



**Agenda**  
**City Council**

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Monday, December 5, 2016

7:00 PM

Council Chambers

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**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**

**ROLL CALL**

**APPROVAL OF MINUTES**

- a. **16-512** Special City Council Meeting (Shade Meeting) Held November 21, 2016
- b. **16-513** Regular City Council Meeting Held November 21, 2016

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**MAYOR AND CITY COUNCIL**

- a. **16-514** Declare the Election Results from the Duval County Canvassing Board, Certified by the State of Florida, for the November 8, 2016, General Election
- b. **16-515** Oath of Office for Newly Elected Council Members  
**New Council to be Seated**
- c. **16-516** Election of Mayor Pro-Tem

**CITY CLERK****CITY MANAGER**

- 16-518** Award a Continuous Service Contract to **Advanced Disposal Services Jacksonville, LLC**, in Response to RFP 11-1516 for Collection and Disposal of Solid Waste and Recycling Services

**RESOLUTIONS**

- 16-519** RESOLUTION 1968-2016

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING FOR THE ADOPTION OF SOLID WASTE COLLECTION AND DISPOSAL FEES AND ESTABLISHING AN EFFECTIVE DATE.**

**ORDINANCES**

- a. **16-520** ORDINANCE NO. 2016-8084 (Second Reading) (PUBLIC HEARING)

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH DECLARING A TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

- b. **16-521** ORDINANCE NO. 2016-8085 (First Reading)

**AN ORDINANCE RENAMING A PORTION OF A CERTAIN STREET LOCATED IN THE OCEAN VIEW HIGHLANDS SUBDIVISION. (A portion of Burling Way to 34th Avenue South)**

**ADJOURNMENT****NOTICE**

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

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

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

**Minutes of Executive Session of the City Council  
held Monday, November 21, 2016, at 5:15 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Latham called the meeting to order at 5:15 P.M.

**The following Council Members were in attendance:**

Mayor: William C. Latham

Council Members: Lee Buck                      Keith Doherty(*late*)                      Christine Hoffman  
Bruce Thomason                      Phil Vogelsang                      Jeanell Wilson

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, and City Clerk Laurie Scott.

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Mayor Latham called the Public Meeting to order.

Mayor Latham stated this agenda item concerns one of the City's ongoing lawsuits and asked the City Attorney if she had a statement to make.

City Attorney Susan Erdelyi stated she would like to inform the Council she needs advice concerning Las Olas Development vs. City of Jacksonville Beach, Case No. 16-2009-CA-0399 Division CV-H. The City is a party to that lawsuit. Florida Statute 286.011 allows the Council to hold a private meeting to provide that advice.

Mayor Latham announced that the closed attorney-client meeting concerning the Las Olas lawsuit will commence in just a couple of minutes in the City's Board Room and is estimated to last 45 minutes. Attending the session will be Mayor Charlie Latham, Council Members Jeanell Wilson, Christine Hoffman, Keith Doherty, Phil Vogelsang, Lee Buck, and Bruce Thomason. Also, attending will be City Manager George Forbes, City Attorney Susan Erdelyi, and the Court Reporter.

Mayor Latham closed the Public Meeting at 5:16 P.M.

Mayor Latham re-opened the Public Meeting at 6:02 P.M. to announce the termination of the closed attorney-client meeting.

No formal action was taken. Mayor Latham closed the Public Meeting at 6:03 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

\_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_

**Minutes of Regular City Council Meeting  
held Monday, November 21, 2016, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**OPENING CEREMONIES:**

There was a moment of silence for four police officers, followed by the salute to the flag.

**CALL TO ORDER:**

Mayor Latham called the meeting to order at 7:00 P.M.

**ROLL CALL:**

Mayor: William C. Latham

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

Also present were City Manager George Forbes and City Clerk Laurie Scott.

**APPROVAL OF MINUTES**

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

- Regular City Council Meeting held on November 7, 2016

**ANNOUNCEMENTS:**

Mr. Doherty stated citizens expressed concerns to him regarding being disconnected with City Hall and he would like to reinstate the Council Briefings.

Mr. Vogelsang commented he would like to look into live streaming of the City Council meetings as it would help citizens be more involved.

Ms. Hoffman recommended scheduling one standing City Council Briefing, to be held on the third Monday of the month at 6:00 P.M. [before the City Council Meeting].

Ms. Wilson stated she supported the live streaming of the City Council and Board meetings. She would like to recommend the agenda items of other Boards be projected onto the screen in the Council Chambers, [similar to the Council Meetings] so that the audiences can be informed.

**COURTESY OF THE FLOOR TO VISITORS:**

**Speakers:**

- Scott Cummings, 2855 Merrill Boulevard, Jacksonville Beach, Chairman of the City of Jacksonville Beach Board of Adjustment, stated his concerns regarding a newspaper article about the Board's decisions in granting variances. He requested the City Council review the Land Development Code and make changes to avoid more parking and traffic issues.
- John Atkins, 286 South First Street, Jacksonville Beach, stated he is a developer that often comes before the Board of Adjustment. He commented that the Land Development Code might need to be changed and suggested a workshop be held to discuss the changes. He distributed a handout showing some of his projects built in the City.

**MAYOR AND CITY COUNCIL**

**CITY CLERK:**

**CITY MANAGER:**

- (a) **Item # 15-506, Presentation of Certificate of Achievement for Excellence in Financial Reporting**

Mayor Latham presented Chief Financial Officer, Karen Nelson, the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association.

- (b) **Item #16-507, Accept the Monthly Financial Reports for the Month of October 2016**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the monthly financial reports for the month of October 2016, as submitted by the Chief Financial Officer.

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

- (c) **Item #16-508, Authorize the Mayor and City Manager to Execute an Agreement between the Volunteer Life Saving Corps and the City of Jacksonville Beach**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the Mayor and City Manager to execute an agreement between the

Volunteer Life Saving Corps and the City of Jacksonville Beach in substantial compliance with the attached agreement (Exhibit A).

Mr. Forbes explained the Red Cross is no longer directly providing ocean rescue operations. Mr. Forbes stated in this agreement the Volunteer Life Saving Corps provides training and certification of the City's lifeguard candidates and is responsible for ocean rescue services in Jacksonville Beach on Sundays and holidays. The City will pay for utility and phone services at the American Red Cross Life Saving Corps Station. The agreement also positively defines the City's participation in the Junior Life Saving Camp.

Mr. Forbes pointed out on Page 3 of the agreement, Section 2, g. iv., it should state "his or her designee." On Page 4, Subsection n., it should state "and/or" property damage." On Page 5, the letter "s" should be removed from the City Clerk's email address.

Ms. Wilson asked if the City owns the land even though the Red Cross owns the building. Mr. Forbes answered that the Red Cross also owns the land and there is a deed restriction stating that the City has the right to use the building. It also states should the Red Cross cease to use the building for ocean rescue for a period one year, the building and land revert back to the City.

Wayne Chattaway, President, Board of Directors of the Volunteer Life Saving Corps, stated that Red Cross primarily maintains the building.

Ms. Wilson asked if on Sunday and holidays ocean rescue services are done by volunteers and not City employees. Mr. Chattaway confirmed the beach is guarded Sundays and holidays by the Volunteer Life Saving Corps.

Ms. Hoffman asked about the deed restriction on the land if the Red Cross ceases ocean rescue for one year. Mr. Forbes stated the deed restriction states the City employees can use the ground floor of the building and if the Red Cross ceases ocean rescue for one year the building will go back to the City as the City donated the land. Mr. Forbes and Mr. Chattaway explained ocean rescue is still being performed out of the building through the Volunteer Life Savings Corps and the Red Cross is maintaining the building.

Mr. Doherty asked if there are staffing level issues and if the equipment is up to date. Mr. Chattaway answered they have two crews and could pull from the other crew if needed. The equipment is up to date.

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

**(d) Item #16-509, Award RFP Number 06-1415 - Enterprise Resource Planning System to Tyler Technologies, Inc.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award RFP Number 06-1415 - Enterprise Resource Planning System to *Tyler Technologies, Inc.*, as described in the memorandum from the Chief Financial Officer dated November 5, 2016, and authorize the Mayor and City Manager to execute a license and service agreement.

Mr. Forbes stated the ERP (Enterprise Resource Planning System) is the software that operates most of the City. The current system was installed by SunGard in 1987 and is obsolete. Enterprise Resource Planning (ERP) is a business/technology term for an information system based on a common database and software tools that enable information to be easily accessed, compared and shared throughout an organization. The common database will improve information accuracy and availability. Common functions of ERP systems include finance and accounting; human resources management; budgeting; payroll; cashiering; project tracking; procurement; invoicing and inventory.

Mr. Forbes added that an RFP was sent to 11 vendors and three responded. Tyler Technologies was selected as the best-qualified respondent. The City made four site visits and performed 18 nationwide reference checks.

Steve Gousie, of Sciens Consulting, reviewed the process used to select Tyler Technologies.

Mr. Doherty asked about the cost of upgrading in subsequent years. Mr. Gousie explained with Tyler Technologies there is the initial purchase of the software and an annual maintenance fee. He added that Tyler Technologies has an “evergreen” policy that provides any upgrade be included in the maintenance fee. He added there is a help line available for problems that arise. A response time is also included in the contract.

Mr. Thomason asked since the costs are set out per the calendar year would there be an impact on the current budget. Mr. Forbes answered that money has been set aside in Capital Projects and is available.

Karen Nelson, Chief Financial Officer, stated the costs outlined are per fiscal year.

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

**(e) Item #16-510, Discuss and Review the Selection of Advanced Disposal for the collection and disposal of solid waste and recycling services**

Mr. Forbes explained RFPs were sent out to six vendors for collection and disposal of solid waste and recycling services as the current contract with Republic Services expires in December 2016. He stated that Advanced Disposal Services Jacksonville, LLC, was the highest ranked of the three responses received.

Mr. Forbes pointed out the four options that the City Council needs to consider. The decision of which option will be made at the next City Council meeting on December 5, 2016.

	<b>RESIDENTIAL PICKUP FREQUENCY</b>			
<b>Alternates</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<i>Garbage/Trash</i>	Twice per week	Twice per week	Once per week	Once per week
<i>Recycling</i>	Once per week	Once every 2 weeks	Once per week	Once every 2 weeks
<i>Yard Waste</i>	Once per week	Once per week	Once per week	Once per week
<i>Bulky Waste</i>	Once per week	Once per week	Once per week	Once per week

Ty Edwards, Public Works Director, commented that one of the key items is that the new recycling carts will be 95-gallons in size with a yellow lid. An 18-gallon bin is currently being used. He added that recycling increases 40% when larger carts are used. Advanced Disposal presented the 95-gallon recycling cart.

Mr. Edwards stated Advanced Disposal would be using new side arm automated trucks for garbage and recycling collection. He added Advanced Disposal has committed to having a dedicated phone line for businesses and residents to report missed garbage directly to the contractor.

Mr. Edwards introduced Bill Stubblebine, Derick Redding, and Greg Huntington of Advanced Disposal.

Mr. Thomason asked if the 18-gallon recycle bin would continue to be an option for those customers who do not generate a lot of recyclable items. Mr. Edwards answered that once the 95-gallon carts are issued, and following a break-in period of 90 days, a customer may request a smaller 64-gallon cart as the carts must conform to the automated truck.

Discussion ensued regarding frequency of pickups, the level of service, and size and upkeep of garbage and recycling carts.

Ms. Hoffman asked if the contract included commercial recycling. Mr. Edwards answered that with the last extension of the current contract, free recycling for multifamily customers was included. Recycling for multifamily customers at no charge is not included in the proposed contract, however, if the multifamily customers would like to continue to recycle, they will be charged by cubic yard.

Mayor Latham asked about the high cost of recycling glass and if removing the glass from the commodities being recycled would have an effect on pricing. Mr. Stubblebine answered he would like to have glass removed from the stream, but that is a difficult item to have removed.

Mr. Stubblebine stated an information packet would accompany the new 95-gallon recycling cart educating customers about what can be recycled.

Mr. Thomason pointed out the importance that the citizens know well in advance of the next City Council meeting that this change will be considered.

Mr. Forbes stated again that the decision would be made at the next City Council meeting on December 5, 2016. He added the City would contact the newspapers and receive more public input before deciding on the frequency of pickups.

## **RESOLUTIONS:**

## **ORDINANCES:**

### **Item #16-511, ORDINANCE NO. 2016-8084 (First Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8084 (First Reading), by title only, whereupon Ms. Scott read the following:

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH DECLARING A TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8084, approving a one (1) year moratorium on the operation of medical marijuana treatment centers and dispensing organizations within the City.

Mr. Forbes explained the voter referendum allowing medical marijuana to be sold was approved. The requested moratorium period of one year will allow the City to consider the enabling legislation that the State Legislature is required to adopt during its next session, which ends in May 2017. The moratorium will also allow the City time to better analyze the potential impacts of medical marijuana treatment centers and dispensing organizations upon adjacent uses and surrounding areas, and then formulate appropriate regulations to accommodate these types of businesses.

Ms. Wilson asked if one year is long enough as neighboring cities have passed three-year moratoriums. Mr. Forbes answered that the moratorium could be extended if there is a good reason.

Mr. Doherty stated he did not want to put a time limit on the moratorium since the majority of the citizens voted for the referendum but if it is going to take one year, then he supports the ordinance.

Mr. Vogelsang asked what the City's plans are for the next year regarding the moratorium. Mr. Forbes stated there are primarily zoning issues in determining where the dispensaries will be established in the City.

Mayor Latham clarified that this is for dispensaries and not growing locations in the City.

Mr. Doherty commented he would like to have a workshop to discuss this issue further.

Mayor Latham reminded the audience this is the first reading of the ordinance and the second reading will be in two weeks on December 5, 2016.

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

There being no further business, the meeting adjourned at 9:08 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

\_\_\_\_\_  
William C. Latham, MAYOR

Date: \_\_\_\_\_

City of

November 10, 2016

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6299 #10

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**MEMORANDUM**

**TO:** The Honorable Mayor and  
Members of the City Council

**FROM:** Laurie Scott  
City Clerk

**SUBJECT:** *Declaration of Election Results for the November 8, 2016,  
City of Jacksonville Beach General Election*

**ACTION REQUESTED:**

Adopt the Declaration of Election results from the Duval County  
Canvassing Board, certified by the State of Florida, for the November 8,  
2016, General Election.

**BACKGROUND:**

The ballots cast at the November 8, 2016, General Election were reviewed  
by the Duval County Canvassing Board, and certified by the State of  
Florida.

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

**RECOMMENDATION:**

Adopt the Declaration of Election results as issued by the Duval County  
Canvassing Board and certified by the State of Florida, for the City of  
Jacksonville Beach General Election, held on November 8, 2016.

Attachments



**ELECTION DECLARATION BY CITY CLERK  
CITY OF JACKSONVILLE BEACH, FLORIDA  
FOR THE GENERAL ELECTION OF NOVEMBER 8, 2016**

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

The City Clerk for the City of Jacksonville Beach, Florida, has received the attached Certificate of the Duval County Canvassing Board, certified by the State of Florida (“the Certificate”) which constitutes the official results of votes cast at the November 8, 2016, General Election. Based on this Certificate, the undersigned City Clerk announces the results and declares the successful candidates for the following positions, which include all municipal officers who were eligible to be elected by the electors of the City of Jacksonville Beach in the General Election. Pursuant to the results provided,

**IT IS DECLARED** that the votes cast in the General Election are as follows:

**CANDIDATES**

The following named candidates for the office of Mayor, received the number of votes set opposite their respective names, as listed below:

**Mayor**

Candidate Charlie Latham	7,575 votes
Candidate Cory Nichols, P.E.	5,559 votes

The following named candidate for the office of Council Seat 1, At-Large, received the number of votes set opposite their respective name, as listed below:

**Council Seat 1, At-Large**

Candidate Chris Hoffman	8,245 votes
Candidate Kurtis Loftus	3,473 votes

The following named candidates for the office of Council Seat 2, At-Large, received the number of votes set opposite their respective names, as listed below:

**Council Seat 2, At-Large**

Candidate Bill Stevens	5,147 votes
Candidate Phil Vogelsang	6,267 votes

The following named candidates for the office of Council Seat 3, At-Large, received the number of votes set opposite their respective names, as listed below:

**Council Seat 3, At-Large**

Candidate Keith Doherty	7,080 votes
Candidate Tom Taylor	4,387 votes

As a result of the attached Certification, the City Clerk declares that the following candidates are elected to office:

**Mayor**

Charlie Latham

**Council Seat 1, At-Large**

Chris Hoffman

**Council Seat 2, At-Large**

Phil Vogelsang

**Council Seat 3, At-Large**

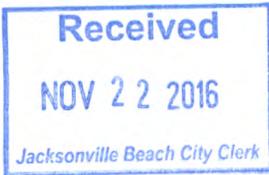
Keith Doherty

**WITNESSED** this \_\_\_\_ day of December 2016 by Laurie Scott, City Clerk.

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**Laurie Scott, CITY CLERK**

\*\*\* Official \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY



We, the undersigned, BRENT SHORE, County Judge, MIKE HOGAN, Supervisor of Elections, GREG ANDERSON, City Council Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the General held on the Eighth day of November, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For Electors for President and Vice President, the whole number of votes cast was 432,695, of which number the nominated electors for

Donald J. Trump and Michael R. Pence (REP)	received	211,672 votes
Hillary Rodham Clinton and Timothy Michael Kaine (DEM)	received	205,704 votes
Gary Johnson and Bill Weld (LPF)	received	11,318 votes
Darrell L. Castle and Scott N. Bradley (CPF)	received	747 votes
Jill Stein and Ajamu Baraka (GRE)	received	2,912 votes
Roque (Rocky) De La Fuente and Michael Steinberg (REF)	received	331 votes
Andrew D. Basiago and Karen D. Kinnison (WRI)	received	0 votes
Richard Duncan and Ricky Johnson (WRI)	received	7 votes
Cherunda Fox and Roger Kushner (WRI)	received	1 votes
Zoltan Istvan Gyurko and Lisa M. Memmel (WRI)	received	0 votes
Laurence J. Kotlikoff and Edward E. Leamer (WRI)	received	3 votes
Anthony "Tony" Joseph Valdivia and Aaron Roy Barnere (WRI)	received	0 votes

For United States Senator, the whole number of votes cast was 427,814 of which

Marco Rubio (REP)	received	241,000 votes
Patrick Murphy (DEM)	received	171,598 votes
Paul Stanton (LPF)	received	8,478 votes
Tony Khoury (NPA)	received	2,686 votes
Bruce Nathan (NPA)	received	2,069 votes
Steven Machat (NPA)	received	1,115 votes
Basil E. Dalack (NPA)	received	863 votes
Robert Samuel Kaplan (WRI)	received	0 votes
Howard Knepper (WRI)	received	3 votes
Bradley Patrick (WRI)	received	0 votes
Charles Frederick Tolbert (WRI)	received	2 votes
Angela Marie Walls-Windhauser (WRI)	received	0 votes

\*\*\* Official \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY

For Representative in Congress, District 4, the whole number of votes cast was 250,496 of which

John Rutherford (REP)	received	170,106 votes
David E. Bruderly (DEM)	received	74,454 votes
Gary L. Koniz (NPA)	received	5,925 votes
Daniel Murphy (WRI)	received	11 votes

For Representative in Congress, District 5, the whole number of votes cast was 169,646 of which

Glo Smith (REP)	received	64,581 votes
Al Lawson (DEM)	received	105,065 votes

For Public Defender, 4th Judicial Circuit, the whole number of votes cast was 311,434 of which

Charlie Cofer (REP)	received	311,014 votes
Roland Falcon (WRI)	received	420 votes

For State Representative, District 11, the whole number of votes cast was 37,696 of which

Cord Byrd (REP)	received	37,667 votes
Walter Eugene Haynes (WRI)	received	29 votes

For State Representative, District 12, the whole number of votes cast was 59,224 of which

Clay Yarborough (REP)	received	59,165 votes
Jerry B. Steckloff (WRI)	received	59 votes

For State Representative, District 13, the whole number of votes cast was 62,835 of which

Mark L. Griffin (REP)	received	25,318 votes
Tracie Davis (DEM)	received	37,517 votes

For State Representative, District 14, the whole number of votes cast was 70,841 of which

Christian M. Whitfield (REP)	received	23,545 votes
Kimberly Daniels (DEM)	received	47,296 votes

\*\*\* Official \*\*\*

CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY

For State Representative, District 15, the whole number of votes cast was  
55,812 of which

Jay Fant (REP)	received	55,707 votes
Timothy S. Glidden (WRI)	received	105 votes

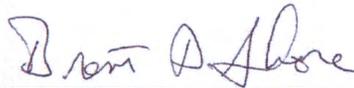
For State Representative, District 16, the whole number of votes cast was  
68,924 of which

Jason Fischer (REP)	received	68,855 votes
George Doran (WRI)	received	69 votes

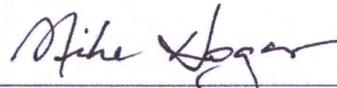
For Clerk of the Circuit Court , the whole number of votes cast was  
409,771 of which

Ronnie Fussell (REP)	received	218,971 votes
Paula Bartlett (DEM)	received	190,800 votes

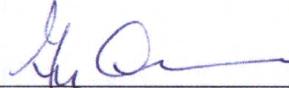
We Certify that pursuant to Section 102.112, Florida Statutes, the  
canvassing board has compared the number of persons who voted with  
the number of ballots counted and that the certification includes all valid  
votes cast in the election.



COUNTY JUDGE



SUPERVISOR OF ELECTIONS



CITY COUNCIL MEMBER

\*\*\* Official \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY

We, the undersigned, BRENT SHORE, County Judge, MIKE HOGAN, Supervisor of Elections, GREG ANDERSON, City Council Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the Proposed Amendments to the Constitution of the State of Florida and referendum on the Eighth day of November, 2016 A.D. as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

NO. 1  
CONSTITUTIONAL AMENDMENT  
ADD NEW SECTION 29 TO ARTICLE X  
RIGHTS OF ELECTRICITY CONSUMERS REGARDING  
SOLAR ENERGY CHOICE

This amendment establishes a right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use. State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.

Yes for Approval	250,913	votes
No for Rejection	169,717	votes

NO. 2  
CONSTITUTIONAL AMENDMENT  
ARTICLE X, SECTION 29  
USE OF MARIJUANA FOR DEBILITATING MEDICAL  
CONDITIONS

Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

Yes for Approval	318,311	votes
No for Rejection	108,866	votes

NO. 3  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6 & ARTICLE XII  
TAX EXEMPTION FOR TOTALLY AND PERMANENTLY  
DISABLED FIRST RESPONDERS

Proposing an amendment to the State Constitution to authorize a first responder, who is totally and permanently disabled as a result of injuries sustained in the line of duty, to receive relief from ad valorem taxes assessed on homestead property, if authorized by general law. If approved by voters, the amendment takes effect January 1, 2017.

Yes for Approval	352,171	votes
No for Rejection	63,917	votes

\*\*\* Official \*\*\*  
CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY

NO. 5  
CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 6 & ARTICLE XII  
HOMESTEAD TAX EXEMPTION FOR CERTAIN SENIOR,  
LOW-INCOME, LONG-TERM RESIDENTS; DETERMINATION  
OF JUST VALUE

Proposing an amendment to the State Constitution to revise the homestead tax exemption that may be granted by counties or municipalities for property with just value less than \$250,000 owned by certain senior, low-income, long-term residents to specify that just value is determined in the first tax year the owner applies and is eligible for the exemption. The amendment takes effect January 1, 2017, and applies retroactively to exemptions granted before January 1, 2017.

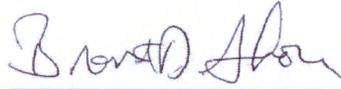
Yes for Approval	325,036	votes
No for Rejection	85,464	votes

COUNTY REFERENDUM NO. 1

COUNTYWIDE REFERENDUM TO AUTHORIZE SLOT MACHINE GAMING  
IN LICENSED PARI-MUTUEL FACILITIES IN DUVAL COUNTY  
Shall slot machines be authorized within licensed pari-mutuel facilities in Duval County subject to the restrictions of state law including restricting slot machines to persons 21 years of age and older?

Yes for Approval	227,275	votes
No for Rejection	192,903	votes

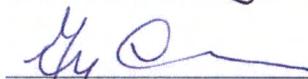
We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE



SUPERVISOR OF ELECTIONS



CITY COUNCIL MEMBER

\*\*\* Official \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**DUVAL COUNTY**

We, the undersigned, BRENT SHORE, County Judge, MIKE HOGAN, Supervisor of Elections, GREG ANDERSON, City Council Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan** held on the Eighth day of November, 2016 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Retention of Justice Charles T. Canady of the Supreme Court

Yes 236,253 votes

No 131,290 votes

Retention of Justice Jorge Labarga of the Supreme Court

Yes 222,303 votes

No 135,592 votes

Retention of Justice Ricky L. Polston of the Supreme Court

Yes 229,569 votes

No 130,894 votes

Retention of Judge Ross Bilbrey of the First District Court of Appeal

Yes 232,729 votes

No 124,942 votes

Retention of Judge Susan Kelsey of the First District Court of Appeal

Yes 242,379 votes

No 115,428 votes

Retention of Judge Lori S. Rowe of the First District Court of Appeal

Yes 236,679 votes

No 120,658 votes

Retention of Judge Kent Wetherell of the First District Court of Appeal

Yes 228,988 votes

No 127,520 votes

Retention of Judge Bo Winokur of the First District Court of Appeal

Yes 224,685 votes

No 130,444 votes

\*\*\* Official \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**DUVAL COUNTY**

Retention of Judge Jim Wolf of the First District Court of Appeal

Yes 227,528 votes

No 126,825 votes

For School Board, District 7, the whole number of votes cast was 58,583 of which

Lori Harrell Hershey received 33,248 votes

Barbara Toscano received 25,335 votes

For City of Neptune Beach Mayor Neptune Beach, the whole number of votes cast was 4,587 of which

Elaine Brown received 2,525 votes

Bob Shimp received 2,062 votes

For Town of Baldwin Baldwin, the whole number of votes cast was 615 of which

Marvin E. "Buddy" Godbold received 294 votes

Sean T. Lynch received 321 votes

For City of Jacksonville Beach Mayor Jacksonville Beach, the whole number of votes cast was 13,134 of which

Charlie Latham received 7,575 votes

Cory Nichols, P.E. received 5,559 votes

For Jax Beach City Council - Seat 1 Jacksonville Beach, the whole number of votes cast was 11,718 of which

Chris Hoffman received 8,245 votes

Kurtis Loftus received 3,473 votes

For Jax Beach City Council - Seat 2 Jacksonville Beach, the whole number of votes cast was 11,414 of which

Bill Stevens received 5,147 votes

Phil Vogelsang received 6,267 votes

For Jax Beach City Council - Seat 3 Jacksonville Beach, the whole number of votes cast was 11,467 of which

Keith Doherty received 7,080 votes

Tom Taylor received 4,387 votes

\*\*\* Official \*\*\*  
**CERTIFICATE OF COUNTY CANVASSING BOARD  
DUVAL COUNTY**

For Tolomato Community Development District, Seat 3, the whole number of votes cast was 573 of which

William Fitzgerald	received	358 votes
Stephen Z. Grossman	received	215 votes

For Duval Soil and Water Conservation District, Group 2, the whole number of votes cast was 332,642 of which

Hunter Anderson	received	216,225 votes
James Joseph Morton	received	116,417 votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE



SUPERVISOR OF ELECTIONS



CITY COUNCIL MEMBER

*City of Jacksonville Beach, Florida*

*Oath of Office*

I, \_\_\_\_\_, solemnly swear (or affirm) that I will support the  
Constitution and will obey the laws of the United States and of the State of  
Florida; City of Jacksonville Beach, and will faithfully discharge the duties of the  
office of \_\_\_\_\_.

Sworn to, this 5<sup>th</sup> day of December, 2016.

**Attest:**

\_\_\_\_\_  
Laurie Scott, City Clerk



**Witness:**

\_\_\_\_\_  
Catherine Ponson, Assistant City Clerk

City of

November 23, 2016

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6299 #10

904.247.6250 #11

Fax: 904.247.6256

E-Mail: [cityclerk@jaxbchfl.net](mailto:cityclerk@jaxbchfl.net)

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**MEMORANDUM**

**TO:** The Honorable Mayor and  
Members of the City Council

**FROM:** Laurie Scott  
City Clerk

**SUBJECT:** *Election of Mayor Pro-Tem*

**ACTION REQUESTED:**

Council Members select a Mayor Pro-Tem for a term to end at the 2018 Municipal Election.

**BACKGROUND:**

Section 5, of the City Charter, requires the selection of a Mayor Pro-Tem, at its first meeting, following the certification of the election. The purpose of the Mayor Pro-Tem is if a vacancy should occur in the Office of the Mayor, or in the case of his/her absence or disability, the Mayor Pro-Tem shall act as the Mayor for the unexpired term or during the continuance of the absences or disability

**RECOMMENDATION:**

Nominate a Council Member to serve as Mayor Pro-Tem, with the term beginning December 5, 2016, and expiring after the certification of the election results in 2018.



November 23, 2016

**TO:** George Forbes, City Manager

**FROM:** Ty Edwards, Public Works

**RE:** Award RFP 11-1516, Collection and Disposal of Solid Waste and Recycling Services

**ACTION REQUESTED:**

Award a continuous service contract to **Advanced Disposal Services Jacksonville, LLC**, in response to RFP 11-1516 for Collection and Disposal of Solid Waste and Recycling Services.

**BACKGROUND:**

The current contract for the collection and disposal of solid waste and recycling services is due to expire on December 15, 2016. For this reason, we advertised RFP 11-1516 on September 8, 2016, seeking qualified vendors to provide a comprehensive solid waste and recycling collection program that will deliver:

- Timely collection of solid waste and recycling;
- Excellent customer service at all times;
- Responsive communication and speedy resolution to customer concerns;
- Fair and reasonable pricing.

The scope of services included issuing residential recycling carts (95-gallon) to replace the current recycling bins (18-gallon), and requested proposed pricing for four (4) different combinations of pickup frequencies for garbage and recycling.

	<b>RESIDENTIAL PICKUP FREQUENCY</b>			
<u>Alternates</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<i>Garbage/Trash</i>	Twice per week	Twice per week	Once per week	Once per week
<i>Recycling</i>	Once per week	Once every 2 weeks	Once per week	Once every 2 weeks
<i>Yard Waste</i>	Once per week	Once per week	Once per week	Once per week
<i>Bulky Waste</i>	Once per week	Once per week	Once per week	Once per week

- <sup>1</sup> Small Commercial Pickup is similar to Residential Pickup.
- <sup>2</sup> Dumpster Pickup Frequency is based on customer need. Also, dumpster customers also receive bulky waste pickup and yard waste (*not contractor generated*) pickup.
- <sup>3</sup> Standard issue garbage and recycling carts are 95-gallon capacity. After 90-day break-in period, 64-gallon capacity recycling cart is optional based on customer request.
- <sup>4</sup> Historically recycling increases by about 40% with transition to the 95-gallon carts.
- <sup>5</sup> **Alternate D** is the frequency combination that will provide our customers with satisfactory service levels at the most cost effective price; has been implemented successfully in many locations.

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

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Proposals were sent to six (6) vendors. A pre-proposal meeting was held on September 21, 2016. Subsequently, we received responses from **Advanced Disposal, Republic Services** and **WastePro** by the closing date, October 26, 2016.

The proposal evaluation committee, consisting, of the Public Works Project Engineer, the Streets Superintendent, the Property & Procurement Officer and the Public Works Director met on Wednesday, November 9, 2016, at its publicly noticed review meeting. The committee evaluated and scored the three (3) submitted responses based on proposed scope of services, qualifications and competence, equipment availability and capability, and pricing.

While each firm provided clear and concise work plans that demonstrated the ability to deliver solid waste and recycling services, the response from **Advanced Disposal** received the highest score as they provided noteworthy customer satisfaction surveys and current references, together with the most complete schedule of equipment. The firm's score was further enhanced by providing the lowest pricing in each of the alternate pickup frequency schedules. The overall scores and ranking are:

<u>Responders</u>	<u>Weighted Total Score</u>	<u>Rank Order</u>
<b>Advanced Disposal</b>	<b>31.0</b>	<b>1<sup>st</sup></b>
Republic Services	21.5	3 <sup>rd</sup>
WastePro	23.0	2 <sup>nd</sup>
<sup>1</sup> The collective scoring summary is attached. <sup>2</sup> Proposed pricing is attached. <sup>3</sup> <i>Advanced Disposal Jacksonville, LLC</i> , is located on Philips Highway in Jacksonville. The firm's national headquarters is located nearby in Ponte Vedra, FL.		

On November 14, 2016, the committee met with the highest ranked firm, *Advanced Disposal*, to review the firm's proposal with its management to ensure that the City's scope of services was understood and would be met. Subsequently, references were contacted to confirm the performance of *Advanced Disposal*.

The contract term is six (6) years. Thereafter, the contract may be extended at the City's sole discretion in terms of not more than six (6) years in length. The collection costs will adjust annually based on the increase or decrease in the selected Consumer Price Index (minus fuel). There is also a fuel adjustment provision, where fuel prices will be reviewed bi-annually against the contract base fuel price and a selected fuel index. Costs will be adjusted downward or upward accordingly.

**RECOMMENDATION:**

1. Award a continuous service contract to ***Advanced Disposal Services Jacksonville, a Limited Liability Corporation***, and authorize the Mayor and City Manager to execute a contract with ***Advanced Disposal Services***.
2. Authorize a residential pickup frequency for garbage/trash, recycling, yard waste, and bulky waste of once per week.

## Evaluation Committee Collective Score Sheet and Summary Notes

Scoring Scale:

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

<b>Evaluation Criteria</b>
----------------------------

Vendor	Scope	Qualifications	Equipment	Pricing	Total	Rank
Advanced	3	3	4	4	14	1
Republic	3	2	3	2	10	3
WastePro	3	3	2	3	11	2

Score Weight	2.0	1.0	2.5	3.0
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<b>Total Weighted Scores</b>
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Advanced	6	3	10	12	31	1
Republic	6	2	7.5	6	21.5	3
WastePro	6	3	5	9	23	2

**Evaluation Criterion 1: Scope of Services:**

- A. Clearly describe the ability to perform the scope of services required. Please address Section C Technical Specifications.
- B. Clearly describe any Respondent Optional Alternate(s) that are proposed and submitted along with proposal that meets City scope. Respondent should clearly explain how respondent alternate(s) differ from CITY scope to include, but not limited to, type collection vehicles, containers provided to customers, frequency of collections, personnel, etc.
- C. Include a work plan with an explanation of methodology to be followed to perform the services required within this RFP.
- D. Include suggestions to the current method the CITY is utilizing in order to increase service satisfaction of our residents and businesses.

VENDOR	COMMENTS	SCORE
ADVANCED	Ability to perform was clearly demonstrated through their 3-Phase system (Initial, Secondary and Service phases). Outlined a thorough work plan and methodology, which included “closed loop” and “redundancy” strategies. Provided a 6-step resolution process for customer service issues and a 10-step process for any reoccurring issues. Did not offer suggestions to enhance current method or provide alternate options, but put a lot of work on the contract transition. <b>Overall very good response with few shortcomings.</b>	3
REPUBLIC	Really good job of identifying the resources needed for each service option and how they would divide that into the different routes. Also provided a good disaster recovery plan (that would support the City’s emergency Debris Management Contractor). Also provided options for both carts and dumpsters which differentiated them from the other two responses. Claim driver screening higher standard than DOT and highest in industry. <b>Clear in their methodology, ability and work plan.</b>	3
WASTE PRO	Over 100 municipal contracts in Florida. The claim to provide superior, timely and safe service. Proposes to keep all service routes and days same as current. Emphasized cleanliness and outstanding appearance of vehicles. Clearly recognize their employees that make them leaders in the industry. No temporary employees assigned to this contract. Did more on the disaster plan than the other two firms. Only company to discuss computer chip tag on carts. Did not discuss dumpsters. <b>Work plan was clear, concise and easy to follow.</b>	3

City of Jacksonville Beach

RFP #: 11-1516

Title: Collection, Disposal of Solid Waste and Recycling Services for the City of Jacksonville Beach.

**Evaluation Criterion 4: Pricing:**

**OPTIONS**

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
* Garbage / Trash		Twice per week	Twice per week	Once per week	Once per week
Recycling		Once per week	Once bi-weekly	Once per week	Once bi-weekly
Bulky Waste		Once per week	Once per week	Once per week	Once per week
Yard Waste		Once per week	Once per week	Once per week	Once per week
<b>ADVANCED DISPOSAL</b>	Est. Quantity per Month	<b><u>UNIT PRICE</u></b>			
Residential & Small Commercial	8,253	\$13.74	\$12.64	\$11.85	\$10.95
Mutifamily Dwelling, Commercial	24,227	\$3.45	\$3.45	\$3.45	\$3.45
Commercial Large Roll-off Pull	42	\$325.00	\$325.00	\$325.00	\$325.00

**REPUBLIC SERVICES**

Residential & Small Commercial	8,253	\$19.84	\$18.15	\$19.25	\$17.55
Mutifamily Dwelling, Commercial	24,227	\$3.84	\$3.84	\$3.84	\$3.84
Commercial Large Roll-off Pull	42	\$332.52	\$332.52	\$332.52	\$332.52

**WASTE PRO**

Residential & Small Commercial	8,253	\$15.37	\$15.15	\$14.92	\$14.79
Mutifamily Dwelling, Commercial	24,227	\$4.03	\$4.03	\$4.03	\$4.03
Commercial Large Roll-off Pull	42	\$275.00	\$275.00	\$275.00	\$275.00

\* For Garbage / Trash this represents frequency for Residential and Small Commercial.

The City will decide dumpster size and frequency for Multifamily, Commercial and Unique Commercial Service.

**ANNUAL COSTS**

A	B	C	D
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* Garbage / Trash	Twice per week	Twice per week	Once per week	Once per week
Recycling	Once per week	Once bi-weekly	Once per week	Once bi-weekly
Bulky Waste	Once per week	Once per week	Once per week	Once per week
Yard Waste	Once per week	Once per week	Once per week	Once per week

**ADVANCED DISPOSAL**

	A	B	C	D	SCORE
Residential & Small Commercial	\$113,396	\$104,318	\$97,798	\$90,370	<b>4</b>
Mutifamily Dwelling, Commercial	\$83,583	\$83,583	\$83,583	\$83,583	
Commercial Large Roll-off Pull	\$13,650	\$13,650	\$13,650	\$13,650	
Monthly Total	\$210,629	\$201,551	\$195,031	\$187,604	
<b>Advanced Annual Total</b>	<b>\$2,527,552</b>	<b>\$2,418,613</b>	<b>\$2,340,374</b>	<b>\$2,251,242</b>	

**REPUBLIC SERVICES**

Residential & Small Commercial	\$163,740	\$149,792	\$158,870	\$144,840	<b>2</b>
Mutifamily Dwelling, Commercial	\$93,032	\$93,032	\$93,032	\$93,032	
Commercial Large Roll-off Pull	\$13,966	\$13,966	\$13,966	\$13,966	
Monthly Total	\$270,737	\$256,789	\$265,868	\$251,838	
<b>Republic Annual Total</b>	<b>\$3,248,844</b>	<b>\$3,081,474</b>	<b>\$3,190,413</b>	<b>\$3,022,052</b>	

**WASTE PRO**

Residential & Small Commercial	\$126,849	\$125,033	\$123,135	\$122,062	<b>3</b>
Mutifamily Dwelling, Commercial	\$97,635	\$97,635	\$97,635	\$97,635	
Commercial Large Roll-off Pull	\$11,550	\$11,550	\$11,550	\$11,550	
Monthly Total	\$236,033	\$234,218	\$232,320	\$231,247	
<b>WastePro Annual Total</b>	<b>\$2,832,401</b>	<b>\$2,810,613</b>	<b>\$2,787,835</b>	<b>\$2,774,960</b>	

\* For Garbage / Trash this represents frequency for Residential and Small Commercial. The City will decide dumpster size and frequency for Multifamily, Commercial and Unique Commercial Service.

December 2, 2016

City of

Jacksonville Beach

1460A Shetter Avenue

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**TO:** George Forbes, City Manager

**FROM:** Ty Edwards, Public Works

**SUBJECT:** Adopt Resolution No.1968-2016 Providing for Solid Waste Collection and Disposal Fees

**ACTION REQUESTED:**

Adopt Resolution No. 1968-2016 providing for solid waste collection and disposal fees and establishing an effective date.

**BACKGROUND:**

Over twenty-three (23) years ago, the City Council set the current solid waste collection and disposal fees. Fifteen (15) years ago, the Council authorized the same fees by Resolution 1636-2001. This was done in conjunction with the award of our current solid waste franchise contract.

The Council discussed and reviewed the award of a new solid waste franchise contract on November 21, 2016, and is considering the award to the highest rated firm under a separate memorandum.

The updated scope of services for this new franchise award includes five (5) general categories of customers and replaces recycling hand carry bins with recycling wheeled toters.

The attached Resolution does not change the rates for solid waste collection and disposal fees. However, it does update the rate resolution to provide new terminology that is consistent with our present practices and scope of services.

Key changes are:

1. There is a new category for "unique commercial" waste (there are currently about 12 in the city). These customers would ordinarily use a dumpster, but that is not possible because their unique location does not have room for a dumpster. For this reason, their solid waste is collected using wheeled toter(s) and the customer is billed accordingly. These customers are also charged per cubic yard for bulky waste. Bulky waste consists of large boxes and other items that can't fit in a toter.



2. The Resolution has been updated for the use of toters for garbage/trash and recycling. Toters are the type of garbage cans on wheels that we have been providing for over 10 years. This is a change in terminology to be consistent with our present practices and scope of services.
3. Multi-family units (such as apartments and condominiums) are now to be charged for recycling based on the cubic yard volume of their recycling containers. We discussed at the November 21, 2016, City Council meeting that Republic Services, in return for a 5-year extension of their contract, kept the fees the same and recycled multi-family units at no additional cost to the City. In the new scope of services, the City must pay for collecting recycling. Recycling is not mandatory but encouraged.
4. The Commercial recycling fee is based on container cubic yard volume and applies to all commercial customers that choose to have the City collect recycling. Commercial recycling is open market and a commercial customer is free to choose another qualified company for recycling.
5. The Resolution clarifies that the current residential rate of \$16.31 includes 2 garbage toters (if needed) and one recycling toter. Additional toters will be billed at \$10.00 per toter per month. Commercial customers using toters for garbage will also be charged an extra \$10.00 per toter per month for more than two toters.

As the attached strike out copy of the Resolution demonstrates, most of the changes are to update the definitions and ensure they are consistent with current practices and our scope of services. The pricing has no substantive changes other than discussed above.

**RECOMMENDATION:**

Adopt Resolution Number 1968-2016 providing for solid waste collection and disposal fees.

Introduced by: Councilman Shore

Adopted: November 19, 2001

**RESOLUTION NO. ~~1636-2001~~ 1968-2016**

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING FOR THE ADOPTION OF SOLID WASTE COLLECTION AND DISPOSAL FEES AND ESTABLISHING AN EFFECTIVE DATE.**

~~WHEREAS, the City of Jacksonville Beach is repealing Chapter 27 of the City Ordinance Code in its entirety and establishing a new Chapter 27 entitled "Residential and Commercial Solid Waste Collection, Disposal, and Assessment"; and~~

WHEREAS, Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach, titled "Residential and Commercial Solid Waste Collection, Disposal, and Assessment," authorizes the City Council to set by resolution solid waste and disposal fees to charge residents, occupants, and owners of premises within the city for solid waste collection and disposal services; and

WHEREAS, a new franchise contract for the collection and disposal of solid waste becomes effective upon award by the City Council, which date is to be December 15, 2001 5, 2016.

~~WHEREAS, the new city code authorizes the Council to set by resolution solid waste collection and disposal fees to charge resident, occupants, and owners of premises within the city for solid waste collection and disposal services.~~

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

**SECTION 1.** Intent.

It is the intent of the eCity of Jacksonville Beach to adopt solid waste collection and disposal fees as authorized by City Ordinance No. 2001-7817 Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach for all solid waste collection and disposal services provided by the eCity.

**SECTION 2.** Definitions.

(a) — The following words or phrases, when used in this resolution, shall have the meanings respectively ascribed to them:

~~Residential and small commercial solid waste, rubbish or refuse receptacle shall mean a container of not more than forty (40) or less than three (3) gallons capacity and with weight not to exceed fifty (50) pounds which shall be watertight and provided with a tight fitting lid and which shall be free of jagged or sharp edges, shall not have any inside structures such as inside bands or reinforcing angles or anything within that shall prevent the free discharge of the contents and shall be of~~

impervious material; or a waterproof bag of not more than forty (40) or less than three (3) gallons capacity and of not less than one (1) mill in thickness, securely closed, not torn ruptured, and which is of a type approved by the City.

~~*Multifamily & commercial solid waste, rubbish and refuse collection container* shall mean any portable, nonabsorbent, enclosed container with a close-fitting cover, or doors, approved by the Duval County Health Department and the City, which is used to store large volumes of refuse. These include dumpsters, compactors, and permanent use open top roll-offs. Other type collection containers may qualify as this type container, from time to time, at the discretion of the City. Such a collection container must be capable of being serviced by mechanical equipment.~~

~~*Industrial waste collection container* shall mean a metal commercial container designed for mechanical pick-up by front end loading compaction trucks currently in use by the franchisee. Industrial waste container shall be the same types that are used as multifamily & commercial collection container.~~

**SECTION 2.** The following definitions supplement the definitions in Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach and in the most current scope of services to be awarded for implementing the solid waste collection and disposal services provided by the City.

- A. *Collection and Disposal Service* at a customer account type location includes all solid waste collection and disposal services provided by the City for garbage/trash, recycling, bulky waste and yard waste. The City currently has 5 categories of Collection and Disposal Service customer account types, which are: *Residential, Small Commercial, Unique Commercial, Multifamily Dwelling* and *Commercial Establishment*. Recycling services are open market for commercial customers and franchised for residential and multifamily customers. For residential customers, recycling is included in the monthly fee. All commercial and multifamily dwelling account customers pay for recycling based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.
- B. *Residential Collection and Disposal Service* shall mean garbage and household trash collection and disposal service to one single family dwelling, or one living unit in a duplex or other multifamily dwelling utilizing toter(s). Residential recycling is included in the garbage/trash fee.
- C. *Small Commercial Collection and Disposal Service* shall mean garbage and commercial trash collection and disposal service to one small commercial business/office utilizing toter(s). Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.
- D. *Multifamily Dwelling Collection and Disposal Service* shall mean garbage and trash collection and disposal service for multifamily dwellings utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (totter or other container) multiplied by the container cubic yard fee as appropriate, to accommodate the normal, regular solid waste collection volume of the customer.

- E. *Commercial Establishment Collection and Disposal Service* shall mean garbage and trash collection and disposal service for commercial and industrial establishments utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (toter or other container) multiplied by the container cubic yard pick up fee as appropriate to accommodate the normal, regular solid waste collection volume of the customer.
- F. *Unique Commercial Collection and Disposal Service* shall mean garbage and commercial trash collection and disposal service to one commercial business/office/retail using toter pickup service, wherein its regular solid waste collection volume would normally place the customer in the Commercial Establishment Service level with a larger container (such as a dumpster). However, the customer location cannot safely accommodate a dumpster enclosure or a sufficient number of toters. The appropriate garbage/trash toter fees will be combined with the recycling volume collected (toter or other container) plus the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee to accommodate the normal, regular solid waste collection volume of the customer.

(b)

**SECTION 3.** All residents, occupants and owners of premises in the City shall be required to have accumulations of solid waste and trash removed and disposed of by the solid waste ~~removal~~ collection and disposal franchisee and shall pay the finance officer of the city the sums shown below for each service.

- A. ~~(1)~~ *Residential & small commercial and unique commercial solid waste, rubbish or refuse receptacle collection and disposal service* – For each customer receiving these services the fee for the collection of solid waste is hereby fixed and levied at the sum of sixteen dollars and thirty-one cents (\$16.31) per month for: a) residential service for up to two (2) garbage toters and one (1) recycling toter and b) small commercial service or unique commercial service for up to two (2) garbage toters. If more garbage toter capacity or residential recycling toter capacity is necessary, the sum of ten dollars (\$10.00) per month is hereby fixed and levied for each added toter. Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee. As determined by the City, unique commercial bulky waste is an additional fee based on the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee.
- B. ~~(2)~~ *Multifamily dwelling and commercial establishment industrial solid waste, rubbish and refuse collection and disposal container service* – For customers receiving these type services the monthly fees are hereby fixed and levied in accordance with the schedule that follows, subject, however, to any additional fees that may by necessity be set by the city manager if service requirements warrants such additional charge in the opinion of the city manager or his/her designee. Recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.

Container (Dumpster) Fees-		
Extra Pick Ups - \$4.85	1 yrd/1 pickup per week .....	\$ 21.00
	1 yrd/2 pickup per week .....	42.00
Extra Pick Ups - \$9.70	2 yds./1 pickup per week .....	\$ 42.00
	2 yds./2 pickups per week .....	84.00
	2 yds./3 pickups per week .....	126.00
	2 yds./4 pickups per week .....	168.00
	2 yds./5 pickups per week .....	210.00
	2 yds./6 pickups per week .....	252.00
Extra Pick Ups - \$19.40	4 yds./1 pickup per week .....	\$ 84.00
	4 yds./2 pickups per week .....	168.00
	4 yds./3 pickups per week .....	252.00
	4 yds./4 pickups per week .....	336.00
	4 yds./5 pickups per week .....	420.00
	4 yds./6 pickups per week .....	504.00
Extra Pick Ups - \$29.10	6 yds./1 pickup per week .....	\$ 126.00
	6 yds./2 pickups per week .....	252.00
	6 yds./3 pickups per week .....	378.00
	6 yds./4 pickups per week .....	504.00
	6 yds./5 pickups per week .....	630.00
	6 yds./6 pickups per week .....	756.00
Extra Pick Ups - \$38.80	8 yds./1 pickup per week .....	\$ 168.00
	8 yds./2 pickups per week .....	336.00
	8 yds./3 pickups per week .....	504.00
	8 yds./4 pickups per week .....	672.00
	8 yds./5 pickups per week .....	840.00
	8 yds./6 pickups per week .....	1,008.00
Extra Pick Ups - <del>\$46.50</del>	10 yds./1 pickup per week .....	\$ 210.00
\$48.50	10 yds./2 pickups per week .....	420.00
	10 yds./3 pickups per week .....	630.00
	10 yds./4 pickups per week .....	840.00
	10 yds./5 pickups per week .....	1,050.00
	10 yds./6 pickups per week .....	1,260.00

C. Fee per one (1) container cubic yard pick up ..... \$ 4.85  
*(used in the fee calculation(s) of solid waste cubic yard volume(s) collected for toter, compacted, containers shared by accounts apportioned by the City, bulky waste, yard waste, or other sized containers etc.)*

D. (3) Roll-on/Roll-off Container, Compactor, and Commercial Recycling Toter/ Container, Bulky Waste and Yard Waste Fees  
 Fees set by the City Manager or his/her designee based on service requirements and projected costs.

**SECTION 4.** That this resolution shall take effect ~~January 1, 2002.~~ February 1, 2017.

**AUTHENTICATED** this \_\_\_\_\_ day of \_\_\_\_\_ AD, 2016.

\_\_\_\_\_  
**~~Bob Marsden,~~ William C. Latham, MAYOR**

\_\_\_\_\_  
**~~Heidi Reagan,~~ Laurie Scott, CITY CLERK**

Introduced by: \_\_\_\_\_

Adopted: \_\_\_\_\_

**RESOLUTION NO. 1968-2016**

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING FOR THE ADOPTION OF SOLID WASTE COLLECTION AND DISPOSAL FEES AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach, titled "Residential and Commercial Solid Waste Collection, Disposal, and Assessment," authorizes the City Council to set by resolution solid waste and disposal fees to charge residents, occupants, and owners of premises within the city for solid waste collection and disposal services; and

WHEREAS, a new franchise contract for the collection and disposal of solid waste becomes effective upon award by the City Council, which date is to be December 5, 2016.

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

**SECTION 1.** Intent.

It is the intent of the City of Jacksonville Beach to adopt solid waste collection and disposal fees as authorized by Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach for all solid waste collection and disposal services provided by the City.

**SECTION 2.** The following definitions supplement the definitions in Chapter 27 of the Code of Ordinances of the City of Jacksonville Beach and in the most current scope of services to be awarded for implementing the solid waste collection and disposal services provided by the City.

- A. *Collection and Disposal Service* at a customer account type location includes all solid waste collection and disposal services provided by the City for garbage/trash, recycling, bulky waste and yard waste. The City currently has 5 categories of Collection and Disposal Service customer account types, which are: *Residential, Small Commercial, Unique Commercial, Multifamily Dwelling* and *Commercial Establishment*. Recycling services are open market for commercial customers and franchised for residential and multifamily customers. For residential customers, recycling is included in the monthly fee. All commercial and multifamily dwelling account customers pay for recycling based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.
- B. *Residential Collection and Disposal Service* shall mean garbage and household trash collection and disposal service to one single family dwelling, or one living unit in a duplex or

other multifamily dwelling utilizing toter(s). Residential recycling is included in the garbage/trash fee.

- C. *Small Commercial Collection and Disposal Service* shall mean garbage and commercial trash collection and disposal service to one small commercial business/office utilizing toter(s). Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.
- D. *Multifamily Dwelling Collection and Disposal Service* shall mean garbage and trash collection and disposal service for multifamily dwellings utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (totter or other container) multiplied by the container cubic yard fee as appropriate, to accommodate the normal, regular solid waste collection volume of the customer.
- E. *Commercial Establishment Collection and Disposal Service* shall mean garbage and trash collection and disposal service for commercial and industrial establishments utilizing containers other than those described as toters for collection of garbage / trash. These containers, such as dumpsters, roll-offs, compactors, etc., are mechanically emptied by other than toter collection vehicles. The appropriate dumpster fees will be combined with the recycling volume collected (totter or other container) multiplied by the container cubic yard pick up fee as appropriate to accommodate the normal, regular solid waste collection volume of the customer.
- F. *Unique Commercial Collection and Disposal Service* shall mean garbage and commercial trash collection and disposal service to one commercial business/office/retail using toter pickup service, wherein its regular solid waste collection volume would normally place the customer in the Commercial Establishment Service level with a larger container (such as a dumpster). However, the customer location cannot safely accommodate a dumpster enclosure or a sufficient number of toters. The appropriate garbage/trash toter fees will be combined with the recycling volume collected (totter or other container) plus the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee to accommodate the normal, regular solid waste collection volume of the customer.

**SECTION 3.** All residents, occupants and owners of premises in the City shall be required to have accumulations of solid waste and trash removed and disposed of by the solid waste collection and disposal franchisee and shall pay the finance officer of the City the sums shown below for each service.

- A. *Residential, small commercial and unique commercial solid waste collection and disposal service* – For each customer receiving these services the fee for the collection of solid waste is hereby fixed and levied at the sum of sixteen dollars and thirty-one cents (\$16.31) per month for: a) residential service for up to two (2) garbage toters and one (1) recycling toter and b) small commercial service or unique commercial service for up to two (2) garbage

toters. If more garbage toter capacity or residential recycling toter capacity is necessary, the sum of ten dollars (\$10.00) per month is hereby fixed and levied for each added toter. Commercial recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee. As determined by the City, unique commercial bulky waste is an additional fee based on the estimated constant bulky waste volume collected multiplied by the container cubic yard pick up fee.

B. *Multifamily dwelling and commercial establishment solid waste collection and disposal service* – For customers receiving these type services the monthly fees are hereby fixed and levied in accordance with the schedule that follows, subject, however, to any additional fees that may by necessity be set by the city manager if service requirements warrant such additional charge in the opinion of the city manager or his/her designee. Recycling is an additional fee based on the recycling container cubic yard volume collected multiplied by the container cubic yard pick up fee.

C. Container (Dumpster) Fees-

Extra Pick Ups - \$4.85	1 yrd/1 pickup per week .....	\$ 21.00
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Extra Pick Ups - \$48.50	10 yds./1 pickup per week .....	\$ 210.00
	10 yds./2 pickups per week .....	420.00
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	10 yds./5 pickups per week .....	1,050.00
	10 yds./6 pickups per week .....	1,260.00

- D. Fee per one (1) container cubic yard pick up ..... \$ 4.85  
*(used in the fee calculation(s) of solid waste cubic yard volume(s) collected for toter, compacted, containers shared by accounts apportioned by the City, bulky waste, yard waste, or other sized containers etc.)*
- E. Roll-on/Roll-off Container, Fees set by the city manager or his/her designee  
 Compactor, and Commercial based on service requirements and projected costs.  
 Recycling Toter / Container, Bulky  
 Waste and Yard Waste Fees

**SECTION 4.** That this resolution shall take effect February 1, 2017.

**AUTHENTICATED** this \_\_\_\_\_ day of \_\_\_\_\_ AD, 2016.

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**William C. Latham, MAYOR**

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**Laurie Scott, CITY CLERK**

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

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## MEMORANDUM

**To:** George D. Forbes, City Manager

**From:** Susan Erdelyi, City Attorney

**Re:** Ordinance No. 2016-8084, declaring a temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Jacksonville Beach

**Date:** November 17, 2016

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### ACTION REQUESTED:

Adoption of Ordinance No. 2016-8084, declaring a temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Jacksonville Beach.

### BACKGROUND:

Amendment 2, or the Florida Medical Marijuana Legalization Initiative, was approved by voters on the November 8, 2016 ballot, as an initiated constitutional amendment. The medical use of marijuana throughout the State of Florida is now legal, and licensed "Medical Marijuana Treatment Centers and Dispensing Organizations" are now authorized in the cultivation, processing, distribution and sale of marijuana and related activities within the state.

The attached ordinance establishes a temporary one (1) year moratorium for medical marijuana treatment centers and dispensing organizations. The City's Land Development Code does not currently have regulations governing the use of property for the purposes of medical marijuana or related activities (treatment centers and dispensing organizations). The requested moratorium period of one year will allow the City to consider the enabling legislation that the State Legislature is required to adopt during its next session, which ends in May 2017. The moratorium will also allow the City time to better analyze the potential impacts of medical marijuana treatment centers and dispensing organizations



upon adjacent uses and surrounding areas, and then formulate appropriate regulations to accommodate these types of businesses.

On June 16, 2014, Governor Rick Scott signed Senate Bill 1030, also known as the "Compassionate Medical Cannabis Act of 2014 ("2014 Act")." The legislation legalized low-tetrahydrocannabinol (THC) cannabis, such as the strain Charlotte's Web, for medical patients suffering from cancer or "a physical medical condition that chronically produces symptoms of seizures," such as epilepsy, "or severe and persistent muscle spasms." The law authorized a very limited number of large nurseries to cultivate, process, and dispense low-THC cannabis and operate as "dispensing organizations." The measure became effective on January 1, 2015.

The Jacksonville Beach Planning Commission conducted a required public hearing on the proposed temporary moratorium on November 14, 2016, and voted to recommend approval by the City Council.

**RECOMMENDATION:**

Adopt Ordinance No. 2016-8084, approving a one (1) year moratorium on the operation of medical marijuana treatment centers and dispensing organizations within the City.

Introduced by: Council Member Jeanell Wilson  
1st Reading: November 21, 2016  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2016-8084**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH  
DECLARING A TEMPORARY MORATORIUM ON THE OPERATION  
OF MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL  
MARIJUANA DISPENSING ORGANIZATIONS WITHIN THE CITY FOR  
A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on November 8, 2016, Florida voters adopted an amendment to the Florida Constitution (“Amendment 2”) entitled “Use of Marijuana for Debilitating Medical Conditions”; and

**WHEREAS**, Amendment 2 legalizes the use of medically certified marijuana in the State of Florida and authorizes the cultivation, processing, distribution, and sale of marijuana and related activities, by licensed “Medical Marijuana Treatment Centers”; and

**WHEREAS**, on March 25, 2016, the Florida Legislature amended numerous provisions of Section 381.986, Florida Statutes to make various revisions including a revision to the definition of “Dispensing Organization” to allow dispensing organizations to transport cannabis, and to include “medical cannabis” for eligible patients with terminal conditions and to provide additional regulation of the Department of Health with regard to medical cannabis; and

**WHEREAS**, Chapter 64-4 “Compassionate Use” of the Florida Administrative Code has been enacted to regulate the Department of Health with regard to the requirements for dispensing organizations, including procedures for application, review, approval, inspection, and authorization of dispensing organizations, and the Department of Health has commenced its application and review process; and

**WHEREAS**, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of cannabis in Florida; and

**WHEREAS** the comprehensive State licensing and regulatory framework directs that the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of cannabis businesses may be determined by local ordinance; and

**WHEREAS**, due to the historical prohibition of marijuana, the City of Jacksonville Beach does not currently have any land development regulations governing the use of real property for the purposes of cultivating, processing, distributing, or selling marijuana or related activities, and such uses are not permissible within the City; and

**WHEREAS**, Amendment 2 legalizes the medical use of marijuana and or cannabis throughout the State of Florida for individuals with debilitating medical conditions as determined by a licensed Florida physician and authorizes the registration and regulation of centers that cultivate, process, distribute, and sell marijuana products for medical purposes; and

**WHEREAS**, in order to promote effective land use planning (if a dispensing organization should seek to operate within the City), the City Council wishes to preserve the status quo while researching, studying and analyzing the potential impact of Medical Marijuana Treatment Centers and Dispensing Organizations upon adjacent uses and the surrounding area and the effect of Medical Marijuana Treatment Centers and Dispensing Organizations on traffic, congestion, surrounding property values, demand for City services and other aspects of the general welfare; and

**WHEREAS**, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance imposing a temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations and has presented its recommendation to the City Council; and

**WHEREAS**, the dispensing of cannabis is currently illegal under federal law, and the United States Drug Enforcement Agency has recently confirmed that cannabis remains a Schedule I drug under federal law, but the United States Department of Justice has discussed federal enforcement of such laws with respect to state-regulated cannabis operations in the 2012 "Cole Memorandum," and;

**WHEREAS**, potential adverse impacts on the health, safety, and welfare of residents and business from secondary effects associated with the distribution of cannabis exist, potentially including, offensive odors, trespassing, theft, fire hazards, increased crime in and about the dispensary, robberies, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

**WHEREAS**, certain of the above potential adverse impacts are accentuated by the current difficulties experienced by cannabis businesses in obtaining banking services necessitating such businesses to operate on a cash basis; and

**WHEREAS**, there exists the potential for misappropriation of medical cannabis to non-medical uses; and

**WHEREAS**, an overabundance of dispensing facilities can affect the viability of such facilities, result in compliance issues, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

**WHEREAS**, the City Council finds that a temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations will allow the City a sufficient period of time to determine what uses are best suited to particular zoning categories and how best to formulate land development regulations that appropriately govern the use of real property for purposes of cultivating, processing, distributing or selling marijuana or related activities;

**WHEREAS**, it is not the purpose or intent of this Ordinance to restrict or deny access to cannabis products as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare. It is also unknown at this time what subsequent enacting legislation will provide and when such enacting legislation will become effective.

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

**SECTION 1.** A temporary moratorium is imposed on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the city limits of the City of Jacksonville Beach. While the temporary moratorium is in effect, the City shall not accept, process or approve any application relating to the operation of a Medical Marijuana Treatment Center or Dispensing Organization. Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. §381.986 or other Florida law.

**SECTION 2.** For purposes of the temporary moratorium, a "Medical Marijuana Treatment Center" means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health. "Dispensing Organization" means an organization approved by the Florida Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to Fla. Stat. § 381.986.

**SECTION 3.** During the moratorium, it is unlawful and a violation of this ordinance for any person or entity to open or cause to be opened any cannabis treatment or dispensing business within the City. It is also unlawful and a violation of this ordinance for any person or entity to relocate or cause to be relocated any cannabis treatment or dispensing business within the City or to be expanded in the City.

**SECTION 4.** That this ordinance shall take effect upon its adoption by the City Council. The temporary moratorium shall terminate one (1) year from the effective date of this ordinance unless the City Council rescinds or extends the moratorium by a subsequent ordinance.

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

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

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2016.**

\_\_\_\_\_  
William C. Latham, Mayor

\_\_\_\_\_  
Laurie Scott, City Clerk

City of  
Jacksonville Beach  
City Hall  
11 North Third Street  
Jacksonville Beach  
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## MEMORANDUM

**To:** George D. Forbes, City Manager

**From:** William C. Mann, Planning and Development Director 

**Re:** Ordinance No. 2016-8085, renaming a portion of Burling Way to 34<sup>th</sup> Avenue South.

**Date:** November 23, 2016

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### ACTION REQUESTED:

**Adopt Ordinance No. 2016-8085**, renaming an isolated segment of Burling Way located immediately west of Isabella Boulevard and south of Osceola Avenue, to 34<sup>th</sup> Avenue South, and changing the addresses of the four affected properties on that segment of roadway. (applicants - Fland Sharp, Mike Wren, and Philip Murphey)

### BACKGROUND:

Staff received correspondence earlier this month from Fland Sharp and several of his neighbors formally requesting that the small segment of Burling Way that they live on at the west end of 34<sup>th</sup> Avenue South, west of Isabella Boulevard, be re-named to become a part of 34<sup>th</sup> Avenue South (Correspondence attached). They explained that the current naming of their street as Burling Way creates a public safety issue if and when first responders or others might have to locate their residences/properties.

Staff agrees with the property owners that the current naming of their street as Burling Way is problematic for the purpose of public safety response. It is also confusing to the general public who might be trying to locate any one of the applicant's homes for the first time, as this portion of Burling Way is physically detached from the balance of Burling Way that terminates six blocks to the north, on the north side of Osceola Ave.



According to historical platting of this area of the city, Burling Way originally ran from Millie Drive on its north end to 37<sup>th</sup> Avenue South on its south end, but the street remained predominantly undeveloped south of Osceola Avenue. When land in that general area was assembled and developed into the *Ocean Cay* single-family subdivision in 1996 and 1997, the majority of the undeveloped portion of Burling Way south of Osceola Avenue was formally abandoned by the City, and the land within that former right of way was incorporated into the street and lot layout of *Ocean Cay*. That development left only a small segment of Burling Way located south of the *Ocean Cay* subdivision, where the three applicants now reside. (See attached Location Map)

There is also one undeveloped lot in this small isolated stretch of Burling Way, and staff reached out to its owner, Mrs. Betty Kelley (Jacksonville resident), to explain the requested road name change. Her lot actually bears the address of "0" Miami Boulevard in the Property Appraiser's database, because before *Ocean Cay* was developed, the former Miami Boulevard right of way tied into Burling Way across the street from her lot. Mrs. Kelley expressed no objection to the proposed name change to 34<sup>th</sup> Avenue South, and agreed that it would make her property easier to locate.

Following approval of the attached ordinance, staff will contact the U.S. Postal Service, and Jacksonville and Jacksonville Beach Emergency and Police officials to inform them of the changed street segment name and addresses.

**RECOMMENDATION:**

**Adopt Ordinance No. 2016-8085**, renaming an isolated segment of Burling Way located immediately west of Isabella Boulevard and south of Osceola Avenue, to 34<sup>th</sup> Avenue South and changing the addresses of the four affected properties on that segment of roadway.

LOCATION MAP

OCEAN CAY

555

563

571

34th Ave S

558

MURPHEY

KELLEY  
(vac.)

WREN

SHARP

Burling Way

Isabella Blvd

34th Ave S

Palms  
Presbyterian  
Church

35th Ave S

N



From: **Fland Sharp** fland.sharp@gmail.com  
Subject: 34 Ave. South  
Date: September 26, 2016 at 4:18 PM  
To: Fland Sharp fland.sharp@gmail.com

George Forbs,  
City Manager  
City of Jacksonville Beach

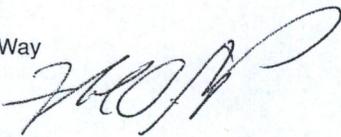
Dear George,

The street we live on is 34TH Ave. South however my two next door neighbors and myself have addresses on Burling Way which is almost a mile from our location . We are the last three houses on 34TH Ave. S. which is a dead end street and are the only homes in this neighborhood with Burling Way address .

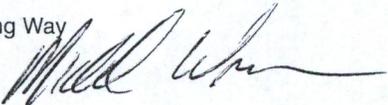
This situation is a result of the original platt of the 1930s being redrawn over the years to accommodate new development, the most recent of which is Paradise Key. If you try to find us using GPS it will not even bring you to our neighborhood . We believe this is a public safety issue for us as our police, fire, and rescue officers have from time to time understandably had difficulty finding ~~our~~ us.

We would like to have our address changed to reflect the street we live on which is 34TH Ave. South.

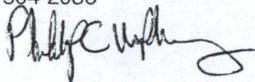
Fland Sharp  
3557 Burling Way  
422-1933



Mike Wren  
3555 Burling Way  
424-4151



Philip Murphey  
3503 Burling Way  
504-2036



**RECEIVED**

NOV - 7 2016

**PLANNING & DEVELOPMENT**

Introduced by: \_\_\_\_\_  
 1st Reading: \_\_\_\_\_  
 2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2016-8085**

**AN ORDINANCE RENAMING A PORTION OF A CERTAIN STREET LOCATED IN THE *OCEAN VIEW HIGHLANDS* SUBDIVISION.**

**WHEREAS**, the possibility for confusion presently exists as to the location of certain streets within the City of Jacksonville Beach; and

**WHEREAS**, this confusion of location creates a dangerous situation for public safety services when responding to emergency calls or situations; and

**WHEREAS**, it is deemed necessary and in the public interest to change the name of a portion of a certain street located in the *Ocean View Highlands* residential subdivision.

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

**SECTION 1.** That the following street segment and associated lots of record located in the City of Jacksonville Beach, Florida be changed as indicated and henceforth shall be known under the new name and numerical addresses so indicated:

<b>STREET SEGMENT NOW KNOWN AS:</b>	<b>SHALL HENCEFORTH BE KNOWN AS:</b>
Burling Way, West of Isabella Boulevard to its Southerly terminus	34 <sup>th</sup> Avenue South
<b>PROPERTY ADDRESSES NOW KNOWN AS:</b>	<b>SHALL HENCEFORTH BE KNOWN AS:</b>
3503 Burling Way	580 34 <sup>th</sup> Avenue South
0 Miami Boulevard	582 34 <sup>th</sup> Avenue South
3555 Burling Way	584 34 <sup>th</sup> Avenue South
3557 Burling Way	586 34 <sup>th</sup> Avenue South

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

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

**AUTHENTICATED THIS \_\_\_ DAY OF \_\_\_\_\_, A.D., 2016.**

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William C. Latham, Mayor

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Laurie Scott, City Clerk