



Agenda
City Council

Monday, August 19, 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

- 19-136 Council Workshop held on July 29, 2019
- 19-137 Budget Showcase held on August 2, 2019
- 19-138 Budget Workshop held on August 5, 2019
- 19-139 Council Briefing held on August 5, 2019
- 19-140 Regular Council Meeting held on August 5, 2019
- 19-141 Budget Workshop held on August 6, 2019
- 19-142 Budget Workshop held on August 8, 2019
- 19-143 Budget Workshop held on August 12, 2019

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- 19-144** Approve the Monthly Financial Reports for the Month of July 2019
- 19-145** Award RFP No. 06-1819 for Inspection Services to Universal Engineering Sciences, Inc.
- 19-146** Defer Second Reading of Short Term Rental Ordinance No. 2019-8118 to September 3, 2019
- 19-147** Consider Modifying a Submission to the Commission on Ethics Continuation from August 5, 2019
- 19-148** Authorize an Amendment to the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services

RESOLUTIONS**ORDINANCES****ADJOURNMENT****NOTICE**

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

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

The Council Workshop began at 5:03 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

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

Also present were City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson and Director of Human Resources Ann Meuse.

Purpose of Workshop

The purpose of the workshop was to discuss the next steps of the recruiting process for the City Attorney.

City Manager

City Manager, Mike Staffopoulos stated there were seven applicants who met the minimum qualifications for the City Attorney position. Mr. Staffopoulos asked Council for direction regarding the next steps in the recruiting process for the seven applicants. Mr. Staffopoulos stated the City Attorney for Fernandina Beach, Ms. Tammy Bach, offered her services to assist with the recruiting process if needed.

Conversation ensued regarding the applications [on file] and qualifications of the candidates. The Council suggested removing one candidate from the list of applicants. Conversation continued regarding salary negotiations for candidates requesting outside the salary range offered by the City. It was suggested Human Resources contact the candidates indicating salaries outside the advertised range to confirm if their salary range is negotiable.

The final recommendation by the Council for proceeding with the recruitment process was as follows:

- Human Resources to contact remaining six candidates to confirm if their salary range is or is not negotiable.
- Human Resources to reaffirm exclusivity to the City of Jacksonville Beach and no outside private practice would be expected.
- Human Resources to schedule interviews for all remaining interested candidates for Friday, August 23, 2019. Interviews would consist of the Council as a group meeting each individual candidate in the morning, and one-on-one interviews would take place after lunch.
- After all interviews are complete, the Council would meet to discuss candidate interviews and ideally choose a City Attorney.

The workshop adjourned at 6:00 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

DRAFT

City of Jacksonville Beach
Minutes of Fiscal Year 2020 Council Budget Showcase
Friday, August 2, 2019 – 1:30 P.M.
Council Chambers, 11 North 3rd Street, Jacksonville Beach, Florida

The Council Budget Showcase began at 1:33 P.M. in the Council Chambers.

City Council Members in attendance:

Mayor: William C. Latham (absent)

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

Fiscal Year 2020 City Council Budget Showcase

Budget Overview

City Manager Mike Staffopoulos, along with department heads, presented an overview of the proposed Fiscal Year 2020 budget. [copy of PowerPoint presentation on file]

Mr. Staffopoulos summarized the City's financial condition. The City would hold the millage rate at \$3.9947, and the \$163,892,602 proposed budget for 2020 is less than 1% higher than the current fiscal year. Government debt was paid off in March 2019, and Utility debt would be paid off in October 2020. Electric rates have been reduced by \$24 per 1,000 kilowatt-hours since March 2010, and Garbage and Stormwater rates have not been raised in 25+ years

Mr. Staffopoulos further discussed the City's pension contribution and provided an overview of Utilities Enterprise fund expenses.

Finance

Chief Financial Officer Ashlie Gossett reviewed the three (3) major projects within the Finance Department for FY2020 as follows:

- Website update
- Space needs analysis of City Hall and the Operations & Maintenance Building
- Enterprise Resource Planning (ERP) project update (multi-year effort)

Beaches Energy Services (BES) projects:

Electrical Engineering Project Supervisor Matt Seeley reviewed the Outage Management (Prediction) System, which would allow customers to receive and provide specific details related to outages and updates on the estimated time of restoration of power.

Electrical Engineer Jamison Parker reviewed the improvements at the Sampson Substation including a new 250 mVA transformer to be delivered in Spring 2020. This upgrade would provide a reliable and redundant supply of energy to customers.

Director of Beaches Energy Services Allen Putnam reviewed the Supervisory Control and Data Acquisition (SCADA) Server modernization. This upgrade would avoid loss of warranty and support in 2020, comply with server upgrade dates, and reduce annual maintenance and support costs.

Police

Police Chief Gene Paul Smith stated the Police Department is testing out a new over the shoulder tactical vest for the officers. This new style vest would replace the belts currently used by officers to carry their equipment on their hips, which can cause discomfort and back problems.

Chief Smith stated the department would be replacing two Segways for the Downtown CAPE Division.

Chief Smith reminded Council automakers are no longer making police sedans. Chief Smith stated the department would be purchasing five new Ford F-150 trucks which would allow more room for the Officers and their required equipment. A sample vehicle model was available to examine one similar to the one currently being used by the Jacksonville Beach Animal Control Officer.

Community Redevelopment

Director of Planning and Development Bill Mann reviewed the Downtown Drainage and Infrastructure Improvements Project, the Golf Course Drainage Channel improvements, and the drainage projects in the South End CRA District.

Public Works

Project Engineer Kayle Moore explained a replacement street sweeper is needed due to the poor condition of the existing one. Mr. Moore stated a trade-in credit would be issued to go towards the price of the new street sweeper.

Mr. Moore reviewed the Pavement Master Plan and explained the pavement condition rating scale. Mr. Moore stated samples would be taken from the roads, and a five-year work plan would be put together to help prioritize which roads to be milled and resurfaced.

Mr. Moore reviewed the construction progress regarding the ADA dune walkovers. Mr. Moore stated the decking materials on the newly designed walkovers would be evaluated over time, resulting in possible changes in materials.

Mr. Moore reviewed the Sewer Master Plan and Hydraulic Study as well as the Capital Improvement Plan projects at the Pollution Control Plant.

An update of the FDOT Drainage System Improvement Project was explained by Mr. Moore. The target completion date is scheduled for Summer of 2020.

Parks and Recreation

Ocean Rescue Supervisor Rob Emahiser explained the need to add one full-time Lieutenant position to assist with the growing beach crowds. Mr. Emahiser reviewed the number of water rescues and assists and the break down for other calls for service.

Recreation Superintendent Jimmy Wilkins reviewed the following budget items:

- Adding lights to the girl's softball field
- Repair/Replace fencing at Wingate Parks and Huguenot Park
- Golf cart path repairs

- Shade shelters for the golf course driving range
- Golf course bridge re-decking

The Budget Showcase ended at approximately 4:20 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, Mayor

Date:

DRAFT

**City of Jacksonville Beach
Minutes of City Council
FY 2020 - Budget Workshop
Monday, August 5, 2019 – 4:00 P.M.
City Council Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, Florida**

City Manager Mike Staffopoulos called the Budget Workshop to order at 4:00 P.M.

City Council Members in attendance:

Mayor: William C. Latham

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

Staff in attendance:

City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson, Chief Financial Officer Ashlie Gossett, Police Chief Gene Paul Smith, and Interim Fire Chief Steve Sciotto

Police Department

Police Chief Gene Paul Smith, reviewed the function and structure of the department.

Chief Smith summarized the different Police Divisions and their costs.

Chief Smith discussed the average response time to emergency calls is 2.16 minutes and 4.23 minutes for non-emergency calls. He stated there had been a decrease in major crimes overall by 2% from 2014 to 2018.

Chief Smith stated the Citizen's Police Academy graduated 42 classes to date and now includes 1,136 graduates.

Chief Smith advised the Police Department would no longer organize the National Night Out event and would look into organizing a better, more attended event for the community.

Chief Smith stated the department is nearly fully staffed and recruiting is an ongoing effort.

Public Safety Radio System replacement is an ongoing expense, and Chief Smith stated it would continue in future years until the entire system is replaced.

Five (5) new police vehicles (SUVs) would be purchased in FY2020. Chief Smith stated the department would be exploring the opportunity to purchase and use drones as an added tool.

Fire Department

The Fire Department is staffed and equipped to respond to one single serious fire or three simultaneous emergency calls. We have automatic mutual aid agreements with the City of Jacksonville and St. Johns County.

Chief Sciotto summarized the department's accomplishments. He also stated the department's response time is an average of four (4) minutes. The Chief also stated all structure fires were confined to the area involved. He reported 8,696 fire safety surveys were completed in the past year, and 378 high hazard (restaurants, churches, schools) inspections were completed. The Chief explained 729 pre-plans were updated. There were 219 new smoke detectors installed in homes, and 482 new batteries were installed in smoke detectors. The Fire Department installed and/or educated 174 families on the proper installation of child safety seats. The department also conducted city-wide training and exercises in hurricane preparedness.

Chief Sciotto summarized the Fire Department's FY2019/2020 goals to be zero fire-related deaths, containing 90% of fires to the area in which they started and to continue the 100% customer services results of excellent or good service.

Capital Outlays from the previous year (Zoll Cardiac Monitor, SCBA compressor/fill station, Shift Commander vehicle and Extractor, drying rack, stackable washer/dryer, and plumbing modifications) are fully functioning and are all being maintained.

The workshop adjourned at 4:58 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, Mayor

Date:

The Council Briefing began at 5:35 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

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

Also present was City Manager Mike Staffopoulos.

Purpose of Briefing

The purpose of the briefing was to update the City Council about ongoing items in the City and to discuss the changes made to the Alcohol Ordinance based on the feedback received from the City Council at the Workshop held on May 20, 2019.

City Manager

Mr. Staffopoulos stated he and Council Member Nichols met with the City of Jacksonville regarding their Tree Trust fund. Those funds can be used for planting trees anywhere in Duval County. Mr. Staffopoulos stated it would be best to start with one planned project and have City of Jacksonville Council Member Rory Diamond bring the project to the City of Jacksonville Council for approval. The project suggested would be to add trees to the fairways at the golf course.

Acting City Attorney Denise May presented the Council with a draft of Ordinance No. 2019-8116 [on file] regarding the extended hours permit for alcohol-serving establishments. Ms. May reviewed the following ordinance changes:

- Section 4-2(d)(3)f) – to provide for approved security plans which include:
 - The number and utilization of security personnel
 - Control and clearance plans for parking lots and other exteriors areas
 - Crowd control techniques
 - Handling of unlawful conduct including protocols for police involvement
- Section 4-2(e)(2)(d)3. – To provide for revocation of the extended hours of operation permit upon a 3rd finding of violation within 365 days from date of completion of the most recent suspension.

Conversation ensued regarding the following options:

- Keep the prohibition on any new extended hours permits for SRX/SFS licensed alcohol establishment
- Cap the number of SRX/SFX extended hours permits as those existing as of the date of the ordinance
 - Allowing transfer of permit of existing SRX/SFS to new ownership upon application as required under 4-2(d).
- Limit the number or prohibit new extended hours permits within the Central Business District (CBD) zoning district

- Remove the prohibition on new extended hours permits for SRX/SFS licensed alcohol establishments

Conversation ensued regarding changes and modifications to the ordinance draft. Ms. May stated the changes would be made and a final copy of the revised ordinance would be presented to the Council at an upcoming Council Meeting.

Mr. Staffopoulos stated the following topics would be discussed at the next Council Briefing scheduled for Tuesday, September 3, 2019:

- Traffic policy from the Police Department
- Draft of the Council Code of Ethics

The briefing adjourned at 6:40 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____



**Minutes of Regular City Council Meeting
held Monday, August 5, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**

OPENING CEREMONIES:

Mayor Latham requested everyone to stand and observe a moment of silence in honor of Jacksonville Beach Police Corporal Andrew Lavender, who passed away on August 3, 2019, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:01 P.M.

ROLL CALL:

Mayor: William C. Latham

Council Members:	Keith Doherty (<i>Absent</i>)	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:

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

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

- Regular Council Meeting held on July 15, 2019.

Council Member Golding requested the minutes be amended to add the name of her neighbor, Toni Van Orman, whom she referenced under Ex-Parte [Item #19-116 – Ordinance No. 2019-8122] to the record.

Amended Motion: It was moved by Ms. Golding, seconded by Ms. Hoffman, and passed unanimously, to approve the minutes as amended.

ANNOUNCEMENTS:

Council Member Hoffman announced the 4th Annual Beaches Health Jam would be held on Friday, August 9, 2019, at the Carver Center.

Ms. Golding announced Beaches Watch was hosting a monthly meeting on Wednesday, August 7, 2019, at the Beaches Branch Library. There would be a police panel with someone from each beach city police department to discuss public safety in the community.

COURTESY OF THE FLOOR TO VISITORS:

- Julie Malmstrom, 2042 2nd Street South, Jacksonville Beach, stated she previously spoke about placing a stop sign at the intersection at 19th Avenue South and 2nd Avenue approximately three years ago. Ms. Malmstrom would like the intersection re-evaluated.

- Lori Anderson, Executive Director at Mission House, 800 Shetter Avenue, Jacksonville Beach, spoke about the services they provide to the homeless population [handout provided on file].
- Casey Jones, 125 11th Street, Atlantic Beach, spoke about dead sea turtles found in a pool and on the street, and improper lighting [photos provided on file].
- Liz Dallas, 14823 Plumosa Drive, Jacksonville Beach, and Liz Lassiter, with the GFWC Jacksonville Beaches Woman's Club, spoke about a domestic violence awareness and prevention project they have, and requested authorization to tie purple ribbons around palm trees on Beach Boulevard between 2nd and 3rd Street, and around City Hall in October.
- Donni Welch-Rawls, 403 12th Avenue South, Jacksonville Beach, spoke about damage to her property resulting from the City's drainage project.
- George Sherwood, 734 2nd Street North, Jacksonville Beach, spoke about problems with vehicles speeding on 2nd Street North between 9th Avenue North and 6th Avenue North.
- Savannah Taylor, 360 13th Avenue North, Jacksonville Beach, spoke about the death of Bryn Turner on July 11, 2019, on 2nd Street North.
- Ron Taylor, 360 13th Avenue North, Jacksonville Beach, spoke about the death of Bryn Turner.
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, spoke about a few general matters related to the future direction of the city.
- Sarah Bryan, 403 12th Avenue South, Jacksonville Beach, spoke about different topics related to variance approvals, issues with contractors, and recognized Public Works Project Coordinator Jim Vernon for his assistance.
- Mitch Kinsey, 2007 Eastern Drive, Jacksonville Beach, spoke about traffic issues and requested speed bumps or stop signs for the area.
- Alex Evans, 2015 Eastern Drive, Jacksonville Beach, spoke about traffic issues and requested a 3-way stop sign or speed bumps in the area.

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

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

Mayor Latham opened the floor for nominations for a Trustee to the Police Officers' Pension Board.

Motion: It was moved by Ms. Golding, seconded by Ms. Hoffman, to nominate John Gosztyla for appointment as Trustee to the Police Officers' Pension Board.

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

Item #19-122 – Recognize Ocean Rescue Lifeguards Maxwell Ervanian and Kenneth Bonn [not present] for their Heroic Actions

Mayor Latham presented a plaque to Maxwell Ervanian for the rescue of a man drowning in the ocean on July 5, 2019, 250 yards beyond the end of the pier.

Item #19-123 – Award RFP No. 07-1819 for Groundskeeping Materials to Seven (7) Vendors

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to award RFP No. 07-1819 for groundskeeping material to seven (7) vendors.

Golf Course Superintendent Trevor Hughes explained they are seeking to award a non-exclusive contract to Bulloch, Golf Ventures, Harrell's, Helena Agri Enterprises, Howard Fertilizer, Residex Target, and SiteOne Landscape, stating it is difficult to forecast the needs of the Golf Course, and they do not have enough warehouse space to store all the items. Mr. Hughes is also seeking permission to go over the \$25,000 threshold for purchases.

Council Member Golding asked whether the listed prices on the Summary Pricing Sheet are before or after the discount. Mr. Hughes responded the prices shown are after the discount.

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

Item #19-124 – Approve the Findings of Fact, Ordinance No. 2014-8058, Establishing a Redevelopment District: RD Zoning District within the City (Surfer the Bar)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for RD Ordinance No. 2014-8058, dated July 16, 2019.

Mr. Staffopoulos stated there were three items at the last Council meeting requiring Findings of Fact not presented at the time due to the potential for variability in the findings by the Council. This item is related to the lawsuit from Surfer the Bar and the settlement. Mr. Mann answered a question related to a minor scrivener's effort in the Findings of Fact. Mayor Latham elected to move forward with the motion noting the scrivener's error.

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

Item #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)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for RD Ordinance No. 2019-8120, dated July 16, 2019.

Mr. Staffopoulos stated this is the Findings of Fact associated with the zoning changes for the Springhill Suites proposed to be built downtown. In response to a question from Ms. Golding, Mr.

Mann clarified the 35-foot building height listed under the permitted uses listed in the Findings of Fact are a restating of the existing standards found in Section 34-347, and in this case, the property has vested building height interest to 56 feet. Mr. Mann stated the actual Findings of Fact for this application is found on the last page.

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

Item #19-126 – Approve the Findings of Fact, Ordinance No. 2019-8121, Establishing a Planned Unit Development: PUD Zoning District within the City (Pablo Hamlet)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for PUD Ordinance No. 2019-8121, dated July 16, 2019.

Mr. Staffopoulos stated this Findings of Fact is associated with the proposed expansion of Pablo Hamlet.

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

Mayor Latham announced he would be moving Ordinance No. 2019-8118 on short term rentals [Item #19-135] to be the first ordinance heard tonight.

Item #19-127 – Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements for Summer Court

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to 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.

Mr. Staffopoulos stated this is a plat dedication of the new right-of-way and infrastructure being accepted by the City. City Engineer Marty Martirone explained this is for a six-unit residential area located off of Ponte Vedra Boulevard, north of Mills Lane.

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

Item #19-128 – Approve the Purchase of a Replacement Street Sweeper

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the purchase of one (1) Elgin Crosswind Street Sweeper from Environmental Products Group, Inc., utilizing the Florida Sheriff's Contract and approve early purchase order release (August 2019) to lock in the current price and reduce unit delivery time.

Mr. Staffopoulos stated this replacement street sweeper was shown to the Council at the Budget Showcase on August 2, 2019. If an early purchase order is issued at this time, the City can benefit from discount pricing before the end of the year.

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

Item #19-129 – Approve a Change Order to Bid No. 1718-23 for Fiber Installation Transmission Line 805

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve a 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.

Beaches Energy Services Director Allen Putnam explained the Council previously approved funding for this project. However, in the middle of the project, a conflict came up with Florida East Coast (FEC) Railroad, which is common with these types of projects. At the time of the bid award, FEC wanted Beaches Energy Services to go from overhead to underground at a railway crossing at US-1. It required the entire project to be redesigned, and construction was halted. Crews from out of town had to return back to where they came from. FEC ultimately allowed the project to go back to overhead. Mr. Putnam stated they want to bring the crews back to complete the last ten spans of the project.

Ms. Golding asked if there was any recourse against Florida East Coast Railway since they are costing the City money. Mr. Putnam responded FEC is the final word on any railway crossing.

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

Item #19-130 – Approve Requesting State Appropriation for the Purchase and Installation of License Plate Readers for the Police Department

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve requesting state appropriation for the purchase and installation of license plate readers for the Police Department.

Mr. Staffopoulos stated the Police Department requested license plate readers placed at nine discreet locations, a total of 27 cameras throughout the city. It would be a benefit to monitor vehicles coming in and out of Jacksonville Beach for crime prevention purposes and tracking vehicles that have "Be On the Look Out (BOLOs)" issued for them. It is an opportunity to work with local legislators to potentially get an appropriation from the State for the first year capital funds necessary to purchase and install the license plate reader cameras. One of the legislators has asked if the Council is on board with the fact that if the City pursues appropriation, and in the event we don't get 100 percent funding, would the Council be willing to make up the difference. Mr. Staffopoulos explained he is looking for formal ratification for staff to be able to lobby the legislature for this appropriation and see if the City can get some money toward these license plate readers. The first-year cost is estimated to be \$150,000, which includes the capital, installation,

and the first-year licensing agreement. After the first year, the annual cost drops to between \$20,000-\$25,000 per year for the licensing going forward.

Mr. Staffopoulos answered questions regarding the storage of the data and how the cameras cover the locations. Mayor Latham stated he and Mr. Staffopoulos had reached out to Senator Aaron Bean.

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

Item #19-131 – Consider Modifying a Submission to the Commission on Ethics

Mr. Staffopoulos explained City administration was contacted by an attorney for the City's insurance company inquiring about coverage for one of the Council members to defend them with regard to a complaint filed with the Commission on Ethics. Staff research found when this was brought to the Council on June 17, 2019, the topic of the item was to discuss whether or not there was a violation of the City Charter. During the discussion, there was a suggestion a complaint to the Commission on Ethics be filed to confirm whether or not there was a violation of the State Ethics legislation. The City did not know when a complaint is filed with the Commission on Ethics, the City insurance on elected officials kicks in. It gives the elected official who is the subject of such a claim the ability to use the attorney provided by the insurance company and to start to incur charges against the City's \$25,000 deductible. There was never a conversation with the Council about whether or not either the Council or Council Member Vogelsang were willing to incur financial costs for the legal defense of a formal complaint to the Commission on Ethics. Staff explored options, and Acting City Attorney Denise May reached out to the Commission on Ethics' attorney on call, who indicated there is an option of rescinding the formal complaint and submitting a request for a formal opinion. There is a process for rescinding which includes a statement of facts ratified by the Council as well as Council Member Vogelsang. Since finances were never discussed at the first meeting as an impact to either the City Council or Mr. Vogelsang, it was necessary to bring it before the Council and also to see what the Council thought about the alternative presented.

Mr. Staffopoulos explained if Mr. Vogelsang chose to use the insurance appointed attorney, and depending on the findings from the Commission on Ethics, the legal fees would either be placed on Mr. Vogelsang or absorbed by the City.

Mr. Staffopoulos stated the two options before the Council were proceed with the complaint to the Commission on Ethics and deal with the financial impacts at a later time based on the disposition or withdraw the formal complaint and request an opinion by the Commission on Ethics.

Ms. May stated the Council needs to decide to either proceed with the complaint or withdraw it. Ms. May explained the process to withdraw the complaint and what an opinion from the Commission on Ethics means with regard to the Council and the individual Council member.

Discussion ensued related to the two options and the possibility of either the taxpayers or Council Member Vogelsang having to pay for legal fees.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Nichols, to withdraw the formal complaint.

Clarification was made that there were previously two issues before the Council at the June 17, 2019, Council meeting. The first was the issue of a possible violation of the City Charter. The second issue was whether there was a violation of the State Ethics legislation. Questions arose seeking information from the previous discussion at the June 17, 2019, City Council meeting. Ms. May again explained the process and timing to withdraw the formal complaint versus the requirements for requesting an opinion. Ms. Dumont inquired about possibly tabling the item so the City Attorney could provide more information related to the discussion on June 17, 2019. Mr. Nichols and Mr. Vogelsang stated they would not have agreed to the complaint had they known it would have the potential to cost the City or Mr. Vogelsang up to \$25,000.

Roll Call Vote: Ayes – Hoffman, Nichols
Nays – Dumont, Golding, Mayor Latham
Abstain - Vogelsang
The motion failed 3-2

Motion: It was moved by Ms. Golding, seconded by Ms. Dumont, to table the item.

Roll Call Vote: Ayes – Golding, Dumont, Mayor Latham
Nays – Hoffman, Nichols
Abstain - Vogelsang
The motion to table the item passed 3-2

RESOLUTIONS:

Item #19-132 – RESOLUTION NO. 2038-2019

Mayor Latham requested the City Clerk read Resolution No. 2038-2019 by title only, whereupon Ms. Scott read the following:

“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.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to 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).

Mr. Putnam explained he requested to purchase 10 MW of solar energy in June 2019. Since then, negotiations found prices lower than expected, allowing the additional purchase of 5 MW for the same cost as the previously approved 10 MW [a total of 15 MW].

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

ORDINANCES:

Mayor Latham reminded the audience he changed the order the ordinances would be heard, with Item #19-135 related to short term rentals being heard first.

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

Mayor Latham requested the City Clerk read Ordinance No. 2019-8118 by title only, whereupon Ms. Scott read the following:

“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.”

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. 2019-8118.

The following spoke regarding the agenda item:

- Robert Grovenstein, 3007 Ocean Drive South, Jacksonville Beach
- Sean Shapiro, 1745 Pullian Street, Jacksonville Beach
- Justin Rawls, 403 12th Avenue South, Jacksonville Beach

The following spoke in opposition to the agenda item:

- Evan Greenfield, 1800 The Greens Way #208, Jacksonville Beach
- Mike Vinci, 214 Tallwood Road, Jacksonville Beach
- Wally Sears, 807 2nd Street South, Jacksonville Beach
- Jeanell Wilson, 2014 South Oceanfront Drive, Jacksonville Beach; also the owner of All South Realty, 3090 South 3rd Street, Jacksonville Beach
- Erin Sandoval, 1300 Florida Boulevard, Neptune Beach, referenced a handout [on file]
- Steve Milo, 202 21st Avenue South, Jacksonville Beach
- Susan Castellanos, 3490 Ocean Drive South, Jacksonville Beach
- Collette Waterman, 4067 America Avenue, Jacksonville Beach

The following were opposed to the item, but preferred not to speak:

- Katie Hayse, 4116 South 3rd Street, Jacksonville Beach
- William Gilbert, 2100 Ocean Drive South, Jacksonville Beach
- Connie Gilbert, 2100 Ocean Drive South 4A, Jacksonville Beach
- Audrey Lackie, 117 2nd Avenue South, Jacksonville Beach
- Tess Walter, 1030 4th Street North, Jacksonville Beach

The following spoke in support of the agenda item:

- Steve Cooper, 534 14th Avenue South, Jacksonville Beach
- Shelby Smith, 523 14th Avenue South, Jacksonville Beach
- Eileen Ward, 529 14th Avenue South, Jacksonville Beach, referenced a handout [on file]
- Tony Komarek, 533 11th Avenue South, Jacksonville Beach
- Lyle Reimonn, 91 19th Avenue North, Jacksonville Beach
- Ron Taylor, 360 13th Avenue North, Jacksonville Beach
- Joe Santa Maria, 620 11th Avenue South, Jacksonville Beach

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach
- Michael Barker, 213 Tallwood Road, 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 spoke with Jeanell Wilson who is against this ordinance and Matt Lany who is for the ordinance. He also received approximately six emails evenly split for and against, but he does not recall the names.

Mr. Nichols stated he had substantial ex parte communication with people on both sides of the issue and he spoke with Jeanell Wilson. Mr. Nichols stated he would create a list and submit it for the record.

Mayor Latham stated all his emails are posted online on the City’s website. Mr. Nichols said he received 30-40 emails on both sides of the issue.

Ms. Dumont stated she received numerous emails on both sides of the issue and she would provide a list for the record.

Mr. Vogelsang stated he received the same emails but had not created a list. If it is necessary, he agreed to create a list for the records.

Ms. Hoffman stated she received numerous emails on both sides of the issue, most frequently the seven-point email from Beaches area realtors. She also spoke on the phone with Paul Seago from Expedia, and met with Kenny from Airbnb, over a month ago.

Ms. Golding stated she had several conversations on the phone and in person, and received emails on both sides. Ms. Golding submitted a list to the City Clerk [on file] and said there are approximately 65 different people on the list. The property appraiser and the tax collector are included on the list as well as other people she wanted to talk to in regard to compliance regarding short term rentals.

Mayor Latham called a five-minute recess at 9:35 P.M.

The meeting was called back to order at approximately 9:42 P.M.

Mayor Latham called up a Boy Scout who was in attendance who is working on a merit badge. Zane [last name unknown] approached the podium and announced he is part of Troop 277 and he is working on a “Citizenship in the Community” merit badge.

Mayor Latham stated he would vary from the script to ask the City Attorney to introduce the concepts put forward by the Planning Commission.

Ms. May stated the Council had a summary of changes made to the ordinance following the public workshop on June 27, 2019, and a summary of the remaining regulation. The Planning Commission held a public hearing on July 22, 2019, where they made a recommendation for approval, but with consideration for the following changes:

- Define maximum occupancy as two (2) persons per bedroom plus two (2), or one (1) per one hundred fifty (150) square feet, whichever is less.
- Define parking standards with a consideration for older dwellings without the required two paved spaces, allowing the ability to park on the grass.

Ms. May stated there was a discussion at the Planning Commission meeting of crafting some grandfathering language. Discussion with staff brought suggestions for a maximum parking standard in line with other jurisdictions.

- No more than one vehicle per bedroom with maximum vehicles allowed on site not to exceed the number of bedrooms plus one.
 - No on-street parking.
 - Paved area parking must be utilized first.
- Define “person” for the purposes of occupancy so as not to include small children or infants. Consider discussing defining a “person” as over 24 months or some other reasonable age, so infants and small children are not included in the occupancy count.
 - Consider revisiting in one year to review the costs and revenue expended on this ordinance and revisit the fees.

Ms. May stated she recommended one additional alteration to remove reference to the National Fire Protection Association (NFPA) 101 Life Safety Code as discussions with the Fire Marshal show it is redundant to the compliance with the Florida Fire Prevention Code because the Florida Fire Prevention Code encompasses the NFPA.

Ms. May clarified new provisions under Chapter 509 would not apply to this proposed ordinance since it does not seek to prohibit short term rentals, but in fact, specifically allows for the use in all zoning districts where residential use is currently permitted or a conditional use. Ms. May referenced a chart [on file] comparing requirements from other jurisdictions.

Ms. May summarized areas of the proposed ordinance as well as possible changes and interpretations. Mr. Mann stated there should be some level square footage cap parallel with the number of occupants per bedroom.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term rentals, where permitted.

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.”

Extensive discussion ensued regarding parking regulations, grandfathering language, paying the local business tax, and compliance with other required taxes and licenses.

Ms. Golding suggested including language to address sexual offenders and sexual predators as a requirement for advertising properties within 1,400 feet of a school.

Mayor Latham asked Council members to work on putting together motions to modify the existing language in the ordinance.

Discussion continued regarding parking issues, grandfathering, the fee schedule, enforcement of existing laws, definitions of bedrooms, closets, and the recommendations from the Planning Commission. Mayor Latham asked the Council to look at the recommendations from the Planning Commission and the information provided by the City Attorney put together from similar cities, and make some suggestions to get through the first reading and move forward this legislation.

Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, and passed unanimously, to amend the ordinance so the maximum occupancy would be two (2) people per bedroom plus two (2) additional people.

Motion: It was moved by Ms. Dumont to strike the last sentence of the draft ordinance under Section 34-411(c)(2), which reads, "On-street or grass parking shall not be permitted."

Motion died for lack of a second.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Golding, to modify the parking plan to allow for one (1) parking space per bedroom plus one (1) parking space for the common area, so long as off-street parking is provided on the property in the form of pavers, concrete or gravel, and not blocking the sidewalk.

Ms. Dumont stated the motion might be considered onerous requiring paved parking. Mr. Mann answered a question and clarified gravel does not count toward lot coverage but cautioned other parking requirements, such as sideyard setbacks, would still be required.

Amended Motion: It was moved by Mr. Vogelsang, seconded by Ms. Golding, to amend his previous motion to add a requirement that a parking plan be attached to the application.

Discussion ensued, and Mr. Mann addressed questions related to parking requirements and parking options. Ms. Hoffman suggested taking the time before the second reading to come up with a couple of proposals.

Mr. Vogelsang withdrew his motion to allow time for Mr. Mann to draft options on the parking issue.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, and passed unanimously, to delete the evacuation map requirement.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, to delete the NFPA [National Fire Protection Association] compliance requirement in [Section 34-411(b)] (6)b. on Page 9 [of the draft ordinance].

Ms. May stated she already asked to remove that language because the NFPA is already encompassed in the Florida Fire Prevention Code.

Motion: It was moved by Mr. Vogelsang to delete the NFPA and Fire Prevention Code.

Ms. May stated it would raise a legal issue because they are subject to the Fire Prevention Code.

Motion died for lack of a second.

Restated Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, and passed unanimously, to delete the NFPA requirement.

Motion: It was moved by Ms. Dumont to add in Section 34-411(h) on Page 14 [of the draft ordinance], the sex offender language when a [short term] rental is being advertised to let people know when they are within a certain footage from a park, a bus stop, or a school.

Ms. May made a recommendation the language be included under Section (c) on Page 10, where it talks about advertising. Ms. Dumont agreed with the suggested location for the language.

Amended Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, and passed unanimously, to add the language Ms. Golding suggested that rental properties, when advertising, note if the property is within the legal distance from a bus stop, playground or school, that a sexual predator or offender is not able to occupy that property.

Ms. May answered a question from Mr. Nichols related to the fee schedule and stated the fee schedule is passed by resolution, but it is not before the Council tonight. The fees have been reduced from the original version, and it is posted on the City's website.

Ms. Hoffman brought up the definition of "person" and wanted it looked at along with parking as to how other cities define them.

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

Item #19-133 – ORDINANCE NO. 2019-8122 (Second 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 second 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 Zoning. He is asking the same use be allowed as a conditional use on Commercial general space, specifically the Angie’s Subs lot.

Mayor Latham asked if anyone wished to speak on this item.

The following spoke regarding the agenda item:

- Mark Beamenderfer, 1505 Osceola Avenue, Jacksonville Beach
- Justin Rawls, 403 12th Avenue South, Jacksonville Beach

The following spoke in favor of the agenda item:

- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach

Mr. Malin briefly went over the proposed project.

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 2019-8122, 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.

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.”

There was no discussion by the Council.

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

Item #19-117 – ORDINANCE NO. 2019-8123 (Second 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 second 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."

Mr. Mann explained part of the statutes require the City to accommodate medical marijuana treatment facilities (MMTDs) and asks they be treated no differently than pharmacies. There is a distance requirement for pharmacies not in the current regulations, so either add the requirement for pharmacies or strike the distance requirement from MMTDs. Staff is proposing the latter.

Public Hearing:

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

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.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at approximately 10:55 P.M.

Submitted by: Laurie Scott
City Clerk

LS/sg

Approval:

William C. Latham, MAYOR

Date: _____

DRAFT

**City of Jacksonville Beach
Minutes of City Council
FY2020 - Budget Workshop
Tuesday, August 6, 2018 – 5:00 P.M.
City Council Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, Florida**

City Manager Mike Staffopoulos called the Budget Workshop to order at 5:02 P.M.

City Council Members in attendance:

Mayor: William C. Latham (absent)

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

Also present were City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson, Chief Financial Officer Ashlie Gossett, Human Resources Director Ann Meuse, and Planning and Development Director Bill Mann.

Executive & Legislative Department

City Manager Mike Staffopoulos reviewed the Business Plan explaining the modification of two (2) additional positions: the Communications Specialist and a City Attorney.

Mr. Staffopoulos reviewed the long-term goals of the City, organizational initiatives, and performance measures, all of which are separated into three categories: Financial, Organizational, and Community.

City Clerk's Office

Mr. Staffopoulos explained one (1) part-time position would be increased to a full-time position within the department to provide additional needed support within the department.

Executive & Legislative (cont'd.)

Mr. Staffopoulos explained the increase in the Executive and Legislative Department budget would be for City Council travel and training for the upcoming year.

The Budget issues for FY2020 were reviewed by Mr. Staffopoulos with an emphasis on pension reform and an effort to reduce escalating Pension costs.

Community Redevelopment Agency

Director of Planning and Development Bill Mann explained the Community Redevelopment Agency consists of two districts: Downtown and South Beach. The Agency receives administrative, engineering and project management support from the City's Planning and Development and Public Works departments.

Mr. Mann reviewed the FY2020 budget issues with an emphasis on Phase III of the drainage project and the Dix.Hite + Partners' Downtown Action Plan. Financial Summaries were explained for both districts as well as Downtown Community Policing Innovations (Downtown CAPE).

Planning & Development Department

Mr. Mann stated the department is fully staffed and the increase in Personal Services reflects the change of one part-time employee becoming a full-time employee.

Mr. Mann reviewed the department's goals for FY2020, including:

- Updating the 2030 Comprehensive Plan and Land Development Code
- Encouraging development downtown consistent with Vision Plan and Downtown Action Plan goals and objectives
- Maintain the standard of distributing development plans to reviewing departments within two working days of receipt
- Continue to provide support to the Community Redevelopment Agency

Mr. Mann reviewed the Building Inspection and Code Enforcement Division performance measures.

Finance Department

Chief Financial Officer Ashlie Gossett reviewed the objectives, recent accomplishments, and goals for the upcoming 2020 budget for the Finance Department, which includes Accounting, Utility Billing, Information Systems, and Purchasing and Procurement.

Ms. Gossett stated due to the anticipated retirement of the current Business Relations/Conservation Coordinator, the budget includes an additional position to be trained by the current Coordinator. Upon his retirement, the position would not be filled, and the authorized position count would revert to zero.

Ms. Gossett reviewed the Financial Summary and stated the change in Personal Services is largely due to rising Pension and Healthcare costs. The increase in the Operating expenses is due to the Enterprise Resource Planning (ERP) implementation costs and ongoing maintenance agreements for the City's different software.

Human Resources

Human Resources Director Ann Meuse stated the staffing for the department had remained the same. Ms. Meuse reviewed the department's goals for FY2020.

Ms. Meuse stated it is expected to have a 5% increase in property and liability insurance, health insurance, life insurance, and dental insurance. Ms. Meuse stated the City is projecting a 46% increase in worker's compensation claims due to Police employees being injured on the job. The Pension plans are projected to increase by 12% from FY2019.

The workshop adjourned at 6:28 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, Mayor

Date

DRAFT

**City of Jacksonville Beach
Minutes of City Council
FY2020 - Budget Workshop
Thursday, August 8, 2019 – 5:00 P.M.
City Council Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, Florida**

City Manager Mike Staffopoulos called the Budget Workshop to order at 5:04 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham (absent)

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

Also present were Chief Financial Officer Ashlie Gossett, Director of Beaches Energy Services Allen Putnam, Director of Parks and Recreation Jason Phitides, Golf Course Superintendent Trevor Hughes and Golf Professional Bruce Mohler.

Beaches Energy Services

Director of Beaches Energy Service Allen Putnam stated the mission of Beaches Energy Services (BES) is to provide reliable energy services at a competitive price with superior customer service, "Above and Beyond the Expected." BES services over 35,000 meters.

Mr. Putnam reviewed the Accomplishments for FY2019 highlighting the following:

- Completed negotiations to install 18,480 feet of natural gas main extension to the Shoppes at Palm Valley
- Continue to maintain service outage time to less than half of the average for the Southeast United States and selected Florida Municipal Power Agency (FMPA) members

Mr. Putnam highlighted the following areas:

- System reliability
- Customer Service
- Customer growth trends
- Rate comparison
- Energy efficiency and conservation
- Performance measures

Mr. Putnam stated current long-range load projection studies indicate FMPA has adequate generation resources for the next eight years. The price of natural gas and regulatory compliance would drive future costs for Beaches Energy.

Mr. Putnam stated the City is constantly pushing for change at the Florida Municipal Power Agency (FMPA) to update the strategic plan to focus on the following priorities:

- Paying off all of the All-Requirements Project debt in 20 years or less

- Replacing the all-requirements model with a project-based model to build and operate generation facilities
- Preparing the Agency for the future by limiting the amount of new power generation built and relying on distributed generation resources.

Mr. Putnam reviewed regulatory issues stating reliability and security of electric service to the customers is essential to the Beaches Energy Services operations. A field inventory of assets has been completed to provide an accurate assessment of age, condition, and configuration for the existing distribution system. Programs have been developed to systematically address maintenance and underground cable replacements. These programs provide the details and processes required to address the aging infrastructure and improve service reliability. Mr. Putnam stated, the main focus over the next three to five years would be transmission lines and substation equipment.

Mr. Putnam outlined the Capital Projects for FY2019 highlighting the following:

- Overhead line rebuild (Landrum Lane) [Ponte Vedra Beach]: Replace existing wood poles with concrete poles
- Overhead line rebuild (Roscoe Blvd.) [Ponte Vedra Beach]: Replace existing wood poles with concrete poles
- Supervisory Control and Data Acquisition (SCADA) server upgrade
- Specify, bid, procure and begin implementation of an Outage Management System
- SCADA video wall
- Installation of new 224 MVA transformer at the Sampson substation

Mr. Putnam reviewed the Capital projects (recurring) and the Operating projects highlighting the project to convert overhead lines to underground.

Mr. Putnam reviewed the Operating projects highlighting the Centralized TOP (Transmission Operator) Agreement.

Mr. Putnam stated BES currently has over 300 natural gas customers. Tampa Electric Company (TECO) currently has contracts to provide natural gas management service for BES. These agreements have a five-year term with an option to renew. The contract was renewed in 2015 and would be evaluated in 2020.

Mr. Putnam also stated the BES fee structure would be reviewed in the near future.

Parks and Recreation

Director of Parks and Recreation Jason Phitides reviewed the Parks and Recreation Department mission statement and the organization. Mr. Phitides stated there are 11 Divisions within the Department of Parks and Recreation.

Recreation Administration Division

Mr. Phitides stated the Administration Division is responsible for the management of all recreation activities throughout the City. The athletic programs throughout the City are extremely popular and have participants from multiple counties.

Ocean Rescue Division

Mr. Phitides stated the FY2020 budget includes a reclassification of a part-time Lieutenant to a full-time position. The Ocean Rescue Division is responsible for supervising approximately four (4) miles of beach.

Ground Maintenance Division

Mr. Phitides stated the Grounds Division utilizes approximately 25% of the Department's budget and the majority of that amount is distributed to the labor contract for the janitorial service as well as the landscaping services.

Mr. Phitides stated two staff members were added last year to help maintain the City's parks and recreation facilities.

The responsibility of the City's two cemeteries falls under this Division or Parks and Recreation. Mr. Phitides stated currently the City has almost reached its limits in available burial plots in both cemeteries. There are six (6) burial plots remaining in the H. Warren Smith cemetery and five (5) burial plots remaining in the Lee Kirkland cemetery.

Mr. Phitides stated the membership to the dog park has doubled since the installation of the artificial turf. He also addressed the issue of sand spurs at the dog park and stated by moving a part of the fence to eliminate the specific grass patch will help with the sand spur problem.

Tennis Center Division

Mr. Phitides stated the City's Board of Adjustment denied the requested variance to replace the basketball court with an eighth tennis court. Mr. Phitides explained the variance denial was due to the concern of taking away the only basketball court in the City east of A1A. Video cameras have been installed at the basketball court to help monitor and document the usage of the basketball court. After data is collected, Mr. Phitides stated a recommendation would be brought to Council regarding the updated information. Mr. Phitides stated the additional tennis court could be built but in a different location if needed. Mr. Phitides stated the need for the additional tennis court is still there as the play has increased by 24%.

Carver Center

Mr. Phitides stated the Carver Center added additional programs for adults such as pilates and more yoga classes.

Mr. Phitides stated the Carver Center is partially funded by the Community Development Block Grant. The Center received approximately 75% of the requested funding. The General Fund would make up any funding shortfalls.

Oceanfront Facilities Division

Mr. Phitides stated the custodial services for the restrooms had been increased during holidays and weekends. Due to heavy use in season (March through September), the hours have also been extended to allow more time for cleaning.

Community Center and Exhibition Hall

Mr. Phitides stated the revenue for the Community Center and Exhibition Hall averages about \$30,000 annually. The Community Center and Exhibition Hall is used for group and family events as well as business meetings.

Special Events

Mr. Phitides stated the Special Events Division is funded by the Conventional Development Fund and by the General Fund. Mr. Phitides stated the recent revision of the Special Events policy which included a rate increase, was intended to cover the entire cost of the Special Events Division, but it still does not.

Golf Course

Golf Course Facility Manager Bruce Mohler stated the overall goal of the course is to offer a private golf club experience at municipal course rates. Mr. Mohler stated the culture and perception of the City's golf course is terrific according to online Golf Advisor reviews. Mr. Mohler stated the upgraded technology at the course works great. The Starters and Rangers can keep track of each customer and personalize their experience by addressing them by their first names.

Mr. Mohler stated several groups and tournaments use the course each week. The groups and tournaments include a wide range of people from different areas and age groups (hotel guests, senior citizens, junior leagues, college groups, and high school and middle school students).

Mr. Mohler highlighted the golf course goals as follows:

- Become a self-sustaining enterprise
- Maintain & enhance operational efficiency
- Preserve the condition of the course

Golf Course Superintendent Trevor Hughes mentioned the following upcoming projects:

- Clear broken glass from two specific areas on the course
- Repair wooden bridge decking
- Make continuous irrigation upgrades
- Purchase new mower

The Workshop adjourned at 6:18 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, Mayor

Date: _____

**City of Jacksonville Beach
Minutes of City Council Workshop
FY2020 – Public Works Budget Workshop
Monday, August 12, 2019 – 5:00 P.M.
City Council Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, Florida**

City Manager Mike Staffopoulos called the Budget Workshop to order at 5:00 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

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

Also present were City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson and Chief Financial Officer Ashlie Gossett.

Public Works staff in attendance were Distribution & Collection Superintendent Chuck Hernden, Streets Division Superintendent David McDonald, Pollution Control Plant Division Supervisor Phil Brown, City Engineer Martin Martirone, and Water Plant Division Supervisor Michael Taylor.

Public Works

Deputy City Manager Karen Nelson reviewed the mission statement of the Public Works Department. Ms. Nelson stated the 2020 budget includes the addition of a F.O.G (Fats, Oils and Grease) Program Manager and a Sanitation Contract Compliance Coordinator.

Ms. Nelson reviewed the department's goals for FY2020 and highlighted the following goals:

- Downtown Redevelopment District Improvements Program
- South Beach Redevelopment District Improvements Program
 - Reconstruction of stormwater pond at South Beach Parkway
 - Construct Ocean Terrace Drainage Improvements
- Water, Wastewater, Stormwater Infrastructure Improvements Program
- Maintain compliance for water state consumption use permit, and wastewater & stormwater federal pollutant discharge elimination permits

Ms. Nelson reviewed the funding sources stating the Public Works Department is funded by the operation of three enterprise utilities: Sanitation, Water & Sewer, and Stormwater. Additional funding comes from the Local Option Gas Tax and the General Fund (Streets).

Ms. Nelson stated a budget uncertainty is the pressure on customer utility rates and taxes due to the ever-increasing costs of providing services and operating/maintaining the city's infrastructure system.

Distribution and Collection Division

Ms. Nelson stated there are no staff increases in the Distribution and Collection Division.

Distribution & Collection Superintendent Chuck Hernden stated the purpose of the new water meters was for water accountability. Prior to the meter replacement project, the City was at 20% unaccounted water and is currently below 5%.

Pollution Control Plant Division

Ms. Nelson stated the F.O.G Program Manager position would be added to the Pollution Control Plant Division.

Ms. Nelson reviewed the Capital Outlay projects, highlighting the following:

- Funding \$300,000 for rehabilitation construction of Lift Station #23
- Funding \$125,000 for Sewer Master Plan update

Water Plant Division

Ms. Nelson stated there are no staff increases in the Water Plant Division.

Ms. Nelson explained the most substantial Capital Outlay is \$253,880 and is for the replacement of the generator located at Water Plant #2. Water Plant Division Supervisor Michael Taylor stated the generator to be replaced was installed in 1983. Ms. Nelson explained another Capital Outlay purchase is \$96,115 for an additional mobile generator.

Mr. Taylor explained the importance of the request to add safety handrails to Water Plant #2 ground storage tanks.

Streets Division

Mr. Staffopoulos stated the Streets Division budget includes an additional position for the Sanitation Contract Compliance Coordinator.

Mr. Staffopoulos reviewed the Division Budget Issues and highlighted the following:

- Local Option Gas Tax – Funding \$250,000 for roadway maintenance program, \$25,000 for traffic striping, and \$35,000 for sidewalk repairs. The PCI (Pavement Condition Index) data that was collected would be used to identify the areas in high demand for repairs.

Mr. Staffopoulos stated the graffiti abatement is working great.

Stormwater Utility Program

Ms. Nelson stated the largest and most notable project under Capital Outlay is for the construction and extension of the beach outfalls. All 29 outfalls would be extended past the dunes. The extension of the outfalls would eliminate the disruption of the dunes when the stormwater outfalls need to be cleaned out. Backflow valves would also be installed to control the water flow in the outfalls.

Sanitation Utility Program

Ms. Nelson stated as listed under Capital Outlay, the new street sweeper would be purchased shortly after the new fiscal year.

Department Requests not included in FY2020 Budget

Mr. Staffopoulos stated there were several items from different departments that were not included in the FY2020 Budget. The list consists of the following:

- Police Department - License Plate Readers
- Finance Department – Additional staffing for ERP implementation
- City Attorney – Additional legal support
- Planning/CRA – Designated CRA staff to address on the ground issues
- Parks and Recreation – Additional Lieutenant for Ocean Rescue
- Fire Department – Create stand-alone Fire Marshall and Deputy Fire Marshall position pending contract with City of Jacksonville
- Beaches Energy Services – Additional personnel for compliance
- General – Comprehensive evaluation of levels of service for “maintenance”
- Other – Deck the Chairs requesting \$20,000 for additional lighting for the annual event
 - Director of Deck the Chairs, Mr. Kurtis Loftus presented the Council with a handout [on file] explaining his request

The Workshop adjourned at 6:43 P.M.

Submitted by: Jodilynn Byrd
Administration Assistant

Approved:

William C. Latham, Mayor

Date: _____

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Monthly Financial Reports for July 2019
DATE: August 9, 2019

Action Requested

Accept the monthly financial reports for the month of July 2019.

Summary

The Summary Budget Reports show the cumulative actual revenues and expenditures as compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund.

Exhibit 1 - General Fund Revenues

General Fund revenues are slightly ahead of last year on a percentage of budget basis. We received annual ad valorem tax distributions in December, bringing the tax revenue-to-date to 92.37% of the annual budget. The increase in permit revenues is due in part to the Margaritaville hotel project.

Miscellaneous Revenue in the General Fund includes investment earnings on pooled investments, auction proceeds, facility rental fees, tennis fees, and cemetery lots purchased. The positive variance of \$381,260 over the prior year is largely attributable to investment earnings.

Exhibit 2 - General Fund Expenditures

General Fund expenditures are under budget by 9.76% for the current year and 3.43% over amounts expended in the prior year. Increased legal fees are the primary reason for the variance in City Administration costs compared to last year.



Exhibit 3 - Enterprise Fund Revenues

Total Enterprise Fund revenues are 4.6% over prior year revenues on a percentage of budget basis. The bulk power cost portion of the electric rate was suspended in the month of March, reducing overall Electric revenues for the year. Additionally, Electric revenues vary on a monthly and yearly basis depending on consumption. The Golf Course year-to-year variance is a result of the course closing in January 2018 for renovations.

Exhibit 4 - Enterprise Fund Expenditures

Total expenditures in the Enterprise Funds are 18.9% under budget for the current year and 3.33% over amounts expended in the prior year. The variance from year-to-year in Electric is due primarily to purchased power costs and the variance in Sanitation is related to debris costs for Hurricane Irma in FY2018.

Exhibit 5 – Special Revenue Fund Revenues

Revenues in the Special Revenue Funds are 8.95% ahead of last year on a percentage basis. We received the annual tax increment distributions in December, bringing tax increment fund revenue-to-date slightly over the annual budget.

Exhibit 6 - Special Revenue Fund Expenditures

In total, Special Revenue Fund expenditures are under budget for the current year and 26.66% lower than last year on a percentage of budget basis. Expenditures in the Community Development Block Grant Fund will be reimbursed by grant funding. Variances from the prior year in the Convention Development, Local Option Gas, Infrastructure Surtax, Downtown Increment, and Southend Increment Funds are primarily due to the timing of capital project expenditures.

MEMORANDUM
Financial Reports
August 9, 2019

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Exhibit 7 - Summary Revenues and Expenditures

- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.

Recommendation

Accept the financial reports for the month of July 2019, as submitted by the Chief Financial Officer.

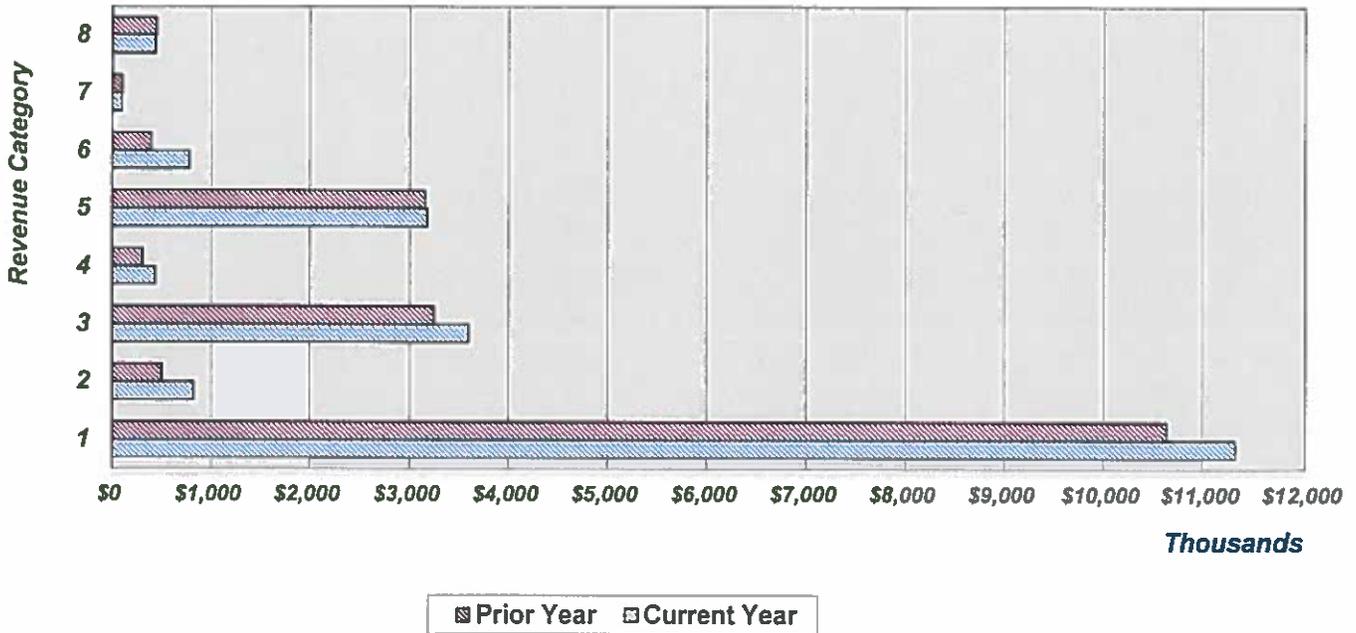


Summary Budget Revenue Report
 July 31, 2019
(83.29% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	11,327,972	92.37%	10,638,415	92.30%	0.07%	689,557
2 Licenses & Permits	826,329	138.72%	506,291	86.95%	51.76%	320,038
3 Intergovernmental Revenue	3,596,765	84.95%	3,244,987	78.29%	6.66%	351,778
4 Charges for Services	436,119	112.11%	312,858	84.44%	27.67%	123,261
5 Enterprise Contributions	3,177,601	83.33%	3,152,760	83.33%	0.00%	24,841
6 Miscellaneous Revenue	778,666	183.93%	397,406	95.40%	88.54%	381,260
7 Fines & Forfeitures	98,002	57.48%	101,814	59.72%	-2.24%	(3,813)
8 Interfund Transfers	437,207	85.73%	445,893	84.13%	1.60%	(8,686)
Total Revenues	\$ 20,678,660	92.32%	\$ 18,800,423	87.35%	4.97%	\$ 1,878,236

**GENERAL FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



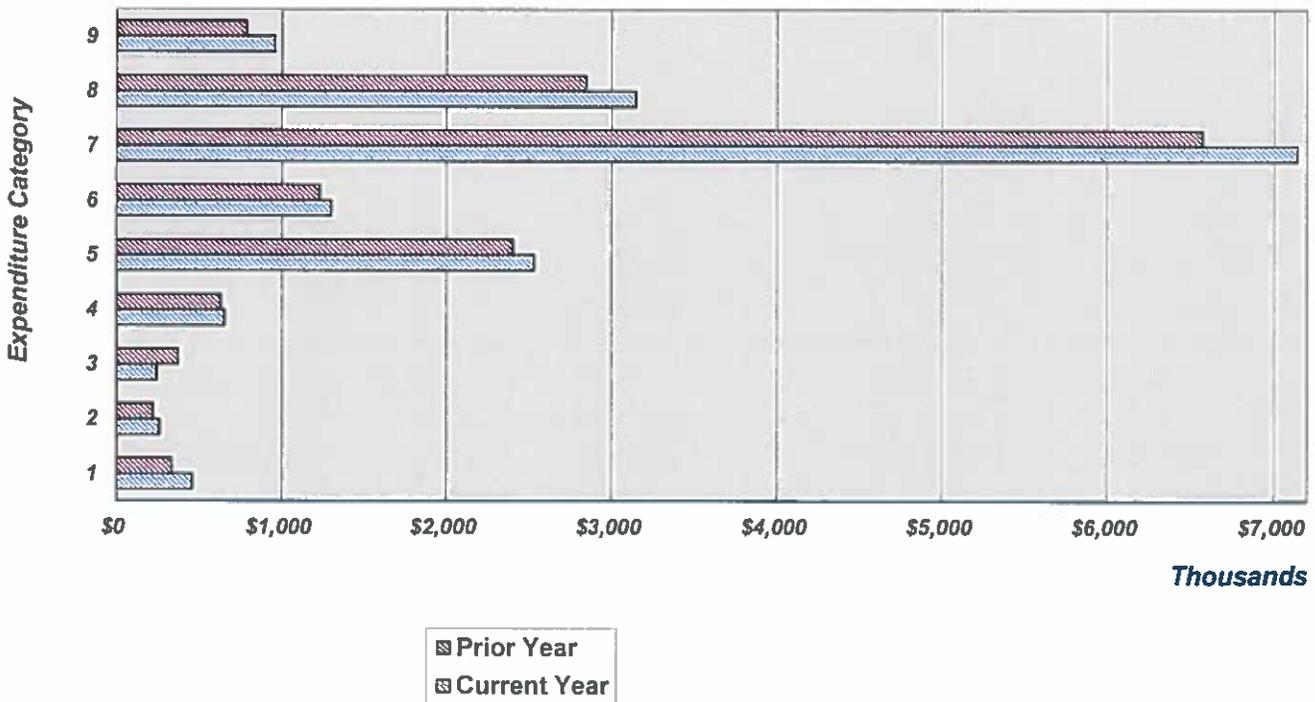


Summary Budget Expenditure Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	460,718	92.03%	337,748	70.58%	21.45%	122,969
2 City Clerk	260,617	75.30%	225,486	68.08%	7.22%	35,132
3 Building Maintenance	246,410	60.85%	377,176	89.55%	-28.69%	(130,765)
4 Planning and Development	654,563	71.97%	631,375	69.87%	2.10%	23,188
5 Recreation and Parks	2,528,949	72.29%	2,402,989	68.10%	4.20%	125,960
6 Public Works	1,299,273	77.85%	1,230,172	77.12%	0.73%	69,101
7 Police	7,140,325	74.95%	6,573,978	73.24%	1.71%	566,346
8 Fire	3,148,596	72.99%	2,841,503	71.00%	1.99%	307,093
9 Non-Departmental	957,808	62.24%	787,800	45.14%	17.10%	170,008
Total Expenditures	\$ 16,697,259	73.53%	\$ 15,408,227	70.09%	3.43%	\$ 1,289,032

**GENERAL FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



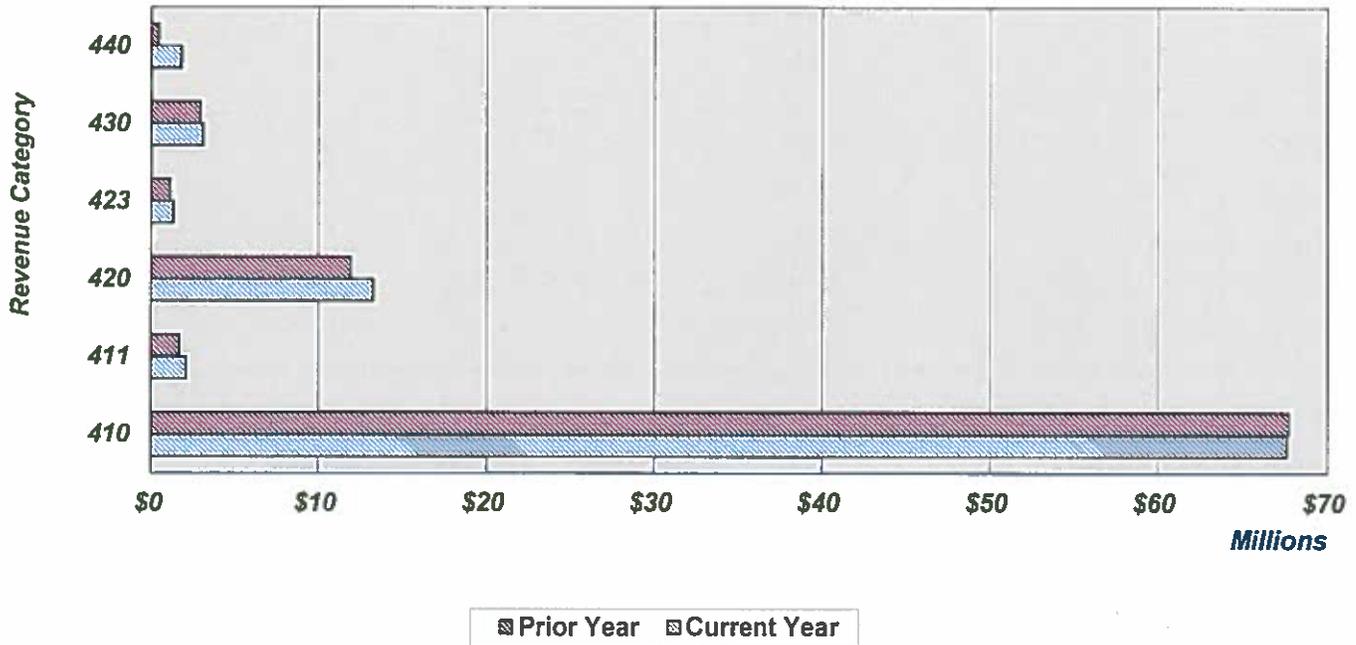


Summary Budget Revenue Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 3 -ENTERPRISE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	67,651,881	80.57%	67,782,639	78.06%	2.51%	(130,757)
411 NATURAL GAS	2,117,245	90.76%	1,728,775	90.02%	0.74%	388,470
420 WATER & SEWER	13,259,033	97.46%	11,937,349	89.52%	7.94%	1,321,684
423 STORMWATER	1,339,915	95.89%	1,162,155	84.41%	11.48%	177,761
430 SANITATION	3,117,286	89.13%	2,936,421	84.62%	4.51%	180,865
440 GOLF COURSE	1,808,069	117.80%	423,558	30.78%	87.02%	1,384,511
TOTAL REVENUES	\$ 89,293,430	83.98%	\$ 85,970,897	79.38%	4.60%	\$ 3,322,533

**ENTERPRISE FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**





Summary Budget Expenditure Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	62,781,688	64.63%	64,214,500	66.14%	-1.50%	(1,432,812)
411 NATURAL GAS	1,457,587	59.34%	1,537,806	75.68%	-16.34%	(80,219)
420 WATER & SEWER	9,447,564	60.98%	9,304,544	41.93%	19.05%	143,019
423 STORMWATER	650,456	43.46%	433,816	22.22%	21.24%	216,640
430 SANITATION	2,696,409	71.51%	3,555,823	60.32%	11.19%	(859,414)
440 GOLF COURSE	1,401,924	94.28%	663,265	47.16%	47.12%	738,659
TOTAL EXPENDITURES	\$ 78,435,628	64.38%	\$ 79,709,755	61.05%	3.33%	\$ (1,274,126)

**ENTERPRISE FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**



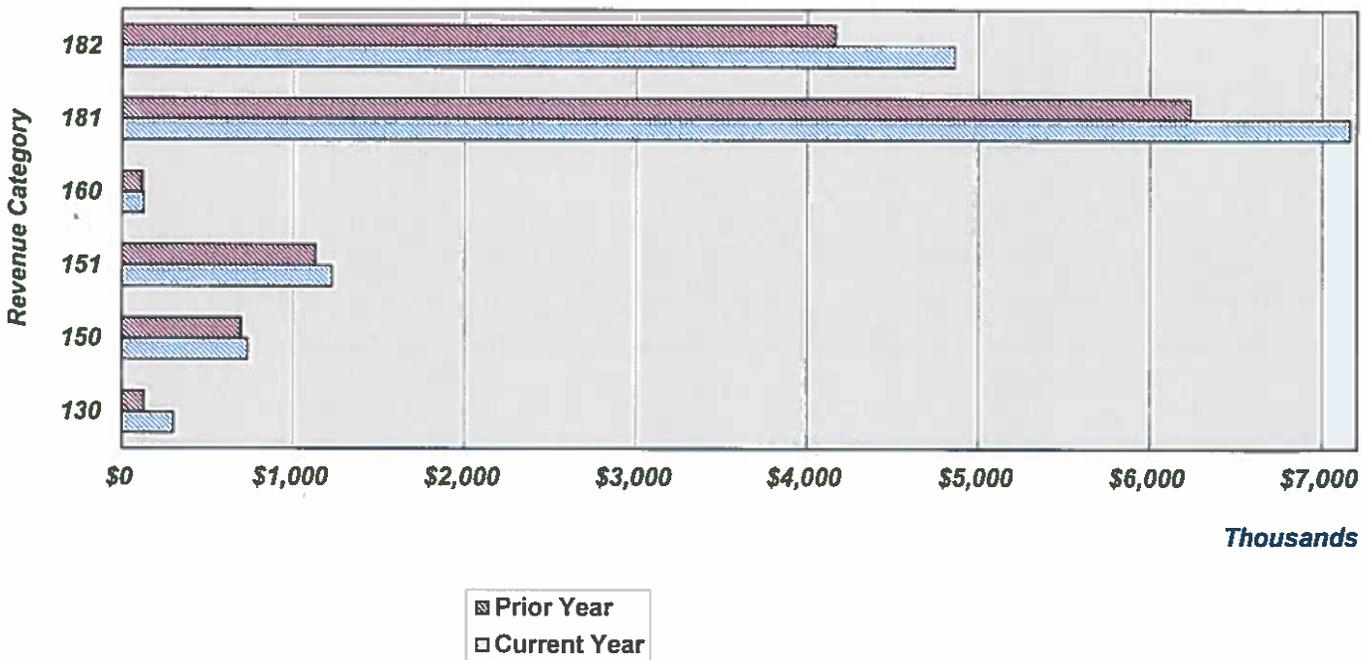


Summary Budget Revenue Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	300,143	83.78%	131,573	42.44%	41.34%	168,570
150 LOCAL OPTION GAS TAX	732,749	89.99%	693,405	88.22%	1.77%	39,344
151 INFRASTRUCTURE SURTAX	1,224,269	89.75%	1,131,635	86.95%	2.80%	92,634
160 COMMUNITY DEV. BLK. GRANT	127,207	92.18%	119,226	86.40%	5.78%	7,981
181 DOWNTOWN INCREMENT FUND	7,156,665	107.17%	6,231,221	97.97%	9.19%	925,444
182 SOUTHEND INCREMENT FUND	4,857,253	108.15%	4,161,700	98.59%	9.56%	695,553
TOTAL REVENUES	\$ 14,398,284	104.01%	\$ 12,468,760	95.06%	8.95%	\$ 1,929,524

**SPECIAL REVENUE FUND REVENUES TO DATE
 CURRENT YEAR VS PRIOR YEAR**

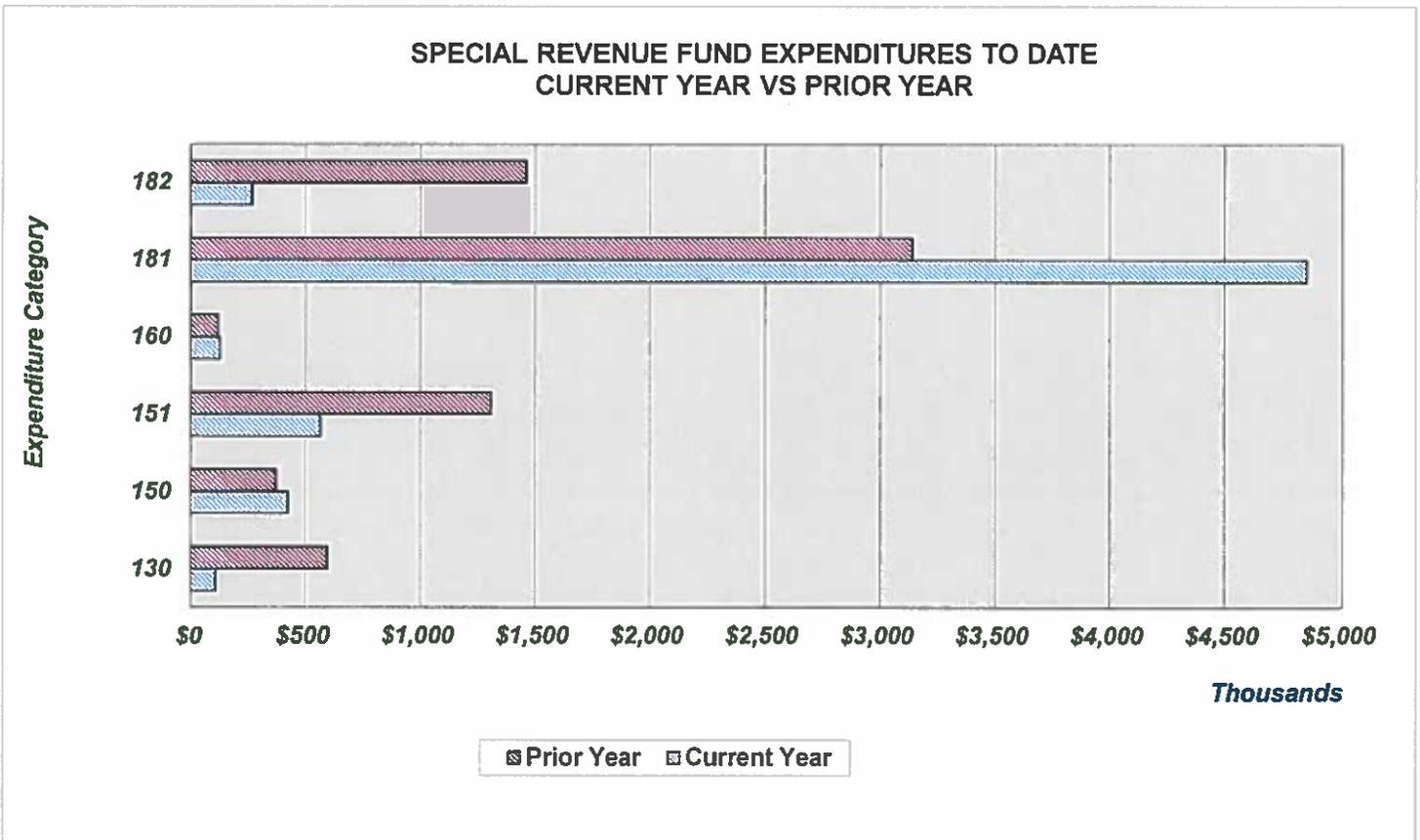




Summary Budget Expenditure Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	109,125	39.88%	597,020	89.53%	-49.65%	(487,895)
150 LOCAL OPTION GAS TAX	424,979	53.23%	372,149	48.39%	4.84%	52,830
151 INFRASTRUCTURE SURTAX	565,462	58.89%	1,307,854	77.75%	-18.86%	(742,392)
160 COMMUNITY DEV. BLK. GRANT	127,207	92.18%	119,226	86.40%	5.78%	7,981
181 DOWNTOWN INCREMENT FUND	4,848,293	37.71%	3,140,893	62.06%	-24.35%	1,707,401
182 SOUTHEND INCREMENT FUND	267,079	43.32%	1,461,391	69.70%	-26.38%	(1,194,312)
TOTAL EXPENDITURES	\$ 6,342,145	40.54%	\$ 6,998,532	67.21%	-26.66%	\$ (656,387)





Summary Budget Report
 July 31, 2019
 (83.29% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2019	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	22,399,191	18,655,765	20,678,660	2,022,895
130 Convention Development Tax	358,235	298,366	300,143	1,777
150 Local Option Gas Tax	814,267	678,184	732,749	54,565
151 Infrastructure Surtax	1,364,089	1,136,118	1,224,269	88,151
160 Community Dev. Blk. Grant	138,000	114,937	127,207	12,270
181 Downtown Increment Fund	6,678,011	5,561,960	7,156,665	1,594,705
182 Southend Increment Fund	4,491,223	3,740,635	4,857,253	1,116,618
410 Electric Utility	83,961,489	69,929,569	67,651,881	(2,277,688)
411 Natural Gas Utility	2,332,672	1,942,828	2,117,245	174,417
420 Water & Sewer Utility	13,604,358	11,330,753	13,259,033	1,928,280
423 Storm Water Management	1,397,278	1,163,760	1,339,915	176,155
430 Sanitation Fund	3,497,483	2,912,972	3,117,286	204,314
440 Golf Course Fund	1,534,839	1,278,332	1,808,069	529,738
460 Leased Facilities Fund	571,564	476,042	505,250	29,207
500 Internal Service Funds	12,593,930	10,489,191	10,242,667	(246,524)
Total Revenues	\$ 155,736,629	\$ 129,709,411	\$ 135,118,291	\$ 5,408,879

Fund Name	Budgeted Expenditures Fiscal Year 2019	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	22,708,220	18,913,148	16,697,259	2,215,889
130 Convention Development Tax	273,639	227,907	109,125	118,782
150 Local Option Gas Tax	798,412	664,979	424,979	240,000
151 Infrastructure Surtax	960,197	799,725	565,462	234,264
160 Community Dev. Blk. Grant	138,000	114,937	127,207	(12,270)
181 Downtown Increment Fund	12,856,447	10,707,836	4,848,293	5,859,542
182 Southend Increment Fund	616,511	513,478	267,079	246,398
410 Electric Utility	97,133,346	80,900,102	62,781,688	18,118,413
411 Natural Gas Utility	2,456,510	2,045,970	1,457,587	588,383
420 Water & Sewer Utility	15,493,610	12,904,267	9,447,564	3,456,704
423 Storm Water Management	1,496,690	1,246,558	650,456	596,102
430 Sanitation Fund	3,770,647	3,140,484	2,696,409	444,074
440 Golf Course Fund	1,486,981	1,238,472	1,401,924	(163,452)
460 Leased Facilities Fund	415,765	346,281	394,880	(48,598)
500 Internal Service Funds	12,664,558	10,548,016	10,032,873	515,143
Total Expenditures	\$ 173,269,533	\$ 144,312,159	\$ 111,902,785	\$ 32,409,374

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	3,981,401	4,238,784
130 Convention Development Tax	191,018	120,560
150 Local Option Gas Tax	307,769	294,564
151 Infrastructure Surtax	658,807	322,414
160 Community Dev. Blk. Grant	-	-
181 Downtown Increment Fund	2,308,371	7,454,247
182 Southend Increment Fund	4,590,173	1,363,016
410 Electric Utility	4,870,193	15,840,726
411 Natural Gas Utility	659,658	762,800
420 Water & Sewer Utility	3,811,469	5,384,984
423 Storm Water Management	689,459	772,257
430 Sanitation Fund	420,877	648,388
440 Golf Course Fund	406,145	366,286
460 Leased Facilities Fund	110,370	(19,391)
500 Internal Service Funds	209,794	268,619
Total	\$ 23,215,505	\$ 37,818,253



Cash and Investments by Fund
July 31, 2019

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,116,142	3,116,142
TOTAL UTILITY FUNDS 410 and 420			\$3,116,142
Salem Mutual Fund	Portfolio	48,663,284	48,663,284
Sawgrass Asset Management	Portfolio	25,800,883	25,800,883
Wells Capital	Portfolio	15,341,471	15,341,471
MD Sass	Portfolio	0	0
JPMCB - Strategic Property Fund	Portfolio	5,070,939	5,070,939
TOTAL PENSION FUNDS 611, 612 and 613			\$94,876,577
TOTAL INVESTMENTS			\$97,992,719
State Board of Administration	Pool	21,839,592	21,839,592
Florida Trust	Pool	18,806,712	18,806,712
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,329,384	12,329,384
Bank of America	Cash	9,488,357	9,488,357
Sawgrass Asset Management	Portfolio	42,488,671	42,488,671
Galliard Capital Management	Portfolio	39,156,068	39,156,068
Garcia Hamilton & Associates	Portfolio	39,668,022	39,668,022
Salem Trust: Goldman Sachs Treasury	MM	11,071	11,071
TOTAL EQUITY IN POOLED CASH			\$183,787,877
Petty Cash	Cash	6,525	6,525
TOTAL CASH AND INVESTMENTS			\$281,787,121

Attorney Fees Paid During the Month

NAME	DESCRIPTION	CHECK DATE	CHECK AMOUNT
Bell & Roper, P.A.	Las Olas vs COJB	07/05/19	\$252
Rogers Towers, P.A.	Segura Grievance and Metcalf Grievance	07/11/19	\$1,690
TOTAL ATTORNEY FEES			\$1,942

City of Jacksonville Beach. 11 North Third Street. Jacksonville Beach, FL. 32250

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Cash and Investments by Type
Fiscal Year to Date
July 31, 2019

Type of Investment	Beginning Balance 10/1/2018	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment		Ending Balance 7/31/19	Weighted Net Return*
						Income	Net Deposits (Withdrawals)		
State Pooled Investment Fund	14,966,730	441,755	0	0	0	441,755	6,431,107	21,839,592	0.28%
Money Market: Goldman Sachs Treasury	11,503	185	0	0	(617)	(432)	0	11,071	0.00%
U.S. Treasury Stripped Coupons	3,035,428	0	0	80,715	0	80,715	0	3,116,142	0.04%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,059,542	269,842	0	0	0	269,842	0	12,329,384	0.15%
Sawgrass Asset Management	44,007,963	841,862	(95,502)	1,165,519	(85,921)	1,825,959	(3,345,250)	42,488,671	0.98%
Insight Asset Management	29,483,930	(76,247)	(26,302)	0	(16,008)	(118,558)	(29,365,373)	0	0.00%
Galliard Capital Management	29,195,370	873,068	(172,749)	701,840	(67,851)	1,334,308	8,626,390	39,156,068	0.83%
Garcia Hamilton & Associates	29,630,798	1,053,202	(322,896)	390,733	(71,668)	1,049,371	8,987,853	39,668,022	0.65%
Florida Trust	0	306,712	0	0	0	306,712	18,500,000	18,806,712	0.33%
Operating Cash: Bank of America	8,094,657	16,764	0	0	(80,870)	(64,107)	1,457,807	9,488,357	-0.04%
Petty Cash	5,225	0	0	0	0	0	1,300	6,525	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	170,491,145	3,727,143	(617,449)	2,338,807	(322,936)	5,125,565	11,293,834	186,910,544	2.91%
Pension Fund: Salem Mutual Fund	33,858,339	1,291,512	94,819	1,133,559	(10,836)	2,509,053	12,295,892	48,663,284	3.22%
Pension Fund: Sawgrass Asset Mgt	23,857,182	665,045	247,789	1,107,498	(76,631)	1,943,701	0	25,800,883	2.22%
Pension Fund: Wells Capital	15,788,041	83,333	1,438,900	(530,811)	(87,993)	903,430	(1,350,000)	15,341,471	0.97%
Pension Fund: MD Sass	12,762,897	46,488	(403,710)	(74,500)	(35,282)	(467,005)	(12,295,892)	0	0.00%
Pension Fund: JPMCB - Strategic Property Fund	4,937,925	0	0	133,013	0	133,013	(0)	5,070,939	0.14%
TOTAL PENSION INVESTMENTS	91,204,384	2,086,377	1,377,798	1,768,759	(210,741)	5,022,193	(1,350,000)	94,876,577	5.55%
TOTAL CASH AND INVESTMENTS	261,695,529	5,813,521	760,349	4,107,565	(533,677)	10,147,758	9,943,834	281,787,121	

*Fiscal year to date

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6235

Fax: 904.247.6107

Building@jaxbchfl.net

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: George Knight, Chief Building Official
SUBJECT: Award RFP No. 06-1819, Inspection Services
DATE: August 6, 2019

ACTION REQUESTED:

Award RFP Number 06-1819 for Inspection Services to the highest ranked respondent, Universal Engineering Sciences, Inc.

BACKGROUND:

In an effort to maintain good service and be responsive to its citizens, the Planning and Development Department desires to secure the services of a qualified firm to perform, when requested, inspection services (building, plumbing, electrical, and mechanical HVAC) for structures in which permits have been issued by the City. Such inspection services shall be conducted under the City's and all other federal, state and local laws, rules, regulations, directives, codes and ordinances.

The normal work load is expected to require one or two inspectors on as needed basis for the term of the contract. In addition to anticipated normal workload, additional inspection services shall be required for special project and large developments. In addition to inspection services, the City may need additional plan review services. Inspectors will be required to provide equipment (inspection vehicle, cellular telephone, ladders, uniforms, safety equipment, etc.) at their own cost. The selected firm will not be eligible to render services within the City of Jacksonville Beach under a construction and/or a design contract executed during the term of the RFP.

On June 12, 2019, the City advertised a Request for Proposal (RFP) from qualified and experienced firms for building, electrical, mechanical and/or plumbing inspection services in accordance with the requirements of Florida Statutes 468, Part XIII.

On July 17, 2019, the RFP was opened. Proposals were received from the following two firms who met these criteria:

- M.T. Causley, LLC.
- Universal Engineering Sciences, Inc.



MEMORANDUM

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On July 24, 2019, an evaluation committee consisting of the City Building Official, a City Building Inspector and the City Fire Marshal reviewed the proposals independently, based on the following three requirements:

- Qualifications and Experience
- Technical Approach and Methodology
- Fees to Perform Services

Following is a summary of the rankings by the committee:

Vendor	Rank
Universal Engineering Sciences, Inc.	1
M.T. Causley, LLC.	2

Universal Engineering Sciences, Inc. received the highest ranking by the committee.

Universal Engineering Sciences, Inc. has qualified inspectors with proper credentials to perform the services requested and provided references from local clients. Their hourly fees are less than the other proposer's fees.

Description of Services	M.T. Causley, LLC.	Universal Engineering Sciences, Inc.
Perform all inspection services and natural disaster events excluding construction plan review	BLDG \$ 85.00 PER HOUR MEP \$95.00 PER HOUR	BLDG \$ 75.00 PER HOUR MEP \$75.00 PER HOUR
Per Person: Performing all inspection services and natural disaster events excluding construction plan review, in excess of 40 hours per week	BLDG \$ 125.00 PER HOUR MEP \$142.00 PER HOUR	BLDG \$90.00 PER HOUR MEP \$90.00 PER HOUR
Per person 8 hours per day, up to 40 hours per week	BLDG \$ 80.00 PER HOUR MEP \$90.00 PER HOUR	BLDG \$ 75.00 PER HOUR MEP \$75.00 PER HOUR

RECOMMENDATION:

Award RFP Number 06-1819 for Inspection Services to the highest ranked respondent, Universal Engineering Sciences, Inc. and authorize the City Manager to enter into contract with Universal Engineering Sciences, Inc. to provide inspection services for a period of two (2) years and may be extended for two (2) additional one (1) year terms, for a total contract length not to exceed four (4) years. Extension terms should be subject to mutual consent of the CITY and the CONTRACTOR.

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

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: August 12, 2019

ACTION REQUESTED

Defer Ordinance No. 2019-8118, as amended, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted, to a date certain of Tuesday September 3, 2019.

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.



Memorandum
Ordinance No. 2019-8118
August 8, 2019

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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:

- 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.

City Council held a public hearing on Ordinance No. 2019-8118 on Monday August 5th. After discussing the recommendations of the Planning Commission and following the public hearing, City Council made the following amendments:

- Amend Section 34-411(c)(1) to read – Maximum occupancy will be limited to two (2) persons per bedroom plus two (2), except that under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.
- Amend Section 34-411 to remove subsection (i)(2) removing the requirement to post a building evacuation map.
- Amend Section 34-411(b)(6)b. to remove the reference to the National Fire Protection Association (NFPA) 101 Life Safety Code, as this is redundant, pursuant to the recommendation of the City Attorney.
- Amend Section 34-411(h) to add subsection (5) to add language requiring property owners and/or the licensed agent of a property to determine and publish whether a rental property is located in an area where it is unlawful for sexual offenders or sexual predators to establish residence that would be in violation of Florida Statutes. (Similar to Ft. Lauderdale's short term vacation rental ordinance).

Memorandum
Ordinance No. 2019-8118
August 8, 2019

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- Additionally, City Council directed staff to provide some alternative parking standards based on discussions at the public hearing.

Pursuant to the memo from the Interim City Attorney, dated August 9, 2019, staff respectfully requests that the second reading of Ordinance 2019-8118 be deferred until September 3, 2019.

RECOMMENDATION:

Defer Ordinance No. 2019-8118, as amended, amending the Land Development Code Chapter 34 to define and regulate short-term vacation rentals, where permitted to a date certain of Tuesday, September 3, 2019.

**MEMORANDUM**

To: Mayor and City Council

From: Denise C. May, Interim City Attorney

Date: August 9, 2019

Re: Second Reading Ordinance 2019-8118 Short Term Rental Regulation

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268

I have become aware of new information from Flagler County on new court orders and other documentation. Additionally, there is a new case filed by Airbnb against Palm Beach County as well as recent settlement by that entity with the City of Miami.

In order to provide the most comprehensive advice to the City Council I request time to receive and analyze this information. To facilitate this at the August 19, 2019 City Council meeting, staff will be requesting a deferral of the second reading of Ordinance 2019-8118 to a date certain of September 3, 2019.

I respectfully request the City Council to move to grant the deferral of second reading of Ordinance 2019-8118 until the September 2, 2019 Regular City Council Meeting.

Please feel free to contact me with any questions or discussion items.

www.jacksonvillebeach.org





City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268

www.jacksonvillebeach.org

MEMORANDUM

TO: Mayor and City Council
FROM: Mike Staffopoulos, City Manager
SUBJECT: Complaint to the Commission on Ethics
DATE: August 14, 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.

Based upon correspondence from the insurance carrier indicating a \$25,000 deductible or self-member retention, administration became concerned this may result in attorney's fees either on the part of the City or Councilor Vogelsang. The determination of responsibility for such legal fees would not be known until the conclusion of the formal complaint investigation by the COE. This item was discussed at the August 5, 2019 Council meeting to clarify the intent of Council as whether 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.

The City Administration has since learned that the correspondence previously issued by our insurance carrier was unclear as it did not clarify that the referenced \$25,000 deductible was only applicable to monetary settlement or other damages sought. Legal fees are paid by the insurance carrier to an aggregate annual amount.

MEMORANDUM
Complaint to the FCOE
August 14, 2019

Page 2 of 2

This item seeks to clarify the intent of Council and, if warranted, modify the initial action.

The two options available are:

1. Submit a request for written opinion and withdraw the formal complaint.
2. Proceed with the complaint as filed.

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.

The following are attached for reference:

- City Attorney memo to City Council dated May 3, 2019
- Draft Request for Opinion on behalf of Jacksonville Beach City Council and Councilor Vogelsang
- Draft Request for Withdrawal of Complaint FCOE 19-092

RECOMMENDATION:

Motion 1: To Submit a Request for Formal Opinion to the Florida Commission on Ethics on behalf of the Jacksonville Beach City Council and Councilor Vogelsang.

Motion 2: To Withdraw Complaint FCOE 19-092 as filed with the Commission on Ethics by the Jacksonville Beach City Council on May 24, 2019 based on the facts and circumstances as contained in the draft letter presented.



CITY ATTORNEY

Memorandum

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268
Fax: 904.247.6276

To: Mayor and City Council
Michael Staffopoulos, City Manager
From: Susan Erdelyi, City Attorney *SEE*
Date: May 3, 2019
Re: Council member contact with administrative staff and possible violation of City Charter

www.jacksonvillebeach.org

I write to report a city councilman's direct involvement with city employees, its impact on administrative operations and a potential violation of Section 30 of the City Charter. Direction is requested from the Council on how it wishes to proceed in response to this information.

These incidents involve Section 30, of the City Charter, which provides:

Section 30. - Council not to interfere in appointments or removals.

Subject to the provisions of this Charter, neither the council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any members thereof shall give orders to any subordinate of the city manager either publicly or privately. Any violation of the provisions of this section by a member of council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Two recent incidents relate to the need for direction.

Jacksonville Beach Police Department Incident

In December, 2018 it was brought to my attention that Councilman Vogelsang contacted a sergeant at the Jacksonville Beach Police



Department (JBPD) to request contact information for a JBPD officer who had arrested Councilman Vogelsang's client, Eric David Mainhart, for Battery on a Law Enforcement Officer (a felony).

According to the Arrest and Booking report, Mainhart was involved in a physical fight at 100 5th Avenue North at around 2 a.m. on Saturday, 10.20.18. When JBPD arrived, the fighters were separated with their personal items (wallets, credit cards and cash) strewn all over the ground. The officers directed the parties to pick up their items and leave. Mainhart picked up items, exchanged foul, drunken language and then charged one officer and punched him. At that point Mainhart was subdued with the assistance of four officers. They told him to stop fighting but he continued and was tazed and arrested.

On 12.12.18, Councilman Vogelsang contacted a Sergeant with JBPD for contact information on an officer without identifying why. The Sergeant first called the officer and received his permission to give the officer's contact information to Councilman Vogelsang. Councilman Vogelsang then called the officer who had been battered and left a voice mail message advising that he was trying to "help out" someone who the officer had fought and arrested. According to the officer, Councilman Vogelsang did not communicate that he was Mainhart's attorney in the criminal matter. The officer and his sergeant looked the case up and then learned that Councilman Vogelsang represented Mainhart.

The officer was next contacted by Cmd. Smith regarding this matter and Cmd. Smith authorized the officer to call Councilman Vogelsang back to find out what he needed.

The officer reported that Councilman Vogelsang asked him about the Mainhart arrest, explaining that Councilman Vogelsang had been contacted by Mainhart's family, (FOP board members in Maryland), and Councilman Vogelsang was trying to help them out. Councilman Vogelsang explained that the purpose of his call was to try to get the felony charges reduced to a misdemeanor because he did not want the felony charges to ruin Mainhart's military career.

The officer communicated to Councilman Vogelsang that Mainhart needed to suffer consequences for his actions because the fight with the officer was a "real fight" and Mainhart actively punched the officer and then resisted arrest physically. The officer then discussed options with Councilman Vogelsang regarding the case that he would be comfortable with.

At some point this information was relayed to other officers, one of whom contacted the Florida Bar Association and this information was relayed to

Chief Dooley who contacted me. Chief Dooley communicated with me that he spoke with Councilman Vogelsang, that he apologized for his actions and assured the Chief that it would not happen again.

Jacksonville Beach Fire Department

On Tuesday April 2, 2019, two firefighters with the Jacksonville Beach Fire Department (JBFD) were arrested by the St. Johns County Sheriff's Office (SJSO) after deputies were dispatched to a fight in progress at a bar in Ponte Vedra around midnight. The SJSO report documented that one of the two firefighters (employee #1) reportedly punched a patron off of his barstool with a closed fist and continued punching him on the ground, leaving his victim bloodied, before fleeing in a vehicle driven by a second JBFD employee (employee #2). When SJSO arrived, the report documented that the victim was visibly bleeding from the mouth. The victim told deputies that he wanted the assailant prosecuted.

The report documents that employee #1 fled the scene in a vehicle driven by employee #2. Shortly after the fight, the vehicle was stopped by a SJSO deputy and the driver was arrested for DUI. The deputy found employee #1 laying down in the rear passenger seat of the vehicle and arrested him for battery. Prosecution is pending against both.

The City learned that Councilman Vogelsang was representing both employees in the criminal prosecution. On April 9, 2019, I called Councilman Vogelsang and he confirmed this fact. I tried to dissuade him from representing these employees, but he firmly declined, stating that he saw no conflict of interest in his role as an elected official and his role as a private attorney representing city employees who are criminal defendants. He also stated that the matter had already been handled and that both of his clients would receive a pre-trial diversion, which is a tool used by prosecutors and defense attorneys to divert first time criminal offenders from traditional criminal prosecution. He also stated that his representation of the city employees would not conflict with any vote that he would take as a member of the City Council.

Councilman Vogelsang explained that in addition to his FOP duties, he also has a private law practice in which he sometimes represents criminal defendants. I mentioned his prior incident in calling a Jacksonville Beach police officer about his representation of Mainhart and Councilman Vogelsang confirmed what Chief Dooley had told me. In our conversation we simply disagreed about the appropriateness of his direct contact with city employees and I again stressed that our employees see him in his role as a councilmember, not just a criminal defense attorney and that this can be intimidating to employees or at the least, serve as an undue influence.

At some point I also asked Councilman Vogelsang if he was aware of employee #1's prior criminal arrest (which resulted in a pretrial intervention) and I expressed concern over the safety of other employees given the violent nature of his recent offense. I also mentioned my concern of potential negligent retention claims against the City if employee #1 continues as a City employee. We discussed the fact that his two clients were likely to face discipline and he responded that he was not representing them in the disciplinary proceedings and advised that they were represented by another attorney. The other attorney and Councilman Vogelsang previously practiced law together but this, according to Councilman Vogelsang, was eight years prior. I advised Councilman Vogelsang that his involvement in getting the clients to their disciplinary attorney who will be adverse to the City reflects that he is not acting in the best interest of the City and is working against City interests in my judgment. He disagreed. I understood this disagreement to reflect that he would not cease representing city employees in future cases.

Councilman Vogelsang and I again spoke about this matter on Friday, April 12, 2019. At that time he indicated that he had spoken with the Florida Bar Association and they confirmed that he did not have a conflict. He also indicated that he spoke with the general counsel at the Florida Commission on Ethics who suggested that Councilman Vogelsang might be wise to announce a voting conflict on the fire department merger proposal in connection with his representation of the two firefighters.

In this conversation, I told Councilman Vogelsang that I concurred with his decision to reach out to the ethics commission attorney. I told him that discipline is pending against the firefighters and that they will use his efforts in the negotiations of the criminal prosecution as a tool to reduce their discipline by the City.

Councilman Vogelsang later advised me that he is only representing the driver charged with DUI now and that Employee #1 is represented by someone else in the criminal matter. On Monday April 16, 2019, Councilman Vogelsang and I discussed the details of his announcing a conflict of interest concerning the vote on the proposed merger of the City's Fire Department.

Assessment

The fact that some employees consider Councilman Vogelsang to be their advocate, conflicts with the City's interest in maintaining an impartial workplace. The City administrative staff must consider the safety and morale of all employees and not face undue influence by a councilmember

who represents some city employees. Discipline should be without interference or influence by members of the City Council.

It is the City Attorney's opinion that the language in Section 30 calling for charging councilmembers with misdemeanors is outdated and needs clarity and revision (along with many other provisions). Most cities have more direct charter language prohibiting council members from interfering with administrative staff. Some cities have language in their charters providing tools for censorship or public reprimands of council members. This language is not contained within the City of Jacksonville Beach's Charter. Disruption in operations has resulted in connection with the above incidents.

Conclusion

The City Council may make Charter determinations, including whether Mr. Vogelsang's actions have violated Section 30 and, if so, what action does the Council wish to take to address this situation as well as those that may arise in the future? Alternatively, the City Council may determine whether Mr. Vogelsang's actions meet the expectations of this Council. However, the Council cannot have a more permissive rule than Florida Statute 112.313 (7) which provides:

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer..... shall.... have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Florida Commission on Ethics
Vogelsang Opinion Letter
August 20, 2019
Page 1

August 20, 2019

Florida Commission on Ethics
Attn: Mr. Chris Anderson, Executive Director
P. O. Drawer 15709
Tallahassee, FL 32317-5709

Via electronic mail at anderson.chris@leg.state.fl.us

Re: Request for Opinion on behalf of the City of Jacksonville Beach City
Council and Councilor Phil Vogelsang

Dear Mr. Anderson:

I write on behalf of the City of Jacksonville Beach City Council with the acquiescence and agreement of Councilor Phil Vogelsang. I have been authorized by the City Council and Councilor Vogelsang to seek this opinion from the Florida Commission on Ethics.

The City Council and Councilor Vogelsang asks the following questions regarding two factual situations:

Preliminary Facts:

Councilor Vogelsang is an attorney employed by the Fraternal Order of Police, Jacksonville Lodge 5 – 30. Councilor Vogelsang was elected to the City Council for the City of Jacksonville Beach in 2012 and reelected in 2016.

At all times described in the following factual situations, the City of Jacksonville Beach was negotiating and considering an Interlocal Agreement with the City of Jacksonville for Advanced Life Support and Fire Services. Such agreement would result in the current members of the Jacksonville Beach Fire Department being subsumed into and becoming employees of the Jacksonville Fire and Rescue Department.

Factual Situation 1

In December, 2018 Councilor Phil Vogelsang contacted a sergeant at the Jacksonville Beach Police Department (JBPD) to request contact information for a JBPD officer who had arrested Councilor Vogelsang's client who had been arrested for Battery on a Law Enforcement Officer (a felony).

According to the Arrest and Booking report, Councilor Vogelsang's client was involved in a physical fight in the City at around 2 a.m. on Saturday, October, 20, 2018. When JBPD arrived, the fighters were separated with their personal items (wallets, credit cards and cash) strewn all over the ground. The officers directed the parties to pick up their items and leave. Councilor Vogelsang's client picked up items, exchanged foul, drunken language and then charged one officer and punched him. At that point Councilor Vogelsang's client was subdued with the assistance of four officers. They told him to stop fighting but he continued and was tazed and arrested.

On December 12, 2018, Councilor Vogelsang contacted a Sergeant with JBPD requesting contact information on an officer without identifying why. The Sergeant first called the officer and received permission to give the contact information to Councilor Vogelsang. Councilor Vogelsang then called the officer who had been battered and left a voice mail message advising that he was trying to "help out" someone who the officer had fought and arrested. According to the officer, Councilor Vogelsang did not communicate that he was the arrestee's attorney in the criminal matter at this time. The officer and his sergeant looked the case up and then learned that Councilor Vogelsang represented the arrestee.

The officer was next contacted by a JBPD Commander regarding this matter who authorized the officer to return the call to Councilor Vogelsang to find out what he needed. The officer reported that Councilor Vogelsang asked him about the arrest, explaining that Councilor Vogelsang had been contacted by the arrestee's family, (FOP board members in Maryland), and Councilor Vogelsang was trying to help them out. Councilor Vogelsang explained that the purpose of his call was to try to get the felony charges reduced to a misdemeanor because he did not want the felony charges to ruin the arrestee's military career.

The officer communicated to Councilor Vogelsang that the arrestee needed to suffer consequences for his actions because the fight with the officer was a "real fight" and the arrestee actively punched the officer and then resisted arrest physically. The officer then discussed options with Councilor Vogelsang regarding the case that he would be comfortable with.

At some point this information was relayed to other officers and ultimately this information was relayed to the Chief of Police. The Chief communicated that he spoke with Councilman Vogelsang, that he apologized for his actions and assured that it would not happen again.

Factual Situation 2:

On April 2, 2019, two firefighters with the Jacksonville Beach Fire Department (JBFD) were arrested by the St. Johns County Sheriff's Office (SJSO) after deputies were dispatched to a fight in progress at a bar in Ponte Vedra around midnight. The SJSO report documented that one of the two firefighters (employee #1) reportedly punched a patron off of his barstool with a closed fist and continued punching him on the ground, leaving his victim bloodied, before fleeing in a vehicle driven by a second JBFD employee (employee #2). When SJSO arrived, the report documented that the victim was visibly bleeding from the mouth. The victim told deputies that he wanted the assailant prosecuted.

The report documents that employee #1 fled the scene in a vehicle driven by employee #2. Shortly after the fight, the vehicle was stopped by a SJSO deputy and the driver was arrested for DUI. The deputy found employee #1 laying down in the rear passenger seat of the vehicle and arrested him for battery. Prosecution is pending against both.

The City learned that Councilman Vogelsang was representing both JBFD employees in the criminal prosecution. On April 9, 2019, Councilor Vogelsang confirmed this fact. Councilor Vogelsang indicated that he saw no conflict of interest in his role as an elected official and his role as a private attorney representing city employees who are criminal defendants. Councilor Vogelsang also stated that the matter had already been handled and that both of his clients would receive a pre-trial diversion, which is a tool used by prosecutors and defense attorneys to divert first time criminal offenders from traditional criminal prosecution. Councilor Vogelsang also stated that his representation of the city employees would not conflict with any vote that he would take as a member of the City Council.

Councilman Vogelsang explained that in addition to his FOP duties, he also has a private law practice in which he sometimes represents criminal defendants. It was expressed by the City Attorney at that time that there may be an appearance of impropriety or undue influence on employees. It was stressed that city employees see him in his role as a councilmember, not just a criminal defense attorney and that this can be intimidating to employees or at the least, serve as an undue influence.

Concerns were expressed over the safety of other employees given the violent nature of employee #1's recent offense and of potential negligent retention claims against the City if employee #1 continues as a City employee. Further discussed was the fact that his two clients were likely to face discipline to which Councilor Vogelsang responded that he was not representing them in the disciplinary proceedings and advised that they were represented by another attorney. The other attorney and Councilman Vogelsang previously practiced law together but this, according to Councilman Vogelsang, was eight years prior. Councilman Vogelsang was advised that his involvement in getting the clients to their disciplinary attorney who will be adverse to the City reflects that he is not acting in the best interest of the City and is working against City interests. Councilor Vogelsang disagreed.

Councilman Vogelsang indicated that he had spoken with the Florida Bar Association and they confirmed that he did not have a conflict. He also indicated that he spoke with the general counsel at the Florida Commission on Ethics who suggested that Councilman Vogelsang might be wise to announce a voting conflict on the fire department merger proposal in connection with his representation of the two firefighters. Councilor Vogelsang was further advised that discipline was pending against the firefighters and that they will use his efforts in the negotiations of the criminal prosecution as a tool to reduce their discipline by the City. Councilman Vogelsang later advised that he is only represented the driver charged with DUI (Employee #2) and that Employee #1 is represented by someone else in the criminal matter. The case against Employee #2 was concluded on April 18, 2019, prior to the vote on the proposed merger of the City of Jacksonville Beach Fire Department with Jacksonville Fire and Rescue Department.

On May 20, 2019, Councilman Vogelsang voted affirmatively on the proposed merger of the City of Jacksonville Beach Fire Department with Jacksonville Fire and Rescue Department.

Question One: Was Councilor Vogelsang prohibited from voting on the City Council's decision to authorize the execution of an Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services under Section 112.3143 Florida Statutes?

Question Two: Does Councilor Vogelsang's ongoing representation of employees of the City or other defendants in conflict with the City's interest present a potential conflicting employment or contractual relationship prohibited by Section 112.313(7)(a) Florida Statutes?

Question Three: Do the facts presented in Factual Situation 1 regarding contact with JBPD employees constitute a misuse of public position prohibited by Section 112.313(6)?

Sincerely,

Denise C. May
Interim City Attorney
City of Jacksonville Beach

DCM

xc: Mayor and City Council

Florida Commission on Ethics
Request to Withdraw Complaint
August 20, 2019
Page 1

August 20, 2019

Florida Commission on Ethics
Attn: Mr. Chris Anderson, Executive Director
P. O. Drawer 15709
Tallahassee, FL 32317-5709

Via electronic mail at anderson.chris@leg.state.fl.us

Re: Request for Withdrawal of Complaint FCOE 19-092

Dear Mr. Anderson:

I write on behalf of the City of Jacksonville Beach City Council in regard to complaint FCOE 19-092 filed by myself as Mayor for the City of Jacksonville Beach City Council and attaching the May 3, 2019 memorandum by City Attorney, Susan Erdelyi.

On May 20, 2019 the City Council held a publicly noticed meeting and discussed certain factual situations brought forth in the May 3, 2019 memorandum. This included questions regarding a Councilors direct involvement with a city employee for potential undue influence and ongoing potential conflicts of interest arising out of the Councilors employment as legal representation of employees or others in conflict with City interest. Additionally, it was questioned whether direct contact with City employees in furtherance of such representation presented undue influence or misuse of the officials position. In bringing forth the factual situations to Council's attention, the City Attorney sought the direction of the City Council as to whether there was a violation of Section 30 of the City of Jacksonville Beach Charter.

The Council's discussion began with whether there was any violation of Section 30 of the City Charter. Subsequent discussion commenced with a motion to submit the City Attorney's May 3, 2019 memorandum to the Commission on Ethics for a formal opinion. At the time, it was believed the Council as a body could seek such an opinion. Upon later advice it is understood that only the individual public officer for which liability could be incurred could request such opinion. The intent arising from this discussion was to gain an opinion on the factual situations described in the May 3, 2019 memorandum as to whether there would be any conflicts of interest or other ethics violations related to representation of clients in conflict with the city or its employees as well as the question of whether it is an improper use of an officials position to contact directly, city employees in the furtherance of such representation of clients.

In the course of the discussion, concerns were raised about seeking an opinion of the Commission on Ethics as such opinion would only be allowed if requested by the public official in question. It was debated whether an opinion requested by the Councilor would contain all the factual information the City Council may deem necessary to such a determination. Further, concern was raised that the Councilor in question be able to respond and give opposing facts as necessary. The concern at that time was the appearance of one sided information balanced against the potential unfairness to the Councilor. It was with this concern for fairness and ability to dispute facts that the request for formal opinion motion was amended to the filing of a complaint for investigation.

The City Council was not clearly advised at that time that: (1) the filing of said complaint, if found legally sufficient by the Commission on Ethics, would create the potential need for the Councilor complained of to defend and incur legal fees in answer; and (2) that upon a finding of no probable cause, submittal by the Councilor for reimbursement, and a finding of the City Council that the ethics proceedings arose out of or in connection with the performance of the Councilor's official duties and serves a public purpose, the Councilor would be entitled to that legal representation at the public expense.

It was and is the intent of the City Council of the City of Jacksonville Beach to seek only the formal opinion of the Commission on Ethics as to the applicability of Chapter 112, Florida Statutes to the factual situations as described in the May 3, 2019 memorandum of then City Attorney.

Based on the foregoing facts and circumstances the City Council of the City of Jacksonville Beach, by and through its and original complainant, Mayor Charlie Latham, respectfully requests withdrawal of Complaint COE 19-092 from further investigation.

I, the person having brought forth complaint COE 19-092, do swear and affirm that the facts and circumstances set forth in the forgoing request for withdrawal of complaint and any attachment thereto are true and correct to the best of my knowledge and belief.

Witness my hand this ____ day of _____, 2019

William C. Latham, MAYOR

Sworn and subscribed before me, a notary public, this ____ day of _____,
2019.

Notary Public

DRAFT



City of

Jacksonville Beach

City Hall

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FL 32250

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MEMORANDUM

TO: Mike Staffopoulos, City Manager
FROM: Karen Nelson, Deputy City Manager
SUBJECT: Amendment to the Interlocal Agreement for Fire Services
DATE: August 13, 2019

ACTION REQUESTED

Approve an amendment to the Interlocal Agreement between the City of Jacksonville Beach, Florida and the City of Jacksonville, Florida for Advanced Life Support and Fire Services.

BACKGROUND

On May 20, 2019, the Jacksonville Beach City Council approved an interlocal agreement with the City of Jacksonville for the provision of advanced life support and fire services. The agreement, dated May 7, 2019, is currently in review for consideration by the Jacksonville City Council. Jacksonville Administration is requesting an amendment to Article 7 (e) to add clarifying language regarding the Unfunded Actuarial Accrued Liability (UAAL) of the Jacksonville Beach Firefighters' Retirement Plan, and the future administration of the plan.

The May 7 agreement states that the City of Jacksonville Beach shall be responsible for the UAAL of the Firefighters' Plan as of the day preceding the effective date of the agreement, and that Jacksonville Beach shall pay that liability in accordance with Florida Statutes. The plan actuary prepared an estimate of the unfunded liability, based on an effective date of October 1, 2019 and a 7% assumed rate of return. City Administration recommends amortizing the UAAL (estimated at \$5,181,329) over a 10 year period, which would result in annual payments of \$737,706 for 10 years. If the agreement is approved by the Jacksonville City Council, the UAAL will be recalculated using the most recent data, the actual effective date of the agreement, and a 7% assumed rate of return.

The agreement also stipulates that Jacksonville Beach shall continue to be the plan sponsor and shall be responsible for the operation of the Jacksonville Beach Firefighters' Retirement Plan for as long as the plan exists, in accordance with Florida law. The agreement does not provide any assurance regarding the actuarial assumptions used by the Jacksonville Beach Firefighters' Plan Board of



MEMORANDUM

Amendment to Fire Services Agreement
August 13, 2019

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Trustees to calculate future contributions that Jacksonville will be required to make to the plan during the life of the agreement. Jacksonville is requesting that Jacksonville Beach use our best efforts to ensure that the Board of Trustees and the plan actuary use the same assumed rate of return as the rate used in the most recent actuarial valuation for the City of Jacksonville Police and Fire Pension Fund. This will allow Jacksonville to better plan for the future financial obligations to the plan.

Finally, while the agreement defines Jacksonville Beach's responsibility for the UAAL at the effective date, it is silent as to the responsibility of the parties upon termination of the agreement. The proposed amendment adds language which:

- Defines the assumed rate of return (7%) used for the calculation of Jacksonville Beach's UAAL on the effective date
- Provides some assurance regarding the assumed rate of return used in the future to calculate Jacksonville's required contributions to the plan
- Provides the terms under which the UAAL that accrues during the life of the agreement would be calculated and paid off upon termination of the agreement

The proposed amendment is intended to clarify the terms that the administrations of Jacksonville Beach and Jacksonville have mutually agreed to. The additional language does not represent a substantive change to any of the provisions in the May 7 agreement and results in no financial impact. Article 7 (e), as revised, is provided for reference.

RECOMMENDATION

Approve an amendment to the Interlocal Agreement between the City of Jacksonville Beach, Florida and the City of Jacksonville, Florida for Advanced Life Support and Fire Services to add clarifying language to Article 7, Section (e) regarding the Unfunded Actuarial Accrued Liability of the Jacksonville Beach Firefighters' Retirement Plan, and the future administration of the plan.

(with interest) from the Jacksonville Beach Firefighters' Retirement Plan, or may roll over such contributions and interest to an IRA or other qualified plan in accordance with federal law. Notwithstanding the preceding sentence, Jacksonville Beach Firefighters with 10 or more years of credited service in the Jacksonville Beach Firefighters' Retirement Plan who elect to join the City of Jacksonville defined contribution retirement plan may keep their accumulated member contributions in the Jacksonville Beach Firefighters' Retirement Plan, and shall be eligible to receive a deferred pension benefit, based on their credited service and average final compensation on the day before they become City of Jacksonville employees, payable upon separation of employment from the City of Jacksonville, on or after attaining the age and service requirements for normal retirement under the Jacksonville Beach Firefighters' Retirement Plan.

(c) Any Jacksonville Beach firefighter who becomes an employee of the City of Jacksonville, separates from employment with the City of Jacksonville, and is subsequently reemployed as a firefighter by the City of Jacksonville will be employed as an entry level firefighter and will participate in the City of Jacksonville defined contribution retirement plan with no social security coverage.

(d) The Jacksonville Beach Firefighters' Retirement Plan shall be closed to new members on the effective date of this Agreement.

(e) The City of Jacksonville Beach shall be responsible for the unfunded actuarial accrued liability of the Jacksonville Beach Firefighters' Retirement Plan, as determined by the plan actuary based on a 7.0% rate of return assumption, as of the day preceding the effective date of this Agreement, and shall pay off the unfunded liability in accordance with Florida law. The City of Jacksonville Beach agrees to use its best efforts to ensure that the Jacksonville Beach Firefighters' Retirement Plan board of trustees and plan actuary use a rate of return assumption in the future that is equal to the rate of return assumption used in the most recent actuarial valuation for the City of Jacksonville Police and Fire Pension Fund (COJ PFPF). Should the parties elect to terminate this agreement, subject to the termination provisions contained herein, the City of Jacksonville's unfunded liability that accrued during the contract term shall be calculated in the same manner as described above, using the assumed rate of return then in use by the COJ PFPF, as of the day preceding the effective date of the termination of the agreement, and the City of Jacksonville shall pay off that portion of the unfunded liability in accordance with Florida law.

(f) The City of Jacksonville shall be responsible for paying the total required contribution to the Jacksonville Beach Firefighters' Retirement Plan and estimated annual employee contributions, as determined by the Jacksonville Beach plan actuary, less the annual amount paid