



**Agenda**  
**City Council**

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**Monday, April 3, 2017**

**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.

**CALL TO ORDER**

**OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG**

**ROLL CALL**

**APPROVAL OF MINUTES**

- a.     **17-046**           City Council Workshop Held March 20, 2017
- b.     **17-047**           Regular City Council Meeting Held March 20, 2017

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**CITY MANAGER**

- a.     **17-048**           Approve the Purchase and Installation of Cameras and Equipment for the City Council Chambers to Enable Live Stream Video of Public Meetings

- b. 17-049 Authorize the Interior Rehabilitation of Both Raw Water Ground Storage Tanks at Water Plant #2 with **Utility Service Company**
- c. 17-050 Award Unit Price Bid 1617-03, Titled "Water Main Replacement Project - Phase D (Various Locations)," to the Lowest Bidder for Each of the Base Bid, Additive Alternative 1 and Additive Alternative 2

## **RESOLUTIONS**

- a. 17-051 RESOLUTION NO. 1975-2017

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA TENTATIVELY APPROVING AN AMENDED FUTURE LAND USE ELEMENT OF THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN TO INCREASE THE FLOOR AREA RATIO FOR HOSPITAL AND RELATED BUILDINGS FROM 0.35 TO 0.55, AND AUTHORIZING TRANSMITTAL OF SAID AMENDED ELEMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

- b. 17-052 RESOLUTION NO. 1976-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING BILLS THAT TAKE AWAY THE RIGHT TO MANAGE THE AFFAIRS OF OUR CITY THROUGH HOME RULE; AND IN SUPPORT OF VISIT FLORIDA AND ENTERPRISE FLORIDA.

- c. 17-054 RESOLUTION NO. 1974-2017

A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017.

## **ORDINANCES**

- 17-053 ORDINANCE NO. 2017-8088 (First Reading)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24(1)(d) FILE APPEAL TO THE CIRCUIT COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**ADJOURNMENT****NOTICE**

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

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

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing 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 City Council Workshop  
Downtown Action Plan  
Monday, March 20, 2017 – 5:30 P.M.  
City Council Chambers**

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The workshop began with an open house at 5:30 P.M.

Dix.Hite+Partners, the City's consultants, hired to prepare an Implementation and Management Plan for the adopted Downtown Action Plan, displayed various items for general review and discussion. They had prints of options/design features for the public to review. These included types of program elements for the park and pier, site furnishings, etc.

The formal presentation commenced at 5:45 P.M.

The following City Council Members were in attendance:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, City Department Heads and Administrative Assistant Jodilynn Byrd.

**Purpose of Workshop**

The purpose of the workshop is for the City's consultants, Dix.Hite+Partners, to present an update of the Implementation and Management Plan for the adopted Downtown Action Plan.

**Presentations**

Bill Mann, Planning and Development Director, introduced Kody Smith, Project Manager with Dix.Hite+Partners. Mr. Smith stated the workshop and presentation is a follow-up from the previous workshop held on December 5, 2016. The presentation will display the next steps in the progression for continuing the 2007 Vision Plan, which includes the two feature areas: Latham Plaza and the Jacksonville Beach pier entry.

Doug Berber, with Remixed, presented an overview of possible branding for the City. He displayed a logo featuring one of the City's iconic lifeguard chairs. He stated the logo is meant to represent the personality of the City.

Greg Bryla, with Dix.Hite+Partners discussed some of the design elements proposed for Latham Plaza and the Jacksonville Beach pier entry. While reviewing the proposed plan for Latham Plaza that included a redesign of the 2<sup>nd</sup> street approach to City Hall, Mr. Bryla stated that the current parking located at the east entrance of City Hall would be shifted north. Ms. Wilson asked if the handicapped accessible parking

spaces would remain in the new design. Mr. Bryla confirmed the handicapped spaces would remain closest to the entrance of City Hall and the other parking spaces would be reallocated.

Mr. Bryla's presentation proposed the possibility of outdoor rental space by adding two shade canopy areas to the west side of Latham Plaza. Mr. Doherty asked if the new design included additional restrooms for the increase of visitors to Latham Plaza. Mr. Bryla's responded by offering the use of City Hall restrooms when available and stated that there is space for additional restrooms in the new design if needed.

While discussing the redesign of the Jacksonville Beach pier entrance, Mr. Bryla mentioned the possible placement of an over-scaled lifeguard chair at the entrance as an option for a public art piece. Mr. Vogelsang stated in his opinion he felt it would be difficult for visitors and citizens to take a picture with the public art piece, as it would require people to stand in the parking lot to take the photo and it would be a safety issue. Mr. Vogelsang suggested having a new pier archway placed at the bottom of the entrance to allow for a safer photo opportunity.

John Paul Weesner, with Kittelson and Associates, reviewed the different types of lighting recommendations. He discussed the proposed lighting changes for the boardwalk, parking lots and Latham Plaza. Mr. Weesner also reviewed the proposed plan to add additional parking racks for bicycles, additional seating ideas, and public art ideas.

During the open question and answer session at the end of the workshop, perception of the proposed logo was discussed. It was suggested that the currently proposed logo is advertising the City of Jacksonville rather than the City of Jacksonville Beach. Mr. Thomason stated the logo focuses on selling the City of Jacksonville and suggested revising the logo to be clearer in advertising the Beaches. Ms. Wilson and Mr. Buck agreed with Mr. Thomason's statement.

Mr. Forbes reminded the public there would be future interactive workshops before any final decisions are made.

The workshop adjourned at 6:50 P.M.

Submitted by: Jodilynn Byrd  
Administrative Assistant, City Clerk's Office

Approved:

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

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

**Minutes of Regular City Council Meeting  
held Monday, March 20, 2017, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**OPENING CEREMONIES:**

Council Member Vogelsang gave the invocation, 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 (*absent*)  
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, City Clerk Laurie Scott, Planning and Development Director Bill Mann and Staff Assistant Mandy Murnane.

**APPROVAL OF MINUTES**

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

- Council Briefing held March 6, 2017
- Regular City Council Meeting held March 6, 2017

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**Speakers:**

- Aden Thrower, 13852 Soft Wind Trail North, Jacksonville, briefed the City Council on the bicycle repair stations and provided the Council Members with handouts regarding the 'Dero-Fix It, Bike Service Station.' Mr. Thrower requested the Council considers the installation of the bike service stations around Jacksonville Beach.
- Shandy Thompson, 522 3<sup>rd</sup> Avenue South, Jacksonville Beach, commented on the progress made by the City of Jacksonville Beach in the areas of safety, public art, need for additional family-friendly restaurants, and concerns about the redevelopment of existing residential areas.

**MAYOR AND CITY COUNCIL**

**(a) Item # 17-045, Proclamation – 105<sup>th</sup> Birthday of the Girl Scouts**

Mayor Latham presented the Proclamation for the 105<sup>th</sup> Anniversary of the Girls Scouts, sponsored by Council Member Thomason, to the St. Joseph Missionary Baptist Church “Black Bottom Girl Scout Troops.”

**CITY CLERK**

**CITY MANAGER**

**(a) Item # 17-041, Accept the Monthly Financial Reports for the Month of February 2017**

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to accept the financial reports for the month of February 2017, as submitted by the Chief Financial Officer.

Mayor Latham requested a roll call vote, as there was no discussion on the item.

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

**(b) Item # 17-042, Approve a Commercial Lease Agreement with O.K. Motorsports, LLC for Property at the Industrial Park:**

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to authorize the City Manager and the Mayor to execute a lease with O.K. Motorsports, LLC for the property at the Jacksonville Beach Industrial Park, as described in the memorandum from the Property & Procurement Officer dated March 8<sup>th</sup>, 2017.

Mr. Forbes explained that the tenant would like to lease 10,059 square feet of vacant land at the Industrial Park as storage for additional trailer inventory. The proposed use is acceptable under Section 34-346 Industrial District: I-1 zoning.

Mr. Forbes noted key provisions of this lease are as follows:

- The lease is for a period of one year, with options to renew for one-year increments at the discretion of the City Manager.
- Use of the land is solely for storage of trailer inventory.

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

**(c) Item # 17-037, Approve the Attached Final Plat for the Nine-Lot Colonies Single Family Residential Subdivision.**

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the Final Plat for the nine-lot *Colonies* single-family residential subdivision.

Mr. Forbes opened the discussion by explaining that the applicant is in the process of subdividing two adjacent vacant residential parcels that he proposes to subdivide into nine single-family lots. The subject property is located in a residential, single-family: RS-2 zoning district and is currently vacant land. The new single-family lots will all front on Colonies Drive, and each lot meets the minimum size and dimensional requirements for single-family lots in RS-2 zoning districts.

The main concern is that at one point, a city landfill existed behind this property.

Mr. Forbes summarized the conditions to be met in order for the developers to proceed as follows:

- Ponds and in-ground swimming pools are allowed only on lots where solid waste has been removed.
- Vegetable gardens and fruit trees are prohibited unless grown in raised gardens or pots.
- No wells are permitted.
- Any solid waste removed, shall be properly disposed of at a permitted solid waste disposal facility.

Mayor Latham introduced the representative for Nacana Partners, Chris Ward.

Mr. Thomason asked Mr. Ward who had performed the environmental testing.

Mr. Ward stated Taylor Environmental Services, an independent company located in Neptune Beach, had completed the testing and provided the report.

Mr. Thomason asked City Attorney, Susan Erdelyi, if the City could legally insist on deed restrictions for the properties in order for all future subsequent owners to be made aware of the conditions on a title search.

Ms. Erdelyi responded that deed restrictions are only enforceable between the Grantor and the Grantee. The deed restrictions are currently on the plat and as a municipality, the City's legal authority is limited. Specific restrictions could potentially be added to each individual lot as well.

Mr. Thomason commented that from a moral standpoint, he wants to be sure that anyone who lives in one of these residences going forward knows what they are getting into. The information should be passed onto a second owner. He added that the City should do whatever can be done legally to notify the homeowners.

Mr. Vogelsang, Ms. Wilson and Mr. Doherty all shared their concern of future owners. Ms. Erdelyi stated a title search should show all of the conditions and that the City has no authority on enforcing deed restrictions.

Mayor Latham was concerned about the possible presence of pressure treated wood, which contains arsenic. Mr. Ward stated the decomposition has already taken place and the geotechnical samples will be unique to each lot based off of the results and required sampling.

Ms. Erdelyi assured the Council that there was no legal reason to disapprove of the plat since all of the criteria has been met.

Upon request of Mayor Latham, Mr. Ward confirmed that they were required to disclose all future harmful testing results to the agencies involved. Mr. Ward also stated a professional engineer would complete a geotechnical analysis and combustible gas survey to establish parameters for construction. The findings will be provided to the City of Jacksonville Beach Building Division for review before the issuance of any building permits.

Mayor Latham asked Mr. Mann what the setback is for the newly platted property and the distance on the original landfill footprint.

Mr. Mann responded the property is an RS-2 with a 20-foot front yard setback, combination 15-foot setback on the sides, and a rear setback of 30 feet. There was no document that specifies the landfill perimeter at the time it was in use.

**Roll call vote:** Ayes – Vogelsang, Wilson, Buck, Doherty, and Mayor Latham  
Nays – Thomason  
The motion carried 5-1.

## **RESOLUTIONS:**

**(a) Item # 17-043, RESOLUTION NO. 1973-2017**

Mayor Latham requested that the City Clerk read Resolution No. 1973-2017, by title only, whereupon Ms. Scott read the following:

**“A RESOLUTION TO AMEND THE COMMUNITY REDEVELOPMENT PLAN FOR THE SOUTH BEACH REDEVELOPMENT AREA FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PREVIOUSLY AMENDED, ACCORDING TO THE REQUIREMENTS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969, TO PROVIDE FOR MAINTENANCE AND REPAIR OF TAX INCREMENT FINANCED CAPITAL INVESTMENTS; AND FOR OTHER PURPOSES.”**

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Resolution No. 1973-2017, amending the South Beach Community Redevelopment Plan to provide for the maintenance and repair of Tax Increment funded capital investments within the South Beach Community Redevelopment Area.

Mr. Forbes briefed the Council Members on the Resolution which would provide the authority to maintain the South Beach Area facilities originally constructed with redevelopment funds.

Mr. Mann said the City of Jacksonville had received a copy of the draft Resolution and had no objections.

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

**ORDINANCES:**

**(a) Item # 17-044, ORDINANCE NO. 2017-8087 (Second Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8086 (Second Reading), by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (This ordinance would allow the development of an eight-story, mixed-use multifamily residential, hotel, and commercial development on 1<sup>st</sup> Street North between 6<sup>th</sup> and 7<sup>th</sup> Avenues North -previously Atlantis Hotel)”**

Mayor Latham read the following:

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

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a zoning amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

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

**Public Hearing:**

Mayor Latham opened the public hearing on Ordinance No. 2017-8087, and asked for a spokesperson for the applicant to address the City Council.

**Speakers:**

Mark Shelton, a representative of Kimley-Horn and Associates, stated the reuse of the commercial, oceanfront property requires a rezoning from C-1 to RD. The project has received positive commentary and has a projected planning commencement date of

2018.

There were no speakers in opposition to the project.

Ms. Erdelyi had no additional comments.

Mayor Latham closed the Public Hearing.

**Ex Parte Communications:**

Mayor Latham read the following statement for the record:

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

Mayor Latham received a call from Wyman Duggan of Rogers Towers about any known impediments to this proceeding and he replied stating there were none known to him personally.

Phil Vogelsang also received a call from Wyman Duggan of Rogers Towers about any concerns or suggestions.

There were no other ex parte communications from the City Council.

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Ordinance Number 2017-8087, establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City, to allow the development of an eight-story, mixed-use multifamily residential, hotel and commercial use project. (Applicant – Atlantis Beach Partners, LLC)

**Discussion:**

Mayor Latham read the following statement for the record:

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

Upon request of Ms. Wilson, Mr. Mann affirmed the Seawalk area would be built by the developer and would be open to the public.

Mayor Latham and Mr. Vogelsang stated their support of the project.

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

**Motion:** It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the Findings of Fact, dated March 20, 2017.

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

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:12 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

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

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



City of  
Jacksonville Beach  
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TO: George D. Forbes  
City Manager  
FROM: Trish Roberts  
Deputy City Manager  
DATE: March 16, 2017  
SUBJECT: Approve camera installation and live stream video of City Council meetings.

**ACTION REQUESTED**

Approve the purchase and installation of cameras and equipment for the City Council Chambers to enable live stream video of public meetings.

**BACKGROUND**

The City Council requested City staff to research the feasibility of live streaming video of City Council meetings in order to provide accessibility for citizens who are unable to attend in person.

The City Clerk, Property & Procurement Officer, and Property Management Supervisor teamed up to assess alternatives by: visiting the City of Atlantic Beach; interviewing other cities that provide live stream video of their public meetings; participating in vendor webinars; and hosting vendors for product demonstrations on site.

Following is a summary of three (3) suitable options:

	<i><b>BIS Digital</b></i>	<i><b>GovTV</b></i>	<i><b>Siemens</b></i>
Equipment and installation	\$14,755	\$17,622	\$13,075
Annual live stream costs	\$5,900	\$5,700	\$0
<b>Total initial cost</b>	<b>\$20,655</b>	<b>\$23,322</b>	<b>\$13,075</b>

Additional annual charges	\$5,900	\$5,700	\$0
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Each vendor will provide two (2) cameras. Costs include set-up, installation and training. The options provided by **BIS Digital** and **GovTV** were very similar. They include specific video switching hardware and software and utilize third party partnerships to provide the live stream. **BIS Digital** partners with **SuiteOne Media** while **GovTV** partners with **Granicus**. Both options can be managed and controlled from remote locations and video can be integrated and indexed with agenda items.

**Siemens** provided an alternative solution utilizing free live stream video through **YouTube**, thereby removing annual live stream charges. This alternative also reduces equipment costs by eliminating the need for expensive hardware and software, as the live video image is transmitted directly via PC to the **You Tube** servers for broadcast. Video can be downloaded, stored and indexed. **Siemens** also provides cameras with significantly higher resolution than the other proposals. There is no maintenance fee and all equipment and installation includes one (1) year warranty on materials.

For these reasons, Staff recommend proceeding with the **Siemens** proposal.

### **RECOMMENDATION**

Approve the purchase and installation of cameras and equipment for City Council Chambers from **Siemens** to enable live stream video of public meetings.

March 22, 2017

**TO:** George Forbes, City Manager  
**FROM:** Ty Edwards, Public Works  
**RE:** Interior Rehabilitation of Raw Water Ground Storage Tanks  
at Water Plant #2

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**ACTION REQUESTED:**

Authorize the interior rehabilitation of both Raw Water Ground Storage Tanks at Water Plant #2 with ***Utility Service Company***.

**BACKGROUND:**

Water Plant #2, located adjacent to South Beach Park, has two (2) 500,000-gallon pre-stressed concrete Ground Storage Tanks that store our raw water pumped from the Floridan Aquifer. This raw water contains highly corrosive compounds such as hydrogen sulfide. These corrosive compounds are released from the raw water through an aerator on top of each tank. The long-term effect of these corrosive compounds is erosion of the concrete and reinforcement steel, particularly above the high water mark inside the tank. Periodic inspections and subsequent major maintenance are necessary to prevent compromising the structural integrity of the tanks.

A certified engineer inspected the interior and exterior of the tanks in June and July of 2016. **The inspection reports recommended that the interior of each tank receive advanced maintenance within the next year, repairing corrosion and recoating.**

In September 2016, the City Council awarded RFP 05-1516, titled "Elevated Tank Maintenance," to three (3) qualified vendors, **Tank Rehab**, **American Tank Maintenance** and **Utility Service Company** resulting in 5-year continuing service contracts. These vendors specialize in working on water storage tanks. Under the provisions of the competitively awarded contracts, the City requested and compared quotes from our three (3) contractors to rehabilitate the interior ceiling, floor and walls of the Raw Water Ground Storage Tanks at Water Plant #2.

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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This rehabilitation work includes sweep blasting the entire interior coated surface, restoring the concrete to original thickness, and then applying two (2) coats of specialized interior tank coating. The following chart summarizes the price quotes from the contractors.

<b>PRICE QUOTES</b> <b>For Interior Surface Repairs &amp; Coating(s)</b> <b>500K gal Raw Water Ground Storage Tanks (2 each)</b> <b>Water Plant #2, Jacksonville Beach</b>			
<ul style="list-style-type: none"> <li>City Continuing Service Tank Contractors</li> </ul>	<b>Tank Rehab</b>	<b>Utility Service Company</b>	<b>American Tank Maintenance</b>
<ul style="list-style-type: none"> <li>Price Quote</li> <li>10% Contingency</li> </ul>	\$ 250,000 <u>\$ 25,000</u>	<b>\$ 236,678</b> <u>\$ 23,668</u>	\$ 339,120 <u>\$ 33,912</u>
<b>Total:</b>	\$ 275,000	\$ 260,346	\$ 373,032
Warranty HQ Location	2 years Jacksonville, FL	2 year Atlanta, GA	2 years Warthen, GA

Funds for this work are budgeted in the FY 2017 Public Works Water Plant Division Capital account.

Staff recommends that the City Council authorize **Utility Service Company** to rehabilitate the interiors of both Raw Water Ground Storage tanks at Water Plant Number 2 at the quoted price of \$236,678, plus a 10% contingency, for a total cost not to exceed \$260,346.

**RECOMMENDATION:**

Authorize the interior rehabilitation of both Raw Water Ground Storage Tanks at Water Plant Number 2 with **Utility Service Company** as explained in the memorandum from the Public Works Director dated March 22, 2017.

March 22, 2017

**TO:** George Forbes, City Manager  
**FROM:** Ty Edwards, Public Works  
**SUBJECT:** Award Bid # 1617-03, Water Main Replacement Project - Phase D (Various Locations)

City of  
 Jacksonville Beach  
 City Hall  
 11 North Third Street  
 Jacksonville Beach  
 FL 32250  
 [P] 904.247.6268  
 [P] 904.247.6276

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**ACTION REQUESTED:**

Award Unit Price Bid 1617-03, titled "Water Main Replacement Project - Phase D (Various Locations)," to the lowest bidder for each of the Base Bid, Additive Alternate 1 and Additive Alternate 2.

**BACKGROUND:**

The overall bid project consists of the Base Bid and Additive Alternates 1 & 2.

The **Base Bid** portion of this project is part of the water main improvements program in the City's FY2016 Capital Improvement Plan, where existing deteriorated, unlined cast iron and galvanized water mains are being replaced over time. The Base Bid project entails replacing seven (7) blocks (approximately 2,950 linear feet) of 2" galvanized water mains with 6" PVC water mains on the following streets:

<u>STREET</u>	<u>From</u>	<u>To</u>
• Oakwood Ct.	Oakwood Rd.	Westerly Dead End.
• 13 <sup>th</sup> Ave. N.	3rd Street N.	2 <sup>nd</sup> Street N.
• 12 <sup>th</sup> Ave. N.	4 <sup>th</sup> Street N.	2 <sup>nd</sup> Street N.
• Rannie Street	9 <sup>th</sup> Avenue N.	11 <sup>th</sup> Ave. North
• 8 <sup>th</sup> Street S.	16 <sup>th</sup> Avenue S.	Southerly Dead End
• Freedom Way	Liberty Ln.	Easterly Dead End
• Republic Dr.	America Ave.	Easterly Dead End

Ancillary work such as water services, valves, fittings, piping, water main loop connections, the addition of new fire hydrants as necessary, and replacement of disturbed areas are included in the project.



The **Additive Alternates 1 and 2** portion of the project consist of replacing old, deteriorated galvanized water services in the *Spanish Trail Estates Subdivision* that are connected to lined cast iron and PVC water mains that are to remain. **Alternate 1** consists of replacing water services that cross a road to connect to the water main. **Alternate 2** consists of replacing water services on the same side of the road as the water main. These deteriorated water services are along the following streets:

<b><u>STREET</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
• Osceola Ave.	Liberty Ln.	Williams St.
• Constitution Place	America Ave.	Southerly Dead End
• Constitution Court	Constitution Pl.	Northerly Dead End
• Freedom Way	Liberty Ln.	Southerly Dead End
• Patricia Pl.	Independence Dr.	America Ave.
• Ponce De Leon Ave.	America Ave.	Easterly Dead End
• Declaration Dr.	Liberty Ln.	America Ave.
• Colonies Dr.	Declaration Dr.	Republic Dr.
• America Ave.	Declaration Dr.	Republic Dr.
• Democracy Ct.	America Ave.	Westerly Dead End
• Victory Ct.	America Ave.	Southerly Dead End
• Justice Dr.	America Ave.	Easterly Dead End
• Republic Dr.	America Ave.	Easterly Dead End

This work includes replacing 116 water services (combination of long side and short side), service saddles, tubing, corporation cocks and curb stops, meter boxes, and replacement of disturbed areas.

The Invitation to Bid was advertised, five (5) bid packages were requested and four (4) bids were received. The City's design engineering firm, **Jones Edmunds & Associates, Inc.** evaluated the bids and **recommended award** of the **Base Bid to G & H Underground Construction, Inc.**, and **Additive Alternates 1 & 2 to TB Landmark Construction, Inc.**, which are **the respective lowest, qualified bidders**. The bid tabulation sheet is attached.

The project cost summary and staff recommendation are shown in the following chart.

<b>Unit Price Bid 1617-03, Water Main Replacement Project - Phase D (Various Locations)</b>		
<u>DESCRIPTION</u>	<u>COST</u>	<u>RECOMMENDATION</u>
<p style="text-align: center;"><b><u>Base Bid</u></b></p> <ul style="list-style-type: none"> <li>• Unit Price Bid (based on estimated quantities)      \$ <b>357,125.67</b></li> <li>• 15% Contingency      \$ <u>53,568.85</u></li> <li style="padding-left: 20px;">Construction Total:      \$ 410,694.52</li> </ul>		<ul style="list-style-type: none"> <li>• Award <u>Base Bid</u> to the lowest bidder, <b>G&amp;H Underground Construction, Inc.</b>, at a cost based on estimated quantities of \$357,125.67, plus a 15% contingency, for a total cost not to exceed \$410,694.52</li> </ul>
<p style="text-align: center;"><b><u>Alternates 1 &amp; 2</u></b></p> <ul style="list-style-type: none"> <li>• Unit Price Bid (based on estimated quantities)      \$ <b>266,294.00</b></li> <li>• 15% Contingency      \$ <u>39,944.10</u></li> <li style="padding-left: 20px;">Construction Total:      \$ 306,238.10</li> </ul>		<ul style="list-style-type: none"> <li>• Award <u>Additive Alternates 1 &amp; 2</u> to the lowest bidder, <b>TB Landmark Construction, Inc.</b>, at a cost, based on estimated quantities, of \$266,294.00, plus a 15% contingency, for a total cost not to exceed \$306,238.10.</li> </ul>
<p style="text-align: center;"><b><u>Construction Admin. Services</u></b></p> <ul style="list-style-type: none"> <li>○ Base Bid      \$ 17,856.00</li> <li>○ Alternates 1 &amp; 2      \$ <u>13,314.00</u></li> <li>• C&amp;A Svcs Sub-Total:      \$ <b>31,170.00</b></li> <li>• 10% Contingency      \$ <u>3,117.00</u></li> <li style="padding-left: 20px;">C&amp;A Services Total:      \$ 34,287.00</li> </ul>		<ul style="list-style-type: none"> <li>• Authorize <u>construction administration services</u> with the project's design firm, <b>Jones Edmunds &amp; Associates, Inc.</b>, at a cost of \$31,170.00, plus a 10% contingency, for a total cost not to exceed \$34,287.00</li> </ul>
<b>GRAND TOTAL:</b>	<b>\$ 751,219.62</b>	
<ul style="list-style-type: none"> <li>• Due to the aged condition of the old, deteriorated water system and services and the associated site work for disturbed areas, staff recommends a 15% contingency for each of the two (2) construction projects.</li> <li>• The Base Bid project was originally budgeted in the FY2016 Public Works Distribution &amp; Collection Division capital account at \$290,000.</li> <li>• Funds are available in the Water &amp; Sewer Fund. The FY2017 Water &amp; Sewer Budget will be adjusted accordingly at year-end.</li> </ul>		

**RECOMMENDATION:**

As described in the memorandum from the Public Works Director dated March 22, 2017, award Unit Price Bid Number 1617-03, titled " Water Main Replacement Project - Phase D (Various Locations) as follows:

1. Award the Base Bid to the lowest bidder, *G & H Underground Construction, Incorporated.*
2. Award Additive Alternates 1 and 2 to the lowest bidder, *TB Landmark Construction, Incorporated.*
3. Authorize construction administration services with the projects' design firm, *Jones Edmunds & Associates, Incorporated.*

# City of Jacksonville Beach Bid Tabulation Form

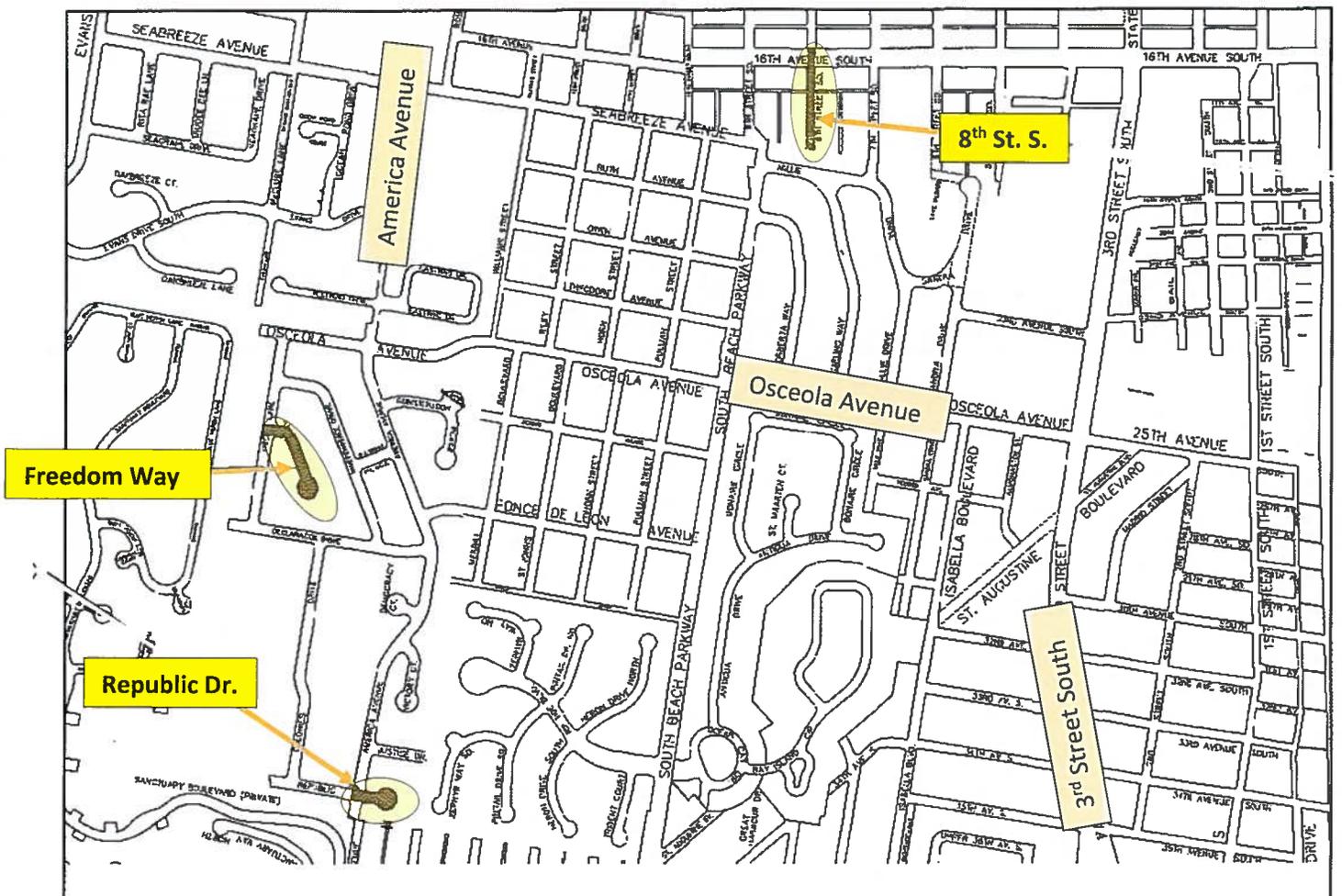
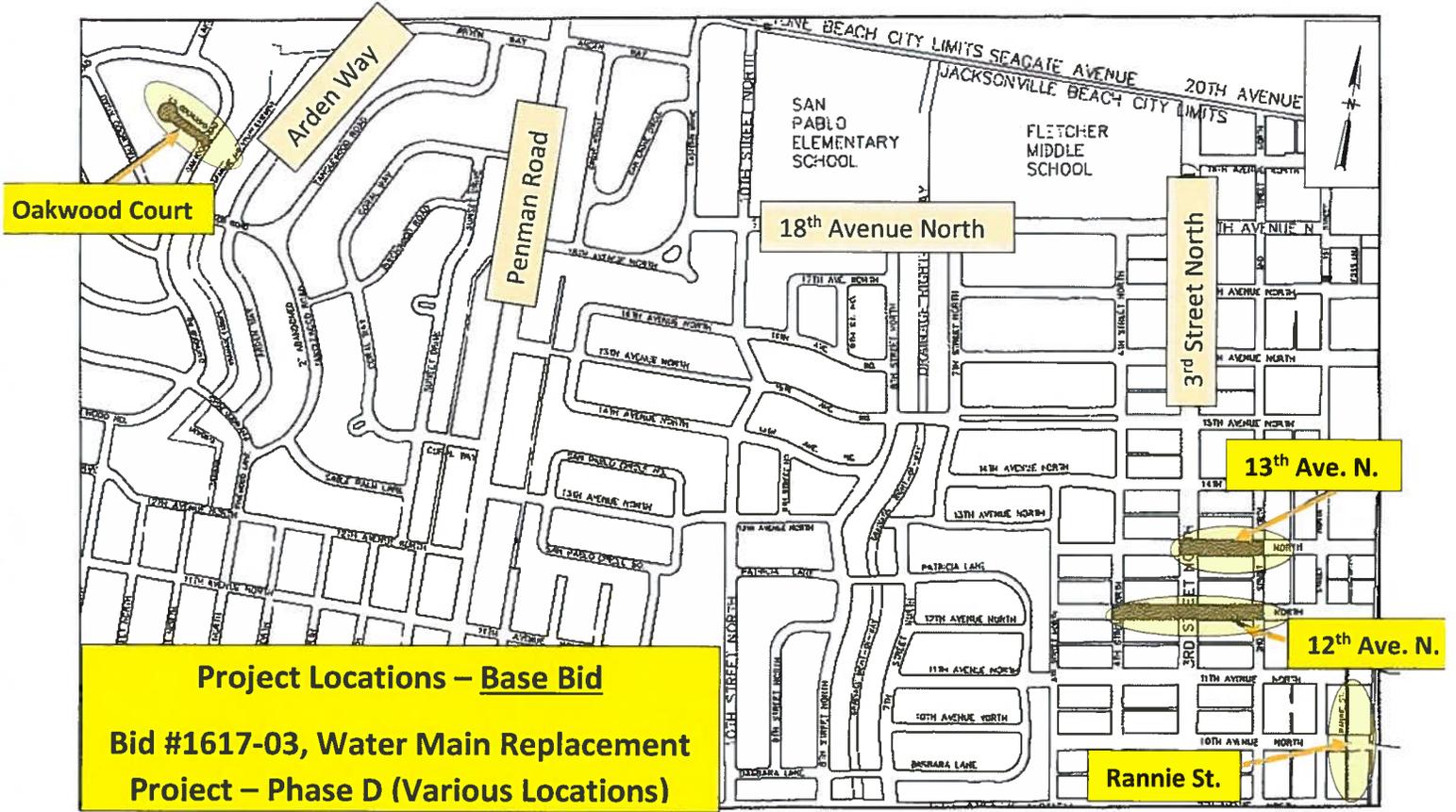
## Unit Price Bid # 1613-03, "Water Main Replacement Project – Phase D (Various Locations)"

Date: January 18, 2017

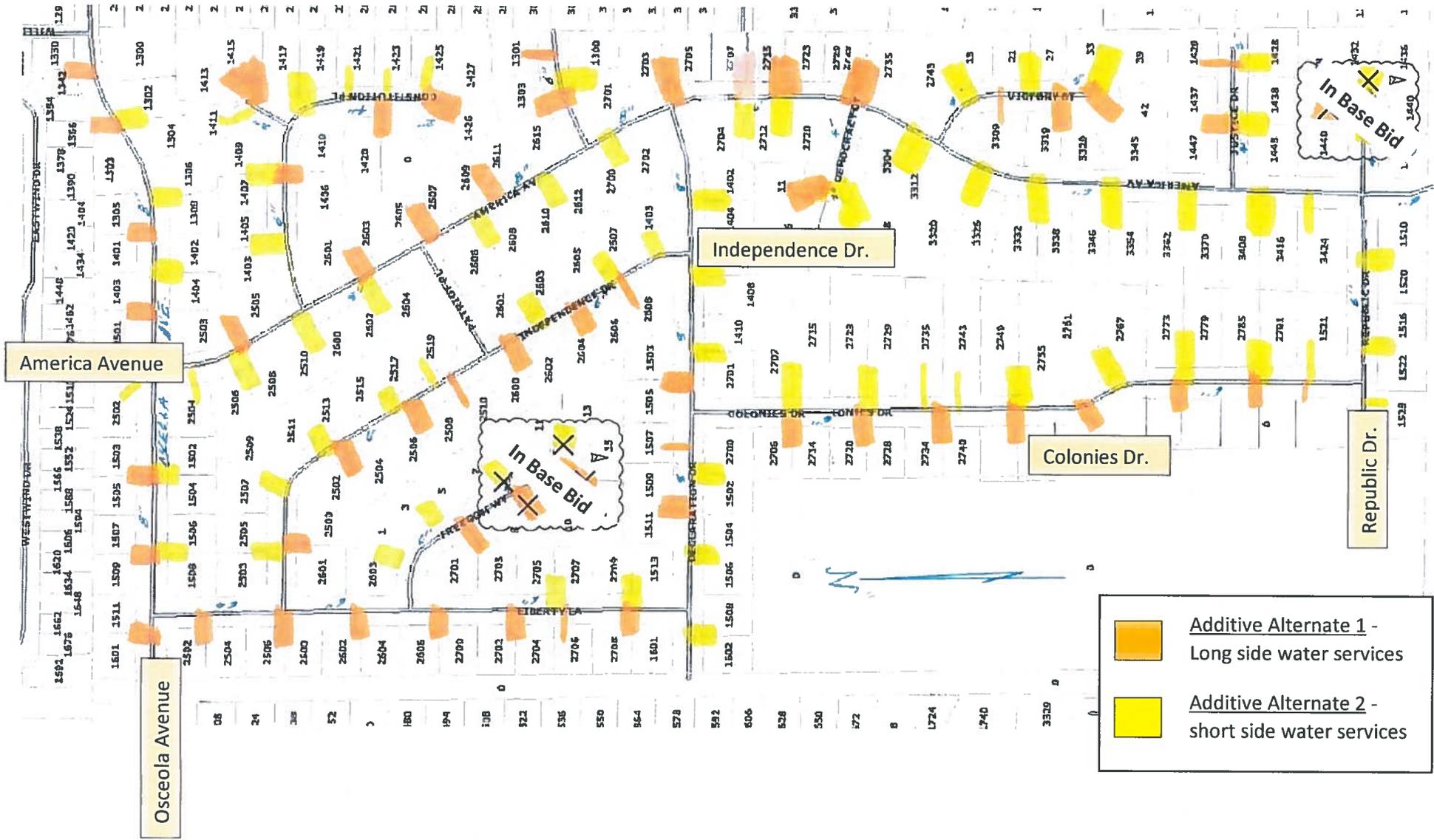
<b>BIDDERS</b>					
	A	B	C	D	
<b>Base Bid</b>	\$615,513.70	<b>\$357,125.67</b>	\$449,160.00	\$433,601.00	
Alternate 1	\$259,903.76	\$182,062.38	\$231,095.00	\$139,033.00	
Alternate 2	\$277,405.17	\$155,176.37	\$183,202.00	\$127,261.00	
<b>Alternates 1+2</b>	\$537,308.93	\$377,238.75	\$414,297.00	<b>\$266,294.00</b>	
Base Bid + Alternates 1+2	\$1,152,822.63	\$734,364.42	\$863,457.00	\$699,895.00	
Plan Holders: 5				Bid Responses: 4	

### Bidders

A	Besch and Smith Civil Group, Inc.
<b>B</b>	<b><i>G &amp; H Underground Construction, Inc.</i></b> , lowest bidder on <u>Base Bid</u> <b><i>Recommend AWARD Base Bid</i></b>
C	Grimes Utilities, Incorporated
<b>D</b>	<b><i>TB Landmark Construction, Inc.</i></b> , lowest bidder on <u>Additive Alternates 1 and 2</u> ; <b><i>Recommend AWARD Additive Alternates 1 and 2</i></b>



**Project Locations – Additive Alternates 1 & 2**  
**Bid #1617-03, Water Main Replacement Project**  
**– Phase D (Various Locations)**





January 31, 2017

Mr. Martin Martirone  
City Engineer  
City of Jacksonville Beach  
Department of Public Works  
1460A Shetter Avenue  
Jacksonville Beach, Florida 32250

RE: Jacksonville Beach, Florida  
Recommendation of Award  
Miscellaneous Water Main Replacement – Phase D  
City Bid No. 1617-03  
Jones Edmunds Project No.: 09803-033-01

Dear Mr. Martirone:

We are pleased to enclose two copies of the certified bid tabulation for the bids received by the City on January 18, 2017, at 2:00 P.M., for the referenced project. The bids have been verified and evaluated for conformance with the criteria set forth in the bidding documents.

G&H Underground Construction, Inc. is the lowest responsive bidder for the Base Bid portion of the project with a bid amount of \$357,125.67. Based on our understanding of available City funds, we recommend award of the Base Bid to G&H Underground Construction, Inc. for the bid amount of \$357,125.67. We also recommend that the City set aside a 15% contingency fund, which brings the total construction budget to \$410,694.52.

TB Landmark Construction, Inc. was the lowest responsive bidder for Additive Alternate No. 1 and Additive Alternate No. 2. Based on our understanding of available City funds, we recommend award of Additive Alternate No. 1 in the bid amount of \$139,033.00 and Additive Alternate No. 2 in the bid amount of \$127,261.00 to TB Landmark Construction. We also recommend that the City set aside a 15% contingency fund, which brings the total construction budget to \$306,238.10 for both Additive Alternates.

The City's prior extensive experience with G&H Underground Construction, Inc., as well as a review of their bid bond, indicates they meet the requirements of the City for award of the project. They are a very reputable contractor and have performed excellent work for the City for many years.

TB Landmark Construction, Inc. is also a very reputable contractor in Northeast Florida and has performed excellent work for many municipalities in the area. A review of their references and bid bond indicates they meet the requirements of the City for award of the project.

Mr. Martin Martirone  
January 31, 2017  
Page 2

Our proposals to provide Professional Services During Construction for both projects is being submitted under separate cover for the City's review. We appreciate this opportunity to be of service to the City of Jacksonville Beach and look forward to the successful construction of this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian F. Hepburn". The signature is fluid and cursive, written over a white background.

Brian F. Hepburn, MPA  
Project Manager

K:\09803 Jacksonville Beach\033-02 Misc WM Replacement Ph D PSDC\3 - Construction\Notice of Award\RECAWARD LTR Phase D 1\_31.doc

Enclosure

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

## MEMORANDUM

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

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

**Re:** **Resolution No. 1975-2017**, tentatively approving a text amendment to the Future Land Use Element of the Jacksonville Beach 2030 Comprehensive Plan to increase floor area ratio from 0.35 to 0.55 for hospitals and related buildings, and authorizing transmittal of the proposed amendment to the Florida Department of Economic Opportunity.

**Date:** March 27, 2017

---

## ACTION REQUESTED:

**Adopt Resolution No. 1975-2017**, tentatively approving a text amendment to the Future Land Use Element of the Jacksonville Beach 2030 Comprehensive Plan, and authorizing transmittal of the amended element to the Florida Department of Economic Opportunity for review.

## BACKGROUND:

The applicant, *Baptist Medical Center - Beaches*, is requesting a text amendment to the 2030 Comprehensive Plan's Future Land Use Element Policy L.U.1.2.7 to increase the maximum floor area ratio (FAR) allowed for hospitals and related uses. Floor area ratio is the ratio of total building floor area permitted on a parcel to the size of that parcel. For example, if you have a 10,000 s.f. parcel with a maximum floor area ratio of 0.35, you could develop a total of 3,500 s.f. of building space, without regard to how many stories the building is. You could build a single-story 3,500 s.f. building, a two-story building with each floor having 1,750 s.f. of floor area, or a three-story building with each floor having 1,166 s.f. of floor area.

Currently, the FAR for institutional buildings not located in a Redevelopment District is limited to 0.35, per Future Land Use Element Policy LU.1.2.7. The hospital campus currently has vested development rights granted through approved PUD Ordinances 2004-7873, 2005-8907, 2011-8001, and 2017-8086. In order for the applicant to fully utilize the hospital's vested development rights in terms of overall building square footage (162,000 s.f.) and hospital beds (182), Policy LU 1.2.7 of the Future Land Use Element must be amended to increase the



allowable FAR for the hospital campus. The applicant is proposing to increase the allowable FAR 0.35 to 0.55.

In the application materials, the applicant provides examples of floor area ratios for hospitals in other cities in the area, and they range from 0.50 to 3.00. This increase to the FAR will allow for future hospital and related services to be located on the existing hospital campus, instead of the applicant having to try to find additional land for future development. This amendment is consistent with Future Land Use Policy LU.1.2.5, which states that new institutional uses will locate where sufficient land area is available to provide adequate parking, landscaping and drainage.

The requested amendment to Comprehensive Plan Policy LU.1.2.7 should not negatively impact the surrounding area as the hospital has existed in this location for many years, pre-dating much of the surrounding development, and also because adequate developable land still remains on campus. Adequate infrastructure does exist for the hospital's proposed future development.

Following its approval by City Council, staff will transmit the proposed amendment to the Florida Department of Economic Opportunity and other agencies for review and approval. Upon receipt of comments and approvals from the various reviewing agencies, the amendment will be finalized and will be presented again to the City Council for final adoption.

**RECOMMENDATION:**

**Adopt Resolution No. 1975-2017**, tentatively approving a text amendment to the Future Land Use Element of the Jacksonville Beach 2030 Comprehensive Plan, and authorizing transmittal of the amended element to the Florida Department of Economic Opportunity.

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

**RESOLUTION NO. 1975-2017**

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA TENTATIVELY APPROVING AN AMENDED FUTURE LAND USE ELEMENT OF THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN TO INCREASE THE FLOOR AREA RATIO FOR HOSPITAL AND RELATED BUILDINGS FROM 0.35 TO 0.55, AND AUTHORIZING TRANSMITTAL OF SAID AMENDED ELEMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

**WHEREAS**, the Jacksonville Beach City Council adopted a Comprehensive Plan for the City by Ordinance No. 7474; and

**WHEREAS**, to accommodate future growth to approved vested rights of the *Baptist Medical Center – Beaches* hospital facilities, Future Land Use Policy 1.2.7 must be amended to permit a floor area ratio (FAR) of 0.55 for hospitals and related buildings; and

**WHEREAS**, Section 163.3184, Florida Statutes, provides for an expedited review process for adoption of amendments to comprehensive plans; and

**WHEREAS**, following a public hearing held on March 13, 2017 to consider the proposed amendments to the Comprehensive Plan, the City of Jacksonville Beach Planning Commission recommended approval of the proposed amendment; and

**WHEREAS**, Section 163.3184, Florida Statutes, provides that the local government shall, following an advertised public hearing, transmit by affirmative vote of not less than a majority of the members of the governing body present at the hearing, proposed comprehensive plan amendments to the applicable reviewing agencies and local governments.

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

**SECTION 1.** That the proposed amendment to the Future Land Use Element of the 2030 Comprehensive Plan, as set forth in Exhibit A to this Resolution, is hereby tentatively approved. Such approval is subject to the review by and receipt of any objectives, recommendations, and comments from the Florida Division of Economic Opportunity, Division of Community Development.

**SECTION 2.** That the Planning and Development Director is hereby authorized to transmit said proposed amendment and any support documents that may be required to the Florida Department of Economic Opportunity, Division of Community Development, for their review and consideration.

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

**AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

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

\_\_\_\_\_  
Laurie Scott, CITY CLERK



# COMPREHENSIVE PLAN TEXT AMENDMENT APPLICATION

PC No. 8-17  
AS/400# 17-100024

This form is intended for use by persons applying for a change in the text of the comprehensive plan. A change to the text of the comprehensive plan is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments. No text amendment to the comprehensive plan may be approved except in conformance with the Jacksonville Beach 2030 Comprehensive Plan Elements. An application for a text amendment to the comprehensive plan shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director.

### APPLICANT INFORMATION

Land Owner's Name: Baptist Medical Center of the Beaches, Inc; Baptist Health Properties, Inc. Baptist Beaches Medical Condominium Association Inc.  
Mailing Address: 3563 Philips Highway Building F Suite 608, Jacksonville, Florida 32207

Telephone: 904-627-2900  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

Applicant Name: Baptist Medical Center of the Beaches, Inc.  
Mailing Address: 3563 Philips Highway Building F Suite 608, Jacksonville, Florida 32207

Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

*NOTE: Written authorization from the land owner is required if the applicant is not the owner.*

Agent Name: Paul M. Harden, Esq.  
Mailing Address: 501 Riverside Avenue, Suite 901 Jacksonville, Florida 32250

Telephone: 904-396-5731  
Fax: 904-399-5461  
E-Mail: paul\_harden@bellsouth.net zach\_miller@bellsouth.net

**RECEIVED**

FEB 8 2017

### TEXT AMENDMENT DATA

PLANNING & DEVELOPMENT

Current Goal/Objective/Policy Number: POLICY LU 1.2.7

<u>REQUESTED INFORMATION</u>	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land affected by the text amendment, with the boundaries clearly marked;	X	
2. An 8½" x 11" vicinity map identifying the property affected by the text amendment;	X	
3. An aerial photograph, less than twelve (12) months old, of the land affected by text amendment, with the boundaries clearly marked;	X	
4. For a text amendment, include a narrative and explanation of the proposed amendment	X	
5. For a text amendment, include the current text of the goal/objective/policy proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2030 Comprehensive Plan Elements.	X	

Applicant Signature: \_\_\_\_\_

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

**AGENT AUTHORIZATION**

November 29, 2016

To Whom It May Concern:

This letter is to authorize Paul M. Harden, Esq. to sign and act as agent for submittal, amendment and approval of applications in connection with text amendment which affects the properties with the following real estate numbers: 179756 0000, 179760 0010; 179451 0030.

**BAPTIST MEDICAL CENTER  
OF THE BEACHES, INC., a Florida not-for-profit Corporation**

By: Scott Wooten

Name: Scott Wooten

Title: CFO

COUNTY OF DUVAL  
STATE OF FLORIDA

The foregoing was acknowledged before me this 21<sup>st</sup> day of Nov 2016 by Scott Wooten as CFO of Baptist Medical Center of the Beaches, Inc., a Florida not-for-profit Corporation on behalf of the corporation. He/She is personally known to me or produced as identification.

Kathy J. Brown  
Notary Public Signature

Print Name: Kathy J. Brown

Commission Expires: 7/21/2020



## Narrative

Attached is a proposed text amendment to the Jacksonville Beach 2030 Comprehensive Plan. The proposed text amendment specifies that hospitals (and related buildings) located within the Public/Institutional Future Land Use Category may have a floor-to-area ratio ("FAR") of 0.55 percent. The current FAR limit of 0.35 percent applies to all uses within the Public/Institutional Future Land Use Category not within the Downtown Redevelopment Area. As Beaches Baptist (including its related buildings) is the only hospital in Jacksonville Beach, this text amendment would only affect that facility.

Ordinances 2004-7873, 2005-8907, 2011-8005 and 2017-8086 set forth the current vested development rights for the (3) three separate parcels (Parcels A, B and C) which make up the Beaches Baptist property.

Parcel A is vested to serve 182 hospital beds and 185,000 square feet of non-ancillary medical, business and professional office space (*See 2004-7873, Pages 2-3*). 62,000 square feet of medical, business and professional offices is allocated to Medical Office Buildings "A" and "B" and 60,000 is allocated to Medical Office Building "C." Currently, 136 hospital beds are used; 48,993 square feet is used for Medical Office Buildings "A" and "B" and 48,344 square feet is used for Medical Office Building "C."

Parcel B is vested to serve 12,000 square feet of non-ancillary medical business and professional office space. Parcel C is vested to serve 28,000 square feet of non-ancillary medical business and professional office space.

Should all of the existing vested development rights be exercised, Beaches Baptist would exceed the 0.35 FAR limitation in the comprehensive plan.

"Floor" is defined by the Land Development Code as, "the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles."

Land Use Policy 1.2.5 provides that future institutional uses should be located where sufficient land area is available to provide adequate parking, landscaping and drainage on-site. Increasing the FAR for this site will allow more facilities to be located on site instead of located in other locations.

### Examples of Floor-to-Area Ratio for Hospitals in other Cities:

- Vero Beach – 0.50 FAR (*See Section 62.189.1, LDC*)
- Miami Beach – 3.00 FAR (*See Land Policy 1.2 of the Comprehensive Plan*)
- Town of Lee – 1.00 FAR (*See Section 4.10.9, LDC*)
- Lake County – 1.00 FAR (*See Policy 1-1.13 of the Comprehensive Plan*)
- Panama City – 0.70 FAR (*See Section 104-26, LDC*)
- Neptune Beach – None/75 percent Lot Coverage (*See Sections 27-237 and 27-229-1, LDC*)
- Daytona Beach – 0.60 FAR (*See Section 4.6B, LDC*)
- New Smyrna Beach - 2.0 FAR (*See Goal 2. Obj. 1, Policy i, FLUE of the Comprehensive Plan*)
- Ormond Beach - 0.80 FAR (*See FLUE Public/Institutional*)

# PROPOSED AMENDMENT

## Additions Underlined Deletions ~~Strikethrough~~

### Policy LU.1.2.7

Recognizing that land development for non-residential uses must occur in a manner that provides for adequate offstreet parking, landscaping, and stormwater management; the City will enforce land development regulations to limit the density and intensity of development for commercial, industrial, and public/institutional land uses shall be limited to the following maximum floor area ratios (FAR) for all principal and accessory structures:

#### Commercial Development:

Property fronting on Beach Boulevard and on  
3rd Street (S.R. A1A) between 9th Avenue N.  
and 13th Avenue S-: 0.35 FAR

Within the Downtown Community Redevelopment  
Area:

Projects developed independent of the pro-  
visions of Chapter 163, Part III: 0.50 FAR

Projects developed in cooperation with the  
City and the Community Redevelopment Agency  
pursuant to Chapter 163, Part III: 3.00 FAR

All other commercial development: 0.25 FAR

Industrial Development: 0.50 FAR

#### Public/Institutional Development:

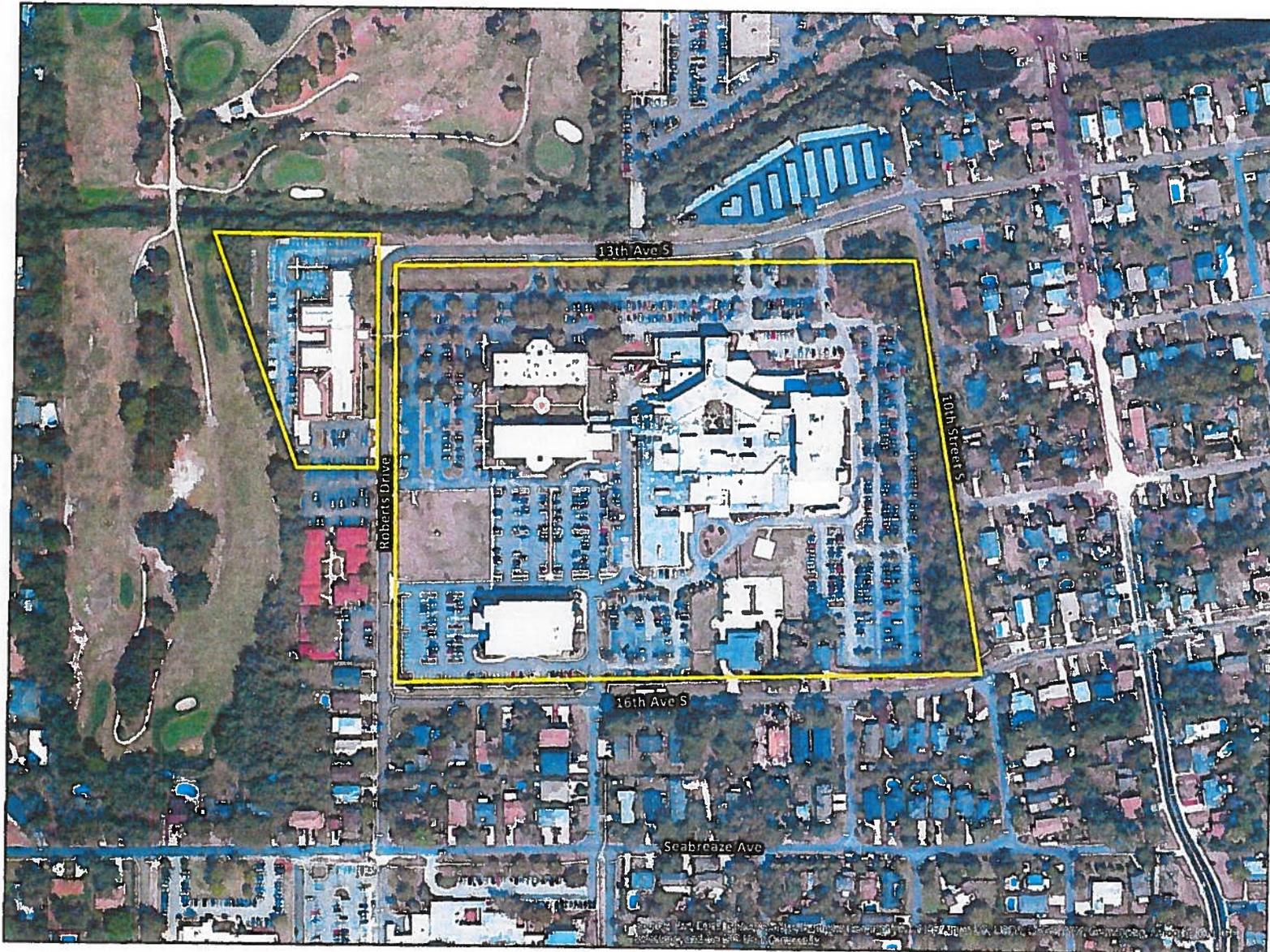
Within the Downtown Community Redevelopment Area: 1.50 FAR

Hospitals (and related buildings): 0.55 FAR

All other public/institutional development: 0.35 FAR



EXHIBIT "C"



**Baptist Medical  
Center Beaches**

**Aerial**

Source: ETM, Duval County

**Legend**

 **Subject Property**



**ETM** Esri, HERE, DeLorme, USGS, Intermap, increment P Corp, NRCAN  
14775 Old St. Augustine Road Jacksonville, FL 32256  
904-422-4010 • Fax: 904-422-6423 • www.etm.com

PC#8-17

City of  
Jacksonville Beach  
City Hall  
11 North Third Street  
Jacksonville Beach  
FL 32250  
Phone: 904.247.6268  
Fax: 904.270.1642

[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

**TO:** Mayor and City Council

**FROM:** George D. Forbes  
City Manager

**DATE:** March 29, 2017

**SUBJECT:** Resolution No. 1976-2017, opposing proposed state laws that that take away home rule from Florida cities

**ACTION REQUESTED:**

Adopt Resolution 1976-2017 opposing proposed state laws that take away home rule from Florida cities.

**BACKGROUND:**

Mayor Latham requested the attached Resolution be placed on the City Council agenda for your consideration. He is very concerned about numerous bills before the Florida State legislature that take away from cities the ability to manage our affairs. Local municipal government offers vital public services such as parks and recreation, water, sewer, electricity, streets, drainage, and police and fire that are vital in improving the quality of life for our citizens. Home rule means that it is crucial that decisions regarding municipal services be left to the form of government closest to our citizens, local municipalities.

The resolution points out seven bills presently before the legislature that take away cities ability to manage their affairs. These bills include:

- Preemption of our control of city owned rights-of-way for the placement of wireless antennas and equipment.
- The local regulation of business. Prohibits a city from any business regulation not allowed by state law.
- Community Redevelopment Agencies. This bill sets a date to terminate all Community Redevelopment Agencies in the state and does not allow any new projects after October 1, 2017.
- Local Government Fiscal Responsibility prevents a municipality from levying a millage rate above the rolled-back rate, unless the



government does not have any unencumbered fund balances of more than 10%. It basically penalizes a city for spending its money wisely and saving funds for working capital, disasters, capital projects, and maintenance.

- The local business tax. Limits the amount of the local business to \$25 for any taxpayer. Prohibits cities from levying the local business tax if the tax was not adopted by January 1, 2017.
- Sovereign Immunity. Amends the waiver of sovereign immunity in tort actions by increasing municipal liability from \$200,000 to \$1,000,000 per person, and from \$300,000 to \$1,500,000 per incident. Ironically, this bill does not increase the limit of liability for the state.
- Vacation Rentals-this bill would amend the current law to prevent local governments from adopting ordinances specific to vacation rentals.

More information on these issues are in the attached resolution. These bills are complicated and the contents often change as they go through legislative committees. However, we are following these and many more issues.

This resolution also gives City Council support to **Visit Florida** and **Enterprise Florida** since they are vital to the future economic development of the state.

Introduced By: Mayor William C. Latham

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

**RESOLUTION NO. 1976-2017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING BILLS THAT TAKE AWAY THE RIGHT TO MANAGE THE AFFAIRS OF OUR CITY THROUGH HOME RULE; AND IN SUPPORT OF VISIT FLORIDA AND ENTERPRISE FLORIDA.**

**WHEREAS**, local municipal government is closest to our citizens; and

**WHEREAS**, local municipal government offers vital public services such as parks and recreation, water sewer, electricity, streets, drainage, and police and fire that are used by our citizens every day; and

**WHEREAS**, local municipal government is instrumental in improving the quality of life for our citizens; and

**WHEREAS**, it is crucial that decisions regarding municipal services be left to the form of government closest to our citizens, local municipalities, a principle known as home rule.

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

**Section 1.** Opposes the following bills that take away the right to manage the affairs of our City, through Home Rule:

**1. Wireless**

CS/SB 596 (Hutson) and HB 687 (La Rosa) preempt local government control of city-owned rights of way for placement of wireless antennas and equipment. Among their various provisions, the bills bar local governments from prohibiting or regulating the placement of wireless facilities on or next to existing cell phone towers and utility poles within municipally owned rights of way.

**2. Local Regulation of Business**

CS/HB 17 (Fine) and SB 1158 (Passidomo) expressly preempt the regulation of businesses to the state. The House bill and the Senate bill differ in how the preemptions are imposed. CS/HB 17 provides that after July 1, 2017, a local government may not adopt any regulation, license, permit or fees on a “business, profession or occupation” unless the requirement is “expressly authorized by general law.” Additionally, CS/HB 17 specifies that any existing requirement on a business, profession or occupation adopted without “general law authority” will be grandfathered until January 1, 2020, at which time they will automatically be repealed.

**3. Community Redevelopment Agencies**

SB 1770 (Lee) and CS/HB 13 (Raburn). Of specific concern to cities, the bills outline a process by which CRAs will be terminated. Under CS/HB 13, CRAs may not initiate any new projects or issue any new debt on or after October 1, 2017. Under CS/HB 13, no new CRAs may be created after July 1, 2017. Both bills require existing CRAs to terminate on the expiration date provided in the CRA’s charter as of July 1, 2017, or on September 30, 2037, whichever is earlier. Additionally, the bills limit the use of tax increment financing funds.

**4. Local Government Fiscal Responsibility**

HB 7063 (House Ways and Means Committee). The bill creates a new statutory maximum millage rate for local governments. A municipality is prohibited from levying a millage rate above its rolled-back rate, unless the government does not have any “excess unencumbered fund balances” of more than 10 percent in certain government-type funds.

**5. Local Business Tax**

SB 330 (Steube) and HB 487 (Renner) limit the amount of the local business tax to \$25 for any taxpayer. The bills also prohibit cities and counties from levying the local business tax if the tax was not adopted by January 1, 2017. These bills will have a negative fiscal impact of over \$156 million per year to local governments.

**6. Sovereign Immunity**

HB 1305 (Jenne) substantially amends the waiver of sovereign immunity for government entities, including cities. Under current law, the state has waived sovereign immunity in tort actions up to \$200,000 for individual actions and up to \$300,000 for all actions

arising out of the same incidence or occurrence. The bill increases the waiver of sovereign immunity for municipalities up to \$1 million for individual actions or up to \$1.5 million for all actions arising out of the same incidence or occurrence. This is a five-fold increase on the current waiver of sovereign immunity for political subdivisions; however, the bill retains the current \$200,000 and \$300,000 waiver amounts for the state and state agencies.

**7. Vacation Rentals**

SB 188 (Steube) and HB 425 (La Rosa) would amend current law to prevent local governments from adopting ordinances specific to vacation rentals based solely on their classification, use or occupancy.

**Section 2.** Supports the continued funding of Visit Florida and Enterprise Florida. Visit Florida is instrumental for economic development by encouraging tourism, one of Florida's largest industries; and Enterprise Florida, to recruit new businesses and diversify our economy.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

**AUTHENTICATED** this \_\_\_ day of \_\_\_\_\_, 2017.

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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: 904.247.6274

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[www.jacksonvillebeach.org](http://www.jacksonvillebeach.org)

March 17, 2017

TO: George D. Forbes, City Manager  
FROM: Karen Nelson, Chief Financial Officer  
SUBJECT: Mid-Year Budget Adjustment

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**ACTION REQUESTED:**

Approve Resolution 1974-2017 adopting the mid-year budget adjustment.

**BACKGROUND:**

Each year the City adopts budget amendments adjusting the budget for expenditures that have become necessary since the original budget was adopted. These adjustments provide spending authority for unexpected expenditures, projects authorized by the City Council during the year which were not included in the original budget, and projects that may have been budgeted in a previous year, but due to the timing of a contract award, were not begun or encumbered before the previous year's end.

The attached budget resolution reflects proposed adjustments to be made which represent changes in departmental or fund budgets. Detailed explanations are also provided as a part of these adjustments.

Budget adjustments are also required to cover the costs associated with Hurricane Matthew. Preparation and recovery work performed through March 3<sup>rd</sup> is included in this resolution. The single largest budget adjustment is for debris removal. We anticipate that a portion of the total costs incurred will be reimbursed by FEMA and the State and will adjust revenues accordingly when that amount is known. Additional hurricane related projects may be undertaken to rebuild dune walkovers and stormwater outfalls after the dune restoration project is complete.

The budget adjustments were previously approved or discussed with the City Council with the following exceptions:



<b>Funding:</b>	<b>Amount</b>	<b>Description:</b>
General Fund	\$15,000	Adjust Fire Department budget for the additional cost of staffing to cover employee's extended leave
General Fund	\$351,571	Hurricane work: Building Maintenance, Parks & Recreation, Streets, Police, Fire, and Non-Departmental
Downtown Redevelopment Fund	\$14,515	Hurricane work: Downtown Community Assisted Policing Effort
Capital Projects Fund	\$103,603	Hurricane work: Major repair projects
Electric Fund	\$533,692	Hurricane work: Electric system
Water & Sewer Fund	\$52,832	Hurricane work: Water Plant, Pollution Control Plant, and Distribution & Collection
Stormwater Fund	\$41,130	Hurricane work: Stormwater system
Sanitation Fund	\$1,247,374	Hurricane work: Debris removal
Golf Course Fund	\$10,282	Hurricane work: Grounds Maintenance
Internal Service Funds	\$52,139	Hurricane work: Operations & Maintenance, Meter Shop, City Manager, Human Resources, and Finance

Monies are available to fund all requested expenditures.

**RECOMMENDATION:**

Adopt Resolution 1974-2017 authorizing the mid-year budget adjustment.

KN/ag

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

**RESOLUTION NO. 1974-2017**

**A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017**

BE IT ORDAINED by the City of Jacksonville Beach, Florida that:

**SECTION 1:** The following items of appropriations for the functions, agencies and departments of the City government for the fiscal year beginning October 1, 2016 and ending September 30, 2017 be amended as follows:

**General Fund – 001**

**General Fund Revenues :**

Donations and contributions - Parks&Rec Dept	a.	\$	1,500	001-0000-366-91-00
Donations and contributions - Fire Department	b.	\$	1,425	001-0000-366-95-00
Transfer in from Justice Assistance Grant	c.	\$	11,445	001-0000-381-88-00

- a. To adjust budget for contributions from Volunteer Life Savings Corp to offset Parks copier costs used to produce annual training manuals and other materials.
- b. To adjust budget for contributions from Winter Beach Run, Void Fest, and Beaches Oktoberfest festivals to offset Fire Department overtime costs for the events.
- c. To adjust budget for Justice Assistance Grant used for equipment purchases, awarded in FY2016 but not received until 2017. Approved by Council 10-3-2016.

**General Fund Expenditures :**

**City Clerk**

Personal services - wages	a.	\$	3,486	001-0106 various
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- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

**Planning & Development**

Personal services - wages	a.	\$	26,767	001-04 various
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- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

**Parks & Recreation**

Personal services - wages	a.	\$	53,940	001-06 various
Operating - copier lease	b.	\$	1,500	001-0601-572.44-00
Operating - contract services	c.	\$	20,000	001-0606-572-31-23
Operating - contract services	d.	\$	950	001-0607-579-34-00
Personal services - wages	e.	\$	31,716	001-0609-572-12-00

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.
- b. To adjust budget for contributions from Volunteer Life Savings Corp to offset Parks copier costs used to produce annual training manuals and other materials.
- c. To adjust budget for professional tennis services contract. Approved by Council 10-3-2016.
- d. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.
- e. To adjust budget making current part-time Carver Center Recreation Leader position full time. Approved by Council 12-19-2016.

**Streets**

Personal services - wages	a.	\$	63,081	001-0701 various
Operating - rentals	b.	\$	5,416	001-0701-541-44-00
Operating - supplies	b.	\$	1,683	001-0701-541-52-00

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.
- b. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.

**Police**

Personal services - wages	a.	\$	74,739	001-09 various
Operating - supplies	b.	\$	2,408	001-0904-521-52-00
Operating - supplies	c.	\$	11,445	001-0904-521-52-00

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.
- b. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.
- c. To adjust budget for Justice Assistance Grant used for equipment purchases, awarded in FY2016 but not received until 2017. Approved by Council 10-3-2016.

**Fire**

Personal services - wages	a.	\$	13,582	001-1001-522-various
Personal services - overtime	b.	\$	1,425	001-1001-522-14-00
Personal services - overtime	c.	\$	15,000	001-1001-522-14-00

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.
- b. To adjust budget for contributions from Winter Beach Run, Void Fest, and Beaches Oktoberfest festivals to offset Fire Department overtime costs for the events.
- c. To adjust budget for overtime associated with employee extended leave.

**Non-departmental**

Operating - other charges	a.	\$	(303,431)	001-0000-519-49-00
Transfer to Stormwater Fund	b.	\$	927	001-0000-581-91-23
Transfer to Water & Sewer Fund	b.	\$	4,274	001-0000-581-91-42
Transfer to Sanitation Fund	b.	\$	5,462	001-0000-581-91-43

- a. To adjust budget for net General Fund costs of mid-year budget adjustment.
- b. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.

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**Justice Assistance Grant Fund - 186**

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**Revenues:**

Federal Grants - JAG Grant	a.	\$	11,445	186-0000-331-04-00
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**Expenses:**

Transfer to General Fund	a.	\$	11,445	186-0904-581-91-35
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- a. To adjust budget for Justice Assistance Grant used for equipment purchases, awarded in FY2016 but not received until 2017. Approved by Council 10-3-2016.

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**General Capital Projects Fund - 315**

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**Expenses:**

Capital outlay - improvements	a.	\$	176,700	315-0000-519-62-00
Capital outlay - improvements	b.	\$	1,087,394	315-0000-519-63-00
Capital outlay - improvements	c.	\$	68,400	315-0000-519-63-00

- a. To adjust budget for O&M facility roof renovation bid award. Approved by Council 3-6-2017.
- b. To adjust budget for the enterprise resource planning (ERP) system purchase. Approved by Council 11-21-2016.
- c. To adjust budget for GIS services associated with ERP project. Approved by Council 11-7-2016

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**Electric Fund - 410**

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**Expenses:**

Personal services - wages	a.	\$	242,724	410-12 various
Capital outlay - improvements	b.	\$	750,420	410-1212-531-6300
Capital outlay - improvements	c.	\$	70,400	410-1229-531-63-00

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).
- b. To adjust budget for guaranteed energy, water and wastewater cost savings project, Phase C. Approved by Council 11-7-2016.
- c. To adjust budget for new protective netting at Jacksonville Beach substation. Approved by Council 10-3-2016.

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**Natural Gas Fund - 411**

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**Expenses:**

- |                               |    |    |         |                    |
|-------------------------------|----|----|---------|--------------------|
| Capital outlay - improvements | a. | \$ | 162,379 | 411-1202-532-63-00 |
| Capital outlay - improvements | b. | \$ | 757,317 | 411-1202-532-63-00 |
- a. To adjust budget for guaranteed energy, water and wastewater cost savings project, Phase C. Approved by Council 11-7-2016.
- b. To adjust budget for 4" natural gas main line extension in the Sawgrass Country Club and TPC Sawgrass area. Approved by Council 1-17-2017.

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**Water & Sewer Fund - 420**

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**Revenues:**

- |                            |    |    |       |                    |
|----------------------------|----|----|-------|--------------------|
| Transfer from General Fund | a. | \$ | 4,274 | 420-0000-381-01-00 |
|----------------------------|----|----|-------|--------------------|

**Expenses:**

- |                               |    |    |           |                    |
|-------------------------------|----|----|-----------|--------------------|
| Personal services - wages     | b. | \$ | 211,725   | 420-07 various     |
| Capital outlay - improvements | c. | \$ | 5,434,067 | 420-0707-536-63-02 |
- a. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.
- b. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.
- c. To adjust budget guaranteed energy, water and wastewater cost savings project, Phase C. Approved by Council 11-7-2016

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**Stormwater Fund - 423**

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**Revenues:**

- |                            |    |    |     |                    |
|----------------------------|----|----|-----|--------------------|
| Transfer from General Fund | a. | \$ | 927 | 423-0000-381-01-00 |
|----------------------------|----|----|-----|--------------------|

**Expenses:**

- |                              |    |    |     |                    |
|------------------------------|----|----|-----|--------------------|
| Personal services - overtime | a. | \$ | 927 | 423-0712-536-14-00 |
|------------------------------|----|----|-----|--------------------|
- a. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.

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**Sanitation Fund - 430**

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**Revenues:**

- |                            |    |    |       |                    |
|----------------------------|----|----|-------|--------------------|
| Transfer from General Fund | a. | \$ | 5,462 | 430-0000-381-01-00 |
|----------------------------|----|----|-------|--------------------|

**Expenses:**

- |                               |    |    |       |                      |
|-------------------------------|----|----|-------|----------------------|
| Personal services - wages     | b. | \$ | 3,680 | 430-0713-534-various |
| Operating - contract services | a. | \$ | 5,143 | 430-0713-534-34-00   |
- a. To move budget for Sea & Sky event costs. This cost was originally budgeted in the unanticipated account.
- b. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), LIUNA contract ratification (approved by Council 2-6-17), and Sea & Sky Event costs.

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**Golf Course Fund - 440**

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**Expenses:**

Personal services - wages a. \$ 19,262 440-various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**City Manager Fund - 501**

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**Expenses:**

Personal services - wages a. \$ 10,233 501-various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Finance Fund - 511**

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**Expenses:**

Personal services - wages a. \$ 121,320 511-various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Human Resources Fund - 514**

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**Expenses:**

Personal services - wages a. \$ 17,923 514-1301-591-various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

---

**Meter Services Fund - 541**

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**Expenses:**

Personal services - wages a. \$ 28,834 541-1271-591-various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Insurance Funds - 551,552**

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**Expenses:**

Personal services - wages a. \$ 1,414 551, 552 various

- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Pension Funds - 611, 612, 613**

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**Expenses:**

- |                           |    |    |       |                     |
|---------------------------|----|----|-------|---------------------|
| Personal services - wages | a. | \$ | 2,249 | 611,612,613 various |
|---------------------------|----|----|-------|---------------------|
- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Law Enforcement Trust Fund - 630**

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**Expenses:**

- |                           |    |    |     |                      |
|---------------------------|----|----|-----|----------------------|
| Personal services - wages | a. | \$ | 888 | 630-0908-521-various |
|---------------------------|----|----|-----|----------------------|
- a. To adjust payroll budgets for the following: pay plan amendments (approved by Council 12-19-16), and LIUNA contract ratification (approved by Council 2-6-17).

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**Hurricane Related Costs**

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The following entries are to adjust payroll, operating, and transfer budgets for costs incurred as of 3/3/2017 that are attributable to Hurricane Matthew preparation and recovery efforts.

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**General Fund - 001**

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**Building Maintenance (03)**

Personal services	\$	1,107
Operating - repairs, materials, rentals, etc.	\$	3,000

**Parks & Recreation (06)**

Personal services	\$	9,840
Operating - repairs, materials, rentals, etc.	\$	11,030

**Streets (07)**

Personal services	\$	48,126
Operating - repairs, materials, rentals, etc.	\$	8,765

**Police (09)**

Personal services	\$	126,904
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**Fire (10)**

Personal services	\$	28,914
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**Non-Departmental (00)**

Transfers to Golf Course & Capital Projects Funds	\$	113,885
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**Downtown Redevelopment - 181**

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Personal services	\$	14,515
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**General Capital Projects - 315**

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Operating - repairs, materials, rentals, etc.	\$	103,603
Transfer from General Fund	\$	103,603

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**Electric Fund - 410**

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Personal services	\$	167,765
Operating - repairs, materials, rentals, etc.	\$	365,927

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**Water & Sewer Fund - 420**

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Personal services	\$	52,227
Operating - repairs, materials, rentals, etc.	\$	605

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**Stormwater Fund - 423**

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Personal services	\$	5,558
Operating - repairs, materials, rentals, etc.	\$	35,572

<b>Sanitation Fund - 430</b>	
Personal services	\$ 11,696
Operating - debris removal	\$ 1,233,339
Operating - repairs, materials, rentals, etc.	\$ 2,339
<b>Golf Course Fund - 440</b>	
Personal services	\$ 3,233
Operating - repairs, materials, rentals, etc.	\$ 7,049
Transfer from General Fund	\$ 10,282
<b>City Manager Fund - 501</b>	
Personal services	\$ 6,507
<b>Finance Fund - 511</b>	
Personal services	\$ 23,528
Operating - repairs, materials, rentals, etc.	\$ 5,397
<b>Human Resources Fund - 514</b>	
Personal services	\$ 1,828
<b>Meter Services Fund - 541</b>	
Personal services	\$ 3,097
<b>Operations &amp; Maintenance Fund - 550</b>	
Operating - repairs, materials, rentals, etc.	\$ 11,782
<b>Total hurricane related costs (net of transfers):</b>	<b>\$2,293,253</b>

**SECTION 2.** The Chief Financial Officer is hereby authorized and directed to perform all acts necessary to carry out and accomplish the budget amendments in conformity with the provisions of Section 1.

**SECTION 3.** The City Council recognizes that the Budget is a revenue and spending plan which requires adjustment from time to time as circumstances change. The City Council gives authorization to the City Manager to make Budget Amendments in the budget for the fiscal period beginning October 1, 2016 and ending September 30, 2017, at the department level as long as the amendments do not increase or decrease the overall budget for the related department in the General Fund, or at the fund level in a fund other than the General Fund.

**SECTION 4.** The City Council authorizes the City Manager to use funds from any relevant account to pay for items such as staffing, contract services, rental equipment, communications equipment, emergency repairs, and supplies in response to a named storm or declaration of a state of emergency issued by the Mayor for a severe weather event or other emergency of similar magnitude.

**SECTION 5.** The City Council further authorizes the City Manager to make budget amendments in the budget for the fiscal period beginning October 1, 2016 and ending September 30, 2017, in furtherance of improvements or works which were approved by the City Council and begun in a previous year, but which were not completed in those years, and any such adjustment shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

**SECTION 6.** The City Council further authorizes the City Manager to expend donated monies, so long as the expenditure is consistent with the purpose of the donation.

**SECTION 7.** In compliance with the Convention Development Tax Act, Florida Statutes, Chapter 212.0305, the City of Jacksonville Beach, being unable to use Convention Development revenue solely for the purposes stated in the section, is hereby authorized to use the revenue to acquire and develop municipal parks, lifeguard stations or athletic fields.

**SECTION 8.** This Resolution shall take effect upon its passage and publication as required by law.

**AUTHENTICATED this \_\_th day of April, 2017.**

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William C. Latham, MAYOR

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Laurie Scott, CITY CLERK

City of

Jacksonville Beach

Police Department

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Jacksonville Beach

FL 32250

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

**From:** Patrick K. Dooley, Chief of Police

**Subject:** Proposed amendments to Chapter 5 “Animals and Fowl” of the Code of Ordinances of the City of Jacksonville Beach, Florida, by amending section 5-24, “Dangerous dogs”.

**Date:** March 24, 2017

### **ACTION REQUESTED**

Adoption of Ordinance #2017-8088 amending section 5-24, “Dangerous dogs” of Chapter 5 “Animals and Fowl” of the Code of Ordinances of the City of Jacksonville Beach, Florida.

### **BACKGROUND**

Section 5-24 of the City’s Code of Ordinances specifies the time allowed to the owner of a dog that has been declared dangerous to appeal the classification to county court. The current ordinance allows 10 business days to file an appeal. In 2016, state law was modified to now allow a person to utilize the Florida Rules of Appellate Procedure when filing an appeal. These rules allow 30 days. In addition, the appellant will file their appeal with the Circuit Court, and not the County Court.

Changes to Section 5-24 are being proposed to (1) follow state law and allow 30 days to file an appeal. This change will fall under Chapter 5 “Animals and Fowl”, of the Code of Ordinances. (2) Change the filing court from County Court to Circuit Court.

The proposed changes to Section 5-24 are the following:

1. Subsection (1)(d), if applicable, adds wording defined in state law stating the words, “penalty, or both”;
2. Subsection (1)(d), removed the word and number, “ten (10)” and add the word and number, “thirty (30)”.
3. Subsection (1)(d), removed the word, “county” and add the word, “circuit”.



4. Subsection (4), removed the word and number, “ten (10)” and add the word and number, “thirty (30)”.
5. Subsection (4), removed the word, “county” and add the word, “circuit”.
6. Subsection 5-24.1 (3), removed the word and number, “ten (10)” and add the word and number, “thirty (30)”.
7. Subsection 5-24.1 (3), removed the word, “county” and add the word, “circuit”.

**RECOMMENDATION**

Adopt City Ordinance #2017-8088 amending specified sections of Chapter 5, Section 5-24, “Dangerous Dogs”.

Introduced by: \_\_\_\_\_  
1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_

**ORDINANCE 2017-8088**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE II. – DOGS AND CATS, DIVISION 1. – IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24(1)(d) FILE APPEAL TO THE CIRCUIT COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That Sec. 5-23, "Definitions.", of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code of Ordinances of the City of Jacksonville Beach, Florida be and is hereby rescinded and declared null and void in its entirety, and that a new Sec. 5-23, "Definitions." of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code of Ordinances of the City of Jacksonville Beach, Florida be and is hereby created and shall henceforth read as follows:

**Sec. 5-23. Definitions.** As used in this ordinance, unless the context clearly requires otherwise:

- (1) "Dangerous dog" means any dog that, according to the records of the appropriate authority:
  - (a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on or killed a human being on public or private property;
  - (b) Has severely injured or killed a domestic animal while off the owner's property;
  - (c) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
  - (d) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the appropriate authority.
- (2) "Unprovoked" means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.
- (3) "Severe injury" means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

- (4) "Proper enclosure for a dangerous dog" means, while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and bottom to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from the elements.
- (5) "Special Magistrate" as defined in Chapter 2, Article VI, Section 2-170, and as empowered in Section 2-173, of the Code of Ordinances, shall mean the position responsible for conducting hearings and making rulings on dangerous dog cases; and to direct the destruction of dogs classified as dangerous upon findings of sufficient cause.
- (6) "Animal Control Officer" means any individual employed by, contracted with, or appointed by the City Manager of Jacksonville Beach for the purpose of aiding in the enforcement of this ordinance or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals; and includes any local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
- (7) "Owner" means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.

**SECTION 2.** That Sec. 5-24. "Dangerous dogs."; of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code Ordinances of the City of Jacksonville Beach, Florida be and is hereby rescinded and declared null and void in its entirety; and that a new Sec. 5-24. "Dangerous dogs."; be and is hereby created and shall henceforth read as follows:

**Sec. 5-24. Dangerous dogs.**

- (1) Procedures for designating a dog as dangerous and actions following a designation are:
  - (a) The Animal Control Officer shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person desiring to have a dog classified as dangerous. Any animal that is the subject of a dangerous dog investigation shall be impounded by the Animal Control Officer if the Animal Control Officer believes such impoundment is in the best interests of public safety due to the severity or number of attacks. If the dog has bitten a human being or domestic animal causing a break in the skin, or has in any manner appeared to have transferred bodily fluids such as saliva to the skin of a human being, or the skin or hair of a domestic animal, as determined by the Animal Control Officer, the dog shall be impounded and placed in quarantine for the proper length of time. The owner shall be responsible for payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the animal in a safe and humane manner pending expiration of any quarantine period and/or the outcome of the investigation and resolution of any hearings related to the dangerous dog classification, unless the animal is ultimately determined not to be a dangerous

dog. Any animal that is the subject of a dangerous dog investigation that is not impounded by the Animal Control Officer shall be humanely, safely, and securely confined by the owner indoors or in a securely fenced or enclosed area pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. The address of where the animal resides shall be provided to the Animal Control Officer. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification. In the event that a dog is to be destroyed, the dog shall not be relocated or ownership transferred.

- (b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (c) If the investigation by an Animal Control Officer finds sufficient cause to classify a dog as dangerous, the Animal Control Officer shall forward a report to the Special Magistrate with a recommendation that the dog be designated a dangerous dog. The Special Magistrate shall provide written notification of the sufficient cause finding to the owner by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48 of the Florida Statutes relating to service of process. The owner may file a written request for a hearing within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding and, if requested, the hearing shall be held as soon as possible, but not more than thirty (30) calendar days and no sooner than five (5) calendar days after receipt of the request from the owner. In rendering its decision, the Special Magistrate may consider information and/or documentation including, but not necessarily limited to, written or verbal reports and/or statements, medical reports, if available, photographs, and/or other facts or details that the Special Magistrate, in its sole discretion, determines will assist in its decision. If the owner fails to request a hearing, or fails to appear for the hearing after requesting it, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any victim(s) or witness(es). The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing. The Special Magistrate shall render a decision within fourteen (14) calendar days of the conclusion of the hearing.
- (d) If a dog is classified as a dangerous dog by the Special Magistrate, the Special Magistrate shall provide written notification to the owner by registered mail, certified hand delivery or service, within seven (7) calendar days after a decision is rendered. The owner may file a written request for a hearing in the county circuit court to appeal the classification, penalty, or both, within ~~ten (10)~~ thirty (30) business days after receipt of a written determination of a dangerous dog classification and, if not impounded, must securely confine the animal indoors or in a securely fenced or enclosed area pending a resolution of the appeal.

- (2) Within fourteen (14) calendar days after a dog has been classified as dangerous by the Special Magistrate, or a dangerous dog classification is upheld by the ~~county~~ circuit court on appeal, the owner of the dog must obtain a certificate of registration for the dog from the City of Jacksonville Beach, and the certificate shall be renewed annually. The City of Jacksonville Beach shall issue such certificates of registration, and renewals thereof, only to persons who are at least eighteen (18) years of age and who present to the City of Jacksonville Beach sufficient evidence of:
- (a) A current certificate of rabies vaccination for the dog;
  - (b) A proper enclosure for a dangerous dog, as defined in Sec. 5-23 (4) of this ordinance, and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property; and
  - (c) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- (3) An annual fee of fifty dollars (\$50) shall be paid to the City of Jacksonville Beach by the owner of a dangerous dog before issuance of a certificate of registration.
- (4) The owner shall immediately notify the Animal Control Officer or the Jacksonville Beach Police Department when a dog that has previously been declared dangerous is loose or unconfined (dangerous dog at large) either off the owner's property or outside a securely fenced or enclosed area on the owner's property. The Animal Control Officer shall attempt to locate and, if found, immediately impound the dog, and document the circumstances in a report to the Special Magistrate. The Special Magistrate shall conduct a hearing on a complaint of a dangerous dog at large following notification procedures as set forth in Sec. 5-24 (1)(c) of this ordinance. Pending any hearing before the Special Magistrate, the owner shall be responsible for payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the impounded animal humanely and safely. If the owner of the dangerous dog at large fails to appear for the hearing, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any witness(es). The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing. The Special Magistrate shall render a decision within seven (7) calendar days of the conclusion of the hearing and issue a finding upholding or rejecting the complaint of a dangerous dog at large. If the Special Magistrate issues a finding upholding the dangerous dog at large complaint, the owner shall be guilty of a non-criminal offense, punishable as provided in Sec. 5-24.2 of this ordinance. If a dog that has previously been declared dangerous and has previously been declared by the Special Magistrate to be a dangerous dog at large becomes loose or unconfined a second time, either off the owner's property or outside a securely fenced or enclosed area on the owner's property, the Animal Control Officer shall attempt to locate and, if found, immediately impound the dog, and document the circumstances in a report to the Special Magistrate. The Special Magistrate shall conduct a hearing on a second complaint of a dangerous dog at large following notification procedures as set forth in Sec. 5-24 (1)(c) of this ordinance. Pending any hearing before the Special Magistrate, the owner shall be responsible for

payment to the City of Jacksonville Beach of all boarding costs and other fees as may be required to keep the impounded animal humanely and safely. If the owner of the dangerous dog at large fails to appear for the hearing, the Special Magistrate shall render a decision based upon information and/or documentation provided by the Animal Control Officer and any witness(es). The owner may provide a written statement to the Special Magistrate in lieu of attending the hearing. The Special Magistrate shall render a decision within seven (7) calendar days of the conclusion of the hearing and issue a finding upholding or rejecting the complaint of a dangerous dog at large. If the Special Magistrate issues a finding upholding the dangerous dog at large complaint for the second time, the dog shall be held for ten (10) business days after the owner is given written notification as provided in Sec. 5-24 (1)(d) of this ordinance, and thereafter destroyed in an expeditious and humane manner. This ~~10-day~~ 30-day time period shall allow the owner to request a hearing in the ~~county~~ circuit court as provided in Sec. 5-24 (1)(d). The owner shall be responsible for payment of all boarding costs and other fees as may be required to keep the animal humanely and safely during any appeal procedure.

- (5) The owner shall immediately notify the Animal Control Officer or the Jacksonville Beach Police Department when a dog that has been classified as dangerous:
- (a) Has bitten a human being or attacked another animal;
  - (b) Is sold, given away, or dies; or
  - (c) Is moved to another address.

Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Animal Control Officer. The new owner must comply with all of the requirements of applicable Florida Statutes and this ordinance, even if the animal is moved from one local jurisdiction to another within the state.

- (6) The Animal Control Officer or the Jacksonville Beach Police Department must be notified by the owner of a dog classified as dangerous under another jurisdiction's ordinances, or under provisions of Florida Statutes 767.11, 767.12, or 767.13, that the dog has been brought into the City of Jacksonville Beach. The owner, whether bringing said dangerous dog into the City of Jacksonville Beach temporarily, or for purposes of establishing residency within the City, shall comply with the provisions of this ordinance.
- (7) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure, or off the owner's property on either public property or private property of another, or while being transported in a vehicle, unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight, and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.

- (8) An Animal Control Officer shall immediately impound a dangerous dog if the owner fails to comply within the timeframes set forth in this ordinance with any of the requirements for maintaining a dangerous dog. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with all applicable provisions of this ordinance and upon payment of impound fees, boarding fees, and applicable veterinary or other medical expenses. If the owner fails to comply with all applicable provisions and redeem the dangerous dog within fourteen (14) calendar days of the date the dog was impounded, the dog shall be destroyed in an expeditious and humane manner.
- (9) This section does not apply to dogs used by law enforcement officials for law enforcement work.

**SECTION 3.** That Sec. 5-24.1. "Attack or bite by dangerous dog.", Subsection 5-24.1 (2) of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code Ordinances of the City of Jacksonville Beach, Florida be and is hereby amended and shall henceforth read as follows:

Sec. 5-24.1. "Attack or bite by dangerous dog."

(2) If a dog that has not been declared dangerous attacks and causes severe injury to or death of any human, the dog shall be immediately confiscated by an Animal Control Officer, placed in quarantine, if necessary, for the proper length of time, or held for ten (10) business days after the owner is given written notification as provided in Sec. 5-24 (1)(d) of this ordinance, and thereafter destroyed in an expeditious and humane manner. This ~~10-day~~ **30 day** time period shall allow the owner to request a hearing in the ~~county~~ **circuit** court as provided in Sec. 5-24 (1)(d). The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

**SECTION 4.** If any provision of this Ordinance or the particular application of this Ordinance shall be held invalid by any Court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases shall remain in effect.

**SECTION 5.** That all other ordinances or parts of ordinances in conflict with this ordinance are, to the extent the same may be in conflict, repealed.

**SECTION 6.** Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

**SECTION 7.** This ordinance shall take effect upon its adoption.

AUTHENTICATED THIS \_\_\_ DAY OF \_\_\_\_\_, 2017.

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William C. Latham, Mayor

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Laurie Scott, City Clerk