



Agenda
City Council

Tuesday, January 16, 2018

7:00 PM

Council Chambers

MEMORANDUM TO:

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

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- a. 18-001 City Council Briefing Held December 18, 2017
- b. 18-002 Regular City Council Meeting Held December 18, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- a. 18-003 Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Pharmaceuticals in Drinking Water
- b. 18-004 Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Algae Blooms in the St. Johns River

CITY CLERK

CITY MANAGER

- 18-005 Accept the Monthly Financial Reports for the Month of December 2017

RESOLUTIONS

- a. 18-006 RESOLUTION NO. 2001-2018
A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE.
- b. 18-007 RESOLUTION NO. 1999-2018
A RESOLUTION ESTABLISHING RULES FOR THE TENNIS COURT AT SOUTH BEACH PARK.
- c. 18-008 RESOLUTION NO. 2000-2018
A RESOLUTION ESTABLISHING RATES FOR THE MUNICIPAL COMMUNITY CENTER AND EXHIBITION HALL AT SOUTH BEACH PARK.

ORDINANCES

- a. 18-009 ORDINANCE NO. 2017-8100 (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 5-33 "DOGS ON THE BEACH; REQUIREMENTS AND HOURS" SECTION 5-33(a)(b), PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- b. 18-010 ORDINANCE NO. 2017-8101 (Second Reading) (PUBLIC HEARING)
AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, TO ADD DEFINITIONS FOR "PERSONAL WIRELESS SERVICE," "PERSONAL WIRELESS SERVICE FACILITY OR PERSONAL WIRELESS SERVICE FACILITIES" AND "PERSONAL WIRELESS SERVICE

PROVIDER" TO ARTICLE IV, DEFINITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND BY AMENDING ARTICLE VIII, DIVISION 2, SUPPLEMENTAL STANDARDS BY CREATING A NEW SECTION 34-409. PERSONAL WIRELESS SERVICE FACILITIES, AND A NEW SECTION 34-410. PERSONAL WIRELESS FACILITY DEVELOPMENT STANDARDS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

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, December 18, 2017 – 6:00 P.M.
City Council Chambers
11 North 3rd Street, Jacksonville Beach, FL**

The Council Briefing began at 6:00 P.M.

The following City Council Members were in attendance:

Mayor William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Director of Public Works Ty Edwards, Director of Parks and Recreation Jason Phitides and Property and Procurement Officer Luis Flores.

Purpose of Briefing

The purpose of the briefing was to update the Council Members on projects including the following items:

City Manager

Community Service Center

Luis Flores, Property and Procurement Officer, stated once the previously approved construction project started at the Community Services Center, it was noticed much more work is going to be needed for the building due to water damage that was not visible prior to the construction beginning. Mr. Flores stated all work had been put on hold and a reassessment would be done before work is restarted.

Golf Course

Jason Phitides, Director of Parks and Recreation, explained the original plan to irrigate greens with well water may not be feasible due to restrictions within the Consumptive Use Permit issued by the St Johns River Water Management District. The new plan is to direct the effluent water supply from the Waste Water Treatment Plant to bypass the current lake that is used to irrigate the golf course and other city facilities, to another lake that did not have a high methane content. The revised irrigation plan would not affect the original budget.

Mr. Phitides stated the golf course is scheduled to close in January 2018 for construction to start but the buildings and driving range would remain open until April 2018.

Paws Dog Park

Mr. Phitides stated the installation of the new turf for the dog park is almost complete and a re-opening ceremony has been planned for January 3rd, 2018.

Shore Protection

Dr. Kevin Bodge, Senior Engineer at Olsen Associates, provided an update regarding the shore restoration and protection projects. Dr. Bodge stated the three major impacted areas on the beach were as follows:

- Just north of 22nd Ave South walkover
- Just north of 25th Ave South walkover
- Just south of 30th Ave South walkover

To repair the three areas, it was recommended to rebuild and expand the storm water outfalls east and to the originally permitted length.

Additionally, Dr. Bodge recommended installing sand fencing starting at 25th Avenue South to the St. John's county line to assist with dune restoration. Once installed, the sand fencing could take up to two years to restore the dunes.

City and Florida Municipal Power Agency Resolution and Agreement regarding Vero Beach

Mr. Forbes explained the City of Vero Beach wants to sell their electric utility to Florida Power and Light (FP&L). The current contract does not allow a project participant to exit the project without approval from all of the other members.

Vero Beach participates in the following three Florida Municipal Power Agency (FMPA) power projects totaling 51 MW:

- St. Lucie (13 MW)
- Stanton (21 MW)
- Stanton II (17 MW)

Vero Beach is asking FMPA All-Requirements Project (ARP) participants to assume Vero Beach's entitlement shared in the three FMPA Projects. This action would require 19 votes from the members. Mr. Forbes suggested the City approve this action and be the last member to vote on the agreement.

Mr. Forbes informed the Council this matter would appear on an upcoming agenda.

The briefing adjourned at 6:50 P.M.

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

Approved:

William C. Latham, MAYOR

Date: _____

Draft

**Minutes of Regular City Council Meeting
held Monday, December 18, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES

A moment of silence was held in memory of Coach John ‘Wimpy’ Sutton, followed by the salute to the flag.

CALL TO ORDER

Mayor Latham called the meeting to order at 7:05 P.M.

ROLL CALL

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Chief Financial Officer Karen Nelson, Planning, and Development Director Bill Mann, Director of Public Works Ty Edwards, Beaches Energy Director Allen Putnam, City Clerk Laurie Scott, and Staff Assistant Mandy Murnane.

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 December 4, 2017
- Regular City Council Meeting held December 4, 2017

ANNOUNCEMENTS

Mayor Latham recognized Kyle Watson, Scout Troop 215, who was attending tonight’s meeting as part of earning his Citizens in the Community badge.

COURTESY OF THE FLOOR TO VISITORS

- Jon McGowan, 5 North 17th Avenue, #401, Jacksonville Beach, provided a brief update on the *Better Jax Beach* Art Walk and Car Show, and the progress of online candidate financial submissions, as referenced in Resolution 1993-2017.

MAYOR AND CITY COUNCIL

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

CITY CLERK

CITY MANAGER

(a) Item #17-217 - Accept the Monthly Financial Reports for the Month of November 2017

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

Discussion: Mayor Latham called for a voice vote, as there was no discussion on the agenda item.

(b) Item #17-218 - Ratify the Collective Bargaining Agreement with the Florida State Lodge, Fraternal Order of Police, Effective October 1, 2017

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to ratify the three-year Collective Bargaining Agreement with the Florida State Lodge, Fraternal Order of Police, effective October 1, 2017.

Summary: Mr. Forbes said the City had twelve negotiating sessions with the FOP and the union recently held a vote among its members and ratified the agreement. Major provisions of the agreement are as follows:

- A three-year contract effective October 1, 2017, and expiring September 30, 2020.
- Provides for a merit-based step increase upon annual evaluation as employees advance through the Pay Grade Schedule. The increase is based on whether the employee "meets" or "exceeds" expectations.
- Increases the Pay Grade Schedules by 4% effective October 1, 2018, and by 4% effective October 1, 2019.
- Provides for a lump sum award, based on merit, of 2%-3% for employees who have reached the maximum rate assigned to each pay grade.

• **Speakers:**

John Galarneau, 2002 Grove Street, Jacksonville Beach, stated his support of the Agreement to better the recruiting and retention of Jacksonville Beach Police Officers.

Discussion: Mayor Latham, Mr. Thomason, and Mr. Doherty stated their support of the Agreement and thanked the Jacksonville Beach Police Department for their hard work and professionalism, especially given the current climate.

Mayor Latham thanked the Police Department for their ability to manage difficult situations while attaining the highest level of customer service standards.

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

(c) **Item #17-219 - Award Bid Number 1617-15 Package for Expansion of Beaches Energy Services (BES) Guana Substation.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid 1617-15 - Package for the Expansion of the Beaches Energy Services Guana Substation to the lowest responsive bidder, MD Henry Company.

Summary: Mr. Forbes explained the primary goal for any electric utility is to provide highly reliable electric service to its customers. In 2016, our post-storm analysis of Hurricane Matthew revealed a weak point in our substation configuration. We determined that we have insufficient power transformer capacity at the Guana substation in the event the Ft. Diego substation experiences an extended outage. This is important considering Ft. Diego substation's proximity to the Intracoastal Waterway.

For this reason, the Beaches Energy Services Capital Improvement Plan for FY2017-2018 includes the expansion of the Guana substation by adding a second power transformer in a ring-bus configuration.

Discussion: Director of Beaches Energy, Allen Putnam, stated the first two bid submissions provided alternatives rather than specifically identified pricing for the materials identified within the bid solicitation document, and did not include transportation cost to the Guana substation.

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

ORDINANCES:

(a) **Item #17-220 - ORDINANCE NO. 2017-8100 (First Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8100, 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 5-33 "DOGS ON THE BEACH; REQUIREMENTS AND HOURS" SECTION 5-33(a)(b), 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 Adopt City Ordinance 2017-8100, amending sections of 5-33, "Dogs on the beach; requirements and hours" of the Code of Ordinances of the City of Jacksonville Beach, Florida.

Summary: Mr. Forbes said several citizens have asked the City to review the dogs on the beach ordinance and requested if it could be less restrictive in the wintertime when the beach is not as crowded. Neptune Beach recently did a similar review, and this ordinance is very similar to the new regulations Neptune Beach adopted.

The proposed ordinance would change regulations to allow dogs on the beach anytime during Eastern Standard Time (EST), Eastern Standard Time is from the first Sunday in November to the second Sunday in March. During Eastern Daylight Time (EDT), the regulations only allow dogs on the beach from 5:00 P.M. to 9:00 A.M. It also requires dogs to be on a leash not more than 16 feet in length, and the owner must carry suitable materials to clean up any waste from their dog.

Speakers:

- Mary Phillips, 934 10th Street North, Jacksonville Beach, spoke in favor of the seasonal hour adjustment for dogs on the beach.

The following individuals were in support of the agenda item but did not wish to address the council:

- Lisa Grossman, 851 14th Avenue North, Jacksonville Beach
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach
- Susan Bashford, 702 9th Avenue North, Jacksonville Beach
- Michelle Neary, 1004 7th Street North, Jacksonville Beach
- Sarah Condon, 500 9th Avenue North, Jacksonville Beach
- Trey Phillips, 934 10th Street North, Jacksonville Beach
- Margo Castro, 602 13th Avenue North, Jacksonville Beach
- Pamela Bourne, 802 6th Street North, Jacksonville Beach

Discussion: Alternatively, Mr. Forbes suggested an option to allow dogs on the Atlantic Ocean Beach adjacent to the City during the following time periods:

- At any hour from October 1 through March 31; and,
- During the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30.

Amended Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, and passed unanimously, to amend the Ordinance as it was written [to change the hours to any hour from October 1 through March 31; and, during the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30].

Mayor Latham called for a voice vote on the amended motion. The amended motion passed unanimously.

Discussion: Mayor Latham and Ms. Hoffman stated their support for the ordinance changes.

Motion Roll call vote: Ayes – Hoffman, Thomason, Wilson, Buck, Doherty, and Mayor Latham.
The motion, as amended, passed unanimously.

(b) **Item #17-221 - ORDINANCE NO. 2017-8101 (First Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8101, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, TO ADD DEFINITIONS FOR "PERSONAL WIRELESS SERVICE," "PERSONAL WIRELESS SERVICE FACILITY OR PERSONAL WIRELESS SERVICE FACILITIES" AND "PERSONAL WIRELESS SERVICE PROVIDER" TO ARTICLE IV, DEFINITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND BY AMENDING ARTICLE VIII, DIVISION 2, SUPPLEMENTAL STANDARDS BY CREATING A NEW SECTION 34-409. PERSONAL WIRELESS FACILITIES, AND A NEW SECTION 34-410. PERSONAL WIRELESS FACILITY DEVELOPMENT STANDARDS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8101, amending the Land Development Code by adding definitions and development standards for the regulation of Personal Wireless Service Facilities.

Summary: Mr. Forbes explained the amendment to Florida Statutes Chapter 337.401 passed by the State legislature in June of 2017, which created regulations called the “Advanced Wireless Infrastructure Deployment Act.” The new law preempts local government control of city-owned rights-of-way for the placement of “small” or “micro” wireless antennas and equipment, and bans local governments from prohibiting such facilities from existing near or on existing towers and utility poles within rights-of-way.

This ordinance proposes a hierarchy of “preferred” options for the placement of personal wireless service facilities in the city, with the number of restrictions and regulations increasing as you go from most preferred to least preferred. The locational preference, in order from most to least preferred, is:

1. Antennae located on or in an existing building.
2. The co-location of antennae on an existing freestanding facility.
3. Installation of a new freestanding facility.

The ordinance also restricts the placement of new freestanding facilities to City or School Board-owned properties, including public schools, city parks and cemeteries, and most public rights-of-way in commercial and industrial zoning districts.

These regulations intend to keep any new freestanding facilities, as much as possible, out of the lower density residential areas of the city. The ordinance also requires that a new freestanding facility is sited at least one foot away from the nearest residential property boundary for every foot of height of the facility.

The Mayor opened the Public Hearing at 7:49 P.M.

Speaker:

- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, asked who would be paying for the installation of the facilities.

The Mayor closed the Public Hearing at 7:50 P.M.

Discussion: Mr. Tom Cloud, a partner with GrayRobinson, P.A., was present to address any questions or concerns of the Council. Mr. Cloud, with assistance from City Staff, helped to compose the ordinance. It was explained that the company who wanted to install a new micro tower facility would pay for it.

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

(c) **Item #17-222 - ORDINANCE NO. 2017-8099 (Second Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8099, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADOPTING REGULATIONS RELATED TO WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance Number 2017-8099, amending Article IV of

Chapter 28 of the City Code of Ordinances regulating small wireless facilities in the public rights-of-way as explained in the memorandum from the Public Works Director dated November 27, 2017.

Summary: Mr. Forbes provided a summary of the recent bill passed during the last state legislative session, which regulates the placing of utility poles in the City's rights-of-way to support small wireless facilities.

The adoption of regulations for small wireless facilities was recommended to manage the growth of wireless communications facilities within the city limits in the best interests of the public safety, health, and prudent land use, including the limited resource of rights-of-way.

Additionally, the Ordinance incorporates a state law required "shot-clock" timeline and a required pre-application meeting between the City and applicant.

Discussion: Mayor Latham called for a roll call vote, as there was no discussion on the agenda item.

Roll call vote: Ayes – Wilson, Buck, Doherty, Hoffman, Thomason, and Mayor Latham.

The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:51 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

Sheri Gosselin

From: Sheri Gosselin
Sent: Wednesday, December 20, 2017 2:41 PM
To: 'Sevier, Heather J.'
Subject: RE: Fletcher Middle School Robotics Team

Ms. Sevier:

Thank you for thinking of presenting your project to us. We will be able to confirm a date and time for you after the holidays and will follow up at that time.

Happy holidays to you and your students!

Charlie

From: Sevier, Heather J. [mailto:sevierh@duvalschools.org]
Sent: Tuesday, December 19, 2017 1:02 PM
To: Charlie Latham <clatham@jaxbchfl.net>
Subject: Fletcher Middle School Robotics Team

Good afternoon Mayor Latham! I attended the Fletcher Middle School town hall meeting and stood up to explain the **pharmaceuticals in drinking water issue** that our all-girls Lego Robotics team chose to research this year. We've talked to narcotics downtown, we've spoken to a pharmacist from Mayo Clinic, Smart Pharmacy on Beach Blvd, and the water treatment plant behind burrito gallery. What we're hoping to do is explain to the city council our findings and see if there's any support or backing you can give us. I know you mentioned passing an ordinance possibly. There's a UNF professor that has studied bull sharks (since they can live in fresh water) and National Geographic gave him lots of funding specifically for this research, and 50 known pharmaceuticals were found in these sharks in Florida. A very, very simple solution is for pharmacies to have Take Back boxes on the premises where people can bring back unfinished medications. The company is called MedSafe and they pick it up and incinerate the drugs. It costs \$2,800 a year to have one. Our idea is to write grants to get them in our local pharmacies, so they have very little "work" they must do. We'd love to explain this all on January 16th if at all possible. Thank you so much.

Respectfully,

Heather Sevier

7th Grade Gifted/Advanced Science
FIRST Lego League Robotics Coach
Duncan Fletcher Middle School
sevierscience.blogspot.com

This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida has broad public records laws and virtually all written communications are public records unless specifically deemed confidential pursuant to state or federal law.

Sheri Gosselin

From: Charlie Latham
Sent: Wednesday, December 20, 2017 2:40 PM
To: 'Lyne, Rachel A.'
Subject: RE: Fletcher Middle Lego Robotics. Team: The Crazy Kraken

Mrs. Lyne:

Thank you for thinking of presenting your project to us. We will be able to confirm a date and time for you after the holidays and will follow up at that time.

Happy holidays to you and your students!

Charlie

From: Lyne, Rachel A. [mailto:LyneR@duvalschools.org]
Sent: Tuesday, December 19, 2017 1:28 PM
To: Charlie Latham <clatham@jaxbchfl.net>
Subject: Fletcher Middle Lego Robotics. Team: The Crazy Kraken

Dear Mayor Latham,

I work with Mrs. Phillips at Fletcher Middle School. We meet at the meet the Mayor session for Civics and Law Studies students.

I also coach a Lego Robotics Team. My team recently won the Qualifier Championship at the Maker's Space at the Jacksonville Public Library-Main Street Branch on Saturday. This qualifies the team for a Regional Bid. Before Regionals on February 3, 2017, we must present our project to people who might use it to make a difference. The Crazy Krakens (My team) choose to **work on the problem of Algae Blooms in the St. Johns River** and surrounding water ways. They meet and learned from Emily Floore of the St. Johns Riverkeeper, toured a water treatment plant, and are trying to speak to construction experts as well. My team developed a new type of treatment process that mirrors the natural process that the path water takes when it hits the ground on the way to our Florida aquifers. We would like to present this problem to the City Council on January 16th 2018. We have to get better at presenting this problem. Additionally, we are developing a new way of explaining the problem as well. We are only allowed 10-15 minutes in competition, so we would not need any more time that what we are allowed in competition.

Please let me know if you and the city council will have time to hear our presentation.

Sincerely,

Mrs. Rachel Lyne, J.D
7th Grade Law Studies
Lego Robotics Coach- The Crazy Krakens
FLETCHER MIDDLE SCHOOL
(904) 247-5929 ext. 1311
Email: lyner@duvalschools.org

"The function of education is to teach one to think intensively and to think critically. Intelligence plus character - that is the goal of true education." -- Martin Luther King, Jr.

This communication may contain privileged and confidential information intended only for the addressee(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify the sender by reply email and destroy all copies of the original message. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Florida has broad public records laws and virtually all written communications are public records unless specifically deemed confidential pursuant to state or federal law.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: George D. Forbes, City Manager
FROM: Karen Nelson, Chief Financial Officer
SUBJECT: Monthly Financial Reports for December 2017
DATE: January 3, 2018

Action Requested

Accept the monthly financial reports for the month of December 2017.

Background

The monthly financial reports for December 2017 are provided for your information and review. These reports can be found in the "Reports and Information" portion of this agenda.

Recommendation

Accept the financial reports for the month of December 2017, as submitted by the Chief Financial Officer.



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

TO: Mayor Latham
City Council Members

FROM: George D. Forbes
City Manager

DATE: January 6, 2018

SUBJECT: Adopt resolution 2001-2018, urging the Florida Legislature to enact legislation that would make texting while driving a primary offense

ACTION REQUESTED

Adopt resolution 2001-2018, urging the Florida Legislature to enact legislation that would make texting while driving a primary offense.

BACKGROUND

Florida law currently authorizes law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving, but only as a secondary offense. This means that the officer can only issue a citation if the driver has been pulled over for committing another traffic violation. Two bills in the Florida Legislature would remove the "secondary offense" provision, thereby making texting while driving a primary offense. If the legislature adopts this change, a police officer who observes a driver texting while driving could issue a citation for the offense.

Mayor Latham has requested that the City Council consider supporting the attached resolution, which urges the Florida Legislature to enact this legislation.

RECOMMENDATION

Adopt resolution 2001-2018, urging the Florida Legislature to enact legislation that would make texting while driving a primary offense.



Introduced by: _____

Adopted: _____

RESOLUTION NO. 2001-2018

**A RESOLUTION OF THE CITY OF JACKSONVILLE
BEACH URGING THE FLORIDA LEGISLATURE TO EN-
ACT LEGISLATION THAT WOULD MAKE TEXTING
WHILE DRIVING A PRIMARY OFFENSE.**

WHEREAS, of the 47 states that have banned texting while driving, all but four have made texting while driving a primary offense, while Florida is among the four states that do not enforce texting while driving as a primary offense, but instead as a secondary offense, and;

WHEREAS, a secondary offense is an offense for which a law enforcement officer can issue a ticket only if a driver has been pulled over for committing another traffic violation, and;

WHEREAS, texting while driving is a form of distracted driving, and;

WHEREAS, distracted driving claimed 3,477 lives in 2015, according to National Highway Traffic Safety Administration, and;

WHEREAS, according to the Florida Department of Highway Safety and Motor Vehicles, texting while driving requires all three types of driver distraction including visual, manual, and cognitive distraction, and;

WHEREAS, the National Safety Council reports that the risk of a crash is 4 times more when a cell phone is in use, and;

WHEREAS, the National Highway Traffic Safety Administration reports that texting drivers take their eyes off the road for an average of 4.6 seconds, which at the speed of 55mph is equivalent to driving the length of a football field, and;

WHEREAS, the degree of cognitive distraction associated with mobile phone use is so high that drivers using mobile phones exhibit greater impairment than legally intoxicated drivers, according to a University of Utah study, and;

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

SECTION 1. The City Council of the City of Jacksonville Beach urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this ___ day of _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

City of

Jacksonville Beach

2508 South Beach

Parkway

Jacksonville Beach

FL 32250

Phone: 904.247.6236

Fax: 904.247.6143

www.jacksonvillebeach.org

TO: George Forbes
City Manager

FROM: Jason Phitides
Parks and Recreation

DATE: December 28, 2017

RE: Tennis Court Rules for South Beach Park

ACTION REQUESTED:

Adopt Resolution 1999-2018 establishing tennis court rules for South Beach Park.

BACKGROUND:

The single tennis court at South Beach Park is a very popular facility for local tennis enthusiasts.

We have received several complaints regarding the monopoly of court time, particularly by individuals offering tennis instruction for profit. Currently, we do not have rules to regulate court usage.

In order to afford fair accessibility to everyone, staff recommend the following rules, to become effective immediately upon approval:

1. The Parks and Recreation Department reserves the right to schedule court reservations and maintain a reservation schedule in the Parks Administration office.
2. Residents may use the court on a first come, first serve basis, or may make a reservation by acquiring a permit at the Parks and Recreation Office on weekdays between 8 AM and 4 PM.
3. Permit holders are allowed to reserve the court for a 90-minute time block per day for singles play and for 2 hours per day for doubles play. A maximum of two reservations may be made at one time.
4. An additional reservation on the same day may be made only after completing your first reserved court of the day.
5. Reservations are not transferable.
6. While a permit is not required to "Free Play" on the tennis court, permit holders are considered "first priority" on the court. Non-permitted players must relinquish the court to permit holders for the time designated on the permit. We strongly encourage reserving a court for tennis play.



7. All walk-on play begins and ends on the hour. If there are no players on the court, and no one is waiting, non-permit holders can begin play immediately, but must relinquish the court at the end of the next full hour if other non-permit holders are waiting to play.
8. Non-permitted play is limited to 60 minutes for singles and 90 minutes for doubles play when others are waiting.
9. Tennis Instructors must obtain a reservation permit (subject to the same terms as other permit holders) and shall pay a fee of \$25 per 60 minutes or \$40 per 90 minutes for use of the court. These individuals must provide proof of \$1,000,000 in Liability Insurance naming the City of Jacksonville Beach as an additional insured.
10. Tennis instruction or private/group lessons are prohibited without a permit. Violators will be subject to removal by Police and may lose their privileges for a period of up to sixty (60) days.
11. All persons using the tennis court do so at their own risk; agree to hold the City of Jacksonville Beach harmless of injury and agree to abide by the rules for use of the court. The City assumes no responsibility for any accident or injury in connection with such use or for any loss or damage to personal property.
12. The City Manager has the authority to modify the rules when necessary.

RECOMMENDATION:

Adopt Resolution 1999-2018 establishing tennis court rules for South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 1999-2018

**A RESOLUTION ESTABLISHING RULES FOR THE
TENNIS COURT AT SOUTH BEACH PARK**

WHEREAS, the City desires to establish rules which are consistent with the orderly public usage of the tennis court at South Beach Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT: there is hereby established the following rules for the tennis court at South Beach Park.

SECTION 1. The Parks and Recreation Department reserves the right to schedule tennis court reservations and maintain a reservation schedule in the Parks Administration office.

SECTION 2. Residents may use the tennis court on a first come, first serve basis, or may make a reservation by acquiring a permit at the Parks and Recreation Office on weekdays between 8 AM and 4 PM.

SECTION 3. Permit holders are allowed to reserve the tennis court for a 90-minute time block per day for singles play and for 2 hours per day for doubles play. A maximum of two reservations may be made at one time.

SECTION 4. An additional reservation on the same day may be made only after completing your first reservation of the day.

SECTION 5. Reservations are not transferable.

SECTION 6. While a permit is not required to "Free Play" on the tennis court, permit holders are considered "first priority" on the court. Non-permitted players must relinquish the court to permit holders for the time designated on the permit. We strongly encourage reserving a court for tennis play.

SECTION 7. All walk-on play begins and ends on the hour. If there are no players on the court, and no one is waiting, non-permit holders can begin play immediately, but must relinquish the court at the end of the next full hour if other non-permit holders are waiting to play.

SECTION 8. Non-permitted play is limited to 60 minutes for singles and 90 minutes for doubles play when others are waiting.

SECTION 9. Tennis Instructors must obtain a reservation permit (subject to the same terms as other permit holders) and shall pay a fee of \$25 per 60 minutes or \$40 per 90 minutes for use of the court. These individuals must provide proof of \$1,000,000 in Liability Insurance naming the City of Jacksonville Beach as an additional insured.

SECTION 10. Tennis instruction or private/group lessons are prohibited without a permit. Violators will be subject to removal by Police and may lose their privileges for a period of up to sixty (60) days.

SECTION 11. All persons using the tennis court do so at their own risk; users agree to hold the City of Jacksonville Beach harmless of injury and agree to abide by the rules for use of the tennis court. The City assumes no responsibility for any accident or injury in connection with such use, or for any loss or damage to personal property.

SECTION 12. The City Manager has the authority to modify the rules when necessary.

SECTION 13. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this ___ day of _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

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: George Forbes
City Manager

FROM: Jason Phitides
Director Parks and Recreation

DATE: December 28, 2017

RE: Community Center and Exhibition Hall Rates

ACTION REQUESTED

Adopt Resolution 2000-2018 revising rates for the Community Center and Exhibition Hall at South Beach Park.

BACKGROUND

South Beach Park Community Center and Exhibition Hall has two rooms that are available for rent. The large Exhibition Hall can be rented for business, government and social gatherings and holds as many as 200 persons. The smaller conference room can accommodate functions of up to 20 people, depending on the type of gathering. The facility also houses the administrative offices of the City's Parks & Recreation Department.

The City Council previously adopted rates for the facility in June 2017 (Resolution 1977-2017). This new resolution will maintain the rates and provisions previously adopted. In addition, it will include rates for Lessees seeking long term lease agreements.

Currently, there are three (3) Business Network International (BNI) chapters that consistently lease the facilities during business hours. BNI is a business networking and referral marketing organization. Chapters meet separately on Tuesdays, Wednesdays and Thursdays. Each chapter would like to execute an annual lease to secure their weekly meeting venue.



The current rate for the conference room is \$25 per hour on weekdays during business hours. The new resolution will offer a reduced rate of \$15 per hour upon the execution of a lease term of at least 52 weeks.

The current rate for the Exhibition Hall is \$100 per hour on weekdays during business hours. The new resolution will offer a reduced rate of \$85 per hour for the Exhibition Hall upon the execution of a lease term of at least 52 weeks.

Following is the revised rate structure that includes the long term lease rates. The only changes are for 52-week leases and are highlighted below.

Conference Room

| | |
|----------------------------------|--|
| Weekday 8:00 am - 4:00 pm | \$15.00 per hour - requires lease of 52 weeks |
| Weekday 8:00 am - 4:00 pm | \$25.00 per hour (no minimum) |
| Weekday 4:00 pm -12 midnight | \$41.50 per hour (2 hour minimum) |
| Weekends and Holidays | \$41.50 per hour (2 hour minimum) |

Exhibition Hall

| | |
|-----------------------------------|--|
| Weekday 8:00 am to 4:00 pm | \$85.00 per hour - requires lease of 52 weeks |
| Weekday 8:00 am to 4:00 pm | \$100.00 per hour (2 hour minimum) |
| Weekday 4:00 pm to 12 midnight | \$200.00 per hour (3 hour minimum) |
| Weekends and Holidays | \$200.00 per hour (3 hour minimum) |

RECOMMENDATION

Adopt Resolution 2000-2018 revising rates for the Community Center and Exhibition Hall at South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 2000-2018

A RESOLUTION ESTABLISHING RATES FOR THE MUNICIPAL COMMUNITY CENTER AND EXHIBITION HALL AT SOUTH BEACH PARK

WHEREAS, the City operates the South Beach Community Center and Exhibition Hall;
and

WHEREAS, the City desires to establish rates, fees, and charges which are consistent with the orderly operation, rental, and maintenance of said facility.

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

SECTION 1. RATES AND DEPOSITS There is hereby established a schedule of rates for the Community Center and Exhibition Hall at South Beach Park:

Conference Room

| | |
|--------------------------------|--|
| Weekday 8:00 am to 4:00 pm | \$15.00 per hour - requires annual lease of 52 weeks |
| Weekday 8:00 am to 4:00 pm | \$25.00 per hour (no minimum) |
| Weekday 4:00 pm to 12 midnight | \$41.50 per hour (2 hour minimum) |
| Weekends and Holidays | \$41.50 per hour (2 hour minimum) |

Exhibition Hall

| | |
|--------------------------------|--|
| Weekday 8:00 am to 4:00 pm | \$85.00 per hour - requires annual lease of 52 weeks |
| Weekday 8:00 am to 4:00 pm | \$100.00 per hour (2 hour minimum) |
| Weekday 4:00 pm to 12 midnight | \$200.00 per hour (3 hour minimum) |
| Weekends and Holidays | \$200.00 per hour (3 hour minimum) |

Deposits

| | | |
|--------------------|-----------------|----------------------------------|
| Refundable Deposit | Conference Room | \$100.00 deposit |
| Refundable Deposit | Exhibition Hall | \$200.00 if no alcohol is served |
| Refundable Deposit | Exhibition Hall | \$400.00 if alcohol is served |

- The rates do not include tax, insurance, or Police presence, if required.

- The Community Center and Exhibition Hall weekday 4:00 pm – 12 midnight, weekend and holiday rates include one (1) security personnel. Should the security personnel per hour cost increase, the room rates will be adjusted accordingly to the cover the security cost increase.
- The Community Center and Exhibition Hall weekday 4:00 pm – 12 midnight, weekend and holiday rates include an outside contractor to set up, breakdown and lightly clean after the event. Should the outside contractor cost per hour increase, the room rates will be adjusted to reflect the cost increase.

SECTION 2. The City Manager, or designee, shall establish rental procedures for the use of the Community Center, Exhibition Hall and Conference Room.

SECTION 3. The City Manager, or designee, has the authority to offer a promotional rate for day rentals not to exceed 8 hours.

SECTION 4. A “non-profit” group, as verified by a federal tax ID number, may rent the Exhibition Hall one (1) time per year at the lowest (\$100.00 per hour) rate, including weekends, holidays, and after hours.

SECTION 5. Should an outside cleaning contractor have to clean the room after an event beyond the normal cleaning, the additional cost shall be deducted from the rental deposit.

SECTION 6. The City Manager or designee may adjust the rates in the Resolution annually in an amount not to exceed the annual percentage increase in the Consumer Price Index (CPI) for All Urban Consumers for the previous calendar year.

This CPI adjustment is in addition to any rate adjustment due to security personnel or outside contractor set up, tear down and cleaning costs.

SECTION 7. Resolution Number 1977-2017 is hereby repealed in its entirety.

SECTION 8. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this ___ day of _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

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

To: Mayor Latham
Members of the City Council

From: George Forbes
City Manager

Subject: Adopt City Ordinance 2017-8100, "Dogs on the beach; requirements and hours," to allow dogs on the beach at any hour from October 1 through March 31

Date: January 5, 2018

ACTION REQUESTED

Adopt City Ordinance 2017-8100, "Dogs on the beach; requirements and hours," to allow dogs on the beach at any hour from October 1 through March 31.

BACKGROUND

Several citizens have asked the City to review the dogs on the beach ordinance and requested if it could be less restrictive in the wintertime, when the beach is not as crowded. Neptune Beach recently did a similar review and this ordinance is very similar to the new regulations Neptune Beach adopted.

Jacksonville Beach currently allows dogs to be on the beach from 5:00 p.m. to 9:00 a.m. year round. They are not allowed on the beach from 9:00 a.m. to 5:00 p.m.

The proposed ordinance would change our regulations to allow dogs on the beach at any hour from October 1 through March 31; and from April 1 through September 30, the regulations only allow dogs on the beach from 5:00 p.m. to 9:00 a.m.

The intention of the proposed ordinance is to allow dogs on the beach at any time during the winter months when the beach is usually not crowded. It also requires dogs to be on a leash not more than 16 feet in length, and the owner must carry suitable materials to clean up any waste from their dog.

RECOMMENDATION

Adopt City Ordinance 2017-8100, amending section 5-33, "Dogs on the beach; requirements and hours" of the Code of Ordinances of the City of Jacksonville Beach, Florida.



Introduced by: Council Member Wilson
1st Reading: December 18, 2017
2nd Reading: January 16, 2017

ORDINANCE NO. 2017-8100

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 5-33 "DOGS ON THE BEACH; REQUIREMENTS AND HOURS" SECTION 5-33(a)(b), 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. 5-33, Dogs on the beach; requirements and hours, of Article II, Division 1, Chapter 5, "Animals and Fowl" of the Code of Ordinances of the City of Jacksonville Beach, Florida be amended as follows:

Sec. 5-33. - Dogs on the beach; requirements and hours.

(a)

~~It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to allow or permit such dog to wander, stray or be unleashed or unaccompanied on the Atlantic Ocean Beach adjacent to the city and it shall be the duty of each such person to keep such stray or unaccompanied dog from that area.~~

(a)

Dogs are permissible on the Atlantic Ocean Beach adjacent to the City during the following time periods:

1. At any hour from October 1 through March 31; and,
2. During the hours of 5:00 p.m. through 9:00 a.m., from April 1 through September 30.

(b)

~~It shall be unlawful for any person who shall own, keep, harbor or be in control of or in charge of a dog to lead such dog upon the Atlantic Ocean beach adjacent to the city except during the hours between 5:00 p.m. in the afternoon and 9:00 a.m. in the morning, provided that such person fulfills the following requirements:~~

(b)

In addition to the above provisions, all owners, custodians and/or persons responsible for and in control of any dog(s) on the beach must comply with the following:

(1)

Each such dog must be fastened to a suitable leash of dependable strength not to exceed ~~eight (8)~~ sixteen (16) feet in length and the leash must be held or controlled by that person at all times.

(2)

Any person having a dog on the beach during the above enumerated hours must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.

(3)

Each such dog must either be properly registered with the City of Jacksonville Beach as required by Division 2, Chapter 5, of the Code of Ordinances of the City of Jacksonville Beach and display the proper tags or must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year.

SECTION 2. 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 3. 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 4. Codification of this ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 5. This ordinance shall take effect upon its adoption.

AUTHENTICATED THIS __ DAY OF _____, 2018.

William C. Latham, Mayor

Laurie Scott, City Clerk



City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Planning and Development Director

Re: **Ordinance No. 2017-8101**, amending the Land Development Code by adding definitions and development standards for the regulation of Personal Wireless Service Facilities.

Date: December 7, 2017

ACTION REQUESTED:

Ordinance No. 2017-8101, amending the Land Development Code by adding definitions for *Personal Wireless Service*, *Personal Wireless Service Facility or Facilities*, and *Personal Wireless Service Provider*, and by adding a new Section 34-409. *Personal Wireless Facilities* and a new Section 34-410. *Personal Wireless Facility Development Standards*.

BACKGROUND:

In June of 2017, the State legislature passed House Bill 687 (effective July 1, 2017) amending Florida Statutes Chapter 337.401 creating regulations called the "Advanced Wireless Infrastructure Deployment Act". The new law preempts local government control of city owned rights-of-way for the placement of "small" or "micro" wireless antennas and equipment, and bans local governments from prohibiting such facilities from existing near or on existing towers and utility poles with in rights-of-way.

Pursuant to Section 337.401 Florida Statutes, a "micro wireless facility" means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches. A "small wireless facility" means a wireless facility where each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume.



The law also provides a permit process and development standards that local governments must adopt into their local codes. The purpose of the Land Development Code text amendment is to define new terms for the types of personal wireless facilities associated with H.B. 687, and to provide development standards for regulating facilities that are not inconsistent with the new State law.

The attached ordinance proposes a hierarchy of "preferred" options for the placement of personal wireless service facilities in the city, with the number of restrictions and regulations increasing as you go from most preferred to least preferred. The locational preference, in order from most to least preferred is:

1. Antennae located on or in an existing building.
2. The co-location of antennae on an existing freestanding facility.
3. Installation of a new freestanding facility.

The ordinance also restricts the placement of new freestanding facilities to City or School Board owned properties, including public schools, city parks and cemeteries, and most public rights of way in commercial and industrial zoning districts.

The intent of these regulations is to keep any new freestanding facilities, as much as possible, out of the lower density residential areas of the city. The ordinance also requires that a new freestanding facility be sited at least one foot away from the nearest residential property boundary for every foot of height of the facility.

The Public Works Department has also introduced companion changes to City Council, via Ordinance No. 2017-8099, to amend Section 28 of the City Code of Ordinances to regulate the registration and placement of these types of communications facilities in City rights-of-way.

The Planning Commission met to consider the proposed Land Development Code amendments on December 11, 2017 and voted to recommend approval of the amendments to the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2017-8101, amending the Land Development Code by adding definitions and development standards for the regulation of Personal Wireless Service Facilities.

Introduced by: Council Member Wilson

1st Reading: December 18, 2017

2nd Reading: January 16, 2018

ORDINANCE NO. 2017-8101

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, TO ADD DEFINITIONS FOR “PERSONAL WIRELESS SERVICE,” “PERSONAL WIRELESS SERVICE FACILITY OR PERSONAL WIRELESS SERVICE FACILITIES” AND “PERSONAL WIRELESS SERVICE PROVIDER” TO ARTICLE IV, DEFINITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND BY AMENDING ARTICLE VIII, DIVISION 2, SUPPLEMENTAL STANDARDS BY CREATING A NEW SECTION 34-409. PERSONAL WIRELESS SERVICE FACILITIES, AND A NEW SECTION 34-410. PERSONAL WIRELESS FACILITY DEVELOPMENT STANDARDS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES:

WHEREAS, the demand for telecommunications services has grown exponentially in recent years, requiring the continual upgrading of telecommunications equipment and services to satisfy such demand; and

WHEREAS, in 2017, the Florida Legislature passed Chapter 2017-136, Laws of Florida, which inter alia, amends § 337.401, Florida Statutes, to create the new Subsection (7) known as the Advanced Wireless Infrastructure Deployment Act (“Wireless Deployment Act”), effective July 1, 2017, to address municipalities’ regulation of access to the public rights-of-way for wireless communications facilities and wireless support structures; and

WHEREAS, the Jacksonville Beach Land Development Code currently provides for communications facilities as permitted uses in certain zoning districts, and for the placement of communications antennae as accessory structures on buildings in certain other zoning districts, but needs to be updated to incorporate state law changes since the current communications facilities regulations were most recently amended in 2004, via Ordinance No. 2004-7880;

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

SECTION 1. For purposes of Land Development Code Sections 34-409 and 34-410, as created in Section 2. herein, the following terms, phrases, words, and their derivations shall have

the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and the word "may" is permissive. Words not otherwise defined shall be given the meaning set forth in the Communications Act of 1934, 47 U.S.C. §§ 151 et seq., as amended (collectively the "Communications Act"), and, if not defined therein, as defined by Chapter 202, Florida Statutes, or Chapter 337, Florida Statutes, and, if not defined therein, be construed to mean the common and ordinary meaning. Neither personal wireless service nor personal wireless facilities constitute an essential public service as defined in Article IV of the Land Development Code. Accordingly, Article IV. Definitions of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida is hereby amended to add, in proper alphabetical order, new definitions as follows:

Section 34-41. General

Personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access facilities and those defined by the Communications Act, including but not limited to, the transmission and reception of radio microwave signals used for communication, data, cellular phone, personal communication services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Personal wireless service facility or personal wireless service facilities means facilities used for the provision of personal wireless service including any freestanding facility, antennae, distributed antennae system, and/or small cell technology. Personal wireless service facilities include, but are not limited to, utility poles, towers, monopoles, communications facilities, and other facilities, equipment, and appurtenances that are used in the delivery or transmission of personal wireless services,

Personal wireless service provider means a company licensed by the Federal Communications Commission (FCC) that provides personal wireless service. A builder or owner of a personal wireless service facility is not a personal wireless service provider unless licensed to provide personal wireless services.

SECTION 2. That Division 2. Supplemental Standards of Article VIII of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida is hereby amended by adding new Sections 34-409 and 34-410, which shall read as follows:

Section 34-409. - Personal wireless service facilities.

- (a) Purpose and legislative intent. Federal and state laws recognize the City's authority to regulate the placement, construction, and modification of personal wireless service facilities. The City recognizes that personal wireless service facilities play

an important and complex role in the community. The intent of this section is to ensure that the placement, construction or modification of personal wireless service facilities is consistent with the City's land use policies and balances the community needs. This section strives to establish a fair and efficient application process, mitigate impacts of personal wireless service facilities, provide a high quality of service that is technically viable and meets the current industry standards of service, and protect the health, safety and welfare of the residents and visitors of the City.

- (b) Hierarchy of personal wireless service facility preferences. The City has established the hierarchy set forth below for personal wireless service facilities, with (1) being the most preferred and (3) being the least preferred. More preferred facilities require fewer approvals and are subject to fewer restrictions.
 - (1) An antenna located on or in an existing building, whether or not a co-location (see Sec. 34-410 (a)(2), (3) and (5)).
 - (2) The co-location of an antenna on an existing freestanding facility (see Sec. 34-410(a)(4)).
 - (3) Freestanding facilities (see Sec. 34-410(b)).
- (c) Prohibited personal wireless service facilities. Self-supporting lattice towers, guyed towers, and all freestanding facilities not meeting the requirements of Sec. 34-410(b) are prohibited.
- (d) Priority determination. If the proposed personal wireless service facility is not one of the two highest priorities listed, a detailed explanation and technical justification shall be provided as to why each of the higher priority facilities was not selected. This must include documentation that any existing personal wireless service facility (whether owned by the applicant or not) located within a two-mile radius of the proposed location is physically and/or technically unable to support collocation of additional personal wireless service equipment, that the existing facility is insufficient, or that the existing facility does not meet the engineering requirements of the applicant.
- (e) Generally applicable review procedures and timeframes.
 - (1) The Planning and Development Director shall notify the applicant for a personal wireless service facility within 20 days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements of the City Code and Land Development Code. An application for personal wireless service facility is deemed properly completed and properly submitted when it is verified that the information contained within the application is true, accurate, and contains all applicable information needed to make a determination as to the merits of the request. Such notification shall

indicate with specificity any deficiencies that, if cured, could make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the City shall again have 20 days to notify the applicant, in writing, of any remaining deficiencies that must be cured. If the applicant does not cure the deficiencies within 30 days, the application shall be considered withdrawn and closed.

- (2) An application is deemed submitted or resubmitted on the date the application is received by the City. If the City does not notify the applicant in writing that the application is not completed in compliance with this Zoning Code within 20 days after the date the application is initially submitted or resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted.
 - (3) Applications for a collocation of small wireless facilities shall be processed in accordance with ~~§ 28-76 of the City Code~~ Chapter 28, Section 28-76 of the Code of Ordinances of the City of Jacksonville Beach, Florida. Applications for new personal wireless service facilities, including freestanding facilities, shall be processed within 90 days after an application has been properly completed and properly submitted; provided, however, that applications for new utility poles that qualify under ~~§ 28-76(e) of the City Code~~ said Chapter 28, Section 28-76 shall be processed in accordance with the time frames set forth in ~~§ 28-76(e), City Code~~ Section 28-76.
 - (4) The timeframes stated in this subsection may be extended or tolled by mutual agreement of the City and applicant.
 - (5) The final decision approving or denying an application shall be in writing and supported by "substantial evidence" pursuant to the Communications Act, 47 U.S.C. § 332(c)(7)(B)(iii) and shall comply with the provisions of ~~Division 4, Chapter 34, City Code~~ Land Development Code Article VIII, Division 2, Section 34-410.
 - (6) Applications must demonstrate that no portion of any abutting, adjoining, or nearby residentially zoned property will be exposed to radio frequency (RF) emissions exceeding the federal safety limits for RF emissions. ~~One~~ When installation has been completed for any personal wireless service facility, a post-construction RF energy testing study must be conducted by the applicant and submitted to the City within 30 days following receipt of a certificate of completion for the installation demonstrating that the personal wireless service facility complies with this provision and all federal safety standards for RF energy exposure.
- (f) Variances, waivers and departures. Variances, waivers, departures or other methods of relief from the provisions of the Code shall not be granted for personal wireless service facilities.

- (g) During a declared emergency within the City, the City manager is authorized to allow the placement and operation of temporary personal wireless service facilities within any zoning district for a period not to exceed 90 days. Placement and operation of temporary personal wireless service facilities beyond the 90-day limit may be granted by the City Council if deemed necessary for the health, safety, and welfare of the public due to extended disruption in services after a declared emergency.

Section 34-410. - Personal wireless service facility development standards.

(a) Antennas.

- (1) An application for an antenna, whether or not a collocation, shall include the following information:
 - a. The name of the applicant;
 - b. Whether the applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;
 - c. A complete, thorough and accurate description of the proposed antenna, including an elevation drawing ~~or model~~ of the proposed antenna showing the view from north, east, west and south;
 - d. The type of existing building or structure on which the antenna is proposed to be located;
 - e. Certification that the proposed antenna will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;
 - f. The proposed use of the antenna;
 - g. The proposed location of the antenna with a map in sufficient detail to indicate the location with precision;
 - h. ~~The applicant shall provide proof that~~ Written, notarized authorization from the property owner, if different from applicant, that authorizes the installation of the facilities;

- i. The zoning/land use designation of the site for the proposed antenna;
 - j. The height of the proposed antenna;
 - k. Where applicable, a lighting plan, that is consistent with all federal, state and local requirements;
 - l. Documentation that the proposed antenna and any appurtenances will withstand wind speeds as set forth in the Florida Building Code;
 - m. A plan detailing the steps to visually blend the proposed antenna with surrounding buildings, facilities and features;
 - n. The estimated ~~completion date~~ timeframe for constructing and/or locating the antenna, and any ancillary equipment.
- (2) An antenna classified as an initial (rather than collocation) antenna, located on a rooftop, a rooftop antenna platform, or the exterior of a building shall meet the following minimum criteria:
- a. It is located in a ~~multi-family~~ building with a height in excess of four (4) stories in ~~any zoning district~~ a C-1, C-2, CBD, or RM-2 zoning district.
 - b. It is located on a rooftop of an existing building in excess of 40 feet in height, a rooftop antenna platform located on a roof of an existing building in excess of 40 feet in height, or the exterior of an existing building in excess of 40 feet in height.
 - c. The height of the antenna shall not exceed ~~15~~ 20 feet above the highest point of the building; and
 - d. The antenna shall be camouflaged. An antenna shall be deemed to be camouflaged if the antenna and any ancillary equipment are concealed from view by way of enclosure or through a blending of the antenna and ancillary equipment with the architectural design and appearance, color and scale of the building to which it is attached.
- (3) An antenna located inside a building is permitted provided it is not visible from any surrounding properties or roadways and no portion of the antennae is recognizable or discernible from the exterior of the building. Architectural features concealing the antennae must be consistent with the architecture of the building to which they are attached. The architectural features shall not exceed the height restrictions for the zoning district in which they are located, except as allowed by this Code. The setback for any architectural features concealing an antenna from any residentially zoned property must be at least

one foot for every foot in height of the architectural features (dwellings located on the same parcel as the antenna are excluded).

- (4) An antenna classified as a collocation located on an existing freestanding facility not owned by the City shall meet the following minimum criteria:
 - a. The antenna does not increase the height of the freestanding facility to which it is to be attached, except as allowed in Section 34-410(b), as measured to the highest point of any part of the freestanding facility or any existing antenna attached to the freestanding facility;
 - b. The applicant shall include proof of consent of the owner of the freestanding facility for inclusion of the antenna on the freestanding facility.
 - c. The ground space area, if any, previously approved for equipment enclosures and ancillary facilities is not increased; and
 - d. The antenna and its ancillary facilities meet all requirements as established in § Section 34-410(b).

- (5) An antenna classified as a collocation located on an existing building shall meet the following minimum criteria:
 - a. The height of the antenna does not exceed ~~15~~ 20 feet above the highest point of the building;
 - b. The ground space area, otherwise known as the compound, if any, previously approved for equipment enclosures and ancillary facilities is not increased;
 - c. The antenna and its ancillary facilities are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the building for initial antennas;

- (6) If only a portion of an application for a personal wireless service facility classified as a collocation does not meet the requirements of subsections (4) or (5) above, the noncompliant portion of the collocation application shall be reviewed as an initial antenna, under subsection (2) and the compliant remainder of the collocation application shall be reviewed in accordance with subsections (4) or (5), as applicable. A collocation application that complies with subsections (4) or (5), except that it is proposing to increase the equipment ground compound approved in the original site plan for equipment enclosure and ancillary facilities by no more than a cumulative amount of 400 square feet

or 50 percent of the original ground equipment enclosure size, whichever is greater, may continue to be reviewed as a collocation.

(7) Standards applicable to all antennas.

- a. All antennas must be at least 30 feet from ground level.
- b. An antenna and its ancillary facilities must meet all applicable requirements of the Florida Building Code.
- c. The antenna equipment shelter/cabinet must have a sign in close proximity which is readable from a distance of at least five feet, in accordance with FCC regulations, which notes the owner of the equipment and the name and telephone number of the person to contact to report an emergency or situation when notification is warranted.
- d. All additional requirements of state, federal and local law must be adhered to.

- (8) The review and approval of an application for an antenna under this section is by ~~site plan and~~ building permit review, except as an initial installation where existing buildings are proposed to be architecturally modified to conceal an antennae. Existing buildings that are proposed to be architecturally modified to conceal antennae must follow the site development plan approval process.

(b) Freestanding facilities.

(1) Freestanding facilities and their ancillary equipment shall be approved by site development plan review and ~~conditional-use~~ building permit granted by the Planning and Development Department only on property owned by the City of Jacksonville Beach or the Duval County School Board, with a contract approved by the respective owner, adjacent to on City energy substation properties (active or inactive), ~~commercial or industrial zoning districts~~, in City parks and facilities, including the golf course and cemeteries, ~~and adjacent to on public and private school properties, and in public rights-of-way in commercial or industrial zoning districts~~, provided the following criteria are met:

- a. The freestanding facility shall be designed so as to mimic a structure or natural feature that could reasonably be found and/or blend with the surrounding area, such as a light fixture or tree.
- b. Ancillary equipment must meet the following criteria:
 1. Shall be no wider than seven feet;
 2. Shall be no longer than 13 feet;

3. Shall not exceed the height limitations for mechanical equipment as provided by this Zoning Code;
 4. May be located within a required side or required rear yard, provided, that it shall be no closer than ten feet to any lot line;
 5. Shall be included in lot coverage and non-open space calculations for the site, including the pad;
 6. Shall be located on a concrete pad, unless required to be elevated due to FEMA regulations;
 7. Shall be screened from view by landscaping, architectural features, or a combination of both, and designed in a manner which minimizes nuisance impacts, such as noise and odor. Screening shall be at least equal to the height of the ancillary equipment on all sides and shall be maintained in good order; and
 8. Shall be set back from any existing residential dwelling at least one foot for every foot in height of the facility (dwellings located on the same parcel as the structure are excluded), as measured from the base of the structure containing the antennae to nearest property line of the residential dwelling(s).
- c. ~~The top of any freestanding facility and ancillary equipment shall not exceed the maximum height established for the zoning district in which the facility is located, as measured from base flood elevation, but in no case shall the height exceed 50 feet in height.~~
- d. For any freestanding facility that utilizes lighting, the lights must meet all applicable federal, state, and local regulations regarding shielding of lighting to protect sea turtles.
- e. The freestanding facility, its components, ancillary equipment, and screening must be maintained in good order. Failure to maintain the freestanding facility, its components, ancillary equipment, and screening shall constitute a violation of this chapter.
- (2) ~~The conditional use permit~~ development plan application for a freestanding facility ~~must be made in conjunction with the site plan review requirements set forth in the City Code. An application~~ shall include the following information:
- a. The name of the applicant(s) and whether each applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;

- b. A complete and accurate description of the proposed freestanding facility, including ~~where necessary,~~ a scale elevation drawings ~~or model~~ of the proposed freestanding facility;
- c. If applicable, documentation of any contract, license, lease, letter of understanding, agreement in principle, or other type of agreement with a personal wireless service provider for use of the freestanding facility and a summary of the agreement or arrangement;
- d. The proposed location of the freestanding facility together with both a legal description of the location, and a map in sufficient detail to indicate the location with precision;
- e. Proof that the property owner, if different from applicant, authorizes the installation of the facilities.
- f. The zoning/land use designation for the proposed freestanding facility;
- g. The height of the proposed freestanding facility;
- h. The projected collapse zone certification that in the event of fall or collapse of the freestanding facility, said freestanding facility would not damage or negatively impact the real or personal property of the surrounding property owners;
- i. Documentation demonstrating compliance with the provisions of state statute and City Codes;
- j. A detailed plan for landscaping any ancillary ground equipment, in such a manner that the landscaping will shield the equipment from the view of adjoining parcels and/or public rights-of-way, noting that the landscaping shall be native, xeriscape plants only;
- k. A detailed preventive maintenance program that meets minimum maintenance program standards for which the applicant is to remain solely responsible. The City will not be responsible for monitoring the maintenance program;
- l. Certification that the proposed equipment will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. § 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;
- m. The estimated timeframe for completion date for the location and/or construction or modification of each of the freestanding facilities and any ancillary equipment;

n. The identity and location of any landline backhaul network to each freestanding facility location, if applicable;

o. Whether the applicant, within a two-mile radius of the proposed location, has ever had any permit (or similar or equivalent authorization) revoked, rescinded, canceled or terminated which authorized the placement, construction, and/or modification of personal wireless service facilities, and, if so, what were the reasons surrounding such revocation;

p. The proposed equipment shall not interfere with or obstruct public safety telecommunications facilities in accordance with the applicable rules of the Federal Communications Commission; and

q. All applicable provisions of the City Code, the Land Development Code and the Florida Building Code shall be met.

(3) In evaluating the development plan and building permit applications ~~for a conditional use permit~~ for a freestanding facility, in addition to the findings standards of compliance with Section 34-259, Standards (1) through (7) 34-231, City Code, the Planning and ~~zoning board~~ Development Division shall consider and evaluate the above application criteria and the following, with the intent of balancing the reasonable allowance of a freestanding facility to provide personal wireless service in the area with the protection of the aesthetics of the area from adverse visual impacts:

a. The proposed location of the freestanding facility, including the zoning/land use designation of the site and abutting properties;

b. The proposed height of the freestanding facility;

c. The number and location of freestanding facilities and structures over 40 feet in height already existing within a 500-foot radius of the proposed freestanding facility;

d. The distance of the proposed freestanding facility to the nearest single-family residence measured from the freestanding facility to the boundary of the nearest single-family residence;

e. The proposed aesthetics of the freestanding facility and whether it visually blends in with surrounding buildings, structures and existing vegetation;

f. The potential impacts on property values of nearby or surrounding single-family properties.

(4) Upon granting site development plan and building permit approval ~~and conditional use permit~~ for the construction of a freestanding facility, the City reserves the right to inspect placement, construction and modification of such freestanding

facility and ancillary equipment for the life of the facility. Any modification, relocation, rebuilding, repairing, in any way without the issuance of all applicable approvals and permits will be deemed a violation of the permit and result in the removal of the freestanding facility and ancillary equipment.

(5) Removal of a freestanding facility and ancillary equipment. The City may require, upon notice with a reasonable opportunity to cure, the immediate removal of a freestanding facility and ancillary equipment if:

- a. It has been abandoned for a period in excess of six months;
- b. It falls into such a state of disrepair that it becomes an unsafe structure or becomes a public nuisance;
- c. It is modified, relocated, or rebuilt without the issuance of all applicable approvals and permits;
- d. ~~The conditional use permit has been revoked.~~

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 4. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS _____ DAY OF _____, A.D. 2018

William C. Latham, MAYOR

Laurie Scott, CITY CLERK