Bid No. 2223-01 covers the specifications for the trimming of trees, limbs, and brush and vegetation spraying and/or removal on utility easements and rights-of-way along Beaches Energy Services overhead and underground transmission and distribution lines. The bid requires trained, qualified, and experienced staff consisting of two three-man crews to include the equipment necessary for vegetation trimming and removal, vegetation management, and the disposal of debris.

The solicitation was advertised and two responses were received. As indicated on the attached Notice of Intent to Submit Bid for Approval and Award by the City Council, Trees, LLC was the lowest bidder. The contract term is for a period of one year, with an option to renew for up to three additional one-year periods contingent upon available funds and mutual agreement by the City and the contractor.

To review Bid No. 2223-01 and all addenda, click [here](#).

FINANCIAL IMPACT

Tree trimming and vegetation management is included in the Electric Fund's annual operating budget. No adjustments are required.

REQUESTED ACTION

Award/Reject Bid No. 2223-01 Tree Trimming and Vegetation Management to Trees, LLC

ATTACHMENTS

1. Bid No. 2223-01 Notice of Intent to Submit Bid for Approval and Award by City Council
2. Past Expenditures - FY21 - FY23

This is the only recommendation notice you will receive, if there are other representatives in your firm working on this project please forward to their attention.

NOTICE OF INTENT TO SUBMIT BID FOR APPROVAL AND AWARD BY CITY COUNCIL

Date: April 20, 2023

From: Luis F. Flores, Property and Procurement Officer

RE: **Bid No. 2223-01 Tree Trimming and Vegetation Management**

Recommendation will be presented to the City Manager for award of Bid #2223-01 Tree Trimming and Vegetation Management to **Trees, LLC.**

In accordance with the procedures set forth in Section XII K. of the City of Jacksonville Beach Purchasing Manual, a written notice of intent to file a protest must be filed with the Property and Procurement Officer within three (3) business days, Monday through Friday, 8:00 AM – 4:00 PM, after the respondent receives the Bid Award Notice from the Property and Procurement Officer.

If awarded, please do not proceed with any work prior to receiving an official City of Jacksonville Beach Purchase Order and/or Notice-to-Proceed letter.

Following is the bid tabulation:

BID ITEM	ITEM DESCRIPTION	Trees, LLC.		The Davey Tree Expert	
		Regular Hour	Overtime Hour	Regular Hour	Overtime Hour
1	Working Foreman	\$ 36.63	\$ 49.45	\$ 35.95	\$ 50.33
2	General Foreman	\$ 35.50	\$ 47.93	\$ 40.80	\$ 57.12
3	Tree Trimmer	\$ 29.25	\$ 39.49	\$ 31.42	\$ 43.99
4	Groundman	\$ 24.79	\$ 33.47	\$ 26.31	\$ 36.84
5	50' Aerial Lift*	\$ 18.68	\$ 18.68	\$ 21.12	\$ 21.12
6	70' Aerial Lift*	\$ 22.54	\$ 22.54	\$ 23.56	\$ 23.56
7	70' Aerial Lift (4x4)*	\$ 30.80	\$ 30.80	\$ 29.59	\$ 29.59
8	35' Squirt Boom Bucket Truck	\$ 20.87	\$ 20.87	\$ 19.33	\$ 19.33
9	Brush Chipper	\$ 6.33	\$ 6.33	\$ 6.25	\$ 6.25
10	Two Gas Saws	\$ 2.50	\$ 2.50	\$ 1.25	\$ 1.25
	Total	\$ 227.89	\$ 272.06	\$ 235.58	\$ 289.38 *
	Herbicide per gallon		\$ 37.61		\$ 4.73
	Herbicide Brand		Garlon 4		LVF Mix - Vastian, Milestone & Escort
	Cut Stump Treatment per gallon		\$ 37.61		\$ 52.81
	Cut Stump Treatment Brand		Garlon 4 w/ blue dye		Garlon 3A
	Herbicide Treatment cost-per-		DNP		\$ 782.90
* Price adjusted after follow-up email sent post bid opening					

Luis F. Flores

Luis F. Flores, Property and Procurement Officer
1460A Shetter Avenue, Jacksonville Beach, FL 32250



City of

Jacksonville Beach

Property and

Procurement Division

1460A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6229

Email: purchasing@jxbchfl.net

www.jacksonvillebeach.org

Tree Trimming and Vegetation Expenditures	
FY2021	\$514,253
FY2022	\$531,950
FY2023 - Projected	\$544,213
FY2024 - Requested	\$545,000



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Jason Phitides, Director of Parks and Recreation
DATE:	05/30/2023
SUBJECT:	Bid No. 2223-04 Fencing Services

BACKGROUND

The intent of Bid No. 2223-04 is to award a non-exclusive, continuing service contract for fencing services on an as-needed basis for parks and other areas throughout the City. The scope of work includes new fence installation, repair and maintenance to existing fence, as well as the demolition and removal of old fencing.

Bid invitations were sent to seven qualified fence contractors. The City received one bid response from Newsom Fence Company, Inc. The bid response and bid tabulation are attached. This will be a non-exclusive, continuing service contract for 3 years.

FINANCIAL IMPACT

The FY 2023 Capital Improvement Plan includes \$150,000 for fence replacements at Wingate Park and Huguenot Park.

REQUESTED ACTION

Award/Reject Bid No. 2223-04 Fencing Services to Newsom Fence Company, Inc.

ATTACHMENTS

1. Bid No. 2223-04 Bid Tabulation
2. Bid No. 2223-04 Newsom Fence Company Inc. Response

Beaches Energy Services
Bid Tabuation Sheet
Bid No. 2223-04 Fencing Services

		Newsom Fence	
Bid Item	Description	Galvanized	Vinyl
1	Cost per linear foot for 6' high chain link fence: 1 - 100 lf	\$ 50.00	\$ 55.00
2	Cost per linear foot for 6' high chain link fence: 101 - 500 lf	\$ 40.00	\$ 45.00
3	Cost per linear foot for 8' high chain link fence: 1 - 100 lf	\$ 65.00	\$ 70.00
4	Cost per linear foot for 8' high chain link fence: 101 - 500 lf	\$ 55.00	\$ 60.00
5	Hourly Rate to install fencing other than chain link or vinyl	\$ 100.00	
6	Percentage Mark Up Over Cost for Other Fencing and Materials	20%	
7	Cost per linear foot for demolition of existing fence	\$ 10.00	

Total

Notes:

3953 Kelly Street
Jacksonville, FL 32207

**Newsom Fence Company
Inc.**

Phone: 904-733-9374
Fax: 904-730-2759
E-mail:
sjones@newsomfence.com

Following is Newsom Fence Company's Bid Forms for:

Bid # 2223-04 Fencing Services

Bid Date: 4/19/2023

SECTION D: FORMS

FORM 1: BID TENDER FORM (page 1 of 3)

BID NUMBER: **2223-04**
TITLE: **Fencing Services**

The undersigned, by submission of this bid, represents that he/she is familiar with and has determined the nature and conditions of this bid document as it relates to operations of the City of Jacksonville Beach, Florida; and that he/she has carefully examined and is thoroughly acquainted with all of the provisions of the TECHNICAL SPECIFICATIONS.

We hereby agree to supply the following price for the Fencing Services described in this Invitation to Bid package:

	Galvanized	Vinyl
Bid Item		
1. Cost per linear foot for 6' high chain link fence: 1 - 100 lf	\$50.00	\$55.00
2. Cost per linear foot for 6' high chain link fence: 101 - 500 lf	\$40.00	\$45.00
3. Cost per linear foot for 8' high chain link fence: 1 - 100 lf	\$65.00	\$70.00
4. Cost per linear foot for 8' high chain link fence: 101 - 500 lf	\$55.00	\$60.00
5. Hourly Rate to install fencing other than chain link or vinyl	\$100.00	
6. Percentage Mark Up Over Cost for Other Fencing and Materials	20%	
7. Cost per linear foot for demolition of existing fence	\$10.00	

Failure to fully complete and sign this Bid Form may result in rejection of the Bid.

All services shall be provided meeting, and in compliance with this BID document and the most current versions of all local, state, and federal laws, rules, regulations, policies, guidelines, (to include, but not limited to, that are applicable to and/or promulgated for each disaster event), etc.

FORM 1: BID TENDER FORM (page 2 of 3)

NOTE: Bidder is solely responsible for developing / determining / verifying for this project all plans / all methods / all quantities / all measurements and all manufacturers' requirements / recommendations necessary to provide a satisfactory fully completed project under the provisions of the bid, to the CITY's satisfaction, to include costs for all labor, all equipment, all materials, all rental / leasing / purchasing of equipment and materials, all preparations, all repairs, all safety work, all quality control work, all disposal work, all mobilization and demobilization work, all sub-contractor work, all taxes, all insurance, all bonding if required, all inspection work, all verification work, all warranty work, all permitting at all levels of government, all contractor overhead, all contractor profit, and any / all other project related work and/or cost/expense that is not listed, and all of which shall be the basis for the bidder's bid for this bid.

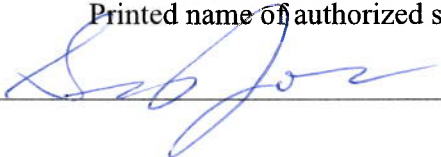
I hereby certify that I have read and understand the requirements of **BID 2223-04 Fencing Services** and as the bidder, will comply with all requirements, and that I am duly authorized to execute this bid.

COMPANY NAME: NEWSOM FENCE COMPANY INC.

ADDRESS: 3953 KELLY STREET

CITY, STATE & ZIP: JACKSONVILLE, FL 32207

SUBMITTED BY: SPENCER JONES TITLE: OPERATIONS OFFICER
Printed name of authorized submitter

SIGNATURE:  DATE: 4/17/2023

FORM 1: BID TENDER FORM (page 3 of 3)

BID NUMBER: **2223-04**

TITLE: **Fencing Services**

BID PROPOSAL DOCUMENT TURN-IN CHECKLIST

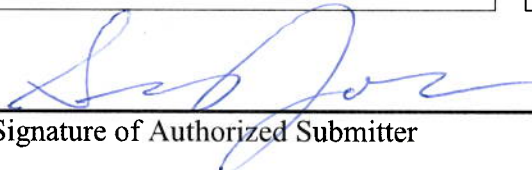
The following documents are to be completed, signed and submitted as part of the Submittal Package in response to this bid. Failure to provide the listed documents may be cause for the CITY to consider rejection of the submitted bid. This consideration will be at the sole discretion of the CITY.

INITIAL Check-Off	SECTION	SECTION TITLE
[<u>SV</u>]	FORM 1	BID TENDER FORM (completed Pages 27 - 29)
[<u>SV</u>]	FORM 2	BID AWARD NOTICE FORM (completed Page 30)
[<u>SV</u>]	FORM 3	REQUIRED DISCLOSURE FORM (completed Page 31)
[<u>SV</u>]	FORM 4	DRUG-FREE WORKPLACE COMPLIANCE FORM (completed Page 32)
[<u>SV</u>]	FORM 5	NON-COLLUSION AFFIDAVIT (completed Page 33)
[<u>SV</u>]	FORM 6	NON-BANKRUPTCY AFFIDAVIT (completed Page 34)
[<u>SV</u>]		W9 (Attach completed and signed form, which can be obtained from www.irs.gov)
[<u>SV</u>]		LOCAL BUSINESS TAX RECEIPT (attach copy)

ADDENDA RECEIPT VERIFICATION

Addendum #:	___	Dated:	___
Addendum #:	___	Dated:	___

Addendum #:	___	Dated:	___
Addendum #:	___	Dated:	___

By: 
Signature of Authorized Submitter

SPENCER JONES
Title (typed or neatly printed)

FORM 2: BID AWARD NOTICE

City of Jacksonville Beach

1460A Shetter Avenue, Jacksonville Beach, FL 32250, (904) 247-6229

NOTICE: Items 1 to 6 are to be completed by the bidder. The bidder is to submit the form to the CITY along with the Bid Tender Form and other required documents.

1. Company Name: NEWSOM FENCE COMPANY INC.
2. Address: 3953 KELLY STREET
3. City, State & Zip: JACKSONVILLE, FL 32207
4. Attention: SPENCER JONES
5. Phone: 904. 733. 9374
6. E-mail address: Sjones @ newsomfence. com
PLEASE PRINT CLEARLY

ITEMS BELOW TO BE COMPLETED BY THE CITY OF JACKSONVILLE BEACH

Bids were received and evaluated, and the following recommendation will be presented to the City Manager for award of **BID No. 2223-04** per the attached Bid Tabulation form(s).

A written notice of intent to file a protest must be filed with the Property and Procurement Officer within three (3) days after receipt by the bidder of the Notice of Intent to Submit Bid for Approval and Award by City Council from the Property and Procurement Officer in accordance with the procedures set forth in Section XII K., City of Jacksonville Beach Purchasing Manual.

If awarded BID or combination of BID Items, please do not proceed with any work prior to receiving an official City of Jacksonville Beach Purchase Order and/or Notice-to-Proceed letter.

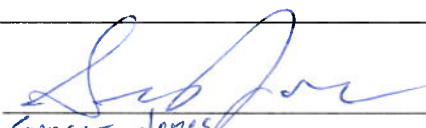
Thank you for your bid.
Sincerely,

CITY OF JACKSONVILLE BEACH
/s/Luis F. Flores
Property and Procurement Division

FORM 3: REQUIRED DISCLOSURE

The following disclosure is of all material facts pertaining to any felony conviction or any pending felony charges in the last three (3) years in this State or any other state or the United States against (1) bidder, (2) any business entity related to or affiliated with bidder, or (3) any present or former owner of bidder or of any such related or affiliated entity. This disclosure shall not apply to any person or entity which is only a stockholder, which person or entity owns twenty (20) percent or less of the outstanding shares of a bidder whose stock is publicly owned and traded:

N/A

Signed: 
Spence Jones

Title: OPERATIONS OFFICER

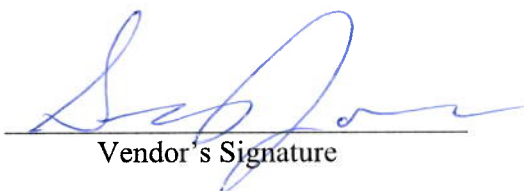
Contractor: NEWSOM FENCE COMPANY INC.

FORM 4: DRUG-FREE WORKPLACE COMPLIANCE

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under contract a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under contract, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

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

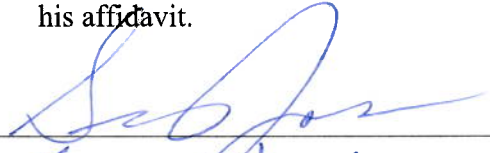


Vendor's Signature

FORM 5: NON-COLLUSION AFFIDAVIT

Spencer Jones, being first duly sworn deposes and says that:

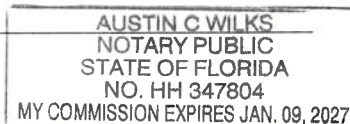
1. He (it) is the Operations Officer, of Newson Fence Company the bidder that has submitted the attached bid;
2. He is fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid;
3. Such bid is genuine and is not a collusive or sham bid
4. Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affidavit, have in any way, colluded, conspired, connived or agreed, directly or indirectly, with any other bidder, firm or person to submit a collusive or sham bid in connection with the Contract for which the attached bid has been submitted; or to refrain from responding in connection with such Contract; or have in any manner, directly or indirectly, sought by agreement or collusion or communication, or conference with any bidder firm, or person to fix the price or prices in the attached bid or of any other bidder or to fix any overhead, profit, or cost elements of the bid price or the bid price of any other bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against other Bidders, or any person interested in the proposed Contract;
5. The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the bidder or any other of its agents, representatives, owners, employees or parties in interest, including his affidavit.

By: 
Spencer Jones

Sworn and subscribed to before me this 17 day of APRIL, 2023
in the State of Florida, County of Duval.

 Notary Public

My Commission Expires: _____



FORM 6: NON-BANKRUPTCY AFFIDAVIT

BID #: 2223-04

STATE OF Florida)

COUNTY OF Duval)

Spencer Jones is an officer and member of
the firm of Newsom Fence Company, being first duly sworn, deposes and
states that;

1. The subsequent certification statement is a true and accurate statement as of the date shown below.
2. The affiant understands that the intentional inclusion of false, deceptive or fraudulent statements on this Non-Bankruptcy Affidavit constitutes fraud; and, that the City of Jacksonville Beach, Florida, considers such action on the part of the affiant to constitute good cause for denial, suspension, revocation, disqualification, or rejection of affiant's participation in **BID No. 2223-04**
3. Certification Statement: This is to certify that the aforementioned firm has not filed for bankruptcy in the past seven (7) years and that no owner/officer or principal of the aforementioned firm has filed for bankruptcy personally in the past seven (7) years or has been an owner/officer or principal of a firm which has filed for bankruptcy in the past seven (7) years.

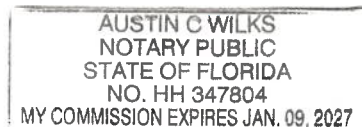
[Signature]
Affiant Signature

Sworn to before me this 17 day of April, 2023 by Spencer Jones
(Name of affiant)

He/She is personally known to me or has produced _____ as identification.

[Signature]
Signature of Notary

Austin Wilks
Notary's Printed Name



Expiration of Notary's Commission

Affix Seal Here:

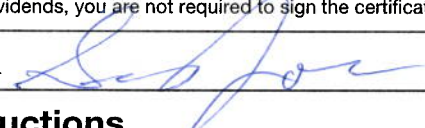
Request for Taxpayer Identification Number and Certification

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

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

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Newsom Fence Company, Inc.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____ ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
	5 Address (number, street, and apt. or suite no.) See instructions. 3953 Kelly Street	Requester's name and address (optional) City of Jacksonville Beach
6 City, state, and ZIP code Jacksonville, FL 32207		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later. Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	Social security number <table border="1"><tr><td></td><td></td><td></td><td></td><td>-</td><td></td><td></td><td></td><td></td><td></td></tr></table> or Employer identification number <table border="1"><tr><td>5</td><td>9</td><td>-</td><td>2</td><td>8</td><td>5</td><td>2</td><td>6</td><td>7</td><td>9</td></tr></table>					-						5	9	-	2	8	5	2	6	7	9
				-																	
5	9	-	2	8	5	2	6	7	9												

Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and 3. I am a U.S. citizen or other U.S. person (defined below); and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.	Sign Here Signature of U.S. person ►  Date ► 4/17/2023
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General Instructions Section references are to the Internal Revenue Code unless otherwise noted. Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9 . Purpose of Form An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following. • Form 1099-DIV (dividends, including those from stocks or mutual funds) • Form 1099-MISC (various types of income, prizes, awards, or gross proceeds) • Form 1099-B (stock or mutual fund sales and certain other transactions by brokers) • Form 1099-S (proceeds from real estate transactions) • Form 1099-K (merchant card and third party network transactions) • Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition) • Form 1099-C (canceled debt) • Form 1099-A (acquisition or abandonment of secured property) Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN. If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.	
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**2022 - 2023 LOCAL BUSINESS TAX RECEIPT****JIM OVERTON, DUVAL COUNTY TAX COLLECTOR**

231 E. Forsyth Street, Suite 130, Jacksonville, FL 32202-3370
Phone: (904) 255-5700, option 3 Fax: (904) 255-8403
<https://taxcollector.coj.net/>

Note – A penalty is imposed for failure to keep this receipt exhibited conspicuously at your place of business. This business tax receipt is furnished pursuant to Municipal Ordinance Code, Chapters 770-772, for the period October 01, 2022 through September 30, 2023.

NEWSOM FENCES
3953 KELLY ST
JACKSONVILLE, FL 32207-6761

ACCOUNT NUMBER: 6431
BUSINESS NAME: NEWSOM FENCES
PHYSICAL ADDRESS: 3953 KELLY ST
JACKSONVILLE, FL 32207-6761
CLASSIFICATION CODE: 326008 PUBLIC SERVICE OR REPAIR, NOT SPECIFIED

STATE LICENSE NO:

COUNTY TAX:	50.00
MUNICIPAL TAX:	86.25
COUNTY LATE PENALTY:	0.00
MUNICIPAL LATE PENALTY:	0.00
TOTAL TAX:	136.25

RENEWAL

VALID UNTIL September 30, 2023

2022 - 2023

*****ATTENTION*****

THIS RECEIPT IS FOR BUSINESS TAX RECEIPT ONLY.
CERTAIN BUSINESSES MAY REQUIRE ADDITIONAL STATE LICENSING.

This is a business tax receipt only. It does not permit the receipt holder to violate any existing regulatory or zoning laws of the County or City. It does not exempt the receipt holder from any other license or permit required by law. This is not a certification of the receipt holder's qualifications.

JIM OVERTON, TAX COLLECTOR

THIS BECOMES A RECEIPT AFTER VALIDATION.

Paid 22090600005062 09/06/2022 \$ 136.25



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sheri Gosselin, City Clerk
DATE:	05/23/2023
SUBJECT:	Declaration of Election Results for the May 16, 2023, City of Jacksonville Beach General Election

BACKGROUND

The ballots cast at the May 16, 2023, General Election were reviewed by the Duval County Canvassing Board and certified by the State of Florida.

The City Council has the ministerial function of adopting the City Clerk's Declaration of Election Results for all City of Jacksonville Beach Municipal Elections.

FINANCIAL IMPACT

None

REQUESTED ACTION

Adopt the Declaration of Election results as provided by the Duval County Canvassing Board and certified by the State of Florida for the election results of the City of Jacksonville Beach (Duval County Unitary) General Election held May 16, 2023.

ATTACHMENTS

1. Election Declaration
2. Certificate of Duval County Canvassing Board

**ELECTION DECLARATION BY CITY CLERK
CITY OF JACKSONVILLE BEACH, FLORIDA
FOR THE UNITARY GENERAL ELECTION OF MAY 16, 2023**

**STATE OF FLORIDA
COUNTY OF DUVAL
CITY OF JACKSONVILLE BEACH**

The City Clerk for the City of Jacksonville Beach, Florida, has received the attached Certificate of County Canvassing Board ("the Certificate") which constitutes the official results of votes cast at the May 16, 2023, Unitary General Election from the City of Jacksonville/Duval County Canvassing Board. Based on this Certificate, the undersigned City Clerk announces, pursuant to the results provided,

IT IS DECLARED that the votes cast in the General election were as follows:

REFERENDUMS

Jacksonville Beach – Referendum 1

Increase building height up to an additional 20 feet for the Latham Plaza Parking Lot.

Received 1,470 Yes votes 6,767 No votes

WITNESSED this 23rd day of May 2023, by Sheri Gosselin, City Clerk.


Sheri Gosselin, City Clerk



**** Official ****

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

Duval County

We, the undersigned, ___Judge Michelle Kalil___, Chair, Duval County Judge, ___Judge Meredith Charbula___, Duval County Judge appointed alternate for Supervisor of Elections, and ___Michael Boylan___, City Council Member District 6, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the ___19th___ day of May A.D., 2023, and proceeded publicly to canvass the votes given for the City of Jacksonville offices and persons herein specified at the **Unitary General Election** held on the 21st day of March, A.D., 2023 as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For Mayor, the whole number of votes cast was **217,398** of which number:

Daniel Davis (REP) received ___ 104,172 ___ votes

Donna Deegan (DEM) received ___ 113,226 ___ votes

For Property Appraiser, the whole number of votes cast was **216,537** of which number:

Jason Fischer (REP) received ___ 106,734 ___ votes

Joyce Morgan (DEM) received ___ 109,803 ___ votes

For City Council At-Large, Group 5, the whole number of votes cast was **215,665** of which number:

Charles Garrison (DEM) received ___ 103,024 ___ votes

Chris Miller (REP) received ___ 112,641 ___ votes

**** Official ****

For City Council, District 2, the whole number of votes cast was **16,535** of which number:

Lindsey Brock (REP) received 7,902 votes

Mike Gay (REP) received 8,633 votes

For City Council, District 7, the whole number of votes cast was **17,377** of which number:

Joseph Hogan (REP) received 6,067 votes

Jimmy Peluso (DEM) received 11,310 votes

For City Council, District 8, the whole number of votes cast was **14,286** of which number:

Reggie Gaffney Jr (DEM) received 7,415 votes

Tameka Gaines Holly (DEM) received 6,871 votes

For City Council, District 9, the whole number of votes cast was **9,630** of which number:

Tyrone Clark-Murray (DEM) received 5,262 votes

Mike Muldoon (REP) received 4,368 votes

For City Council, District 11, the whole number of votes cast was **15,335** of which number:

Raul Arias (REP) received 8,200 votes

Ramon Day (DEM) received 7,135 votes

For City Council, District 14, the whole number of votes cast was **12,205** of which number:

John Draper (REP) received 5,765 votes

Rahman Johnson (DEM) received 6,440 votes

**** Official ****

Jacksonville Beach. Referendum - Increase bldg. height up to +20ft Latham Plaza

Parking Lot

YES 1,470 votes

NO 6,767 votes

Mahm Kolli

County Judge

me

Supervisor of Elections

Councilman



CITY COUNCIL AGENDA ITEM	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sandra R. Robinson, City Attorney
DATE:	05/02/2023
SUBJECT:	Ordinance No. 2023-8198 Amending Chapter 6 "Beaches and Bulkheads", Article III "Use of Atlantic Ocean Beach", Section 6-45 "Prohibited activities and items on Atlantic Ocean Beach" (First Reading)

BACKGROUND

The City of Jacksonville Beach's Police Department has noted an increase in the numbers of persons jumping from the Pier into the Atlantic Ocean and creating thereby unsafe physical conditions for the jumper, as well as those persons in the act of entering into, swimming, playing, or standing in the waters of Atlantic Beach in the vicinity of the Pier.

Current regulations fail to provide the necessary tool by which this specific activity can be regulated or enjoined. In order to provide and to preserve a safe environment for visitors at, on, or in the Atlantic Ocean Beach and the Pier (as the case may be), the City Code should be amended to add a provision prohibiting jumping off of the Pier into the Atlantic Ocean Beach. The penalty for violating Section 6-45 would be the same penalty applied to other violations contained in said section, to-wit: fine up to but not exceeding \$50. The fine may be paid or contested by a hearing before the special magistrate (City Code Sec. 6-57).

FINANCIAL IMPACT

The financial impact of this action cannot be determined at this time due to the indeterminate number of fines that may arise from enforcement actions. Staff will monitor all financial transactions from enforcement activities to ascertain any emerging trends.

REQUESTED ACTION

Approve/Disapprove Ordinance No. 2023-8198 on the first reading amending Chapter 6 "Beaches and Bulkheads", Article III "Use of Atlantic Ocean Beach", Section 6-45 "Prohibited activities and items on Atlantic Ocean Beach", and schedule a second reading for June 20, 2023

ATTACHMENTS

1. City Code of Ordinances Section 6-57 Enforcement; citation form; hearing; penalties
2. Ordinance No. 2023-8198

Sec. 6-57. - Enforcement; citation form; hearing; penalties.

- (a) *Enforcement.* Any City of Jacksonville Beach law enforcement officer is authorized to issue a civil citation to any violator of this chapter. The citation shall indicate the penalty established herein for violation of this chapter. A person cited for a violation of this chapter shall sign and accept a citation indicating his/her receipt of a copy of the citation. Citations issued for violation of any provision of this chapter shall be enforced in proceedings under the Special Magistrate hearing procedures of chapter 2, article VI of the City Code of Ordinances and are solely within the power, authority, and jurisdiction of the city's special magistrate. The city's special magistrate shall have jurisdiction and authority to hold hearings for contests to citations, receive and evaluate evidence, to make a determination based upon the preponderance of the evidence as to whether the violations(s) listed in the citation were committed, and impose fines and fees against the violator consistent with this chapter. The decision of the special magistrate shall be the final action by the city. Formal rules of evidence shall not apply at the hearing and any relevant evidence may be admitted as deemed by the special magistrate. The hearing shall be conducted in a manner to ensure that procedural and substantive due process is afforded to both parties.
- (b) *Citation form.* The citation form shall contain language providing notice of the following:
- (1) Name of person alleged to have violated this section.
 - (2) Description of the alleged violation.
 - (3) Date, time and place of the alleged violation.
 - (4) Witnesses, if any.
 - (5) Name of officer charging the violation.
 - (6) The date, time and location of the scheduled special magistrate hearing on the offense charged.

The citation shall also contain a space where the alleged violator of this section may sign to indicate that he/she received a copy of the citation and shall also indicate the penalty established herein for violation of this section.

- (c) *Penalties.* Any person found guilty of violating this chapter shall be guilty of a misdemeanor punishable by charged a fine not to exceed \$50.00. Any person who willfully refuses to accept and sign a citation shall be assessed an additional \$200.00 fine. Any person charged with violation of this chapter may:
- (1) Pay the penalty set forth in the citation, either by mail or in person, within ten (10) days of the date of receiving the citation, made payable to City of Jacksonville Beach, and paid at the City of Jacksonville Beach Police Department or utility billing office on the first floor of City of Jacksonville Beach City Hall; or
 - (2) Appear at the scheduled special magistrate hearing to contest the charge.

If the person cited elects to pay the penalty set forth in a. above, he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of violation of this section. Each day any violation of any provision of this section occurs shall constitute a separate offense that may be fined. Violation fees must be paid at the City of Jacksonville Beach Police Department or at the utility billing office on the first floor of City of Jacksonville Beach City Hall.

- (d) *Hearing.* If the alleged violator elects to not pay the citation fine and opts to request a hearing before the special magistrate, then the violator must provide written notification of such request to the City of Jacksonville Beach Police Department and the city attorney, no later than thirty (30) days from the date of the citation. Failure to timely submit the written request shall constitute waiver of the hearing option by the alleged violator and the city may proceed with enforcement and collection of the penalty. Upon receipt of the request for a hearing, the city clerk's office shall issue a notice of hearing date to the person that requested the hearing. Any person who requests a hearing and does not appear in accordance with the notice shall be sent notice by the police department to pay within ten (10) days the doubled fine plus ten dollars (\$10.00) for the cost of administrative services. After the requested hearing, the special magistrate shall make a determination as to whether a violation has been committed and may impose a fine in accordance with this section and Florida law, plus court costs. An election to request a hearing constitutes a waiver of the right to pay the penalty indicated on the citation, and the special magistrate, after the hearing and upon making a determination that a violation has been committed, may impose a fine, plus court costs for each violation.

(Ord. No. 2020-8154, § 17, 11-2-20)

Introduced by: _____
First Reading: _____
Second Reading: _____

ORDINANCE NO. 2023-8198

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 6 “BEACHES AND BULKHEADS”, ARTICLE III “USE OF ATLANTIC OCEAN BEACH”, SECTION 6-45 “PROHIBITED ACTIVITIES AND ITEMS ON ATLANTIC OCEAN BEACH” TO PROVIDE A PROHIBITION AGAINST JUMPING OFF PIER; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, SCRIVENER’S ERRORS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council of Jacksonville Beach to maintain a safe environment for the public while visiting to or on those portions of the Atlantic Ocean Beach located within the City of Jacksonville Beach (“City”); and

WHEREAS, the City’s Police Department has noted an increase in the numbers of persons jumping from the Pier into the Atlantic Ocean and creating thereby unsafe physical conditions for the jumper, as well as those persons in the act of entering into, swimming, playing, or standing in the waters of Atlantic Beach in the vicinity of the Pier; and

WHEREAS, current regulations fail to provide the necessary tool by which this specific activity can be regulated or enjoined; and

WHEREAS, in order to provide and to preserve a safe environment for visitors at, on, or in the Atlantic Ocean Beach and the Pier (as the case may be), the City Council finds that a prohibition against jumping off of the Pier into the Atlantic Ocean Beach is desirable, and will promote beach safety; and

WHEREAS, the City Council further finds that the restrictions created by this ordinance are necessary for the health, safety, and welfare of City residents and the public at large, and is in the general best interest of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE 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. CHAPTER 6 “BEACHES AND BULKHEADS”, ARTICLE III “USE OF ATLANTIC OCEAN BEACH”, SECTION 6-45 “PROHIBITED ACTIVITIES AND ITEMS ON ATLANTIC OCEAN BEACH” IS HEREBY AMENDED AS FOLLOWS¹:

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

Sec. 6-45. - Prohibited activities and items on Atlantic Ocean Beach.

- (a) No nudity is allowed. Appropriate attire and body coverings are required.
- (b) No glass.
- (c) No camping or sleeping from sunset to sunrise without first receiving permission from the city manager.
- (d) No swimming or bathing except between such hours of the day as shall be designated or posted by the department of parks and recreation for such purposes.
- (e) No disobeying rules posted by the city, Ocean Rescue, or the city manager or designee, or instructions or directions from a law enforcement officer.
- (f) No illegal drugs, alcoholic beverages (in any type of container or other means of consumption), or unpermitted weapons.
- (g) No open fires, campfires, grills, or other cooking or heating devices.
- (h) No fireworks, as defined by F.S. § 791.01, with the exception of city authorized and permitted public displays of fireworks.
- (i) No unauthorized person shall climb upon, sit on, mount, interfere with, loiter upon, enter, occupy, or use in any manner any lifeguard stand, station, or other city lifesaving equipment at any time.
- (j) No persons or pets shall wash or be washed, with soap or other cleaners, in any swimming area or any other public waters, including, but not limited to, beaches, public showers, storm water, lakes or streams.
- (k) No unleashed dogs at any time. Dogs on leashes are permitted to be on the beach at any hour from October 1 through March 31; and during the hours of 5:00 p.m. through 9:00 a.m., from April 1 through September 30.
- (l) No person shall place or deposit, or permit to be placed or deposited, any human waste on the Atlantic Ocean beach.
- (m) No pet feces are allowed on the Atlantic Ocean beach. A dog's owner or handler shall immediately remove any feces from the Atlantic Ocean beach and properly dispose of the feces in a public trash receptacle.
- (n) Unless permitted by the city, no person shall park, propel, operate, or drive any motor vehicle on the Atlantic Ocean beach. This prohibition excludes authorized city and emergency vehicles including, but not limited to, ocean rescue, police, fire department, ambulance and lifeguard vehicles. This section shall not apply to helicopters when authorized to land upon the Atlantic Ocean beach by the department of public safety personnel. It shall also not apply to any other vehicle that obtained permission from the public safety department.

(o) It shall be unlawful for any person to operate a sand sailer or sand sailboat (a sailing device on wheels propelled by the force of the wind) on the Atlantic Ocean beach.

(p) It shall be unlawful for any person to operate a motorized scooter, motorcycle, micromobility device, motorized bicycle, or any other motorized device on the Atlantic Ocean beach.

(q) No person shall dive, jump, or enter the waters of the Atlantic Ocean beach from the Pier or any part thereof. This Section shall not apply to the lifeguard personnel employed or authorized by the City, who are engaged in lifeguard training or responding to an emergency for the purpose of saving life, property, or both.

SECTION 3. CONFLICTING ORDINANCES. That all ordinances, resolutions previously adopted by the City in conflict with this Ordinance, or parts thereof, are repealed to the extent inconsistent herewith.

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. SCRIVENER'S ERRORS. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. CODIFICATION. The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be enforceable in all aspects immediately upon final reading and approval by the City Council for the City of Jacksonville Beach as authenticated herein.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2023.

Christine H. Hoffman, Mayor

Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

Sandra R. Robinson, City Attorney