



Agenda
City Council

Monday, April 16, 2018

7:00 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. 18-062 City Council Briefing Held April 2, 2018
- b. 18-063 Regular City Council Meeting Held April 2, 2018

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- 18-064 Council-Manager Form of Government 80 Year Award from the Florida City and County Managers Association

CITY CLERK

CITY MANAGER

- a. 18-065 Accept the Monthly Financial Reports for the Month of March 2018

- b. 18-066 Approve \$200,000 for Engineering Services for a Replacement 224 MVA Auto Transformer at Sampson Substation
- c. 18-067 Authorize the Mayor and City Manager to Execute the ***American Public Power Association Mutual Aid Agreement***
- d. 18-068 Award Bid Number 1718-12 Beaches Energy Services 38 kV Vacuum Circuit Breakers for Guana Substation Expansion
- e. 18-070 Award RFQ No. 01-1718 Guana Substation Expansion Post-Design Engineering Services

RESOLUTIONS

18-071 RESOLUTION NO. 2008-2018

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.

ORDINANCES

a. 18-072 ORDINANCE NO. 2018-8107 (Second Reading)

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VIII, DIVISION 5, SECTION 34-467. *FLOOD HAZARD AREAS* TO REVISE CROSS REFERENCES WITHIN SECTION 34-467, TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. **(This ordinance revises cross references in the code. It does not change the content.)**

b. 18-073 ORDINANCE NO. 2018-8106 (Second Reading)

AN ORDINANCE AMENDING CHAPTER 18 "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 18-7 "LOW VOLUME OUTDOOR AMPLIFIED AND ACOUSTIC SOUND," PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. **(This ordinance repeals the sunset date for low volume noise. It allows the City to provide low volume noise permits to qualifying businesses.)**

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 special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

The Council Briefing began at 6:00 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes.

Purpose of Briefing

The purpose of the briefing was to update the Council Members on projects including the following items:

City Manager

Dogs on the Beach

Mr. Forbes presented the Council with a sample of the newly designed sign displaying the rules for allowing dogs on the beach.

Golf Course

Director of Parks and Recreation, Mr. Jason Phitides, updated the Council on the status of the golf course construction. Mr. Phitides stated the construction is proceeding as planned and the project is on schedule and on budget. The contractor expects to finish the construction portion of the project in two weeks and would then begin the grassing portion of the project.

Mr. Phitides stated the modification to the Consumptive Use Permit to re-route the effluent water has been suspended. Instead, Mr. Phitides reported he is planning to add a dual pump system for automatic PH sensing and acid injection to the irrigation line coming from the pump station. This would automatically adjust the PH level in the water and allow the addition of liquid fertilization when necessary. The cost of this addition is plus or minus \$21,000.

Mr. Phitides stated part of the \$150,000 contingency money for the golf course project would be used for additional sod to alleviate potential washouts from heavy rainfall and may allow the course to open sooner.

Mr. Phitides stated he would be substituting the 2018 Capital Improvement Plan purchase of a 5-gang self-contained mower (\$53,000) with the Bedknife and Reel Grinder (\$47,000). Mr. Phitides stated the Grinder purchase is more important at this time for the grass-growing period and would save time and labor. The gang mower will be included in next year's budget.

South Beach Park

Mr. Phitides reviewed the following projects located at South Beach Park:

- Turf Field – Received SJRWMD permit. Construction to begin Thursday, April 5, 2018.
- Splash Pad – Pump manufacturer informed Mr. Phitides the lead-time may be increased by 10 days. This may affect the opening planned for Memorial Day weekend. The water features have been received from the vendor and the contractor is ready to proceed once the pump is received.
- Fitness Stations – The installation of the new fitness stations is scheduled to be completed in June 2018.

Beachside Buggies

Representatives from Beachside Buggies, Mr. William Chenoweth, and Mr. Dustin Kaloostian provided an overview of the organization. A conversation ensued regarding options for more exposure for Beachside Buggies as well as ideas for the City of Jacksonville Beach to promote the free services provided by the organization to the residents. Mr. Forbes stated adding additional charging stations for the golf carts may be an option in the future. Mr. Kaloostian suggested the option to add display signs around the downtown area to inform people how to download the app and request service from Beachside Buggies. Council Member Doherty suggested adding a note on residents' energy bills advertising the free service.

The Business Development Manager for the Jacksonville Transit Authority (JTA), Mr. Mike Miller stated the sponsorship agreement with Beachside Buggies and JTA does not cover operating costs but only covers capital investments. Since the sponsorship was initiated between Beachside Buggies and JTA, Beachside Buggies have acquired two additional vehicles, one of which is ADA accessible. Mr. Miller stated JTA has had great results from Beachside Buggies and looks forward to another successful year with more growth.

The briefing adjourned at 6:40 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

**Minutes of Regular City Council Meeting
held Monday, April 2, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES

The invocation was given by Council Member Vogelsang, followed by the salute to the flag.

CALL TO ORDER

Mayor Latham called the meeting to order at 7:03 P.M.

ROLL CALL

Mayor: William C. Latham
Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes:

- City Council Briefing held March 19, 2018
- Regular City Council Meeting held March 19, 2018

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

- Jennifer Mitchell, St. Johns River Water Management District (SJRWMD), 7775 Baymeadows Way #102, Jacksonville, FL 32256, spoke about April being Water Conservation month and encouraging cities and towns to sign Proclamations for conservation awareness in their communities. Ms. Mitchell stated that SJRWMD provides educational resources for civic groups and middle/high school students.
- Shandy Thompson, 522 S. 3rd Avenue, Jacksonville Beach, spoke about the Easter events held at Carver Center and the Jacksonville Beach Golf Course.
- Michael Gruber, 1175 N. 1st Avenue, Jacksonville Beach, spoke about vehicles speeding in this area, between Penman Rd. and 10th St. He inquired about steps to enforce the speed limit and/or reduce the speed limit in the area.

MAYOR AND CITY COUNCIL

Mayor Latham stated that the City Manager wished to address the Council.

Mr. Forbes stated he wanted to share some of his anniversaries and asked the Council to bear with him for the next few minutes.

Mr. Forbes stated that it has been a real pleasure to be the City Manager here. He has been a City Manager for over 39 years, and it is now time for change, and for his career to end. With that said, Mr. Forbes stated he will be resigning as City Manager for Jacksonville Beach – his last work day will be August 1, 2018.

Mr. Forbes stated he has been working on his exit strategy and there is a lot of work to do over the next four months – potential for contracting out for the Fire Department, deciding who will serve as the Interim City Manager, start the advertising/recruiting process to interview for a new City Manager, and installing the new Enterprise Software System. Mr. Forbes stated he will have the budget prepared before his last day. He stated there will be a new Public Works Director in a few months, we have a new Deputy City Manager and a new Chief Financial Officer.

Mr. Forbes stated he will do everything possible to leave the City in good condition. He thanked everyone for listening.

Mayor Latham expressed his deepest gratitude to George Forbes for his 23 years of service and stated he has been proud to serve with him. He spoke about Mr. Forbes' motto, 'Do the right things for the right reasons,' stating it is a good way to govern and a good way to live your life. Mayor Latham stated Mr. Forbes has been a great role model.

Council Member Vogelsang expressed his appreciation to Mr. Forbes for his service, stating we have big shoes to fill! He spoke about being proactive with the recruiting process and the importance of finding someone with Mr. Forbes knowledge of the electric utility business.

Council Member Wilson expressed her appreciation to Mr. Forbes for his service, stating he has done a tremendous job and will be missed.

CITY CLERK

CITY MANAGER

- (a) **Item #18-056 – Approve Funding for Upgrades to the Emergency Electrical System at the Police Department Building Located at 101 S. Penman Road**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve funding for upgrades to the emergency electrical system at the Police Department building as described in the memorandum from the Property and Procurement Officer dated March 22, 2018.

Discussion: Mr. Forbes explained that during Hurricane Irma it was discovered the generator at the Police Department was not meeting the existing electrical loads. These upgrades are anticipated to be completed prior to the 2018 Atlantic Hurricane Season, to ensure there is a self-sustaining power source in emergency conditions.

Roll call vote: Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson, and Mayor Latham.

The motion passed unanimously.

- (b) **Item #18-057 – Approval of Bid No. 1718-07 Flame Resistant and Retardant Clothing**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid No. 1718-07 for Flame Resistant and Flame Retardant Clothing to *Safety Products Inc.* for a period of two years.

Discussion: Mr. Forbes stated the Beaches Energy Services (BES) and the Meter Department workers are required to wear this specific clothing to safely perform their daily work on the overhead and underground electric system.

Roll call vote: Ayes – Doherty, Hoffman, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham.
The motion passed unanimously.

(c) **Item #18-058 – Approve a Commercial Lease Agreement with Continental Heavy Civil Corporation for Property Located at 20th Avenue North and 10th Street in Jacksonville Beach**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the City Manager and Mayor to execute a lease with *Continental Heavy Civil Corporation* for the property at the 20th Avenue North and 10th Street substation, as described in the memorandum from the Director of Beaches Energy Services dated March 23, 2018.

Discussion: Mr. Forbes explained this City-owned property was previously a BES substation. The Tenant wants to lease the property solely for storage of their inventory and equipment while they are working on an FDOT SR A1A Drainage Project in the area of Kings Road and Penman Road. Mr. Forbes reviewed the lease provisions, as detailed in the agenda memo from the Director of Beaches Energy Services.

There was a brief discussion about ensuring the fencing around the property is maintained for the benefit of the surrounding neighborhood.

Roll call vote: Ayes – Hoffman, Thomason, Vogelsang, Wilson, Buck, Doherty, and Mayor Latham.
The motion passed unanimously.

(d) **Item #18-059 – Approve the Final Plat for Replat of Parts of Lots 4, 5, and All of Lot 10, Block 8, Atlantic Shores Unit No. 1 Replat, - (2650, 2652, 2654, and 2656 Almonaster Street)**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Final Plat for the Almonaster subdivision, a Replat of Parts of Lots 4, 5, and all of Lot 10, Block 8, Atlantic Shores Unit No. 1.

Discussion: Mr. Forbes stated this Plat is for four townhomes. He explained that due to the bottleneck shape of the property, variances were approved. Mr. Forbes stated the Plat has been reviewed and approved by all City departments and is consistent with the Land Development Code (LDC) and the Comprehensive Plan (COMP Plan).

Council Member Wilson inquired if the property was originally permitted/zoned for multi-family or single family. She also expressed concerns about these types of projects returning, after construction and after having received various exceptions from the Code, to get rezoned from multi-family to single family.

Heather Ireland, Senior Planner, responded the property is zoned for multi-family. The applicant's original concept was for condominiums, and he changed it to townhomes, which also lowered the density.

Prior to starting construction of these attached townhouses, Ms. Ireland explained the applicant applied for and received the Concept Plat approval from the Planning Commission. Then the applicant applied for and received variances from the Board of Adjustment for positioning of the structures on the property and providing driveways, based on the townhouse concept.

Speakers:

- Jon McGowan, 5 N. 17th Avenue, #401, Jacksonville Beach, spoke about this Plat being the third application since November 2016, previous discussions about rewriting the variance process for the Board of Adjustment, making changes in the Plat approval process to come before construction begins, and changing the order where the City Council gets involved in the process.

Discussion: Council Member Buck expressed his concerns about the increased number of vehicles parking on sidewalks and streets. He stated the driveways need to be bigger to accommodate all the vehicles per residence.

Senior Planner Heather Ireland explained this project received a rear yard variance (20 ft. in lieu of 30 ft.) to push the structure farther back in order to provide more parking at the front, in the driveway.

Council Member Wilson reiterated her objection to the increase of these types of projects in the City and concurred with Mr. McGowan about making changes to the whole approval process before construction starts.

Roll call vote: Ayes – Thomason, Vogelsang, Buck, Doherty, Hoffman, Mayor Latham.
Nays – Wilson.
The motion passed by a vote of 6 to 1.

RESOLUTIONS:

ORDINANCES:

- (a) **Item #18-060 - ORDINANCE NO. 2018-8107** (First Reading) (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2018-8107, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VIII, DIVISION 5, SECTION 34-467. FLOOD HAZARD AREAS TO REVISE CROSS REFERENCES WITHIN SECTION 34-467, TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (This ordinance revises cross-references in the code. It does not change the content.)”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2018-8107, amending Section 34-467, *Flood Hazard Area* of the City's Land Development Code, to revise cross-references with

Section 34-467 - *Flood Hazard Area*, and to update references therein to the Florida Building Code.

Summary: Mr. Forbes explained the State has requested the City provide internal cross-references and eliminate accompanying cross-reference tables to be consistent with our City Code and not the State Code.

Mr. Forbes also directed attention to page 10, the last item (b), stating this is a change in the State Building Code. He also spoke about the 2016 Flood Insurance Rate Maps (FIRM), continued participation in the National Flood Insurance Program, and continued studies of flood hazard areas.

Public Hearing: No one wished to speak on the agenda item.
Mayor Latham closed the Public Hearing.

Discussion: There was no discussion.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Hoffman, Thomason, and Mayor Latham.
The motion passed unanimously.

(b) Item #18-061 - ORDINANCE NO. 2018-8106 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2018-8106, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 18 "NOISE," OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 18-7 "LOW VOLUME OUTDOOR AMPLIFIED AND ACOUSTIC SOUND," PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (This ordinance repeals the sunset date for low volume noise. It allows the City to provide low volume noise permits to qualifying businesses.)”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance 2018-8106, amending Chapter 18, Section 18-7, "Low Volume Outdoor Amplified and Acoustic Sound."

Summary: Mr. Forbes stated this has been a pilot project since June 5, 2017, for licensed establishments to get a permit for low-volume outdoor sound. There have not been any noise complaint issues, and it is recommended to adopt this Ordinance, which removes the sunset date of June 5, 2018, and changes the permit renewal date from December 31, to September 30, annually.

Discussion: There was a brief discussion about monitoring and enforcement of the permit applications.

Roll call vote: Ayes – Wilson, Buck, Doherty, Hoffman, Thomason, Vogelsang, and Mayor Latham.
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:46 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

LS/njp

Draft



Certificate of Recognition

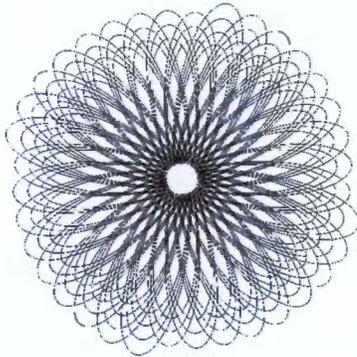


The Florida City & County Management Association

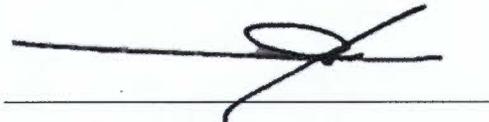
Celebrates With

City of Jacksonville Beach

on the 80th anniversary of your city's recognition by the
International City/County Management Association (ICMA)
of its operation under the council-manager form of government.



Awarded April 16, 2018



James R. Hanson, President, FCCMA



The Council-Manager Form of Government: Answers to Your Questions

Q: What is the council-manager form of government, which is used in so many cities, towns, and counties?

A: The council-manager form is the system of local government that combines the strong *political leadership* of elected officials in the form of a governing body, with the strong *managerial experience* of an appointed local government manager. The governing body, commonly known as the *council*, may also be referred to as the *commission* or the *board*. The council-manager form establishes a representative system where all power is concentrated in the elected council and where the council hires a professionally trained manager to oversee the delivery of public services.

Q: Is it a responsive form of government?

A: In council-manager government, the *mayor* or *chairperson of the governing body* and *council members* are the leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizens' needs and wishes. The *manager* is appointed by the governing body to carry out policy and ensure that the entire community is being served. If the manager is not responsive to the governing body's wishes, the governing body has the authority to terminate the manager at any time. In that sense, a manager's responsiveness is tested daily.

Q: Are all council-manager governments structured the same way?

A: No. One of the most attractive features is that the council-manager form is adaptable to local conditions and preferences. For example, some communities have councils that are elected at large while other councils are elected by district or by a combination of an at-large and by-district structure. In some local governments the mayor or chairperson is elected at large by the voters; others are elected by their colleagues on the governing body.

Q: What is the council's function?

A: The council is the legislative body; its members are the community's decision makers. Power is centralized in the elected council, which approves the budget and determines the tax rate, for example. The council also focuses on the community's goals, major projects, and such long-term considerations as community growth, land use development, capital improvement plans, capital financing, and strategic planning. The council hires a professional manager to carry out the administrative responsibilities and supervises the manager's performance.

Q: Where does the mayor or chairperson of the governing body fit in?

A: Mayors or chairpersons in council-manager communities are key political leaders and policy developers and their duties, responsibilities, and authorities depend on the organization's charter. In council-manager communities, typically the mayor or chairperson presides at council meetings, serves as a spokesperson for the community, facilitates communication and understanding between elected and appointed officials, assists the council in setting goals and advocating policy decisions, and serves as a promoter and defender of the community. In addition, the mayor or chairperson serves as a key representative in intergovernmental relations. The mayor or chairperson, council, and manager constitute a policy-development and management team.

Q: What is the manager's function?

A: The manager is hired to serve the council and the community and to bring to the local government the benefits of training and experience in administering local government projects and programs on behalf of the governing body. The manager prepares a budget for the council's consideration; recruits, hires, and supervises the government's staff; serves as the council's chief adviser; and carries out the council's policies. Council members and citizens count on the manager to provide complete and objective information, the pros and cons of alternatives, and long-term consequences.

Q: What is the cost to the local government of appointing a professional manager?

A: Local governments have found that overall costs actually have been reduced with competent management. Savings come in the form of reduced operating costs, increased efficiency and productivity, improved revenue collection, or effective use of technology.

Q: Does the manager participate in policy determination?

A: The manager makes policy recommendations to the council, but the council may or may not adopt them and may modify the recommendations. The manager is bound by whatever action the council takes.

Q: Is this form of government used only in certain kinds of cities?

A: No. In fact, it is not restricted to cities. It is used by towns and counties too. More than 3,400 cities operate under this form, and more than 371 counties operate under the council-administrator form. They vary greatly in size and characteristics.

Q: How many Americans live in communities that operate under council-manager government?

A: More than 89 million.

Q: Is the form popular in large communities?

A: Yes. Out of 237 cities with greater than 100,000 residents, 141 use this form of government. Some examples are Charlotte, North Carolina; Dallas, Texas; Las Vegas, Nevada; Oklahoma City, Oklahoma; Phoenix, Arizona; San Antonio, Texas; San Diego and San Jose, California; Virginia Beach, Virginia; and Wichita, Kansas. Large counties that use the structure include: Broward County, Florida; Clark County, Nevada; Fairfax County, Virginia; Hamilton County, Ohio; Mecklenburg County, North Carolina; and Santa Clara County, California.

Q: How much citizen participation is possible under council-manager government?

A: Successful examples of citizen participation in the local government service delivery decision-making process are widespread among professionally managed communities. Because professional local government management offers government of the people, by the people, and for the people, it sets the stage for citizen activism by encouraging open communication between citizens and their government. Examples range from visioning, in which citizens play a major role in determining the future of their community, to neighborhood service delivery, which involves residents through the development of citizen/government partnerships, to community-oriented local government services.

Because political power is concentrated in the entire governing body rather than one elected official, more citizens have an opportunity to be elected to a position in which they have significant influence over the future of their community.

Q: What is the history of the council-manager form?

A: Born out of the progressive reform movement at the beginning of the 20th century, the council-manager system of local government is one of the few original American contributions to political theory. In 1908, Staunton, Virginia, instituted the first position legally defining, by ordinance, the broad authority and responsibility associated with today's professional local government manager. Sumter, South Carolina, was the first city to adopt a charter incorporating the basic principles of council-manager government in 1912. Westmount, Quebec, introduced the form to Canada in 1913. The first large city to adopt the plan was Dayton, Ohio, in 1914. The first counties to adopt it in the 1930s were Arlington County, Virginia, and Durham County and Robeson County, North Carolina.

Since its establishment, the council-manager form has become the most popular form of government in the United States in communities with populations of 5,000 or greater. The form also is popular in Canada, Australia, the Netherlands, New Zealand, the United Kingdom, Honduras, Chile, and Brazil. For more than 94 years, council-manager government has responded to the changing needs of citizens and their communities.

Q: How can a community adopt this form of government?

A: Methods vary, but most communities can adopt council-manager government through a charter, a local ordinance, or a state enabling law. In many cases, adoption must be by vote of the local governing body. For information on how your community can adopt council-manager government, contact your state municipal league or association of counties. You can find the addresses of these organizations in ICMA's *Municipal Year Book* at your local library, or on the Internet.

Q: How is the manager selected?

A: The vacancy usually is announced in the *ICMA Newsletter*, and managers in other communities are invited to apply if they are interested. Managers, assistants, and others apply directly to the council, which reviews the applications and interviews qualified candidates. ICMA makes no recommendations regarding candidates. Further information is available in the handbook *Recruitment Guidelines for Selecting a Local Government Administrator*, published by ICMA and available at <http://jobs.icma.org>.

Q: Does the manager have to be a local resident at the time the appointment is made?

A: No. Local residence should not be required of applicants at the time the appointment is made. Managers are professionals who might serve several communities during their careers, bringing extensive experience coordinating public services and applying management techniques to a community.

Q: What salary does the manager receive?

A: Earnings of managers depend on their educational background and experience, the size and complexity of the local governments employing them, and the economic conditions of the regions where communities are located. The council sets the manager's salary. Detailed information on salaries is compiled annually by ICMA and is available on request.

Q: Can the manager be fired?

A: Managers serve at the pleasure of the council or governing body. They can be fired by a majority of the council, consistent with local laws, ordinances, or employment agreements they may have with the council. Control is always in the hands of the elected representatives of the people.

Q: Where do managers get their experience?

A: Nearly 73 percent of managers surveyed by ICMA have a master's or a professional degree. Respondents indicated that they had spent an average of 17 years in the local government management profession.

Q: Do managers participate in local politics?

A: All managers who belong to ICMA are bound by its Code of Ethics, which states that every member of the Association shall refrain from all political activities that undermine public confidence in professional administrators and refrain from participation in the election of members of the employing legislative body.

Q: What else does ICMA's Code of Ethics cover?

A: The Code specifies 12 ethical principles of personal and professional conduct, including dedication to the cause of good government. ICMA members believe in the effectiveness of representative democracy and the value of government services provided equitably to residents within a community. ICMA members also are committed to standards of honesty and integrity more vigorous than those required by the law. Contact ICMA for a copy of the Code of Ethics or go to <http://icma.org/ethics>.

Q: What is ICMA?

A: In 1914, a group of appointed managers formed a professional association, eventually known as the International City/County Management Association (ICMA), to share their expertise and experiences in local government management.

Since that time, ICMA has been the professional and educational organization for administrators and assistant administrators serving cities, towns, counties, other local governments, and regional entities around the world. ICMA's membership also includes directors of state associations of local governments, other local government employees, academics, and concerned citizens who share the goal of improving local government. The purpose of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To that end, the Association provides technical assistance and publications for local government professionals to help them improve their skills and increase their knowledge. ICMA also serves as a clearinghouse for the collection, analysis, and dissemination of information and data about local government.

For further information on items referenced in this brochure, visit ICMA's form-of-government Web site at <http://icma.org/formofgovt> or see the contact information listed on the back panel of this brochure.

Q: Is there another organization that supports council-manager government?

A: Yes, the National Civic League is a nonpartisan citizens organization founded in 1895. Its purpose is to serve as a clearinghouse for information on methods of improving state and local government; to encourage citizen participation in state and local government; and to provide guides, model charters, and laws on specific subjects. The League's *Model City Charter*, now in its seventh edition, has endorsed council-manager government since 1915.

For further information:

ICMA

777 North Capitol Street, NE
Suite 500
Washington, DC 20002-4201
Web site, <http://icma.org/formofgovt>

For form-of-government assistance in Alaska, California, Connecticut, Hawaii, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, Nevada, Ohio, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, contact: Michele Frisby at 202-962-3658; mfrisby@icma.org; or 202-962-3500 (fax).

For form-of-government assistance in Alabama, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming, contact: Martha Perego at 202-962-3668; mperego@icma.org; or 202-962-3565 (fax).

National Civic League

1445 Market Street
Suite 300
Denver, Colorado 80202-1728
303-571-4343
Fax 303-571-4404
Web site, <http://www.ncl.org>

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Michael B. Nadeau, Chief Financial Officer
SUBJECT: Monthly Financial Reports for March 2018
DATE: April 4, 2018

Action Requested

Accept the monthly financial reports for the month of March 2018.

Background

The monthly financial reports for March 2018 are provided for your information and review. These reports can be found in the "Reports and Information" portion of this agenda.

Recommendation

Accept the financial reports for the month of March 2018, as submitted by the Chief Financial Officer.



Beaches Energy

Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

DATE: April 9, 2018

SUBJECT: Engineering Services for a Replacement 224MVA Auto Transformer at Sampson Substation

ACTION REQUESTED

Approve \$200,000 for engineering services for a replacement 224 MVA auto transformer at Sampson substation.

BACKGROUND

All three auto transformers at our Sampson substation (TR1, TR2 and TR3) have had to be taken out of service for unplanned repairs over the past year. One of the three transformers (TR3) remains out of service. A project to replace one of the transformers was previously scheduled to begin in FY2019.

Due to the recent unplanned repairs, Beaches Energy Services intends to begin the planned replacement project now, rather than wait until FY2019.

Prior to purchasing a new transformer, engineering specifications need to be developed to allow us to solicit bids. Beaches Energy Services received a proposal from Leidos Engineering to provide engineering services for the life cycle of the project to include transformer technical specifications. The engineering cost is estimated at \$200,000. Leidos Engineering is on a continuous service contract with Beaches Energy. This will allow us to move up the project schedule by approximately six (6) months. Funding for this project is available in the Beaches Energy Capital Projects Reserve and will be included in the year-end budget modification.

RECOMMENDATION

Approve Leidos Engineering to provide engineering services to support the Sampson Substation upgrade.

March 9, 2018



Jamison Parker
Beaches Energy
1460 Shetter Avenue
Jacksonville Beach, FL 32250

Subject: Request for Proposal: Owners Engineering Services for Transformer Replacement at Sampson Substation

Dear Mr. Parker:

Leidos Engineering (Leidos) is pleased to present our proposal to Beaches Energy to deliver owner's engineering services for the replacement of one transformer at Sampson Substation ("Project"). In order to complete the replacement of the transformer, Beaches Energy is seeking to employ an Owner's Engineer (OE) to provide technical support in producing equipment specifications, facilitating the procurement of the power transformer and securing an engineering, procurement and construction (EPC) contract, as well as providing technical oversight of the EPC vendor for the Project. Leidos will work closely with Beaches Energy to support this important project and make it successful.

Scope of Services

Leidos will provide consulting engineering services to Beaches Energy to investigate transformer options, prepare equipment specifications, prepare conceptual engineering packages, prepare EPC contract documents, support the bidding and evaluation process, and provide drawing review and construction support for the Project as described below.

Task 1: Produce Transformer Specification

Leidos will produce a transformer specification that will cover the design, engineering, manufacture, testing, supply, delivery, offloading, and performance requirements of the equipment. Prior to the production of the specification, Leidos will review Beaches Energy's system planning documents to confirm losses and impedance requirements for the replacement transformers.

Task 2: Equipment Bid Evaluations

Leidos will coordinate with Beaches Energy to perform a technical evaluation of the equipment bid proposals received. This will include:

- ▶ Establish evaluation criteria
- ▶ Review bids including a summarizing of the following points:
 - Conformance to Specification

- Manufacturing Process
 - Transformer Loss Evaluation
 - Schedule and performance guarantees
 - Bonus/liquidated damage provisions
 - Experience
 - Omissions or exceptions
- ▶ Issue clarification requests
 - ▶ Prepare bid tabulation for bid evaluations
 - ▶ Assist Beaches Energy with the vendor selection process to determine award

Task 3: Initiate Project and Obtain Project Documentation

Leidos will conduct a Project kick-off with Beaches Energy to review the Project plan, information available and the Project schedule. Prior to the call Leidos will send a checklist of data desired for the Project to guide the review and discussion. In general, the kickoff meeting will include the following:

- ▶ Review the preliminary Basis of Design document - The Basis of Design will contain a description of the equipment to be installed, the design criteria, a preliminary cost estimate, and a project schedule
- ▶ Review and establish lines of communication and communication protocols between Leidos and Beaches Energy
- ▶ Review Leidos' scope of services
- ▶ Review and establish schedule requirements for the Project and Leidos' services
- ▶ Review existing Project information, planning documents, and general information to develop an RFP strategy for the Project's EPC contract

Task 4: Prepare Conceptual Engineering Design Package

Leidos will produce a conceptual engineering package for inclusion with the RFP documents. In general, the conceptual engineering package will include:

- ▶ General station plan drawings
- ▶ Station elevation drawings
- ▶ Station relay one-line drawings
- ▶ Station three-line drawings
- ▶ Relay panel elevation drawings
- ▶ Preliminary bill of material
- ▶ Reference Drawings

Task 5: Prepare RFP Documents and Bidders Lists

Leidos will develop Project RFP documents including cover letter, bid process, EPC scope of work, commissioning/testing requirements, and exhibits. The following summarizes the information that is recommended to be included in the RFP:

- ▶ Geotechnical Report for Project site
- ▶ Conceptual engineering package
- ▶ Site survey topographical map
- ▶ Construction interfaces including: Beaches Energy operations and staff for site roads; drainage/run-off; material receiving; and construction power, water, equipment, and infrastructure
- ▶ Permits required to be obtained by the Beaches Energy and the EPC contractor
- ▶ Electricity supply conditions and interconnection facilities: voltage level(s), amperage
- ▶ Safety requirements
- ▶ Overall Project schedule
- ▶ EPC Contract form
- ▶ EPC pricing breakout form

Leidos will review the above documents received from Beaches Energy and/or from others and provide comments to support the final EPC documentation. Leidos will review final RFP documents with Beaches Energy and make any final adjustments.

Task 6: Issue EPC RFP and Support Beaches Energy During Proposal Preparation Period

Leidos will issue the EPC RFP bid packages to the perspective bidders determined by Beaches Energy. Leidos will perform the following tasks to assist Beaches Energy in securing an EPC Contract:

- Attend a meeting at Beaches Energy's office to review the final design prior to soliciting bids
- Identify at least four reputable and capable and financially strong substation EPC contractors with experience in installing the type of substation specified and with experience working in the international market
- Solicit bids
- Attend pre-bid and site visit meeting. Questions and issues noted during the site walk downs will be documented and shared with all prospective bidders.
- Prepare and distribute meeting notes from the pre-bid meeting
- Assist Beaches Energy in evaluation of bids and prepare final contract documents
- Advise Beaches Energy in negotiations with the selected contractor

Task 7: Proposal Evaluations

Leidos will coordinate with Beaches Energy to perform a technical evaluation of the proposals received.

This will include:

- ▶ Establish evaluation criteria
- ▶ Review bids including a summarizing the following points:
 - Construction costs
 - Schedule and performance guarantees
 - Bonus/liquidated damage provisions
 - Experience
 - Omissions or exceptions
 - Potential scope gaps
- ▶ Issue clarification requests
- ▶ Prepare bid tabulation for bid evaluations

Task 8: Assist Beaches Energy with Bid Clarifications and Contract Negotiations

Leidos will assist Beaches Energy with final bid clarification and contract negotiation. This is assumed to include bid clarification meetings conducted over two days in Beaches Energy's offices.

Task 9: Assist Beaches Energy with Drawing Submittal Reviews

Leidos will assist Beaches Energy with drawing submittal reviews. Leidos will formally review detailed design and vendor shop drawings, considering Beaches Energy's standards for compliance with industry standards and opportunities to reduce costs and improve quality and reliability for the following:

- ▶ Substation Electrical drawings (Foundation design, ground grid design, site grading and design, and conduit/duct bank/cable materials and drawings.)
- ▶ Protection and Control schematic diagrams and associated support systems (DC System, backup generator, etc.)
- ▶ Review relay settings prepared by the EPC contractor

Task 10: Assist Beaches Energy with Commissioning Support

Leidos will support Beaches Energy in administering the construction phase of the project. Leidos will provide one (1) Leidos representative to be on-site during construction to provide technical support to the construction crew(s).

- ▶ Provide guidance for Beaches Energy staff on commissioning and test procedures. Commissioning to be performed by EPC contractor and witnessed by the Leidos / Beaches Energy

- ▶ Review test reports and conduct a site visit to provide Beaches Energy

Schedule

Leidos will monitor the detailed schedule prepared by EPC contractor for adherence to critical milestones as determined by Beaches Energy.

Price Estimate

Leidos will provide the professional consulting services required to perform engineering services as outlined in the Scope of Services. Leidos will perform this work on a time and material basis for an estimated fee of \$198,000 per our Contract Agreement for Professional Services dated January 20, 2016. The pricing will apply until period ending on December 31, 2020. If the project schedule exceeds the period as a result of changes in Beaches Energy schedule or requirements, services provided beyond the period will be performed as additional services.

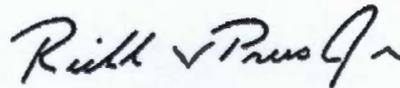
Notwithstanding anything to the contrary herein, Leidos will not bill Beaches Energy any amounts above the identified Good Faith Estimate, nor will Leidos be required to furnish services or incur expenses above the identified Good Faith Estimate without written authorization (including email) committing to additional funding from Beaches Energy.

Leidos is enthusiastic about the prospect of helping Beaches Energy with this important project, and we look forward to further discussing this opportunity with you. We are committed to having the qualified resources available and ready to engage upon award of the project to meet the outlined schedule. If you have any questions or would like additional information, please contact our Project Manager, Reginald Ferguson, Jr., P.E., at either 407.648.3537 or at reginald.ferguson@leidos.com.

Sincerely,
Leidos Engineering, LLC



Reginald Ferguson, Jr., P.E.
Project Manager



Richard V. Prus, Jr., P.E.
Vice President, Energy Solutions



Beaches Energy
Services

1460-A Shetter Ave
Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director, Beaches Energy

SUBJECT: Approval of the American Public Power Association (APPA)
Mutual Aid Agreement

DATE: April 9, 2018

ACTION REQUESTED:

Authorize the City Manager to execute the ***American Public Power Association Mutual Aid Agreement.***

BACKGROUND:

The City of Jacksonville Beach's American Public Power Association Mutual Aid Agreement was executed in August of 2000. It has been requested that we execute a new copy of the agreement. Attached is a one-page mutual aid agreement, developed by the American Public Power Association (APPA) that municipal and cooperative electric utilities across the nation operate under. This is the agreement we use when providing or receiving mutual aid assistance to or from another public power utility or electric cooperative both within the State of Florida and out-of-state.

While the executed copy from the year 2000 is still valid, many of the people who signed those agreements have long since left those organizations. The Florida Municipal Electric Association would like to begin updating these agreements every three (3) years to ensure that they have more up to date contact information.

RECOMMENDATION:

Authorize the City Manager and Mayor to execute ***American Public Power Association Mutual Aid Agreements.***

MUTUAL AID AGREEMENT

In consideration of the mutual commitments given herein, each of the Signatories to this Mutual Aid Agreement agrees to render aid to any of the other Signatories as follows:

- 1.) Request for aid. The Requesting Signatory agrees to make its request in writing to the Aiding Signatory within a reasonable time after aid is needed and with reasonable specificity. The Requesting Signatory agrees to compensate the Aiding Signatory as specified in this Agreement and in other agreements that may be in effect between the Requesting and Aiding Signatories.
- 2.) Discretionary rendering of aid. Rendering of aid is entirely at the discretion of the Aiding Signatory. The agreement to render aid is expressly not contingent upon a declaration of a major disaster or emergency by the federal government or upon receiving federal funds.
- 3.) Invoice to the Requesting Signatory. Within 90 days of the return to the home work station of all labor and equipment of the Aiding Signatory, the Aiding Signatory shall submit to the Requesting Signatory an invoice of all charges related to the aid provided pursuant to this Agreement. The invoice shall contain only charges related to the aid provided pursuant to this Agreement.
- 4.) Charges to the Requesting Signatory. Charges to the Requesting Signatory from the Aiding Signatory shall be as follows:
 - a.) Labor force. Charges for labor force shall be in accordance with the Aiding Signatory's standard practices.
 - b.) Equipment. Charges for equipment, such as bucket trucks, digger derricks, and other special equipment used by the Aiding Signatory, shall be at the reasonable and customary rates for such equipment in the Aiding Signatory's location.
 - c.) Transportation. The Aiding Signatory shall transport needed personnel and equipment by reasonable and customary means and shall charge reasonable and customary rates for such transportation.
 - d.) Meals, lodging and other related expenses. Charges for meals, lodging and other expenses related to the provision of aid pursuant to this Agreement shall be the reasonable and actual costs incurred by the Aiding Signatory.
- 5.) Counterparts. The Signatories may execute this Mutual Aid Agreement in one or more counterparts, with each counterpart being deemed an original Agreement, but with all counterparts being considered one Agreement.
- 6.) Execution. Each party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated.

Date _____ Entity _____ (name/ state)
By _____ (please print)
City Manager _____
By _____ (please print)
Mayor _____

Please send signed agreement to:
American Public Power Association
ATTN: Michael Hyland
Sr. Vice President, Engineering Services
2451 Crystal Drive, Suite 1000 | Arlington, VA 22209-4804
E-mail: MutualAid@publicpower.org | Fax: 202/ 467-2932

Questions about this agreement should be directed to APPA's Engineering Services department at MutualAid@publicpower.org or 202/467-2900.

Beaches Energy
Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director, Beaches Energy

SUBJECT: Bid No. 1718-12 Beaches Energy Services 38 kV Vacuum Circuit Breakers

DATE: April 9, 2018

ACTION REQUESTED

Award Bid Number 1718-12 Beaches Energy Services 38 kV Vacuum Circuit Breakers for Guana Substation Expansion.

BACKGROUND

One of our primary goals at Beaches Energy Services is to provide reliable electric service to our customers. During a review of substation reliability post-Hurricane Matthew in 2016, a weak point was uncovered at Guana substation that significantly contributes to overall system vulnerability. We determined that we do not have sufficient transformer capacity at our Guana substation if our Ft. Diego substation needed to be taken out of service due to rising water from the Intracoastal Waterway. The absence of a second transformer at the Guana substation increases the risk that Beaches Energy Services customers would be without electric service should another major storm event occur.

Beaches Energy Services Capital Improvement Plan for FY2017 and FY2018 included the expansion of the Guana substation to add a second power transformer. The power transformer was delivered in November 2017. Subsequently, bids were solicited seeking a firm to provide substation materials, structural steel and other equipment. This bid was awarded to M.D. Henry Company in December 2017.

The General Contractor bid was awarded to J L Malone in March 2018. The next step is to procure 38 kV Breakers for the new feeder lines that will be connected to the new power transformer.

MEMORANDUM

Bid No. 1718-12 Beaches Energy Services 38 kV Vacuum Circuit Breakers

April 9, 2018

Page 2 of 2

In February 2018, we advertised the invitation to bid and also solicited bids from the four (4) vendors listed below. We received one bid which is shown below. Attached is the Bid Award Notice.

Bid #	Company	Bid Price	
		1200 Amp 38 Kv Breaker	2000 Amp 38 Kv Breaker
1	ABB, Inc. (Superior Power Products)	\$34,140.00	\$71,680.00
2	Electric Sales Associates, Inc.	No Bid	No Bid
3	Tri-State Utility Products, Inc.	No Bid	No Bid
4	John Carter & Associates	No Bid	No Bid

Funds are available in the Beaches Energy Services Capital Projects Reserve. This expenditure will be included in the year end budget modification.

RECOMMENDATION

Award Bid 1718-12 Beaches Energy Services 38 kV Vacuum Circuit Breakers to the lowest responsive bidder, ABB, Inc.



Beaches Energy
Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

SUBJECT: RFQ No. 01-1718 Guana Substation Expansion Post-Design
Engineering Services for Beaches Energy Services

DATE: April 9, 2018

ACTION REQUESTED

Award RFQ No. 01-1718 Guana Substation Expansion Post-Design
Engineering Services

BACKGROUND

One of our primary goals at Beaches Energy Services is to provide reliable electric service to our customers. During a review of substation reliability post-Hurricane Matthew in 2016, a weak point was uncovered at Guana substation that significantly contributes to overall system vulnerability. We determined that we do not have sufficient transformer capacity at our Guana substation if our Ft. Diego substation needed to be taken out of service due to rising water from the Intracoastal Waterway. The absence of a second transformer at the Guana substation increases the risk that Beaches Energy Services customers would be without electric service should another major storm event occur.

Beaches Energy Services Capital Improvement Plan for FY2017 and FY2018 included the expansion of the Guana substation to add a second power transformer. The power transformer was delivered in November 2017. Subsequently, bids were solicited seeking a firm to provide substation materials, structural steel and other equipment. This bid was awarded to M.D. Henry Company in December 2017. The General Contractor bid was awarded to J L Malone in March 2018. Procurement of the 38 kV Breakers for the new feeder lines that will be connected to the new power transformer was

MEMORANDUM

RFQ No. 01-1718 Guana Substation Expansion Post-Design Engineering Services for Beaches Energy Services

April 9, 2018

Page 2 of 2

recommended to the City Council in a previous memo. The last step is to procure the engineering services during construction.

In March 2018, the Beaches Energy Services Selection Committee reviewed the submittals from four engineering firms. The Committee ranked the firms according to the following criteria on an equal basis: Qualifications, Experience, References and Location. Based upon their rankings, Fred Wilson & Associates was chosen to provide engineering services during construction (RFQ Award Notice attached).

VENDOR	EVALUATION CRITERIA				TOTAL	RANK
	1 Qualifications	2 Experience	3 References	4 Location		
Fred Wilson Assoc.	12	12	12	12	48	1
PowerServices Inc.	11	12	9	9	41	2
Power Engineers	11	10	9	9	39	3
Megaway Inc.	6	6	6	7	25	4

Funds are available in the Beaches Energy Services Capital Projects Reserve. This expenditure, estimated at \$138,177, will be included in the year end budget modification.

RECOMMENDATION

Award RFQ No. 01-1718 Guana Substation Expansion Post-Design Engineering Services to Fred Wilson and Associates.

City of Jacksonville Beach

RFQ #: 01-1718

Title: Guana Substation Expansion Post-Design Engineering Services

Selection Committee Collective Score Sheet and Summary Notes

Scoring Scale:

- 4 = Excellent: The proposal successfully addresses all relevant aspects of the criterion. Any shortcomings are minor.
- 3 = Above Average: The proposal addresses the criterion well but a small number of shortcomings are present.
- 2 = Average: The proposal broadly addresses the criterion, but there are significant weaknesses.
- 1 = Below Average: The criterion is inadequately addressed or cannot be assessed due to missing or incomplete information.

VENDOR	EVALUATION CRITERIA				TOTAL	RANK
	1 Qualifications	2 Experience	3 References	4 Location		
Fred Wilson Assoc.	12	12	12	12	48	1
PowerServices Inc.	11	12	9	9	41	2
Power Engineers	11	10	9	9	39	3
Megaway Inc.	6	6	6	7	25	4

City of Jacksonville Beach

RFQ #: 01-1718

Title: Guana Substation Expansion Post-Design Engineering Services

Evaluation Criterion 1: Project Team Qualifications – 25%

- Identify the Engineering Services team, their relationship and accountabilities within the services to be provided.
- Provide proof of licensing as required by the State of Florida for engineering services as described herein.

VENDOR	COMMENTS	SCORE
Fred Wilson Assoc.	Adequate professional engineers on staff. Organization chart provided. Adequate staffing. More extensive qualifications.	12
PowerServices Inc.	Adequate professional engineers on staff. Organization chart provided. Adequate staffing and qualifications.	11
Power Engineers	Adequate professional engineers on staff. Organization chart provided. Adequate staffing and qualifications.	11
Megaway Inc.	Smaller staff. Organization is not clear. Project team undefined.	6

Evaluation Criterion 2: Experience – 25%

- Provide resumes of key personnel, their disciplines, respective roles, education, licenses and their experience etc.
- Present a concise outline of specific services your firm/team is qualified and prepared to provide.

VENDOR	COMMENTS	SCORE
Fred Wilson Assoc.	Addressed every category and outlined hierarchy and staffing for each technical category.	12
PowerServices Inc.	Addressed every category and outlined hierarchy and staffing for each technical category.	12
Power Engineers	Addressed every category and outlined hierarchy and staffing for each technical category. Less relevant experience.	10
Megaway Inc.	Few resumes provided; ability to perform not sufficiently demonstrated in documentation; roles for this project were not clear.	6

City of Jacksonville Beach

RFQ #: 01-1718

Title: Guana Substation Expansion Post-Design Engineering Services

Evaluation Criterion 3: References – 25%

List a minimum of three (3) projects for which the Engineering Services Contractor has provided/is providing Engineering Services which are similar to this project. In determining which projects are most related, consider: related size and complexity; how many members of the proposed team worked on the listed project; and how recently the project was completed. List the projects in priority order, with the most related project listed first.

For each of the listed projects, provide the following information:

- a) Project Name and Location.
- b) Type of Utility(s).
- c) Contact Name, telephone number and email address.
- d) Services Provided.
- e) Approximate Project/Construction Start and End Dates.
- f) Any project specific information relative to the services required by the City of Jacksonville Beach.

VENDOR	COMMENTS	SCORE
Fred Wilson Assoc.	Significant, specific experience as related to this type of project, particularly with similar projects in area.	12
PowerServices Inc.	Few, related to this type of project.	9
Power Engineers	Few, related to this type of project.	9
Megaway Inc.	Vague, services provided not listed and not related to this type of project.	6

City of Jacksonville Beach

RFQ #: 01-1718

Title: Guana Substation Expansion Post-Design Engineering Services

Evaluation Criterion 4: Location – 25%

Provide the physical address of the firm on the Proposal Tender Form. Preference for firm location to be within 250 mile radius of Beaches Energy Services.

VENDOR	COMMENTS	SCORE
Fred Wilson Assoc.	Local - Jacksonville, FL	12
PowerServices Inc.	Tampa - 231 Miles	9
Power Engineers	Orlando - 148 Miles	9
Megaway Inc.	Tampa - 213 Miles – Residential address	7



Fred Wilson
& Associates, Inc.

Consulting Engineers

3970 Hendricks Avenue

Jacksonville, FL 32207-5398

phone: 904-398-8636

fax: 904-398-2968

www.fredwilson.com

August 29, 2017
File No. 1506-P18

VIA EMAIL

Don Cuevas
Beaches Energy Services
1460 Shetter Avenue
Jacksonville Beach, FL 32250

Re: Proposal for Construction Period Services for the Installation of the 2nd
138-27kV Transformer and 138kV Ring Bus at Guana Substation.

Dear Don,

Fred Wilson & Associates (FW&A) is pleased to provide this construction period services fee proposal for the Guana Substation transformer addition and ring bus project.

Construction Support

FW&A will provide engineering support and limited on-site observation during construction. This proposal includes the following tasks.

- Bid reviews for three (3) anticipated bids
- Attendance at one (1) pre-construction conference
- Submittal reviews for up to twenty-two (22) anticipated submittals
- Responses to up to ten (10) Requests for Information
- Observation of critical construction events (19 site visits at 6 hr. each)
- Review up to ten (10) Contractor payment requests.
- New relay panel commissioning assistance of up to twenty (20) man-hours per new relay panel.
- Record drawing drafting for up to 100 drawings to incorporate minor contractor markups.
- Civil/Sitework support of up to eighty (80) man-hours.
- Prepare final as-built site survey to complete permitting.

The not to exceed fee proposal for this work is **\$138,177.00**. Additional work will be charged at FW&A's standard time and materials rate.

If there are any questions, or if any additional information would be helpful, please let me know.

Very truly yours,
FRED WILSON & ASSOCIATES, INC.

John P. Franko Jr., P.E.
Substation Team Lead

Enclosures as stated
Copy to: Master File
Proposal File

42



City of

Jacksonville Beach

Property and
Procurement Division

1460A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6229

Email: purchasing@jaxbchfl.net

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes,
City Manager

FROM: Luis F. Flores,
Property and Procurement Officer

DATE: April 5, 2018

SUBJECT: Sale of Surplus Property

ACTION REQUESTED:

Adopt Resolution No. 2008-2018 providing for the sale of surplus property online.

BACKGROUND:

Periodically, the City has equipment that is no longer needed and must be declared surplus and sold at public auction. The Purchasing Division will advertise the auction on the City's website, Beaches Leader and the Daily Journal.

The auction will be conducted by GovDeals, a company that provides online auction and website services. The company has over 270,000 qualified registered bidders, a user friendly website, good customer service, and a quick payment turnaround time. There is no charge to the City for their service. Successful bidders pay a 12.5% buyer's premium which is incorporated into the total cost of each auction item.

Attached to Resolution No. 2008-2018 is the current list of City property declared surplus. This resolution allows for the addition or subtraction of surplus items from the attached list due to reassignment, or due to additional items declared surplus prior to the public auction.

RECOMMENDATION:

Adopt Resolution No. 2008-2018 providing for the sale of surplus property online.



Introduced by: _____
Adopted: _____

RESOLUTION NO. 2008-2018

**A RESOLUTION PROVIDING FOR THE
SALE OF SURPLUS PROPERTY ONLINE**

WHEREAS, it is hereby declared that certain personal property owned by the City of Jacksonville Beach particularly described on the attached list is in excess of the foreseeable needs of the public, and for that reason it is in the best interest of the City that the same be put up for public online auction and sold to the highest bidder(s) after providing the required public notice. The attached list of surplus items is subject to change with the approval of the City Manager or Chief Financial Officer due to items being reassigned to a City department or additional items becoming surplus prior to Bid Process.

WHEREAS, the public will be allowed sufficient time to inspect the surplus property prior to commencement of the public online auction.

WHEREAS, the City reserves the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH AS FOLLOWS:

Section 1. After providing proper public notice the attached list of surplus items will be disposed of by conducting an online auction open to the public.

Section 2. All items shall be sold in as is condition, without warranty.

Section 3. This resolution shall take effect upon its passage and publication as required by law.

AUTHENTICATED this ___ day of _____, A.D., 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

City of Jacksonville Beach
Items for Auction: from Various City Departments
January - April, 2018

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	SERIAL NO.	From: DEPT
	3	6702	Ball Washers (3), Golf Club Cleaner (1) Gandy Calibration Tray (2)		Parks & Rec-Golf
	4	6703	ChemFree Parts Washer	SW181-110-2001273	City Garage
	5	6704	Bookcase, Wood (2), Poster "Teamwork" (1)		Finance-Property & Procurement
	9	6722	7204 Conference Table Top, Wood		BES-SCADA
	10	6723	Office Desks-Metal, Wood Top (2), Swivel Office Chair (1)		PW-PCP
	10	6721	Swivel Office Chair - non-operational		Finance-IT
	11	6724	TV Stand-Metal, w/ Wheels; Printer Cart-w/ One Drawer, w/ Wheels		Police-Admin
	12	6725	Stackable Chairs-Maroon (27); Stackable Chairs- Padded Seats & Back, Gray (9)		BES-Admin
	13	6735	(8) Eight Old Rakes, Union Brand, 14 Teeth, Level- Head Bow, w/ Wood Handle		Parks & Rec-Golf
	14	6734	36"x72" Desk, 4-Drawers, Cherry Wood; 3-Drawer Return, Cherry Wood		Finance-Property & Procurement
	15	6733	HON 2-Drawer File Cabinet, Metal		Finance-IT
	16	6732	Square D Co. Sorgel Single Phase Insulated Transformer 15KVA HV 240x480		BES-Relay
	21	6743	Fellowes 58-89ci Shredder - Non-Operational		Finance-Util/Billing
	21	6742	Fellowes 74c Shredder - Non-Operational		Finance-Util/Billing
	21	6741	Keyboards, Vacuum, Toner for Old Equipment		Finance-Util/Billing
	21	6740	Metal Table, w Roller Casters, w Extender		Finance-Util/Billing
	22	6744	Aluminum Panels of Cage Stripped from Old Police K9 Vehicle		Police- Patrol
	29A	6746	4006 Old Coats Co. Tire Changer		Garage
	36	6747	1996 C&S Flatbed Trailer, Wood Surface (Now Turtleback Appearance), Steel-Frame (Rusty, Broken But Still Repairable), Axles Still Good, Tires Still Good		Parks&Rec-Golf Course
38A		6748	Ford Single Row Standard Test Bench 2STB-LR, 2STB-RL, 2 Units, 38" Length of Pan, 16 1/2" Width of Pan, 290 lbs Approx Ship Wt, with Calibrated Water Tank - Old, Rusted		PW-Dist & Coll
	50	6749	Switchgear, Air Insulated Stainless Steel, Type PASW-11, S&C Electric Co. Padmounted Gear, Model PMH-11, Date of Manufacture November, 1995	954628	BES

City of Jacksonville Beach

Items for Auction: Computers and Ancillary Equipment; Radios and Ancillary Parts

January - April, 2018

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	SERIAL NO.	From: DEPT
1	6680		Dell Optiplex 790 - non-operational	1DTDQW1	Finance - IT
1	6681		Dell Optiplex 790 - non-operational	1DTFQW1	Finance - IT
1	6684		HP RSVLC-0903 ProCurve Network Switch	CN2182G0K1 J9450-60001	BES SCADA
1	6701		HP Monitor	CN41151CFN	BES SCADA
1	6693		Computer Monitor		BES SCADA
1	6692		Computer Monitor		BES SCADA
1	6691		Computer Monitor		BES SCADA
1	6690		CISCO VPN	FTX1640852N	BES SCADA
1	6689		CISCO VPN	FTX1640852J	BES SCADA
1	6686		CISCO 831 Firewall Series 800A	FHK091713GF	BES SCADA
1	6685		CISCO 5505 Switch	JMX1842410U	BES SCADA
1	6683		HP RSVLC-0903 ProCurve Network Switch	CN2062G13V J9450-60001	BES SCADA
1	6718		HP xw8600 Workstation	2UA85203T1	Finance - IT
1	6717		KDS CD Tower	CD00DEC29017785	Finance - IT
1	6715		Watchguard Firebox SOHO	60627-2457-90C2	Finance - IT
1	6713		Motion LE 1600 Tablet with Dock	00176343-LE1600	Finance - IT
1	6712		EMC Recover Point	NNG05122110063	Finance - IT
1	6711		EMC Recover Point	NNG05114710055	Finance - IT
1	6710		EMC DD 620 Data Domain	1F42237281	Finance - IT
1	6709		Dell 5324 Switch	CN-OR7768-28298-4AR-0077	Finance - IT
1	6708		Dell Optiplex 790 - non-operational, no hard drive	HRNLYR1	Finance - IT
1	6707		HP ProBook 4430s - non-operational	CNU13403M8	Finance - IT
1	6706		Dell Optiplex 790 - non-operational, no hard drive	HRMRYR1	Finance - IT
2	6700		Motorola L3223A Radio Equipment	124CMB0409	BES-SCADA
2	6699		Motorola L3223A Radio Equipment	124CLY0680	BES-SCADA
2	6698		Motorola L3223A Radio Equipment	124CMB0290	BES-SCADA
2	6697		Motorola L3223A Radio Equipment	124CLY0495	BES-SCADA
2	6696		Motorola L3223A Radio Equipment	124CMB0390	BES-SCADA
2	6695		Motorola Astro 2 Radio Equipment	276CMF0499	BES-SCADA
2	6694		Motorola Astro 1 Radio Equipment	276CMF0500	BES-SCADA
2	6688		Motorola L3208A Console Parts	124CMB0569	BES-SCADA
2	6687		Motorola L3208A Console Parts	124CMB0485	BES-SCADA
2	6682		Motorola HPN1007-B Power Supply	9138	BES-SCADA
6	6719		Dell Laser Printer	CN-OR0237-48734-45R-066D	Finance-IT
6	6705		HP LaserJet Pro 400	VND3T00566	Finance-IT
7	6716		Various Computer Cables, Power Cords		Finance-IT
7	6714		Assorted Server Rails		Finance-IT
8	6720		Dell 3000 CN Printer	CN-OF7160-71971-57B-F028	Finance-IT
17	6726		HP HSTNS-2122 ProLiant ML350		Finance-IT
			Transition Network Slide-In Module Media		
17	6727		Converter SBFTF10XX-11X	SBFTF1011-110/5247086	Finance-IT
17	6728		Dell 1901FP Monitor	CN05Y232716184438076	Finance-IT
17	6729		Xerox DocuMate 4440 Desktop Scanner	67HTKF0183	Finance-IT
17	6730		Xerox DocuMate 4440 Desktop Scanner	3AUDEC80395	Finance-IT
			Logitech Ergonomic Keyboard, (2) Two Plastic		
17	6731		Incoming Mail Trays		Finance-Accounting
17	6739		Optiview Ocupic System	15173	PW-PCP
17	6738		Keyboard, Mouse, HDMI Cords, APS Powerstrip		PW-PCP
17	6737		Xerox DocuMate 4440 Desktop Scanner	45UTK70003	Finance-IT
17	6736		Xerox DocuMate 4440 Desktop Scanner	3AUDEC80012	Finance-IT
			Dell Optiplex 790, Non-Operational-Bad MB, No		
17	6750	10237	HD	1FOGW1	Finance-IT
17	6751		Dell 1905FP Monitor	CN-OT6116-71618-4AF-AJ3Z	Finance-IT
23	6745		IBM 1585 Laser Printer	0515688	Finance-IT

City of Jacksonville Beach
 Items for Auction: Police Forfeiture Items
 January - April, 2018

BATCH	LOG NO.	JBPD CASE	ITEM DESCRIPTION	SERIAL NO.	From: DEPT
18	11250	170003187	Bicycle, Trek Beach Cruiser, black		Police
18	11564	170003801	Bicycle, Electra, black		Police
18	11622	170003910	Bicycle, Solar, Silver		Police
18	11735	170004150	Bicycle, Beach Cruiser, blue	L100901936	Police
19	11195	170003098	Bicycle, Next 26 Shocker Boys' Cruiser, green		Police
19	11293	170003291	Bicycle, Beach Cruiser, hunter green		Police
19	11389	170003476	Bicycle, Magna Majestic, teal		Police
19	11389	170003476	Bicycle, Mango Cruiser Company, yellow		Police
19	11390	170003490	Bicycle, Cranbrook Girls' Beach Cruiser, blue		Police
20	11448	170003541	Bicycle, Schwinn, silver		Police
20	11411	170003514	Bicycle, Mango, Gravity Beach Cruiser, white		Police
20	11412	170003517	Bicycle, Windsor ClockWork, orange		Police
20	11410	170003514	Bicycle, Gravity EZ Cruz Beach Cruiser, white		Police
20	11537	170003769	Bicycle, Fuji Mountain Bike, red		Police
24	11971	170004685	Michael Kors Watch, Men's		Police
25	74740	020008637	Timex Watch, Men's		Police
26	94774	150000644	Ladies' Rings; Various Silver Fashion Jewelry; Seiko Watch, Men's; Locket, Gold color		Police
27	11304	170003287	Michael Kors Watch, Men's, Gold tone		Police
28	11797	170004307	Men's Wedding Band, Gold/Black; Solitaire Ring, color Gold; Chain Bracelet with Coin Charm "A Date to Remember", color Gold; Hoop Earring (1 pc), color Gold		Police
30	98156A	160002161	Ipod Touch, 32 gig		Police
31	98156B	160002161	Fossil Watch, Women's		Police
32	98156C	160002161	Anne Klein Watch, Women's		Police
39	88956	120003365	American Eagle Men's Watch, color Gold; Etc. Women's Watch, Mint Green Strap, with Crystal Studs; Timex Men's Watch; Hoop Earrings, color Gold; Fashion Bracelets (3), with Charms; Fashion Bracelet with Smoky Quartz Stone, Crystal Studs; High School Ring, Men's ; Fashion Dangling Earrings (1 pair); Pendant, color Gold with Stones; Solitaire Rings, color Gold		Police
40	81457	090003588	Various Sunglasses - Prada with Case, RayBan with Case, RayBan without Case, Machine (Italy) with Case, Kaenon Gauge (Italy), VonZipper Tastemaker with Drawstring Case, Juicy Couture with Pink Case		Police
41	95290	150001978	DigitZ Scale; JBL Wireless Speaker; Lighter; Panasonic Cassette-Recorder RQ-L31; RCA MP3 with Charger Cable		Police
42	12279	170005402	Women's Bracelet, Breast Cancer Ribbon Design, with Pink Stones; Jewelry Boxes - (1) Intricately Carved Wood, (1) Lacquer Floral Oriental		Police
43	11971	170004685	(3) Boca Classics Men's Watches, Black Leather Strap, White Dial/Face		Police

44	11971	170004685	(2) Boca Classics Men's Watches, Black Leather Strap, Black Dial/Face		Police
45	74740	020008637	(7) Bay Studio Women's Watches, Fashion-Jeweled		Police
46	10011	170000617	NanoVault 200 Safe, with Keys - for Auto, Home, Firearm, Travel		Police
47	11876	170004453	Bicycle, Kids', Avico, color Green		Police
47	11864	170004437	Bicycle, Huffy, with Huffy Cooler, color Burgundy and Silver	SNHNHTC12MD9639	Police
47	11963	170004684	Bicycle, Men's Gravity Sand Dollar, color Blue	L060406986	Police
47	11978		Bicycle, Roubaix SL, color Silver and Black		Police
47	11864B	170004437	Bicycle, Maka Maka Kulana, color Mint Green, No Tires		Police
48	11844	170004360	Bicycle, Beach Cruiser 3G, color Blue and Gray	A010L20118	Police
48	12236	170005290	Bicycle, BMX Next Turbo, color Blue and Silver		Police
48	12228	170005279	Bicycle, Gravity Beach Cruiser, color Purple	PS13KH0386	Police
48	12120	170005047	Bicycle, Schwinn, color Black		Police
49	12228		Bicycle, Gravity EZ Cruz Beach Cruiser, color Magenta		Police
49	12089	170004971	Bicycle, Cannondale M300, color Purple		Police
49	12223	170005238	Bicycle, Mongoose, color Orange		Police
49	12119	170005046	Bicycle, Huffy, No Rear Wheels, color Pink and White		Police
51	64757	040004282	(1) Bolt/Wire Cutter 900 36"; (2) Trailer Hitch Balls		Police
52	10797	170000696	Xbox One Game Console	165846562748	Police
53	11962	170004684	Gravity Skateboard		Police
54	61713	20030006302	Miscellaneous PlayStation Games - Tomb Raider, Legend of Dragoon, Kiss Pinball, Dave Mirra BMX, Soul Heaven, Big Bass Fishing, Crash Bandicoot, Eternal Ring, Shrek Treasure Hunt, Gran Turismo		Police
55	64757A	040004282	Miscellaneous Tools - Pliers, Wire Cutter, Screwdrivers, Craftsman Toolset, Hammer, Crowbar		Police
56	98156	160002161	(11) American Eagle Outfitters Women's Sandals, size 8; (1) pair Brioni Men's Shoes, size 10; (1) pair Nike Men's Sandals, size 10		Police
57	98156	160002161	Headphones (1 pair); Boom Touch Speaker (1); Wahl Hair Cutting Tool/Razor (1); Andis Speedmaster Hair Cutting Tool/Razor (1); Flashlights (2); Miscellaneous Electronic Device (1)		Police
58	59395	2009810	CDs: (1) Bob Marley, (1) BigTimers, (1) Boyz to Men, (1) Nellyville; Xbox 360 Live; DVDs: (1) Half-Baked, (1) Die Hard 4.0; Baseball Mitt		Police
59	88188	120001496	Various Watches: (1) Daniel Steiger Men's Watch, (1) Timex Indiglo Men's Watch, (1) NEFF Underwater Watch, G-Shock Watch; Miscellaneous Jewelry: (1) Beads Necklace, (1) Cuff Bracelet, (1) Chain Necklace with Pendant, color Gold; Miscellaneous: (2) Buddha Figurines		Police
60	98156	160002161	(9) Pairs of American Eagle Outfitters Women's Flip-Flops, size 7		Police

61	98156	160002161	(4) Pairs of American Eagle Outfitters Women's Sandals, size 7; (2) Pairs of American Eagle Outfitters Women's Sandals, size 8	Police
62	98156	160002161	(1) Pair, Adidas Neo SE Daily Vulc F38360 Sneakers, Men's Size 10, color White and Charcoal Gray	Police
63	98156	160002161	(1) Pair, Converse CT High Street, Leather Upper, Sneakers, Unisex - Men's Size 10/Women's Size 12, color Black, White Sole	Police
64	98156	160002161	(1) Pair, Nike Court Royal, Style 749747 010, Sneakers, Men's Size 10, color Black and White	Police
65	98156	160002161	(1) Beats Solo 2 Wireless Headphones, with Battery Fuel Gauge, Battery: Unlimited Wired/12 Hour Wireless, Carrying Case, Made for iPod, iPhone, iPad, color Glass Red	Police
66	98156	160002161	(1) Microsoft Surface 3, 128GB 4GB Go RAM, Includes: Windows 10, Office 365 Personal 1Yr Subscription for One User, Power Supply, Support for WIFI, Bluetooth v. 4.0	Police

City of Jacksonville Beach
 Surplus Fleet Vehicles
 January - April, 2018

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	VIN#	From: DEPT
33	0950	9233-1187404	2009 Chevrolet Impala, 4-Door Sedan	2G1WS57M791187404	Police-Patrol

DEPARTMENT: POLICE DEPT
 TYPE OF VEHICLE: PATROL CAR
 MAKE/MODEL: CHEVY IMPALA

VEHICLE #: 0950
 ASSET #: 9233-1187404
 YEAR: 2009
 MILEAGE: 56,166

COMPONENT	REMARKS AND/OR CONDITION
ENGINE	ENGINE IS IN GOOD RUNNING CONDITION AT THIS TIME. MAIN CONCERN IS THE AGE OF VEHICLE. NORMAL WEAR AND TEAR.
TRANSMISSION	TRANS HAS A HARSH SIFT ON TAKE OFF AT TIMES. MAIN CONCERN IS SHIFT, AND AGE. NORMAL WEAR AND TEAR.
SUSPENSION STEERING	TEST DROVE AND FOUND NO HANDLING CONCERNS, NORMAL WEAR AND TEAR DUE TO AGE.
BRAKES	FRONT BRAKES 6MM, AND REAR BRAKES 5MM. BRAKES ARE WORKING PROPERLY AT THIS TIME.
BODY	BODY IS IN GOOD CONDITION, NORMAL WEAR, AND TEAR DO TO AGE, AND MILES.
ELECTRICAL HYDRAULICS	FOUND NO CONCERNS WITH ELECTRICAL, NOR HYDRAULICS AT THIS TIME.
OTHER REQUIRED REPAIRS / COMMENTS	MAIN CONCERN IS THE AGE OF THIS VEHICLE, AND TRANS.

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	VIN#	From: DEPT
34	1054	9447-G137066	2010 Chevy Silverado Pick-Up Truck	3GCRCPA3AG137066	Police-Patrol

DEPARTMENT: POLICE DEPT
 TYPE OF VEHICLE: PICK UP
 MAKE/MODEL: CHEVY SILVERADO

VEHICLE #: 1054
 ASSET #: 9447-G137066
 YEAR: 2010
 MILEAGE: 87,891

COMPONENT	REMARKS AND/OR CONDITION
ENGINE	ENGINE ON START UP SOMETIMES HAS A TICKING SOUND, BUT IT WILL GO AWAY. NOT SURE HOW LONG UNTIL THE NOISE WILL BE CONSTANT ON START UP. THIS IS THE MAIN CONCERN.

TRANSMISSION	TRANS ON TAKE OFF SOMETIMES WILL SLIP, NOT SURE HOW MUCH LONGER TRANS WILL SHIFT.
SUSPENSION STEERING	SUSPENSION IS TIGHT, AND HAS JUST NORMAL WEAR, AND TEAR DUE TO AGE.
BRAKES	FRONT BRAKES 8MM, AND THE REAR BRAKES 6MM. BRAKES ARE WORKING PROPERLY AT THIS TIME.
BODY	NO MAJOR CONCERNS, JUST NORMAL WEAR, AND TEAR.
ELECTRICAL HYDRAULICS	FOUND NO CONCERNS WITH THE ELECTRICAL NOR THE HYDRAULICS AT THIS TIME.
OTHER REQUIRED REPAIRS / COMMENTS	CONCERNS IS THE TRANS SLIPPING ON TAKE OFF AT TIMES, AND THE TICKING IN THE MOTOR ON START UP AT TIM

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	VIN#	From: DEPT
35	ATV3	10362-E219435	2013 Polaris Ranger 400 ATV Side-by-Side	4XARH45A9DE219435	Police-DT CAPE

DEPARTMENT: DT CAPE DIV

VEHICLE #: ATV3

TYPE OF VEHICLE: ATV SIDE BY SIDE

ASSET #: 10362-E219435

MAKE/MODEL: POLARIS RANGER 400

YEAR: 2013

MILEAGE: HOURS 1910

COMPONENT	REMARKS AND/OR CONDITION
ENGINE	ENGINE IS IN GOOD RUNNING CONDITION AT THIS TIME.
TRANSMISSION	TRANSMISSION IS SHIFTING PROPERLY AT THIS TIME.
SUSPENSION STEERING	THE SUSPENSION IS TIGHT, AND HAS NORMAL WEAR AND TEAR. THE FRAME HAS A CRACK DUE TO HEAVY RUST.
BRAKES	BRAKES ARE IN GOOD CONDITION, AND THEY ARE WORKING PROPERLY AT THIS TIME.
BODY	THE BODY IS IN GOOD CONDITION, SOME RUST SPOTS, THE HOOD HAS A CRACK IN THE CENTER.

ELECTRICAL HYDRAULICS	NO PROBLEMS WITH ELECTRICAL NOR HYDRAULICS AT THIS TIME.
OTHER REQUIRED REPAIRS / COMMENTS	MAIN CONCERN IS THE RUST ON THE FRAME THAT HAS CAUSED A CRACK, PICTURES HAVE BEEN ATTACHED.

BATCH	LOT NO.	ASSET NO.	ITEM DESCRIPTION	VIN#	From: DEPT
37	022	8143-9226355	2005 Chevrolet Impala 4-Door Sedan	2G1WF55K659226355	Police-Parking

DEPARTMENT: POLICE	VEHICLE #: 022
TYPE OF VEHICLE: CAR	ASSET #: 8143-9226355
MAKE/MODEL: CHEVROLET IMPALA	YEAR: 2005
	MILEAGE: 86,538

COMPONENT	REMARKS AND/OR CONDITION
ENGINE	Engine is in good running condition at this time, normal wear and tear for miles, and age. Starts and runs good.
TRANSMISSION	The transmission shifts properly at this time, normal wear, and tear for vehicle with high miles, and age.
SUSPENSION STEERING	Test drove and found no handling concerns at this time. The suspension is tight, and has normal wear, and tear.
BRAKES	The brakes are in good working condition, found no leaks, and pads are in good condition.
BODY	Paint is faded, and peeling in some spots. Normal wear, and tear for age, and miles.
ELECTRICAL HYDRAULICS	Found no concerns with the electrical nor the hydraulics at this time.
OTHER REQUIRED REPAIRS / COMMENTS	Main concerns, are the age, miles, paint, and wear, and tear.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

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MEMORANDUM

To: George D. Forbes, City Manager

From: Heather Ireland, Senior Planner 

Re: **Ordinance No. 2018-8107**, amending Section 34-467 - *Flood Hazard Area* of the City's Land Development Code, to revise cross references within Section 34-467 – *Flood Hazard Area*, and to update references therein to the Florida Building Code.

Date: March 22, 2018

ACTION REQUESTED:

Adopt Ordinance No. 2018-8107, amending Section 34-467 - *Flood Hazard Area* of the City's Land Development Code, to revise cross references within Section 34-467 – *Flood Hazard Area*, and to update references therein to the Florida Building Code.

BACKGROUND:

In 2013, the City of Jacksonville Beach adopted the current Flood Hazard Area section of the Land Development Code (LDC), repealing and replacing the previous Section 34-467 – *Flood Hazard Area* with new regulations that were consistent with the 2010 Florida Building Code. The 2013 update incorporated the State's "model" language into the Land Development Code and included a cross reference table. The update also referenced the city's 2013 Flood Insurance Rate Maps (FIRM) that were also updated at that time.

The current Flood Hazard Area section of the Land Development Code contains several internal cross references to sub-sections within Section 34-467-*Flood Hazard Areas*. These cross references used the State's model ordinance numbering system as opposed to the City's numbering system. A cross reference table was provided as part of Ordinance No. 2013-8025. The State has now requested that the City provide internal cross references and eliminate the accompanying cross reference table to avoid confusion. As provided with the application, changes are shown in the underline addition / ~~strike-through~~ deletion format.



These updates do not change the content of Section 34-467 - *Flood Hazard Area*. The new 2016 Flood Insurance Rate Maps (FIRM) will be adopted this year, and Section 34-367 has previously been worded to automatically adopt any map changes after 2013.

RECOMMENDATION:

Adopt Ordinance No. 2018-8107, amending Section 34-467, *Flood Hazard Area* of the City's Land Development Code, to revise cross references with Section 34-467 – *Flood Hazard Area*, and to update references therein to the Florida Building Code.

Introduced by: Council Member Wilson

1st Reading: April 2, 2018

2nd Reading: April 16, 2018

ORDINANCE NO. 2018-8107

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VIII, DIVISION 5, SECTION 34-467. FLOOD HAZARD AREAS TO REVISE CROSS REFERENCES WITHIN SECTION 34-467, TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE, AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, the City of Jacksonville Beach has adopted a Flood Hazard Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions; and

WHEREAS, the City of Jacksonville Beach adopted its current Flood Hazard Ordinance to reflect 2013 Florida Building Code changes, via Ordinance No. 2013-8025; and

WHEREAS, the City of Jacksonville Beach desires to continue to participate in the National Flood Insurance Program and meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the State of Florida has recommended that the City of Jacksonville Beach revise cross reference within its Section 34-467- *Flood hazard area* of the Land Development Code; and

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and has presented its recommendation to the City Council;

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

SECTION 1. That Article VIII, Division 5, Section 34-467 *Flood hazard area* of the Land Development Code is hereby repealed in its entirety and replaced with a new Section 34-467 which shall read as follows¹:

**ARTICLE VIII SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS**

Sec. 34-467. - Flood hazard area.

(a) Administration.

(1) *General.*

- a. *Title.* These regulations shall be known as the Floodplain Management Ordinance of the City of Jacksonville Beach, Florida, hereinafter referred to as "this ordinance."
- b. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- c. *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- d. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
 - e. *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
 - f. *Disclaimer of liability.* This ordinance shall not create liability on the part of the City Council of the City of Jacksonville Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (2) *Applicability.*
- a. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
 - b. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Jacksonville Beach, as established in Section ~~102.3~~ 34-467(a)(2)c of this ordinance.
 - c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Duval County, Florida and Incorporated Areas dated June 3, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall in the Planning and Development Department, 11 N. 3rd Street.
 - d. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section ~~105~~ 34-467(a)(5) of this

ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- e. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- f. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- g. *Interpretation.* In the interpretation and application of this section, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- (3) *Duties and powers of the flood plain administrator.*
- a. *Designation.* The planning and development director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
 - b. *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ordinance. The floodplain administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 34-467(a)(7) of this ordinance.
 - c. *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- d. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

- e. *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 107 34-467(a)(7) of this ordinance.
- f. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- g. *Inspections.* The floodplain administrator shall make the required inspections as specified in Section 106 34-367(a)(6) of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- h. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:
 - 1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 34-367(a)(3)d of this ordinance;
 - 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
 - 4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
 - 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Jacksonville Beach are modified; and
 - 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this

limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

- i. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the offices of the Planning and Development Department, 11 North 3rd Street.

(4) *Permits.*

- a. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- b. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.

4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- d. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section ~~105~~ 34-467(a)(5) of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the floodplain administrator.
- e. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.
- f. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180)

days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

- g. *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- h. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - 1. The St. Johns River Water Management District; section 373.036, F.S.
 - 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 - 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - 5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - 6. Federal permits and approvals.

(5) *Site plans and construction documents.*

- a. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
 - 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section ~~105.2~~ 34-467(a)(5)b.2 or 34.467(a)(5)b.3 of this ordinance.
 - 3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section ~~105.2(2)~~ 34-467(a)(5)b.1 of this ordinance.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

- b. *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is ~~two-three~~ (23) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than ~~two-three~~ (23) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- c. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 34-467(a)(5)d of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 34-467(a)(5)d of this ordinance.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- d. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) *Inspections.*

- a. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- b. *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- d. *Building, structures, and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code. or the owner's authorized agent, shall submit to the floodplain administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section ~~105.2(3)(b)~~ 34-467(a)(5)b.3.(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- e. *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section ~~106.1.2.1~~ 34-467(a)(6)d of this ordinance.
- f. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Inspection Division.

(7) *Variances and appeals.*

- a. *General.* The Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

- b. *Appeals.* The Jacksonville Beach Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Jacksonville Beach Board of Adjustment may appeal such decision to the Circuit Court of Duval County, as provided by Florida Statutes.
- c. *Limitations on authority to grant variances.* The Jacksonville Beach Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 34-467(a)(7)g of this ordinance, the conditions of issuance set forth in Section 107.7 34-467(a)(7)h of this ordinance, and the comments and recommendations of the floodplain administrator and the building official. The Jacksonville Beach Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- d. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 34-367(a)(5)c of this ordinance.
- e. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- f. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, 34-467(a)(7)d is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- g. *Considerations for issuance of variances.* In reviewing requests for variances, the Jacksonville Beach Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;
 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- h. *Conditions for issuance of variances.* Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 2. Determination by the Jacksonville Beach Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the

applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(8) *Violations.*

- a. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- b. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- c. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(9) *Definitions.*

- a. *General.*
 1. *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.
 2. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
 3. *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
- b. *Definitions.*

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO

where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before March 15, 1977. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 15, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 15, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 15, 1977.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, AI—A30, AE, A99, AH, VI—V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 107 34-467(a)(7) of this ordinance.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(10) *Flood resistant development.*

a. *Buildings and structures.*

1. *Design and construction of buildings, structures and facilities. Buildings, structures, and facilities located in flood hazard areas shall be constructed in accordance with Florida Building Code.*

~~2.~~ *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to Section ~~104.2.1~~ 34-467(a)(4)c of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section ~~307~~ 34-467(a)(10)g of this ordinance.

~~3.~~ *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(a) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code. Building Section 3109 and Section 1612 or Florida Building Code. Residential Section R322.

(b) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

b. *Subdivisions.*

1. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
- (b) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section ~~105.2(1)~~ 34-467(a)(5)b.1 of this ordinance; and
- (c) Compliance with the site improvement and utilities requirements of Section ~~303~~ 34-467(a)(10)c of this ordinance.

c. *Site improvements, utilities, and limitations.*

1. *Minimum requirements.* All proposed new development shall be reviewed to determine that:

- (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (d) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (e) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (f) Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section ~~105.3(1)~~ 34-467(a)(5)c.1 of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (g) Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and

protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

- (h) Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section ~~105.3(4)~~ 34-367(a)(5)c.4 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section ~~307.8(3)~~ 34-467(a)(10)g.8.

d. *Manufactured homes.*

1. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - (a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.
 - (b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section ~~304.4.1~~ 34-467(a)(10)d.5 or ~~304.4.2~~ 34-467(a)(10)d.6 of this ordinance, as applicable.
5. *General elevation requirement.* Unless subject to the requirements of Section ~~304.4.2~~ 34-467(a)(10)d.6 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or

subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

6. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section ~~304.4.1~~ 34-467(a)(10)d.5 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 - (a) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
 - (b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.
 7. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.
 8. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.
- e. *Recreational vehicles and park trailers.*
1. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (a) Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - (b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 2. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section ~~305.1~~ 34-467(a)(10)e.1 of this ordinance for temporary placement shall meet the requirements of Section ~~304~~ 34-467(a)(10)d of this ordinance for manufactured homes.
- f. *Tanks.*
1. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section ~~306.3~~ 34-467(a)(10)f.3 of this ordinance shall:
 - (a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (b) Not be permitted in coastal high hazard areas (Zone V).
 3. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on, a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 4. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- g. *Other development.*
1. *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section ~~303.4~~ 34-467(a)(10)c.1(f) of this ordinance if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and
 - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire

mesh fences, shall meet the limitations of Section ~~303.4~~ 34-467(a)(10)c.1(f) of this ordinance.

3. *Retaining walls, sidewalks, and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section ~~303.4~~ 34-467(a)(10)c.1(f) of this ordinance.
4. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section ~~303.4~~ 34-467(a)(10)c.1(f) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section ~~105.3(3)~~ 34-467(a)(5)c.3 of this ordinance.
5. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - (a) Structurally independent of the foundation system of the building or structure;
 - (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - (c) Have a maximum slab thickness of not more than four (4) inches.
6. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - (c) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary

for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

- (d) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- (a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - (b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures.
 - (c) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 2. That this ordinance shall take effect upon its adoption by the City Council.

SECTION 3. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials that are in conflict with this ordinance, are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2018.

William C. Latham, Mayor

Laurie Scott, City Clerk

City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

Phone: 904.247.6343

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To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Proposed revisions to Chapter 18 "Noise" of the Code of Ordinances of the City of Jacksonville Beach, Florida, by amending section 18-7 "Low Volume Outdoor Amplified and Acoustic Sound."

Date: March 18, 2018

ACTION REQUESTED

Adopt Ordinance **2018-8106**, amending section 18-7, "Low Volume Outdoor Amplified and Acoustic Sound" of Chapter 18 "Noise" of the Code of Ordinances of the City of Jacksonville Beach, Florida.

BACKGROUND

Last year, at its June 5, 2017 meeting, the City Council adopted, as a pilot project, Ordinance 2016-8082, which replaced Chapter 18 of the Code of Ordinances and added section 18-7. The ordinance specified the conditions for a licensed establishment to obtain a low-volume outdoor amplified and acoustic sound permit. The ordinance, intended to allow establishments meeting the criteria, to play music at low volume in order to enhance the outdoor dining experience, resulted from suggestions made in the Downtown Action Plan. Permits are valid for one year. There have been no enforcement issues related to low volume outdoor music in the past year.

Ordinance 2018-8106 (attached) proposes two changes to Section 18-7:

- Subsection (8), changes the annual permit renewal date from December 31 to September 30;
- Subsection (9), repeals the expiration ("sunset") date of June 5, 2018 by repealing subsection (9).

The only changes are on page 16 of the ordinance. A copy of page 16 is attached to this memo for your ease of reference.



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RECOMMENDATION

Adopt Ordinance **2018-8106** amending Chapter 18, Section 18-7, "Low Volume Outdoor Amplified and Acoustic Sound."

vi. A sketch plan of the proposed location and orientation of the equipment to be used, the proposed orientation of outdoor seating and tables, and including a certification signed by the applicant that the equipment will be monitored to ensure that it is operated within the sound levels permitted; and

vii. The name and street address where notices related to this section are to be mailed.

The city clerk shall review the application and, if the application is complete, and the licensed establishment is in compliance with the Code of Ordinances, a permit shall be issued allowing low volume outdoor amplified and acoustic sound. A Low Volume Outdoor Amplified and Acoustic Sound Permit is issued by the city clerk. The permit shall contain conditions and limitations as listed in this ordinance including, but not limited to, hours of operation.

(7) *Permit not transferrable.* Any change in the ownership of a licensed establishment after the issuance of the permit shall cause the permit to be immediately invalid and cause the new owner to reapply for the permit. The city shall be notified immediately, and the licensed establishment shall apply for a new permit if a transfer of ownership of the licensed establishment has occurred. Until such time as the new owner of the licensed establishment makes application for a new permit and is approved for the permit, the privilege of low volume amplified and acoustic sound shall be suspended.

(8) *Renewal.* Such permit shall be renewed by the city annually on or before the ~~31th~~ 30th day of ~~December~~ September, provided that none of the following has occurred:

- a. The permit has been suspended by the special magistrate and the conditions of the suspension have not been met;
- b. A transfer of ownership of the licensed establishment has occurred, and this information was not provided to the city; or
- c. A change in location of the licensed establishment has occurred, and this information was not provided to the city.

~~(9) *Expiration (“Sunset”) date.* Section 18-7(6), Low Volume Outdoor Amplified and Acoustic Sound Permit, shall expire on June 5, 2018, unless the city council of the City of Jacksonville Beach amends this section by extending the expiration or repealing this paragraph in its entirety.~~

Introduced By: Council Member Wilson

1st Reading: April 2, 2018

2nd Reading: April 16, 2018

ORDINANCE NO. 2018-8106

AN ORDINANCE AMENDING CHAPTER 18 "NOISE", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 18-7 "LOW VOLUME OUTDOOR AMPLIFIED AND ACOUSTIC SOUND", PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, there exists the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten the residents and guests of the city, and

WHEREAS, the city understands that outdoor dining adds to the ambiance of an establishment, and with that, music played at a low volume can further increase that ambiance, and

WHEREAS, Chapter 166, Florida Statutes, authorizes the City Council, acting for the City of Jacksonville Beach, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violation of Ordinances in accordance with law, and

WHEREAS, through citizen input, the City Council has determined a need to more effectively control and abate noise disturbances in the City, and

WHEREAS, the city seeks to protect, preserve and promote the health, safety, welfare, and quality of life of its residents and guests by the reduction, control, and prevention of noise, and

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

SECTION 1. That Chapter 18. Noise of the Code of Ordinances of the City of Jacksonville Beach, Florida is hereby repealed in its entirety, and a new Chapter 18. Noise is hereby adopted and shall read as follows:

Sec. 18-1. Legislative findings; declaration of necessity.

It is found and declared that:

- (1) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the city is a condition which has existed for some time and the amount and intensity of such noises is increasing;
- (2) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

Sec. 18-2. - Noncompliance with chapter declared unlawful; exception.

It shall be unlawful, except as expressly permitted herein, to make, cause or allow the making of any noise or sound which exceeds the limits set forth in this chapter.

Sec. 18-3. - Noise limitations.

(a) Definitions. For the purpose of this section, certain words and phrases used herein are defined as follows:

A-band level is the total sound level of all noise as measured with a sound level meter using the A weighing network. The unit of measurement is the dB(A).

Daytime is defined as 7:00 a.m. to 10:00 p.m. and *nighttime* is defined as 10:00 p.m. to 7:00 a.m. in residential use occupancies.

Decibel is a unit (dba) of sound equal to ten (10) times the logarithm (base 10) of the ratio of any two (2) quantities proportional to power.

Emergency work is the work made necessary to protect persons or property from exposure to danger.

Noise level is the sound pressure level as measured in dB(A) by a sound level meter.

Outdoor restaurant or bar means any restaurant or bar, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot. This definition includes any deck or other area constructed and/or utilized on the roof of a structure.

Person is any person, person's firm, association, copartnership, joint venture, corporation or any entity public or private in nature.

Sound-level meter is an instrument including a microphone, an amplifier, an outlet meter, and frequency weighing networks for the measurement of noise and sound levels in a specified manner.

Sound pressure level, in decibels, of sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

Plainly Audible shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

All time referred to in this chapter shall be the then current legal time in the City of Jacksonville Beach.

All technical definitions are in accordance with American Standard S1.1-1960 entitled, "Acoustical Terminology."

(b) Classification of use occupancies; projection of noise from one use to another.

- (1) *Classification.* For purposes of defining the "use occupancy", all premises containing habitually occupied sleeping quarters shall be considered in residential use.

All premises containing businesses where sales, professional or other commercial use is legally permitted shall be considered commercial use.

All premises where manufacturing is legally permitted shall be considered manufacturing use.

In cases of multiple uses, the more restrictive use category shall prevail. Hospitals, schools, and church areas are considered residential. Any area not otherwise classified shall conform to commercial standards.

- (2) *Projection of noise.* Sound or noise projecting from one use occupancy to another use occupancy with a different noise level shall exceed neither the limits of the use occupancy into which the noise is projected nor the noise limits of the use occupancy from which the noise originates.

(c) Measurement of noise.

- (1) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute, S1.4 American National Standard Specifications for sound level meters. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used at all times.
- (2) The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.

- (3) The measurement shall be made at any point outside of the property line from where the noise is being transmitted.
- (4) In case of multiple occupancy of a property, the measurement may be made at any point inside the premises to which any complainant has right of legal private occupancy; provided, that the measurement shall not be made within three (3) feet of any ground, wall, floor, ceiling, roof or other plane surface.
- (5) All noise measurements provided for in this chapter will be made by officials of the city who are qualified to operate the apparatus used to make the measurements as provided for in this chapter.

(d) Tables of noise level limits.

- (1) *Table I.* Table I specifies noise levels which represent limits which if exceeded interfere with the peace, quiet and general welfare of the city and its inhabitants. No noise shall be permitted within the city which exceeds the noise level limits of Table I except as expressly authorized by this chapter.

TABLE I

**Maximum Allowable Noise Level Limits
in dB(A) for Residential,
Commercial, and Manufacturing Occupancies**

These levels may not be exceeded more than three (3) times in any continuous sixty-minute period.

District	Day (7:00 a.m. to 10:00 p.m.)	Night (10:00 p.m. to 7:00 a.m.)
Residential	70	65
	Day (7:00 a.m. to 10:00 p.m.)	Night (10:00 p.m. to 7:00 a.m.)
Commercial	75	75
Manufacturing	70	65

- (2) *Table II.* Table II specifies noise levels which if produced by moving vehicles will interfere with the peace, quiet, and general welfare of the city and its inhabitants.

TABLE II
NOISE LEVEL LIMITS FOR
MOVING MOTOR VEHICLES*

- (1) *Trucks and buses.* Eighty-five (85) dB(A) measured fifty (50) feet from the source.
- (2) *Passenger cars, motorcycles, and other motor vehicles.* Seventy (70) dB(A) measured at fifty (50) feet from the source.

*The measurement is made as the vehicle drives past. If the reading is above that listed in (1) or (2) of Table II at any time, the vehicle is in violation of this chapter. All distances are measured from the center of vehicle or center of the driving lane in which the vehicle is being driven.

(e) Motor vehicles.

- (1) *Stationary vehicles.* It shall be unlawful to start, operate, or perform repair work on a motor vehicle which creates a noise or sound which exceeds the noise level limits in Table II.
- (2) *Moving vehicle.* It shall be unlawful to operate a motor vehicle in such a manner as to exceed the noise level limits of Table II when the vehicle is operating on public streets, highways, driveways, parking lots, and ways open to vehicle travel. Normal operation includes normal acceleration, deceleration and operation at maximum normal speeds in all gears and ranges up to the speed limits currently effective on those streets of the city over which the vehicles may be operated.

(f) Building operations. It shall be unlawful for any person to erect (including excavate), demolish, alter, or repair any building other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, or at any time on Sundays or the following observed holidays: New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas, except in the case of urgent necessity in the interest of public safety and then only with a permit approved by the city manager, which permit may be renewed for a period of three (3) days or less while emergency continues.

(g) Exemptions. The following uses and activities shall be exempt from noise level regulations:

- (1) Air conditioners and lawn mowers when this equipment is functioning in accord with the manufacturers' specifications and with all manufacturers'

mufflers and noise reducing equipment in use and in proper operating condition.

- (2) Non-amplified crowd noises resulting from the activities such as those planned by student, governmental or community groups.
- (3) Reserved.
- (4) Noises of safety signals, warning devices and emergency pressure relief valves.
- (5) Noises resulting from any authorized emergency vehicle while responding to an emergency call or acting in time of emergency.
- (6) Noises resulting from emergency work as defined in section 18-3(a).
- (7) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with sections 18-3(h) (Special Event Permits). Regulation of noises emanating from operations under permit shall be according to the conditions and limits contained in sections 18-3(h).
- (8) Noises made by persons having obtained a permit to use the streets are exempt from Table I.
- (9) Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of this chapter. Any aircraft operating under the technical difficulties in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal regulations are also exempt.

(h) Special event permits. Applications for a permit for relief from the maximum allowable noise level limits designated in this chapter may be made in writing to the city manager or his/her designee. Any permit granted by the city manager hereunder must be in writing and shall contain all conditions upon which the permit shall be effective. The city manager or his/her designee may grant the relief as applied for under the following conditions:

- (1) The city manager or his/her designee may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound attenuating devices.
- (2) *Permits for entertainment.* Permits may be granted for the purpose of entertainment under the following conditions:
 - (a) The function must take place on public property.

- (b) The function must be staged between the hours of 8:00 a.m. and 10:00 p.m.
- (c) Functions for which the permits are issued shall be limited to a noise level not to exceed eighty-five (85) dB(A) more than three (3) times in any continuous sixty-minute period, when measured in accordance with section 18-3(c). The city manager or his/her designee may, at his/her sole discretion, establish a lower maximum noise level based on the location or other relevant circumstances relating to the specific special event or noisemaking device.

(i) Other. Special permits for non-entertainment special purposes may be issued under the following conditions:

- (a) 1. If the special purpose relates to the operation of a trade or business that the special purpose not be in the ordinary course of that trade or business; or,
2. If the special purpose does not relate to the operation of a trade or business, that the special purpose not be an ordinary event in the affairs of the applicant; and,
- (b) If the special purpose be a recurring purpose, that it not recur more often than four (4) times each calendar year; and
- (c) 1. That the special purpose be absolutely necessary to the operation of the applicant's trade or business; or,
2. If the special purpose does not relate to the operation of a trade or business, that the special purpose be compatible with the ordinary activities of the neighborhood in which the special purpose is to occur; and,
- (d) Except in emergency situations, as determined by the city manager or his/her designee, the special permit may be issued only for hours between 7:00 a.m. and 11:00 p.m. on week days; and,
- (e) Special permits may be issued for no longer than one week, renewable by further application to the city manager or his/her designee.
- (f) No permit may be issued to permit the use of any loudspeaker or sound device on the exterior of any building which at any time exceeds the noise level limits in Table I except those used for emergency warnings.

Sec. 18-4. - Noises prohibited; unnecessary noise standard; statement of intent; sworn complaint required.

(a) Some sounds may be such that they are not measurable by the sound pressure level meter or may not exceed the limits of Table I or II, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.

(b) Noises prohibited by this section are unlawful notwithstanding the fact that no violation of section 18-3 is involved, and notwithstanding the fact that the activity complained about is exempted in section 18-3(g). Thus, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signaling device on any automobile or other vehicle, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; the sounding of any signaling device for any unnecessary and unreasonable period of time; and the unreasonable use of any signaling device.
- (2) The using, operating or permitting to be placed, used or operated any radio, television, tape or record player, amplifier, musical instrument, or other machine or device used for the production, reproduction or emission of sound, any prolonged sounds made by people, and the keeping of any animal or bird which by causing frequent or long continuous noise in such manner as to disturb the public peace, quiet and comfort of the neighboring inhabitants or at any time with greater intensity than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such sound emitter is operated and who are voluntary listeners thereto.
- (3) Any person making a complaint under this section shall be required to sign a sworn complaint prior to an arrest being made, otherwise no such complaint will be honored.

Sec. 18-5. - Violations; penalties.

(a) Notice of Noise Violation

- (1) When the city manager or an official designated by the city manager determines that there is a violation of the noise level limits contained within Table I in section 18-3(d)(1), he/she shall issue an official Notice of Noise Violation to the person or persons responsible for the noise. The Notice of Noise Violation shall advise the person of the violation of the allowable noise limits, and of the possi-

ble penalty if he/she fails to reduce or eliminate the noise to such allowable limits.

- (2) After the person or persons responsible for the noise are given such notice, the person responsible for the noise shall instantly comply with the limits of Table I in section 18-3(d)(1).
- (3) For the purposes of this section, it is sufficient notice for all prohibited noises if the person or persons responsible for any succeeding noises are provided a Notice of Violation of one offending noise of the same type per twenty-four-hour period.
- (4) If a person or persons have been issued one written Notice of Noise Violation, no other notice shall be necessary within that sixty-day period following the notice for enforcement of the provisions of this chapter for any additional violations occurring within the same sixty-day period.

(b) Arrest; confiscation of noise emitter:

- (1) If the noise level is not reduced or eliminated to allowable limits within a reasonable time after the Notice of Noise Violation as prescribed in section 18-5(a), the person so provided a Notice of Violation and not complying shall be arrested for a violation of this chapter and upon conviction shall be subject to the penalties designated in section 1-11 of the Jacksonville Beach Code of Ordinances. Each day the violation continues shall be considered as a separate offense.
- (2) Any person responsible for an unlawful noise shall be subject to the loss of the noise emitter or emitters if they are convicted three (3) times under this chapter within a twelve-month period and if the convictions were for noises created by the same or same type of noise emitter.

(c) Responsibility of owner of property. The owner, tenant or lessee of property, or a manager, overseer or agent, or any person lawfully entitled to possess the property from which the offending noise is emitted and at which time the offending noise is emitted shall be responsible for compliance with this chapter, and each may be punished for violations of this chapter. It shall not be a lawful defense to assert that some other person caused the noise, but the lawful possessor of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and shall be punished whether or not the person actually causing the noise is also punished.

(d) Violation may be declared public nuisance. The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter that endangers the comfort, repose, health and peace of residents in the area is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 18-6. - Mobile noise.

(a) It shall be unlawful for the driver of a vehicle to operate or permit the operation of any sound amplification system which can be heard and is plainly audible outside the vehicle from fifty (50) or more feet while moving or parked on any street, highway, parking lot or other public property within the city.

(b) It shall be unlawful for any person to operate any type of portable sound amplification device so as to emit noise that is plainly audible fifty (50) feet or more from the source. Said violation can result in the confiscation of the equipment until such time as the offender can positively demonstrate to the court his/her willingness and ability to operate the device within the limits prescribed by this section.

(c) Violations of this section shall not require a warning prior to issuing the citation.

Sec. 18-7. – Low Volume Outdoor Amplified and Acoustic Sound.

(a) Definitions. For the purpose of this section, certain words and phrases used herein are defined as follows:

Acoustic sound shall mean the sound that solely or primarily uses instruments that produce sound through acoustic means, as opposed to electric or electronic means. For the purpose of this chapter, drums or drum machines are not considered to be acoustic sound.

Alcoholic beverage establishment shall mean any commercial establishment located in the city which allows for alcoholic beverages (e.g., beer, wine, or liquor, etc.) to be sold for consumption on the premises.

Amplified entertainment shall mean any type of music or other entertainment delivered through and by an electronic system, including live bands and disc jockeys.

Amplified Sound shall mean any type of sound delivered through and by electric or an electronic system.

Emergency work shall mean the work made necessary to protect persons or property from exposure to danger.

Enclosed Building shall mean a structure with a roof and enclosed walls.

Entertainment sound shall mean any sound originating from an event, performance, or act designed to entertain others.

Licensed Establishment shall mean any business, within the city of Jacksonville Beach, licensed to sell food, beverages, and/or alcoholic beverages. The provisions of this section shall apply to the following state alcoholic beverage license types: **1-COP**

(beer only consumption on premises), **2-COP** (beer and wine consumption on premises), **4-COP Quota License** (beer, wine, and liquor package sales and consumption on premises), **4-COP-S** (beer, wine, and liquor consumption on premises in connection with the operation of a hotel, motel, motor court, or condominium), **4-COP-SRX** (beer, wine, and liquor consumption on premises in connection with a restaurant), **4-COP-SBX** (beer, wine, and liquor consumption on premises in connection with a bowling alley), **11-GC** (beer, wine, and liquor consumption on premises in connection with a golf club), **11-C** (beer, wine, and liquor in connection with a bona fide club, including fraternal or benevolent association lodges or clubs, social clubs, and tennis, racquetball, cabana, or beach clubs, for consumption on premises by members and their guests only), **ODP** (beer, wine, and liquor consumption on premises for a bona fide non-profit civic organization for a period not to exceed three (3) days and no more than three (3) times per year), and any other business within the city licensed to sell/distribute food, beverages, or alcoholic beverages.

Low volume shall mean sound played at a level such that a person outside of the property line of the source of the sound, speaking in a normal tone of voice, is plainly audible and can be heard clearly and understandably by another person standing a maximum of thirty-six inches (36") away from the person speaking, without the aid of a listening device.

Momentarily shall mean a very short time equaling less than 30 seconds.

Noise shall mean any sound or vibration which may disturb or annoy reasonable persons of normal sensitivities; or causes, or tends to cause, an adverse effect on the public health and welfare; or endangers or injures people; or endangers or injures personal or real property.

Outdoor gathering area shall mean the area outside the confines of an enclosed building, and within the property line of the premises, designated for a person or persons to congregate. (e.g., patio, lanai, porch, terrace, veranda, sundeck, deck, courtyard, balcony, etc.)

Outdoor restaurant or bar shall mean any restaurant or bar, or portion thereof, which exists outside of the permanent exterior walls of the principal building(s) on a lot and has, in place, tables and chairs set up to accommodate patrons for seating, during all hours of operation. This definition includes any deck or other area constructed and/or utilized on the roof of a structure.

Person is any person, person's firm, association, copartnership, joint venture, corporation or any entity public or private in nature.

Plainly Audible shall mean any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be considered to be plainly audible sound.

Previously Issued Outside Sound Amplification Permits defines businesses holding a valid Outside Sound Amplification Permit as of August 1st, 2016, and shall be permitted to be subject to the provisions of Ordinance No. 2002-7834 voted into law on June 3rd, 2002.

Property line of the premises shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

All references to time in this chapter shall be the current legal time in the City of Jacksonville Beach.

All technical definitions are in accordance with American Standard S1.1-1960 entitled, "Acoustical Terminology."

(b) Low Volume Outdoor Amplified and Acoustic Sound permits.

(1) *Permit required.* Any person or business owning or operating a licensed establishment as defined in Section 18-7(a) that is located in the City of Jacksonville Beach, and which provides for low volume outdoor acoustic or amplified sound, shall possess a Low Volume Outdoor Amplified and Acoustic Sound Permit. This permit authorizes licensed establishments to provide outdoor amplified and acoustic entertainment to originate from within the property line of a licensed business, to utilize outdoor sound amplification equipment, and to otherwise permit the generation of amplified sound in unenclosed parts of the licensed premises.

(2) *Exemptions.*

- a. Indoor emergency signaling devices alerting an emergency shall not be deemed amplified or acoustic sound.
- b. An exterior burglar alarm shall not be deemed amplified and acoustic sound.

(3) *Standards applicable to indoor entertainment sound.*

- a. Except as otherwise permitted in this section, no licensed establishment in the City of Jacksonville Beach shall convey any entertainment sound, originating from within the licensed establishment's enclosed building, to the outside confines of the enclosed building, including any outdoor gathering areas.
- b. No licensed establishment shall be in violation of the noise restrictions in Section 18-4, *Noises prohibited*.
- c. Amplified and acoustic entertainment sound originating within the enclosed building housing the licensed establishment shall not be conveyed outside the building by any means, including but not limited to open windows, open doors

except entrance doors when opened momentarily, as needed for ingress and egress of persons, or any other means which conveys or facilitates amplified music from inside the confines of the building to the outside of the building, unless such sound is low volume, as defined in section 18-7(a).

(4) *Standards applicable to outdoor entertainment sound.*

- a. Any licensed establishment providing outdoor amplified or acoustic sound, including background music, must possess a valid Outdoor Amplified and Acoustic Sound Permit.
- b. Licensed establishments holding a Low Volume Outdoor Amplified and Acoustic Sound Permit shall not generate any sound within or from their outdoor dining area that exceeds a level such that a person outside of the property line of the originating premises and speaking in a normal tone of voice is not plainly audible, and understood, over this sound by another person standing a maximum of thirty-six inches (36") away from the person speaking.
- c. Outdoor amplified and acoustic sound shall be limited to sound producing devices such as low volume amplified sound, low volume acoustic, low volume orchestral instrument, or low volume stringed instruments. Drums, drum machines, and sub-woofer bass speakers are prohibited.
- d. Outdoor disc jockeys and amplified bands are strictly prohibited, unless specifically allowed in writing as part of a permit issued pursuant to Section 4-5 *Temporary extension of licensed premises* of Chapter 4 *Alcoholic beverages*.
- e. All sound must originate within the property line of the licensed establishment which holds a Low Volume Outdoor Amplified and Acoustic Sound Permit.
- f. Any sound originating within the enclosed building of a licensed establishment shall not be conveyed to the outdoor dining area unless that music is electronically channeled through the low volume speakers, and shall not generate any sound that exceeds a level such that a person outside the property line of the originating premises and speaking in a normal tone of voice is not plainly audible, and understood over this sound by another person standing a maximum of thirty-six inches (36") away from the person speaking.
- g. Operation of any amplified and acoustic sound between the hours of 10:00 p.m. and 8:00 a.m. is prohibited.
- h. Removing and/or resituating outdoor seating and tables as permitted in this chapter (18 Noise), while generating low volume outdoor amplified and acoustic sound, is prohibited.
- i. *Previously Issued Outside Sound Amplification Permits.* Beginning on August 1, 2002, persons or businesses owning or operating an outdoor restaurant, bar,

or any other establishment utilizing outdoor sound amplification equipment; and is otherwise permitted to generate amplified sound or noise in unenclosed parts of a premise, is required to possess a valid Previously Issued Outside Sound Amplification Permit.

(5) *Renewal for Previously Issued Outside Sound Amplification Permit.*

- a. Renewal for a Previously Issued Outside Sound Amplification Permits shall be made to the city clerk, on forms provided for that purpose. A fee, in an amount set by resolution of the city council and payable upon issuance, shall be charged for the outside sound amplification permit.
- b. Persons or businesses possessing a previously issued Outside Sound Amplification Permit shall file with the city, a sketch plan showing the proposed location and orientation of the equipment to be used, the street address and specific location at that address for the proposed use, the hours of operation of the equipment, a valid business tax receipt for licensed establishment, verification of compliance by licensed establishment with city zoning, code regulations, certification from the applicant that the equipment will be monitored to ensure that it is operated within the decibel levels permitted, and The name and street address where notices related to this section are to be mailed.
- c. For outdoor restaurants, bars or other establishments adjacent to a public right-of-way, public easement, public property, or public or private body of water other than the Atlantic Ocean, the amplification devices shall be directed away from any adjacent public right-of-way, public easement, public property, or public or private body of water other than the Atlantic Ocean; and otherwise operated in accordance with this chapter.
- d. Any person or business owning or operating an outdoor restaurant, bar, or other establishment located within two thousand (2,000) feet of the centerline of the Atlantic Intracoastal Waterway, said centerline being the western corporate limit of the City of Jacksonville Beach; as measured in a straight and continuous line from any point on or at the property line of such restaurant, bar, or other establishment, to the nearest point of the centerline of the Atlantic Intracoastal Waterway, may make application for an outdoor sound amplification permit. If such permit is granted by the City of Jacksonville Beach, the person or business is permitted to generate amplified sound or noise in unenclosed parts of a premise up to, but not to exceed, a maximum decibel level of 40 dB(A). The maximum decibel level established in this section applies only to outdoor restaurants, bars, or other establishments located within two thousand (2,000) feet of the centerline of the Atlantic Intracoastal Waterway, as defined above. All other outdoor restaurants, bars, or other establishments throughout the City of Jacksonville Beach must meet the requirements for maximum noise levels set forth in section 18-3(d)(1); Table 1.

- e. No permit shall be valid for the operation of any outside sound amplification equipment between the hours of 10:00 p.m. and 10:00 a.m. the following day.
- f. A permit shall be effective for a one-year period beginning on October 1st of each year, and is renewable for additional one-year periods upon reapplication and payment of the annual fee.
- g. *Permit not transferrable.* Any change in the ownership, name, and/or location of a licensed establishment with a valid Previously Issued Outside Sound Amplified Permit, as described in this section, shall cause the permit to be immediately invalid, and will only be issued as new Low Volume Outdoor Amplified and Acoustic Sound Permit.

(6) *Application for a Low Volume Outdoor Amplified and Acoustic Sound Permit.*

- a. An application for a low volume outdoor amplified and acoustic sound permit shall be made to the city clerk, on forms provided for that purpose. A fee, in an amount set by resolution of the city council and payable upon issuance, shall be charged for the outside sound amplification permit. The permit shall be issued within thirty (30) days of receipt of a complete application.
- b. *Minimum information required.* Any licensed establishment wishing to produce low volume outdoor amplified and acoustic sound shall complete an application form provided by the city. An annual fee, in an amount set by resolution of the city council and payable upon issuance, shall be charged for the permit. The application form shall include, but not be limited to, the following information:
 - i. Name and street address of the owner of the licensed establishment;
 - ii. Valid business tax receipt for licensed establishment;
 - iii. The hours of operation of the licensed establishment and a listing of the hours of operation of the entertainment sound equipment proposed to be used under the Outdoor Amplified and Acoustic Sound Permit, if approved;
 - iv. Verification of compliance by licensed establishment with city zoning and code regulations;
 - v. Specific type of state alcoholic beverage license held by the licensed establishment, if applicable;

- vi. A sketch plan of the proposed location and orientation of the equipment to be used, the proposed orientation of outdoor seating and tables, and including a certification signed by the applicant that the equipment will be monitored to ensure that it is operated within the sound levels permitted; and
- vii. The name and street address where notices related to this section are to be mailed.

The city clerk shall review the application and, if the application is complete, and the licensed establishment is in compliance with the Code of Ordinances, a permit shall be issued allowing low volume outdoor amplified and acoustic sound. A Low Volume Outdoor Amplified and Acoustic Sound Permit is issued by the city clerk. The permit shall contain conditions and limitations as listed in this ordinance including, but not limited to, hours of operation.

- (7) *Permit not transferrable.* Any change in the ownership of a licensed establishment after the issuance of the permit shall cause the permit to be immediately invalid and cause the new owner to reapply for the permit. The city shall be notified immediately, and the licensed establishment shall apply for a new permit if a transfer of ownership of the licensed establishment has occurred. Until such time as the new owner of the licensed establishment makes application for a new permit and is approved for the permit, the privilege of low volume amplified and acoustic sound shall be suspended.
- (8) *Renewal.* Such permit shall be renewed by the city annually on or before the ~~31st~~ 30th day of ~~December~~ September, provided that none of the following has occurred:
 - a. The permit has been suspended by the special magistrate and the conditions of the suspension have not been met;
 - b. A transfer of ownership of the licensed establishment has occurred, and this information was not provided to the city; or
 - c. A change in location of the licensed establishment has occurred, and this information was not provided to the city.
- (9) *Expiration (“Sunset”) date.* ~~Section 18-7(6), Low Volume Outdoor Amplified and Acoustic Sound Permit, shall expire on June 5, 2018, unless the city council of the City of Jacksonville Beach amends this section by extending the expiration or repealing this paragraph in its entirety.~~

(10 9) *Notice of violation, hearing, and penalties.*

- a. *Low Volume Outdoor amplified sound is a privilege.* The ability of a licensed establishment to generate outdoor amplified and acoustic sound, during the licensed establishment's hours of operation, on any day of the week is hereby declared to be and is a privilege subject to suspension, and no person may reasonably rely upon a continuation of that privilege. As a condition of the continuation of the privilege, licensed establishments are required to take all necessary steps to minimize the sound level originating from the licensed establishment. The following are representative, but not all-inclusive, of activities that may result in suspension of the privilege of amplified and acoustic sound:
- i. Violations of any provisions of Chapter 18 of the City of Jacksonville Beach Code of Ordinances, relating to noise and sound limitations;
 - ii. Failure to obtain a Low Volume Outdoor Amplified and Acoustic Sound Permit or failure to renew the permit as required; or
 - iii. Failure to renew a Previously Issued Outside Sound Amplification Permit as required.
- b. *Action by city manager.* The Previously Issued Outside Sound Amplification Permit and Outdoor Amplified and Acoustic Sound Permit can be revoked at any time by the city manager or his/her designee if the operation fails to follow the terms of the permit or for a violation of any city ordinance. The city manager's or his/her designee revocation of a permit may be appealed to the special magistrate.
- c. *Notice of violations, hearings, and penalties.*
- i. *Finding of violation.* In order to invoke the enforcement provisions of this section, a violation must be verified and documented by a police officer or code enforcement officer. A violation by a licensed establishment of any section of this ordinance shall result in a written notice of violation, issued by a police officer. The notice of violation shall be served by hand delivery or certified mail to the owner, proprietor, manager, or highest-ranking employee then on the premises of the licensed establishment. Issuance of a notice of violation of this section shall not prevent the filing of charges against the licensed establishment or any person for any other violation of the Code of Ordinances or state statutes.

- ii. *Jurisdiction of the special magistrate.* A notice of violation shall be taken before the city's special magistrate for consideration of suspension of the licensed establishment's Previously Issued Outside Sound Amplification Permit and Outdoor Amplified and Acoustic Sound Permit. The special magistrate shall exercise jurisdiction over such matters as set forth in Article VI, Section 2-170 of the Code of Ordinances of the City of Jacksonville Beach.

- iii. *Action by the special magistrate.* Upon completion of the hearing, the special magistrate shall deliver a ruling either that no action shall be taken against the licensed establishment's Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit, or that the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit shall be suspended. A suspension of the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit for a first finding by the special magistrate of a violation shall be not less than thirty (30) days nor more than ninety (90) days. A second and any subsequent finding by the special magistrate of a violation of the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit within one year (three hundred sixty-five (365) days) of the date of completion of the most recent suspension period shall result in a suspension of not less than ninety (90) days nor more than one hundred eighty (180) days. In addition to any suspension of the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit, the special magistrate may issue a fine of not more than five hundred dollars (\$500.00) per violation of this section. The special magistrate shall base his/her ruling upon substantial, competent evidence presented that supports a finding of non-compliance with this section. The special magistrate's written order of suspension of the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit shall state the effective date of the suspension and shall give the licensed establishment ten (10) calendar days of the notice of suspension.

- iv. *Failure of license holder to appear.* If a licensed establishment served with a notice of violation fails to appear at the hearing after having received proper notice, the special magistrate shall take testimony from city staff, and other relevant testimony, as available, and shall deliver a ruling either that no action shall be taken against the licensed establishment's Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit, or that the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Outdoor Acoustic Sound Permit shall be suspended for a period of time as set forth in this section. A ruling that the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit be suspended shall take ef-

fect on the tenth calendar day after the order is issued. The enforcement of such order shall be stayed if the licensed establishment files a request for a rehearing with the city clerk's office before the date the order is scheduled to take effect. In such case, the licensed establishment shall be rescheduled for a hearing before the special magistrate. At that hearing, the special magistrate shall take testimony from the licensed establishment, and other relevant testimony, as available, and shall deliver a ruling upholding the previous order suspending the Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit, amending the order suspending the Previously Issued Outside Sound Amplification Permit or Low Volume Outdoor Amplified and Acoustic Sound Permit, or rescinding the order suspending the Previously Issued Outside Sound Amplification Permit or Low Volume Outdoor Amplified and Acoustic Sound Permit. If the special magistrate upholds a suspension of the Previously Issued Outside Sound Amplification Permit or Low Volume Outdoor Amplified and Acoustic Sound Permit, such suspension shall take effect ten calendar days after the ruling is issued.

- v. *Modification of ownership status to avoid suspension.* Any licensed establishment that has had a Previously Issued Outside Sound Amplification Permit or Outdoor Amplified and Acoustic Sound Permit suspended cannot avoid the consequences of the special magistrate's action by changing its business name or corporate status.

- vi. *Alternative enforcement procedures.* The enforcement procedures contained herein are alternative procedures, and the city reserves the right to arrest, prosecute, or take action utilizing any other enforcement procedures authorized by law.

Sec. 18-8. – Severability.

Each separate provision of chapter 18 and the ordinances herein shall be deemed to be severable. If any provision, word or section within this chapter or ordinances herein is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions, section or word of this chapter or ordinances.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED IN OPEN MEETING THIS __ DAY OF _____, A.D. 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK