City of Jacksonville Beach

11 North Third Street
Jacksonville Beach,
Florida

Agenda

City Council

Monday, February 17, 2020 | **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

20-024 Council Briefing held on February 3, 2020

20-025 Regular Council Meeting held on February 3, 2020

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

20-026 Accept the Monthly Financial Reports for the Month of January 2020

20-027 Approve the Assignment and Assumption of Commercial Lease Agreement between Benjamin Groshell and Chris Wooten and Safe Harbor Seafood Restaurant, LLC, and the Landlord's Consent between the City of Jacksonville Beach and Let's Eat, LLC

20-028 Award Bid Number 1920-03 for Light Poles and Luminaires

20-029 Authorization to Fund and Purchase One New Vehicle for the Sanitation Contract Coordinator Position from the Florida Sheriffs Association Contract (FSA19-VEL27.0) (Item #192), Utilizing the 2020 Capital Outlay Savings from the Purchase of the Elgin Street Sweeper for the Public Works Streets/Sanitation Division

20-030 Approve the Payment for the Emergency Repair of the 6" PVC Sanitary Sewer Force Main that was Damaged by a Directional Boring Contractor Installing Ducts on the North Side of Beach Boulevard near Hopson Road

20-031 Approve First Amendment to the Agreement for Parking Management Services with SP Plus Corporation

RESOLUTIONS

20-032 RESOLUTION NO. 2050-2020

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING RESOLUTION NO. 1987-2017 TO AUTHORIZE AMENDMENT OF THE AGREEMENT FOR PARKING MANAGEMENT SERVICES FOR CERTAIN CITY PARKING LOTS WITH SP PLUS CORPORATION TO EXTEND THE AGREEMENT ONE YEAR, TO GRANT SP PLUS MANAGEMENT RESPONSIBILITY AND AUTHORITY TO COLLECT PARKING CITATIONS AND TO ESTABLISH CHARGES AND FEES FOR CITATIONS AND VIOLATIONS, TO ESTABLISH THE COSTS AND FEES SHARE ARRANGEMENTS, AND TO SET PARKING FEES AND CITATION CHARGES; PROVIDING FOR RENEWAL AND AMENDMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ACTS, SEVERABILITY, AND AN EFFECTIVE DATE.

20-033 RESOLUTION NO. 2051-2020

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, APPROVING THE CONTINUED EXISTENCE OF THE COMMUNITY REDEVELOPMENT AGENCY AND EXTENDING ITS EXPIRATION DATE IN ACCORDANCE WITH SECTION 163.3755(1), FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTION; PROVIDING FOR REPEAL OF CONFLICTS; AND SETTING AN EFFECTIVE DATE.

ORDINANCES

20-034 ORDINANCE NO. 2020-8133 (First Reading) (Public Hearing)

AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS, AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE

CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

20-035 ORDINANCE NO. 2020-8134 (First Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VIII, DIVISION 2, SECTION 34-406 FENCES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD A MAXIMUM HEIGHT RESTRICTION FOR FENCES ON RESIDENTIAL ZONED PROPERTIES FRONTING STATE ROAD A1A; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

20-036 ORDINANCE NO. 2020-8135 (First Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII, DIVISION 2, SECTION 34-346 INDUSTRIAL DISTRICT: I-1, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD MOBILE FOOD VENDORS TO PERMITTED USES IN INDUSTRIAL DISTRICT: I-1 ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ADJOURNMENT

NOTICE

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

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

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

If you plan on attending or presenting at the hearing, then you may use this website http://www.jacksonvillebeach.org/publichearinginfo to find information concerning the hearing process. This information is also available in the City Hall first floor display case.

Minutes of City Council Briefing
Monday, February 3, 2020 – 5:30 P.M.
in the Council Chambers, City Hall
11 North 3rd Street, Jacksonville Beach, FL

The Council Briefing began at 5:30 P.M.

The following City Council Members were in attendance:

Mayor:	William C. Latham		
Council Members:	Keith Doherty	Georgette Dumont	Sandy Golding
	Christine Hoffman	Cory Nichols	Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, and Director of Human Resources Ann Meuse.

Purpose of Briefing

The purpose of the briefing was to update the Council Members about ongoing items in the City.

Human Resources Director

City Manager's Annual Performance Evaluation
Director of Human Resources Ann Meuse reviewed the process for the evaluation and stated Council should use the same evaluation and guidelines applied to department heads to determine a salary adjustment for the City Manager. The salary adjustment for this year could be a 3%-6% increase.

Council agreed Mr. Staffopoulos's performance had been exemplary and supported a 6% salary increase.

Mr. Staffopoulos credited the staff for their contributions to his success.

Baptist Medical Center Beaches Proposed LDC Text Amendment, Ordinance No. 2019-8117
City Attorney Chris Ambrosio explained Ordinance No. 2019-8117 would be on the Council's agenda at the upcoming meeting this evening. He had provided Council with a memorandum including a thorough legal analysis that served as a supplement to the Planning and Development agenda item. Mr. Ambrosio stated he also met with representatives of Baptist Medical Center Beaches.

Mr. Ambrosio stated the City's current sign code was constitutionally sound, including the portion prohibiting billboards and off-site signs. His memorandum outlined problems that could arise if they changed this prohibition. He recommended the Council deny the request for the proposed text amendment ordinance.

Mr. Ambrosio stated he was considering how to help residents and visitors find Baptist Medical Center's unique emergency room as a public purpose. Baptist Medical Center wanted more than

the existing directional signs, which were grandfathered in, and want more than the standard blue "H" hospital signs. They wanted five or six "Emergency Services" signs.

Mayor Latham said they needed to accomplish this quickly because it had been going on for quite some time.

Mr. Ambrosio did not recommend tabling the item; it should be voted on as presented. He stated he was willing to continue working with Baptist Medical Center. He pointed out they must avoid signage on private and FDOT properties.

Mr. Ambrosio stated he would provide the Council with the following:

- Conceptual designs of the proposed signs
- Proposed City-owned locations of the signs
- Statistics and tracking

Other topics

Mr. Staffopoulos reported there has been three community conversation meetings, and he has received very good input. He stated some consistent/overlapping items had been brought up at the meetings.

Mr. Staffopoulos stated he met with the Neptune Beach and Atlantic Beach city managers and discussed replacement of the flashing beacon between Fletcher High School and Fletcher Middle School. Neptune Beach was seeking financial partners, and they were contacting Jacksonville since this was a school board issue. Mr. Staffopoulos stated he also discussed stormwater fees and the fact the school board had not been paying the fees in all three beach communities for the past few years. They were in the process of arranging a meeting between the three city managers, mayors, and city attorneys to discuss legal avenues.

Mr. Staffopoulos said the City of Jacksonville had provided them with detailed graphics of the proposed flashing beacons. <On file>

Mayor Latham stated Fernandina Beach and Atlantic Beach were adopting ordinances to prohibit the release of balloons. The Council had consensus to consider this.

Ms. Dumont stated applicants were not aware of what information could be accepted in a quasi-judicial hearing. She suggested including educational information in the notices provided to neighbors explaining the type of information that could be considered by those making the decisions. Mr. Ambrosio agreed to prepare an educational pamphlet for the Council to review.

The briefing adjourned at 6:46 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

_____
William C. Latham, MAYOR

Date: _____

DRAFT

Minutes of Regular City Council Meeting
held Monday, February 3, 2020 at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida

OPENING CEREMONIES:

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

CALL TO ORDER:

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

ROLL CALL:

Mayor:	William C. Latham		
Council Members:	Keith Doherty	Georgette Dumont	Sandy Golding
	Christine Hoffman	Cory Nichols	Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, City Clerk Laurie Scott, and Assistant City Clerk Sheri Gosselin.

APPROVAL OF MINUTES:

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

- Council Briefing held on January 21, 2020
- Regular Council Meeting held on January 21, 2020

ANNOUNCEMENTS:

Ms. Golding reported Beaches Watch would hold its annual State of the Beaches meeting on February 5, 2020, at the Beaches Branch Library community room at 7:00 P.M. The Mayors of Atlantic Beach, Neptune Beach and Mayor Latham would attend to discuss accomplishments in 2019 and plans for 2020.

Ms. Dumont stated she participated in the Point-in-Time Count, which recorded the homeless population at the beach. She said 53 people had been at the cold night shelter. On January 24, 2020, she attended a cybersecurity conference hosted by the Florida League of Cities. She reported the Community Vision sessions were ongoing, and more would be added if more people wished to participate. She announced the City hired Jacob Board, Communications Manager, to better inform residents.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors.

- Ron Taylor, 360 13th Avenue North, spoke about the party culture of the city and the need for a more family-oriented atmosphere. He suggested a Public Safety Commission.
- Lisa Brown, 1115 2nd Street South, discussed the "never-ending" construction on 2nd Street between 11th Avenue South and 13th Avenue South.

- Savannah Taylor, 360 13th Avenue North, spoke about "accountability and culture" at the beach.
- Ken Marsh, 2011 Gail Avenue, talked about the city improving engagement with citizens.
- Casey Jones, 13150 Yamasi Trail, Jacksonville, Florida Sea Turtle Watch, reminded everyone sea turtle season would begin in 87 days and discussed what was being done to address the challenges they faced.

MAYOR AND CITY COUNCIL:

Item #20-017 - Discuss City Manager's Annual Performance Evaluation
Mayor Latham stated Council had gone through a detailed process and discussed the results at their briefing earlier.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve a 6% increase in the City Manager's annual base salary, effective January 28, 2020, in accordance with Section 7B of the City Manager's employment agreement.

Discussion:
Ms. Golding explained the first 3% of the increase was related to the 3% adjustment granted to all staff after the pay study. The additional 3% was for merit.

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

CITY CLERK: None

CITY MANAGER:

Item #20-018 – Approve the Purchase of Replacement Workstations for the Police Department Communications Center

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the purchase of replacement workstations for the Police Department Communication Center as described in the January 17, 2020 memorandum from Police Chief Gene Paul N. Smith to City Manager Michael J. Staffopoulos.

Mr. Staffopoulos said this would replace 17-year-old furniture in the Communication Center. He noted they would receive $30,000 in matching funds from the City of Jacksonville.

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

Item #20-019 – Approve an Amount Not to Exceed $2,915,000 to Burns & McDonnell for the Lump Sum Contract Price for All Remaining Engineering Services, Procurement of All Remaining Materials, and Construction for the Design-

Build Contract for Sampson Substation Autotransformer No. 2 Replacement Project.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve an amount not to exceed $2,915,000 to Burns & McDonnell for the lump sum contract price for all remaining activities associated with the design-build contract for Sampson Substation Autotransformer No. 2 Replacement Project.

Mr. Staffopoulos stated this was phase 2 of the project. The total project cost was $2.9 million to replace the substation transformer.

Beaches Energy Director Alan Putnam stated the transformer was 40 years old. The project included a new transformer and building a new foundation to relocate the old transformer to keep as a spare.

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

RESOLUTIONS:

Item #20-020 – RESOLUTION NO. 2048-2020 (Continued from January 21, 2020, City Council meeting)

Mayor Latham requested the City Clerk read Resolution No. 2048-2020 by title only, whereupon Ms. Scott read the following:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE."

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Resolution No. 2048-2020, establishing and adopting a Code of Ethics for Public Officials for the City of Jacksonville Beach.

Mr. Staffopoulos reported changes pursuant to the Council's comments on January 21, 2020, had been incorporated.

Discussion:
Ms. Golding asked the Code of Ethics to be posted on the city's website. She also wanted all signatories to be provided with a copy of the Workplace Violence and Sexual Harassment Policy referenced in Section P.

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

ORDINANCES:
Item #20-021 – ORDINANCE NO. 2020-8131 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8131 by title only, whereupon Ms. Scott read the following:

> **"AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-41 AND ARTICLE VIII, DIVISION 2, SECTION 34-392 OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE FEMALE CHICKENS, AND AMENDING THE SITE DEVELOPMENT STANDARDS ACCESSORY USES AND STRUCTURES TO PERMIT FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS, ADDING CATS, DOGS, HAMSTERS AND BIRDS AS EXAMPLE HOUSEHOLD PETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND OFFICIAL ACTS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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. 2020-8131.

The following spoke in opposition to the agenda item:

- Tina Strong, 1244 12th Street North, Jacksonville Beach
- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach

The following supported the item but did not wish to address Council:

- Alexis Gamel, 1302 18th Avenue, Jacksonville Beach
- Katrina Lane, 603 16th Street North, Jacksonville Beach
- Lindsay Haga, 501 2nd Street South, 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 Jim Sorrell after the January 21, 2020, Council meeting, and he was opposed to the item.

Mr. Doherty stated he spoke with Jim Sorrell prior to this meeting.

Ms. Golding stated she spoke with Alexis Gamel, Katrina Lane, and Lindsay Haga after the January 21, 2020, Council meeting, and they supported the item.

Mr. Nichols, Ms. Dumont, Mr. Vogelsang, and Ms. Hoffman stated they had no ex parte communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8131 to amend Section 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

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, Staffs report, the recommendation of the Planning Commission and the public input at all hearings."

Motion: It was moved by Ms. Dumont to table the item to a future meeting.

Ms. Dumont wanted the City Attorney to include language that this ordinance could be revoked at any time, and no permit holders could be grandfathered in. She also wanted to consider specifying a minimum lot size.

The Motion died for lack of a second.

Motion: It was moved by Mr. Vogelsang to limit the number of hens to three per property.

The Motion died for lack of a second.

Mr. Doherty thought the other beach communities had this type of ordinance and had not suffered problems. He felt it was unfair to penalize people on small lots by limiting their ability to have hens.

Senior Planner Heather Ireland answered a question from Ms. Golding and explained the enforcement process for violations of this ordinance.

Ms. Golding spoke with Atlantic Beach and Neptune Beach officials, who were experiencing no issues since adopting similar ordinances.

Mr. Nichols noted the ordinance included the following limitations: a minimum lot size of 5,000 square feet; single-family homes only in RS-1, RS-2 and RS-3 zoning districts.

Mayor Latham said he opposed this because of the noise and smell it could inflict upon neighbors.

Roll Call Vote: Ayes – Nichols, Vogelsang, Doherty, Golding, Hoffman
Nays - Dumont, Mayor Latham
The motion passed 5-2.

Item #20-022 - ORDINANCE NO. 2020-8132 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8132 by title only, whereupon Ms. Scott read the following:

> **"AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE."**

Public Hearing:
The following spoke in opposition to the agenda item:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8132, to amend Chapter 5. Animals and Fowl, of the City Code of

Ordinances, creating a new Subsection related to regulating the keeping of hens as household pets on residential property.

Discussion:
Ms. Golding stated this ordinance was based on those in Atlantic Beach, Neptune Beach, and Jacksonville and the setbacks were the same.

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

Item #20-023 ORDINANCE NO. 2019-8117 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8117 by title only, whereupon Ms. Scott read the following:

"AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VIII. SITE DEVELOPMENT STANDARDS DIVISION 4. SIGN STANDARDS TO PERMIT AND PROVIDE STANDARDS FOR OFF-SITE EMERGENCY WAYFINDING SIGNS FOR EMERGENCY SERVICES ONLY, FOR THE INCORPORATED AREA OF THE CITY, AND TO PROVIDE FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. "

Mayor Latham asked the City Attorney to introduce the ordinance. Mr. Ambrosio stated he had provided a legal memorandum to Council members as a supplement explaining his reasons for advising them to deny this ordinance.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to deny Ordinance No. 2019-8117, based on the legal analysis of the proposed Land Development Code text amendment contained in the City Attorney's memorandum to the City Manager dated January 16, 2020.

Public Hearing:
The following spoke in support of the agenda item:

- Gene Filbert, 3631 Paradise Way, Jacksonville Beach
- Sonny Bhikha, 2656 Tartus Drive, Jacksonville
- Joseph Mitrick, Baptist Medical Center Beaches President, 1350 13th Avenue South, Jacksonville Beach
- Jeff Smowton, 12910 Littleton Bend Road, Jacksonville
- Lori Caudle, 2321 Old Pine Trail, Fleming Island

- Ernie Bono, 377 Vista Lake Circle, Ponte Vedra
- Brian Mickley, 148 Natures Isle Drive, Ponte Vedra Beach
- Zach Miller, 841 Prudential Drive, Jacksonville
- Jay Farhat, 1350 13th Avenue South, Jacksonville Beach
- Nancy Ann Kern, 3409 1st Street South, Jacksonville Beach
- Janice Kiernan, 16 Sailfish Drive, Ponte Vedra
- Pat Wilson, 121 Lamplighter Lane, Ponte Vedra

The following spoke in opposition to the agenda item:

- Tracey Arpen, 8338 Daffin Lane, Jacksonville

The following supported the item but did not wish to address Council:

- Barbara Prettyman, 1825 8th Street North, Jacksonville Beach
- Ginger Filbert, 3631 Paradise Way, Jacksonville Beach
- Rita Bono, 377 Vista Lake Circle, Ponte Vedra
- Patricia Cagnassola, 2032 Vela Nutre Circle, Atlantic Beach
- Joan Lipp, 1830 Sevilla Boulevard, Atlantic Beach
- Barbara Lynn, 1621 Bentin Drive South, Jacksonville Beach
- Lucy Stewart, 121 33rd Avenue South, Jacksonville Beach
- Suzanne Maltz, 9632 Deer Run Drive, Ponte Vedra Beach
- Gary Tiller, 416 16th Street, St. Augustine
- Carol Hasselblad, 3534 Bay Colony Circle, Jacksonville Beach
- Vic Hasselblad, 3534 Bay Colony Circle, Jacksonville Beach
- Elizabeth Redick, 1405 5th Street North, Jacksonville Beach

Mayor Latham closed the public hearing.

Discussion:
Ms. Dumont acknowledged finding the hospital could be difficult but noted this was a commercial entity, and there would be ramifications for other businesses in the city. She recalled discussions on the Planning Commission regarding content-neutral signage. Ms. Dumont said this ordinance was not the right way to address this.

Mr. Ambrosio stated the Council was concerned about helping people find the hospital, but he could not support the proposed ordinance because it was not constitutionally valid. He said they were continuing to work on a solution.

Mr. Doherty agreed there were issues with non-local people finding the hospital but agreed the proposed ordinance, as written, could set an undesirable precedent. He confirmed their commitment to addressing the issue.

Mr. Nichols, Ms. Hoffman, and Ms. Golding agreed with Council and Mr. Ambrosio's comments.

Mayor Latham reminded everyone making the wrong decision could have negative impacts on the city and taxpayers. Mayor Latham stated he asked Mr. Staffopoulos and Mr. Ambrosio to make this a priority.

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

ADJOURNMENT:
There being no further business, the meeting adjourned at 8:46 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

_____
William C. Latham, MAYOR

Date: _____

DRAFT

JACKSONVILLE BEACH

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 January 2020
DATE: February 13, 2020

Summary

The Summary Budget Reports show the cumulative actual revenues and expenditures 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. These financial reports are prepared on a cash basis.

Exhibit 1 - General Fund Revenues

General Fund revenues are slightly ahead of last year on a percentage of budget basis. We received the annual ad valorem tax distributions in December, bringing the tax revenue-to-date to 72.72% of the annual budget. Growth in license and permit revenue reflects increased building permit activity including projects such as Whole Foods, Springhill Suites, and the Pier reconstruction.

Miscellaneous revenues in the General Fund include interest on pooled investments, auction proceeds, facility rental fees, tennis fees, and cemetery lots purchased.

Exhibit 2 - General Fund Expenditures

General Fund Expenditures are slightly ahead of prior year expenditures on a percentage of budget basis. Total year to date expenditures in the General Fund are under budget by 4.38%. Fire Department expenditures are higher than budgeted because of sick and vacation accrued leave payouts made to personnel as part of the Fire Services Agreement with the City of Jacksonville.

Exhibit 3 - Enterprise Fund Revenues

Enterprise Fund Revenues are 3.35% lower than the prior year revenues on a percentage of budget basis. Total year to date Enterprise Fund Revenues are 2.19% under amounts budgeted. The bulk power cost portion of the electric rate was suspended in October. Additionally, electric rates dropped by $1 per 1,000kwh in November, reducing overall Electric revenues. The Golf Course year-to-year variance is a result of the course closing for renovations from January to November 2018.

Exhibit 4 - Enterprise Fund Expenditures

Total expenditures in the Enterprise Funds are 12.23% under budget for the current year. The year over year decrease in Electric expenses is due to lower power costs from the City's provider FMPA. Water & Sewer expenses were higher in the prior year primarily due to capital projects. The Sanitation Fund purchased a new street sweeper in the current year for $213,891 attributing to the variance from the prior year.

Exhibit 5 – Special Revenue Fund Revenues

Revenues in the Special Revenue Funds are 15.24% ahead of last year on a percentage basis. We received the annual tax increment distributions in December bringing 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 but 5.88% higher than last year on a percentage of budget basis. The Infrastructure Surtax debt was retired in March 2019, reducing the overall budget and expenditures in this fund for the current year. For the Tax Increment Funds, the year-to-year variance is due to the timing of capital project expenditures. Community Development Block Grant Fund expenditures will be reimbursed by grant funding.

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.
- Revenues in the Leased Facilities Fund are less than expenses, due mostly to annual technology maintenance charges that are paid at the beginning of the fiscal year.

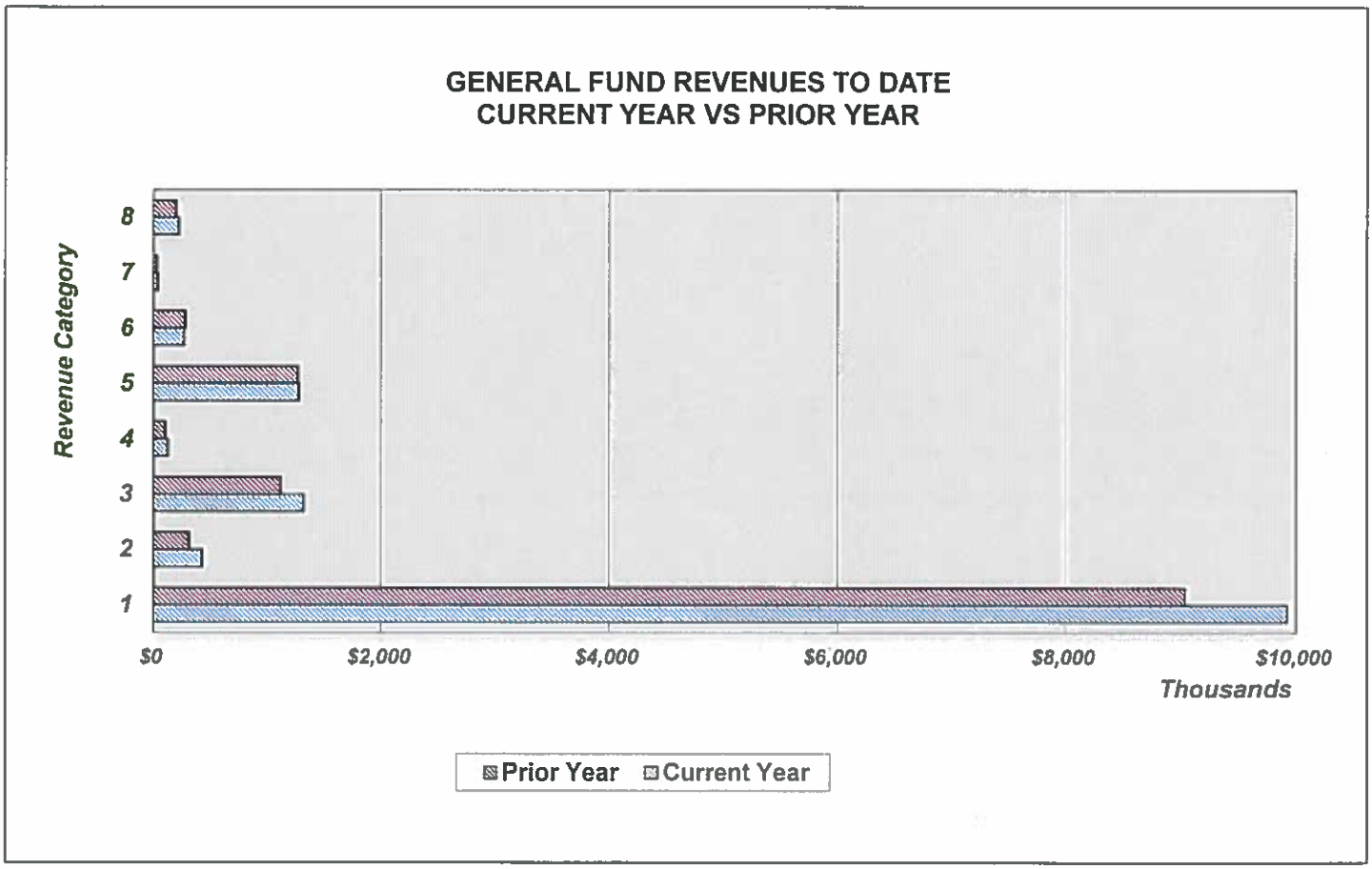
Requested Action

Accept/Reject the financial reports for the month of January 2020, as submitted by the Chief Financial Officer.

Summary Budget Revenue Report
January 31, 2020
(33.70% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

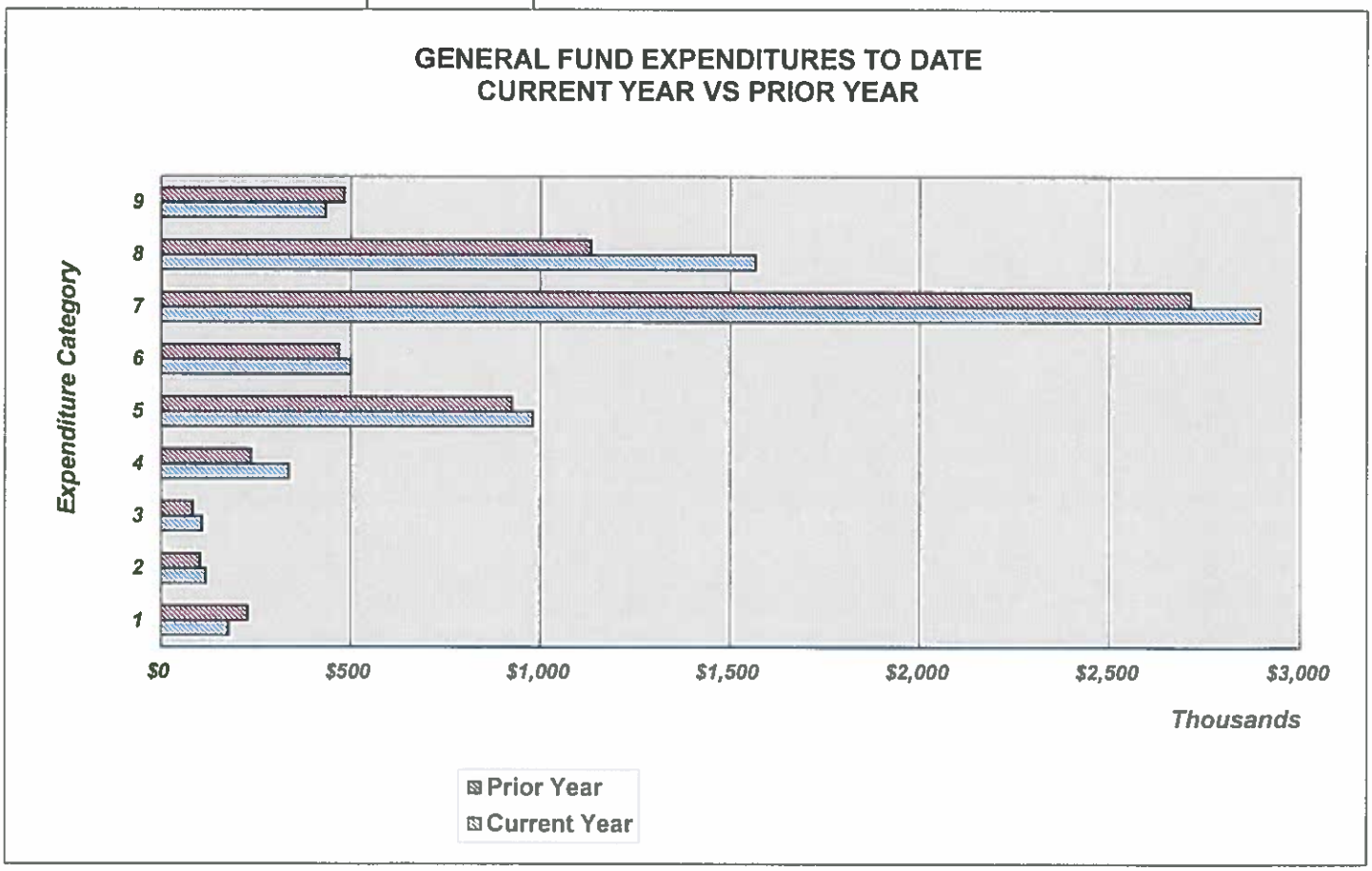
	Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	$ Variance (Current Year Less Prior Year)
1	Taxes	9,918,264	72.72%	9,052,888	73.82%	-1.10%	865,377
2	Licenses & Permits	430,257	71.72%	312,119	52.40%	19.33%	118,138
3	Intergovernmental Revenue	1,324,299	29.56%	1,120,669	26.47%	3.09%	203,629
4	Charges for Services	125,437	31.44%	104,836	26.95%	4.49%	20,601
5	Enterprise Contributions	1,279,107	33.33%	1,271,040	33.33%	0.00%	8,066
6	Miscellaneous Revenue	271,144	68.21%	279,988	67.55%	0.66%	(8,845)
7	Fines & Forfeitures	39,090	24.36%	31,187	18.29%	6.06%	7,904
8	Interfund Transfers	226,485	44.06%	202,948	39.79%	4.27%	23,538
	Total Revenues	**$ 13,614,083**	**56.66%**	**$ 12,375,675**	**55.27%**	**1.39%**	**$ 1,238,408**



Summary Budget Expenditure Report
January 31, 2020
(33.70% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

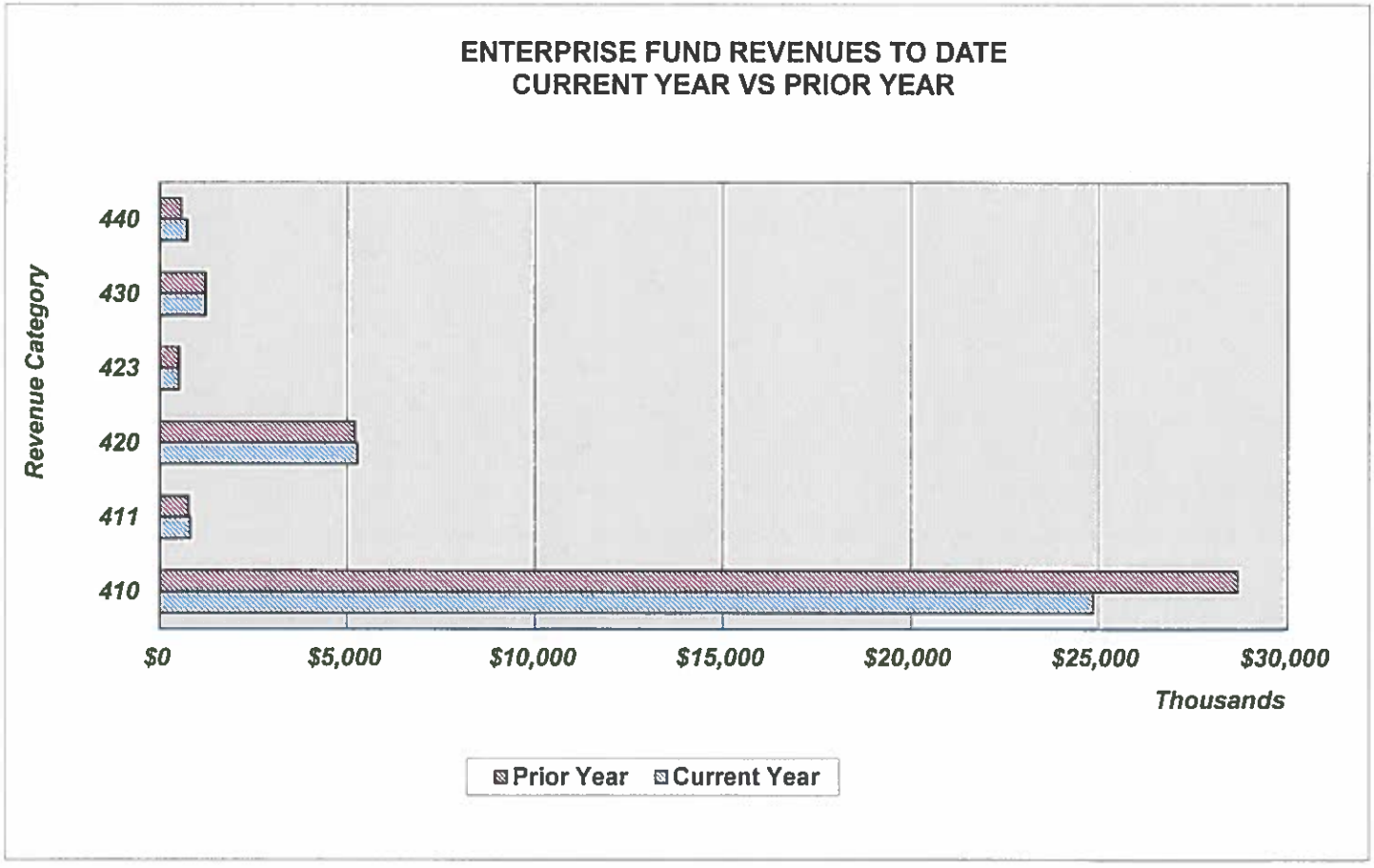
	Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	$ Variance (Current Year Less Prior Year)
1	City Administration	178,649	34.64%	228,934	45.73%	-11.08%	(50,284)
2	City Clerk	118,860	30.53%	103,340	29.86%	0.67%	15,520
3	Building Maintenance	109,292	25.25%	84,882	20.96%	4.29%	24,409
4	Planning and Development	336,808	32.89%	238,208	26.19%	6.70%	98,600
5	Recreation and Parks	979,965	27.97%	924,956	26.44%	1.53%	55,009
6	Public Works	500,681	28.71%	470,321	28.50%	0.20%	30,360
7	Police	2,894,852	28.97%	2,712,892	28.69%	0.28%	181,960
8	Fire	1,566,531	33.75%	1,132,859	26.87%	6.88%	433,672
9	Non-Departmental	433,500	21.30%	483,048	28.84%	-7.54%	(49,548)
	Total Expenditures	**$ 7,119,138**	**29.32%**	**$ 6,379,440**	**28.16%**	**1.16%**	**$ 739,698**



Summary Budget Revenue Report
January 31, 2020
(33.70% 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	24,849,416	30.26%	28,702,763	34.19%	-3.93%	(3,853,347)
411	NATURAL GAS	829,168	34.47%	783,133	35.08%	-0.60%	46,035
420	WATER & SEWER	5,272,511	35.86%	5,207,465	38.28%	-2.43%	65,046
423	STORMWATER	521,452	35.88%	527,247	37.73%	-1.86%	(5,795)
430	SANITATION	1,226,300	34.89%	1,224,663	35.02%	-0.12%	1,637
440	GOLF COURSE	744,265	38.42%	580,655	37.83%	0.59%	163,610
	TOTAL REVENUES	$ 33,443,112	31.51%	$ 37,025,924	34.86%	-3.35%	$ (3,582,813)

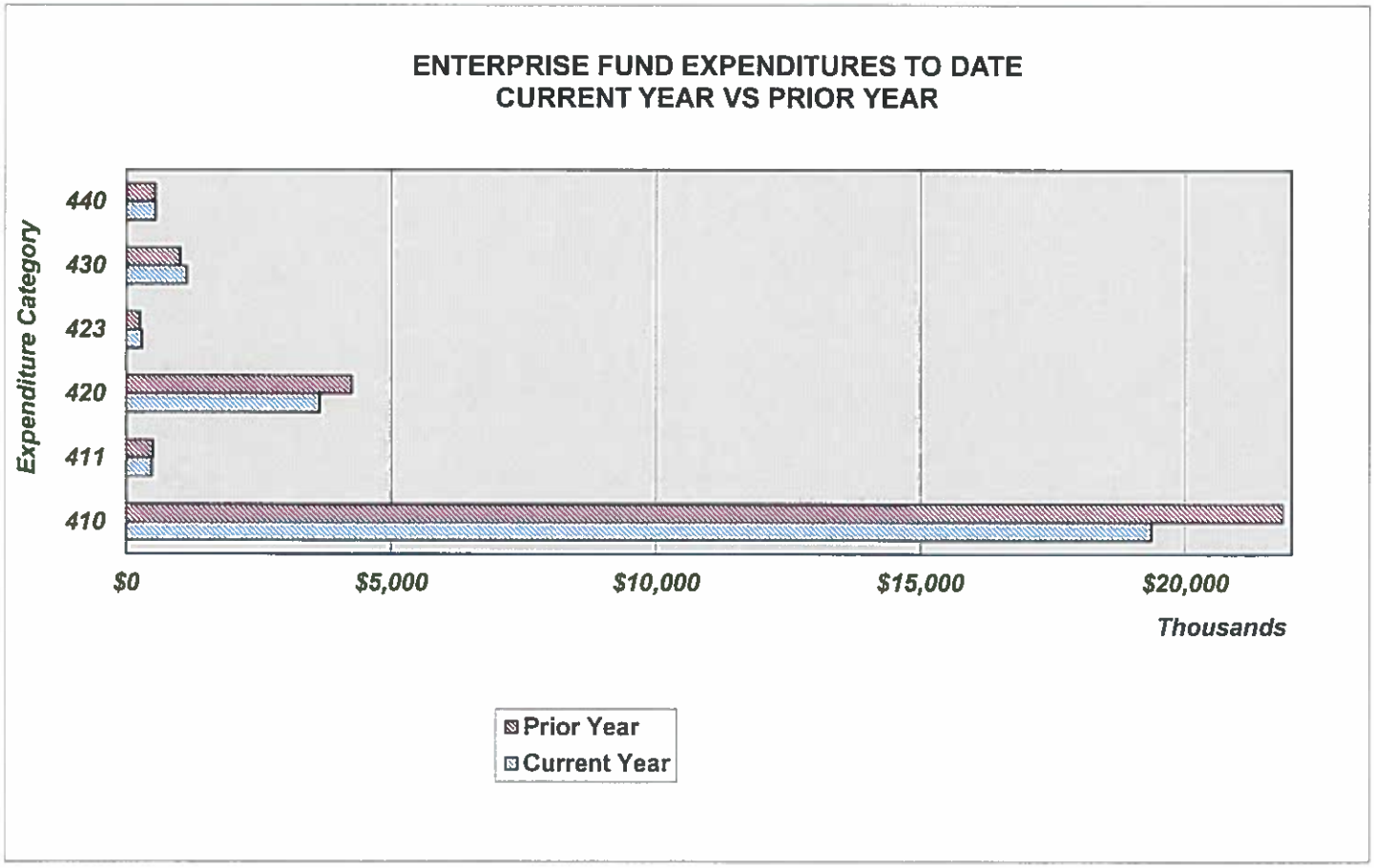


JACKSONVILLE BEACH

Summary Budget Expenditure Report
January 31, 2020
(33.70% 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	19,361,396	20.94%	21,842,226	22.49%	-1.55%	(2,480,829)
411	NATURAL GAS	484,112	23.42%	507,876	25.84%	-2.43%	(23,764)
420	WATER & SEWER	3,641,590	23.84%	4,250,429	27.44%	-3.60%	(608,838)
423	STORMWATER	305,694	11.95%	250,862	16.76%	-4.81%	54,832
430	SANITATION	1,151,568	26.29%	1,029,803	27.69%	-1.40%	121,765
440	GOLF COURSE	557,636	27.58%	551,309	37.99%	-10.41%	6,328
	TOTAL EXPENDITURES	$ 25,501,997	21.47%	$ 28,432,504	23.45%	-1.98%	$ (2,930,507)

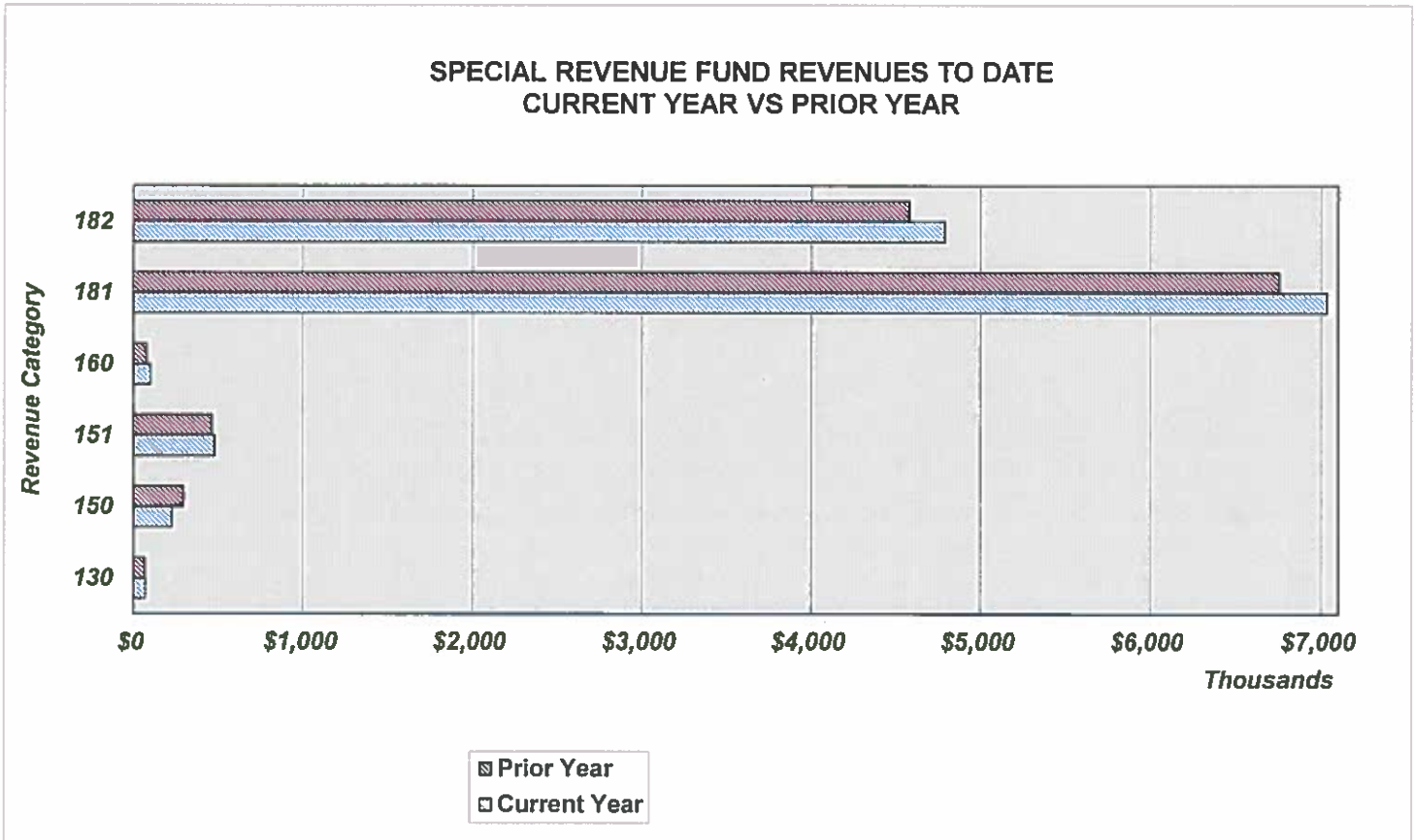


JACKSONVILLE BEACH

Summary Budget Revenue Report
January 31, 2020
(33.70% 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	71,390	17.96%	68,405	19.09%	-1.14%	2,985
150	LOCAL OPTION GAS TAX	227,508	27.64%	298,965	36.72%	-9.08%	(71,457)
151	INFRASTRUCTURE SURTAX	478,257	34.69%	465,251	34.11%	0.58%	13,005
160	COMMUNITY DEV. BLK. GRANT	102,485	74.26%	78,948	57.21%	17.06%	23,538
181	DOWNTOWN INCREMENT FUND	7,036,660	100.47%	6,761,686	101.25%	-0.78%	274,974
182	SOUTHEND INCREMENT FUND	4,787,453	191.23%	4,579,932	101.98%	89.25%	207,521
	TOTAL REVENUES	**$ 12,703,753**	**103.75%**	**$ 12,253,187**	**88.51%**	**15.24%**	**$ 450,566**

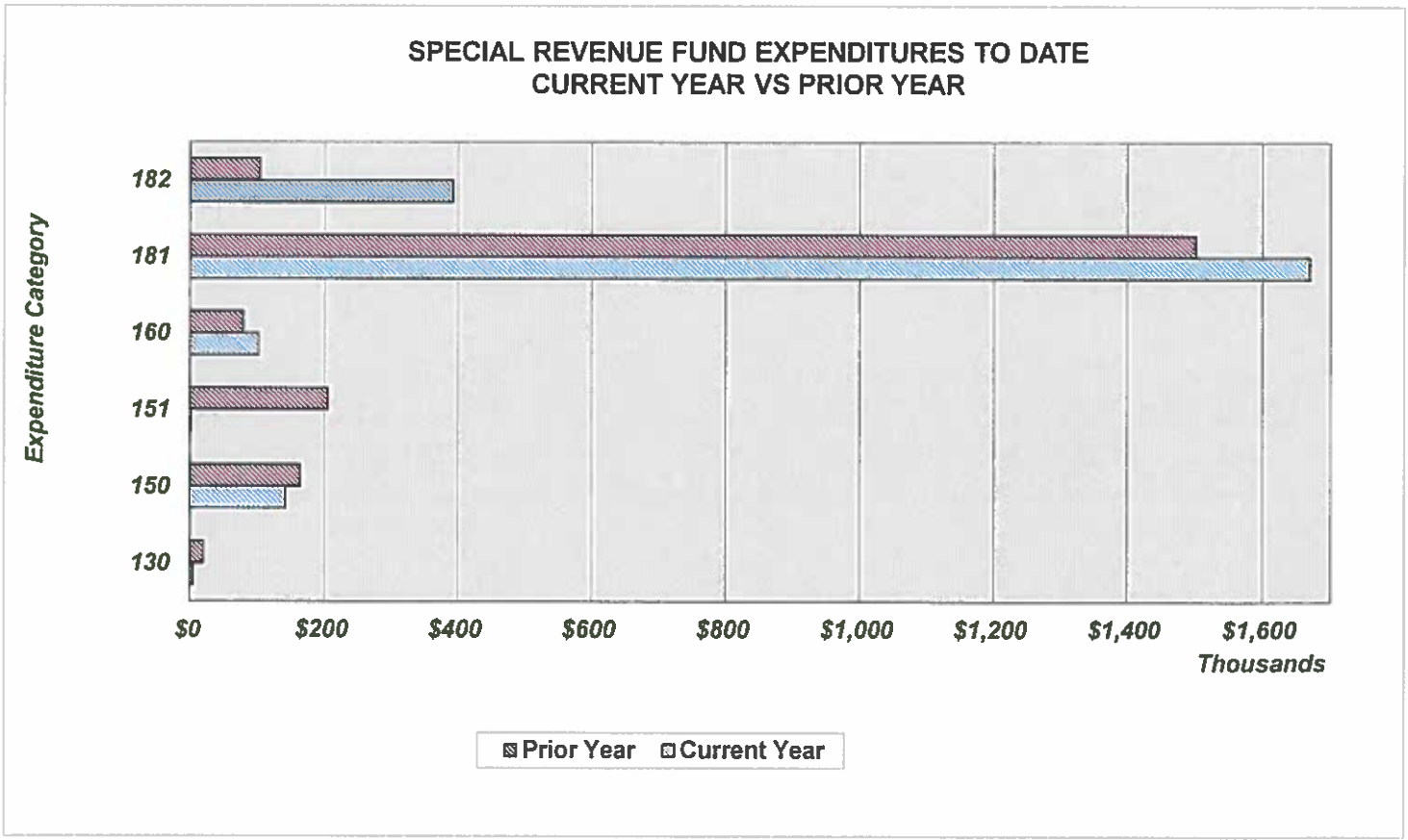


JACKSONVILLE BEACH

Summary Budget Expenditure Report
January 31, 2020
(33.70% 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	4,708	3.89%	20,163	7.37%	-3.48%	(15,455)
150	LOCAL OPTION GAS TAX	141,690	17.77%	163,978	20.54%	-2.77%	(22,288)
151	INFRASTRUCTURE SURTAX	1,615	0.49%	204,931	22.77%	-22.28%	(203,316)
160	COMMUNITY DEV. BLK. GRANT	102,485	72.17%	78,948	57.21%	14.96%	23,538
181	DOWNTOWN INCREMENT FUND	1,668,647	19.91%	1,501,029	12.01%	7.90%	167,617
182	SOUTHEND INCREMENT FUND	392,740	19.85%	104,165	24.81%	-4.96%	288,575
	TOTAL EXPENDITURES	$ 2,311,885	19.67%	$ 2,073,214	13.79%	5.88%	$ 238,671



JACKSONVILLE BEACH

Summary Budget Report
January 31, 2020
(33.70% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2020	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,027,407	8,096,907	13,614,083	5,517,176
130 Convention Development Tax	397,496	133,951	71,390	(62,561)
150 Local Option Gas Tax	823,223	277,415	227,508	(49,907)
151 Infrastructure Surtax	1,378,808	464,639	478,257	13,617
160 Community Dev. Blk. Grant	138,000	46,504	102,485	55,981
181 Downtown Increment Fund	7,003,700	2,360,151	7,036,660	4,676,509
182 Southend Increment Fund	2,503,537	843,658	4,787,453	3,943,795
410 Electric Utility	82,113,996	27,671,292	24,849,416	(2,821,876)
411 Natural Gas Utility	2,405,292	810,550	829,168	18,617
420 Water & Sewer Utility	14,705,017	4,955,389	5,272,511	317,122
423 Storm Water Management	1,453,505	489,811	521,452	31,641
430 Sanitation Fund	3,514,536	1,184,350	1,226,300	41,950
440 Golf Course Fund	1,937,261	652,830	744,265	91,435
460 Leased Facilities Fund	679,177	228,873	246,516	17,643
500 Internal Service Funds	13,268,599	4,471,336	4,249,003	(222,333)
Total Revenues	**$ 156,349,554**	**$ 52,687,658**	**$ 64,256,467**	**$ 11,568,809**

Fund Name	Budgeted Expenditures Fiscal Year 2020	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,278,365	8,181,477	7,119,138	1,062,339
130 Convention Development Tax	121,028	40,785	4,708	36,077
150 Local Option Gas Tax	797,306	268,681	141,690	126,991
151 Infrastructure Surtax	332,306	111,983	1,615	110,368
160 Community Dev. Blk. Grant	142,000	47,852	102,485	(54,633)
181 Downtown Increment Fund	8,381,899	2,824,585	1,668,647	1,155,938
182 Southend Increment Fund	1,978,372	666,684	392,740	273,944
410 Electric Utility	92,474,819	31,162,747	19,361,396	11,801,351
411 Natural Gas Utility	2,067,336	696,664	484,112	212,552
420 Water & Sewer Utility	15,274,268	5,147,219	3,641,590	1,505,629
423 Storm Water Management	2,558,735	862,259	305,694	556,564
430 Sanitation Fund	4,381,001	1,476,337	1,151,568	324,770
440 Golf Course Fund	2,021,631	681,262	557,636	123,626
460 Leased Facilities Fund	964,178	324,915	259,974	64,940
500 Internal Service Funds	13,430,657	4,525,948	3,678,066	847,882
Total Expenditures	**$ 169,203,902**	**$ 57,019,397**	**$ 38,871,060**	**$ 18,148,337**

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	6,494,945	6,579,515
130 Convention Development Tax	66,682	(26,484)
150 Local Option Gas Tax	85,818	77,084
151 Infrastructure Surtax	476,642	123,985
160 Community Dev. Blk. Grant	-	1,348
181 Downtown Increment Fund	5,368,013	5,832,448
182 Southend Increment Fund	4,394,713	4,217,739
410 Electric Utility	5,488,020	8,979,475
411 Natural Gas Utility	345,055	231,169
420 Water & Sewer Utility	1,630,921	1,822,751
423 Storm Water Management	215,757	588,205
430 Sanitation Fund	74,732	366,719
440 Golf Course Fund	186,629	215,060
460 Leased Facilities Fund	(13,458)	82,584
500 Internal Service Funds	570,937	625,549
Total	**$ 25,385,407**	**$ 29,717,146**

JACKSONVILLE BEACH

Cash and Investments by Fund
January 31, 2020

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,148,000	3,148,000
TOTAL UTILITY FUNDS 410 and 420			**$3,148,000**
Salem Mutual Fund	Portfolio	50,540,461	50,540,461
Sawgrass Asset Management	Portfolio	26,801,531	26,801,531
Wells Capital	Portfolio	15,928,160	15,928,160
JPMCB - Strategic Property Fund	Portfolio	5,184,746	5,184,746
TOTAL PENSION FUNDS 611, 612 and 613			**$98,454,898**
TOTAL INVESTMENTS			**$101,602,898**
State Board of Administration	Pool	17,030,251	17,030,251
Florida Trust	Pool	18,991,226	18,991,226
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,477,803	12,477,803
Bank of America	Cash	36,128,730	36,128,730
Sawgrass Asset Management	Portfolio	43,425,033	43,425,033
Galliard Capital Management	Portfolio	39,937,165	39,937,165
Garcia Hamilton & Associates	Portfolio	40,232,053	40,232,053
Salem Trust: Goldman Sachs Treasury	MM	12,641	12,641
TOTAL EQUITY IN POOLED CASH			**$208,234,902**
Petty Cash	Cash	6,525	6,525
TOTAL CASH AND INVESTMENTS			**$309,844,325**

Attorney Fees Paid During the Month

NAME	DESCRIPTION	CHECK DATE	CHECK AMOUNT
Sugarman & Susskind, P.A	Monthly Retainer	01/07/20	2,193.72
Gray Robinson, P.A.	General Telecommunications Ordinance	01/23/20	1,237.50
Marks, Gray, PA	General Matters and Land Use Matters	01/23/20	17,100.50
Rogers Towers, P.A.	LIUNA Negotiations & Allen Segura Discharge	01/30/20	4,388.65
TOTAL ATTORNEY FEES			**$24,920.37**

JACKSONVILLE BEACH

Cash and Investments by Type
Fiscal Year to Date
January 31, 2020

Type of Investment	Beginning Balance 10/1/2019	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 1/31/2020	Weighted Net Return*
State Pooled Investment Fund	16,922,177	108,075	0	0	0	108,075	0	17,030,251	0.05%
Money Market: Goldman Sachs Treasury	11,103	1,852	0	0	(315)	1,538	0	12,641	0.00%
U.S. Treasury Stripped Coupons	3,129,238	0	0	0	0	0	18,762	3,148,000	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,397,619	80,184	0	0	0	80,184	0	12,477,803	0.04%
Sawgrass Asset Management	42,883,166	334,106	67,728	180,215	(40,182)	541,867	0	43,425,033	0.26%
Galliard Capital Management	39,449,933	315,843	73,127	121,274	(23,012)	487,232	(0)	39,937,165	0.23%
Garcia Hamilton & Associates	39,823,354	326,847	(0)	119,365	(37,513)	408,699	(0)	40,232,053	0.20%
Florida Trust	18,876,515	114,711	0	0	0	114,711	0	18,991,226	0.05%
Operating Cash: Bank of America	14,185,724	15,202	0	0	(37,397)	(22,195)	21,965,201	36,128,730	-0.02%
Petty Cash	6,525	0	0	0	0	0	0	6,525	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	**187,685,354**	**1,296,819**	**140,855**	**420,855**	**(138,419)**	**1,720,110**	**21,983,963**	**211,389,427**	**0.87%**
Pension Fund: Salem Mutual Fund	48,546,020	1,140,265	473,450	1,230,727	0	2,844,441	(850,000)	50,540,461	3.03%
Pension Fund: Sawgrass Asset Mgt	26,387,145	233,645	435,709	(213,372)	(41,596)	414,386	(0)	26,801,531	0.43%
Pension Fund: Wells Capital	14,330,608	30,368	263,007	1,347,942	(43,766)	1,597,552	0	15,928,160	1.80%
Pension Fund: JPMCB - Strategic Property Fund	5,081,052	0	0	103,694	0	103,694	0	5,184,746	0.11%
TOTAL PENSION INVESTMENTS	**94,344,824**	**1,404,278**	**1,172,166**	**2,468,991**	**(85,362)**	**4,960,073**	**(850,000)**	**98,454,898**	**5.28%**
TOTAL CASH AND INVESTMENTS	**$282,030,178**	**$2,701,097**	**$1,313,021**	**$2,889,846**	**($223,781)**	**$6,680,183**	**$21,133,964**	**$309,844,325**	

**Fiscal year to date*

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268
www.jacksonvillebeach.org

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Assignment and Assumption of Commercial Lease Agreement, and Landlord's Consent concerning Safe Harbor Restaurant.

DATE: February 13, 2020

BACKGROUND

The City of Jacksonville Beach (Landlord) and Benjamin Groshell and Chris Wooten d/b/a Safe Harbor Seafood Restaurant (Tenant) are parties to a Commercial Lease Agreement ("Lease") pertaining to the property located at 2510 2nd Avenue North, Jacksonville Beach (the "Premises"). The Premises are used for operations of the Safe Harbor Seafood (the "Restaurant").

Safe Harbor Seafood Restaurant, LLC ("Restaurant LLC") is a Florida limited liability company that at all times during the term of the Lease has operated the restaurant and is owned 50% by the Groshells, and 50% by the Wootens.

Restaurant LLC has recently filed an amendment to its Article of Organization with the Florida Department of State changing its company name from "Safe Harbor Seafood Restaurant, LLC" to "Dockside Seafood Restaurant, LLC."

Mr. Groshell and Mr. Wooten have requested the Landlord consent to this Assignment of Lease to the Restaurant LLC.

Following the assignment of the Lease by the Groshells and the Wootens to the Restaurant LLC, the Wootens would like the consent of the City to the assignment of its 50% membership interest in the Restaurant LLC to Let's Eat, LLC, a Florida limited liability company.

After the transfer by the Wootens of their 50% interest in Restaurant LLC to Let's Eat, LLC, the Restaurant LLC, which will then be owned 50% by the Groshells and 50% by Let's Eat, LLC, will continue to operate the Restaurant (but under its new name, Dockside Seafood Restaurant) and the Groshells, will continue to manage the day to day operations of the Restaurant.

REQUESTED ACTION

Approve/Disapprove the Assignment and Assumption of Commercial Lease Agreement between Benjamin Groshell and Chris Wooten and Safe Harbor Seafood Restaurant, LLC, and the Landlord's Consent between the City of Jacksonville Beach and Let's Eat, LLC.

ASSIGNMENT AND ASSUMPTION
OF COMMERCIAL LEASE AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF COMMERICAL LEASE AGREEMENT (this "Assignment") is made as of the _____ day of _____, 2020, by and between **BENJAMIN GROSHELL** and **CHRIS WOOTEN** (collectively, "Assignor"), and **DOCKSIDE SEAFOOD RESTAURANT, LLC**, a Florida limited liability company, and formerly known as Safe Harbor Seafood Restaurant, LLC ("Assignee").

A. The **CITY OF JACKSONVILLE BEACH**, as "Landlord", and Assignor, as "Tenant" entered into a certain Commercial Lease Agreement dated April 6, 2015, as amended by that certain First Amendment to Commercial Lease Agreement dated February 1, 2016 and as further amended by that certain Second Amendment to Commercial Lease Agreement dated November 1, 2019 (collectively, the "Lease"), for the lease of the Property located at 2510 2nd Ave. Jacksonville Beach, FL, as more fully described in the aforementioned Lease; and

B. Safe Harbor Seafood Restaurant, LLC ("Restaurant LLC") is a Florida limited liability company, that at all times during the term of the Lease has operated the restaurant located upon the Premises (the "Restaurant") and is owned fifty percent (50%) by Benjamin Groshell and Lisa Groshell, husband and wife (collectively, the "Groshells"), and fifty percent (50%) by Chris Wooten and Deanna Wooten, husband and wife (collectively, the "Wootens").

C. Restaurant LLC has recently filed an amendment to its Article of Organization with the Florida Department of State changing its company name from "Safe Harbor Seafood Restaurant, LLC" to "Dockside Seafood Restaurant, LLC."

D. The Assignor wishes to assign the Lease to Assignee, and Assignee wishes to accept and assume, all the right, title, interest and obligations of Assignor under the Lease; and

WHEREAS, the Landlord consents to assignment by Assignor to Assignee by affixing its signature below and such affirmation shall be deemed to satisfy the written consent pursuant to Section 2 of the Lease;

NOW, THEREFORE, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration paid by each to the other, the receipt and legal sufficiency of which are hereby acknowledged, Assignor and Assignee do hereby covenant and agree as follows:

1. Defined Terms. Capitalized terms used but not defined in this Assignment shall have the meanings set forth in the Lease.

2. Assignment. Assignor hereby assigns and transfers to Assignee all of Assignor's right, title and interest as "Tenant" in and to the Lease. As of the date hereof, Assignor shall have no further interest in or rights under the Lease.

3. Assumption. Assignee hereby accepts such assignment and assumes and agrees to perform all obligations under the Lease which accrue or become due from and after the date hereof.

4. Indemnity and Hold Harmless. Assignor hereby agrees to indemnify, defend and hold harmless Assignee from and against any and all claims, costs, damages, expenses and liabilities arising under the Lease prior to the date hereof. Assignee hereby agrees to indemnify, defend and hold harmless Assignor from and against any and all claims, costs, damages, expenses and liabilities arising under the Lease from and after the date hereof.

4. Release. The execution and delivery of this Agreement shall be deemed to release Assignor from any liability under the Lease arising from and after the date hereof.

5. Miscellaneous.

a. This Assignment constitutes the entire understanding between the parties hereto with respect to the subject matter contained herein, and there have been no oral agreements or promises which have not been set forth herein.

b. Except as expressly set forth in this Assignment, the Lease has not been further modified or amended, and the parties hereby ratify and confirm the Lease as amended. In the event of any conflict between the provisions of this Agreement and the provisions of the Lease, the provisions of this Agreement shall control. Otherwise, the terms and conditions of the Lease remain in full force and effect.

c. This Assignment may be executed in multiple counterparts, each of which, when taken together, shall constitute one and the same original instrument. Execution and delivery of this Assignment by electronic means (including, without limitation, facsimile transmission and transmission of a version of the document in Adobe Acrobat format by e-mail) shall serve to fully bind the party so executing and delivering such counterpart of this Assignment.

d. Assignor shall provide a copy of this Assignment to the "Landlord" under the Lease as required by Section 2 of the Lease.

(Signature Pages to Follow)

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals the day and year first above written.

WITNESSES:

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

ATTEST:

Sign: _____

Print: _____
City Clerk

ASSIGNOR:

_____
BENJAMIN GROSHELL
Date: _____

_____
CHRIS WOOTEN
Date: _____

ASSIGNEE:

DOCKSIDE SEAFOOD RESTAURANT, LLC, a Florida limited liability company, f/k/a Safe Harbor Seafood Restaurant, LLC

By: _____

Name: _____

Title: _____

Date: _____

LANDLORD:

CITY OF JACKSONVILLE BEACH

Sign: _____

Print: _____
Mayor

Date: _____

Sign: _____

Print: _____
City Manager

Date: _____

LANDLORD'S CONSENT TO
ASSIGNMENT OF MEMBERSHIP INTEREST

This LANDLORD'S CONSENT TO ASSIGNMENT OF MEMBERSHIP INTEREST ("Landlord's Consent") is executed as of the _____ day of _____, 2020, by CITY OF JACKSONVILLE BEACH ("Landlord").

A. The CITY OF JACKSONVILLE BEACH, as "Landlord", and BENJAMIN GROSHELL and CHRIS WOOTEN (collectively, the "Assignor"), as "Tenant" entered into a certain Commercial Lease Agreement dated April 6, 2015, as amended by that certain First Amendment to Commercial Lease Agreement dated February 1, 2016 and as further amended by that certain Second Amendment to Commercial Lease Agreement dated November 1, 2019, as assigned by the Assignor to DOCKSIDE SEAFOOD RESTAURANT, LLC, a Florida limited liability company, and formerly known as Safe Harbor Seafood Restaurant, LLC, by that certain Assignment and Assumption of Commercial Lease dated of even date herewith (collectively, the "Lease"), for the lease of the Property located at 2510 2nd Ave. Jacksonville Beach, FL, as more fully described in the aforementioned Lease; and

B. DOCKSIDE SEAFOOD RESTAURANT, LLC, formerly known as Safe Harbor Seafood Restaurant, LLC ("Restaurant LLC") is a Florida limited liability company, that at all times during the term of the Lease has operated the restaurant located upon the Premises (the "Restaurant") and is owned fifty percent (50%) by Benjamin Groshell and Lisa Groshell, husband and wife (collectively, the "Groshells"), and fifty percent (50%) by Chris Wooten and Deanna Wooten, husband and wife (collectively, the "Wootens").

C. Restaurant LLC has recently filed an amendment to its Article of Organization with the Florida Department of State changing its company name from "Safe Harbor Seafood Restaurant, LLC" to "Dockside Seafood Restaurant, LLC."

D. Following the assignment of the Lease by the Assignor to the Restaurant LLC, the Wootens would like the consent of the Landlord to the assignment of its fifty percent (50%) membership interest in the Restaurant LLC to Let's Eat, LLC, a Florida limited liability company.

F. After the transfer by the Wootens of their fifty percent (50%) interest in Restaurant LLC to Let's Eat, LLC, the Restaurant LLC, which will then be owned fifty percent (50%) by the Groshells and fifty percent (50%) by Let's Eat, LLC, will continue to operate the Restaurant (but under its new name, Dockside Seafood Restaurant) and the Groshells, will continue to manage the day to day operations of the Restaurant.

G. The transfer of the membership interest in Restaurant LLC requires the prior written consent of Landlord.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord hereby consents to the transfer of the Wootens fifty percent (50%) membership interest in Restaurant LLC to Let's Eat, LLC.

IN WITNESS WHEREOF, this Landlord's Consent has been executed by a duly authorized representative of Landlord as of the day and year first above written.

ATTEST:

Sign: _____

Print: _____

City Clerk

LANDLORD:

CITY OF JACKSONVILLE BEACH

Sign: _____

Print: _____

Mayor

Date: _____

Sign: _____

Print: _____

City Manager

Date: _____

JACKSONVILLE BEACH

Beaches Energy
Services
1460-A Shetter Ave
Jacksonville Beach
FL 32250
Phone: 904.247.6281

www.beachesenergy.com

BEACHES ENERGY SERVICES

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Allen Putnam, Director of Beaches Energy Services

SUBJECT: Bid No.1920-03, Light Poles and Luminaires

DATE: February 13, 2020

BACKGROUND

The City of Jacksonville Beach solicited bids from several vendors and received seven (7) bids for Bid No. 1920-03. This bid covers items stocked in the Storeroom for use by Beaches Energy Services for installation of new and maintenance of existing Light Poles and Luminaires (bid sheet shown below).

Item	1	2	3	4
JB No.	JB 00362	JB 01284	JB 00295	JB 00296
Anixter, Inc.	$1,622.00	$746.63	$165.25	$446.00
Alternate - Electric Supply Inc.	$1,620.00	$805.00	$167.00	$318.00
Electric Supply Inc. (Direct)	$1,460.00	$744.00	$156.00	$289.00
Gresco	$1,550.00	No bid	$171.80	$310.00
Stuart C. Irby	$1,572.00	No bid	$158.00	$431.00
Tri-State Utility	No bid	No bid	No bid	$599.00
Wesco Distribution	No bid	$764.00	$58.75	No bid
Low Price	$1,460.00	$744.00	$156.00	$289.00

The lowest bidder meeting specifications is Electric Supply Inc. Direct.

In the event the low bidder cannot meet the delivery schedule or the City's demand, the next qualified low bidder will be utilized.

Funds are budgeted in Beaches Energy Services' Operating Supplies and Capital Improvement Accounts.

REQUESTED ACTION

Award/Reject Bid Number 1920-03 for Light Poles and Luminaires to Electric Supply Inc. Direct, the lowest bidder meeting specifications.

JACKSONVILLE BEACH

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250

Phone: 904.247.6211
904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

THRU: Dennis W. Barron, Jr., Director of Public Works

FROM: Patrick Deighan, Streets General Supervisor

SUBJECT: Authorization to fund and purchase one new vehicle for the Sanitation Contract Coordinator Position for the Public Works Department, Streets/Sanitation Division

DATE: February 13, 2020

BACKGROUND

The Approved 2020 Business Plan and Budget included the approval of a new Sanitation Contract Coordinator position for the Streets/Sanitation Division. During the budgetary workup and approval, a new vehicle for this position was not part of the approved 2020 budget. Currently the new position is utilizing a vehicle dedicated to the Streets Division.

Authorizing the funding and purchase of a new vehicle for the position would allow the Streets Division to continue successfully responding, and completing its daily missions.

Funds for the new vehicle are available in the Sanitation 2020 Capital Outlay Budget due to the savings of the Elgin Street Sweeper purchase. The approved budget for the Elgin Street Sweeper was $290,000. The actual purchase price was $213,891, leaving $76,109 available in the Sanitation Capital Outlay Budget Fund.

The new vehicle to be purchased will utilize the terms, conditions and pricing from the current Florida Sheriffs Association Contract (FSA19-VEL27.0) (Item # 192), Ford, F-150 XL Super Cab 4x4, from Duval Ford LLC, at a cost of: **$29,387.00**. See attached quote.

Truck to be Purchased
2020 Ford F-150 4x4

REQUESTED ACTION

Approve/Disapprove the purchase of one new vehicle for the Sanitation Contract Coordinator from Duval Ford LLC, at a cost of: **$29,387.00,** utilizing the Florida Sheriffs Association Contract (FSA19-VEL27.0)

JACKSONVILLE BEACH PW

Prepared for:		Contract Holder	DATE:
JACKSONVILLE BEACH PW PAT DEIGHAN 904-247-6211 Deighan@jaxbchfl.net		*DUVAL FLEET* *Bambi Darr* *(Work) 904-381-6596* *(Fax) 904-387-6816* *Bambi.Darr@duvalfleet.com* *5203 Waterside Dr. Jax, FL 32210*	2/4/20
		PLEASE CONFIRM RECEIPT OF QUOTE VIA EMAIL	

I appreciate your interest and the opportunity to quote. Prices are published by the Florida Sheriff's Association/ Florida Association of Counties & Florida Fire Chiefs' Association Automotive Contract #FSA19-VEL27.0 chassis / FSA19-VEH17.0. (www.flsheriffs.org) If you have any questions regarding this quote please call! Vehicle will be ordered white exterior unless specified on purchase order.

Labor:	Code	Equipment	Price
0	SPEC 192	*2020 FORD F-150 1/2 TON XL SUPER CAB 4X4- X1E*	$ 25,067.00
0	99B	3.3L V6 ENGINE	NC
0	100A	EQUIPMENT GROUP: XL MODEL	NC
0	145	145" WHEELBASE 6.5' BED (SHORT BED)	NC
0	85A	POWER WINDOWS & DOOR LOCKS	NC
0	XL6	3.73 E-LOCKING AXLE	NC
0	67T	ELECTRIC TRAILER BRAKE CONTROLLER	$ 274.00
0	534	TRAILER TOW PACKAGE TO INCLUDE HARDWARE	$ 1,134.00
0	18B	BLACK PLATFORM RUNNING BOARDS	$ 249.00
0	942	DAYTIME RUNNING LIGHTS	$ 44.00
0	96W	SPRAY IN BEDLINER	$ 594.00
0	76R	REVERSE SENSING SYSTEM	$ 274.00
0	85H	BACKUP ALARM SYSTEM	$ 124.00
0	90B	ALUMINUM CROSSBED TOOBLOX BY WEATHER GUARD	$ 574.00
0	TINT	TINT TO INLCUDW FRONT WINDOW STRIP	$ 265.00
0	WT LC 2P	WEATHER TECH LASER CUT TWO PIECE MAT SET	$ 215.00
0	VV	VENT SHADES- FLANGE STYLE	$ 175.00
0	3K PATS	ADDITIONAL KEY WITH PATS TECHNOLOGY	$ 225.00
0	TAG	NEW CITY TAG	$ 125.00
0	TTO	TAG & TITLE PROCESSING AND HANDLING FEE	$ 48.00
0			
0	YZ	EXTERIOR: OXFORD WHITE	NC
0	AG	INTERIOR: GRAY VINYL 40/20/40	NC
0		VINYL FLOOR	NC
	VENDOR COMMENTS	PLEASE CLEARLY NOTATE ON YOUR PURCHASE ORDER WHERE DUVAL FORD IS TO SHIP YOUR VEHICLE, HOW THE VEHICLE IS TO BE TITLED, AND WHERE THE INVOICE IS TO BE MAILED.	
UNIT COST			$ 29,387.00
TOTAL QUANTITY	1	*TOTAL PURCHASE*	$ 29,387.00

JACKSONVILLE BEACH

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6219
Fax: 904.247.6117

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Dennis W. Barron, Jr., Director of Public Works

SUBJECT: Approve the Emergency Repair Authorization for the 6-Inch Sanitary Sewer Force Main located on Beach Boulevard near Hopson Road

DATE: February 13, 2020

BACKGROUND

The existing 6" PVC sanitary sewer force main services the development area on the south side of Beach Boulevard on Hopson Road. The main was installed in 2005, as part of an FDOT project at approximately eleven and a half (11.5) feet deep crossing south under Beach Boulevard and continuing east along the north side of Beach Boulevard.

Approximately January 14, 2020, a contractor was directional boring twin 2" interduct communication lines in FDOT right-of-way (ROW) along the north side of Beach Boulevard. This was part of a project spanning from the City Limits to A1A (3rd Street).

This project had been presented to FDOT for permitting and approval, but had never been sent to Public Works for same. The plans were sent to Comcast in August, but never sent to the City of Jacksonville Beach for design approval. The contractor did call one-call 811 and the line that was damaged was not marked correctly by the City. However, the directional bore path and depth of excavation on the plans we received after the damage was not being followed for their installation (approximately depth of five (5) feet and north of the sidewalk by five (5) feet, versus damage at a depth of eleven and a half (11.5) feet of depth at the edge of the sidewalk area). Staff is still in discussions with the contractor for determination and assignment of liability.

Due to the depth of excavation, dewatering required, and the impact of a FDOT owned storm piping directly above the damage site, the City Public Works did not have the ability, experience, or equipment needed to perform the repair themselves.

G & H Underground Construction, Inc. (G & H) has been performing this type of work for the City of Jacksonville Beach for the last 15-20 years. City staff was aware that G & H has an annual contract (RFB#PW2016-04) with the City of Saint Augustine to perform construction services for roadway, drainage and underground utilities. In order to expedite the emergency repairs to the sewer force main, Public Works staff members contacted G&H to obtain an estimate to perform the anticipated repairs on the damaged sewer force main. After visiting the site and familiarizing themselves with the information available from the City, G&H anticipated that the repairs could cost between $25,000 and $50,000 depending on conditions encountered when the force main was exposed and repaired.

REQUESTED ACTION

Approve/Disapprove the emergency repair of a 6" PVC sewer force main on the north side on Beach Boulevard near Hopson Road by G & H Underground Construction, Inc. at a cost of $41,273.24.

G&H Underground Construction, Inc

INVOICE

2200 N Ponce De Leon Blvd
St. Augustine, Fl. 32084
Phone 904-829-8199 Fax 904-810-0531

DATE: January 30, 2020
INVOICE # 458
FOR: *City of Jacksonville Beach*

Bill To:

City of Jacksonville Beach
Purshasing and Procurement Division
1460 Shetter Ave
Jacksonville Beach, Fl. 32250

DESCRIPTION	AMOUNT
Emergency Water Main Break Repair	
Labor and Equipment- 1/14/20	$2,960
Labor, Equipment, and Materials- 1/15/20	$7,564.07
Labor, Equipment, and Materials 1/16/20	$8,309.93
Equipment and Materials - 1/17/20	$880.00
Shoring and Idol Equipment - 1/18/20	$640.00
Shoring and Idol Equipment - 1/19/20	$640.00
Shoring and Idol Equipment - 1/20/20	$640.00
Shoring and Idol Equipment - 1/21/20	$640.00
Labor and Equipemt - 1/22/20	$6,837.50
Labor, Equipment, and Materials - 1/23/20	$7,301.74
ECS Florida LLC - Testing	$1,500.00
SRM- Concrete	$860.00
Misc Charges	$2,500.00
Please see the attached spreadsheets for daily cost and breakdown.	
TOTAL	**$ 41,273.24**

Make all checks payable to **G&H Underground Construction, Inc**
If you have any questions concerning this invoice, contact Nour office.

THANK YOU FOR YOUR BUSINESS!

ITEM NO	COJB. Emergency Water Main DESCRIPTION	QTY	UNIT MEAS	UNIT COST	MATERIAL	TOTAL
	Tuesday, 01.14.2020					
1	THREE MAN CREW WITH FRONT-END BACKHOE (CAT 420 OR EQUAL), 3" DIAPHRAGM PUMP WITH HOSE	8	HR	$330.00	$2,640.00	
5	DUMP TRUCK 14 YARD W / OPERATOR	4	HR	$80.00	$320.00	$2,960.00
	Wednesday, 01.15.2020					
1	THREE MAN CREW WITH FRONT-END BACKHOE (CAT 420 OR EQUAL), 3" DIAPHRAGM PUMP WITH HOSE	8	HR	$330.00	$2,640.00	
2	SKILLED WORKERS (5)	40	HR	$48.00	$1,920.00	
11	FRONT END LOADER (CAT 928 OR EQUAL) W / OPERATOR	8	HR	$125.00	$1,000.00	
7	DEATERING (LARGE) SYSTEM W / OPERATOR	8	HR	$75.00	$600.00	
3	SHORING EQUIPMENT	8	HR	$60.00	$480.00	
4	DUMP TRUCK 14 YARD W / OPERATOR	8	HR	$80.00	$640.00	$7,280.00
	Materials				$284.07	$284.07
	Thursday, 01.16.2020					
1	THREE MAN CREW WITH FRONT-END BACKHOE (CAT 420 OR EQUAL), 3" DIAPHRAGM PUMP WITH HOSE	8	HR	$330.00	$2,640.00	
2	SKILLED WORKERS (5)	40	HR	$48.00	$1,920.00	
11	FRONT END LOADER (CAT 928 OR EQUAL) W / OPERATOR	8	HR	$125.00	$1,000.00	
7	DEATERING (LARGE) SYSTEM W / OPERATOR	8	HR	$75.00	$600.00	
3	SHORING EQUIPMENT	8	HR	$60.00	$480.00	
4	DUMP TRUCK 14 YARD W / OPERATOR	8	HR	$80.00	$640.00	$7,280.00
	Materials				$1,029.93	$1,029.93

	Friday, 01.17.2020						
	SHORING EQUIPMENT	8	HR	$60.00	$480.00		
	IDLE EQUIPMENT	8	HR	$50.00	$400.00		$880.00
	Saturday, 01.18.20						
3	SHORING EQUIPMENT	4	HR	$60.00	$240.00		
	IDLE EQUIPMENT	8	HR	$50.00	$400.00		$640.00
	Sunday, 01.19.20						
3	SHORING EQUIPMENT	4	HR	$60.00	$240.00		
	IDLE EQUIPMENT	8	HR	$50.00	$400.00		$640.00
	Monday, 01.20.20						
3	SHORING EQUIPMENT	4	HR	$60.00	$240.00		
	IDLE EQUIPMENT	8	HR	$50.00	$400.00		$640.00
	Tuesday, 01.21.20						
3	SHORING EQUIPMENT	4	HR	$60.00	$240.00		
	IDLE EQUIPMENT	8	HR	$50.00	$400.00		$640.00
	Wednesday, 01.22.2020						
1	THREE MAN CREW WITH FRONT-END BACKHOE (CAT 420 OR EQUAL), 3" DIAPHRAGM PUMP WITH HOSE	8	HR	$330.00	$2,640.00		
5	DUMP TRUCK 14 YARD W / OPERATOR	8.5	HR	$70.00	$595.00		
2	SKILLED WORKERS (2)	18	HR	$70.00	$1,260.00		
11	FRONT END LOADER (CAT 928 OR EQUAL) W / OPERATOR	9.5	HR	$125.00	$1,187.50		
7	DEATERING (LARGE) SYSTEM W / OPERATOR	9	HR	$75.00	$675.00		
3	SHORING EQUIPMENT	8	HR	$60.00	$480.00		$6,837.50

	Thursday, 01.23.2020						
1	THREE MAN CREW WITH FRONT-END BACKHOE (CAT 420 OR EQUAL), 3" DIAPHRAGM PUMP WITH HOSE	8	HR	$330.00	$2,640.00		
5	DUMP TRUCK 14 YARD W / OPERATOR	9	HR	$70.00	$630.00		
2	SKILLED WORKERS (2)	19	HR	$70.00	$1,330.00		
11	FRONT END LOADER (CAT 928 OR EQUAL) W / OPERATOR	9	HR	$125.00	$1,125.00		
7	DEATERING (LARGE) SYSTEM W / OPERATOR	9	HR	$75.00	$675.00		
3	SHORING EQUIPMENT	8	HR	$60.00	$480.00		$6,880.00
	Materials				$421.74		$421.74
	ECS FLORIDA LLC - TESTING				$1,500.00		$1,500.00
	SRM - CONCRETE				$860.00		$860.00
	MISC CHARGES						$2,500.00
					TOTAL		**$41,273.24**

JACKSONVILLE BEACH

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: First Amendment to Agreement for Paid Parking Management Services and Resolution 2050-2020

DATE: February 13, 2020

BACKGROUND

In January 2019, the City selected SP Plus to administer an autonomous paid parking system through the use of kiosks with the only payment method being credit cards. The vendor's first season managing parking services began on March 15, 2019 and ended on October 20, 2019. City staff evaluated both the program and vendor's performance at the conclusion of year one and presented the information to the City Council in a briefing held on November 18, 2019.

Highlights from the first year of the program include:

- ✓ 60% increase in paid parking revenues
- ✓ Revenues of approximately $73,000 from parking violations
- ✓ Clear peaks in usage documented in April through July
- ✓ No issues with patrons using automated kiosk systems

Based on the vendor's positive performance in the first year of operation, staff recommends that the agreement be extended for a second year. The proposed amendment and resolution extends the contract and makes the following modifications in advance of the 2020 paid parking season:

- Extends the term for an additional/second service period from March 13, 2020 through November 1, 2020
- Provides the option to extend the agreement for up to an additional two years through 2022.
- Keeps the parking rates for customers the same as the prior year

PARKING FEE SCHEDULE	
Less than 2 hours	$3.00
Over 2 hours	Additional $1.00 per hour up to max parking rate ($7.00)
Max Parking Rate	$7.00 All day parking
Holiday/Special Event Rate	$12.00

- Sets the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special event days when calculating the reimbursement to the Contractor
- Grants authority to SP Plus to collect parking citations on the City's behalf and send past due parking citations to a collection agency
- Allows SP PLUS to charge an administrative fee of ten dollars ($10.00) per citation for these collection services
- Establishes and identifies the cost share arrangements for citations collections
    - Example: Distribution of a $42 violation collected by SP Plus

	DISTRIBUTION		TOTAL
	Contractor	City	AMOUNT
Parking Fee	$7.00	-	$7.00
Parking Violation Fee	-	$25.00	$25.00
Administrative Fee	$10.00	-	$10.00
TOTAL	**$17.00**	**$25.00**	**$42.00**

    - Example: Distribution of a $42 violation collected by Third Party Collection Agency

THIRD PARTY COLLECTION EFFORTS	AMOUNT
38% of violation ($42) retained by Collection Agency	$15.96
40% of remaining funds ($42-$15.96) disbursed to CONTRACTOR	$10.42
60% of remaining funds ($42-$15.96) disbursed to CITY	$15.62
TOTAL	**$42.00**

In addition to this contract amendment and resolution, City staff is also working on revisions to the City Code of Ordinances that will codify the elements and objectives of the paid parking program and the Services Agreement as amended. These changes will be submitted to Council in a future agenda.

REQUESTED ACTION

1. **Approve/Disapprove** First Amendment to the Agreement for Parking Management Services with SP Plus Corporation

2. **Adopt/Deny** Resolution Number 2050-2020, Amending the Agreement for Parking Services and Revising Fees

FIRST AMENDMENT TO AGREEMENT FOR PARKING MANAGEMENT SERVICES FOR THE CITY OF JACKSONVILLE BEACH, FL

THIS FIRST AMENDMENT ("First Amendment") is made and entered into this _____ day of _____, 2020, by and between the City of Jacksonville Beach, a municipal corporation organized and existing under the laws of the State of Florida, 11 N. Third Street, Jacksonville Beach, FL 32250 ("CITY"), and SP PLUS Corporation, 200 East Randolph Street, Suite 7700, Chicago, IL 60601("CONTRACTOR or SP PLUS"), to amend the Parking Management Services Agreement effective on March 15, 2019, ("Services Agreement"), for parking facility management services at designated CITY parking facilities.

WHEREAS, the CITY and SP PLUS entered into the Services Agreement for SP PLUS to provide parking facility management services for an initial services period from March 15, 2019 through October 27, 2019; and

WHEREAS, the Services Agreement established a second services period from March 13, 2020 through November 1, 2020, and a third services period from March 12, 2021 through October 31, 2021; and

WHEREAS, the Services Agreement provided that it would be effective for the 2019 summer season and may be extended by the CITY for up to three (3) one year periods to continue in effect through 2022; and

WHEREAS, the parties agreed in Section 17 of the Services Agreement that it may be amended in writing by the parties; and

WHEREAS, the CITY and SP PLUS desire to amend the Services Agreement to (a) grant authority to SP PLUS to collect parking citations on the CITY's behalf and send past due parking citations to a collection agency, (b) identify the cost share arrangements for citations collections and allow SP PLUS to charge an administrative fee for these collection services, (c) to set the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special events, and (d) provide a vehicle registration process for CITY residents to park for free at the CITY lots.

NOW THERFORE, IN CONSIDERATION of the mutual promises and consideration contained herein, the CITY and SP PLUS agree to extend the term of the Services Agreement for a one year period for the second services period March 13, 2020 through November 1, 2020, and to amend Section 6 of the Services Agreement and Attachments A and B as follows:

6. **PAYMENTS AND TERMS**

A. The CITY shall have no upfront or ongoing expenses associated with the CONTRACTOR's provision of parking facility management services. The CONTRACTOR shall collect a fee according to the fee schedule listed in **Attachment A** per vehicle for every vehicle entering to park at any of the four parking lots, except that the CITY reserves the right to designate specific parking spaces or a specified number of spaces to be set aside for the CITY's use at certain dates and times. For those vehicles, no fee shall be charged. The CITY shall notify the CONTRACTOR in advance of the dates and times in which the CITY shall exercise this right. Furthermore, the CONTRACTOR

shall permit City of Jacksonville Beach residents to park in lots at any time at no cost to the resident; in such cases, the CITY shall be responsible for reimbursing the CONTRACTOR for the CONTRACTOR's portion of the residential parking fee as listed in **Attachment A**. The CITY will develop an identification process for City of Jacksonville Beach residents as listed in **Attachment B**. Residents of the City of Jacksonville Beach may park at no charge in the paid parking lots by registering their vehicles in the Residential Parking Program. Residents' vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries in order to qualify for this program.

B. The CONTRACTOR agrees to divide all parking revenues (except resident and violation revenues) collected from the four lots, net of sales tax, credit card fees, at a rate of **forty percent (40%) to the CONTRACTOR and sixty percent (60%) to the CITY.** The CONTRACTOR shall be responsible for paying all of its operating expenses out of its forty percent (40%). If revenues during any month are exceeded by the total of sales tax, credit card fees, and parking fees not paid by City of Jacksonville Beach residents, resulting in a deficit, CITY agrees to pay CONTRACTOR the deficit in accordance with the Florida Prompt Payment Act after receipt of CONTRACTOR's supporting documentation required in Subsection D below.

C. In the event the configuration of spaces or accessibility to the four CITY lots changes or decreases during the span of this contract, the CITY and CONTRACTOR can amend this agreement through mutually agreed upon terms and conditions for the remaining term of the contract. Amendments shall be written in **Attachment C**.

D. The CONTRACTOR shall remit to the CITY the CITY'S portion of revenues collected. The payment coverage periods shall be monthly, and payments from the CONTRACTOR shall be remitted to the CITY by the fifteenth of the month following (e.g. June 15 for May, July 15 for June, August 15 for July, September 15 for August, October 15 for September, and November 15 for October. Supporting documentation showing the number of tickets sold by day and lot shall be remitted along with the payment.

6.1. CITATION/VIOLATION MANAGEMENT

The CITY grants the CONTRACTOR the authority to collect parking citations on the CITY's behalf. The CONTRACTOR will be responsible for managing and tracking all violations and warnings issued. CONTRACTOR shall provide reporting information to the CITY on a monthly basis. The maximum violation issued shall be the sum of:

- CITY parking violation fee in accordance with City Ordinance Sec. 31-74.
- CONTRACTOR administrative fee according to **Attachment A** to this Amendment.
- Parking fee according to **Attachment A** to this Amendment.
  The CONTRACTOR agrees to divide all violation revenues collected from the four lots based on the following example:
  $25.00 per violation remitted to the CITY.
  $10.00 per violation remitted to CONTRACTOR.
  $7.00 Parking fee remitted to CONTRACTOR.

If the CONTRACTOR waives or reduces the violation, the CONTRACTOR agrees to reimburse the CITY for the CITY portion of the citation ($25.00) unless the entire violation is voided. In which case, no funds would be due the CITY or the CONTRACTOR. A separate list identifying the waived/reduced violations and the reason for the waiver/reduction should be submitted to the CITY on a monthly basis.

The CONTRACTOR agrees to send a "reminder notice" to customers on the 31st day of the unpaid violation. If the violation is not paid within 30 days of the reminder notice, then the violation shall be submitted to a collection agency for collection efforts. The CONTRACTOR agrees to divide all violation revenues from the four lots requiring collection efforts, sixty percent (60%) to CITY and forty percent (40%) to the CONTRACTOR net of the collection agency fee as described in **Attachment A**.

Except as set forth in the Amendments herein, in all other respects the Services Agreement and all terms, conditions and provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY and SP PLUS have caused this First Amendment to be executed by its duly authorized representative with authority to bind the respective agency.

CITY OF JACKSONVILLE BEACH:

ATTEST:

Sign: _____

Name: Laurie Scott

Title: City Clerk

Date: _____

Sign: _____

Name: William C. Latham

Title: Mayor

Date: _____

Sign: _____

Name: Michael J. Staffopoulos

Title: City Manager

Date: _____

SP PLUS Corporation:

Sign: _____

Print: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____ (name of person acknowledging), who is personally known to me or has produced _____(type of identification) as identification.

NOTARY PUBLIC:

Sign: _____
Print: _____
My Commission Expires:

Attachment A

Parking Fee Schedule proposed by the CONTRACTOR and CITY to allow discounted short-term parking and to promote customer use turnover for local businesses.

Less than 2 hours	$3.00.
Over 2 hours	Additional $1.00 per hour up to the max parking rate.
Max Parking Rate	$7.00 All day parking.

Holiday / Special Events Rate

All Day Rate	$12.00.

(Holiday / Special Events Days to be determined by CITY Staff.)

Resident Fee

Although residents park for free with proper registration, the CITY agrees to reimburse the CONTRACTOR for the CONTRACTOR's portion of the parking fee as follows:

- $5.00 (average revenue collected per paid vehicle) minus sales tax (7%) times forty percent (40%). And $12.00 minus sales tax (7%) times forty percent (40%) on holidays/special events as identified by the CITY.

Violation Collection

The maximum violation issued shall be $42.00 on regular parking days or $47.00 on scheduled Holiday / Special Events Days itemized as follows:

- $3.00-$12.00 parking fee according to parking fee schedule listed above.
- $25.00 CITY parking violation in accordance with City Ordinance Sec. 31-74.
- $10.00 CONTRACTOR administrative fee (subject to change annually at renewal).

Parking Fee	$3.00	$4.00	$5.00	$6.00	$7.00	$12.00
CITY Parking Violation Fee	$25.00	$25.00	$25.00	$25.00	$25.00	$25.00
CONTRACTOR Administrative Fee	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00
TOTAL VIOLATION	$38.00	$39.00	$40.00	$41.00	$42.00	$47.00

Violation Distribution

CONTRACTOR agrees to divide all violation revenue collected from the four lots as follows:

- 100% City parking violation fee remitted to the CITY.
- 100% CONTRACTOR administrative fee and parking fee remitted to the CONTRACTOR.

Third Party Collection Efforts

The collection agency fee shall be 38% of the violation amount collected as per CONTRATOR negotiations. The remaining funds collected shall be divided forty percent (40%) to CONTRACTOR and sixty percent (60%) to CITY as follows:

38% of violation retained by Collection Agency	$14.44	$14.82	$15.20	$15.58	$15.96	$17.86
Remaining 40% disbursed to CONTRACTOR	$9.42	$9.67	$9.92	$10.17	$10.42	$11.66
Remaining 60% disbursed to CITY	$14.14	$14.51	$14.88	$15.25	$15.62	$17.48
TOTAL VIOLATION COLLECTION	$38.00	$39.00	$40.00	$41.00	$42.00	$47.00

Attachment B

Residential Parking Program, refer to Section 6 (A) Payments and Terms. The CONTRACTOR's proposal to the City of Jacksonville Beach is to establish a residential parking registry database. This database would allow residents to park for free after annually registering their vehicle with the city. This database will ensure proper billing and tracking the number of spaces utilized by residents. This database will be maintained by the Parking Enforcement Coordinator and residents must register through the Police Department Annually.

Residents of the City of Jacksonville Beach may park at no charge in the City's paid parking lots by registering their vehicles in the Residential Parking Program. Residents' vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries.

In order to qualify for this free parking benefit, residents must submit a request either in person or on-line. In-person requests are received at the Jacksonville Beach Police Department (Monday through Friday, between 8:00 A.M. and 5:00 P.M.) or at Utility Billing in City Hall (Monday through Friday, between 8:00 A.M. and 5:00 P.M.). Online requests are available at www.jacksonvillebeach.org by searching, "Residential Parking Program."

The registration process could take up to 14 business days in order to verify license plate information and residency, and to input into the system. Once the registration process is complete, an e-mail confirmation will be sent. If the license plate is not registered to an address within the city limits, an email notification will be sent.

Residential Parking Program point of contact:

Dan Fox, Parking Enforcement Coordinator
Phone number: 904-247-4004
Email: dfox@jaxbchfl.net.

JACKSONVILLE BEACH

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: First Amendment to Agreement for Paid Parking Management Services and Resolution 2050-2020

DATE: February 13, 2020

BACKGROUND

In January 2019, the City selected SP Plus to administer an autonomous paid parking system through the use of kiosks with the only payment method being credit cards. The vendor's first season managing parking services began on March 15, 2019 and ended on October 20, 2019. City staff evaluated both the program and vendor's performance at the conclusion of year one and presented the information to the City Council in a briefing held on November 18, 2019.

Highlights from the first year of the program include:

- ✓ 60% increase in paid parking revenues
- ✓ Revenues of approximately $73,000 from parking violations
- ✓ Clear peaks in usage documented in April through July
- ✓ No issues with patrons using automated kiosk systems

Based on the vendor's positive performance in the first year of operation, staff recommends that the agreement be extended for a second year. The proposed amendment and resolution extends the contract and makes the following modifications in advance of the 2020 paid parking season:

- Extends the term for an additional/second service period from March 13, 2020 through November 1, 2020
- Provides the option to extend the agreement for up to an additional two years through 2022.
- Keeps the parking rates for customers the same as the prior year

PARKING FEE SCHEDULE	
Less than 2 hours	$3.00
Over 2 hours	Additional $1.00 per hour up to max parking rate ($7.00)
Max Parking Rate	$7.00 All day parking
Holiday/Special Event Rate	$12.00

- Sets the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special event days when calculating the reimbursement to the Contractor
- Grants authority to SP Plus to collect parking citations on the City's behalf and send past due parking citations to a collection agency
- Allows SP PLUS to charge an administrative fee of ten dollars ($10.00) per citation for these collection services
- Establishes and identifies the cost share arrangements for citations collections
    - Example: Distribution of a $42 violation collected by SP Plus

	DISTRIBUTION		TOTAL
	Contractor	City	AMOUNT
Parking Fee	$7.00	-	$7.00
Parking Violation Fee	-	$25.00	$25.00
Administrative Fee	$10.00	-	$10.00
TOTAL	**$17.00**	**$25.00**	**$42.00**

    - Example: Distribution of a $42 violation collected by Third Party Collection Agency

THIRD PARTY COLLECTION EFFORTS	AMOUNT
38% of violation ($42) retained by Collection Agency	$15.96
40% of remaining funds ($42-$15.96) disbursed to CONTRACTOR	$10.42
60% of remaining funds ($42-$15.96) disbursed to CITY	$15.62
TOTAL	**$42.00**

In addition to this contract amendment and resolution, City staff is also working on revisions to the City Code of Ordinances that will codify the elements and objectives of the paid parking program and the Services Agreement as amended. These changes will be submitted to Council in a future agenda.

REQUESTED ACTION

1. **Approve/Disapprove** First Amendment to the Agreement for Parking Management Services with SP Plus Corporation

2. **Adopt/Deny** Resolution Number 2050-2020, Amending the Agreement for Parking Services and Revising Fees

Introduced by: _____

Adopted: _____

RESOLUTION NO. 2050-2020

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING RESOLUTION NO. 1987-2017 TO AUTHORIZE AMENDMENT OF THE AGREEMENT FOR PARKING MANAGEMENT SERVICES FOR CERTAIN CITY PARKING LOTS WITH SP PLUS CORPORATION TO EXTEND THE AGREEMENT ONE YEAR, TO GRANT SP PLUS MANAGEMENT RESPONSIBILITY AND AUTHORITY TO COLLECT PARKING CITATIONS AND TO ESTABLISH CHARGES AND FEES FOR CITATIONS AND VIOLATIONS, TO ESTABLISH THE COSTS AND FEES SHARE ARRANGEMENTS, AND TO SET PARKING FEES AND CITATION CHARGES; PROVIDING FOR RENEWAL AND AMENDMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ACTS, SERVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2019, the City of Jacksonville Beach ("City") established a Paid Parking Program at four City parking lots ("parking lots") as was authorized by Resolution No. 1987-2017; and

WHEREAS, in March of 2019, the City and SP PLUS Corporation ("SP PLUS") entered into a Parking Management Services Agreement for SP PLUS to provide parking facility management services and create the paid parking program for an initial services period from March 15, 2019 through October 27, 2019, at the parking lots ("Services Agreement"); and

WHEREAS, City staff evaluated the paid parking program and SP PLUS's performance under the Services Agreement, and staff has advised and recommended to City Council that the City continue the paid parking program and amend and extend the Services Agreement with SP PLUS; and

WHEREAS, City Council deems it beneficial and in the best interests of the City to continue this affordable, and to date successful, paid parking program that generates public revenue to be used to benefit the City's residents, communities and businesses, and also fund some City operations; and

WHEREAS, City Council approves and authorizes execution of a First Amendment to the Services Agreement that (1) extends the term for an additional/second services period from March 13, 2020 through November 1, 2020, (2) grants authority to SP PLUS to collect parking citations on the City's behalf and send past due parking citations to a collection agency, (3) establish and identify the cost share arrangements for citations collections and allow SP PLUS to charge an administrative fee for these collection services, and (4) to set the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special events ("First Amendment"); and

WHEREAS, the specifics and particulars of these authorized amendments are more explicitly described and provided in the First Amendment attached to this Resolution; and

WHEREAS, City Council further directs staff to prepare and submit to Council an Ordinance that will revise the City Code of Ordinances Chapter 31 - Traffic and Motor Vehicles; Article III – Stopping, Standing and Parking; Division. 3 – Parking Regulations, and any Sections necessary to codify the elements of and objectives of the paid parking program and the Services Agreement as amended.

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

SECTION 1. The foregoing recitals are hereby incorporated as the legislative intent of this Resolution.

SECTION 2. The First Amendment attached to this Resolution, when fully executed, shall (1) operate to extend the term of the Services Agreement for an additional/second services period from March 13, 2020 through November 1, 2020, (2) grant authority to SP PLUS to collect parking citations on the City's behalf and send past due parking citations to a collection agency, (3) establish and identify the cost share arrangements for citations collections and allow SP PLUS to charge an administrative fee for these collection services, and (4) set the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special events.

SECTION 3. City staff is directed to prepare and submit to Council an Ordinance that will revise the City Code of Ordinances Chapter 31 - Traffic and Motor Vehicles; Article III – Stopping, Standing and Parking; Division. 3 – Parking Regulations, and any Sections necessary to codify the elements of and objectives of the paid parking program and the Services Agreement as amended.

SECTION 4. Extensions, renewal or amendments to the Services Agreement as amended shall be made and approved by the City Council at its discretion and as it deems appropriate and necessary for the benefit of and in the best interests of the City.

SECTION 5. Parking Fee rates and associated charges are hereby established as follows:

Less than 2 hours	$3.00
Over 2 hours	Additional $1.00 per hour up to max parking rate
Max Parking Rate	$7.00 All day parking
Holiday/Special Event Rate	$12.00
Contractor Administrative Fee for Violation Collections	$10.00

SECTION 6. Residents of the City of Jacksonville Beach may park at no charge in the City's paid parking lots by registering their vehicles in the Residential Parking Program. Residents' vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries.

SECTION 7. Parking Fee rates and associated charges provided as part of this Resolution the paid parking program and the Services Agreement may be amended from time to time as deemed appropriate by the City Council.

SECTION 8. Repeal of Prior Inconsistent Acts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

SECTION 9. Severability. If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereto.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this _____day of _____, 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

FIRST AMENDMENT TO AGREEMENT FOR PARKING MANAGEMENT SERVICES FOR THE CITY OF JACKSONVILLE BEACH, FL

THIS FIRST AMENDMENT ("First Amendment") is made and entered into this _____ day of _____, 2020, by and between the City of Jacksonville Beach, a municipal corporation organized and existing under the laws of the State of Florida, 11 N. Third Street, Jacksonville Beach, FL 32250 ("CITY"), and SP PLUS Corporation, 200 East Randolph Street, Suite 7700, Chicago, IL 60601("CONTRACTOR or SP PLUS"), to amend the Parking Management Services Agreement effective on March 15, 2019, ("Services Agreement"), for parking facility management services at designated CITY parking facilities.

WHEREAS, the CITY and SP PLUS entered into the Services Agreement for SP PLUS to provide parking facility management services for an initial services period from March 15, 2019 through October 27, 2019; and

WHEREAS, the Services Agreement established a second services period from March 13, 2020 through November 1, 2020, and a third services period from March 12, 2021 through October 31, 2021; and

WHEREAS, the Services Agreement provided that it would be effective for the 2019 summer season and may be extended by the CITY for up to three (3) one year periods to continue in effect through 2022; and

WHEREAS, the parties agreed in Section 17 of the Services Agreement that it may be amended in writing by the parties; and

WHEREAS, the CITY and SP PLUS desire to amend the Services Agreement to (a) grant authority to SP PLUS to collect parking citations on the CITY's behalf and send past due parking citations to a collection agency, (b) identify the cost share arrangements for citations collections and allow SP PLUS to charge an administrative fee for these collection services, (c) to set the regular residential parking per day rate at five dollars ($5.00) or twelve dollars ($12.00) on holidays/special events, and (d) provide a vehicle registration process for CITY residents to park for free at the CITY lots.

NOW THERFORE, IN CONSIDERATION of the mutual promises and consideration contained herein, the CITY and SP PLUS agree to extend the term of the Services Agreement for a one year period for the second services period March 13, 2020 through November 1, 2020, and to amend Section 6 of the Services Agreement and Attachments A and B as follows:

6. **PAYMENTS AND TERMS**

A. The CITY shall have no upfront or ongoing expenses associated with the CONTRACTOR's provision of parking facility management services. The CONTRACTOR shall collect a fee according to the fee schedule listed in **Attachment A** per vehicle for every vehicle entering to park at any of the four parking lots, except that the CITY reserves the right to designate specific parking spaces or a specified number of spaces to be set aside for the CITY's use at certain dates and times. For those vehicles, no fee shall be charged. The CITY shall notify the CONTRACTOR in advance of the dates and times in which the CITY shall exercise this right. Furthermore, the CONTRACTOR

shall permit City of Jacksonville Beach residents to park in lots at any time at no cost to the resident; in such cases, the CITY shall be responsible for reimbursing the CONTRACTOR for the CONTRACTOR's portion of the residential parking fee as listed in **Attachment A**. The CITY will develop an identification process for City of Jacksonville Beach residents as listed in **Attachment B**. Residents of the City of Jacksonville Beach may park at no charge in the paid parking lots by registering their vehicles in the Residential Parking Program. Residents' vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries in order to qualify for this program.

B. The CONTRACTOR agrees to divide all parking revenues (except resident and violation revenues) collected from the four lots, net of sales tax, credit card fees, at a rate of **forty percent (40%) to the CONTRACTOR and sixty percent (60%) to the CITY.** The CONTRACTOR shall be responsible for paying all of its operating expenses out of its forty percent (40%). If revenues during any month are exceeded by the total of sales tax, credit card fees, and parking fees not paid by City of Jacksonville Beach residents, resulting in a deficit, CITY agrees to pay CONTRACTOR the deficit in accordance with the Florida Prompt Payment Act after receipt of CONTRACTOR's supporting documentation required in Subsection D below.

C. In the event the configuration of spaces or accessibility to the four CITY lots changes or decreases during the span of this contract, the CITY and CONTRACTOR can amend this agreement through mutually agreed upon terms and conditions for the remaining term of the contract. Amendments shall be written in **Attachment C**.

D. The CONTRACTOR shall remit to the CITY the CITY'S portion of revenues collected. The payment coverage periods shall be monthly, and payments from the CONTRACTOR shall be remitted to the CITY by the fifteenth of the month following (e.g. June 15 for May, July 15 for June, August 15 for July, September 15 for August, October 15 for September, and November 15 for October. Supporting documentation showing the number of tickets sold by day and lot shall be remitted along with the payment.

6.1. CITATION/VIOLATION MANAGEMENT

The CITY grants the CONTRACTOR the authority to collect parking citations on the CITY's behalf. The CONTRACTOR will be responsible for managing and tracking all violations and warnings issued. CONTRACTOR shall provide reporting information to the CITY on a monthly basis. The maximum violation issued shall be the sum of:

- CITY parking violation fee in accordance with City Ordinance Sec. 31-74.
- CONTRACTOR administrative fee according to **Attachment A** to this Amendment.
- Parking fee according to **Attachment A** to this Amendment.
  The CONTRACTOR agrees to divide all violation revenues collected from the four lots based on the following example:
  $25.00 per violation remitted to the CITY.
  $10.00 per violation remitted to CONTRACTOR.
  $7.00 Parking fee remitted to CONTRACTOR.

If the CONTRACTOR waives or reduces the violation, the CONTRACTOR agrees to reimburse the CITY for the CITY portion of the citation ($25.00) unless the entire violation is voided. In which case, no funds would be due the CITY or the CONTRACTOR. A separate list identifying the waived/reduced violations and the reason for the waiver/reduction should be submitted to the CITY on a monthly basis.

The CONTRACTOR agrees to send a "reminder notice" to customers on the 31st day of the unpaid violation. If the violation is not paid within 30 days of the reminder notice, then the violation shall be submitted to a collection agency for collection efforts. The CONTRACTOR agrees to divide all violation revenues from the four lots requiring collection efforts, sixty percent (60%) to CITY and forty percent (40%) to the CONTRACTOR net of the collection agency fee as described in **Attachment A**.

Except as set forth in the Amendments herein, in all other respects the Services Agreement and all terms, conditions and provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY and SP PLUS have caused this First Amendment to be executed by its duly authorized representative with authority to bind the respective agency.

CITY OF JACKSONVILLE BEACH:

ATTEST:

Sign: _____

Name: Laurie Scott

Title: City Clerk

Date: _____

Sign: _____

Name: William C. Latham

Title: Mayor

Date: _____

Sign: _____

Name: Michael J. Staffopoulos

Title: City Manager

Date: _____

SP PLUS Corporation:

Sign: _____

Print: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2020, by _____ (name of person acknowledging), who is personally known to me or has produced _____(type of identification) as identification.

NOTARY PUBLIC:

Sign: _____
Print: _____
My Commission Expires:

Attachment A

Parking Fee Schedule proposed by the CONTRACTOR and CITY to allow discounted short-term parking and to promote customer use turnover for local businesses.

Less than 2 hours	$3.00.
Over 2 hours	Additional $1.00 per hour up to the max parking rate.
Max Parking Rate	$7.00 All day parking.

Holiday / Special Events Rate

All Day Rate	$12.00.

(Holiday / Special Events Days to be determined by CITY Staff.)

Resident Fee

Although residents park for free with proper registration, the CITY agrees to reimburse the CONTRACTOR for the CONTRACTOR's portion of the parking fee as follows:

- $5.00 (average revenue collected per paid vehicle) minus sales tax (7%) times forty percent (40%). And $12.00 minus sales tax (7%) times forty percent (40%) on holidays/special events as identified by the CITY.

Violation Collection

The maximum violation issued shall be $42.00 on regular parking days or $47.00 on scheduled Holiday / Special Events Days itemized as follows:

- $3.00-$12.00 parking fee according to parking fee schedule listed above.
- $25.00 CITY parking violation in accordance with City Ordinance Sec. 31-74.
- $10.00 CONTRACTOR administrative fee (subject to change annually at renewal).

Parking Fee	$3.00	$4.00	$5.00	$6.00	$7.00	$12.00
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CONTRACTOR Administrative Fee	$10.00	$10.00	$10.00	$10.00	$10.00	$10.00
TOTAL VIOLATION	$38.00	$39.00	$40.00	$41.00	$42.00	$47.00

Violation Distribution

CONTRACTOR agrees to divide all violation revenue collected from the four lots as follows:

- 100% City parking violation fee remitted to the CITY.
- 100% CONTRACTOR administrative fee and parking fee remitted to the CONTRACTOR.

Third Party Collection Efforts

The collection agency fee shall be 38% of the violation amount collected as per CONTRATOR negotiations. The remaining funds collected shall be divided forty percent (40%) to CONTRACTOR and sixty percent (60%) to CITY as follows:

38% of violation retained by Collection Agency	$14.44	$14.82	$15.20	$15.58	$15.96	$17.86
Remaining 40% disbursed to CONTRACTOR	$9.42	$9.67	$9.92	$10.17	$10.42	$11.66
Remaining 60% disbursed to CITY	$14.14	$14.51	$14.88	$15.25	$15.62	$17.48
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Attachment B

Residential Parking Program, refer to Section 6 (A) Payments and Terms. The CONTRACTOR's proposal to the City of Jacksonville Beach is to establish a residential parking registry database. This database would allow residents to park for free after annually registering their vehicle with the city. This database will ensure proper billing and tracking the number of spaces utilized by residents. This database will be maintained by the Parking Enforcement Coordinator and residents must register through the Police Department Annually.

Residents of the City of Jacksonville Beach may park at no charge in the City's paid parking lots by registering their vehicles in the Residential Parking Program. Residents' vehicles must be registered through Florida Department of Highway Safety and Motor Vehicles to an address within the Jacksonville Beach municipal boundaries.

In order to qualify for this free parking benefit, residents must submit a request either in person or on-line. In-person requests are received at the Jacksonville Beach Police Department (Monday through Friday, between 8:00 A.M. and 5:00 P.M.) or at Utility Billing in City Hall (Monday through Friday, between 8:00 A.M. and 5:00 P.M.). Online requests are available at www.jacksonvillebeach.org by searching, "Residential Parking Program."

The registration process could take up to 14 business days in order to verify license plate information and residency, and to input into the system. Once the registration process is complete, an e-mail confirmation will be sent. If the license plate is not registered to an address within the city limits, an email notification will be sent.

Residential Parking Program point of contact:

Dan Fox, Parking Enforcement Coordinator
Phone number: 904-247-4004
Email: dfox@jaxbchfl.net.

JACKSONVILLE BEACH

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MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Bill Mann, Planning and Development Director, CRA Administrator

SUBJECT: Resolution No. 2051-2020, continuing the existence of the Jacksonville Beach Community Redevelopment Agency beyond January 30, 2039.

DATE: February 13, 2020

BACKGROUND

In 2019, the Florida Legislature approved CS/HB 9, an act relating to Community Redevelopment Agencies (CRAs) in the state. One new requirement of CRAs following the passage of the bill is the enactment of a new Section 163.367, Florida Statutes that requires CRA members to complete a minimum of four hours of ethics training annually. To facilitate this, the City Attorney has provided information to CRA members on options they have in attaining the required training. CS/HB 9 also contained certain new annual reporting requirements for CRAs. The Administrator and Finance Officer are actively working on meeting these new requirements.

The other major new requirement for CRAs relative to the adoption of CS/HB 9 is the provision of new termination dates for certain CRAs. Specifically, the bill created a new Section 163.3755 in Chapter 163, Part III - Community Redevelopment, which is the subject of the attached resolution.

The newly adopted Section 163.3755(1) Florida Statutes reads as follows:

> *A community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the CRA agency's charter on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body.*

For Jacksonville Beach, the Downtown Community Redevelopment Area is currently due to expire on or by September 7, 2045, and the Southend Community Redevelopment Area is due to expire on or by April 17, 2041. Both of these dates reflect a time period 30 years beyond each plan's respective last amendment date. Accordingly, per Section 163.3755(1) Florida Statutes, without a majority vote by the City Council to continue the CRA's existence beyond January 30, 2039, both Redevelopment Areas will expire on January 30, 2039.

The attached resolution, No 2051-2020, approves the continued existence of the Jacksonville Beach CRA beyond January 30, 2039.

REQUESTED ACTION

Adopt/Deny Resolution No. 2051-2020, approving the continued existence of the Jacksonville Beach Community Redevelopment Agency beyond January 30, 2039, pursuant to Section 163.3755(1), Florida Statutes.

Introduced By: _____
Adopted: _____

RESOLUTION NO. 2051-2020

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, APPROVING THE CONTINUED EXISTENCE OF THE COMMUNITY REDEVELOPMENT AGENCY AND EXTENDING ITS EXPIRATION DATE IN ACCORDANCE WITH SECTION 163.3755(1), FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTION; PROVIDING FOR REPEAL OF CONFLICTS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, under Florida Statutes, Chapter 163 Part III, local governments are able to designate areas as Community Redevelopment Areas when certain conditions exist; and

WHEREAS, Section 163.356, Florida Statutes, authorizes that any municipality may create a public body corporate and politic to be known as a "community redevelopment agency" to carry out the purposes of Chapter 163 Part III for the municipality; and

WHEREAS, the Jacksonville Beach City Council adopted Ordinance No. 6950 on March 20, 1978, establishing the Jacksonville Beach Community Redevelopment Agency, herein referred to as the "Agency"; and

WHEREAS, the Jacksonville Beach City Council adopted a Community Redevelopment Plan for the Downtown Community Redevelopment Area via an unnumbered Resolution on January 19, 1987 and last amended said Downtown Community Redevelopment Plan on September 8, 2015; and

WHEREAS, the Jacksonville Beach City Council adopted a Community Redevelopment Plan for the Southend Community Redevelopment Area via an unnumbered Resolution on June 15, 1987 and last amended said Southend Community Redevelopment Plan on April 18, 2011; and

WHEREAS, Section 163.3755(1), Florida Statutes, mandates that a community redevelopment agency in existence on October 1, 2019, shall terminate on the expiration date provided in the agency's charter on October 1, 2019, or on September 30, 2039, whichever is earlier, unless the governing body of the county or municipality that created the community redevelopment agency approves its continued existence by a majority vote of the members of the governing body; and

WHEREAS, the Jacksonville Beach City Council desires to extend the existence of the Agency beyond September 30, 2039, in order that work may continue on the adopted Downtown and Southend Community Redevelopment Plans, as amended, to their respective expiration dates

30 years after each plan was last amended, but in no case beyond January 18, 2047 for the Downtown Community Redevelopment Plan, or beyond June 14, 2047 for the Southend Community Redevelopment Plan.

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

SECTION l. Recitals/Findings Adopted. The above recitals are adopted by the City of Jacksonville Beach City Council, and made a part of this Resolution. The City has taken all appropriate and required action necessary to the processing and majority vote approval of this Resolution.

SECTION 2. Legislative Findings and Intent. The City of Jacksonville Beach City Council has complied with all requirements and procedures of Florida Law in processing this Resolution. The above recitals are hereby adopted.

SECTION 3. Implementing Administrative Actions. The City of Jacksonville Beach City Council approves the continued existence of its Community Redevelopment Agency beyond January 30, 2039 and has set forth herein. The City Manager and/or designee is authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager as deemed appropriate and necessary may delegate the powers of implementation set forth herein to City employees as deemed prudent.

SECTION 4. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

SECTION 5. Severability. If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this _____day of _____, 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

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MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Bill Mann, Planning and Development Director

SUBJECT: Ordinance No. 2020-8133, amending the text of Chapter 34. Land Development Code, Article II, Article IV, Article V, Article VI, Article VII, Article VIII, and Article IX.

DATE: February 13, 2020

BACKGROUND

Periodically, the text of the Land Development Code must be reviewed and amended to address needed updates and improvements. In 2001, the Land Development Code was amended in this same manner via Ordinance No. 2001-7810.

In the time since 2001, staff has again developed a list of primarily custodial amendments for consideration. These amendments are proposed to text found in Articles II, IV, V, VI, VII, VIII, and IX of Chapter 34 of the City of Jacksonville Beach Code of Ordinances. These amendments were considered in Fall of 2018; the current City Council has requested reconsideration of the amendments. Changes are provided in underline addition/~~strike-thru~~ deletion format in the attached ordinance. The proposed amendments are summarized below:

- Typographical errors are being corrected in Sections 34-177, 34-179, 34-346(d) (3), and 34-503(5). (Various Articles)

Article II

- **Section 34-21(e)(1)** – Clarification that appeals of interpretations by the Planning and Development Director may be submitted by an applicant with standing, and that appeals are made to the "Circuit Court of Duval County" versus the "Board of Adjustment," thereby taking an unreasonable burden off of that lay board.

Article IV

- **Section 34-41** –Definitions are being amended or added for the following terms:
  - Artwork – remove size limitations for murals.

- Carport – make consistent with Florida Building Code. (...enclosed on at least two sides, versus current three sides.)
- Driveway – new definition for clarification.
- Lot of record – new definition for clarification.
- Shopping Center – change from "two" to "three" separate stores.
- Walkway – new definition for clarification.

Article V

- **Section 34-93(b)** – Change the appointment term for alternates on the Board of Adjustment from "two" years to "four" years, consistent with other boards, and with terms for members.

Article VI

- **Section 34-155(c)(2)b.** – Change "recommendation" to "report".
- **Section 34-203** – Change Section to reflect that only the Planning Director, Planning Commission, and City Council can initiate changes or amendments to the text of the LDC. (City Manager request)
- **Section 34-207** – Change "recommendation" to "report", and adjust the time in which a staff report is to be provided to an applicant. Add that a staff report may contain suggestions for conditions of approval as applicable.
- **Section 34-211(b)** – Change to clarify that the City Council hears the Planning Director's report, and the Planning Commission's recommendation on zoning amendment applications.
- **Section 34-222** – Change "recommendation" to "report".
- **Section 34-283** – Add that a variance may not be requested for relief from maximum building height, residential density, or minimum lot area requirements. (Re-stating current regulations in an appropriate location.)

Article VII

- **Sections 34-336, 34-337, 34-338, 34-339, and 34-340** – Move "Essential public services," as currently defined in the LDC, from the list of conditional uses to the list of permitted uses in all residential zoning districts. (former City Manager request, supported by new City Manager)
- **Sections 34-339, 34-340** - Add single-family dwellings, constructed per RS-3 standards, to the list of permitted uses in RM-1 and RM-2 multi-family zoning districts.

  Section 34-345(b)(19) – Technical correction for multi-family dwelling developments in *Central Business District: CBD* zoning, correctly referencing the CBD's Site Design and Lot Layout Standards as being applicable to multifamily development in the CBD, in addition to the maximum 40 units per acre density standard.

Article VIII

- **Section 34-373(a)(5) and (a)(6)** – Add a dimensional standard for wheel strips when used for required parking spaces or access to required parking spaces, and add a standard for bicycle parking areas in off-street parking lots containing 10 or more spaces.
- **Section 34-373(f)** – Add language to clarify that vehicular access to required parking must also be paved.
- **Section 34-392(a)(1)** – Add a standard that air conditioning compressors can only be located in side yards that are at least seven and a half feet wide, for safety and access reasons.
- **Section 34-392(4)(a)4.** – Change reference to the "Standard Swimming Pool Code" to the "Florida Building Code".
- **Section 34-395** – Change "street lines" to "right-of-way lines" to clarify the definition of corner sight visibility triangles.
- **Section 34-399(e)(5)** – Add "internet websites" and "social media" to the list of prohibited locations where home occupations can advertise their home addresses, reflective of current technologies.
- **Section 34-444(25)** – Add that signs on fences or perimeter walls are prohibited (in addition to signs on trees and other vegetation).

Article IX

- **Section 34-504** – Change "development order for a development plan" to "application for development plan" for clarification.
- **Section 34-505** – Require five copies of a final plat application be submitted instead of 10 copies, to reflect actual need.

The Planning Commission conducted their required public hearing and discussed the proposed amendments at their January 27, 2020 meeting. The Planning Commission voted unanimously to recommend approval of the proposed amendments by the City Council.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8133, amending the text Articles II, IV, V, VI, VII, VIII, and IX of Chapter 34. Land Development Code of the Jacksonville Beach Code of Ordinances.

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

ORDINANCE NO. 2020-8133

AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Jacksonville Beach Code of Ordinances, Chapter 34 Land Development Code (LDC) exists to establish comprehensive and consistent standards, regulations, and procedures for the review and approval of all proposed development of land in the City, and to implement the goals of the Comprehensive Plan; and

WHEREAS, the City of Jacksonville Beach finds it necessary to periodically review and make amendments and revisions to the LDC to provide clarifications, address new issues pertaining to regulations and procedures, make updates, enact new portions and reorganize parts; and

WHEREAS, the City of Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and the proposed amendments, clarifications, revisions, updates and reorganization to the articles, divisions and sections of the LDC, it has considered staff recommendations, information provided and public testimony given at the public hearings and has presented its recommendation to the City Council; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

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

SECTION 2. AMENDMENTS TO THE CITY LDC.[1] That Article II. Section 34-21 - Interpretations., of the LDC is hereby amended as follows:

Sec. 34-21. - Interpretations.

(e) Appeal

(1) Within thirty (30) days after issuance of a written interpretation by the planning and development director, ~~the~~ an applicant with standing may appeal the interpretation to the ~~board of adjustment~~ Circuit Court of Duval County, Florida.

SECTION 3. That Article IV. Definitions. Section 34-41. – General., of the LDC is hereby amended as follows:

Sec. 34-41. - General

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. ~~If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area.~~ All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

Carport means a roofed structure providing space for parking or storage of motor vehicles enclosed on not more than ~~three (3)~~ two (2) sides.

Driveway means a short private road that leads to a house or garage and maintained by an individual or group.

Lot of record means a lot that is part of a subdivision, the map or plat of which has been recorded in the office of the Duval County Clerk of Circuit Court, or a lot or parcel of land, the deed of which has been recorded in the office of the Duval County Clerk of Circuit Court.

Shopping Center means a group of three or more retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership that is adjacent to and utilizing a common off-street parking area.

[1] The revisions to the Codes set forth herein are indicated with ~~strikethrough~~ text to indicate deletions and underline text to indicate additions.

Walkway means any hard surfaced passage for walking and providing pedestrian access, often to a building or dwelling unit entrance, public sidewalk or driveway.

SECTION 4. That Article V. - Decision Making and Administrative Bodies, Division 4. - Board of Adjustment, Section 34-93. Board Membership., of the LDC is hereby amended as follows:

Sec. 34-93. – Board Membership.

(b) *Appointment*. The board of adjustment shall be composed of five (5) members appointed by the city council. The city council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternates shall serve a ~~two (2)~~ four (4) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member who is absent.

SECTION 5. That Article VI. - Development Review Procedures of the LDC is hereby amended as follows:

DIVISION 1. – GENERAL APPLICABILITY

Sec. 34-155. - Hearing procedures for applications for development permit.

(c) *Conduct of hearing.*

(2) *Due order of proceedings*. The body conducting the hearings may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:

a. The planning and development director shall present a narrative and graphic description of the application for development permit.

b. The planning and development director shall present a written and oral ~~recommendation~~ report, including ~~the report of the planning and development director, if relevant~~ information concerning consistency with the Land Development Code and Comprehensive Plan, as applicable. This ~~recommendation~~ report shall address each factor required to be considered by the LDC prior to consideration of the application for development permit. The report of the planning and development director shall be made available to the applicant at least three (3) working days prior to the public hearing.

c. The applicant shall present any information the applicant deems appropriate.

d. Public testimony shall be heard, first in favor of the proposal, then in opposition to it.

e. The planning and development director and city attorney may respond to any statement made by the applicant or any public comment.

f. The applicant may respond to any testimony or evidence presented by the city staff or public.

DIVISION 2. SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS

Sec. 34-177. - Determination of sufficiency.
By the first Monday in April, the planning and development director shall determine if the application is sufficient. For a small scale development amendment accepted pursuant to Section 34-176~~(b)~~(2), a sufficiency determination will be made within ten (10) working days of its submittal.

Sec. 34-179. - Public hearings.
Amendments to the future land use map that qualify as small scale developments adopted pursuant to section 34-176~~(b)~~(2) require only one public hearing before the local planning agency, followed by one public hearing before the Jacksonville Beach city council, which shall be an adoption hearing as provided in F.S. § 163.318 7(2), and as described in F.S. §163.3184(11)(b)2., and are not subject to the requirements of F.S. § 163.3184(2)-(6), unless the city council elects to have them subject to those requirements.

DIVISION 3. ZONING ATLAS AND CODE AMENDMENTS

Sec. 34-203. – Initiation.
Amendments to the text of the Land Development Code may be proposed by the city council, the planning commission, and the planning and development director~~, or the owner or another person having a contractual interest in property affected by a proposed amendment or their agent~~. Amendments to the official zoning atlas may be proposed by the city council, the planning commission, the planning and development director or the owner or another person having a contractual interest in property affected by a proposed zoning atlas amendment or their agent.

Sec. 34-207. Review~~,~~ and report. ~~and recommendation.~~
Within ten (10) working days after the application is determined to be sufficient, the planning and development director shall review the application, and prepare a staff report ~~recommending approval, approval with conditions, or disapproval~~ based on the standards in Section 34-211(c). The report may also contain staff suggestions for conditions of approval, as may be applicable. The planning and development director shall mail a copy of the staff report ~~and recommendation~~ to the applicant along with written notification of the time and place the application will be considered by the planning commission. The

public hearing on the application shall be scheduled for the first available regularly scheduled planning commission meeting by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the planning and development director.

Sec. 34-211. – Action by City Council following public hearing.

(b) The city council shall consider the application, all relevant supporting materials, the staff report ~~and recommendation of the planning and development director~~, the recommendation of the planning commission, and the testimony given at the public hearing

Sec. 34-222. Authority.
The planning commission, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use after ~~recommendation by~~ consideration of the report from the planning and development director.

Sec. 34-283. Authorized variances.

Variances shall only be granted from the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance shall not be permitted in any zoning district. Variances shall not be granted to permit a use not generally allowed in the zoning district in which it is located. Variances may not be requested for relief from maximum building height, residential density or minimum lot area requirements.

SECTION 6. That Article VII. Zoning Districts, of the LDC is hereby amended as follows:

DIVISION 2. - ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS

Sec. 34-336. Residential, single-family: RS-1.

(b) *Permitted uses.*

(3) Essential public services.

(d) *Conditional uses.*

~~(4) Essential public services.~~

~~(5)~~ (4) Cemeteries

~~(6)~~ (5) Government uses, excluding correctional institutions.

~~(7)~~ (6) Golf courses. (Regulation golf courses only).

~~(8)~~ (7) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.

Sec. 34-337. Residential, single-family: RS-2.

(b) *Permitted uses.*

(3) Essential public services.

(d) *Conditional uses.*

~~(5) Essential public services.~~

~~(6)~~ (5) Cemeteries.

~~(7)~~ (6) Government uses, excluding correctional institutions.

~~(8)~~ (7) Golf courses. (Regulation golf courses only).

~~(9)~~ (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.

~~(10)~~ (9) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.

Sec. 34-338. Residential, single-family: RS-3.

(b) *Permitted uses.*

(5) Essential public services.

(d) *Conditional uses.*

~~(5) Essential public services.~~

~~(6)~~ (5) Cemeteries.

~~(7)~~ (6) Government uses, excluding correctional institutions.

~~(8)~~ (7) Golf courses. (Regulation golf courses only).

~~(9)~~ (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.

~~(10)~~ (9) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with more than six (6) and less than thirteen (13) residents.

~~(11)~~ (10) Hospitals.

~~(12)~~ (11) Nursing and personal care facilities.

~~(13)~~ (12) Civic, social and fraternal organizations.

~~(14)~~ (13) Public and private parks, playgrounds, and recreational facilities.

Sec. 34-339. - Residential, multiple-family: RM-1.

(b) *Permitted uses.*

(7) Essential public services.

(8) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) *Conditional uses.*

~~(10) Essential public services.~~

~~(11)~~ (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

~~(14)~~ (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses

exceeding fifty thousand (50,000) square feet in gross area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

~~(17)~~ (15) Nursing and personal care facilities.

~~(18)~~ (16) Child day care services.

~~(19)~~ (17) Adult day care services.

~~(20)~~ (18) Civic, social and fraternal organizations

~~(21)~~ (19) Community centers.

~~(22)~~ (20) Public parks, playgrounds and recreational facilities.

Sec. 34-340. Residential, multiple-family: RM-2.

(b) *Permitted uses.*

(7) Essential public services.

(8) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) *Conditional uses.*

~~(10) Essential public services.~~

(11) (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

~~(14)~~ (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses exceeding fifty thousand (50,000) square feet in gross floor area shall only be approved

pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

~~(17)~~ (15) Nursing and personal care facilities.

~~(18)~~ (16) Child day care services.

~~(19)~~ (17) Adult day care services.

~~(20)~~ (18) Hotels and motels.

~~(21)~~ (19) Restaurants, excluding drive-ins.

~~(22)~~ (20) Private membership sports clubs and recreational facilities.

~~(23)~~ (21) Civic, social and fraternal organizations.

~~(24)~~ (22) Outdoor restaurants.

~~(25)~~ (23) Community centers.

~~(26)~~ (24) Public and private parks, playgrounds and recreational facilities.

Sec. 34-345. Central business district: CBD.

(b) *Permitted uses.*

(19) Multiple family dwellings and townhouses, subject to Section 34-~~340~~345(e) *Site Design and Lot Layout Standards* and also subject to a maximum density of 40 units per acre ~~residential multi-family, RM-2~~.

Sec. 34-346. Industrial district: I-1.

(d) *Conditional uses.*

(3) Processing and wholesale trade of scrap and waste materials, including junkyards, subject to section 34-~~4-4-~~25(d).

SECTION 7. That Article VIII. Site Development Standards, of the LDC is hereby amended as follows:

DIVISION 1. - PARKING AND LOADING STANDARDS

Sec. 34-373. Design standards.

(a) Spaces.

(5) Wheel Strips: Seven (7) foot overall width, as measured from outside edge to outside edge of each strip, with each strip measuring at least eighteen (18) inches wide.

(6) Bicycle Parking: For off-street parking lots containing 10 or more spaces, one parking space may be converted to a bicycle parking area.

(f) *Construction standards.* Off-street parking and loading areas and the vehicular access way thereto shall be paved, striped and landscaped. All landscaping shall be in accordance with section 34-425. The requirements provided herein for striping and landscaping are not applicable to driveways for single-family residences, two-family dwellings, and townhouses.

DIVISION 2. - SUPPLEMENTAL STANDARDS

Sec. 34-392. - Accessory uses and structures.

(1) *Setbacks.* Detached accessory structures shall observe the following setback requirements from adjacent property lines:

a. Generally. Detached accessory structures excluding temporary structures may be located in a required rear yard but shall be no closer than five (5) feet from any interior lot line. Street side and front yard setbacks shall be maintained on corner lots for the full length and width of the lot. Air conditioning compressors or other equipment designed to serve the main structure may be located in any required side yard of 7.5 feet width or greater, or in any rear yard, but shall not project more than three (3) feet into any required yard in a residential district. Walkways may connect to primary and/or detached accessory structures, driveways and public sidewalks, may be located in a required front, side or rear yard area, but shall be set back a minimum of two (2) feet away from any exterior property line, except for interior property lines between individual two-family dwelling lots and individual townhouse lots for which no setback is required.

(4) *Pools.* Private swimming pools, as regulated herein, shall be any pool, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used

for swimming or bathing purposes.

a. General. A private swimming pool shall be allowed in any residential zoning district as an accessory use only if it fully complies with the following standards:

4. The pool shall be constructed and enclosed in compliance with the requirements set forth in the ~~Standard Swimming Pool~~ Florida Building Code as adopted or amended by the City.

Sec. 34-395. Corner visibility.

On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the ~~street~~ right-of-way lines of such corner lots and a line joining points along said ~~street~~ right-of-way lines twenty (20) feet from the point of intersection. In addition to these requirements, landscaping within sight visibility triangles shall be governed by the standards of section 34-425(h).

Sec. 34-399. Home occupations.

(e) *Standards.*

(5) *Advertising.* All newspaper, radio, TV, internet websites, social media, or telephone directory advertising of the home occupation cannot include the specific address of the home occupation use. Post office boxes are acceptable.

DIVISION 4. – SIGN STANDARDS

Sec. 34-444. Prohibited signs.

(25) Signs nailed, fastened, affixed to, or painted on any fence or perimeter property wall, or on any tree or part thereof (living or dead), or other vegetation.

SECTION 8. That Article IX. Subdivision Standards, of the LDC is hereby amended as follows:

Sec. 34-503. Concept plan for plat.

(5) *Decision by planning commission.* After receipt of the staff report on the application for concept plan for plat, the application shall be considered at the next available public hearing. At the public hearing the planning commission shall consider the application, staff report, and public testimony. After the close of the public hearing the planning

commission shall approve, approve with conditions, or deny the concept plan for plat based on the standards in Section ~~34-403(f)~~ 34-503(6).

Sec 34-504. - Development plan for plat.
Within one (1) year of receipt of a concept plan for plat, ~~a development order for a development plan~~ an application for development plan for plat shall be submitted pursuant to the procedures and standards of Section 34-251 et seq., or the concept plan for plat shall become null and void.

Sec. 34-505. - Final plat.

(b) *Contents of application.* ~~Ten (10)~~ Five (5) copies of the application shall be submitted in a form established by the planning and development director and made available to the public that contains the following information:

SECTION 9. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 11. CODIFICATION. The City Council intends hat this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 12. EFFECTIVE DATE. This ordinance will take effect upon its adoption by City Council.

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

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MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Bill Mann, Planning and Development Director

SUBJECT: Ordinance No. 2020-8134, amending Chapter 34 - Land Development Code Article VIII, Division 2, Section 34-406-Fences to add a maximum height restriction for fences on Residential zoned properties fronting State Road A-1-A.

DATE: February 13, 2020

BACKGROUND

This amendment is being proposed by the City Council for consideration at the request of a homeowner who lives at 3477 South 3rd Street. The homeowner installed a six-foot tall wooden fence in the front yard area of the subject property, without obtaining a fence permit, which also extended into the Florida Department of Transportation (FDOT) right-of-way in front of the property. The fence was installed behind an existing tall ligustrum hedge planted by a previous owner of the property also in the FDOT right-of-way. Code Enforcement cited the property in July 2018 for installing a fence without a permit (Code Enforcement Case #18-219).

The existing six-foot tall fence cannot be permitted by the Planning and Development Department under current zoning regulations due to its location in the required front yard setback of the property, and also due to parts of it existing off of the homeowner's private property, in the State Road A-1-A right-of-way. The placing of any structure, including a fence, within the State Road A-1-A (3rd Street) right-of-way would require approval from the FDOT. Conversely, if the fence were to be relocated into the front yard of the subject property, along the front property line, it could only be permitted to a maximum height of four feet.

There are several reasons why front yard fences are restricted to four feet in height. The primary reason is to allow for passive drive-by surveillance of buildings on developed properties by law enforcement and code enforcement. Another reason is to aid in address location by emergency responders. Finally, the regulation of front yard fences at any specific height is to promote a general consistency in appearance from property to property that front on any given street or avenue.

Given that the residentially zoned properties fronting on 3rd Street are almost totally developed, an amendment to allow higher front yard fences for properties with front yards facing 3rd Street would benefit only a few properties. The homeowner has presumably modified the existing fence to comply with the Code Enforcement order, and the existing ligustrum hedge remains in the front of the property.

This is only the third request for additional fence height in a front yard setback area for a property fronting on 3rd Street in over 20 years. The other two requestors, one of which was from the inquirer's immediate neighbor to the south, were cited for illegal fence installation in the general timeframe in 2018 that the owner of 3477 South 3rd Street was cited. Both of those property owners have since modified their fences to bring them into compliance with the current four-foot maximum height for fences in front yards.

Finally, given that the property at 3477 South 3rd Street is 54 feet wide across the front property line of the lot, that the existing driveway from the house out to 3rd Street is approximately 17 feet wide at the front property line, and that the driveway is required to have a 10-foot sight visibility triangle on either side of it with nothing allowed within the triangles above 2.5 feet in height, if a six-foot tall fence were to be permitted across the front property line, there would still be required to be a 37-foot wide open gap in the fence to accommodate the driveway and its two sight triangles. That would leave a total of only 17 feet of front property line that could contain the desired six-foot tall fence.

The Planning Commission conducted their required public hearing and discussed the proposed amendments at their January 27, 2020 meeting. The Planning Commission voted unanimously to recommend denial of the proposed amendments by the City Council.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8134, amending Chapter 34 - Land Development Code Article VIII, Division 2, Section 34-406-Fences to add a maximum height restriction for fences on Residential zoned properties fronting State Road A-1-A.

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

ORDINANCE NO. 2020-8134

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VIII, DIVISION 2, SECTION 34-406 FENCES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD A MAXIMUM HEIGHT RESTRICTION FOR FENCES ON RESIDENTIAL ZONED PROPERTIES FRONTING STATE ROAD A1A; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance, the staff report, and relevant supporting materials and presentations, and has presented its recommendation to the City Council concerning this proposed fence height restriction amendment; and

WHEREAS, the City has a significant government interest to preserve the unique character and appearance of neighborhoods in the City, allowing for fences on residential properties to provide privacy and serve as sound barriers from traffic noise, but to also reasonably limit the height of fences that front roads to reduce visual obstructions that may cause traffic hazards, and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

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

SECTION 2. AMENDMENT TO THE CITY LDC.[1] That Article VIII. - Site Development Standards, Division 2. – Supplemental Standards, Section 34-406. – Fences., (b) *Height restrictions,* of the Land Development Code of the City of Jacksonville Beach, Florida, is hereby amended as follows:

Sec. 34-406. –Fences

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

(b) *Height restrictions.*

(1) Except as provided for in this division or as modified by the other provisions of the LDC, ~~all~~ fences in and around the front yard of any lot shall not exceed four (4) feet. A fence in the rear yard of any oceanfront lot in an RS-1 zoning district shall not exceed three and one-half (3½) feet in height.

(2) Notwithstanding Subparagraph (b)(1), for any residentially zoned property fronting on the State Road A-1-A right of way, the maximum height for all fences in and around the front yard of such lot shall be six (6) feet.

(~~2~~3) An eight-foot, nonopaque chain link fence may be erected along the property line of any recreational facility owned or leased by a school, church, or unit of government.

(~~3~~4) Chain link fences for public or private tennis courts shall not be required to comply with height regulations. Windscreens may be installed provided that visibility at intersections of public rights-of-way is not impaired. Fences for private tennis courts shall be constructed within the required setbacks for accessory uses in the particular zoning district in which the fence is located.

(~~4~~5) A fence located in a side or rear yard, except rear yards of oceanfront lots in the RS-1 zoning district, may be constructed at a height not to exceed eight (8) feet provided that the following requirements are met:

a. All fences installed pursuant to this subsection shall be constructed of wood, masonry, or other aesthetically pleasing material. In no case shall fences constructed of chain link wire fabric be permitted to exceed six (6) feet in height.

b. Any portion of said fence in excess of six (6) feet in height shall be constructed in a manner which provides openings to allow the free flow of air through that portion of the fence. The openings shall be evenly distributed with the pertinent portion of the fence and shall equal not less than twenty-five (25) percent of the aggregate surface area of the portion of the fence which exceeds six (6) feet in height.

SECTION 3. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 5. CODIFICATION. The City Council intends hat this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS ___ DAY OF_____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

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MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Bill Mann, Planning and Development Director

SUBJECT: Ordinance No. 2020-8135, amending Chapter 34 - Land Development Code Article VII, Division 2, Section 34-346 to add Mobile Food Vendors to the list of permitted uses in Industrial: I-1 zoning districts.

DATE: February 13, 2020

BACKGROUND

Staff was approached by a representative of the Veterans of Foreign Wars Post 3270 (VFW) and a food truck operator, both seeking approval to operate a food truck at the VFW Post located on 9th Street South in an Industrial: I-1 zoning district.

Pursuant to Ordinance 2014-8042, food trucks are currently permitted uses only in C-1, C-2, CS, CBD and in RD zoning districts that existed on January 1, 2014, and commercially designated areas of PUDs that existed on January 1, 2014. When Ordinance 2014-8142 was drafted in 2014, it was not contemplated that food truck operators would want to locate in the industrial areas of the city. Two public workshops were held on the subject matter, and the desire to allow food trucks in I-1 zoning districts was not identified at that time.

Staff was directed by City Council to draft an ordinance to add "Mobile Food Vending Vehicles" to the list of Permitted Uses in the Industrial: I-1 zoning district. If approved, applicants would be required to adhere to the same process as food trucks in all other locations and provide property owner authorization, proof that the food truck meets the criteria established by Ordinance 2014-8041, and a site plan showing the proposed location of the vehicle. Staff has no objections to adding "Mobile Food Vending Vehicles" to the list of permitted uses in the I-1 zoning district.

The Planning Commission conducted their required public hearing and discussed the proposed amendment at their January 27, 2020 meeting. The Planning

Commission voted unanimously to recommend approval of the proposed amendment by the City Council.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8135, amending Chapter 34 of the Land Development Code Article VII, Division 2, Section 34-346 to add Mobile Food Vendors to the list of permitted uses in Industrial: I-1 zoning districts.

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

ORDINANCE NO. 2020-8135

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII, DIVISION 2, SECTION 34-346 INDUSTRIAL DISTRICT: I-1, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD MOBILE FOOD VENDORS TO PERMITTED USES IN INDUSTRIAL DISTRICT: I-1 ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Jacksonville Beach Planning Commission considered the ordinance permitting the operation of Mobile Food Vendors as a permitted use in Industrial: I-1 zoning districts at a noticed, public hearing on January 27, 2020, and has made positive recommendation to the City Council; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and public testimony at the public hearings; and

WHEREAS, the City Council finds that Mobile Food Vendors are a popular food option for the public and should be a permitted use in Industrial: I-1 zoning districts in the City and would serve the general welfare and benefit the City's revenues, residents, businesses and communities; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

SECTION 1. AMENDMENT TO SECTION 34-346, CODE OF ORDINANCES.[1] That Chapter 34, Article VII, Division 2, Section 34-346. Industrial district: I-1, Paragraph (b) *Permitted uses* of the Comprehensive Land Development Code of the City of Jacksonville Beach, Florida, is hereby amended by adding a new Subparagraph (21), which shall henceforth read as follows:

Sec 34-346. Industrial district: I-1

(b) *Permitted uses*

(21) Mobile food vendors as defined in and in accordance with the provisions of Section 12-33 *Mobile Food Vending* of Chapter 12 *Food and Food Products* of this Code of Ordinances.

SECTION 2. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

SECTION 4. CODIFICATION. The City Council intends that this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS _____th DAY OF _____, A.D., 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

[1] Strikethrough text indicates deletions, underline text indicates additions.