



**Agenda
City Council**

Monday, March 19, 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. **18-045** City Council Briefing Held March 5, 2018
- b. **18-046** Regular City Council Meeting Held March 5, 2018

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- a. **18-047** Accept the Monthly Financial Reports for the Month of February 2018

- b. 18-048
- Appointment of Two Trustees to the Firefighters' Pension Board
 - Appointment of a Fifth Member to the Firefighters' Pension Board
 - Appointment of Two Trustees to the Police Officers' Pension Board
 - Appointment of a Fifth Member to the Police Officers' Pension Board
- c. 18-049 Accept a Donation in the Amount of \$25,000 from Ms. Esther L. Ash to be Utilized Solely for Crime Prevention Programs
- d. 18-050 Approve a Draw from the Federal Equitable Sharing Fund to Upgrade Flashlights for Police Officers
- e. 18-051 Award Bid No. 1718-07 for Flame Resistant and Flame Retardant Clothing to Safety Products, Inc.

RESOLUTIONS

18-052 RESOLUTION NO. 2007-2018

A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018.

ORDINANCES

18-053 ORDINANCE NO. 2018-8105 (Second Reading)

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT: PUD ORDINANCE NUMBER 2013-8031, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. **(This Ordinance applies to the Ocean Terrace residential subdivision on South Beach Parkway. It would revise the allowable uses and structures in Tract D - Open Space, located along the western edge of the subdivision.)**

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.

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

The following City Council Members were in attendance:

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, Deputy City Manager Trish Roberts, Chief Financial Officer Karen Nelson, and Director of Planning and Development Bill Mann.

Purpose of Briefing

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

City Manager

Planning and Development projects

Director of Planning and Development, Mr. Bill Mann updated the Council regarding the following projects:

The Margaritaville hotel would be a 202-room hotel. The Planning and Development Department is expecting to receive a building permit application within three to six months.

Dolphin Depot, LLC recently submitted the initial development application, which included plans for 54 apartment homes and approximately 55 hotel rooms.

The Bikha property is a 78 room Element Hotel proposed for development on the southeast corner of Beach Blvd and A1A.

Latham Plaza parking lot meeting – Mr. Mann explained that he had received unsolicited interest in developing a parking garage along the south side of Latham Plaza, in the existing public parking lot. The garage would provide both public and private parking and would include residential townhouses along its north frontage, looking out over Latham Plaza and commercial space on the first floor of the 1st Street frontage. The interested party was told that if and when development proposals were entertained for that property, it would be through an RFP process. In addition, the City would not be interested in a project based on the pre-sale of residential units.

Community Redevelopment Agency (CRA) parking proposal – Mr. Mann explained the original offer from Mr. Steve Diebenow (the representative for the owner of the former Johnson Gallery property) regarding a vacant CRA parcel and part of the new 2nd Street parking lot, was being revised and would

be resubmitted in the near future. Once the offer is received, Mr. Mann would present it to the CRA and would provide copies to the City Council for review.

Dix.Hite + Partners – Mr. Mann stated Dix.Hite + Partners has submitted additional logo designs and a new pier entry concept design. The designs would be presented to Council at an upcoming Council Briefing.

Other Announcements

Mr. Forbes stated the purchasing and installation of the sand fencing project would be placed on hold due to the possibility of an upcoming Shore Protection Project. The Shore Protection Project would include the rebuilding of the dunes for the south end of Jacksonville Beach. Mr. Forbes stated if the sand fencing were put in place now, it would have to be removed during the Shore Protection Project.

Comprehensive Annual Financial Report

Mr. Forbes introduced Mr. Ryan Tucker with Purvis, Gray, and Company, LLC (an independent audit firm) to review the Comprehensive Annual Financial Report [on file] for the fiscal year ending September 30, 2017, for the City of Jacksonville Beach.

Mr. Tucker reviewed the audit findings stating the City is in excellent financial condition. The City was awarded two awards; a Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation Award.

Mr. Tucker presented a detailed review of the Audit Report. In summary, the City received an unqualified opinion on their financial statements, and the auditors found no major deficiencies in internal controls or compliance violations of any laws or regulations.

Mr. Forbes expressed the importance of planning for the future and preparing for the long-term financial condition of the City. He discussed the following items:

- Mr. Forbes offered an example of Beaches Energy and stated in the future energy would not be delivered in the same way as it is today. Mr. Forbes stated the City must keep up with the industry's changes.
- Mr. Forbes stated the City would need to be aware of a possible water crisis in the future and would need to be prepared to address that crisis and adapt accordingly.
- Mr. Forbes mentioned the need for the City to remain up-to-date with the ever-changing technology advancements in the workplace.

The briefing adjourned at 6:45 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

Draft

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 7:00 P.M.

ROLL CALL

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, City Attorney Susan Erdelyi, Chief Financial Officer Karen Nelson, Public Works Director Ty Edwards, Planning and Development Director Bill Mann, Director of Parks and Recreation Jason Phitides, 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 February 19, 2018
- Regular City Council Meeting held February 19, 2018

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

- Mary Phillips, 934 10th Street North, Jacksonville Beach, provided a handout with photos [on file] and spoke regarding variance approvals and code enforcement.
- Bobby Welton, 1032 11th Street South, #2, Jacksonville Beach, spoke regarding infrastructure renovations.

MAYOR AND CITY COUNCIL

- (a) **Item #18-038 - Future Changes Planned for the Jacksonville Housing Authority Units in Jacksonville Beach**

Mayor Latham requested the CEO and President of the Jacksonville Housing Authority (JHA), Fred McKinnies, to address the City Council on the proposed

changes for the Jacksonville Housing Authority Community located in Jacksonville Beach.

Mr. McKinnies reviewed the project JHA contracted with co-developer, The Vestcor Companies (TVC). Mr. McKinnies stated that since last year, the applications for development funds had been approved by the Florida Housing Finance Corporation (FHFC) for the State Apartment Incentive Loan, Activity Bonds, and 4% Tax Credits to secure resources for Jacksonville Beach. To date, approval is pending for the bonds to be issued by the Jacksonville Housing Finance Authority (JHFA).

Because of the structure of the funding, Phase 1 will include the demolition of 26 residential buildings (62 residential units) and reconstruct another 16 buildings as new structures, equating to a rebuild of 127 units.

Mr. McKinnies stated the residents that are impacted by the construction would be entitled, by Federal Law, to relocation benefits and will be allowed to return to the community upon completion if they so desire.

Mr. Thomason asked Mr. McKinnies the following questions:

- For residents that would be required to move, will their rent remain the same or will their rent increase at the new locations?

Mr. McKinnies stated the residents required to move during the construction process would be given these three options:

- Relocation to a different HUD property
- Relocate under a section 8 voucher.
- Relocate to market rate property, and the Relocation Act says the Housing Authority would to pay the difference [within limits]

- When the displaced residents move back to the newly built property, will their rent remain the same as it was before the upgrade?

Mr. McKinnies stated the cost of rent would remain the same.

- When the residents are required to move due to the start of construction, are there any services available to assist with transportation regarding school and work?

Mr. McKinnies stated the Housing Authority offers many different services to assist in making the transition as smooth for the families as possible.

There would be counseling available for the families. The Housing Authority also tries to relocate families according to their needs.

- What would be an estimate of how long a family would be displaced until they would be able to return to their new home?

Mr. McKinnies invited Mr. Steve Moore, CFO of The Vestcor Companies to address that concern.

Steve Moore, CFO of The Vestcor Companies (TVC), 3030 Hartley Road, Suite 310, Jacksonville, was present and addressed the Council as the co-developer of the project.

Mr. Moore stated there is an estimate of 4 – 6 month construction time for each building.

Ms. Wilson asked if all of the buildings would be demolished at the same time or if the buildings would be torn down in phases? Mr. McKinnies replied stating in Phase 1, all of the existing buildings would be demolished, and the 127 new units would be built in the same area. Phase 2 would begin later as resources become available.

Ms. Wilson asked if moving expenses would be paid for the families needing to relocate during construction. Mr. McKinnies stated all moving expenses would be paid for with the exception of deposits.

Ms. Wilson asked if the City of Jacksonville City Council would need to vote on this project. Mr. McKinnies responded that before the Housing Authority applies for the State Apartment Incentive Loan and the 4% tax credit, the City of Jacksonville Finance Authority approves the activity bonds for the construction phase of the project. Mr. McKinnies stated the next phase is for the project to go before the different boards for approval ending with final approval from the City of Jacksonville City Council.

Ms. Wilson asked what was the proposed target date to start the construction project. Mr. McKinnies stated the preliminary start of demolition would be towards the end of 2018 or the beginning of 2019.

Ms. Hoffman asked if after the completion of the project and the total 217 units are built, are there any plans for adding additional units to the area. Mr. McKinnies stated no additional units are planned to be built at this time. The preliminary plans for Phase 2 are rehabilitation. Mr. McKinnies stated other options had been discussed regarding possible public/private collaborations in the future that would benefit both the community and the residents.

Mr. Doherty asked how priority is given to the resident needing to be relocated to determine which resident and family can stay local, and which resident/family would be relocated further away. Mr. McKinnies stated the relocation needs of the displaced families would be based on the availability of units that fit the needs of the family.

Mr. Doherty asked if the new building would be built with soundproofing being that each new building would be housing double the number of people. Mr. McKinnies stated Vestcor is a premier developer in the State of Florida and is confident the new building will be of highest standards.

Speakers:

- Willie McLaurin, 102 S. 11th Street, Jacksonville Beach, spoke regarding future Jacksonville Housing Authority plans.
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, spoke regarding future Jacksonville Housing Authority plans.

Vestcor's Mr. Moore responded to the Speaker's questions regarding what were the plans for the single-family units and parking. He stated none of the current single-family homes would be demolished. Also, two paved parking spaces per unit would be added to the newly constructed units. Improvements to the storm drainage system and all City zoning requirements would be met.

Mr. McKinnies also responded to the Speaker's question by stating the rent for the current residents would not be affected or raised.

Mayor Latham thanked both Mr. Steve Moore and Mr. Fred McKinnies for attending the City Council meeting, providing detailed information regarding the project and answering questions. Mayor Latham asked Mr. Moore and Mr. McKinnies to remain in contact with him regarding any additional information regarding this housing project.

CITY CLERK

CITY MANAGER

- (a) **Item #18-039 – Accept the Independent Auditors' Report on the General Purpose Financial Statements of the City of Jacksonville Beach for the Fiscal Year Ending September 30, 2017**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2017.

Discussion:

Mr. Forbes stated the auditors' reports was discussed at the Council Briefing held prior to the City Council Meeting. The City received an unqualified audit opinion on the annual financial report.

Both Karen Nelson, Chief Financial Officer, and Ryan Tucker, a representative of Purvis Gray & Company, LLC were present to address any questions of the City's Comprehensive Annual Financial Report.

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

- (b) **Item #18-040 – Approve the City Manager's Decision to Appoint Michael Nadeau to the Position of Chief Financial Officer, Effective April 1, 2018**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the City Manager's decision to appoint Michael Nadeau to the position of Chief Financial Officer, effective April 1, 2018.

Discussion:

In response to Mr. Doherty's question regarding who would be filling Mr. Nadeau's position, Mr. Forbes explained there are two Business Analyst positions, one being a Council approved over-hire, to assist over the next two to four years. In addition, while the City works towards filling the position, there is a second Business Analyst to aid in the transition.

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

- (c) **Item #18-041 – Award Parts A, B, C, D, and E of Unit Price Bid Number 1617 05, Titled "Project 2 - Downtown Redevelopment District Infrastructure and Stormwater Pump Station Improvements," to *Petticoat Schmitt Civil Contractors, Inc.*, Authorize Construction Administration services with the Project Design Firm *GAI Consultants, Inc.*, and Construction Inspection Services through the City's Public Works Department**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Unit Price Bid Number 1617-05, titled "Project 2 - Downtown Redevelopment District Infrastructure and Stormwater Pump Station Improvements" to *Petticoat-Schmitt Civil Contractors, Incorporated*, authorize Construction Administration Services with the project's design firm, *GAI Consultants, Incorporated*, and authorize Construction Inspection Services through the City's Public Works Department, as described in the memorandum from the Public Works Director dated February 27, 2018.

Discussion:

An overview of the work summary and area limits of Project 2 was provided by Mr. Forbes.

Director of Public Works, Ty Edwards, reviewed the 12-part, block-by-block construction design. The method would allow for each block to be completed in approximately four to six weeks. He explained that the 12 parts are of varying sized areas based primarily on the diameter of the stormwater pipe, which varies in size from 72", 60" and down to 36", and to be installed at varying depths. The contractor is responsible for means and methods of the construction. The contractor might schedule work on more than one block at a time, with the blocks under construction sometimes adjacent and sometime spread apart.

Mr. Doherty stated his concern for the 20-month, completion timeline.

GAI Consultants' Design Engineer, Matt Bolyard, addressed the Council concerns regarding A1A traffic. Mr. Bolyard stated the FDOT has already approved the

required permit for the Maintenance Traffic Plan for A1A and explained the three traffic shifting phases, which would allow for all lanes to remain open during construction.

Mr. Edwards introduced Ryan Schmitt, a representative of Petticoat-Schmitt Civil Contractors, 6380 Philips Highway, Jacksonville, who addressed the Council regarding the difficulties of the project.

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

(d) **Item #18-042 – Award Bid Number 1718-05 General Contract for the Expansion of Beaches Energy Services Guana Substation**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid 1718-05 General Contract for the Expansion of Beaches Energy Services Guana Substation to the lowest responsive bidder, *JL Malone & Associates, LLC*.

Discussion:

Mr. Forbes explained the City does not have sufficient transformer capacity at our Guana substation if our Ft. Diego substation needed to be taken out of service due to rising water from the Intracoastal Waterway. The absence of a second transformer at the Guana substation increases the risk for Beaches Energy Services customers to be without electric service if another major storm should occur.

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

(e) **Item #18-043 – Approve the Purchase and Installation of Outdoor Exercise Equipment to Replace Existing Fitness Stations at South Beach Park**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase and installation of outdoor exercise equipment to replacing the existing fitness stations at South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated February 21, 2018.

Discussion:

Mr. Forbes stated the fitness stations were originally installed in 2005.

Director of Parks and Recreation, Jason Phitides, provided a brief overview of the equipment replacements, and stated that the installation would also include safety fall zones for each station.

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

RESOLUTIONS

ORDINANCES

(a) **Item #18-044 - ORDINANCE NO. 2018-8102 (First Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2018-8105, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT: PUD ORDINANCE NUMBER 2013-8031, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.
(This Ordinance applies to the Ocean Terrace residential subdivision on South Beach Parkway. It would revise the allowable uses and structures in Tract D - Open Space, located along the western edge of the subdivision.)”

Mayor Latham read the following:

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

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

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

Public Hearing

Mayor Latham opened the public hearing on Ordinance No. 2018-8105 and asked for the spokesperson of the applicant to address the City Council.

Speakers

- Nazim Washington, 4025 Coastal Avenue, Jacksonville Beach, a representative of the Ocean Terrace community, spoke in favor of the agenda item and provided photos of the fencing that has been improperly installed in the area. [*on file*]
- Ann Freudenthal, 4021 Palm Way, Jacksonville Beach, spoke about her disappointment with the space and enforcement but believed the approval of the request maybe best.

The following individual did not wish to speak but was in support of the agenda item:

- Scott Freudenthal, 4021 Palm Way, Jacksonville Beach

Mayor Latham requested Georgette Dumont of the Planning Commission to address the Council and provide an explanation of the Planning Commission's decision to deny the application. Ms. Dumont stated the Planning Commission voted unanimously to deny the application to avoid setting a precedent for future applicants.

- Joshua Labouef, 4090 Gulf Stream Drive, Jacksonville Beach, spoke in support of the agenda item.
- Paul Nelson Jacksonville Beach 4024 Gulfstream Drive, Jacksonville Beach, spoke in favor of the agenda item.
- Jenny Robles, 4074 Gulfstream Drive, Jacksonville Beach, the applicant for the Ocean Terrace HOA, spoke in favor of the agenda item.

Mayor Latham closed the Public Hearing.

Ex-Parte Communications

Mayor Latham read the following statement for the record:

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

Ms. Wilson stated that she surveyed the area with the HOA President, Jenny Robles.

There were no other ex-parte communications.

Mayor Latham read the following statement for the record:

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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2018-8105, amending *Planned Unit Development: PUD* Ordinance, governing the Ocean Terrace Residential Subdivision, (Ordinance No, 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract - D - Open Space, located along the west edge of the subdivision. (*Ocean Terrace Home Owners Association - Applicant*)

Discussion:

Mr. Forbes said Track-D, which is the subject of this proposed amendment, runs north to south along the western boundary of the PUD. All of the open space tracts within the PUD are owned by its Homeowners Association (HOA). Tract-D space was provided by the developer to protect a significant stand of old growth live oaks and to provide additional buffering for the existing homes to the immediate west of the PUD.

Director of Planning and Development, Bill Mann, stated the City owned 14-foot public alley, which lines the easterly edge of the HOA owned property, would be unaffected by the vote of this agenda item.

Mr. Doherty said he would like to see consequences for infractions committed by contractors.

Mr. Vogelsang exited the meeting at 8:45 p.m.

Ms. Hoffman questioned masonry as a permitted fence material in Exhibit A.

Mr. Mann added the original intent was to keep permanent structures out of the growth line of the significant stand of Oak trees that line Track-D and the reasoning remains the same today. If the Council deemed masonry as objectionable, the amendment could be made to the Exhibit.

Motion to Amend: It was moved by Ms. Hoffman and seconded by Mr. Doherty, to amend Exhibit A, to strike the word '*masonry*' from Section F and all Subsections.

Vote: Voice vote resulted in all Ayes by the Council Members.
The motion to amend was passed unanimously.

Roll call vote: Ayes – Buck, Doherty, Hoffman, Thomason, and Mayor Latham.
Nays – Wilson
The motion passed, as amended, 5-1.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:20 P.M.

Submitted by: Laurie Scott
City Clerk

Approval: _____
William C. Latham, MAYOR

Date: _____

Draft

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 February 2018
DATE: March 7, 2018

Action Requested

Accept the monthly financial reports for the month of February 2018.

Background

The monthly financial reports for February 2018 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 February 2018, as submitted by the Chief Financial Officer.



MEMORANDUM

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6299 #10

904.247.6250 #11

Fax: 904.247.6256

E-Mail: cityclerk@jaxbchfl.net

www.jacksonvillebeach.org

DATE: March 7, 2018

TO: The Honorable Mayor and
Members of the City Council

FROM: Duston Scott, Pension Plan Administrator

SUBJECT: Appointments to the Firefighters' Pension Board and Police
Officers' Pension Board

ACTION REQUESTED:

- Reappoint Gaylord George Candler to the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Dennis Povloski to the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Deborah White to serve as the fifth member on the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Marvin Dupree to the Police Officers' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Alan Grant to the Police Officers' Pension Board for a two year term expiring on March 31, 2020.
- Appoint John Galarneau to serve as the fifth member of the Police Officers' Pension Board for a term expiring March 31, 2020.

BACKGROUND:

Firefighters' Pension Board:

Dennis Povloski has served on the Firefighters' Pension Board since 2011 and was the Chairperson to the board. Gaylord George Candler has served on the Firefighters' Pension Board since 2011 and was the Chair Pro-Tem to the board. Both Mr. Povloski and Mr. Candler would like to be considered for re-appointment to the board. In addition, Jeffery Montello would like to be considered for appointment to the board. Attached are copies of their applications.



Memorandum to
Mayor and Council
March 7, 2018
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At their February 13, 2018, Quarterly Pension Board meeting, the Firefighters' Retirement System Board of Trustees voted unanimously to re-select Deborah White to serve as the fifth member. Ms. White was originally appointed in May 2009. The fifth member of the board is selected by the other four (4) members and appointed, as a ministerial act by the City Council.

Police Officers' Pension Board:

Marvin Dupree has served on the Police Officers' Pension Board since 2000 and was the Chairperson Pro-Tem to the board. Alan Grant was appointed to the board in 2008. Both Mr. Dupree and Mr. Grant would like to be considered for re-appointment to the board. In addition, Jeffery Montello would like to be considered for appointment to the board. Attached are copies of their applications.

At their February 27, 2018, Special Police Officers' Pension Board meeting, the Police Officers' Retirement System Board of Trustees voted to select John Galarneau to serve as the fifth member. The fifth member of the board is selected by the other four (4) members and appointed, as a ministerial act by the City Council.

RECOMMENDATION:

- Reappoint Gaylord George Candler to the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Dennis Povloski to the Firefighters' Pension Board to the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Deborah White to serve as the fifth member on the Firefighters' Pension Board for a two year term expiring on March 31, 2020.
- Reappoint Marvin Dupree to the Police Officers' Pension Board for a two year term expiring on March 31, 2020.
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- Appoint John Galarneau to serve as the fifth member of the Police Officers' Pension Board for a term expiring March 31, 2020.

City of Jacksonville Beach
Office of the City Clerk
11 North 3rd Street
Jacksonville Beach, Florida 32250 *ville Beach City Clerk*

Received
JAN 03 2013



Phone: (904) 247-6299 ext 10
FAX: (904) 247-6256
E-mail: cityclerk@jaxbchfl.net

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: GAYLORD GEORGE CANNON Home Phone: 508-631-6117
 Home Address: 507 16TH AVE. SWNT JAX BEACH 32250
 E-Mail Address: G.CANNON@UNF.EDU Cell Phone: 508-631-6117
 Occupation: EDUCATOR Business Phone: 904-622-1388
 Business Name: UNIVERSITY OF NORTH FLORIDA
 Business Address: _____

Eligibility - Please Circle

Are you a resident of the City?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, length of time: <u>7 YEARS</u>
Are you a registered voter?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, what County: <u>DUAL</u>
Do you own property in the City?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, address: <u>507 16TH AVE. S.</u>
Do you hold a public office?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, Office name: _____
Are you employed by the City?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, position: _____
Are you currently serving on a Board?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, Board Name: <u>FIRE FIGHTERS PENSION</u>
Have you been convicted of a felony?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: _____
Have your civil rights been restored?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: <u>N/A</u>
Have you filed bankruptcy?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details: _____

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Community Redevelopment Agency	<input checked="" type="checkbox"/> Pension Trustee

Please list the type of City meetings you have attended: Pension Board, City Council

Qualifications (Briefly describe specific expertise, abilities, or qualifications) PhD Public Policy
DIRECTOR UNF MASTER OF PUBLIC ADMINISTRATIVE PROGRAM

Education: PhD (Public Policy) INDIANA UNIVERSITY, BLOOMINGTON, INDIANA
B.LITT HONORS (INTERNATIONAL DEVELOPMENT), GRIFFITH UNIV. AUST
DEAKIN UNIVERSITY, GEELONG, VICTORIA AUSTRALIA
B.A. (POLITICS & SOCIETY) GRIFFITH UNIVERSITY, BRISBANE, AUSTRALIA

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

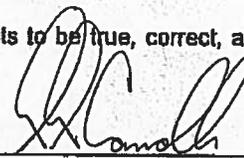
I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

4 Jul 17
Date


Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment **Yes** **No**

If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City of Jacksonville Beach
Office of the City Clerk
11 North 3rd Street
Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
FAX: (904) 247-6256
E-mail: cityclerk@jaxbchfl.net

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: <u>Dennis Povloski</u>	Home Phone: <u>None</u>
Home Address: <u>402 15th Street North, Jacksonville Beach, FL 32250</u>	
E-Mail Address: <u>dennis@dfpensions.com</u>	Cell Phone: <u>904-891-3703</u>
Occupation: <u>Third Party Administrator of Retirement Plans</u>	Business Phone: <u>904-853-6241</u>
Business Name: <u>DF Pensions, Inc.</u>	
Business Address: <u>131 2nd Avenue North, Suite 100, Jacksonville Beach, FL 32250</u>	

Eligibility - Please Circle

Are you a resident of the City?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, length of time: <u>17 years</u>
Are you a registered voter?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, what County: <u>Duval</u>
Do you own property in the City?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, address: <u>402 15th St N. Jacksonville Beach</u>
Do you hold a public office?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, Office name: <u>N/A</u>
Are you employed by the City?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, position: <u>N/A</u>
Are you currently serving on a Board?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, Board Name: <u>Fire Fighters Pension</u>
Have you been convicted of a felony?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: <u>N/A</u>
Have your civil rights been restored?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: <u>N/A</u>
Have you filed bankruptcy?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: <u>N/A</u>

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No *My civil rights have never been revoked*

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Community Redevelopment Agency	<input checked="" type="checkbox"/> 1	Pension Trustee

Please list the type of City meetings you have attended: Pension Board Meetings

Qualifications (Briefly describe specific expertise, abilities, or qualifications) 15 years experience as an administrator of private sector retirement plans, including actuarial services for defined benefit and cash balance plans. Though the types of plans we administer follow different rules than governmental plans, many of the actuarial concepts are similar.

Education: Bachelor's degree from the University of North Florida in Sociology. Various industry credentials from the American Society of Pension Professionals and Actuaries including Certified Pension Consultant, Qualified Pension Administrator, Qualified 401(k) Administrator, Qualified Plan Financial Consultant. I am also an Enrolled Retirement Plan Agent with the IRS.

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input type="checkbox"/> Caucasian	<input type="checkbox"/> Female
<input checked="" type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

1/4/2018
Date


Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment **Yes** **No** If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Not guaranteed until 12/16/17

City of Jacksonville Beach
Office of the City Clerk
11 North 3rd Street
Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
FAX: (904) 247-6256
E-mail: cityclerk@jaxbchfl.net

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: Jeffrey Montello _____	Home Phone: 904-525-7937 _____
Home Address: 315 33 rd Ave. South - 32250 _____	
E-Mail Address: jacksonvillejeff@gmail.com _____	FAX: _____
Business: Morgan Stanley _____	Business Phone: 904-543-7833 _____
Business Address: 50 A1A Ste 112 - 32082 _____	

Eligibility

Are you a resident of the City?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, length of time: 5 years _____
Are you a registered voter?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, what County: Duval _____
Do you own property in the City?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, address: _____
Do you hold a public office?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, Office name: _____
Are you employed by the City?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, position: _____
Are you currently serving on a Board?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, Board Name: _____
Have you been convicted of a felony?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, provide date: _____
Have your civil rights been restored?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No
If yes, please provide details: _____

City Boards (Please indicate your preferences by ranking - denote your first choice with a "1", second choice with a "2", etc.)

3	Board of Adjustment	4	Planning Commission
2	Community Redevelopment Agency	1	Pension Trustee

Please list City meetings you have attended: _____

Qualifications (Briefly describe specific expertise, abilities or qualifications) I am a Financial Advisor with Morgan Stanley and hold several Securities licenses (Series 7, 63, 66) and have a deep understanding of micro/macroeconomics and financial planning. I have a deep love for our community and would love the opportunity to get involved and help anyway I can utilizing my professional skills for the betterment of the beaches.

Education: UNF, UCF – AA and BS degrees awarded. UNF concentration on Finance Investing, UCF concentration on Advertising / PR.
FINRA REGISTERED – SERIES 7, 66, 63

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please check the appropriate boxes.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Council when vacancies occur and are effective for two years from date of completion.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

Date

Jeffrey Mantello
Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment

Not eligible for appointment

Explanation: _____

Appointed to: _____

Date: _____

Appointed to: _____

Date: _____

Appointed to: _____

Date: _____

City of Jacksonville Beach
 Office of the City Clerk
 11 North 3rd Street
 Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
 FAX: (904) 247-6256
 E-mail: cityclerk@jaxbeachfl.net

Received
 DEC 21 2017
 Jacksonville Beach City Clerk

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: Deborah White Home Phone: 757-1832
 Home Address: 3053 Sunset Landing Dr JAY, 32226
 E-Mail Address: dwhite@coab.us Cell Phone: 2530645
 Occupation: CODE ENFORCEMENT Business Phone: 2475855
 Business Name: CITY OF ATLANTIC BEACH
 Business Address: 800 Seminole Rd - AB 32233

Eligibility - Please Circle

Are you a resident of the City?	Yes	<input type="radio"/> No	If yes, length of time: _____
Are you a registered voter?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, what County: _____
Do you own property in the City?	Yes	<input type="radio"/> No	If yes, address: _____
Do you hold a public office?	Yes	<input type="radio"/> No	If yes, Office name: _____
Are you employed by the City?	Yes	<input type="radio"/> No	If yes, position: _____
Are you currently serving on a Board?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, Board Name: <u>FIRE PENSION</u>
Have you been convicted of a felony?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	If yes, provide date: _____
Have your civil rights been restored?	Yes	<input type="radio"/> No	If yes, provide date: _____
Have you filed bankruptcy?	Yes	<input type="radio"/> No	If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Community Redevelopment Agency	<input checked="" type="checkbox"/> Pension Trustee

Please list the type of City meetings you have attended: PENSION

Qualifications (Briefly describe specific expertise, abilities, or qualifications) CERTIFIED FPPTA TRUSTEE

Education: FPPTA CERTIFIED TRUSTEE
PREVIOUSLY ON General Employees Pension
BOARD elected by Employees
Pension TRUSTEE FOR 13 FOR YEARS

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

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Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

12/19/2017 _____
 Date Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment Yes No
 If not eligible for appointment
 Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City of Jacksonville Beach
 Office of the City Clerk
 11 North 3rd Street
 Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
 FAX: (904) 247-6256
 E-mail: cityclerk@jaxbchfl.net

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: MARVIN V. DUPREE Home Phone: 904-285-4010
 Home Address: 4022 DUVAL DR JAX BCH, FL 32250
 E-Mail Address: BODUCPA@AUG.COM Cell Phone: 246-2001
 Occupation: Self-employed CPA Business Phone: 246-2001
 Business Name: MARVIN V. DUPREE, CPA
 Business Address: 1511-C PENMAN Rd. JAX BCH, FL. 32250

Eligibility - Please Circle

Are you a resident of the City? Yes No If yes, length of time: 40 YRS.
 Are you a registered voter? Yes No If yes, what County: DUVAL
 Do you own property in the City? Yes No If yes, address: 1511-C PENMAN RD.
 Do you hold a public office? Yes No If yes, Office name: _____
 Are you employed by the City? Yes No If yes, position: _____
 Are you currently serving on a Board? Yes No If yes, Board Name: POLICE OFFICERS - JAX BCH
 Have you been convicted of a felony? Yes No If yes, provide date: _____
 Have your civil rights been restored? Yes No If yes, provide date: _____
 Have you filed bankruptcy? Yes No If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Community Redevelopment Agency	<input checked="" type="checkbox"/> 1	Pension Trustee

Please list the type of City meetings you have attended: Periodic city council, most pension board meetings

Qualifications (Briefly describe specific expertise, abilities, or qualifications) Currently active licensed CPA in JAX BCH for 35 years. Currently on JAX BCH POLICE PENSION BOARD

Education: B.S. degree 1972 - ACCOUNTING

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

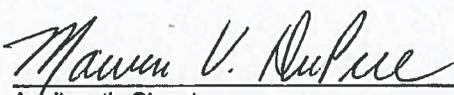
I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

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By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

3/6/2018
 Date


 Applicant's Signature

Please do not write below – Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment	Yes	No	If not eligible for appointment
			Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City of Jacksonville Beach
Office of the City Clerk
11 North 3rd Street
Jacksonville Beach, Florida 32250

RECEIVED



Phone: (904) 247-6299 ext 10
FAX: (904) 247-6256
E-mail: cityclerk@jaxbchfl.net

DEC 19 2017

Application for Appointment to City Boards
City Clerk

Personal Information (Please print or type)

Name: ALAN RAY GRANT Home Phone: 904 241 3840
 Home Address: 61 TALLWOOD Rd JAX BEACH
 E-Mail Address: AGRANT8789@Bellsouth.net Cell Phone: 904 655 1534
 Occupation: DUVAL COUNTY SCHOOL BOARD Business Phone: 904 7395294
 Business Name: _____
 Business Address: _____

Eligibility - Please Circle

Are you a resident of the City? Yes No If yes, length of time: _____
 Are you a registered voter? Yes No If yes, what County: _____
 Do you own property in the City? Yes No If yes, address: _____
 Do you hold a public office? Yes No If yes, Office name: _____
 Are you employed by the City? Yes No If yes, position: _____
 Are you currently serving on a Board? Yes No If yes, Board Name: POLICE Pension Board
 Have you been convicted of a felony? Yes No If yes, provide date: _____
 Have your civil rights been restored? Yes No If yes, provide date: _____
 Have you filed bankruptcy? Yes No If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Community Redevelopment Agency	<input checked="" type="checkbox"/> Pension Trustee

Please list the type of City meetings you have attended: Prior to Police Pension Board I WAS ON THE code ENFORCEMENT Board, so I Attended Those meetings

Qualifications (Briefly describe specific expertise, abilities, or qualifications) BEEN ON THE POLICE BOARD SINCE 2008 AND ALSO code ENFORCEMENT Board.

Education: General A.S. Degree, state of Florida Building contractor, Real estate Business owner since 1994, Active investor.

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>	<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known	

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

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Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

12-18-2017
 Date Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment **Yes** **No** If not eligible for appointment
 Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

City of Jacksonville Beach
 Office of the City Clerk
 11 North 3rd Street
 Jacksonville Beach, Florida 32250



Phone: (904) 247-6299 ext 10
 FAX: (904) 247-6256
 E-mail: cityclerk@jaxbeachfl.net

RECEIVED

JAN 30 2018

Application for Appointment to City Boards

Personal Information (Please print or type)

Name: <u>John P. Galameau</u>	Home Phone: <u>249-0282</u>
Home Address: <u>2002 Grove Street; Jacksonville Beach, FL 32250</u>	
E-Mail Address: <u>galamea@infionline.net</u>	Cell Phone: <u>993-0473</u>
Occupation: <u>Retired U.S. Army / Retired U.S. Navy Civil Service</u>	Business Phone: <u>N/A</u>
Business Name: <u>N/A</u>	
Business Address: <u>N/A</u>	

City Clerk

Eligibility - Please Circle

Are you a resident of the City?	<input checked="" type="radio"/> Yes	No	If yes, length of time: <u>31 years</u>
Are you a registered voter?	<input checked="" type="radio"/> Yes	No	If yes, what County: <u>Duval</u>
Do you own property in the City?	<input checked="" type="radio"/> Yes	No	If yes, address: <u>2002 Grove Street</u>
Do you hold a public office?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, Office name: _____
Are you employed by the City?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, position: _____
Are you currently serving on a Board?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, Board Name: _____
Have you been convicted of a felony?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: _____
Have your civil rights been restored?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: <u>N/A</u>
Have you filed bankruptcy?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	If yes, provide date: _____

Potential Conflict of Interest: Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Jacksonville Beach? Yes No

If yes, please provide details:

City Boards (Please indicate your preferences by ranking - denote your Primary choice with a "1", Secondary choice with a "2".)

<input type="checkbox"/>	Board of Adjustment	<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Community Redevelopment Agency	1	Pension Trustees

Please list the type of City meetings you have attended: City Council, BOA, CRA and various Council workshops

Qualifications (Briefly describe specific expertise, abilities, or qualifications)

Keen interest in building consensus and finding the best outcomes for pension members, the city and residents.

Education: <u>Central Texas College - 2 years</u>

Application for Appointment to City Boards (cont.)

State Reporting Requirements

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board members and elected officials. Please circle the appropriate responses.

<u>Race</u>		<u>Gender</u>	<u>Physically Disabled</u>
<input type="checkbox"/> African-American	<input checked="" type="checkbox"/> Caucasian	<input type="checkbox"/> Female	<input type="checkbox"/> Yes
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> No
<input type="checkbox"/> American Indian/Alaskan	<input type="checkbox"/> Not Known		

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form 1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete, or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete, or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Clerk and are valid for two years from the date they are submitted. All applicants are interviewed following their application submittal. When vacancies occur, the City Council considers all eligible applicants and votes to make board appointments.

By submitting this form, I declare the foregoing facts to be true, correct, and complete. Additionally I hereby authorize a criminal background check.

1 - 30 - 2018
Date

Jul Yelaneau
Applicant's Signature

Please do not write below - Staff use

Date application received: _____

Interviewed on: _____

Eligible for appointment **Yes** **No** If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ 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

POLICE DEPARTMENT

Patrick K. Dooley

Chief of Police

To: George D. Forbes, City Manager

From: Patrick K. Dooley, Chief of Police

Subject: Request to Accept Donation in the Amount of \$25,000 from Ms. Esther L. Ash to be Utilized Solely for Crime Prevention Programs

Date: January 2, 2018

ACTION REQUESTED

Accept a donation in the amount of \$25,000 from Ms. Esther L. Ash to be utilized solely for crime prevention programs.

BACKGROUND

On December 24, 2017, Ms. Esther L. Ash of Jacksonville Beach arrived at police headquarters to donate a check in the amount of \$25,000 to the Jacksonville Beach Police Department. Chief Patrick K. Dooley contacted Ms. Ash to discuss the possible usage of this donation. If accepted, the money would be utilized solely for crime prevention programs, such as the Kids Fishing Rodeo, Halloween Party, Christmas party, and other crime-prevention programs.

If approved, the donation would be deposited into the Police Department contributions and donations account.

RECOMMENDATION

Approve acceptance of a donation in the amount of \$25,000 from Ms. Esther L. Ash to be utilized solely for crime prevention programs.



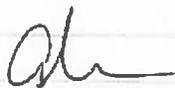
To The Jacksonville Beach Police Department:

This is a donation specifically for the Jacksonville Beach Police Department to be used by the Department to help further the departments objectives, whether it is used for the officers, fund raisers, uniforms, cars, equipment and/or safety for the officers, and/or to help the community.

This is in appreciation for each and every officer who places their lives in jeopardy to make sure our community and its residents are safe and well protected.

Thank you for everything you do for all of us!

Sincerely,

Cather Lina 

12/24/17

P.S. + HAPPY HOLIDAYS

JACKSONVILLE BEACH

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 Federal Equitable Sharing Fund to Upgrade Flashlights for Police Officers

Date: March 4, 2018

ACTIONS REQUESTED

Approve a draw from the Federal Equitable Sharing Fund to upgrade flashlights for police officers.

BACKGROUND

The police department issues two flashlights to all police officers. The first is the Streamlight Stinger XT which is a smaller rechargeable flashlight that is carried on the duty belt so officers are never without a flashlight. These flashlights were originally purchased 15 years ago and have reached the end of service life.

The second flashlight issued by the police department is the Mag-Lite. This flashlight is larger, and the charger is mounted inside the patrol vehicle. The Mag-Lite is normally used by the officers. These flashlights were initially purchased 30 years ago. The manufacturer has refurbished many of these flashlights over the years; however, the manufacturer no longer offers that service.

Over time, technology has greatly improved as well. When these flashlights were originally purchased, they produced 180 lumens. The new LED flashlights produce 800 lumens.

Both the smaller Stinger and the Mag-Lite flashlights can be upgraded to LED flashlights from the Federal Equitable Sharing Funds.

The cost for the Streamlight Stinger and charger is $\$96.75 \times 75 = \$7,256.25$. The cost for the Mag-Lite and charger is $\$74.50 \times 75 = \$5,587.50$. The total expenditure requested is **\$12,843.75**.

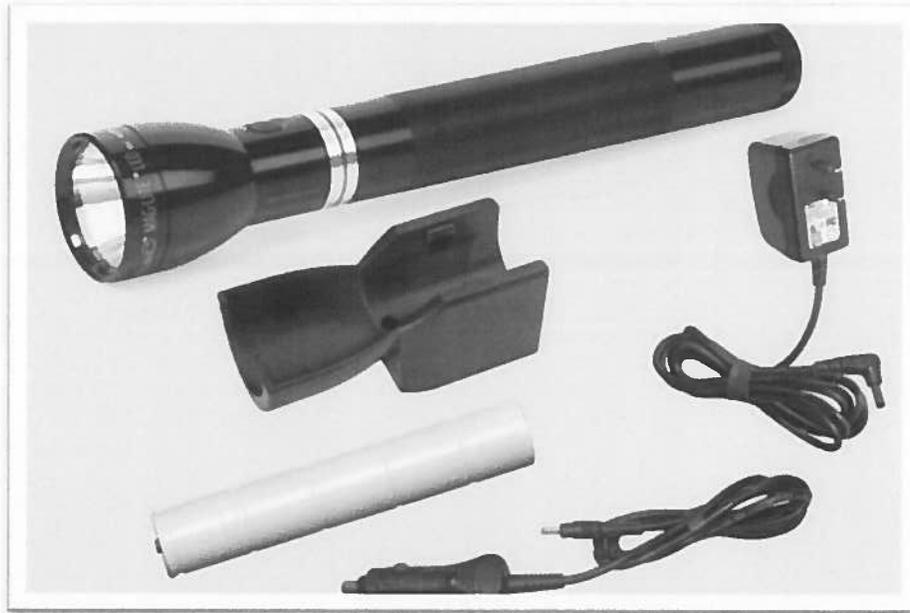
This pricing was provided by Chief Supply Company, which was the lowest of three quotes. (The other quotes were from GT Distributors, Inc. \$13,596.00, and Galls \$15,059.00)

The recommended expenditures meet statutory requirements for the use of Federal Equitable Sharing Funds.

RECOMMENDATION

Approve a draw of **\$12,843.75** from the Federal Equitable Sharing Fund to purchase flashlights for police officers as described in a March 4, 2018, memorandum from Police Chief Patrick K. Dooley.

MAG-LITE CHARGER LED RECHARGEABLE SYSTEM



STREAMLIGHT STINGER DS LED RECHARGEABLE FLASHLIGHT





BEACHES | ENERGY
S E R V I C E S

TO: George D. Forbes
City Manager

FROM: Allen Putnam
Director of Beaches Energy Services

DATE: March 8, 2018

SUBJECT: Flame Resistant and Retardant Clothing

ACTION REQUESTED:

Approval of Bid No. 1718-07 – Flame Resistant and Retardant Clothing

BACKGROUND:

The City of Jacksonville Beach solicited bids from two (2) vendors. On February 13, 2018, two (2) bids were received for Bid No. 1718-07. The bid submitted by American Solutions was deemed non-compliant as their pricing was not provided in the required format to allow for comparative pricing. This bid covers seven (7) different items of fire resistant and fire retardant clothing utilized by Beaches Energy Services Operations and Maintenance Department.

These employees are required to wear this specific clothing in order to safely conduct their day to day work of maintaining the overhead and underground electric system. Based upon past experience, we expect to order:

- Three-hundred forty-five (345) each of items 1, 2, and 4;
- Three-hundred forty-five (345) each of a combination of items 5, 6, and 7; and
- The total cost is approximately \$55,872 annually.

The bid met specifications and pricing is as follows:

Item	Description	Vendor*	Unit
1	T-Shirts with Pockets	Safety Products, Inc.	\$38.91
2	Woven Shirts with Pockets	Safety Products, Inc.	\$62.24
3	Duck Quilt-Lined Active	Safety Products, Inc.	\$176.92
4	Flame-Resistant Full Zip-Front Hooded Sweatshirt	Safety Products, Inc.	\$113.07
5	Flame-Resistant Cotton	Safety Products, Inc.	\$45.00
6	Flame-Resistant Cargo	Safety Products, Inc.	\$41.50
7	Flame-Resistant Uniform	Safety Products, Inc.	\$46.06

Funds are budgeted annually in Beaches Energy Services' Operating Supplies.

RECOMMENDATION:

Award Bid No. 1718-07 for Flame Resistant and Flame Retardant Clothing to Safety Products Inc.

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

March 2, 2018

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

ACTION REQUESTED:

Approve Resolution 2007-2018 adopting the mid-year budget adjustment.

BACKGROUND:

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

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

The budget adjustments were previously approved by the City Council, Community Redevelopment Agency or Pension Boards, or discussed with the City Council at budget workshops with the following exceptions:

Funding:	Amount	Description:
Electric Fund	\$437,948	Emergency repairs at Sampson Substation
Stormwater Fund	\$63,675	Emergency equipment rentals related to Hurricane Irma
Sanitation Fund	\$440,500	Additional debris removal costs related to Hurricane Irma

Monies are available to fund all requested expenditures.



RECOMMENDATION:

Adopt Resolution 2007-2018 authorizing the mid-year budget adjustment.

KN/ag

Introduced by: _____

Adopted: _____

RESOLUTION NO. 2007-2018

**A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE
BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING
SEPTEMBER 30, 2018**

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

SECTION 1: The following items of appropriations for the functions, agencies and departments of the City government for the fiscal year beginning October 1, 2017 and ending September 30, 2018 be amended as follows:

General Fund – 001

General Fund Revenues :

- | | | | | |
|--|----|----|-------|--------------------|
| Donations and contributions - Ocean Rescue | a. | \$ | 3,086 | 001-0000-366.91-04 |
|--|----|----|-------|--------------------|
- a. To adjust budget for Ocean Rescue donations to offset the cost of two APX 1000 radios to be used by lifeguards.

General Fund Expenditures :

Parks & Recreation

- | | | | | |
|----------------------------|----|----|-------|--------------------|
| Capital outlay - equipment | a. | \$ | 3,086 | 001-0602-575.64-00 |
|----------------------------|----|----|-------|--------------------|
- a. To adjust budget for Ocean Rescue donations to offset the cost of two APX 1000 radios to be used by lifeguards.

Police

- | | | | | |
|--|----|----|--------|--------------------|
| Personal services - wages (Admin division) | a. | \$ | 5,675 | 001-0901-521.12-00 |
| Personal services - wages (Detective division) | a. | \$ | 51,779 | 001-0903-521.12-00 |
| Personal services - wages (Patrol division) | a. | \$ | 62,458 | 001-0904-521.12-00 |
| Personal services - wages (Services division) | a. | \$ | 10,883 | 001-0906-521.12-00 |
- a. To adjust budget for FOP contract ratification. Approved by Council 12-18-2017.

Non-departmental

- | | | | | |
|---------------------------|----|----|-----------|--------------------|
| Operating - other charges | a. | \$ | (130,795) | 001-0000-519.49-00 |
|---------------------------|----|----|-----------|--------------------|
- a. To adjust budget for net General Fund costs of mid-year budget adjustment.

Convention Development Fund - 130

Expenses:

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Capital outlay - improvements | a. | \$ | 500,000 | 130-0404-575.63-00 |
|-------------------------------|----|----|---------|--------------------|
- a. To adjust budget for implementation of golf course master plan. Approved by Council 11-6-2017.

Half-cent Infrastructure Surtax Fund (BJB) - 151

Expenses:

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Capital outlay - improvements | a. | \$ | 500,000 | 151-0000-572.63-00 |
|-------------------------------|----|----|---------|--------------------|
- a. To adjust budget for implementation of golf course master plan. Approved by Council 11-6-2017.

Southend Redevelopment Fund - 182**Expenses:**

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Capital outlay - improvements | a. | \$ | 138,518 | 182-1602-515.63-00 |
|-------------------------------|----|----|---------|--------------------|
- a. To adjust budget for splash pad expansion at South Beach Park. Approved by CRA 1-22-2018 and Council on 2-5-2018.

General Capital Projects Fund - 315**Revenues:**

- | | | | | |
|------------------------------------|----|----|---------|--------------------|
| Transfer from Leased Property Fund | b. | \$ | 141,917 | 315-0000-381.73-00 |
|------------------------------------|----|----|---------|--------------------|

Expenses:

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Operating - repairs | a. | \$ | 60,748 | 315-0000-519.46-00 |
| Capital outlay - buildings | b. | \$ | 253,623 | 315-0000-519.62-00 |
| Capital outlay - vehicles | c. | \$ | 23,744 | 315-0000-522.64-01 |
| Capital outlay - improvements | d. | \$ | 468,125 | 315-0000-572.63-00 |
- a. To adjust budget for sand fencing construction from 16th Ave South to St. Johns County line. Approved by Council 2-19-2018.
- b. To adjust budget and provide partial funding for water intrusion repairs at the Community Services Center facility located at 850 6th Ave South. Approved by Council 12-4-2017 and 2-19-2018.
- c. To adjust budget for additional funding required for replacement of fire rescue pumper. Approved by Council 12-4-2017.
- d. To adjust budget for implementation of golf course master plan. Approved by Council 11-6-2017.

Electric Fund - 410**Expenses:**

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Capital outlay - improvements | a. | \$ | 20,218 | 410-1229-531.63-00 |
| Capital outlay - improvements | b. | \$ | 437,948 | 410-1229-531.63-00 |
- a. To adjust budget for fiber optic cable from Sampson Substation to Ft. Diego Substation. Approved by Council 2-5-2018.
- a. To adjust budget for emergency repairs at Sampson Substation.

Water & Sewer Fund - 420**Revenues:**

- | | | | | |
|--------------------------------------|----|----|--------|--------------------|
| Other Misc. Revenue - Reimbursements | a. | \$ | 23,785 | 420-0000-369.02-00 |
|--------------------------------------|----|----|--------|--------------------|

Expenses:

- | | | | | |
|-------------------------------|----|----|--------|--------------------|
| Operating - repairs | a. | \$ | 23,785 | 420-0707-536.46-04 |
| Capital outlay - improvements | b. | \$ | 76,346 | 420-0707-536.63-00 |
- a. To adjust budget for emergency road repairs within the area of 2nd St. N and 9th Ave N caused a 12" water main break on 10-27-2017. City reimbursed by contractor for costs.
- b. To adjust budget for water main upgrade to increase fire flow for Seascape Condominiums. Approved by Council 2-5-2018.

Stormwater Fund - 423**Expenses:**

- | | | | | |
|---------------------|----|----|--------|--------------------|
| Operating - rentals | a. | \$ | 63,675 | 423-0712-536.44-00 |
|---------------------|----|----|--------|--------------------|
- a. To adjust budget for emergency equipment rentals during Hurricane Irma. Costs not previously included in the 2017 yearend budget modification.

Sanitation Fund - 430

Expenses:

- | | | | | |
|-------------------------------|----|----|---------|--------------------|
| Operating - contract services | a. | \$ | 440,500 | 430-0713-534.34-05 |
| Capital outlay - improvements | a. | \$ | 500,000 | 430-0713-534.63-00 |
- a. To adjust budget for additional Hurricane Irma debris removal costs.
a. To adjust budget for implementation of golf course master plan. Approved by Council 11-6-2017.

Leased Facilities Fund - 460

Expenses:

- | | | | | |
|---|----|----|---------|--------------------|
| Transfer to General Capital Projects Fund | a. | \$ | 141,917 | 460-0314-581.91-35 |
|---|----|----|---------|--------------------|
- a. To provide partial funding for water intrusion repairs at the Community Services Center facility located at 850 6th Ave South. Approved by Council 12-4-2017 and 2-19-2018.

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

SECTION 3. The City Council recognizes that the Budget is a revenue and spending plan which requires adjustment from time to time as circumstances change. The City Council gives authorization to the City Manager to make Budget Amendments in the budget for the fiscal period beginning October 1, 2017 and ending September 30, 2018, at the department level as long as the amendments do not increase or decrease the overall budget for the related department in the General Fund, or at the fund level in a fund other than the General Fund.

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

SECTION 5. The City Council further authorizes the City Manager to make budget amendments in the budget for the fiscal period beginning October 1, 2017 and ending September 30, 2018, in furtherance of improvements or works which were approved by the City Council and begun in a previous year, but which were not completed in those years, and any such adjustment shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

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

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

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

AUTHENTICATED this ___th day of March, 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. 2018-8105, AS AMENDED**, amending *Planned Unit Development*: PUD Ordinance, governing the *Ocean Terrace Residential Subdivision*, (Ordinance No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D – Open Space, located along the west edge of the subdivision (*Ocean Terrace Home Owners Association – Applicant*)

Date: March 9, 2018

ACTION REQUESTED:

Adopt Ordinance No. 2018-8105, AS AMENDED AT 1st READING, amending *Planned Unit Development*: PUD Ordinance, governing the *Ocean Terrace Residential Subdivision*, (Ordinance No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D – Open Space, located along the west edge of the subdivision. (*Ocean Terrace Home Owners Association – Applicant*)

BACKGROUND:

In 2013, Richmond American Homes of Florida applied for a rezoning of the property that is now the *Ocean Terrace* residential subdivision. The rezoning of the 9.9 acre property from *Residential, single-family: RS-1* to *Planned Unit Development: PUD* was approved by City Council and is governed by Ordinance No. 2013-8031. The PUD consists of 59 single-family lots. The developer also applied for, and received under application BOA#12-100203, a variance for five percent open space instead of the minimum 20 percent open space required for PUD developments. After the variance was granted, the developer provided 9.2 percent open space within the PUD that was spread over four separate open space parcels or tracts.

Tract D, which is the subject of this proposed amendment, runs north to south along the western boundary of the PUD, parallel to an unimproved 14-foot public alley. All of the open space tracts within the PUD are owned by its Homeowners Association (HOA). Tract D space was provided by the developer in order to protect a significant stand of old growth live oaks and to provide additional buffering



for the existing homes to the immediate west of the PUD. According to the property owners adjacent to Tract D, the lots that are adjoining were sold at a higher premium than other lots in the PUD.

Pursuant to the approved PUD Ordinance No. 2013-8031, no structures are permitted in Tract D, including fences. A fence was required to be erected by the developer along the western boundary of Tract D prior to construction as part of the approved PUD. However, the developer, and some homeowners who were unaware of the PUD restrictions, did install fences across Tract D in order to provide safety and security for their property, pets, and families.

In 2017, the City was notified of certain non-permitted fences that have been installed running east to west across Tract D, and a code enforcement case was initiated against the Home Owners Association (HOA). Control of that association has recently transferred from the developer to the homeowners. Staff advised representatives from the HOA that a PUD amendment would be required to legally permit fences and any other structures in Tract D. The HOA has now submitted an application to amend the PUD narrative in order to allow fences to be installed across Open Space Tract D, and to allow movable temporary structures, such as benches and play equipment within the tract. Currently, Tract D is only accessible from the adjacent lots, due to the fences installed and large hedges planted that prohibit access from the north and south into the tract.

The homeowners adjacent to Tract D want to keep Tract D as open space and also to have the ability to maintain and secure their properties as well, as they essentially have become responsible for watering and maintaining the portion of Tract D that is immediately adjacent to their properties.

In May of 2016, the Covenants and Restrictions for the HOA were amended to make Tract D "limited open space" instead of "common open space" which makes it essentially available only to the immediately adjacent properties. That amendment, together with this PUD Ordinance amendment, would allow their desired limited use of Tract D. If this PUD Ordinance amendment is not approved, fences or other structures would continue to be prohibited in Tract D.

The Planning Commission met to consider the proposed Planned Unit Development Amendment on February 12, 2018 and voted unanimously to recommend denial of the amendment to the City Council, citing their concerns over setting a precedent where agreements between a developer and the City have been approved, and then any conditions of approval subsequently being allowed to be amended to the benefit to property owners.

At the March 5, 2018 First Reading/Public Hearing on Ordinance No. 2018-8105, the City Council approved the Requested PUD amendment, but amended it to specifically prohibit masonry walls or fences with Tract D. The attached Ordinance No. 2018-8105 has been amended to reflect that 1st Reading amendment by the City Council.

RECOMMENDATION:

1. **Adopt Ordinance No. 2018-8105, AS AMENDED**, amending *Planned Unit Development*: PUD Ordinance, governing the *Ocean Terrace Residential Subdivision*, (Ordinance No. 2013-8031) by revising the PUD Narrative as it relates to allowable uses and structures in Tract D – Open Space, located along the west edge of the subdivision. (*Ocean Terrace Home Owners Association* – Applicant)
2. **Approve Findings of Fact - Ordinance No. 2018-8105**, dated March 19, 2018.

FINDINGS OF FACT
Ordinance No. 2018-8105

March 19, 2018

SUBJECT: Ordinance No. 2018-8105, as amended, amending *Planned Unit Development: PUD* Ordinance No. 2013-8031 by revising the regulations therein pertaining to allowable uses in Open Space Tract D.

Pursuant to Article VI, Section 34-211(c) of the Land Development Code of the Jacksonville Beach Code of Ordinances, the City Council shall consider the adoption of an ordinance enacting an amendment to the Zoning Atlas or Code based on only one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.

- (1) Whether the proposed amendment is consistent with the comprehensive plan;
- (2) Whether the proposed amendment is in conflict with any portion of the LDC;
- (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;
- (4) Whether and the extent to which there are any changed conditions that require an amendment;
- (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;
- (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;
- (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;
- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Based on a review of the PUD Zoning application, staff analysis of the information submitted, and the City Council public hearing conducted on March 5, 2018 on the proposed PUD amendment, the City Council finds that the applicant has fulfilled his or her burden to show that the proposed PUD amendment should be approved as follows:

1. The proposed amendment will not diminish the availability of adequate public facilities to serve the existing and proposed uses of the subject property.
2. No testimony was heard at the March 5, 2018 City Council Public Hearing held on the application that adjacent properties to the west of the subject property and its Open Space-Tract D would be negatively impacted by the proposed amendment to revise the allowable uses of Tract D to include certain non-permanent structures.
3. Open space provision within the subject property will remain compliant with approved Open Space standards for the PUD.
4. The existing and proposed uses of the subject property will remain consistent with the *Residential - Low Density* Future Land Use designation of the property in the 2030 Comprehensive Plan.

Introduced by: Jeanell Wilson
1st Reading: March 5, 2018
2nd Reading: March 19, 2018

AS AMENDED

ORDINANCE NO. 2018-8105

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT: PUD ORDINANCE NUMBER 2013-8031, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, the City Council approved the rezoning of certain lands in the City from *Residential, single-family: RS-1* to *Planned Unit Development: PUD* on October 7, 2013 via Ordinance No. 2013-8031, for the Ocean Terrace Subdivision; and

WHEREAS, the Ocean Terrace Home Owners Association (HOA) desires to amend the PUD Narrative approved via Ordinance No. 2013-8031, to remove the prohibition of certain allowable uses and structures in “Tract D” – Open Space, located along the west edge of the Ocean Terrace subdivision; and

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

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

SECTION 1. The City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that the proposed Planned Unit Development: PUD text amendment will not result in an adverse change in the community in which it is located.

SECTION 2. That Planned Unit Development: PUD Ordinance No 2013-8031 is hereby amended by incorporating those changes to said Ordinance contained in the Rezoning/Text Amendment application dated December 6, 2017, as attached as Exhibit A to this Ordinance.

SECTION 3. Except as provided herein, all other portions of Ordinance No. 2013-8031 and all other portions of the Jacksonville Beach Land Development Code and Zoning Atlas shall remain in effect.

SECTION 4. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may in conflict, hereby repealed.

SECTION 5. This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS _____ DAY OF _____, 2018.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK



REZONING/TEXT AMENDMENT APPLICATION

PC No. 1-18

AS/400# 18-100001

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights. ~~PLANNING AND DEVELOPMENT DEPARTMENT~~ adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: Ocean Terrace South Beach HOA Telephone: 904-424-6481
 Mailing Address: Nazim Washington, President HOA Board Fax: _____
4025 Coastal Ave, Jacksonville Beach, FL 32250 E-Mail: nazminw@hotmail.com

Applicant Name: Ocean Terrace South Beach HOA Telephone: 904-844-3331
 Mailing Address: c/o Jenny Robles, Secretary HOA Board Fax: _____
4074 Gulfstream Dr, Jacksonville Beach, FL 32250 E-Mail: jennyrobles1@gmail.com

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

Agent Name: Jenny Robles, Secretary, HOA Board Telephone: 904-844-3331
 Mailing Address: 4074 Gulfstream Dr Fax: _____
Jacksonville Beach, FL 32250 E-Mail: jennyrobles1@gmail.com

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: Ocean Terrace RD 1181403-0515

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): _____

Current Zoning Classification: PLD Future Land Use Map Designation: _____

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Chapter 34, Ordinance No. 2013-8031

REQUESTED INFORMATION	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked,	✓	
2. An 8½" x11" vicinity map identifying the property proposed for amendment,	✓	
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;	✓	
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.	✓	
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.		✓

Applicant Signature: Jenny Robles Date: 12-6-2017

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PLANNING & DEVELOPMENT

December 13, 2017

To: City of Jacksonville Beach Planning and Development

Regarding: Amendment to Ocean Terrace South Beach PUD

Ocean Terrace South Beach Home Owners Association requests an amendment to the PUD to allow for fences and temporary structures in Tract D.

Background

Ocean Terrace South Beach, developed by Richmond American Homes, was approved by the City of Jacksonville Beach in September 2013. The developer was granted a variance for 9% open space requirement due to concessions and donation of land to help the City with traffic and storm water management. The PUD totals 59 homesites on 9.78 acres and includes open spaces Tract A, B, C and D.

Tract D is a narrow 5'-25' wide strip of land along the western boundary of the property, bordered by Lots 1 through 13 plus a narrow portion extends east-west along the fence on Sanctuary Dr. In essence, Tract D is similar to the 14' platted alley that borders it to the west and that runs behind the houses on Palm Way. Those owners use, fence, and maintain that alley, as is common practice in Jacksonville Beach.

The developer was required to put a 6' white vinyl fence on the western property line of Tract D at the beginning of the project to buffer the neighbors during construction. There are some old growth trees within Tract D and the intent was to preserve them and the tree canopy, so unlike the open areas of Tracts A, B, and C that can be used for community amenities, the PUD included language to restrict any structures in Tract D.

The developer cleared all but the large trees, sodded and ran sprinklers throughout Tract D and sold Lots 1-13 with large lot premiums for the use of the extra space in Tract D. For the first several houses built, the developer even extended the lot side fences across Tract D with small openings on each side. After complaints to the City in 2016 by 1 or 2 neighbors on Palm Way, the developer removed the fences and replaced with "green" fences, ie. hedges. In May 2016, the developer amended the HOA covenants to change Tract D from Common Area to a "Limited Common Area," portioned out for the use and benefit of only the adjoining lot owner.

Current Situation

Lots 1-13 are completed and 1-12 are owner occupied. The developer has turned the HOA over to the residents. When Lot 1 was built, the width of Tract D abutting the lot was so small that it was not fenced separately but included into the backyard of Lot 1 with a gate on the Jacksonville Dr side. With the recent completion of the house on Lot 13 and the same scenario with the side yard, Tract D is inaccessible except through the private backyards of the owners of Lots 1-13. The tree canopy is preserved with owners planting some new trees, and Tract D is still green space

but not "open space." It is an alley subdivided by hedges at each side lot line. The owners of the lots along Tract D desire to enjoy and keep the green space with mature trees but at the same time be able to secure their children, pets, and property. Thus several problems have arisen that need a long term solution:

- The home owners pay for the water in the sprinkler system in Tract D and for yard and tree maintenance.
- The home owners who install a fence on their back property line cannot access Tract D to maintain it. Some trees have become overgrown with water shoots, suckers and poison oak. And a rat problem in that area isn't being treated.
- The home owners who rely on the green fences are at greater risk for pets escaping and trespassers. Already teens have been seen in Tract D running from the police.
- Some home owners have installed fences across Tract D or put moveable children's play equipment in Tract D, and a neighbor on Palm Way has reported the code violation to the City and the HOA has been notified of potential fines.

On August 23, 2017, the City Magistrate granted a 120 day period for the HOA to rectify the code violations. The owners have been notified and now the HOA Board seeks to rectify the situation by amending the PUD per below.

Proposed Amendment

Ocean Terrace South Beach HOA requests the PUD be amended to allow owners of lots 1-13 to use their limited common area of Tract D by installing fences and temporary structures such as benches or moveable children's play equipment as outlined in the attached documentation.

Please see the attachments and thank you for your consideration.

Jenny Robles
Secretary, Ocean Terrace HOA Board
904-844-3331
jennyrobles1@gmail.com

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PC# 1-18
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Proposed Amendments to Ocean Terrace South Beach PUD

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PC# 1-18

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PLANNING & DEVELOPMENT

Ordinance No. 2013-8031

Section 1. B.

- 8. Fencing -- Maximum fence and wall height shall be six(6) feet. Fencing for Tract D, as described in the Written Statement contained in Exhibit A, shall be installed along the westerly boundary of Tract D prior to any construction activity on the subject property. ~~No other structures shall be permitted within Tract D.~~ Fence or wall installed along the South Beach Parkway frontage of the subject property shall be installed within the designated 5' non-access easement shown on Exhibit B, with appropriate landscaping installed on the east side of said fence or wall.

Ocean Terrace PUD Exhibit C

Section I. Description of Permitted Uses and Structures

B. Open Space

- 1. *Permitted uses and structures.*
 - a. Along western boundary of the Property (Tract D): landscaping; natural vegetation; vegetative screens or buffers; and fencing as described in Section II F below.
and temporary structures that are easily moveable such as playsets, benches, chairs, bird feeders, etc. Not allowed are any structures that are not easily moveable, nailed down, cemented in, or on a slab such as sheds, patios, pools, and gazebos.
 - b. Along Sanctuary Parkway (Tracts A, B, and C): private parks, playgrounds, park structures, site furnishings, and other related recreational uses and facilities; landscaping; natural vegetation, vegetative screens or buffers; fencing as described in Section II F below; walkways; site lighting and site furnishings; and community identification signs or monuments, directional signage, and temporary signage, as provided in Section II B below.
 - c. Essential services, including stormwater treatment and management facilities and required and necessary utilities meeting the performance standards and development criteria set forth in Section II B below.

Proposed Amendments to Ocean Terrace South Beach PUD

Section II: PUD Development Criteria

C. Open Space and Recreation

1. Four Open Space areas, Tracts A, B, C, and D as shown on the PUD Master Plan, shall be provided, with the permitted uses as described in Section I.B. above. Any park and recreational uses, structures, furnishings, equipment, and any signage permitted in Tracts A, B, and C shall be owned and maintained by the homeowners' association, and documentation and instrumentation providing for the ownership and maintenance of such items shall be recorded in the public records in conjunction with the recordation of the final plat. Any landscaping, vegetative screens, buffers, or fencing permitted in Tracts A, B, C, ~~and D~~ also shall be owned and maintained by the homeowners' association, and documentation and instrumentation providing for the ownership and maintenance of such items shall be recorded in the public records in conjunction with the recordation of the final plat.

Any landscaping, vegetative screens, buffers, fencing, or non-permanent structures permitted in Tract D shall be owned and maintained by the owner of the adjacent lot.

F. Fencing.

1. Fencing will be provided along South Beach Parkway as shown on the PUD Master Plan and will be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
2. Fencing is permitted within the non-access easements along Jacksonville Drive and may be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
3. Fencing is permitted within the Open Space areas along Sanctuary Parkway (Tracts A, B and C) and may be a maximum of six (6) feet in height. Fencing may be masonry, vinyl, metal wood, or combination thereof.
4. Fencing will be provided within the Open Space area along the western boundary of the Property (Tract D) and will be minimum seventy percent (70%) opaque and a maximum of six (6) feet in height. Fencing may be ~~masonry~~, vinyl, metal, wood, or combination thereof.

Fencing with a maximum of 6' in height is permitted in Tract D if installed and maintained by lot owners according to their limited common area as defined in the Second Amendment to the Declaration of Covenants, Section 2.6. Fencing may be vinyl, metal, wood, or a combination thereof.

Masonry walls or masonry fences shall not be permitted in Tract D.

