



Agenda

City Council

Monday, August 5, 2019

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

19-119 City Council and Community Redevelopment Agency Joint Meeting held July 15, 2019

19-120 Regular Council Meeting held on July 15, 2019

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

19-121 Approve the Appointment of a Trustee to the Police Officers' Pension Board of Trustees

19-122 Recognize Ocean Rescue Lifeguards Maxwell Ervanian and Kenneth Bonn for their Heroic Actions

- 19-123 Award RFP No. 07-1819 for Groundskeeping Materials to Seven (7) Vendors
- 19-124 Approve the Findings of Fact, Ordinance No. 2014-8058, Establishing a Redevelopment District: RD Zoning District within the City (Surfer the Bar)
- 19-125 Approve the Findings of Fact, Ordinance No. 2019-8120, Establishing a Redevelopment District: RD Zoning District within the City (Springhill Suites by Marriott)
- 19-126 Approve the Findings of Fact, Ordinance No. 2019-8121, Establishing a Planned Unit Development: PUD Zoning District within the City (Pablo Hamlet)
- 19-127 Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements for Summer Court
- 19-128 Approve the Purchase of a Replacement Street Sweeper
- 19-129 Approve a Change Order to Bid No.1718-23 for Fiber Installation Transmission Line 805
- 19-130 Approve Requesting State Appropriation for the Purchase and Installation of License Plate Readers for the Police Department
- 19-131 Consider Modifying a Submission to the Commission on Ethics

RESOLUTIONS

- 19-132 RESOLUTION NO. 2038-2019

A RESOLUTION TO AUTHORIZE BEACHES ENERGY TO PURCHASE 5 MEGA-WATTS (MW) OF SOLAR ENERGY CAPACITY VIA A POWER PURCHASE AGREEMENT (PPA) THROUGH THE FLORIDA MUNICIPAL POWER AGENCY (FMPPA).

ORDINANCES

- 19-133 ORDINANCE NO. 2019-8122 (Second Reading) (Public Hearing)

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 VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES. (Adds Craft Distillery as a Conditional Use)

19-134 ORDINANCE NO. 2019-8123 (Second Reading)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE. (**Medical Marijuana Treatment Centers**)

19-135 ORDINANCE NO. 2019-8118 (First Reading) (Public Hearing)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 34 TO DEFINE AND REGULATE SHORT-TERM VACATION RENTALS, WHERE PERMITTED.

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 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 Special City Council Meeting began at 5:30 P.M.

The following City Council Members and CRA Members were in attendance:

Mayor:	William C. Latham		
Council Members:	Keith Doherty (absent) Christine Hoffman	Georgette Dumont Cory Nichols	Sandy Golding Phil Vogelsang
CRA Members:	Scott Gay (absent) Jeffrey Jones	Art Graham Frances Povloski	Samuel Hall

Also present were City Manager Mike Staffopoulos and Director of Planning and Development Bill Mann.

Purpose of Special City Council and CRA Meeting

The purpose of the Community Redevelopment Agency (CRA) and City Council Joint Meeting was to discuss the Pier Entryway concept with Dix.Hite and to continue the discussion on parking, homelessness and Code Enforcement in the Downtown area.

City Manager

The CRA and the City Council discussed the following issues:

Dix.Hite Pier Entryway concept

Mr. Kody Smith and Mr. Greg Bryla from Dix.Hite+Partners presented a Pier Entryway Concept 2 design [on file]. Conversation ensued regarding the following topics about the design on the Pier Entryway:

- Gateway design
- Elevated overlook
- Landscape and coquina islands
- Public art opportunity
- Additional bike parking
- Relocated surfer art
- Artful snow fencing

Parking garage options

Director of Planning and Development Mr. Bill Mann presented multiple options for parking garages [on file] in the Downtown area. Conversation ensued regarding estimated costs, ownership, location, and design. Possible locations discussed were as follows:

- CRA surface lot located on North 2nd Street between 3rd and 4th Avenue North
- Pier surface lot located just North of the Pier entrance
- Corner lot at 2nd Avenue North and 2nd Street North
- Sneaker's lot located between 1st and 2nd Streets North, south of Latham Plaza
- Ritz Bar lot located on North 1st Street between 3rd and 4th Avenue North

Homelessness

A summary regarding homelessness and enforcement efforts was provided [on file] with discussion to be held at a later briefing.

The meeting adjourned at 6:51 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

DRAFT

**Minutes of Regular City Council Meeting
held Monday, July 15, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Council Member Vogelsang provided the Invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:02 P.M.

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty (*Absent*) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos and Acting City Attorney Denise May.

APPROVAL OF MINUTES:

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

- Council Briefing held on June 17, 2019
- Executive Session held on June 17, 2019
- Regular Council Meeting held on June 17, 2019
- Council Workshop held on June 27, 2019

ANNOUNCEMENTS:

Mr. Staffopoulos announced a change to the Budget Workshop Calendar to facilitate all of the council members' attendance.

COURTESY OF THE FLOOR TO VISITORS:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, provided a handout [on file] and spoke about issues in the Downtown area.
- Casey Jones, 125 11th Street, Atlantic Beach, spoke about a petition he started related to sea turtles, LED lights in City parking lots, and the City's sea turtle ordinance.
- Bill Haft, 125 Mills Lane, Jacksonville Beach, spoke about damage to property where he and his wife own a medical building at 357 11th Avenue South in Jacksonville Beach. Mr. Haft stated the City's contractor, Petticoat Schmidt, tore up the driveway, yard, and sprinkler system during ongoing roadwork, and did not replace the damaged area to his satisfaction.
- Lori Musser, 6670 Rivercrest Drive, Jacksonville, spoke about sea turtle lighting and encouraged the Council to look into updating the ordinance.

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

Item #19-111 – Authorize the Mayor and Councilors Attendance at the 93rd Annual Florida League of Cities Conference

Mr. Staffopoulos stated in the past, elected officials had not regularly attended these conferences. This year, there has been interest in attending the conference, and the legislative budget does have funding for up to five council members to attend.

Discussion ensued to find out which council members had an interest in attending and the need for a policy related to council member travel and training.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to authorize the following elected officials to attend the 93rd Annual Florida League of Cities Conference: Mayor Latham, Council Members Dumont, Nichols, Hoffman, and Golding.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

Item #19-112 – Approve the Monthly Financial Reports for the Month of June 2019

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the financial reports for the month of June 2019, as presented in a memo from Ashlie Gossett, Chief Financial Officer, dated July 9, 2019.

Roll Call Vote: Ayes –Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed unanimously.

Item #19-113 – Approve the Purchase of Twelve (12) Itron Mobile Radio Handheld Devices and Associated Software from Sole Source Provider Anixter Power Solutions

Beaches Energy Services Director Allen Putnam explained this is an update to the current handheld devices currently used to read both water and electric. Due to the Munis system upgrade to the billing system and discussion with the Finance Department, this purchase, originally planned for the next year's budget, was moved up one year.

Mr. Putnam responded to a question from Ms. Hoffman and clarified the new water meters are automated, some electric meters are radio read, but most electric meters require the numbers to be manually entered.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the purchase of twelve (12) Itron mobile radio handheld devices and associated software from sole-source provider Anixter Power Solutions.

Roll Call Vote: Ayes –Hoffman, Nichols, Vogelsang, Dumont, Golding, Mayor Latham
The motion passed unanimously.

RESOLUTIONS:

ORDINANCES:

Mayor Latham announced he was moving the order of agenda items to allow Item #19-115 to be heard next.

Item #19-115 – ORDINANCE NO. 2019-8121 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8121 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”

Mayor Latham read the following:

“This ordinance for the rezoning of property is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an application for the rezoning of property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision-makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a rezoning application is

based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application, and the staff and Planning Commission reports on this rezoning request.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8121.

Melissa Gilreath, 101 Palmera Court, Ponte Vedra, explained she is with the management company hoping to add 84 units to Pablo Hamlet to alleviate the current lack of affordable senior housing using tax credits. There is a waiting list of three years for Pablo Hamlet and five years for Pablo Towers.

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Mayor Latham closed the Public Hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

There was no ex parte communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8121 establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Roll Call Vote: Ayes –Nichols, Vogelsang, Dumont, Golding, Hoffman, Mayor Latham
The motion passed unanimously.

Item #19-114 – ORDINANCE NO. 2019-8120 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8120 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”

Mayor Latham read the following:

“This ordinance for the Redevelopment District: RD rezoning of a property is before this Council for a public hearing and consideration on its second [clarified] reading. Under the laws of the State of Florida, an application to amend the zoning regulations or map governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision-makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that his or her application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a RD rezoning application is based on the criteria set forth in Section 34-347(c)(3)i. of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application and the staff, Planning Commission, and Community Redevelopment Agency recommendations on this rezoning request.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8120.

Mr. Vogelsang asked to clarify for the record this is the second reading. Mayor Latham confirmed.

Steve Diebenow, One Independent Drive, Suite 1200, Jacksonville, spoke on behalf of the applicant. Mr. Diebenow stated he was available to answer any questions.

The following spoke in opposition to the agenda item:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach

Mayor Latham closed the Public Hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

Mayor Latham stated he received an email from Mr. Diebenow before the first reading, but nothing since the first reading.

Mr. Nichols stated he had no additional ex parte communication other than what was discussed before the first reading.

Ms. Dumont stated she had emails and phone calls with Mr. Diebenow regarding parking, traffic flow, public art, retractable awnings, and the look and feel of the hotel. She also was sent a couple of revisions of some of the outdoor plans and discussed other things the applicant is looking to do.

Mr. Vogelsang stated he had none.

Ms. Hoffman stated she had none other than the prior information.

Ms. Golding stated she received an email from Valerie Thomas, [320 1st Street North, Jacksonville Beach,] who spoke at the previous meeting and had concerns about the design of the building. Ms. Golding also spoke with Gary Paetau, [725 Bonaire Circle, Jacksonville Beach,] about the design.

Ms. Dumont stated she also had a discussion with Mr. Paetau.

Mayor Latham inquired about the revisions some council members received, while others did not. Mr. Diebenow explained the revisions were to address the internal flow of traffic inside the garage. He stated he went over the revisions with City staff and provided a copy to council members [on file]. The revisions can be made as part of the permitting process.

Discussion ensued regarding traffic flow, the boardwalk area, and other potential revisions that could be made during the permitting process.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8120 establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Mr. Diebenow and Alex Grace, 8641 Seven Lakes Drive, Ooltewah, Tennessee, answered questions from council members regarding off-street parking, loading, deliveries, trash/dumpster pickup, open space requirements, environmental requirements, and the restaurant.

Roll Call Vote: Ayes – Vogelsang, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed unanimously.

Planning and Development Director Bill Mann stated the two ordinances [Ordinance No. 2019-8120 and Ordinance No. 2019-8121] just approved at second reading would have the Findings of Fact at the next City Council meeting.

Item #19-116 – ORDINANCE NO. 2019-8122 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8122 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 VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) CONDITIONAL USES TO ADD “CRAFT DISTILLERY” AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND FOR OTHER PURPOSES.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council’s decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8122.

Ed Malin, 1436 Beach Boulevard, Jacksonville Beach, stated craft distillery currently exists in Industrial [I-1] Zoning. He is asking the same use be allowed as a conditional use on Commercial [general: C-2] space, specifically the Angie’s Subs lot.

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Mayor Latham closed the Public Hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An *ex parte* communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

Mayor Latham, Mr. Nichols, Ms. Dumont, Mr. Vogelsang stated they had no ex parte communication.

Ms. Golding stated she spoke on site with Mr. Malin and her neighbor about the plan.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

Ms. Dumont inquired about the use of craft distillery in the Industrial zone and consumption of alcohol. Ms. May stated the addition of craft distillery in the Industrial zone predated her time, and she would have to look back at the discussion when it was added. Ms. May stated an applicant would have to have the proper state alcohol license. Ms. Dumont expressed concern part of the Commercial zone on Beach Boulevard is near residential areas.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8122, amending the Land Development Code to add “craft distillery” to the list of conditional uses in the City’s Commercial, general: C-2 zoning districts.

Roll Call Vote: Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

Item #19-117 – ORDINANCE NO. 2019-8123 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8123 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria."

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8123.

Mr. Mann explained when staff was tasked with the ability to regulate medical marijuana treatment facilities, the [state] legislature framed it so the facilities could not be regulated any more stringently than pharmacies. After the ordinance was adopted, it was discovered the City was regulating medical marijuana treatment dispensaries (MMTD) with a 500-foot distance spacing, but we were not doing it with pharmacies. There are two options: either expand location requirements to include pharmacies or remove the 500-foot distance requirement from MMTDs. The second option is what staff is proposing to the Council.

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Mayor Latham closed the Public Hearing and read the following:

"Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any *ex parte* communications regarding this application. An *ex parte* communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process."

There was no *ex parte* communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8123, amending the Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

Mayor Latham inquired if staff knew how many pharmacies would be affected if the same distance separation requirement were applied. Mr. Mann stated he did not analyze existing pharmacies, but if implemented, they would be labeled existing non-conforming and allowed to continue. However, they would lose the non-conformity if they wanted to expand or closed for more than six months.

Ms. May answered questions from the Council about any limitations on how many MMTDs are allowed in a city, stating the State regulates the overall number, and there is currently litigation related to the subject.

Roll Call Vote: Ayes –Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed unanimously.

Item #19-117 – ORDINANCE NO. 2014-8058

AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2014-8058, establishing a Redevelopment District: RD Zoning District within the City of Jacksonville Beach, Florida, as provided under Chapter 34 of the Land Development Code of the City of Jacksonville Beach Code of Ordinances.

Ms. May summarized this ordinance was originally before the City Council on July 21, 2014, and the final hearing was held September 15, 2014. It was denied on a 4-2 vote with one abstention. Findings of Fact included the application did not comply with the 500-foot separation between alcohol establishments and exceeded allowable outdoor seating. The applicant appealed the denial to the Circuit Court, which upheld the City. The Circuit Court based the decision on the competent substantial evidence only the City was able to use Section 34-211 of our Code in order to reach those sections of the Code, including the 500-foot separation between alcohol establishments and the outdoor seating.

The Circuit Court decision was appealed by the applicant to the District Court of Appeal, who found it was an error for Circuit Court to find the City could use the criteria of 34-211 for this RD

zoning application. The District Court found the City was only bound to apply only the criteria of Section 34-347(c)(3)i, which does not allow for the application of the Land Development Code as a whole which includes the 500-foot separation and the outdoor seating criteria.

Ms. May noted in February of 2018, the City amended Section 34-347 for the RD zoning to include Section 34-211 for future applications. The City has been instructed by the Court to apply the criteria of 34-347(c)(3)i as it existed in 2014. The Court also mandated the City is not permitted to reopen the record, so it is not a public hearing. The decision must be based on the record as it existed on September 15, 2014. Transcripts of the hearings and a copy of the application were provided with the agenda.

Ms. May restated this is not a public hearing. The applicant would not be making a presentation, and the Council would not hear from the public. There would not be a second reading. This is a remand.

In response to a question from Ms. Golding, Ms. May stated conditions discussed at the September 2014 public hearing could be incorporated into Council's decision. Discussion ensued referencing a handout provided by Mr. Diebenow [on file], to clarify conditions related to parking. Mr. Mann clarified the requirement for 22 standard parking spaces plus one ADA space, 23 spaces total on the site plan included with the application.

Motion: It was moved by Ms. Golding, seconded by Ms. Dumont, to approve Ordinance Number 2014-8058 with the conditions Ms. May has incorporated in her memo, plus the children and families permitted until 10:00 P.M. every night.

Mr. Vogelsang clarified for the record it is numbers 1. through 15. on pages 2 and 3 of Ms. May's memo. Discussion ensued on the conditions in Ms. May's memo, and it was clarified all the conditions were agreed to by the applicant in 2014. Ms. May stated it was the Court's order the City may not open reopen the hearing, may not hear from the public, and that is the way it must be.

Roll Call Vote: Ayes – Dumont, Golding, Mayor Latham
Nays - Hoffman, Nichols, Vogelsang
The motion to modify the original motion failed 3-3

Roll Call Vote: Ayes – Nichols, Vogelsang, Golding, Hoffman, Mayor Latham
Nays – Dumont
The motion passed 5-1

ADJOURNMENT:

Before adjournment, Mr. Staffopoulos summarized issues brought up during Courtesy of the Floor related to the downtown area, sea turtle lighting, and construction work at 11th Avenue South.

There being no further business, the meeting adjourned at 8:30 P.M.

Submitted by: Laurie Scott
City Clerk

LS/sg

Approval:

William C. Latham, MAYOR

Date: _____

DRAFT



City of

Jacksonville Beach

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MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Duston Scott, Payroll Benefits Administrator
SUBJECT: Appointment of Trustee to Police Officers' Pension Board of Trustees
DATE: August 5, 2019

ACTION REQUESTED

Appointment of trustee to Police Officers' Pension Board of Trustees.

BACKGROUND

The Police Officers' Pension Board of Trustees consists of five (5) members as follows:

- Two (2) members appointed by the City Council, who shall be residents of the City,
- Two (2) Police Officers who shall be elected by active police officers of the City,
- A fifth member selected by the four (4) members and appointed, as a ministerial act, by the City Council.

Alan Grant was appointed by the City Council to the Police Officers' Pension Board of Trustees in January 2008 and served for over ten years on the board. Mr. Grant passed away in March 2019. A new trustee will need to be appointed to serve the remainder of his term, which will expire on March 31, 2020.

The City received applications from the following two residents, who have expressed interest in serving on the City's pension boards.

- Timothy Hallahan
- John Gosztyla

Their applications are attached along with the spreadsheet that shows a listing of the applicants interviewed.

RECOMMENDATION

Approve the appointment of a trustee to the Police Officers' Pension Board of Trustees, to fill the vacancy and complete the term expiring on March 31, 2020.



City of Jacksonville Beach
Office of the City Clerk
11 North 3rd Street
Jacksonville Beach, Florida 32250



Phone: (904) 247-0299 ext 10
FAX: (904) 247-0299
E-mail: cityclerk@jaxbci.com



Application for Appointment to City Boards

Personal Information (Please print or type)

Name: TIMOTHY HALLAHAN Home Phone: 904 805 2658
 Home Address: 3755 SANCTUARY WAY N
 E-Mail Address: tim@hallahan.pro Cell Phone: 904 805 2658
 Occupation: INSURANCE BROKER Business Phone: _____
 Business Name: INDEPENDENT
 Business Address: _____

Eligibility - Please Circle

Are you a resident of the City? Yes No If yes, length of time: 1 year, 3yrs w/ JACKSONVILLE
 Are you a registered voter? Yes No If yes, what County: DUVAL
 Do you own property in the City? Yes No If yes, address: 3755 SANCTUARY WAY N
 Do you hold a public office? Yes No If yes, Office name: _____
 Are you employed by the City? Yes No If yes, position: _____
 Are you currently serving on a Board? Yes No If yes, Board Name: _____
 Have you been convicted of a felony? Yes No If yes, provide date: _____
 Have your civil rights been restored? Yes No If yes, provide date: _____
 Have you filed bankruptcy? Yes No If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2")

<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Planning Commission
<input checked="" type="checkbox"/>	Community Redevelopment Agency	<input checked="" type="checkbox"/>	Pension Trustee

Please list the type of City meetings you have attended: _____

Qualifications (Briefly describe specific expertise, abilities, or qualifications) Focus on finance during M.B.A., spent 2 years as consultant with Pricewaterhouse Coopers, 3 years as operations manager

Education: B.S. Mechanical Engineering, Case Western Reserve University
M.B.A., University of Washington
Insurance Agent - Life, variable annuities & health - state of Florida
Insurance Adjuster - all lines - state of Florida

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>		<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Female	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known		

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

Date 5-1-19

Applicant's Signature 

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment Yes No If not eligible for appointment Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City of Jacksonville Beach
 Office of the City Clerk
 11 North 3rd Street
 Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
 FAX: (904) 247-6256
 E-mail: cityclerk@jaxbchfl.net

Application for Appointment to City Boards



Personal Information (Please print or type)

Name: John Gosztyla Home Phone: _____
 Home Address: 137 3rd Ave S Unit C, Fort Beach
 E-Mail Address: jdgosztyla@gmail.com Cell Phone: 248-872-0294
 Occupation: Financial Advisor Business Phone: _____
 Business Name: Postillion Wealth Management
 Business Address: 324 6th Ave N, Jacksonville Beach, FL 32250

Eligibility - Please Circle

Are you a resident of the City? Yes No If yes, length of time: 5 years
 Are you a registered voter? Yes No If yes, what County: Duval
 Do you own property in the City? Yes No If yes, address: 137 3rd Ave S Unit C
 Do you hold a public office? Yes No If yes, Office name: _____
 Are you employed by the City? Yes No If yes, position: _____
 Are you currently serving on a Board? Yes No If yes, Board Name: _____
 Have you been convicted of a felony? Yes No If yes, provide date: _____
 Have your civil rights been restored? Yes No If yes, provide date: _____
 Have you filed bankruptcy? Yes No If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Community Redevelopment Agency	<input checked="" type="checkbox"/>	Pension Trustee

Please list the type of City meetings you have attended: _____

Qualifications (Briefly describe specific expertise, abilities, or qualifications) Financial Advisor / Asset manager in Fort Beach for 10 years, hold CFP + ChFC designations

Education: Bachelor from University of Florida 2008, CFP designation earned in 2011, ChFC earned from American College in 2011. Degree is in Economics.

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>		<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Female	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known		

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

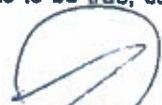
I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

Date 5/15/19


Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment **Yes** **No** If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City Board Interviews held on May 29th, 2019

<u>Candidate Board Preferences</u>				<u>Interviewer's Board Recommendations</u>			
<u>Candidate</u>	<u>Board Preference # 1</u>	<u>Board Preference # 2</u>	<u>Willing to Serve on other Boards (new Board of Appeals)</u>	<u>Mayor Latham Recommendations</u>	<u>Council Member Dumont Recommendations</u>	<u>Council Member Golding Recommendations</u>	<u>Staff² Recommendation</u>
Catherine Carmichael	PC	not selected	Yes	--	Board of Appeals	PC, Board of Appeals	PC
Jennie Mazur	CRA	PC	Yes	CRA, PC	BOA, CRA, PC	BOA, Board of Appeals	PC
John Gosztyla	Pension	not selected	na	Pension	Pension	Pension	Pension
Justin Lerman	CRA	PC	na	PC, CRA	CRA	CRA	PC
Sean Shapiro	PC	CRA	Yes	PC, CRA	--	CRA	Board of Appeals
Timothy Hallahan	Pension	CRA	Yes	Pension	Pension	CRA, Board of Appeals	Pension (does not meet residency requirement for other Boards)

*Staff Recommendation was provided by Planning and Development Director Bill Mann.

City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Jason Phitides, Director Parks & Recreation
SUBJECT: Recognition for Ocean Rescue Heroic Actions
DATE: July 25, 2019

RECOMMENDATION:

That the City Council recognize Ocean Rescue Lifeguards Maxwell Ervanian and Kenneth Bonn for their heroic actions after midnight after the 4th of July fireworks display.

BACKGROUND:

Around 01:00 AM after the Fourth of July fireworks, Ocean Rescue was contacted to assist with an incident in the surf under the pier.

Lifeguard Lieutenant Maxwell Ervanian (Max) arrived on the scene to a suicidal person in the water, unknown location and a second person in the water, on the pier piling. Upon entering the water, Max made contact with the person on the pier piling who indicated he was not in distress, but would not go in shore until his friend was out of the water. Max continued to paddle out to search for the person who was attempting to commit suicide.

Max observed the person going under the water multiple times attempting to drown himself. Upon making contact, Max attempted to de-escalate the suicidal person who was becoming aggressive and hostile. They were approximately 250 yards past the end of the pier. When Max deemed the verbal de-escalation was not working, he abandoned the paddle board and performed a manual rescue to lock up the suicidal person and swim back to shore.



MEMORANDUM

Recognition for Ocean Rescue Heroic Actions

July 25, 2019

Page 2 of 2

The person was extremely aggressive and uncooperative. Approximately 10 minutes later, Lifeguard Kenneth Bonn arrived to assist. At the surf line, JBPD officers met the lifeguards to further assist with the difficult situation.

Both lifeguards reentered the water to assist the person clinging to the pier pilings back to shore.

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Trevor Hughes, Golf Course Superintendent
THROUGH: Jason Phitides, Director Parks & Recreation
SUBJECT: Award RFP No. 07-1819 Groundskeeping Materials
DATE: July 24, 2019

ACTION REQUESTED:

Award RFP No. 07-1819 Groundskeeping Materials to seven (7) vendors.

BACKGROUND:

The purpose of this solicitation is to procure a variety of materials essential to the agronomic success of the golf course, as well as other City parks and sports fields. Groundskeeping materials include: fertilizers; pesticides, and other turf related items.

The Golf Course and sports fields need constant monitoring and scouting for changes in agronomic conditions. Weeds, insects and diseases need specific products to mitigate negative effects to maintain proper thresholds. Together with weather patterns and frequently changing stress levels, a yearlong plan is difficult to precisely predict. Maintaining sufficient stock for all pest issues would be expensive and require large warehouse space.

Fertilizer applications are custom blended to meet present needs. Blends are based on current soil testing and adjusted for nutrient deficiencies. Our annual budget for these materials is approximately \$200,000.

RFP No. 07-1819 was published in June, 2019. Participation was limited to authorized distributors or manufacturers in the fertilizer, herbicide and pesticide industry.

City of
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MEMORANDUM

Award RFP No. 07-1819 Groundskeeping Materials
July 24, 2019

Page 2 of 3

Further qualification required a strong local sales presence with prompt customer response and swift product delivery. Evaluation criteria included references and pricing.

The RFP was advertised in June 2019, and in July 2019 we received proposals from the following seven (7) Respondents:

- Bulloch
- Golf Ventures
- Harrell's
- Helena Agri Enterprises
- Howard Fertilizer
- Residex Target
- SiteOne Landscape

An evaluation committee consisting of the Golf Course Superintendent, Parks Maintenance Superintendent and Recreation and Parks Director evaluated each proposal. A combined scoring chart is attached. A summary of the pricing proposals is also included. Overall, pricing was comparable and included reasonable discounts off market value. No single Respondent provided any clearly defined pricing or overall product advantage.

Bulloch offers a partnership with our staff to assist with problem solving and is a leader in generic/post patent products.

Golf Ventures offers access to Logan Labs, one of the leading labs for soil and water sampling. They are the sole distributor for Earthworks product line.

Harrell's is the sole distributor for the proprietary Harrell's Max and Bio Max line. They have two (2) PHD's on staff to help resolve agronomic issues, and offer the benefit of many university studies.

MEMORANDUM

Award RFP No. 07-1819 Groundskeeping Materials
July 24, 2019

Page 3 of 3

Helena offers consistent delivery times as well as a leader in the industry in proprietary adjuvants (or product additives).

Howard's offers quick delivery times as well as access to industry specialists to assist in problem solving. They offer proprietary Gator Nutritional products.

Residex offers a local warehouse for rapid delivery as well as the Turf Fuel line.

SiteOne offers several local stores for convenience of same day pick up.

Each of the aforementioned product lines is unique and offer specific remedy to a vast array of agronomic issues.

After thorough review, the committee concluded each of the Respondents met or exceeded the qualifications and resources criteria. However, specialized expertise could not be measured or quantified, yet should not be discounted.

Due to the wide product variety as well as specific expertise and specialization each of the Respondents may offer, staff recommend awarding non-exclusive contracts to each of the Respondents. Furthermore, these agreements would be beneficial in streamlining the procurement process and enable swift reaction to our varying turf challenges.

The term of each agreement will be one (1) year with four (4) additional one-year renewals.

Funding for the purchase of these materials is provided in the Golf Course and Parks Maintenance operating supplies budgets.

RECOMMENDATION:

Award RFP No. 07-1819 Groundskeeping Materials to Bulloch, Golf Ventures, Harrell's, Helena Agri Enterprises, Howard Fertilizer, Residex Target, and SiteOne Landscape, as described in the memorandum from the Golf Course Superintendent dated July 24, 2019.

Selection Committee Collective Summary

All proposals submitted were evaluated in accordance with the criteria established in the 'Proposal Evaluation' section of Exhibit A for RFP #: 07-1819. Oral presentations were not conducted. The Selection Committee recommends award to all seven proposers to best provide maximum coverage and assist golf course maintenance staff in timely addressing problem areas.

Evaluation Criteria:

- 1) Qualifications and Resources
- 2) Pricing Proposal
- 3) References

Evaluation Criteria 1:

Qualifications and Resources

All Vendors interested in participating in the selection process must meet or exceed when applicable, the following requirements and provide written notification of compliance in the proposal response.

- a. Be an authorized distributor or manufacturer.
- b. Have a strong national presence in the fertilizer, herbicide, & pesticide industry.
- c. Have a distribution model capable of delivering products to our facilities.
- d. Have a demonstrated sales presence.
- e. Be able to provide a full range of products to meet the demands of the City.

VENDOR	COMMENTS
Bulloch Fertilizer Co, Inc.	Capable vendor that met criteria. Provides consulting services.
Golf Ventures	Capable vendor that met criteria. Provides consulting services.
Harrell's LLC	Capable vendor that met criteria. Provides consulting services.
Helena Agri Enterprises, LLC	Capable vendor that met criteria.
Howard Fertilizer Co. Inc.	Capable vendor that met criteria.
Residex Target Specialty Products	Capable vendor that met criteria.
SiteOne Landscape Supply	Capable vendor that met criteria.

City of Jacksonville Beach
 RFP #: 07-1819
 Title: Groundskeeping Materials

Evaluation Criteria 2:

Pricing Proposal

VENDOR	COMMENTS
Bulloch Fertilizer Co, Inc.	Provided competitive pricing based on discount rates.
Golf Ventures	Provided competitive pricing based on discount rates.
Harrell's LLC	Provided competitive pricing based on discount rates.
Helena Agri Enterprises, LLC	Provided competitive pricing based on discount rates.
Howard Fertilizer Co. Inc.	Provided competitive pricing based on discount rates.
Residex Target Specialty Products	Provided competitive pricing based on discount rates.
SiteOne Landscape Supply	Provided competitive pricing based on discount rates.

Evaluation Criteria 3:

References

VENDOR	COMMENTS
Bulloch Fertilizer Co, Inc.	Provided at least three references.
Golf Ventures	Provided at least three references.
Harrell's LLC	Provided at least three references.
Helena Agri Enterprises, LLC	Provided at least three references.
Howard Fertilizer Co. Inc.	Provided at least three references.
Residex Target Specialty Products	Provided at least three references.
SiteOne Landscape Supply	Provided at least three references.

City of Jacksonville Beach
RFP No. 07-1819 Groundskeeping Materials -- Summary Pricing Sheet

FERTILIZER

	Item 1: 15-0-15			Item 2: 0-0-22		
	Qty	Disc %	Price	Qty	Disc %	Price
Bulloch	50 lbs	0.15	\$ 28.23	50 lbs	15%	\$ 11.76
Golf Ventures	50 lbs	-	\$ 29.00	50 lbs		\$ 19.90
Harrell's	50 lbs		\$ 31.25	50 lbs		\$ 16.00
Helena	50 lbs	0.10	\$ 27.28	50 lbs	10%	\$ 24.18
Howard's	50 lbs		\$ 30.25	50 lbs		\$ 22.48
Residex	50 lbs		\$ 29.25	50 lbs		\$ 15.25
Site One	50 lbs		\$ 44.96	50 lbs		\$ 25.57

SOIL AMENDMENTS

	Verde-Cal G or equal			Dolomitic limestone		
	Qty	Disc %	Price	Qty	Disc %	Price
Bulloch	50 lbs	18%	\$ 23.50	50 lbs	18%	\$ 3.97
Golf Ventures	50 lbs		\$ 10.58	50 lbs		\$ 9.08
Harrell's	50 lbs		\$ 25.00	50 lbs		\$ 15.00
Helena	50 lbs	10%	\$ 22.45	50 lbs	10%	\$ 10.40
Howard's	50 lbs	12%	\$ 21.25	50 lbs		\$ 7.90
Residex	50 lbs		\$ 22.50	50 lbs		\$ 7.25
Site One	50 lbs		\$ 15.44	50 lbs		\$ 6.35

HERBICIDE and PESTICIDE

	Quinclorac 75 or equal			Triplet or equal		
	Qty	Disc %	Price	Qty	Disc %	Price
Bulloch	1 lb	18%	\$ 39.13	Gallon	0.18	\$ 21.31
Golf Ventures	1 lb		\$ 38.82	Gallon		\$ 22.59
Harrell's	.5 gal		\$ 82.00	Gallon		\$ 23.20
Helena	1 lb	12%	\$ 34.09	Gallon	0.1	\$ 28.45
Howard's	1 lb	12%	\$ 42.61			
Residex	1 lb		\$ 34.25	Gallon		\$ 21.80
Site One	1 lb		\$ 39.69	Gallon		\$ 23.43

GRASS SEED

	GRASS SEED			Balance of Line
	Qty	Disc %	Price	
Bulloch	50 lbs	15%	\$ 58.50	16.7%
Golf Ventures				
Harrell's	50 lbs		\$ 65.00	na
Helena			no bid	no bid
Howard's				24.0%
Residex	50 lbs		\$ 53.00	0.0%
Site One	50 lbs		\$ 60.29	0.0%



MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Bill Mann, Planning and Development Director

Subject: Findings of Fact, Ordinance No. 2014-8058, establishing a *Redevelopment District: RD* zoning district within the city. (*SURFER the Bar*)

Date: July 29, 2019

ACTION REQUESTED:

Approve Findings of Fact – *RD* Ordinance No. 2014-8058, dated July 16, 2019.

BACKGROUND:

Based on a review of the *RD* rezoning application, including staff analysis of the information submitted, recommendations of approval from the Community Redevelopment Agency and Planning Commission, and the City Council public hearing on the proposed rezoning conducted on September 15, 2014, the City Council has found that the applicant has fulfilled his burden to show that the requested *Redevelopment District: RD* rezoning should be approved, as stated on Pages 3 and 4 of the attached Findings of Fact for *RD* Ordinance No. 2014-8058.

RECOMMENDATION:

Approve Findings of Fact – *RD* Ordinance No. 2014-8058, dated July 16, 2019.

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org



FINDINGS OF FACT
Ordinance No. 2014-8058

July 16, 2019

SUBJECT: Ordinance No. 2014-8058, establishing a *Redevelopment District: RD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City, to allow redevelopment of property.

Pursuant to Article VI, Section 34-347(c)(3)(i) of the Land Development Code of the Jacksonville Beach Code of Ordinances, the City Council shall consider the adoption of an ordinance enacting an amendment to the Zoning Atlas or Code based on only one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.

i. Standards. A preliminary development plan for a RD zoning district designation shall comply with the following standards:

1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.

2. *Permitted uses.*

1. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.

ii. The following uses are specifically prohibited:

a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.

b) Outdoor storage yards of any kind, including junk yards.

c) Wholesale trade, warehouse, and distribution establishments.

d) Cemeteries.

e) Mobile home parks.

f) Motor vehicle repair, services, and garages.

g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.

h) Petroleum and petroleum products receiving, storage/and distribution.

- i) Veterinary services and kennels.
 - j) Recreational vehicle or travel trailer parks.
 - k) Commercial and industrial laundries.
 - l) Cold storage and ice processing plants.
 - m) Contract construction establishments.
 - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
5. *Traffic circulation control and parking.*
- i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
 - ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based

on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.

8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.
13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.

Based on a review of the application, staff analysis of the information' submitted, and the City Council Public Hearing on the proposed project conducted on September 15, 2014, the City Council has found that the applicant has fulfilled his burden to show that the requested *Redevelopment District: RD* rezoning should be approved as follows:

1. The land area proposed for the applicant's redevelopment project is adequate and appropriate, in part because it currently exists as a drinking establishment.
2. The project contains no uses prohibited for RD rezonings.
3. The project is generally consistent with the lot layout and design guidelines of our CBD zoning district, which were adopted several years ago specifically to further the principles put forth in the Downtown Vision Plan, a major component of the overall Downtown Redevelopment Plan.

4. Maximum building heights will not exceed 35 feet.
5. Traffic circulation and parking are arranged to safely tie into the existing downtown road network.
6. The provision of open space, landscaping, stormwater retention, and signage will per LDC standards.
7. Adequate public facilities exist to serve the proposed development. In addition, the project will be subject to the recently adopted mobility fee, to address traffic impacts.
8. The proposed development is consistent with relevant Comprehensive Plan Future Land Use policies, including Policies LU.1.2.2, LU.1.2.3, LU.1.2.6, Policy LU.1.2.7, LU.1.3.1, and LU.1.5.10.



MEMORANDUM

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
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www.jacksonvillebeach.org

To: Mike Staffopoulos, City Manager
From: Bill Mann, Planning and Development Director
Subject: Findings of Fact, Ordinance No. 2019-8120, establishing a *Redevelopment District: RD* zoning district within the city. (*Springhill Suites by Marriott*)
Date: July 29, 2019

ACTION REQUESTED:

Approve Findings of Fact – *RD* Ordinance No. 2019-8120, dated July 16, 2019.

BACKGROUND:

Based on a review of the *RD* rezoning application, including staff analysis of the information submitted, recommendations of approval from the Community Redevelopment Agency and Planning Commission, and the public hearing on the proposed rezoning conducted on July 15, 2019, the City Council has found that the applicant has fulfilled his burden to show that the requested *Redevelopment District: RD* rezoning should be approved, as stated on Pages 3 and 4 of the attached Findings of Fact for *RD* Ordinance No. 2019-8120.

RECOMMENDATION:

Approve Findings of Fact – *RD* Ordinance No. 2019-8120, dated July 16, 2019.



FINDINGS OF FACT
Ordinance No. 2019-8120

July 16, 2019

SUBJECT: Ordinance No. 2019-8120, establishing a *Redevelopment District: RD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City, to allow the development of a five-story hotel development.

Pursuant to Article VI, Section 34-347(c)(3)(i) of the Land Development Code of the Jacksonville Beach Code of Ordinances, the City Council shall consider the adoption of an ordinance enacting an amendment to the Zoning Atlas or Code based on only one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.

i. Standards. A preliminary development plan for a RD zoning district designation shall comply with the following standards:

1. *Land area.* Development shall be approved only on land having an area which is deemed to be adequate and appropriate.

2. *Permitted uses.*

1. Uses shall be governed by the provisions of the Jacksonville Beach Community Redevelopment Plan and shall be appropriate for the location requested, compatible with other existing or proposed uses in the general vicinity, and consistent with the adopted Jacksonville Beach Community Redevelopment Plan.

ii. The following uses are specifically prohibited:

a) Manufacturing., except for activity related to the production of items designed for sale at retail on the premises such as arts and crafts, jewelry, or bakery goods.

b) Outdoor storage yards of any kind, including junk yards.

c) Wholesale trade, warehouse, and distribution establishments.

d) Cemeteries.

e) Mobile home parks.

f) Motor vehicle repair, services, and garages.

g) Transportation and transportation service establishments, except terminal and service facilities for passenger transportation.

h) Petroleum and petroleum products receiving, storage/and distribution.

- i) Veterinary services and kennels.
 - j) Recreational vehicle or travel trailer parks,
 - k) Commercial and industrial laundries.
 - l) Cold storage and ice processing plants.
 - m) Contract construction establishments.
 - n) Rooming and boarding houses.
3. *Residential density.* The maximum density allowed for residential development shall not exceed forty (40) dwelling units per gross acre, or two (2) dwelling units for the first five thousand (5,000) square feet, plus one (1) dwelling unit for each additional one thousand (1,000) square feet of land, whichever is the strictest.
4. *Area and setback requirements.* Minimum lot area, minimum width, yard setbacks, and maximum lot coverage shall be consistent with the goals, objectives and policies of the Jacksonville Beach Community Redevelopment Plan, comparable to the remainder of the planned redevelopment, and comparable to the existing and proposed development of the surrounding area. The maximum building height allowed shall be thirty-five (35) feet.
5. *Traffic circulation control and parking.*
- i. A suitable transportation and traffic control plan shall be provided showing the utilization of existing roads for access to the proposed development, and their relationship to on-site driveways, parking and loading areas, refuse collection points, sidewalks, bike paths, and other traffic-related facilities. The suitability of the proposed traffic management system shall be determined, in part, by the potential impact of the development on safety, traffic flow and control, accessibility for emergency vehicles, and consistency of the development with the provisions of the Jacksonville Beach Community Redevelopment Plan.
 - ii. Principal vehicular access points shall be designed to permit smooth traffic flow and minimize hazards to vehicular and pedestrian ways. Minor streets within a Preliminary Development Plan shall not be connected to streets outside the site in such a way as to encourage their use by through traffic.
6. *Off-street parking and loading.* Off-street parking and loading shall be provided in a planned and coordinated manner consistent with the provisions of the Jacksonville Beach Community Redevelopment Plan.
7. *Open space requirements.* All residential developments shall provide common open space for amenities or recreational purposes. The use of the open space or recreational areas shall be appropriate for the scale and character of the proposed residential development based

on consideration of the size, density, anticipated population, topography, and the type of dwelling units. The common open space or recreational area shall be suitably improved for its intended use and the buildings, structures, and improvements permitted in the common areas shall be appropriate to the uses which are authorized for such areas.

8. *Signage.* All signs erected shall be consistent with the goals, objectives, and policies of the adopted Jacksonville Beach Redevelopment Plan and the standards of Article VIII, Division 4.
9. *Landscape.* Landscaping shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards of Article VIII, Division 3.
10. *Environmental.* The stormwater management and flood protection standards shall be consistent with the goals, objectives, and policies of the Jacksonville Beach Community Redevelopment Plan and the standards in Article VIII, Division 5.
11. *Utility easements.* Easements necessary for the orderly extension and maintenance of public utility systems shall be required where they are necessary to adequately service the development.
12. *Adequate public facilities.* There shall be adequate potable water, sanitary sewer, stormwater management, solid waste, park, roads, police, fire and emergency management services facilities to service the development. The application shall comply with the standards in Article IX, Adequate public facilities standards.
13. *Comprehensive plan consistency.* The proposed development shall be consistent with the future land use map and the goals, objectives, and policies of the comprehensive plan.

Based on a review of the application, staff analysis of the information submitted, and the City Council Public Hearing on the proposed project conducted on July 15, 2019, the City Council has found that the applicant has fulfilled their burden to show that the requested *Redevelopment District: RD* rezoning should be approved as follows:

1. The Jacksonville Beach Community Redevelopment Agency held a public hearing on the rezoning on May 28, 2019 and recommended its approval by City Council, finding the application and proposed development to be consistent with the Downtown Community Redevelopment Plan.
2. The Jacksonville Beach Planning Commission held a public hearing on the rezoning on May 28, 2019 and recommended its approval by City Council, finding the application and proposed development to be consistent with the Land Development Code and the 2030 Comprehensive Plan.

3. Adequate public facilities are available to serve the project approved by the rezoning.
4. There was no public testimony presented at the Planning Commission public hearing, the Community Redevelopment Agency meeting, or the City Council public hearing to dispute any of the presentments of the applicant.
5. The rezoning approves logical infill commercial redevelopment on a significantly sized oceanfront property in the downtown area of the city and will help provide a desired daytime population to the downtown area.



MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Bill Mann, Planning and Development Director

Subject: Findings of Fact, Ordinance No. 2019-8121, establishing a *Planned Unit Development: PUD* zoning district within the city. (*Pablo Hamlet*)

Date: July 29, 2019

ACTION REQUESTED:

Approve Findings of Fact – *PUD* Ordinance No. 2019-8121, dated July 16, 2019

BACKGROUND:

Based on a review of the *PUD* rezoning application, including staff analysis of the information submitted, recommendation of approval from the Planning Commission and the public hearing on the proposed rezoning conducted on July 15, 2019, the City Council has found that the applicant has fulfilled his/her burden to show that the requested *Planned Unit Development: PUD* rezoning should be approved as stated on Page 2 of the attached Findings of Fact for *PUD* Ordinance No. 2019-8121.

RECOMMENDATION:

Approve Findings of Fact – *PUD* Ordinance No. 2019-8121, dated July 16, 2019

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FINDINGS OF FACT
Ordinance No. 2019-8121

July 16, 2019

SUBJECT: Ordinance No. 2019-8121, establishing a *Planned Unit Development: PUD* zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City for the *Pablo Hamlet* residential community.

Pursuant to Article VI, Section 34-211(c) of the Land Development Code of the Jacksonville Beach Code of Ordinances, the City Council shall consider the adoption of an ordinance enacting an amendment to the Zoning Atlas or Code based on only one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.

- (1) Whether the proposed amendment is consistent with the comprehensive plan;
- (2) Whether the proposed amendment is in conflict with any portion of the LDC;
- (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;
- (4) Whether and the extent to which there are any changed conditions that require an amendment;
- (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;
- (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;
- (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;
- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Based on a review of the rezoning application, staff analysis of the information submitted, and the public hearing on the proposed rezoning conducted on July 15, 2019, the City Council has found that the applicant has fulfilled his burden to show that the requested *Planned Unit Development: PUD* rezoning should be approved as follows:

1. The Jacksonville Beach Planning Commission held a public hearing on the rezoning on May 28, 2019 and recommended its approval by City Council, finding the application and proposed development to be consistent with the Land Development Code and the 2030 Comprehensive Plan.
2. Adequate public facilities are available to serve the existing and proposed uses of the subject property.
3. The proposed use of the property by the applicant is consistent with surrounding development and will not negatively impact adjacent properties.
4. The proposed maximum residential density for the subject property is consistent with Comprehensive Plan residential land development density standards.
5. Off-street parking and open space provision within the subject property are compliant with minimum Land Development Code standards.
6. There was no public testimony presented at the Planning Commission public hearing or the City Council public hearing to dispute any of the presentments of the applicant.

JACKSONVILLE BEACH

City of
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Operations &
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Department of Public
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DATE: July 24, 2019
TO: Mike Staffopoulos, City Manager
FROM: David Millinor, Public Works
SUBJECT: Dedication to the City and Acceptance for Maintenance of Public Infrastructure Improvements for Summer Court

ACTION REQUESTED:

Approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements (potable water, sanitary sewer, stormwater, and roadway and underground electrical improvements) constructed by the developer, Sedoma Investors, LLC.

BACKGROUND:

The developer installed public infrastructure as shown below to support Summer Court. This development is located adjacent to Ponte Vedra Boulevard north of Mills Lane.

Public Infrastructure Dedicated to the City for Maintenance			
Description	Value	Location	Responsibility
Potable Water Distribution System (6" diameter PVC pipe, 4 valves, 2 hydrants, 6 services, etc.)	\$26,167.00	in road right-of-way and easement	Public Works
Sanitary Sewer Collection System (8" diameter PVC pipe, 2 manholes & 6 sewer services, etc.)	\$16,576.00	in road right-of-way and easement	Public Works
Stormwater Collection System (15"x18", 15", and 24" diameter RCP/ERCP piping, 3 curb inlets, 1 manhole, and 1 control structure, etc.)	\$33,640.00	In curbed street (in road right-of-way) and easement	Public Works
Roadway Improvements / Site work (asphalt pavement, curb & gutter, and striping/signs, etc.)	\$31,175.66	in road right-of-way	Public Works
Underground Electric System (conduits/sleeves, concrete pads, etc.)	\$31,680.00	in road right-of-way & BES easement	Beaches Energy Services
TOTAL: \$139,238.66			



Memorandum
Dedication of Infrastructure for Summer Court
July 24, 2019

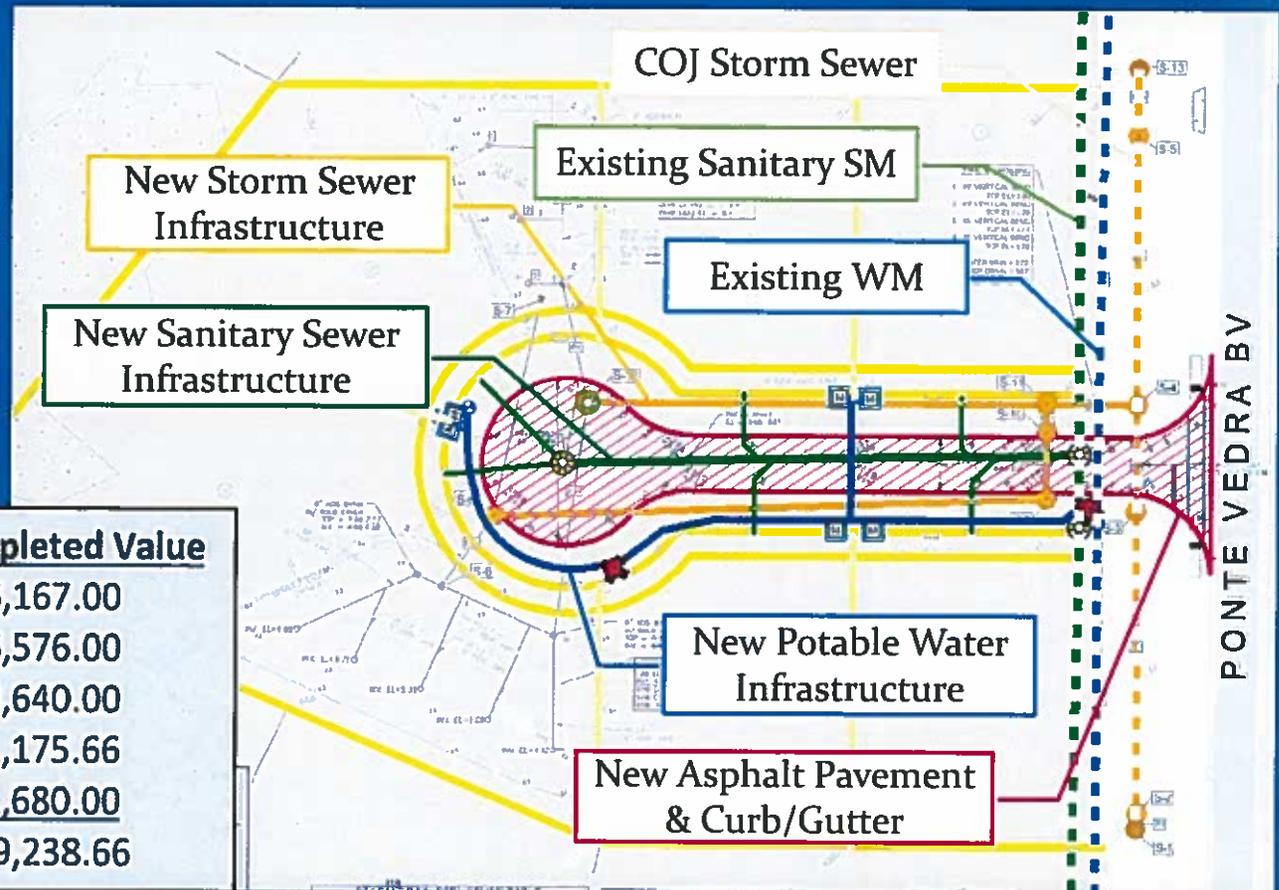
Page 2 of 2

The water mains were tested, received Department of Environmental Protection clearance, and have been placed into operation. The engineer certified the work based on testing results and as-built drawings and certified the work's value. The contractor has provided a one-year warranty bond.

RECOMMENDATION:

Approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements for Summer Court as described in the memorandum from the Public Works Director dated July 24, 2019.

Summer Court Infrastructure



Work Items

1. Potable Water System
2. Sanitary Sewer System
3. Storm Water System
4. Paving, Curb, and Striping
5. UGE / Sleeves

Completed Value

1. Potable Water System	\$ 26,167.00
2. Sanitary Sewer System	\$ 16,576.00
3. Storm Water System	\$ 33,640.00
4. Paving, Curb, and Striping	\$ 31,175.66
5. UGE / Sleeves	\$ 31,680.00
Total	\$ 139,238.66

MEMORANDUM

TO: Mike Staffopoulos, City Manager
 FROM: Marty Martirone, City Engineer
 SUBJECT: Purchase Replacement Street Sweeper
 DATE: August 01, 2019

ACTION REQUESTED:

Approve the purchase of one (1) Elgin Crosswind Street Sweeper from Environmental Products Group, Inc. utilizing the Florida Sheriffs Contract (FSA18-VEH16) and approve early purchase order release (August 2019) to lock in the current price and reduce unit delivery time.

BACKGROUND:

The sweeper is budgeted for replacement this year after five (5) years of arduous service. Our current Regenerative Air Sweeper was purchased in 2014 and has been a workhorse for the City, sweeping the downtown area every week and throughout the City monthly. Our aggressive sweeping program is appreciated by our residents and businesses. The sweeping program is also vital in reducing sediment from washing into our drainage systems and ultimately into the waters of the State.

The Florida Sheriffs Association Contract contained (5) Regenerative Air Sweepers and the Elgin was selected due to the quality of the product and because this unit is quieter and more efficient than the other available options through the FSA contract. Details on the warranty and purchase cost are as follows:

REGENERATIVE AIR SWEEPERS from Florida Sheriffs Association Contract FSA18-VEH16	
Manufacturer:	ELGIN
Dealer:	<i>Environmental Products Group Inc.</i>
• Extended Warranty for Total of 5 Years - Truck, Regenerative Air Engine, Sweeper	Yes
• Dealer committing to 5- Year Sweeper Maintenance Program	Yes
• Does Dealer have prior experience in sweeper maintenance?	Yes
Elgin Crosswind Air Sweeper	\$234,535.00
Fifth Year Parts and Labor	\$8,785.00
Added Options	\$3,071.00
Total FSA Purchase Price w/ Options	\$246,391.00
Trade-in Allowance Offered	<u>-\$32,500.00</u>
TOTAL PRICE:	\$213,891.00

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Elgin Crosswind Regenerative Air Street Sweeper

In addition to seeking approval to purchase the new sweeper, Public Works also requests approval for early release of the purchase order. The vendor has agreed to hold the price for both the sweeper and the trade in allowance for our current sweeper but the price is expected to increase in the near future. Additionally, the supplier is expecting the delivery of five (5) base units within the next few weeks. With City Council approval for the early purchase order release, the City will be able to lock in the price and also secure one of these units. This will allow the vendor to begin customization and ensure a much shorter delivery time for the new sweeper. While the purchase order would be issued in FY2019 due to the customization time, the unit would not be delivered and funds would not be obligated until FY2020. Funding of \$290,000 is budgeted in the 2020 Sanitation Capital Outlay budget.

RECOMMENDATION:

Approve the purchase of one (1) replacement street sweeper, an Elgin Crosswind Regenerative Air Street Sweeper from Environmental Products Group, Inc. and the early purchase order release as explained in a memorandum from the City Engineer dated August 01, 2019.



Beaches Energy

Services

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MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director of Beaches Energy Services
SUBJECT: Bid No. 1718-23, Fiber Installation Transmission Line 805 Change Order
DATE: July 31, 2019

ACTION REQUESTED

Approve change order for Bid No. 1718-23 for the installation of fiber optic cable for the 805 transmission line between Beaches Energy Services' Sampson and Guana substations.

BACKGROUND

As part of Beaches Energy's Guana substation expansion, high-speed microprocessor protective relays were incorporated into the relaying design scheme for the transmission lines connecting Ft. Diego and Sampson substations via Guana substation. The transmission protective relaying scheme will utilize a fiber for communications, which will allow for high-speed operations (tripping and energizing) on both ends of the line should a fault occur.

Bid No. 1718-23 was awarded to ElectriCom, LLC in the amount of \$239,524. During construction of the fiber optic cable, construction was halted at the crossing of US-1 where Florida East Coast (FEC) Railway tracks reside along with FPL transmission and distribution lines. This was due to unanticipated permitting delays from FEC Railway and requested design changes by FEC Railway.

ElectriCom, LLC is requesting a change order to account for the demobilization and remobilization costs of the crews, equipment, and materials necessary to accommodate the requested design changes, and coordination with FPL to cover up and protect their lines during the construction of our fiber optic line. The requested change order is estimated to be \$37,000.

The original bid tabulation for Bid No. 1718-23 is shown in the table below:

Bidder Name	Amount
ElectriCom, LLC	\$239,524
C and C Power Line, Inc.	\$629,857
Service Electric Company	\$723,700
Sayers Construction, LLC	\$834,206
White Electrical	\$1,031,100

The revised total construction cost is estimated to be \$276,524, which is still only 44% of the second lowest bidders total price.

Construction of the fiber optic cable between Sampson & Guana substations is required to be complete before the 805 line connecting Sampson to Guana substations can be energized. BES is pleased with ElectriCom's performance thus far, and does not anticipate any additional setbacks.

RECOMMENDATION

Authorize a change order in the amount of \$37,000 to ElectriCom, LLC for Bid No. 1718-23.



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MEMORANDUM

TO: Mayor and City Council
FROM: Mike Staffopoulos, City Manager
SUBJECT: State Appropriation for License Plate Readers
DATE: July 31, 2019

ACTION REQUESTED:

Approve requesting state appropriation for the purchase and installation of license plate readers for the Police Department.

BACKGROUND:

The City of Jacksonville Beach Police Department has identified a service enhancement through the purchase and installation of license plate readers (LPRs). LPRs have become a valuable tool in identifying vehicles entering and exiting communities, and for general monitoring of municipal boundaries and target areas. The benefits of this technology are provided in the attached summary from Chief Smith.

The City has not placed the purchase and installation of LPRs into the proposed FY 2020 budget due to the cost impact for the one-time purchase. Staff would like to pursue a state appropriation to support the purchase and installation of the LPRs, valued at \$150,000 for year one (due to the capital outlay). There is the possibility that, if supported through legislation and authorized within the state budget, the City could receive partial funding for the LPRs. In that event, the City would make up the balance of funding required.

RECOMMENDATION:

Move to approve requesting state appropriation for the purchase and installation of license plate readers for the Police Department.

LICENSE PLATE READERS (LPR)

The City of Jacksonville Beach is a coastal community that experiences two, three, and often four times the base population in visitors in our city from March through October. The business community is also diverse and includes seasonal beach rentals, bars and restaurants along the beach, a dense business corridor on State Road A1A and on Beach Boulevard, two major shopping centers, a large hospital complex, a waterpark, and a marina on the Intracoastal Waterway. We have a base population of approximately 23,000 residents who are economically diverse, ranging from low income HUD property to beachfront homes. Our income-diverse residents interact with the millions of demographically varied visitors each year on roadways, on the beach, and in businesses. We had over 80,000 officer responses, over 55,000 calls for service, and 1,973 arrests in 2018. Ninety-five percent of all subjects arrested reside outside the City of Jacksonville Beach. All of this was accomplished with 67 sworn officers.

License Plate Reader (LPR) technology will enhance our capabilities in providing law enforcement services to a very active and diverse community. We have two bridges leading into the city from the west, and State Road A1A leading in from the north and south. On our Southern perimeter, the St. John's County Sheriff's Office has deployed LPRs on State Road A1A in their county. By simply adding LPRs on State Road A1A (north and south) and on the two bridges, we will be able to monitor almost all major routes into and out of our city. The City of Jacksonville Beach also has a very vibrant and busy downtown area, and deploying LPR technology on 1st Street, which runs parallel to the beach and experiences high-volume vehicular traffic, would also enhance our law enforcement capabilities. Over the last three months, we have recovered 33 firearms from subjects who were arrested in this downtown area. Violent criminals from outside the city routinely visit and commit crimes in Jacksonville Beach, and LPR technology aids in proactively engaging this criminal element as well. LPRs will also facilitate the solving of crimes by tracking suspects fleeing the city in vehicles.

Recently, LPR results have been remarkable. LPR technology in a neighboring jurisdiction "hit" on a vehicle that was linked to a double murder which had occurred in Alabama on the previous day. The LPR signaled the neighboring agency and indicated the vehicle entered our city; subsequently, we were notified by that agency. The vehicle and suspects were quickly located by our agency, and three murder suspects were taken into custody. In a second case, the neighboring jurisdiction notified us there were stolen vehicles driven by gang members entering and leaving our jurisdiction; we were able to coordinate efforts and monitor the gang members' routes which were recorded by the LPRs. LPR technology will drastically and positively affect the way we operate.

Requested Funding - \$150,000

Purchase – LPRs (approximately 27) for nine (9) different locations and first year licensing

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MEMORANDUM

TO: Mayor and City Council
FROM: Mike Staffopoulos, City Manager
SUBJECT: Complaint to the Commission on Ethics
DATE: July 31, 2019

ACTION REQUESTED:

Consider modifying a submission to the Commission on Ethics.

BACKGROUND:

At the June 17, 2019 City Council meeting, the Council voted to send the memorandum of former City Attorney, Susan Erdelyi, to the Commission on Ethics as a complaint to allow for investigation and response. The primary issue for Council consideration that evening was to determine whether Councilor Vogelsang violated the City Charter, with a secondary consideration being whether the Councilor's actions met the expectations of Council. The determination to submit information to the Commission on Ethics (COE) was introduced as an option during discussion, approved by Council, and submitted as a complaint in the ensuing weeks.

It has come to the attention of Administration that by submitting the issue as a formal complaint, there is an obligation to legally defend, resulting in attorney's fees either on the part of the City or Councilor Vogelsang. The determination of who is responsible for legal fees would not be known until the conclusion of the formal complaint investigation by the COE, and could rise as high as \$25,000 based on insurance deductibles.

It was not clear at the June 17, 2019 Council meeting that the intent was to seek a determination from the COE that would result in a legal defense and possible financial impact to either the City or Councilor Vogelsang. This item seeks to clarify the intent of Council and, if warranted, modify the initial action.

The two options available are:

1. Proceed with the complaint as filed and incur defense fees.
2. Withdraw the formal complaint and resubmit as a request for written opinion.

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Both the City and Councilor Vogelsang would have input into the details provided to the COE.

Opinions are issued by the Commission on Ethics and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names.

RECOMMENDATION:

Move to proceed with the complaint and incur defense fees;

OR

Move to withdraw the formal complaint and resubmit as a request for written opinion.

Beaches Energy

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MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Allen Putnam, Director of Beaches Energy Services
SUBJECT: Resolution No. 2038-2019 – Purchase of 5 Mega-watts (MW) of solar energy capacity
DATE: July 30, 2019

ACTION REQUESTED:

Adopt Resolution No. 2038-2019 to authorize Beaches Energy to purchase five (5) Mega-watts (MW) via a Power Purchase Agreement (PPA) through the Florida Municipal Power Agency (FMPA).

BACKGROUND:

In June 2019, City Council authorized the purchase of 10 MW of solar energy via a Power Purchase Agreement (PPA) if pricing below \$35 per MW could be achieved. Our previous solar project realized a cost of solar below \$38 per mega-watt hour (MWh) back in 2018.

Since this past May, PPA pricing for solar energy has continued to decrease. At this time, pricing for similar projects has dropped below \$28 per MWh. As a result, interest from FMPA members to add additional solar capacity has continued to increase.

FMPA will enter into a PPA with a third-party solar generating utility to supply solar power to participating FMPA members. The price per MWh will be determined in the Purchase Agreement and will not change over the life of the contract. We anticipate it will be a 20-30 year contract at less than \$28 per MWh. If the proposed cost is greater than \$28 per MWh, Beaches Energy reserves the option of withdrawing from the project without penalty.

In order to finalize the contract, FMPA has requested that the commitment be memorialized in a Resolution. The Resolution binds the City to a share of no more than 5 megawatts, provided the dollar per megawatt share does not exceed \$28/MW hour. This five (5) MWs is in addition to the 10 MWs authorized by City Council in May for a total of 15 MW. The Resolution also authorizes the Mayor and City Manager to execute the FMPA-All-Requirements Project (ARP) Solar Project Participation Agreement and other related documents.

MEMORANDUM

Purchase of 5 Mega-watts (MW) of solar energy capacity

July 30, 2019

Page 2 of 2

Our intent is to add this 5 MW to our existing generation mix as a green renewable energy resource. This additional clean generation capacity will also displace fossil fuel generation in our generation portfolio. Although the cost of solar energy is above our current cost of producing energy, it is a very good hedge against higher natural gas prices in the future. Additionally, results from a 2015 customer satisfaction survey indicate the fact that our customers want us to add renewable energy to our portfolio without increasing prices. This Power Purchase Agreement will allow us to accomplish that. This PPA will bring renewable energy resources to 17% of our average monthly energy requirement to meet demand.

RECOMMENDATION:

Adopt Resolution 2038-2019 authorizing the purchase of 5 Mega-watts (MW) of solar energy capacity through a Power Purchase Agreement with the Florida Municipal Power Agency.

Introduced By: _____

Adopted: _____

RESOLUTION 2038-2019

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT FINANCIALLY TO A SPECIFIED PORTION OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT TO BEING BOUND BY SECTION [X] OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT; DESIGNATING AUTHORIZED OFFICERS; APPROVING AND TAKING CERTAIN OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE CITY OF JACKSONVILLE BEACH encourages the development of renewable energy resources within the State of Florida, and desires to serve its electric customers with clean, reliable, and affordable energy resources that include a mix of renewable energy resources; and

WHEREAS, THE CITY OF JACKSONVILLE BEACH is a member of the Florida Municipal Power Agency (“FMPA”) All-Requirements Power Supply Project (“ARP Project”); and

WHEREAS, as an ARP Participant, THE CITY OF JACKSONVILLE BEACH receives all of its power supply needs from the ARP Project; and

WHEREAS, THE CITY OF JACKSONVILLE BEACH desires that FMPA, as its wholesale power supply provider, include within its energy resource portfolio renewable energy resources; and

WHEREAS, FMPA is in the final stages of negotiating a Power Purchase Agreement between FMPA and a solar developer for the output of a photovoltaic electric generating facility having a nameplate capacity of 74.5 MW alternating current (“ac”); and

WHEREAS, FMPA has revised Rate Schedule B-1 of the All-Requirement Power Supply Contract to permit ARP Participants to voluntarily commit to financial responsibility for a percentage share of the costs incurred by FMPA pursuant to the Solar PPA (the “Solar Rate Commitment”); and

WHEREAS, THE CITY OF JACKSONVILLE BEACH hereby determines that it is in the best interests of the health, safety, and welfare of the citizens and residents of THE CITY OF JACKSONVILLE BEACH to commit financially, subject to the conditions set forth in this Resolution, to the Solar Rate Commitment set forth in the revised Rate Schedule B-1.

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

Section 1. Solar Power Entitlement Share. The City of Jacksonville Beach desires to commit financially to a portion of the potential FMPA solar energy entitlement acquired by FMPA pursuant to a solar power purchase agreement, to the extent one is entered into by FMPA, at a Solar Rate Commitment of up to 5 MW, provided that the dollar-per-MWh amount for the City of Jacksonville Beach's Solar Rate Commitment does not exceed \$28/MWh.

Section 2. Acknowledgement. The City of Jacksonville Beach acknowledges that its Solar Rate Commitment is dependent upon FMPA entering into, and subject to the terms and conditions of, a power purchase agreement between FMPA and a solar developer (the "Solar PPA"). Such Solar PPA is subject to approval by the FMPA Executive Committee. The City of Jacksonville Beach shall not be bound by the Solar PPA, its Solar Rate Commitment, the Solar Rate provisions of Rate Schedule B-1 of the ARP Contract, or any other agreements unless and until they have been reviewed and are acceptable to The City of Jacksonville Beach.

Section 3. Solar Rate Commitment. In the event FMPA enters into the Solar PPA and the Solar Rate Commitment does not exceed the dollar-per-MWh price set forth in Section 1 of this Resolution, and The City of Jacksonville Beach has reviewed and finds acceptable (1) the Solar PPA, (2) Rate Schedule B-1 of the ARP Contract, and (3) the ARP Solar Participant Agreement, provided that all the conditions of this Resolution are met, The City of Jacksonville Beach hereby commits to the Solar Rate Commitment.

Section 4. Designation of Authorized Officers. The Mayor and City Manager are each hereby designated as "Authorized Officers" of the City of Jacksonville Beach for the purposes of executing and delivering the documents, agreements, or instruments necessary to commit to the Solar Rate Commitment in the manner specified therein and taking any other actions authorized by this Resolution.

Section 5. Further Actions. Each Authorized Officer of the City of Jacksonville Beach is hereby authorized and empowered to take all further actions as may be necessary or desirable in carrying out the terms and provisions of this Resolution and each of the documents, agreements or instruments necessary to commit to the Solar Rate Commitment at their sole discretion.

Section 6. Severability. If one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof, and shall in no way affect the validity or enforceability of such remaining provisions.

Section 7. Effectiveness. This Resolution shall take effect immediately upon its adoption.

AUTHENTICATED this _____ day of _____, 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8122, amending the Land Development Code to add "craft distillery" to the list of conditional uses in the City's *Commercial, general: C-2* zoning districts.

Date: July 24, 2019

ACTION REQUESTED

Adopt Ordinance No. 2019-8122, amending the Land Development Code to add "craft distillery" to the list of conditional uses in the *City's Commercial, general: C-2* zoning districts.

BACKGROUND

The applicant is the owner of *Angie's Subs* which is located at 1436 Beach Boulevard on the southeast corner of Beach Boulevard and 15th Street South. The applicant plans to redevelop the property to include *Angie's Subs* along with a new barbeque restaurant and partner with a local craft distillery (*Jacksontucky*), currently located on Shetter Avenue at 10th Street South.

Jacksontucky currently exists as a small approved craft distillery on Shetter Avenue, but desires to expand its operations and improve its visibility by partnering with the applicant, and relocating to, the *Angie's* property as part of the applicant's proposed redevelopment project.

Currently, restaurants are a permitted use in *Commercial, general: C-2* zoning districts, but craft distilleries are not. "Craft distillery" is a listed conditional use in *Industrial: I-1* zoning districts, as described in the applicant's application. In order for the redevelopment project to be permitted with all the proposed uses, the applicant has applied to add "craft distillery" to the list of conditional uses in the *Commercial, general: C-2* zoning district. Craft distilleries are similar to microbreweries, which are a listed conditional use in *C-2* zoning.

"Craft distillery" is defined by Florida Statute as a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on premises. As a conditional use, a craft distillery in the *C-2* zoning district would require approval by the Planning Commission on a case-by-case basis.

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Memorandum
Ordinance No. 2019-8122
July 24, 2019

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The Planning Commission met and conducted a public hearing on Monday, June 10, 2019 and voted unanimously to recommend approval of the Land Development Code text amendment by the City Council.

The City Council conducted a public hearing on Monday, July 15, 2019 and voted to approve the Land Development Code text amendment.

RECOMMENDATION

Adopt Ordinance No. 2019-8122, amending the Land Development Code to add “craft distillery” to the list of conditional uses in the City’s *Commercial, general: C-2* zoning districts.

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2019-8122

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 VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:

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; and Chapters 163 & 166, Florida Statutes; and

WHEREAS, the Jacksonville Beach Planning Commission considered the ordinance permitting the operation of Craft Distilleries as a conditional use at a noticed, public hearing June 10, 2019 and has made positive recommendation to the City Council; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and Community Redevelopment Agency and public testimony given at the public hearings.

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

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. That Division 2, Section 34-343. Commercial, general: C-2, Paragraph (d) *Conditional uses* of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended by adding new subparagraph, Subparagraph (18), which shall henceforth read as follows:

Sec 34-343 Commercial, general: C-2
 (d) *Conditional uses*
 (18) Craft Distillery

SECTION 3. That this ordinance shall take effect upon its adoption by the City Council.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 5. That if any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

AUTHENTICATED THIS _____th DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

Date: July 24, 2019

ACTION REQUESTED

Adopt Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

BACKGROUND

In February of 2018, City Council approved Ordinance 2018-8104 that permitted medical marijuana dispensing facilities within the City, and established regulations under a new Section 34-408 of the Land Development Code. The State of Florida requires that if a municipality permits dispensing facilities, they cannot regulate them more stringently than pharmacies. Section 34-408(a)(1) of the City's Land Development Code established proximity requirements for dispensaries to be 500 feet from another dispensary and 500 feet from any school.

In order to maintain consistency and compliance with Florida Statute 381.986(11)(c), the City is requesting to amend Section 34-408 of the Land Development Code to remove the proximity requirement that dispensaries be at least 500 feet from one another, as this requirement has not also been applied to pharmacies and is not required by Florida Statute.

When the recently adopted Section 34-408 was drafted by staff, it was not intended to be more strict than Florida State Statute required, and pursuant to Florida Statute 381.986, dispensing facilities only have to be 500 feet away from any public or private school.

As proposed, dispensing facilities are still permitted by right in *Commercial, general: C-2* zoning districts, and those located in *Commercial, limited: C-1* or *Central Business District: CBD* zoning districts will still be required to obtain conditional use approval for specific locations. Hours of operation in all

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Memorandum
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allowable districts will remain limited to 7:00 am to 9:00 pm, pursuant to Florida Statute 381.986(8).

The Planning Commission met and conducted a public hearing on Monday, June 10, 2019 and voted unanimously to recommend approval of the Land Development Code text amendment by the City Council.

The City Council conducted a public hearing on Monday, July 15, 2019 and voted to approve the Land Development Code text amendment.

RECOMMENDATION:

Adopt Ordinance No. 2019-8123, amending Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2019-8123

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR 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 Florida Legislature has preempted the regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers; and

WHEREAS, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, the City wishes to comply with the requirements of Florida Statutes 381.986 and regulate medical marijuana treatment center dispensing facilities no more stringently than pharmacies; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance prohibiting the operation of Medical Marijuana Treatment Center Dispensing Facilities and has presented its recommendation to the City Council; and

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

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Section 34-408, Division 2, of Article VIII of the City of Jacksonville Beach Code or Ordinances or Land Development Code is hereby amended, and shall read as follows¹:

Section 34-408 – Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

(a) Medical marijuana treatment center dispensing facilities.

(1) Proximity. A medical marijuana treatment center dispensing facility may not be located within five hundred (500) feet of the real property that comprises ~~another medical marijuana treatment center dispensing facility~~, or a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes § 381.986(11)(c).

(2) Hours of operation. A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 p.m. and 7:00 a.m., as set forth in Florida Statute § 381.986(8)(f)(4).

(b) Pharmacies.

(1) Hours of operation. A pharmacy may not operate between the hours of 9:00 p.m. and 7:00 a.m.

(2) [Exemption.] A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

SECTION 3. If any provision of this Ordinance or any particular application of this Ordinance shall be held invalid by any Court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall remain in effect.

SECTION 4. All other ordinances, parts of ordinances, or resolutions in conflict with this Ordinance are, to the extent the same may be in conflict, repealed.

SECTION 5. Codification of this Ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

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

SECTION 6. This ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

DRAFT

MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: Ordinance No. 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.

Date: July 24, 2019

ACTION REQUESTED

Adopt Ordinance No. 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.

BACKGROUND

Following the receipt of complaints regarding occupant conduct and parking problems at a short-term rental (STR) property in the city in the Spring of 2018, and also upon learning that there were a large number of STRs throughout the city, the City Manager asked staff to look into ways that the City could address some of the problems with certain types of STRs.

The City Attorney, with assistance from Planning, Police, and Fire Department staff compiled a proposed set of STR regulations for consideration and approval by the Planning Commission and City Council. At the June 10, 2019 Planning Commission meeting, the Planning Commission voted to defer the application until after a scheduled public workshop.

On June 27, 2019 the City held a public workshop which resulted in changes to the proposed regulations. If approved, these regulations will become a new section, Section 34-411 - Short Term Vacation Rentals, of Article VIII. Supplemental Standards of the Land Development Code.

At the July 22, 2019 Planning Commission meeting The City Attorney provided details on the proposed changes. After much discussion and public comment, the Planning Commission voted to recommend approval to the City Council with the following additional considerations:



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- Revisit the maximum occupancy to consider two (2) persons per bedroom plus (2), or one (1) per one hundred fifty (150) square feet, whichever is less.
- Revisit the proposed parking requirements to consider permitting grass parking on properties where adequate paved or garage parking is not available on site.
- Revisit the definition of “persons” that currently includes adults and children.
- Consider a one year review of City costs and revenues related to the new regulations.

RECOMMENDATION:

Adopt Ordinance No. 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted.

Short Term Vacation Rental Ordinance
Summary of Changes
(Post June 27, 2019 City Council Workshop)

- Removal of some WHEREAS clauses and use of permissive language
- Change the term “*sleeping room*” to “*bedroom*” and provide a definition by adoption of F.S. 381.0065.
- Providing for Collective Registration or Single Registration and provide a definition.
- Defining Licensed Agent for Collective Registration the same as Fla. Admin. Code 61C-1.002.
- Provide an explicit exclusion for HOA, Condo, and owner-occupied homes from regulation.
- Remove the explicit language related to Fire and Life Safety requirements of the fire or building codes.
- Add required affidavit to maintain compliance with Florida Fire Prevention Code, Life Safety Code, Building Code, and Ch. 509.215.
- Add required affidavit to maintain compliance with Fla. Admin. Code 61C (licensing requirements of DBPR) and 69A-43 (Fire safety standards for Transient Public Lodging Establishments).
- Change Max Occupancy calculation to 2 per bedroom OR 1 per 150 sq. ft. whichever is less.
- Remove requirements for exterior/interior site sketches.
- Remove requirements for names/ages of occupants.
- Remove requirements for license tag numbers.
- Clarify modification language as only that which increase gross sq. footage, bedrooms, or otherwise increases max occupancy.
- Clarify inspections occur only on initial application, modification, change of ownership, or upon complaint related to Fire Prevention Code, Building Code, or Ch. 509.215.
- Modify fines provision to consistently use Ch. 162, F.S.
- Modify rate resolution to allow collective registration, lower initial application fees, and remove fine amounts in favor of use of Ch. 162, F.S.
- Remove duplicative language/sections, general cleanup for consist language use.

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2019-8118

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS PROVIDING DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR 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

WHEREAS, prior to 2011 Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

WHEREAS, in 2011 the Florida Legislature enacted House Bill 883 (Chapter 2011-119, Laws of Florida) which preempted the local regulation, restriction or prohibition of vacation rentals based solely on their classification, use or occupancy; and

WHEREAS, the preemption to the state provided little oversight of vacation rentals such as staffing for mandatory or randomized inspections of vacation rentals and applied relaxed standards for vacation rentals when compared to hotels, motels, and bed and breakfast establishments; and

WHEREAS, in 2014 the Florida Legislature enacted Senate Bill 356 (Chapter 2014-71, Laws of Florida) which rescinded portions of the previous preemption but provided that local governments may not prohibit or regulate the frequency or duration of short term vacation rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida returned some local control back to communities to mitigate the effects of short term vacation rentals to make them safer, more compatible with existing neighborhood uses, and accountable for proper operation; and

WHEREAS, short term vacation rentals cannot be prohibited and are therefore a permitted use in all zoning districts where residential uses are a permitted or conditional use; and

WHEREAS, single-family, two-family, and townhouse neighborhoods and their required infrastructure are generally designed to accommodate typical residential homes; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, other infrastructure impacts along with the corresponding fair and proportionate impact/connection fees; and

WHEREAS, short term vacation rentals located in residential neighborhoods without regulation or standards for mitigation may create disproportional impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, permanent residents of single-family, two-family, and townhouse dwelling units inherently understand and know their physical surroundings, to include any safety gaps and potential risks to life and safety due to daily familiarity; and

WHEREAS, due to the transient nature of the occupancy short term vacation rental, occupants are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features and similar life safety measures as would readily be provided to guests in traditional lodging establishments; and

WHEREAS, short term vacation rentals may be created in single-family, two-family, or townhouses built prior to current building codes that require minimum life safety improvements, such as smoke detectors, carbon monoxide detectors, pool alarms, pool safety drains, and other such life safety equipment; and

WHEREAS, transient public lodging establishments such as vacation rentals are required to comply with the Florida Building Code and the Florida Fire Prevention code regarding life safety equipment, inspections, and enforcement programs; and

WHEREAS, short term vacation rentals located within established neighborhoods may disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of typical residential neighborhoods; and

WHEREAS, short term vacation rentals located within established single-family, two-family, and townhouse neighborhoods may create compatibility impacts, including but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, traditional lodging establishments (hotels, motels, and bed & breakfast inns) are restricted to commercial and other non-residential zoning districts where the intensity of use is separated from the quiet residential uses; and

WHEREAS, traditional lodging establishments must meet stricter development standards, undergo annual or bi-annual inspections, and meet more stringent operational and business requirements; and

WHEREAS, traditionally lodging establishments typically must make roadway improvements and/or pay higher transportation, water, sewer, and other impact fees to offset the infrastructure demands created by their use; and

WHEREAS, Chapter 720 Florida Statutes provides for the formation and operation of homeowners' associations, independent of government authority; and

WHEREAS, such homeowners' associations may or may not exist in all single- and two-family residential neighborhoods; and

WHEREAS, such homeowners' associations typically employ property managers and employees or contracted vendors to monitor maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, homeowners' associations are governed by covenants, restrictions and bylaws of the governing associations; and

WHEREAS, such homeowners' associations which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rental units are subject to Florida Statutes Chapter 718 and typically to covenants, restrictions, and bylaws thereof; and

WHEREAS, multi-unit condominium buildings are typically constructed to more stringent building code, fire code, and other life safety code standards including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

WHEREAS, multi-unit condominium buildings are routinely inspected for fire and life safety code compliance including fire sprinkler systems, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, and communications; and

WHEREAS, many multi-unit condominium buildings have on-site property managers and employees or contracted vendors to provide maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, whenever one (1) or more property owner permanently resides at the short term vacation rental located within the same structure the number of renters is minimized and the owner is present to directly manage the property; and

WHEREAS, an on-site owner permanently residing in a short term vacation rental is likely to manage the short term vacation rental more restrictively because there is a direct, vested interest in its use and maintenance; and

WHEREAS, owner-occupied short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms, and a sense of community which often leads to mutual respect among property owners; and

WHEREAS, a permanent residence is typically the largest investment a family will make in their lifetime, with the homestead held sacred in popular culture as the heart and center of the family unit; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an excessive number of transient occupants; and

WHEREAS, the City of Jacksonville Beach promotes tourism, including appreciation and enjoyment of its pristine beaches, fishing pier, boardwalk, historic sites, and entertainment options; and

WHEREAS, many local governments in the State of Florida, and across the nation, have instituted standards to minimize the potential negative impacts of short term vacation rentals on the permanent residents; and

WHEREAS, the City of Jacksonville Beach has experienced a significant increase in the construction of new, oversized structures and the repurposing of existing residential homes for the primary purpose of serving as short term vacation rentals for up to as many as seventeen (17) individuals; and

WHEREAS, although family size per residence varies, the most recent data from the 2010 U.S. Census indicates the City of Jacksonville Beach average family size is 2.74 persons; and

WHEREAS, the 2010 U.S. Census data further indicates the average household size in the City of Jacksonville Beach is 2.11 persons; and

WHEREAS, the operation of short term vacation rentals in established neighborhoods in the City of Jacksonville Beach may create a large disparity in short term vacation rental impacts with more than six (6) times the average occupancy of established owner-occupied residences making the higher occupancy of the short term vacation rental homes incompatible with established neighborhood; and

WHEREAS, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family, two-family, or townhouse residence, creating a disparity between the impact and connection fees paid and the system impacts caused by their increased demand; and

WHEREAS, the State of Florida through its existing regulatory framework provides for licensing, maintenance, and inspection of hotels and motels; however no similar regulatory framework exists for vacation rentals; and

WHEREAS, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lack provisions for verification and enforcement; and

WHEREAS, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of transient occupancy count, which may incentivize lessees of oversized structures used as short term vacation rentals to increase the transient occupant count to spread out the cost burden for the rental term among as many payers as possible; and

WHEREAS, the City of Jacksonville Beach desires to encourage short term vacation rentals that are safe, compatible with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City of Jacksonville Beach seeks to balance respect for private property rights and incompatibility concerns between the investors in short term vacation rentals and the families investment in permanent single-family, two-family, or townhouse residences in established residential neighborhoods through the use of reasonable rules, regulations, and development standards; and

WHEREAS, these regulations are deemed necessary to preserve property values and to protect the health, safety, and general welfare of permanent residents, property owners, investors, transient occupants, and visitors alike; and

WHEREAS, these regulations are being promulgated to supplement, but not replace, any existing federal or state law, regulation, or other controls within established residential neighborhoods served by a homeowners' association or condominium associations; and

WHEREAS, the City of Jacksonville Beach seeks to regulate vacation rental use of single-family, two-family, and townhouses subject to initial inspection requirements, ongoing compliance with these regulations, issuance of and annual renewal of local business tax receipt for short term vacation rental use; and

WHEREAS, these regulations do not prohibit or regulate duration or frequency of vacation rentals, but are intended to address the frequent change of transient occupants housed within single-family, two-family, and townhouse dwellings within established residential neighborhoods; and

WHEREAS, the application of minimum life safety requirements to short term vacation rentals, as required by state law for transient public lodging establishments, ensures that transient occupants are provided the same minimum level of protection as is required by current statutes, regulations, and codes for hotels, motels, and dormitories; and

WHEREAS, a maximum occupancy of sixteen (16) persons within any short term vacation rental in any zoning district is appropriate because any occupancy of greater than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

WHEREAS, for purposes of compliance with the National Fire Protection Association (NFPA) 101 Life Safety Code, occupancies of sixteen (16) or fewer persons may be provided in single-family, two-family, or townhouse short term vacation rentals without consideration as a hotel or dormitory and provisions of related life safety requirements; and

WHEREAS, the minimum residential safety standards, as adopted by the Florida Legislature as the Residential Swimming Pool Safety Act include provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the likelihood of child and elder drowning; and

WHEREAS, bedrooms as so designated within short term vacation rentals shall be considered the equivalent of bedrooms as defined by Florida Statute 381.0065, as may be amended from time to time; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

WHEREAS, Section 509.215, Florida Statutes, provides the fire safety requirements for transient public lodging establishments such as vacation rentals; and

WHEREAS, short term vacation rentals, as defined herein, must comply with the Florida Fire Prevention Code, National Fire Protection Association (NFPA) 101 Life Safety Code, Florida Building Code, Florida Administrative Code Chapters 61C and 69A-43, and Section 509.215, Florida Statutes; and

WHEREAS, in the event of an emergency, the presence of posted building exit routes can reduce the risk to transient occupants who are unfamiliar with the short term vacation rental unit; and

WHEREAS, site specific short term vacation rental standards, such as, minimum parking standards, solid waste handling and containment, and the enforcement of quiet hours, serve to maintain the decorum that exists among owners in established residential neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, transient public lodging establishments and vacation rentals are subject to additional regulatory requirements beyond those normally required of single-family, two-family, and townhouse residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining county and local business tax receipts, and collecting and remitting various sales taxes to state and local government; and

WHEREAS, a short term vacation rental is a commercial lodging activity; and

WHEREAS, some short term vacation rentals are being used exclusively as rentals by investors and/or home owners; and

WHEREAS, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the residents of the City of Jacksonville Beach to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

WHEREAS, the City of Jacksonville Beach, through its existing regulatory framework, will issue registration certificates to short term vacation rentals conforming to those standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

WHEREAS, it is the intent of the City of Jacksonville Beach to provide for the establishment of an enforcement mechanism for those short term vacation rentals which do not adhere to the standards on

an initial or continuing basis, with the overall goal of the short term vacation rental program being compliance with established standards and not punitive in scope; and

WHEREAS, the City of Jacksonville Beach Planning Commission held a duly noticed public hearing on **July 22, 2019** and recommended approval of this ordinance; and

WHEREAS, the City Council of the City of Jacksonville Beach held a duly noticed public hearing on **August 5, 2019** and approved this ordinance on first reading; and

WHEREAS, the City Council of the City of Jacksonville Beach finds the proposed amendment will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

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

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Chapter 34, Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order as follows¹:

Section 34-41. General

Bedroom shall be as defined in Florida Statutes s. 381.0065, as may be amended, and means:

1. A room that can be used for sleeping and that:

- a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
- b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
- c. Is located along an exterior wall;
- d. Has a closet and a door or an entrance where a door could be reasonably installed; and
- e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.

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

3. “Bedroom” does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Collective Registration means a Short Term Vacation Rental Registration Certificate issued by the City of Jacksonville Beach to a licensed agent who represents a collective group of Short Term Vacation Rental units found on separate locations. A collective registration may not be issued for more than 75 Short Term Vacation Rental units per Registration Certificate.

Licensed Agent means the operator of a management company that has been licensed by the dwelling or unit owner, through a rental agreement or contract between the two parties, to hold out the dwelling or unit for rent on a transient basis. A licensed agent is not required to hold a license from the Division of Real Estate.

Short term vacation rental means

1. Any individually or collectively owned single-family, two-family, or townhouse dwelling unit that is also a Transient Public Lodging Establishment as defined below.

2. Single-family, two-family, or townhouse dwellings subject to deed restrictions and covenants of a home-owners association, condominium units, timeshare projects, and owner-occupied dwelling units renting fifty percent (50%) or less shall not be subject to the regulations of this ordinance.

Transient occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

Transient public lodging establishment means any individually or collectively owned single-family, two-family, or townhouse dwelling unit which is rented to guests more than three times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, as defined in Florida Statutes 509.013(4)(a), as may be amended.

SECTION 3. That Chapter 34, Article VIII, Division 2 of the City of Jacksonville Beach Code of Ordinances and Land Development Code is hereby amended by adding new Section 34-411 to read as follows:

Section 34-411 – Short Term Vacation Rentals.

(a) Applicability. This section shall apply to short term vacation rentals as defined in section 34-41.

(b) Short term vacation rental minimum requirements. Short term vacation rentals shall be permitted in all zoning districts where residential use is a permitted or conditional use provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short term vacation rental as defined in section 34-41 without initially and on a continuing basis:

- (1) Obtaining a short term vacation rental registration certificate from the City of Jacksonville Beach pursuant to this section;
- (2) Providing proof of a county business tax receipt from the Consolidated City of Jacksonville pursuant to its ordinances, as may be amended;
- (3) Providing proof of a local business tax receipt from the City of Jacksonville Beach pursuant to Chapter 15 of the Code of Ordinances, as may be amended;
- (4) Providing proof of a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
- (5) Providing proof of a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
- (6) As demonstrated through an affidavit:
 - a. Maintaining initial and ongoing compliance with Short Term Vacation Rental Standards contained herein;
 - b. Maintaining compliance with the Florida Fire Prevention Code, National Fire Protection Association (NFPA) 101 Life Safety Code, Florida Building Code, and Section 509.215, Florida Statutes; and
 - c. Maintaining compliance with any local, state, and federal laws, regulations, and standards as may be applicable or amended including Florida Administrative Code Chapters 61C and 69A-43, as may be amended.

(c) Short Term Vacation Rental Standards. The following Standards shall govern the use of any short term vacation rental as a permitted use:

- (1) Maximum Occupancy. Maximum occupancy will be limited to two (2) persons per bedroom or one (1) per one hundred fifty (150) square feet, whichever is less, except that under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.
- (2) Parking Standards. Based on the maximum occupancy as defined in Section 34-411(c)(1), minimum off-street parking shall be provided as one (1) space

per three (3) transient occupants based on total maximum occupancy calculated per short term vacation rental. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street or grass parking shall not be permitted.

- (3) Solid Waste handling and containment. Based on the maximum as defined in Section 34-411(c)(1), one (1) trash storage container shall be provided for every four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive. For purposes of this section, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access. The container shall be placed at curbside on the day of solid waste pickup and removed from curbside no later than sunrise the following day.
 - (4) Minimum short term vacation rental lease agreement wording. The short term vacation rental lease agreement shall contain the minimum information as provided for in subsection 34-411(h).
 - (5) Minimum short term vacation rental information required postings. The short term vacation rental shall be provided with posted material as required pursuant to subsection 34-411(i).
 - (6) Designation of a Short Term Vacation Rental Responsible Party capable of meeting the duties required pursuant to subsection 34-411(g) shall be required.
 - (7) Advertising. Any advertising of the short term vacation rental unit shall conform to information included in the Short Term Vacation Rental Registration Certificate and property's approval, particularly as it pertains to maximum occupancy.
 - (8) Other standards. Any other standards contained within the City of Jacksonville Beach Land Development Code to include, but not limited to, noise limits, setbacks, stormwater, and similar provision shall be applicable.
- (d) Short Term Vacation Rental Registration Certificate. To verify compliance with these Short Term Vacation Rental Standards, any property owner who wishes to use his or her dwelling unit as a short term vacation rental must first apply for and receive a Short Term Vacation Rental Registration Certificate from the City of Jacksonville Beach. The following requirements further apply:
- (1) The Short Term Vacation Rental Registration Certificate shall be renewed annually for as long as the unit is used as a short term vacation rental.

- (2) Short Term Vacation Rental Registration Certificates may be issued as a single or collective registration certificate.
 - (3) An annual single or collective Short Term Vacation Rental Registration Certificate fee shall be paid in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach.
 - (4) Short Term Vacation Rental Registration Certificate fees shall be implemented to cover the costs of administration of the Short Term Vacation Rental Registration Certificate, Inspection, and enforcement programs.
 - (5) Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the Short Term Vacation Rental Registration Certificate in accordance with the requirements contained herein.
- (e) Application for a Short Term Vacation Rental Registration Certificate. Each property owner seeking initial issuance, annual renewal, transfer of ownership, or modification of a Short Term Vacation Rental Registration Certificate shall submit a City of Jacksonville Beach Short Term Vacation Rental Application in a form specified by the City, along with an application fee in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach.
- (1) A complete application for initial, transfer of ownership, or modification of a Short Term Vacation Rental Registration Certificate shall demonstrate compliance with the Short Term Vacation Rental Standards above through the following submittals:
 - a. A completed application with all required documentation of Section 34-411(b) and all applicable fees.
 - b. Copies of the required short term rental postings shall be provided.
 - c. A blank sample of the required short term vacation rental lease agreement and lessee information demonstrating compliance with all required lease terms shall be provided.
 - d. Any other required information necessary to demonstrate compliance with the Short Term Vacation Rental Standards contained herein or as may be amended.
 - (2) Registration Certificate renewals or transfers. A Short Term Vacation Rental Registration Certificate holder must apply annually for a renewal of the Registration Certificate by October 1 of each year. If no changes have occurred since the issuance of the most recent Short Term Vacation Rental Registration Certificate, no additional submittals are required to accompany the renewal or transfer of a Short Term Vacation Rental Registration Certificate Application.

(3) Modification of Short Term Vacation Rental Registration Certificate. An application for modification of a Short Term Vacation Rental Registration Certificate is necessary where any of the following apply:

a. The gross square footage of the Short Term Vacation Rental unit has increased; or

b. The number of bedrooms is proposed to increase; or

c. The occupancy is otherwise proposed to increase.

d. If an inspection of a modification to a Short Term Vacation Rental Registration Certificate is required, the modification in usage or occupancy may not occur until after successful inspection; however, pending such successful inspection the current Registration Certificate shall remain valid.

(f) Initial and routine compliance inspections of Short Term Vacation Rentals.

(1) An inspection of the Short Term Vacation Rental unit for compliance with this section is required prior to issuance of an initial Short Term Vacation Rental Registration Certificate.

a. The local fire official or designee shall be allowed entry and perform all inspections as permitted or required under this section or by Section 10-3.04 and Section 10-3.05, City of Jacksonville Beach Code of Ordinances.

b. If violations are found, all violations must be corrected and the Short Term Vacation Rental unit must be re-inspected prior to issuance of the initial Short Term Vacation Rental Registration Certificate.

c. An exception to the correction of violations as required in this subsection is made for any Short Term Vacation Rental seeking vested rights pursuant to subsection 34-411(m) to the extent that a vesting determination specifically provides such exemption.

(2) Once issued, a Short Term Vacation Rental unit must be properly maintained in accordance with the Short Term Vacation Rental Standards as defined in the section and may be re-inspected at the time of transfer of ownership, modification, or upon receipt of complaint related to non-compliance with the Florida Fire Prevention Code, National Fire Protection Association (NFPA) 101 Life Safety Code, Florida Building Code, and Section 509.215, Florida Statutes.

- a. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days.
 - b. Failure to correct inspection deficiencies in the timeframe provided shall result in the suspension of the Short Term Vacation Rental Registration Certificate until such time as the violation(s) is/are corrected and re-inspected.
- (3) The inspections shall be made by appointment with the Short Term Vacation Rental Responsible Party.
- a. If the inspector(s) has made an appointment with the Short Term Vacation Rental Responsible Party to complete an inspection and the Short Term Vacation Rental Responsible Party fails to admit the inspector(s) at the scheduled time, the owner shall be charged a “no show” fee in an amount as determined by Resolution of the City Council of the City of Jacksonville Beach to cover the inspection expense incurred.
- (4) If the inspector(s) is denied admittance by the Short Term Vacation Rental Responsible Party or if the Short Term Vacation Rental unit is not passed in at least three (3) attempts to complete an initial or subsequent inspection, the inspector(s) shall provide notice of failure of inspection to the owner address as listed on the most recent Short Term Vacation Rental Registration Certificate or as listed on the Duval County Property Appraiser database.
- a. For an initial inspection, the notice of failure of inspection results in the Registration Certificate not being issued; the Short Term Vacation Rental is not permitted to operate without a valid Registration Certificate.
 - b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 34-411(f)(2) above and is subject to enforcement as provided herein.
- (g) Short Term Vacation Rental Responsible Party.
- (1) The purpose of the Short Term Vacation Rental Responsible Party is to respond to routine inspections, non-routine complaints, and any other more immediate problems related to the Short Term Vacation Rental of the property.
 - (2) The property owner or licensed agent may serve in this capacity or shall otherwise designate a Short Term Vacation Rental Responsible Party to act on their behalf.

- (3) Any person eighteen (18) years of age or older may be designated by the owner or licensed agent provided they can perform the duties listed in subsection 34-411(g)(4) below.
- (4) The duties of the Short Term Vacation Rental Responsible Party, whether the property owner or licensed agent, are as follows:
- a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the Short Term Vacation Rental use;
 - b. If necessary, be willing and able to come to the Short Term Vacation Rental unit within two (2) hours following notification from an occupant, the owner, or an official of the City of Jacksonville Beach to address issues related to the Short Term Vacation Rental.
 - c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section;
 - d. Be able to produce copies of the executed rental or lease agreement for current transient occupants, as needed by local authorities; and
 - e. Otherwise monitor the Short Term Vacation Rental unit at least once weekly to assure continued compliance with the requirements of this section.
- (5) A property owner may change his or her designation of a Short Term Vacation Rental Responsible Party temporarily or permanently. However, there shall be only one (1) Short Term Vacation Rental Responsible Party for each Short Term Vacation Rental at any given time. To change the designated Short Term Vacation Rental Responsible Party, the property owner shall notify the City of Jacksonville Beach in writing on a form provided by the City for that purpose before any change in the designated Short Term Vacation Rental Responsible Party.
- (h) *Short Term Vacation Rental Lease Agreement minimum provisions.* The rental or lease agreement must contain the following minimum information:
- (1) Maximum occupancy of the Short Term Vacation Rental unit as permitted on the Short Term Vacation Rental Registration Certificate;
 - (2) The total number of vehicles allowed for the Short Term Vacation Rental unit not to exceed the number of off-street parking spaces available as designated on the Short Term Vacation Rental Registration Certificate; and

- (3) A statement that all transient occupants must evacuate from the Short Term Vacation Rental upon posting of any evacuation order issued by local, state, or federal authorities.
- (4) An executed copy of each lease agreement shall be maintained by the designated Responsible Party and made available for review by City fire, police, building or code enforcement officials upon request.

(i) Required Short Term Vacation Rental Postings:

- (1) On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page document the following information:
 - a. The name, address, and phone number of the Short Term Vacation Rental Responsible Party;
 - b. The maximum occupancy of the unit;
 - c. Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily or in compliance with any and all City regulations;
 - d. The maximum number of vehicles that can be parked at the unit along with the location of the off-street parking spaces;
 - e. The days of solid waste pick-up and recycling;
 - f. Notice of sea turtle nesting season restrictions and sea turtle lighting usage as applicable;
 - g. The emergency numbers for local police and fire; and
 - h. The location of the nearest hospital.
- (2) If the Short Term Vacation Rental is composed of three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom or sleeping area a legible copy of the building evacuation map.

(j) Offenses and Violations.

- (1) Non-compliance with any provision of this section or its subsections shall constitute a violation of the City of Jacksonville Beach Code of Ordinances.
- (2) Separate Violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 34-411(l).

(k) Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is vital that a Short Term Vacation Rental Responsible Party is responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Jacksonville Beach Code of Ordinances.

(1) Warnings. Warnings shall be issued for first time violations and a reasonable time to correct the violation will be given. Such warnings may include notice to other agencies for follow up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Duval County Tax Collector, and the Duval County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of notice of violation.

(2) Fines. Fines per violation shall be as provided in Section 162.09, Florida Statutes, as may be amended, for per day, repeat, and irreparable or irreversible in nature violations.

(3) Enforcement Proceedings. Prosecution of code violations shall utilize Part 1 of Florida Statutes Chapter 162. The City Code Enforcement Special Magistrate shall be authorized to hold hearings, assess fines, and order other relief as provided in City of Jacksonville Beach Code of Ordinances, Chapter 2, Article VI.

(4) Additional Remedies. Nothing contained herein shall prevent the City of Jacksonville Beach from seeking all other available remedies which may include, but is not limited to, suspension or revocation of a Short Term Vacation Rental Registration Certificate, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

(l) Suspension of Short Term Vacation Rental Registration Certificate. In addition to any fines and other remedies described herein or provided for by law, the City may suspend a Short Term Vacation Rental Registration Certificate for multiple violations of the maximum occupancy limits in any continuous thirty-six (36) month period, in accordance with the following:

(1) Suspension timeframes.

a. Upon a fourth (4th) violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for a period of seven (7) calendar days.

- b. Upon a fifth (5th) violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for a period of thirty (30) calendar days.
 - c. For each additional violation of the maximum occupancy limits the Short Term Vacation Rental Registration Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example the sixth (6th) violation shall be for sixty (60) calendar days; the seventh (7th) violation shall be for ninety (90) calendar days, etc.
- (2) Suspension restrictions. A short term vacation rental may not provide transient occupancy during any period of suspension of a Short Term Vacation Rental Registration Certificate.
- a. The suspension shall begin immediately following notice, commencing either:
 - 1. At the end of the current vacation rental lease period; or
 - 2. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Code Enforcement Special Magistrate.
 - b. Operation during any period of suspension shall be deemed a repeat violation pursuant to subsection 34-411(k)(2) and shall be subject to daily fines up to five hundred dollars (\$500) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations for each day that the short term vacation rental operates during a period of violation.
 - c. Upon a finding of a violation that is irreparable or irreversible in nature maximum fines as provided by Section 162.09(2) shall be imposed.
- (3) Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less, and for only those violations in which a code enforcement notice of violation was issued. Violations could potentially occur multiple times over the same rental period.
- (m) Vesting. Existing, legally-established short term vacation rentals as defined in 34-411(a) as of January 1, 2019 may become vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

To qualify for vesting, an existing short term vacation rental shall have until December 1, 2019 to make full and complete application for a Short Term Vacation Rental

Registration Certificate and until March 1, 2020 to receive a Short Term Vacation Rental Registration Certificate in compliance with this Section of the Code of Ordinances of the City of Jacksonville Beach.

- (1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s) for short term vacation rentals upon the effective date of this ordinance which may not be in compliance with the terms of this Section. Rental agreements entered into prior to the effective date of this ordinance for the twelve (12) month period following shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Registration Certificate application process and providing copies of such rental or lease agreement(s).
- (2) Temporary vesting of certain safety requirements. Some existing short term vacation rentals may not meet the minimum life safety requirements as required in the Florida Fire Prevention Code, National Fire Protection Association (NFPA) 101 Life Safety Code, Florida Building Code, and Section 509.215, Florida Statutes. Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short term vacation rentals shall have six (6) months from the effective date of this ordinance, or March 1, 2020, whichever is later, to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Registration Certificate application process.
- (3) All vesting determinations and appeals.
 - a. All vesting determinations shall be made administratively by the Planning and Development Director.
 - b. An applicant may appeal an administrative determination by filing a petition with the City Manager within ten (10) business days of such determination.
 - c. The City Manager shall address the appeal within thirty (30) calendar days of receipt of a petition and consider only the Short Term Vacation Rental Application, the documents provided in support of vesting, the written petition of the applicant, and determination of staff.
 - d. The City Manager shall reverse the decision of the Planning and Development Director only if there is substantial competent evidence to support reversal.
 - e. The decision of the City Manager shall constitute final administrative action.

(4) A vested use shall not transfer to a subsequent owner. A vested use is not transferrable to another short term vacation rental.

(5) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to have lapsed and the short term vacation rental will be subject to all Short Term Vacation Rental Requirements as if a new application.

SECTION 4. Amending Section 34-336. – Residential, single-family: RS-1, subsection (b) *Permitted uses* to read as follows:

...

(3) Short term vacation rentals.

...

SECTION 5. Amending Section 34-337. – Residential, single-family: RS-2, subsection (b) *Permitted uses* to read as follows:

...

(3) Short term vacation rentals.

...

SECTION 6. Amending Section 34-338. – Residential, single-family: RS-3, subsection (b) *Permitted uses* to read as follows:

...

(5) Short term vacation rentals.

...

SECTION 7. Amending Section 34-339. – Residential, multiple-family: RM-1, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

SECTION 8. Amending Section 34-340. – Residential, multiple-family: RM-2, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

SECTION 9. Amending Section 34-341. – Commercial professional office: CPO, subsection (b) *Permitted uses* to read as follows:

...

(10) Short term vacation rentals.

...

SECTION 10. Amending Section 34-342. – Commercial limited: C-1, subsection (b) *Permitted uses* to read as follows:

...
(27) Short term vacation rentals.
...

SECTION 11. Amending Section 34-343. – Commercial general: C-2, subsection (b)
Permitted uses to read as follows:

...
(33) Short term vacation rentals.
...

SECTION 12. Amending Section 34-345. – Central business district: CBD, subsection
(b) *Permitted uses* to read as follows:

...
(26) Short term vacation rentals.
...

SECTION 13. SEVERABILITY. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

SECTION 14. CONFLICTING ORDINANCES. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk