



Agenda
City Council

Monday, May 1, 2017

7:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council.

CALL TO ORDER

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES

- a. 17-065 City Council Briefing Held April 17, 2017
- b. 17-066 Regular City Council Meeting Held April 17, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- a. 17-068 Approve Draw from the Law Enforcement Trust Fund to Purchase a New Police Dog

- b. 17-069 Approve Draw from the Federal Equitable Sharing Fund to Purchase One New Marked K-9 Vehicle
- c. 17-072 Approval of a Five-Year Agreement to Produce the Classic Car Cruise and the Jax Beach Art Walk with Better Jacksonville Beach, Inc.

RESOLUTIONS

ORDINANCES

17-073 ORDINANCE 2017-8088 (Second 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 "ATTACK OR BITE BY DANGEROUS DOG."; AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY 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 Briefing
Monday, April 17, 2017 – 6:30 P.M.
City Council Chambers Conference Room, 1st Floor
11 North 3rd Street, Jacksonville Beach, FL

The Council Briefing began at 6:30 P.M.

The following City Council Members were in attendance:

Mayor William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman (*late, 6:45 P.M.*)
 Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes and Deputy City Manager Trish Roberts

Beach Renourishment Project

Kevin R. Bodge, with Olsen Associates, Inc., updated the Council on the beach renourishment project. He reported the dredge has started to pump sand to restore the beach and the dunes. The first phase is to finish the Atlantic Beach area that was not completed in the fall of 2016. He stated this has started just north of One Ocean Hotel in Atlantic Beach and continues northward to 16th Street or 17th Street. The project should be completed by the last week of April. Then, work would begin on the Jacksonville Beach central segment which is about 9,500 feet of shoreline where the dunes have not otherwise been previously restored, between about 9th Avenue North and 17th Avenue South.

Mr. Bodge explained the area south of 17th Avenue South was renourished immediately before Hurricane Matthew. The dune erosion along that area was very modest. There would be no major work done in that area, and it has begun to self-heal. He added that the additional sand placed on the central part of Jacksonville Beach would ultimately drift southward and benefit that area.

Mr. Bodge explained the alternative plan for a few small areas where we may be able to restore dunes where dredging is not an option. Mr. Bodge explained it could be done through a truck haul project. The dredge would stockpile approximately 5,000 cubic yards of sand. With a separate contract, the City of Jacksonville would then bring in trucks to carry and move the sand down to the needed areas. He added that considering the costs, the effort and impact to the beach, another alternative may be local sand fencing in addition to the planting of the sea oats.

Mayor Latham asked Mr. Bodge what the City of Jacksonville Beach could do to assist. Mr. Bodge responded by making two suggestions:

- The City of Jacksonville Beach could ensure the City of Jacksonville secures a trucking company in a timely manner to move the sand to the needed areas.
- After the dredging is complete, the City of Jacksonville Beach should place ropes and additional fencing to protect the dunes until vegetation is brought in for planting in July.

Jacksonville Transit Authority (JTA)/Beachside Buggies Contract

Mr. Forbes reported he was recently informed that JTA would be eliminating the current trolley service for the Beaches area and will be replacing the service with Beachside Buggies. The new service with Beachside Buggies is a free ride service made available to the residents and visitors of the beaches community and is funded by local business sponsorships. Riders would not be charged any fee but encouraged to tip drivers how they see fit. Riders can request on-demand rides between the sponsored locations, hotels, and residential addresses via text and the mobile phone app during operating hours.

The briefing adjourned at 7:00 P.M.

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

Approval:

William C. Latham, Mayor

Date: _____

**Minutes of Regular City Council Meeting
held Monday, April 17, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Council Member Buck gave the invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:12 P.M.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, City Clerk Laurie Scott, and Assistant City Clerk Catherine Ponson.

APPROVAL OF MINUTES

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

- City Council Briefing held April 3, 2017
- Regular City Council Meeting held April 3, 2017

ANNOUNCEMENTS

Mr. Doherty commented on the amount of trash left on the beach from the weekend. He added he received complaints regarding the upkeep of Paws Dog Park. He also reported on how the Jacksonville Beach Golf Course had improved in the past year.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- James Sorrell, 1410 Pinewood Road, Jacksonville Beach, spoke regarding an upcoming event at Mellow Mushroom, 1018-2 N. 3rd Street, Jacksonville Beach. He stated there is not adequate parking and the residential neighborhood would have to absorb the extra parking.
- Marie Bingham, 38 Coral Way, Jacksonville Beach, spoke regarding concerns about the maintenance at Paws Dog Park.

MAYOR AND CITY COUNCIL

Item #17-057, American Public Power Association RP₃ Award Recognition to Beaches Energy Services

Mayor Latham presented the American Public Power Association RP₃ Award to Allen Putnam, Director of Beaches Energy Services, Lamar Whitaker, Electric Utilities Superintendent, and Don Cuevas, Electric Engineer Supervisor. The RP₃ program recognizes utilities that demonstrate high proficiency in reliability, safety, workforce development, and system improvement. Beaches Energy Services received the Diamond designation based on a point value system scoring each area.

CITY CLERK

CITY MANAGER:

- (a) **Item #17-058, Accept the Monthly Financial Reports for the Month of March 2017**

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

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

- (b) **Item #17-060, Approve the Execution of Continuing Services Contracts with H. Frank Hufham Construction, as the Primary Contractor, and Marand Construction, as the Secondary Contractor for General Construction Projects and Facility Repairs in Response to RFP No. 03-1617**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award RFP Number 03-1617, entitled General Construction Projects and Facility Repairs to H. Frank Hufham Construction as the Primary Contractor, and Marand Construction as the Secondary Contractor, for a period of five years.

Mr. Forbes explained the City of Jacksonville Beach contracts with private contractors for repairs and maintenance of City facilities that include buildings, parks, and sports fields. The use of contractors helps expedite repairs and provides expertise for annual maintenance work.

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

- (c) **Item #17-061, Award RFP 01-1617 "Environmental Sampling and Analytical Laboratory Services" as Continuous Service Contracts to Three (3) Firms for a Period of Five (5) Years**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Request for Proposal Number 01-1617, “Environmental Sampling and Analytical Laboratory Services,” as continuous service contracts for a period of five years to Advanced Environmental Laboratories, Inc., Environmental Conservation Laboratories, Inc., and ALS Group USA as explained in the memorandum from the Public Works Director dated March 28, 2017.

Mr. Forbes stated City staff is recommending awarding this contract to three companies. This contract is used for water and wastewater sampling on a regular basis. The typical analysis includes:

1. Drinking water for compliance with state Department of Environmental Protection (DEP) permits and federal Safe Drinking Water Act requirements.
2. Wastewater for compliance with the DEP permits and the federal.
3. Sludge for compliance with DEP and landfill requirements.
4. Stormwater for compliance with DEP and federal stormwater National Pollutant and Discharge Elimination System regulations.

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

(d) Item #17-062, Award Bid Number 1516-16 Lighting Replacements for Oceanfront Park to the Lowest Qualified Bidder, B & G Refrigeration Inc.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid Number 1516-16 Lighting Replacements for Oceanfront Park to the lowest qualified bidder, B & G Refrigeration Inc.

Mr. Forbes explained this bid required the selected contractor to replace 30 bollards in Oceanfront Park with new fixtures that fully comply with the City’s Sea Turtle Protection Regulations and to be installed with FDEP (Florida Department of Environmental Protection) approved protective shields. Each fixture would include energy saving LED lamps and be able to withstand wind speeds up to 140 mph.

Ms. Hoffman stated she supports installing lighting that complies with the Sea Turtle Regulations and questioned if these could be replicated throughout the Downtown area to be consistent.

Mr. Forbes answered that along the Seawalk and the Coastal Construction line, the lights must meet Sea Turtle Regulations. He also stated that the City should look into being consistent as possible.

Ms. Wilson asked if the irrigation planned for Latham Plaza was related to B & G Refrigeration and if the warranty included the bulbs.

Jason Phitides, Property and Procurement Officer, stated that companies, such as B & G Refrigeration, are transitioning into various technical areas and they offered

this product. He added that the warranty is for one year on the labor and five years on the entire structure. The bulb has a 12-year life span.

Mr. Thomason asked about the height of the bollards. Mr. Phitides confirmed that they are two feet below the ground and 42 inches above the ground.

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

(e) **Item #17-063, Approve the Purchase of Two (2) Aerial Bucket Trucks from Altec Industries According to GSA Contract # GS-30F-1028G**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase of two aerial bucket trucks from Altec Industries according to GSA Contract pricing in the amount of \$627,243.

Mr. Forbes explained the City would be purchasing a 65-foot aerial bucket truck and a 100-foot high aerial bucket truck. The 65-foot truck would be used in the distribution system. The 100-foot truck is needed to reach the 138 kV transmission lines utilized by Beaches Energy Services. He added the trucks are specially built to withstand the amount of voltage they could sustain.

Ms. Wilson asked about the difference in the size of the two trucks.

Allen Putnam, Director of Beaches Energy, stated the 100-foot truck is multi-use as it can also be used at the 65-foot height with a separate arm for 100 feet.

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

RESOLUTIONS

ORDINANCES:

(a) **Item # 17-053, ORDINANCE NO. 2017-8088, First Reading**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8088 (First Reading), by title only, whereupon Ms. Scott read the following:

“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,” AND SECTION 5-24.1 “ATTACK OR BITE BY DANGEROUS DOG;” AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY COURT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt City Ordinance No. 2017-8088 amending specified sections of Chapter 5, Section 5-24, “Dangerous dogs” and Section 5-24.1 “Attack or bite by dangerous dog.”

Mr. Forbes explained 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 ten 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 thirty days. In addition, the appellant would file their appeal with the Circuit Court and not the County Court.

Mr. Forbes pointed out on Page 5, Item (b)(2), the words “of an offense” should be added at the end of the sentence.

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to correct the scrivener's error on Page 5.

Roll call vote (Original Motion): Ayes –Wilson, Buck, Hoffman, Thomason,
Vogelsang, and Mayor Latham.
Nays – Doherty.
The original motion passed 6-1.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:55 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, Mayor

Date: _____

City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

Phone: 904.247.6343

Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Draw from the Law Enforcement Trust Fund to Purchase a New Patrol Canine

Date: April 17, 2017

ACTION REQUESTED

Approve draw from the Law Enforcement Trust Fund to purchase a new police patrol and narcotics detection dog.

BACKGROUND

The police department is purchasing a new patrol and narcotics detection police dog. The previous canine, "Mako," was purchased in June of 2007. Mako was 11 years old when he had to be put down due to cancer on February 10, 2017.

A new patrol and narcotic detection dog can be purchased at a cost not to exceed **\$7,500**. The dog will be purchased from Shallow Creek Kennels in Sharpsville, Pennsylvania. We have purchased many of our police dogs from this company. They have provided the best service and are a reputable company that stands by their warranties.

The recommended expenditures meet statutory requirements for the use of Law Enforcement Trust Funds.

RECOMMENDATION

Approve a draw of **\$7,500** from the Federal Equitable Sharing Fund to purchase a new patrol dog from Shallow Creek Kennels.



Shallow Creek Kennels, Inc.

6572 Seneca Road
 Sharpsville, PA 16150

Estimate

Date	Estimate #
3/27/2017	2008

Name / Address
Jacksonville Beach Police Department 101 S. Penman Road Jacksonville Beach, FL 32250

Project

Description	Qty	Cost	Total
Untrained, Dual Purpose Capable Police Service Dog Candidate. All dogs are imported and come with European health passports, new digital radiographs of hips, elbows and spine, fully vaccinated, micro chipped and heartworm free. We offer a 6 month workability and a 1 year health warranty.		7,500.00	7,500.00
Thank you.	Total		\$7,500.00

Customer Signature _____

City of
Jacksonville Beach
Police Department
101 Penman Road, South
Jacksonville Beach
FL 32250
Phone: 904.247.6343
Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager
From: Patrick K. Dooley, Chief of Police
Subject: Draw from the Federal Equitable Sharing Fund to Purchase One New Marked K-9 Vehicle
Date: April 13, 2017

ACTION REQUESTED

Approve draw from the Federal Equitable Sharing Fund to purchase one new marked K-9 vehicle.

BACKGROUND

The police department is purchasing one new patrol K-9 police service dog. One new sport utility vehicle is required for patrol use and to transport the new K-9 dog and handler.

The entire vehicle, which is a Ford Explorer, including required equipment, can be purchased at a cost not to exceed \$39,509.00 from the Sheriffs Association Contract.

The recommended expenditures meet statutory requirements for the use of these funds.

RECOMMENDATION

Approve a draw of \$39,509 from the Federal Equitable Sharing Fund to purchase one new marked K-9 vehicle.





City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6268

Fax: 904.247.6276

www.jacksonvillebeach.org

MEMORANDUM

TO: The Honorable Mayor
Members of the City Council

FROM: George Forbes
City Manager

DATE: April 19, 2017

RE: Agreement to produce the Classic Car Cruise and the Jax Beach Art Walk with Better Jacksonville Beach, Inc.

ACTION REQUESTED

Approval of a five-year agreement to produce the Classic Car Cruise and the Jax Beach Art Walk with Better Jacksonville Beach, Inc.

BACKGROUND

As a mid-week means of attracting residents and visitors to Downtown Jacksonville Beach, Better Jacksonville Beach has produced the Classic Car Cruise since 2014 and the Jax Beach Art Walk since 2013. The monthly events bring a nice mix of ages and interests to the area and create a pleasant environment for an evening stroll on a weekday.

For the Classic Car Cruise, car owners apply for a spot in either Latham Plaza or the SeaWalk area. Part of the Latham Plaza parking lot is sometimes used when there is an abundance of participating vehicles. There is no charge to participate, but car owners must apply for space. Event expenses to promote and market the event are paid by Better Jacksonville Beach.

Artists apply to participate in the Art Walk through the Better Jacksonville Beach website. There is no charge for artists to participate in this event. Artists are placed along City sidewalks with priority given to repeat artists. Better Jacksonville Beach uses contributions from business owners and interested individuals to pay for liability insurance. Similar to Deck the Chairs, this event started as a pilot project to encourage family-friendly events and has now continued for several years.



For this reason, the attached agreement is intended to formalize Better Jacksonville Beach's responsibilities for managing these two events and its relationship with the City of Jacksonville Beach for the next five years.

In the agreement, the City agrees to:

- Reserve Latham Plaza and the SeaWalk on specified dates
- Waive facility rental fees
- Provide utilities

Better Jacksonville Beach agrees to:

- Produce monthly (except in December) both the Classic Car Cruise and the Jax Beach Art Walk
- Allow artists and classic car owners to participate in its two events at no charge
- Seek additional sponsors and financial support for the event
- Pay for costs of the event such as: security, materials and equipment storage, electrician costs, fencing, clean-up services, promotion and marketing, if applicable
- Obtain necessary permits and provide \$1,000,000 liability insurance naming the City as additional insured

In addition, the term of the agreement is five years, although either party may cancel the agreement with sixty days written advance notice.

RECOMMENDATION

Approve a five-year agreement with Better Jacksonville Beach to produce the monthly Classic Car Cruise and Jax Beach Art Walk.

AGREEMENT BETWEEN
BETTER JACKSONVILLE BEACH, INC
AND
THE CITY OF JACKSONVILLE BEACH

This AGREEMENT dated the ___th day of _____, 2017, by and between the City of Jacksonville Beach, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as "CITY", and Better Jacksonville Beach, Inc., hereinafter referred to as "BETTER JACKSONVILLE BEACH".

WHEREAS, BETTER JACKSONVILLE BEACH is a producer of a monthly event known as the Classic Car Cruise; and

WHEREAS, BETTER JACKSONVILLE BEACH is a producer of a monthly event known as the Jax Beach Art Walk; and

WHEREAS, BETTER JACKSONVILLE BEACH has previously produced successful Classic Car Cruise and Jax Beach Art Walk events in the City; and

WHEREAS, the CITY desires that BETTER JACKSONVILLE BEACH continue to promote and produce the Classic Car Cruise and Jax Beach Art Walk events for the CITY.

NOW THEREFORE, for and in consideration of the covenants contained in this AGREEMENT and for other good and valuable consideration, the CITY and BETTER JACKSONVILLE BEACH agree as follows:

The term of this AGREEMENT shall commence on the ___th day of _____, 2017, and terminate on the ___th day of _____, 2022. However, either party may terminate this AGREEMENT at any time by giving the other party sixty (60) days advance written notice.

BETTER JACKSONVILLE BEACH AGREES AS FOLLOWS:

To produce monthly, supervise, direct, and promote both the Classic Car Cruise and the Jax Beach Art Walk events in the City of Jacksonville Beach.

1. BETTER JACKSONVILLE BEACH may produce each month:
 - a. The Classic Car Cruise on the third Tuesday of each month and
 - b. The Jax Beach Art Walk on the second Tuesday of each month.

2. BETTER JACKSONVILLE BEACH shall allow participants in the Classic Car Cruise and Jax Beach Art Walk to participate in its events and to use designated City facilities at no charge.

3. BETTER JACKSONVILLE BEACH shall designate both the Classic Car Cruise and the Jax Beach Art Walk events as Jacksonville Beach-sponsored events and agrees that the CITY shall be advertised as the primary sponsor. BETTER JACKSONVILLE BEACH shall prominently display CITY logos in all media, including but not limited to digital, print, radio and television; and on all promotional materials including but not limited to T-shirts, registration materials, flyers, etc.
4. BETTER JACKSONVILLE BEACH agrees to work with other agencies, where possible, to promote and enhance the event.
5. BETTER JACKSONVILLE BEACH may seek and obtain additional sponsors for this event in order to provide additional financial support for costs incurred for production, marketing, and advertising. Additional sponsors shall be organizations whose image and objectives comply with and do not conflict with the CITY's image of a family-oriented community.
6. BETTER JACKSONVILLE BEACH shall work in cooperation with the CITY's Special Events Committee to ensure compliance with all CITY Ordinances.
7. BETTER JACKSONVILLE BEACH agrees to follow and comply at all times with the CITY's Special Events Policies and Guidelines, and its Special Events Permits.
8. BETTER JACKSONVILLE BEACH shall be responsible for and shall pay for costs for goods and services associated with this event such as: security costs, materials and equipment storage, electrician costs, fencing, clean-up service for the event site, promotions, marketing, advertising and any other items specified in this contract.
9. Annually, on or before September 1, BETTER JACKSONVILLE BEACH shall submit the following documentation to the CITY:
 - a. Articles of Incorporation and IRS Form 990, documenting non-profit status.
 - b. Annual statement of Income and Expense
10. BETTER JACKSONVILLE BEACH shall be solely responsible to secure any necessary permits and shall provide the CITY with a Special Event liability insurance policy in the amount of \$1,000,000 (one million dollars) naming the City of Jacksonville Beach as additional insured for this event. Proof of insurance shall be produced and exhibited to the City's Events Coordinator no later than twenty (20) calendar days in advance of each event.
 - a. The CITY shall be held harmless against all claims for bodily injury, sickness, disease, death or personal injury, or damage to property or loss of use resulting from the performance of this AGREEMENT.

- b. The CITY shall also be held harmless against all claims for financial loss with respect to the provision of or failure to provide professional or other services, resulting in professional, malpractice or errors or omissions liability arising out of performance of this AGREEMENT.

11. Notices, press releases, advertisements and other public information may be sent to:

City of Jacksonville Beach
Director of Parks & Recreation
2508 South Beach Parkway
Jacksonville Beach, FL 32250

Better Jacksonville Beach
5 North 17th Avenue #401
Jacksonville Beach, FL 32250

THE CITY AGREES AS FOLLOWS:

1. The CITY agrees to reserve the Latham Plaza and the SeaWalk stage and lawn area (areas A and B only, see Attachment 1 for map) on the second and third Tuesdays of each month (except December) through the year 2022. In addition, sidewalks may be used for the Art Walk in accordance with the site plan in Attachment 2.
2. The dates for the Classic Car Cruise and for the Jax Beach Art Walk events may be changed, if agreed to by BETTER JACKSONVILLE BEACH and the CITY's Special Events Committee.
3. The CITY agrees that as a CITY-promoted event, no facility rental fees will be charged for this event.
4. The CITY agrees to pay for utilities for the event.

THE CITY AND BETTER JACKSONVILLE BEACH AGREE AS FOLLOWS:

1. The CITY's Special Events Coordinator will serve as the CITY's representative and coordinator.
2. BETTER JACKSONVILLE BEACH and its employees shall at no time be considered employees of the CITY. The CITY shall not withhold taxes, pay taxes or provide any benefits on behalf of BETTER JACKSONVILLE BEACH.

SPECIAL EVENTS CONDITIONS

1. BETTER JACKSONVILLE BEACH will obtain an annual Special Event Permit for each of its events by December 1 of each year this contract is in effect.

- a. By September 1 of each year, BETTER JACKSONVILLE BEACH shall prepare and submit a Special Events Application in sufficient detail to allow it to be considered for permit approval by the CITY's Special Events Committee.
 - b. The Special Events Committee must approve the site plans for both the Classic Car Cruise and the Jax Beach Art Walk.
2. Use of municipal parking lots by BETTER JACKSONVILLE BEACH is not permitted without the approval of the Special Events Committee.
 3. The distribution and consumption of alcoholic beverages will not be allowed.

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

BETTER JACKSONVILLE BEACH

By:

Jon McGowan, President
BETTER JACKSONVILLE BEACH

Witness:

CITY OF JACKSONVILLE BEACH

By:

William C. Latham, Mayor

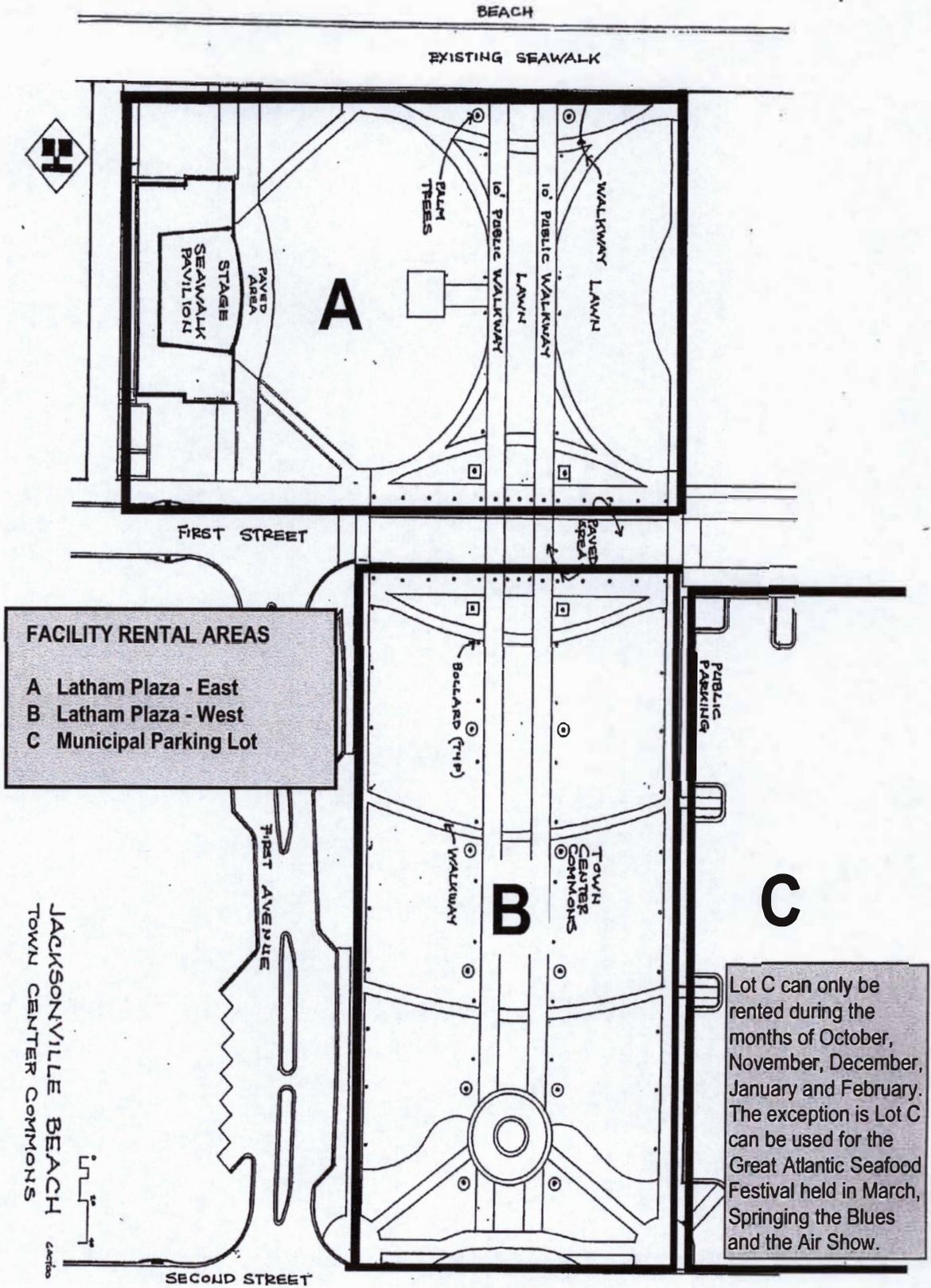
By:

George D. Forbes, City Manager

Witness:

Laurie Scott, City Clerk

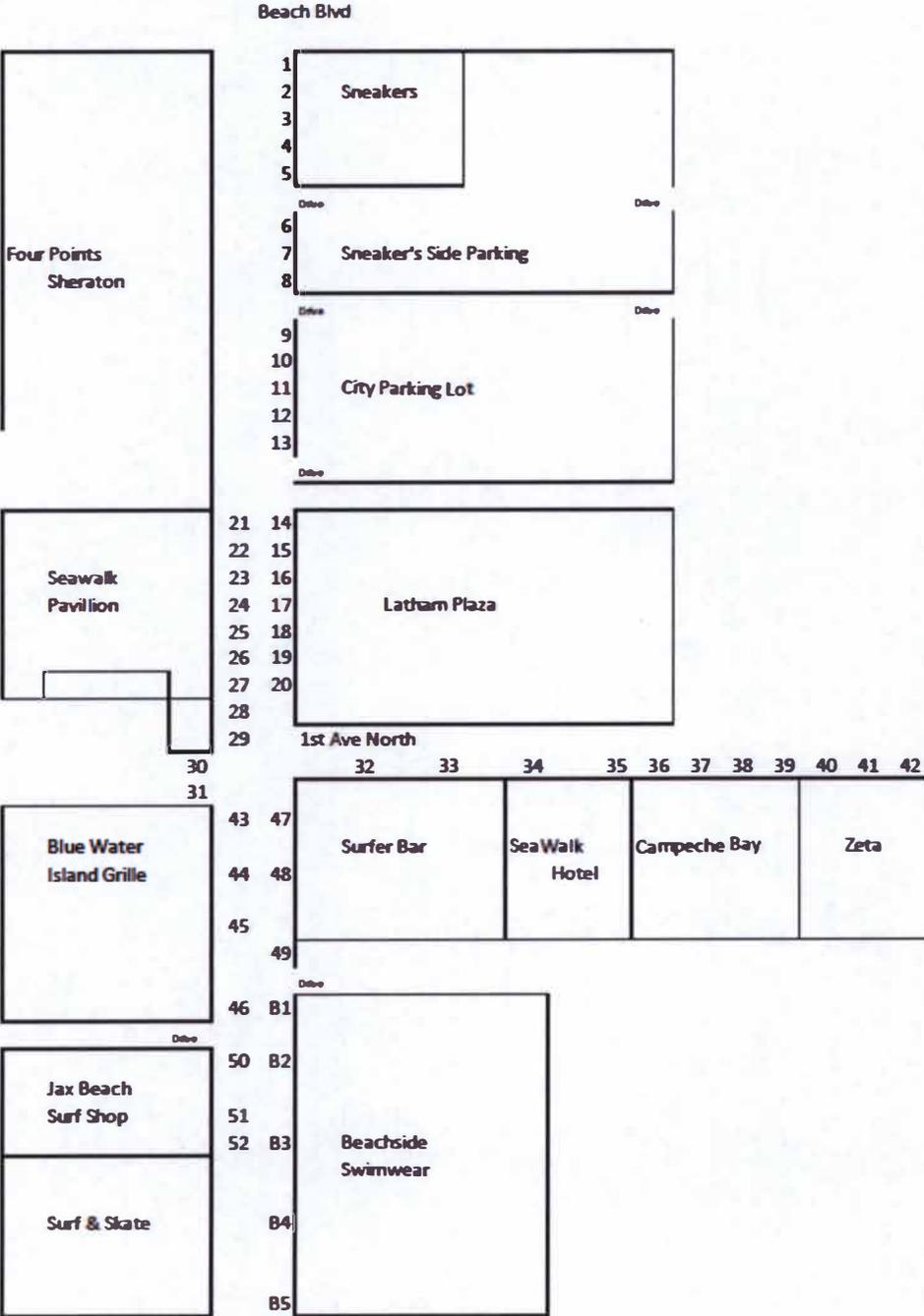
**ATTACHMENT 1
FACILITY RENTAL AREAS**



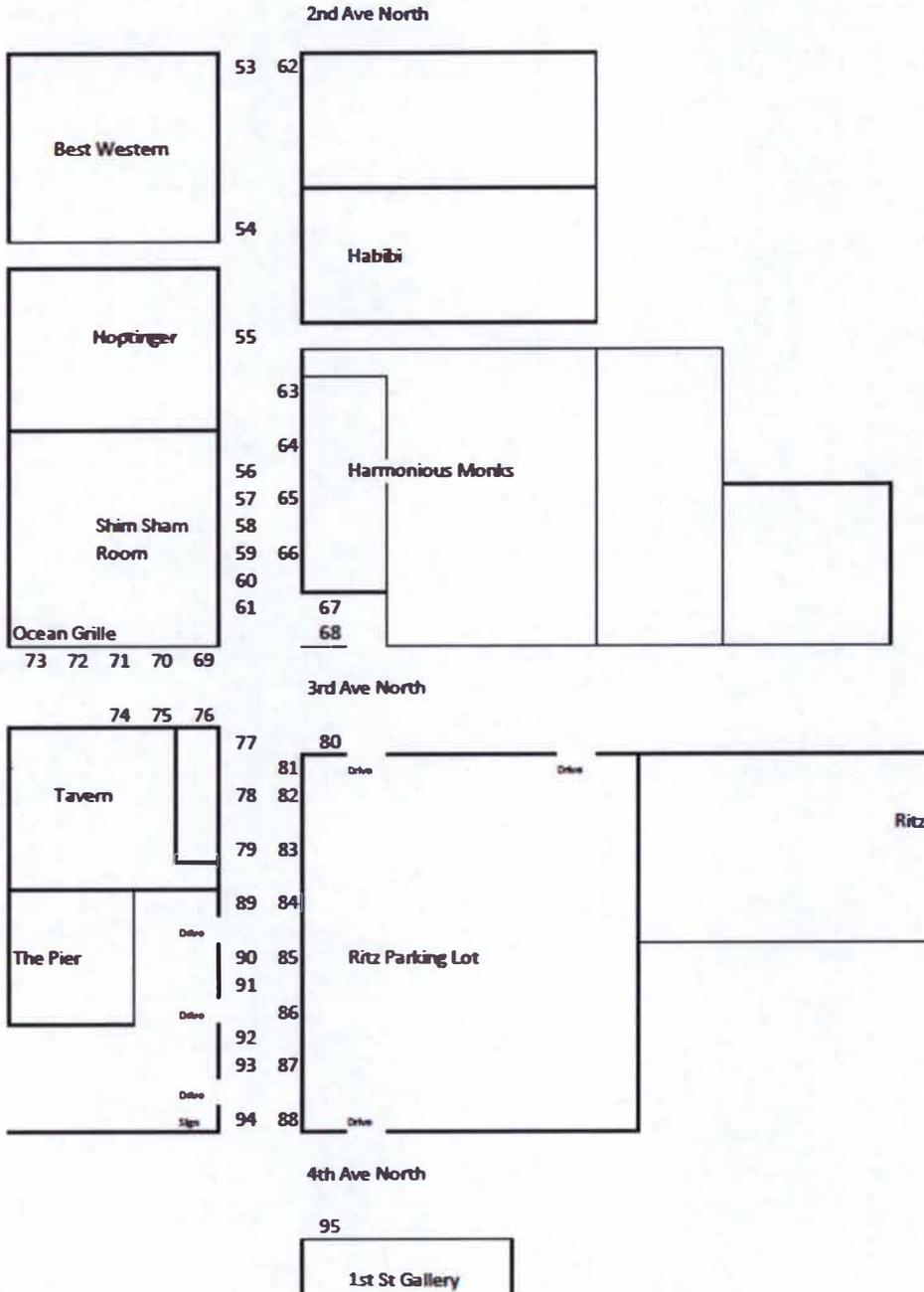
- FACILITY RENTAL AREAS**
- A Latham Plaza - East
 - B Latham Plaza - West
 - C Municipal Parking Lot

Lot C can only be rented during the months of October, November, December, January and February. The exception is Lot C can be used for the Great Atlantic Seafood Festival held in March, Springing the Blues and the Air Show.

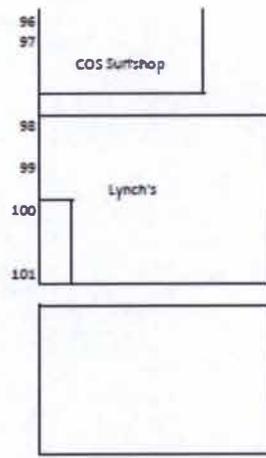
Attachment 2 – Sidewalk Map (page 1 of 3)



Attachment 2 – Sidewalk Map (page 2 of 3)



Attachment 2 – Sidewalk Map (page 3 of 3)



City of
Jacksonville Beach
Police Department
101 Penman Road, South
Jacksonville Beach
FL 32250
Phone: 904.247.6343
Fax: 904.247.6342

www.jacksonvillebeach.org

To: George D. Forbes, City Manager
From: Susan S. Erdelyi, City Attorney
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” and section 5-24.1 “Attack or bite by dangerous dog.”
Date: April 7, 2017

ACTION REQUESTED

Adoption of Ordinance #2017-8088 amending section 5-24, “Dangerous dogs” and section 5-24.1 “Attack or bite by dangerous dog” of Chapter 5 “Animals and Fowl” of the Code of Ordinances of the City of Jacksonville Beach, Florida.

BACKGROUND

Sections 5-24 and 5-24.1 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 and any orders of the special magistrate 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 and 5-24.1 are being proposed to follow state law and allow 30 days to file an appeal. Additional changes were made to assure that the sections comply with the Florida Statutes that govern dangerous dog issues and to remove the ability of the dog owner to submit written statements in lieu of attendance at a hearing. This change was made to assure due process at special magistrate hearings and to give interested parties the right to cross-examine dog owners.

The proposed additions are redlined and deletions have strikethroughs. Generally the changes:



1995

1. Provide for consistency with state law.
2. Provide for appeal to circuit court in 30 days in conformance with the Florida Rules of Civil Procedure and state law.
3. Eliminate the right of dog owners to provide written statements to the Special Magistrate in lieu of attending the hearing as this precludes cross-examination of witnesses and impacts due process rights of the interested parties.

RECOMMENDATION

Adopt City Ordinance #2017-8088 amending specified sections of Chapter 5, Section 5-24, "Dangerous dogs" and Section 5-24.1 "Attack or bite by dangerous dog".

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," AND SECTION 5-24.1 "ATTACK OR BITE BY DANGEROUS DOG;" AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY 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. 5-24. "Dangerous dogs."; of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code Ordinances of the City of Jacksonville Beach, Florida is amended and shall henceforth read as follows:

Sec. 5-24. Dangerous dogs.

(a) Procedures for designating a dog as dangerous and actions following a designation are:

The Animal Control Officer shall investigate reported incidents involving any dog that may be dangerous and, ~~shall~~, if possible, shall interview the owner and require a sworn affidavit from any person including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

- (1) Any animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated 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 may 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.
- (2) 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 or appeals related to the dangerous dog classification or any penalty imposed under this section. 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 or appeals 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.

- (3) 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, who 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.
 - (4) 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~~ certified mail return receipt requested, 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 timely 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.
 - (5) If a dog is classified as a dangerous dog by the Special Magistrate, the Special Magistrate shall provide a written final order notification to the owner by ~~registered~~ certified mail return receipt requested, certified hand delivery or service in conformance with the provisions of Chapter 48 of the Florida Statutes relating to service of process, within seven (7) calendar days after a decision is rendered. The owner may ~~file a written request for a hearing in the county court to~~ appeal the classification, penalty, or both, within ~~ten (10)~~ thirty (30) business days to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. ~~a written determination of a dangerous dog classification and, i~~ If the dog is not impounded, the owner must securely confine the animal indoors or in a securely fenced or enclosed area pending a resolution of the appeal.
- (b) 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:

- (1) A current certificate of rabies vaccination for the dog;
 - (2) 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
 - (3) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- (c) 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.
- (d) 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(a)(34) of this article. 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 article. 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(a)(34) of this article. 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 business~~ thirty (30) days after the owner is given written notification as provided in Sec. 5-24 (a)(~~45~~) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~10-day~~ 30-day time period shall allow the owner to appeal request a hearing in the ~~county~~ circuit court as provided in Sec. 5-24(a)(~~45~~). 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.

- (e) The owner shall immediately notify the Animal Control Officer or the Jacksonville Beach Police Department when a dog that has been classified as dangerous:
- (1) Has bitten a human being or attacked another animal;
 - (2) Is sold, given away, or dies; or
 - (3) 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 article, even if the animal is moved from one local jurisdiction to another within the state.

- (f) 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 article.
- (g) 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.
- (h) An Animal Control Officer shall immediately impound a dangerous dog if the owner fails to comply within the timeframes set forth in this article 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 article 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.

- (i) This section does not apply to dogs used by law enforcement officials for law enforcement work.

SECTION 2. 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 is amended and shall henceforth read as follows:

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

- (a) 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~~ thirty (~~130~~) business days after the owner is given written notification as provided in Sec. 5-24(a)(~~4~~5) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~130~~-day time period shall allow the owner to request a hearing in the ~~county~~ circuit court as provided in Sec. 5-24 (a)(~~4~~5). 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.
- (b) 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~~ thirty (~~130~~) business days after the owner is given written notification as provided in section 5-24(a)(~~4~~5) of this article, and thereafter destroyed in an expeditious and humane manner. This ~~ten~~ thirty day time period shall allow the owner to request a hearing in the ~~county~~ circuit court as provided in section 5-24(a)(~~4~~5). 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.
 - (1) If the owner of the dog had prior knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog is guilty of a misdemeanor of the second degree, punishable as provided in Florida Statutes 775.082 or 775.083.
 - (2) If the owner of the dog had no prior knowledge of the dog's dangerous propensities, the owner of the dog shall not be guilty of an offense.
- (c) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner is guilty of a felony of the third degree, punishable as provided in Florida Statutes 775.082, 775.083, or 775.084. In addition, 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~~ thirty (~~130~~) business days after the owner is given written notification as provided in section 5-24(a)(~~5~~4) of this article, and thereafter destroyed in an expeditious and humane manner. This thirty ~~en~~ (~~130~~) day time period

shall allow the owner to request a hearing in the circuit ~~county~~ court as provided in section 5-24(a)(54) of this article. 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.

- (d) If the owner files a written appeal in the circuit ~~county~~ court as provided in section 5-24(a)(54) of this article, the dog must be held and may not be destroyed while the appeal is pending.
- (e) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this article.

SECTION 3. 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 4. 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 5. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is authorized and directed.

SECTION 6. This ordinance shall take effect upon its adoption.

AUTHENTICATED THIS __ DAY OF _____, 2017.

William C. Latham, Mayor

Laurie Scott, City Clerk