



CITY OF JACKSONVILLE BEACH

FLORIDA

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 on **Monday, March 18, 2013, at 7:00 P.M. in the Council Chambers, 11 North Third Street, Jacksonville Beach, Florida.**

Opening Ceremonies: Invocation
Salute to the Flag

Roll Call

1. **APPROVAL OF MINUTES:**

- Council Workshop held February 25, 2013
- Regular City Council Briefing held March 4, 2013
- Regular City Council Meeting held March 4, 2013
- New Council Orientation on March 6, 2013
- Council Workshop held March 6, 2013

2. **ANNOUNCEMENTS:**

3. **COURTESY OF THE FLOOR TO VISITORS:**

4. **MAYOR AND CITY COUNCIL:**

Proclamation of Wednesday, April 17, 2013, as Military Family and Community Covenant Day

5. **CITY CLERK:**

6. **CITY MANAGER:**

- (a) Monthly Financial Reports – Month of February 2013
- (b) Authorize the City Manager to Designate Locations Throughout the City for Parking Licensed Golf Carts and Low Speed Vehicles.
- (c) Authorize the Downtown Parking Program.

Memorandum, Mayor and City Council
City Council Agenda for March 18, 2013

- (d) Approve a Draw for SWAT Team Entry Vests (Four Vests) From the Local Law Enforcement Trust Fund.
- (e) Allocate \$5,000 for Overtime Personnel to Cover the Fire Marshal's Position.
- (f) Approval for Crazy Fish Jacksonville Beach, Inc., to Construct Two (2) Parking Lots Designated for Restaurant Customers, Change the Name of the Business From Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc., and Extend the Lease for Five (5) Years.

7. **RESOLUTIONS:**

8. **ORDINANCES:**

(a) **ORDINANCE NO. 2013-8025 – First Reading**

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Respectfully submitted,

/s/George D. Forbes
CITY MANAGER

GDF: cmm
03/11/14

If a person decides to appeal any decision made by the City Council with respect to any matter considered at any meeting, such person may need a record of the proceedings and, for such purpose, 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 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, Ext 10, no later than 12:00 PM, Friday, March 15, 2013.

Minutes of City Council Workshop
Downtown Paid Parking
Monday, February 25, 2013 – 6:30 PM
Community Center

Mayor Charlie Latham called the workshop to order at 6:30 PM.

The following City Council members were in attendance:

Mayor Charlie Latham	Steve Hartkemeyer
Mayor Pro-Tem Tom Taylor	Phil Vogelsang
Keith Doherty	Jeanell Wilson

Also present were City Manager George Forbes and Interim Police Chief Pat Dooley

Purpose of Workshop

The purpose of the workshop is to discuss Downtown parking objectives and proposed solutions.

Discussion

Mayor Latham acknowledged that many in the audience were interested in the low speed vehicle issue. He stated that the workshop would begin by going over the memo provided to the Council by the City Manager regarding Downtown parking (attached). Mayor Latham went through the objectives. Mayor Latham asked if everyone agreed on the objectives.

Keith Doherty stated that paid parking needs to be modified. Phil Vogelsang agreed. Tom Taylor stated that some of the objectives have worked. Mr. Doherty acknowledged that the program has curtailed antisocial activities in the paid lots, but it hasn't solved the issue, only moving the problem. Jeanell Wilson stated it is hard to measure the outcome without guidelines. Mr. Doherty stated that paid parking in the winter is redundant.

Phil Vogelsang went over his parking proposal handout (attached). He proposed a barcode system where people would pay to have free access into lots. Enforcement officers can easily see the barcode. Mr. Vogelsang stated that businesses could use a token or bill for customers to validate their parking. Lots would have gates with payment machines. Mayor Latham asked if a cost analysis had been done. Mr. Vogelsang answered no. Councilmembers discussed Mr. Vogelsang's proposal. Mr. Vogelsang stated that the City of Cincinnati uses a similar type of system. Jeanell Wilson stated that the original purpose of the program was to have a police presence. Tom Taylor stated that 14% of the time fees are collected and 86% of the time they are not collected. Mr. Taylor agreed with Ms. Wilson and liked having a police presence. Mr. Taylor stated that they needed to see a cost analysis. Mayor Latham stated that the proposal is a good start.

Keith Doherty stated that options 1 (current paid parking) and 2 (pay and display machine) were not feasible. He said option 3 (gated parking with a pay booth) and 4 (discontinue paid parking) were feasible and option 3 was the best option. Mr. Doherty reviewed a synopsis of his thoughts and ideas for parking in the downtown area (attached).

Council had a discussion of ideas. Jeanell Wilson stated the need to have a meeting for discussion and to look at the costs.

Mayor Latham stated that the current parking program is not working. He agreed with Ms. Wilson that they need to look at the costs. Mayor Latham asked if the Council wanted to keep paid parking. Steve Hartkemeyer stated that he likes manned booths. He said a manned booth can easily convert to an automated system. Mr. Doherty and Mr. Vogelsang believe that residents in the Beaches Energy service area and downtown businesses should be able to park for free. Council also wanted to utilize the paid parking only during peak periods.

Mr. Forbes stated that if the City Council wishes to let residents and business customers park for free, the Council should consider option 4, discontinue paid parking. There was discussion on option 4 and the consensus of the City Council was for the City Manager to place on the March 18, 2013, City Council meeting:

1. A motion to discontinue paid parking until the options presented by Councilmember Vogelsang and Doherty could be thoroughly reviewed and the future direction of paid parking decided.
2. A plan to provide security in the parking lots downtown without paid parking, the costs, and how security would be funded.
3. A proposed schedule that would discontinue paid parking during the winter and non-peak months.

Mayor Latham opened up the workshop briefly to comments from the audience.

Low Speed Vehicle Parking

Interim Police Chief Pat Dooley presented a PowerPoint showing an idea to add low speed vehicle (LSV) parking and not take away any existing parking. Mayor Latham opened the workshop to comments from the audience regarding LSV parking. Comments ranged from commending the idea for adding LSV parking spaces to dissatisfaction that the plan would block a resident's lake view.

Mayor Latham made brief closing remarks and thank those who attended the workshop.

The workshop was adjourned at 8:10 PM.

Submitted by: Sheri Gosselin
Assistant to the City Manager

Approved:

William C. Latham, Mayor

Date: March 18, 2013

Minutes of City Council Briefing
Monday, March 4, 2013 – 6:30 PM
City Council Chambers
11 North 3rd Street, Jacksonville Beach, FL

The Council Briefing began at 6:02 PM.

The following City Council members attended:

Mayor Charlie Latham

Keith Doherty
Steve Hartkemeyer
Christine Hoffman
Tom Taylor
Phil Vogelsang
Jeanell Wilson

Also present were City Manager George Forbes, City Department Directors, and Cathy Martinich, City Clerk's Office.

Purpose of the Briefing

The purpose of the Briefing is to update the Councilmembers on projects, recent developments, upcoming issues, and review of agenda items.

City Manager

Mr. Forbes announced that the Council Orientation will be held on Wednesday, March 6, 2013 at 3:00 PM, and there will be a workshop at 6:30 PM, on the issues of vagrants and public safety.

Mr. Forbes said that Beach Boulevard and 1st Street would open on Friday, and the recent rains delayed completion.

Mr. Forbes stated he received a call from First Coast News regarding smoking on the beach. It has been recently considered by the State Legislature to allow Cities to ban smoking on the beach. He said there is no way to enforce a smoking ban on the beach, and that dogs and people leaving trash around were more prominent issues of enforcement.

Mr. Forbes and Chief Frazier said that Fire Marshal Captain Steve Sciotto will be out of his office for approximately four weeks. Mr. Forbes noted that it might be necessary to obtain funds to bring in additional Captains to assist with business plan reviews, to avoid delays in the approval process.

Mr. Forbes indicated that "*Visit Florida*" would be sponsoring a beach soccer tournament, June 22nd and 23rd. He mentioned that three summer movies have been chosen and would be shown on the large screen as in the past; not on the small screen that was shown during a previous meeting. There will also be two jazz series held at the Seawalk Pavilion this year, under Gary Meadors's direction.

Mr. Forbes asked Council Members Jeanell Wilson, and Keith Doherty to discuss term limits for volunteer board positions. Ms. Wilson said she would like to collect more information and increase advertising to accumulate applications on file. Mr. Doherty suggested board members participate on a four-year term system, the same as Council Members. He said this process will keep ideas fresh, and people interested in the opportunity to volunteer. Mr. Forbes explained that recent interviews revealed impressive, qualified candidates for Council Members to consider for board positions.

Council Member Phil Vogelsang gave a presentation (on file) of his research into Parking Lot Revenue Generation by adding Pay Stations to Municipal Parking lots. Mr. Vogelsang asked that his outline from the February 25, 2013 Council Workshop meeting be attached to this evenings' presentation, for the record (on file). He discussed details of cash and credit card payments, Barcodes/Sun Pass, holographic stickers, security, and a merchant validating option.

The workshop adjourned at 6:47 PM.

Submitted by: Cathy M. Martinich
City Clerk's Office

Approved:

William Charles Latham, Mayor

Date: March 18, 2013

**Minutes of Regular City Council Meeting
held Monday, March 4, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

Invocation was by Council Member Wilson, followed by the Salute to the Flag.

ROLL CALL:

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes, City Department Directors, and Nancy J. Pyatte, Assistant City Clerk.

APPROVAL OF MINUTES

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Council Orientation held February 6, 2013
- Council Workshop held February 13, 2013
- Council Briefing held February 18, 2013
- Regular Council Meeting held February 18, 2013

ANNOUNCEMENTS

Councilmember Tom Taylor

- Mr. Taylor stated he met with the Parks and Recreation staff about the upcoming parade and he was very pleased with the plans. Mr. Taylor suggested a walk through the business district to encourage more participation. The cut-off date to enter a parade float is the end of March for the April 28, 2013 parade.

Mayor Charlie Latham

Mayor Latham made the following announcements:

- Council members Wilson, Vogelsang and I were invited to participate in the Governor's Press Conference on February 11th to announce the state's investment of \$78 million to modify the interchanges between I-95 and JTB..

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- On February 21st several of us (council) had the opportunity to meet the new Duval County School Superintendent, Dr. Vitti, at Fletcher High School Media Center. It's clear that Dr. Vitti has a great vision for our school system.
- A parking workshop was held on February 25th. This was primarily a meeting for the council to discuss options. We did take several comments from residents at the conclusion of council discussions and we should be addressing parking at the next council meeting on March 18th.
- On February 28th we hosted a town hall meeting for State Senator Aaron Bean. Senator Bean listed 'saving the ferry' and 'pension reform' as two of his top concerns.
- This past Sunday, March 3rd, I was invited to speak at the First Christian Church's fellowship breakfast. I very much appreciated the opportunity to meet with the members of the church to discuss the City's priorities.
- On March 6th at 6:30 PM in the Council Chambers, there will be a workshop to discuss vagrancy and crime in the downtown area.

Councilmember Chris Hoffman

- Ms. Hoffman expressed her interest to participate and be involved in the planning for the parade.

Councilmember Jeanell Wilson

- Asked if a report on the Donna 26.2 Run was available. Interim Police Chief Pat Dooley advised that he did not have an official report; however, there were very few complaints during the event.

Councilmember Phil Vogelsang

- Mr. Vogelsang inquired about the format for the workshop on March 6, 2013. It was confirmed that representatives from Sulzbacher Center, Mission House, and Chamber of Commerce have been informed and invited to attend. This will be an information gathering session to identify problems and work on solutions.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Bill Stevens, 733 2nd Avenue North, Jacksonville Beach
Mr. Stevens commended the Council for being proactive in building community. He spoke about the downtown businesses offering to help with funding off-duty police officers to help with the prevention of problems.
- Lance Folsom, 1022 North 23rd Street, Jacksonville Beach
Mr. Folsom addressed the Council about item 6a of the agenda, 4th of July Special Event. He expressed his concerns about keeping downtown orderly and safe and not have fireworks. He liked the idea of event with patriotic music.

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- Maria C. Cummins, 3704 Duval Drive, Jacksonville Beach
Ms. Cummins spoke about low speed vehicles (LSVs) and stated that she is in favor of the reserved parking proposal.
- Clark Howard, 3629 Ocean Drive South, Jacksonville Beach
Mr. Howard commended the Council and the City staff for their responsiveness to the parking issues and stated they are doing a great job. He stated he continues to see improvements in the community.
- Gerry Williamson, 3804 Duval Drive, Jacksonville Beach
Mr. Williamson addressed the Council about LSVs and parking of these should be in existing parking spaces. He also talked about the people who won't use the paid parking and go into the neighborhoods and take up spaces from residents.
- Lee Ligo, 3938 Duval Drive, Jacksonville Beach
Mr. Ligo commended the Council and City staff for the workshops on LSVs and parking plans. He stated he thought it was positive for people both west and east of 3rd Street – a 'win-win'.
- Thad Mosely, 3701 Duval Drive, Jacksonville Beach
Mr. Mosely addressed the Council about LSVs and stated that parking of these should not be in right-of-ways or at residential street-ends. He stated there should be a list provided to LSV operators of parking areas.
- Bert Bost, 495 34th Avenue South, Jacksonville Beach
Mr. Bost addressed the Council about LSVs stating that they are here to stay – more people are using them and they are street legal. Mr. Bost presented 4 options for consideration and distributed copies to the Mayor and Council, copy on record.
- John Galarneau, 2002 Grove Street, Jacksonville Beach
Mr. Galarneau addressed the Council about parking workshops and his involvement with them since 2010. He stated he is not in favor of paid parking but thought it was premature to do away with the current parking system until there is a long term solution.
- Sonny Smith, 468 32nd Avenue South, Jacksonville Beach
Mr. Smith addressed the Council about LSVs and parking, stating that he has been using one for about 4 years to take his family to the beach. He said there is a problem with people that come to the beach using JTB and going down 37th Avenue South for parking and beach access.
- Chad Starkey, 3656 Isabella Blvd., Jacksonville Beach
Mr. Starkey addressed the Council about LSVs stating that he was not sure of a solution and that it could get worse before it gets better. Mr. Starkey stated it's not always safe crossing 3rd Street no matter what you are on or in - a bicycle, a car, or an LSV. People just want to get their families to the beach safely.
- Mike Clements, 3390 Isabella Blvd., Jacksonville Beach
Mr. Clements addressed the Council about LSVs and getting his family safely across 3rd Street.

- JoDee Evans, 63 South 37th Avenue, Jacksonville Beach
Ms. Evans addressed the Council about LSVs and parking. She stated that the beach is lacking in parking all over and she didn't want the beach access locations or yards torn up.
- Jon Cummins, 3704 Duval Drive, Jacksonville Beach
Mr. Cummins addressed the Council about LSVs and parking, stating the beach access locations are for pedestrians, not vehicles.

Courtesy of the floor concluded at 7:48 PM.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY CLERK:

Appointment of a Second Alternate Member to the Planning Commission to Complete an Unexpired Term.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to appoint a second alternate member to the Planning Commission to complete an unexpired term, which will expire on January 31, 2015.

Mr. Hartkemeyer made a motion to nominate Rick Knight for the second alternate member. Mr. Doherty seconded the motion.

Discussion ensued about the recent interviews of seven board applicants conducted February 11, 2013. Rick Knight and Georgette Dumont expressed interest in the Planning Commission.

Ms. Wilson stated that Rick Knight would be a great candidate; however, this could be an opportunity to get someone new involved with the City.

Mr. Doherty made a motion to nominate Georgette Dumont for the second alternate member. Mr. Vogelsang seconded the motion.

Mayor Latham called for a roll call vote, asking the Council to state the name of the candidate of their choice.

Roll call vote: Dumont: Doherty, Hoffman, Taylor, Vogelsang, Wilson, Mayor Latham
Knight: Hartkemeyer

Georgette Dumont was appointed as the second alternate member to the Planning Commission.

CITY MANAGER:

- (a) Approve a special event for the 4th of July that will be conducted by Jax Beach Festivals, Inc.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to Approve Jax Beach Festivals, Inc., to produce a 4th of July event as described in a memo from the City Manger dated February 25, 2013.

Mr. Forbes stated that Sam Veal has conducted events for over 20 years for the City of Jacksonville Beach. Mr. Veal was contacted by the City and he has submitted a proposal for the event per our stipulations, as follows:

1. The event is self-supporting, no City monies. The City is co-sponsoring the event so there will be no rental fees.
2. The Latham Parking lot must remain open during the event.
3. The event will take place at the Seawalk Pavilion/Latham Plaza.
4. Mr. Veal must obtain a special events permit from the City and pay the costs for Police, garbage collection, etc.

Following are the guidelines for Mr. Veal to produce the event:

1. The event will be 4pm – 9pm, may consist of live music with a patriotic theme, and 4th of July historic features such as the recital of the Declaration of Independence.
2. The event will include the sale of hamburgers, hot dogs, ice cream, beer and soda, at the fenced-in Seawalk area east of 1st Street.

Mr. Forbes displayed photos of a previous festival at the Seawalk Pavilion and a fireworks display.

Mr. Forbes stated if the Council wants to consider a fireworks display it would cost the City \$25,000.00, plus the expense of security. The Mayor asked Sam Veal to the podium to address the Council.

Mr. Veal, Jax Beach Festivals, Inc., stated that his idea is for our citizens to participate with this event by using an on-line marketing campaign called 'Kickstarter'. This is a funding website where people will have a choice for helping fund the costs of the fireworks display and the expense of security and clean-up.

Mr. Veal stated the entertainment will consist of popular and big-band music as well as patriotic themed music, and the recitation of the Declaration of Independence by Mayor Latham. Mr. Veal stated that, if Council approves fireworks, he has a \$3,500.00 sponsorship promised from Metro PCS.

Ms. Wilson stated that she likes the family theme for this event and not having to use City funds. She hopes the on-line funding resource will be successful for the expenses of fireworks and security.

Mr. Hartkemeyer had questions about the total cost of the event, fireworks and sponsorship. The City Manager responded that Sam Veal will run the special event. The City will run the fireworks display, if Council approves. Mr. Forbes stated that we need to know by March 15,

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2013 if there will be fireworks because the City will have to guarantee the \$25,000.00 cost of the fireworks display, plus the expense of security.

Mr. Veal stated to the Council that there is the option of just having a fireworks display without the event.

Mr. Taylor had questions about alcohol at the event. Mr. Veal said there will be a large tent for all food and beverages. There will be beer and wine available per the City's guidelines and ordinance.

Discussion continued about public safety and Interim Police Chief Pat Dooley came to the podium to address the Council.

Chief Dooley stated Mr. Veal does an excellent job working with the City when doing his events. Chief Dooley added that it does get complicated and very labor intensive with fireworks because of the crowds and traffic. Also, he stated that residents don't scale back on fireworks whether the City is doing a show or not – the officers collect barrels of fireworks from the neighborhoods. (no arrests)

Mayor Latham asked what are the logistics of lane closings to help with the increased traffic. Chief Dooley stated there has to be an officer at each intersection. Even with all available officers working, including the added 20-25 JSO officers, we don't have the manpower to close roads.

Mr. Doherty described the 2011 4th of July event and fireworks as the perfect storm – it was a weekend, our City was 1 of only 2 locations in Duval County having a fireworks display. The Jacksonville Landing was the other location.

Discussion continued about other cities having events and the possibility of that lessening the crowds, or closing off 1st Street. Chief Dooley stated closing 1st Street would create problems for the businesses and the hotels. As for the other option, the Chief stated that Jacksonville Beach is a big draw for lots of different people.

The Mayor asked about utilizing the Citizens On Patrol (COPs) volunteers for help with the crowds, parking, and traffic. Chief Dooley responded that they have about 30 volunteers that the department actively uses in traffic control and still it is not enough.

There was more discussion about the increase in bicycle traffic during these events and safety problems.

Ms. Hoffman stated there could be a separate meeting about fireworks. She asked if the Council is voting on the special event and fireworks together or separately. Mr. Forbes responded that it would be separately.

Mr. Doherty asked the City Manager if other cities have helped with the costs of the fireworks.

Mr. Forbes responded that sometimes Jacksonville Beach has received funds from the Tourism Development Council, Neptune Beach, and Atlantic Beach. Neither Neptune Beach nor Atlantic Beach has funds budgeted this year.

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The motion on the floor is to approve Jax Beach Festivals, Inc., to produce a 4th of July event as described in a memo from the City Manager dated February 25, 2013.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

Motion: It was moved by Mr. Vogelsang, seconded by Mr. Doherty, to approve \$25,000.00 for a Fireworks display, and \$2,000.00 for security, with the 4th of July event by Jax Beach Festivals, Inc., from the unanticipated expense general fund.

Roll call vote: Ayes: Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; Nays: Hartkemeyer. The motion passed by a vote of 6 to 1.

- (b) Authorize the Execution of Closing Documents to Finalize Purchase of Real Property. (Lot 22, Block 5, Sea Side Park Subdivision)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Mayor and City Manager to execute the closing documents to finalize, at the agreed purchase price and total estimated City closing costs, the City purchase of the real property described as Lot 22 and closed rights-of-way lying northerly and easterly as recorded, Block 5, Sea Side Park Subdivision, as explained in the memorandum from the Public Works Director dated February 21, 2013.

Mr. Forbes stated this is a low lying area that will be used for stormwater retention.

Roll call vote: Ayes: Hoffman, Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham; motion carried unanimously.

- (c) Authorize the Execution of Closing Documents to Finalize Purchase of Real Property. (Lots 15 and 16, Block 9, Pine Grove Unit 2 Subdivision)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Mayor and City Manager to execute the closing documents to finalize, at the agreed purchase price and total estimated City closing costs, the City purchase of the real property described as Lots 15 and 16, Block 9, Pine Grove Unit Number 2 Subdivision, as explained in the memorandum from the Public Works Director dated February 21, 2013.

Mr. Forbes stated this is a low lying area that will be used to create stormwater retention in the future. Photos of the property located at 1318 North 6th Avenue were displayed. Mr. Forbes stated the City plans to raise/demo the vacant house as soon as possible and let it be a grassy area. Mr. Forbes stated that it will cost approximately \$6,000 to \$10,000 to demo the house.

Roll call vote: Ayes: Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

- (d) Approval of Lease Agreement for Chris Larson d/b/a Big Fish Roofing Company to Lease Property at the Jacksonville Beach Industrial Park.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the City Manager and Mayor to execute a lease agreement with Chris Larson d/b/a Big Fish Roofing to lease property at the Industrial Park.

Mr. Forbes had displayed photographs of the area. This is a five year lease, beginning March 1, 2013, with an option to renew for one year terms. The annual amount for leasing the property is \$8,338.51, or \$694.88 per month.

Roll call vote: Ayes: Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

RESOLUTIONS

(a) **Resolution No. 1912-2013**

Mayor Latham requested that Resolution No. 1912-2013, be read by title; whereupon Ms. Pyatte read the following:

“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1912-2013, adopting the mid-year budget adjustment

Roll call vote: Ayes – Wilson, Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

ORDINANCES

(a) **Ordinance No. 2013-8024 – SECOND READING**

Mayor Latham requested that Ordinance No. 2013-8024, be read by title; whereupon Ms. Pyatte read the following:

“AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; PROVIDING THE METHOD OF CALCULATING THE MAXIMUM ANNUAL CONTRIBUTION MADE BY THE ELECTRIC UTILITY FUND TO THE GENERAL FUND TO BE INCLUDED IN THE CITY’S ANNUAL OPERATING BUDGET; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8024, establishing an annual maximum transfer from the electric utility to the general fund and prescribing the methodology for calculating the transfer amount.

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Roll call vote: Ayes – Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:50 p.m.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

William C. Latham, Mayor

Date: March 18, 2013

DRAFT

Council Orientation Tour
Wednesday, March 6, 2013 – 3:00 PM - 5:30 PM

The Recreation & Parks Department conducted an orientation tour with four City Council members on Wednesday March 6, 2013. The City Council members attending including: Mayor Charlie Latham, City Council members Chris Hoffman, Phil Vogelsang, and Keith Doherty.

- ✓ The tour started at the Ocean Rescue Station and discussion of Ocean Rescue duties. The lieutenants Nick Wellington, Taylor Anderson, and Tim Klein, discussed the American Red Cross Corp and how they train the annual guards that will staff for the upcoming season. The lieutenants also discussed the difference between the City and ARC and how the Corp staffs ocean rescue on Sunday's and Holidays. The staff reviewed the equipment and vehicles that are used to perform rescues and patrols. Then the staff performed a mock ocean rescue and described to the Mayor and City Council the details of the rescue and the procedures that were being followed.
- ✓ The next stop on the tour was at Carver Center. The Carver Center supervisor Latoya Thomas conducted the tour of the center. Ms. Thomas explained the various programs that are conducted at the center which includes Young Men of Carver and Girls with Goals. The tour included the various rooms throughout the center including the computer lab, classroom area, kitchen and play area. Ms. Thomas also explained the various volunteer groups that support the programs at the Center. Some of these include: Palms Presbyterian, St. Andrews, and Ocean City church. Mr. Meadors explained the funding for the center is supported by a Community Development Block Grant. This grant includes funding for the salaries of the center staff, a police officer, and utility bill assistance program.
- ✓ The next stop on the tour was at Recreation & Parks building and viewing of a power point presentation on the various divisions of the department.
- ✓ The last stop on the tour was the Huguenot Tennis Center. The tennis professional Jim Watford discussed the various programs provided at the tennis center. Mr. Meadors reviewed ideas that are being prepared to change the rates charged at Huguenot Tennis Center. These rates will include an increase in the base membership fees, increase in the daily fee, and a new roster fee for the league players. In addition the contract with tennis professional will be changed to include a modification of the fee paid to the City for revenue from the sale of pro shop merchandise and lessons.
- ✓ Driving back to City Hall, the City Manager discussed his ideas on how to proceed with the downtown paid parking program.

Minutes of Council Orientation Tour
on Wednesday, March 6, 2013 – 3:00 p.m. to 5:30 p.m.

Submitted by: Gary Meadors
Recreation & Parks Director

Approved:

William C. Latham, Mayor

Date: _____

DRAFT

**Minutes of City Council Workshop
Public Safety and Vagrancy
Wednesday, March 6, 2013 – 6:30 PM
City Council Chambers**

Mayor Charlie Latham called the workshop to order at 6:32 PM.

The following City Council members were in attendance:

Mayor Charlie Latham	Steve Hartkemeyer
Mayor Pro-Tem Tom Taylor	Phil Vogelsang
Keith Doherty	Jeanell Wilson

Also present were City Manager George Forbes, Interim Police Chief Pat Dooley, Commander Steve Corbitt, and Commander Gene Paul Smith.

Purpose of Workshop

The purpose of the workshop is to discuss public safety and vagrancy in the downtown area.

Discussion

Mayor Latham gave a brief introduction. He stated that he wanted to gather as a community to discuss problems. Mayor Latham acknowledged the department directors who were in attendance.

Mayor Latham stated that public safety is one of the top five priorities of the City Council. He said another top priority is building community. Mayor Latham stated that the workshop was set up to exchange information and share ideas. Mayor Latham acknowledged that representatives from BEAM, Mission House, the Sulzbacher Center, Jacksonville Beach Police, and the Chamber of Commerce were in attendance. He stated that each group will address the audience. Following the groups, there will be an open mic period for questions and discussion. Mayor Latham asked the audience to try to mix up the groups so each table has a variety of participants. He asked everyone to take five minutes to introduce themselves at whatever table they were seated. Mayor Latham asked that everyone be respectful and hear all voices and opinions. He stated that homelessness is a condition that needs a solution. In contrast, vagrancy is a choice to live that way. Mayor Latham continued saying everyone has rights and we need to find a way to work together.

Mayor Latham read a memo from the City Manager (copy attached). The memo references three strategies adopted by the City to assist with the problem: the Community Services Center, the downtown community policing team, and the HOPE program. Mayor Latham stated the City also needs to enforce the laws.

BEAM

Susan King from BEAM addressed the audience. Ms. King stated that BEAM is a private agency that provides assistance to families to stay in their homes. She stated they serve a five zip code area. They provide rent and utility assistance. BEAM also operates a food pantry. Their employees and volunteers provide counsel with issues as people go through their organization. In addition, they assist people with food stamp assistance. They try to keep families in homes to prevent homelessness. Ms. King answered several questions from the audience. BEAM is a faith based organization. They receive funding through grants, which account for approximately 20% of their funding, individual donors, and corporate donations. Ms. King stated BEAM provided \$120,000 in utility assistance and \$100,000 in rental assistance. She stated it has been extremely difficult for the working poor. They have low paying jobs while costs have gone up. If needed, BEAM refers people to a financial mentoring program.

Mission House

Lori Anderson from Mission House addressed the audience. Ms. Anderson stated that a lot of people don't know what Mission House does. Mission House is not a soup kitchen any more. Mission House was started in 1997. They used to be housed with BEAM until BEAM moved to the Community Services Center. Mission House is a faith based organization. It is the only homeless day facility. Their number one goal is to get people off the street and into housing. Last year they got 66 people into housing. The year before, it was 44. They provide active case management. Clients who come in more than a couple times then have to see a case manager. They provide a clinic twice a week. Mission House serves all of Duval County at their clinic. They have a veteran's representative every other week. Everything is free in the clinic. They had a \$30,000 medicine bill last year. Every doctor, nurse and intake person is a volunteer. They provide a doctor for mental health and psychologists. 80-90% of their clients do not have identification. They assist clients with obtaining IDs. There is no overnight shelter at the beach. They provide two meals per day Monday through Friday. All their teams are volunteers. Clients can take a shower and are given a new set of clothes. Mission House has an agreement with Goodwill to provide vouchers for free clothing. They help clients look for jobs. Mission House has standards for safety and requires clients to follow two rules or be banned – no weapons, drugs or alcohol; and no physical violence. Mission House gives clients the tools to make their life better. They try to get people off the streets. Mission House has seven paid employees and 400 volunteers. Number one funding source is individuals. They also receive funding from churches, civic and corporations. They served 2,200 meals in January 2013. Statistics on the number of homeless at the beach is not exact. The number of the last count had 76, but the year before had 276. Ms. Anderson answered questions from the audience.

Sulzbacher Center

Dr. Richard Christensen, Director of Mental Health Services for the Sulzbacher Center, addressed the audience. Dr. Christensen stated HOPE teams were created, one in downtown Jacksonville and one at the beach, in an attempt to engage people outside of care. He said the homeless at the beach are unsheltered and often resistant to services. The Sulzbacher Center was created in 1995 as a 350 bed shelter and provides primary care, mental, and addiction services. The HOPE team has made 3,300 contacts at the beach. Clients can stay at the shelter as long as they are working towards getting out of homelessness. Dr. Christensen answered questions from the audience. He stated that the HOPE team is out every day, usually twice a day.

Chamber of Commerce

Sonny Bikha, who owns several hotels at the beach, spoke on behalf of the Chamber of Commerce. Mr. Bikha stated that the homeless present a safety issue to staff and visitors to the City, panhandling, making remarks, urinating and sleeping on the boardwalk. He said if we don't find a solution, it will cost jobs.

Mayor Latham recognized Officer Dan Watts, who works a lot with the homeless at the beach. He also recognized the Citizen Police Academy program and explained that a person can learn a lot about what the police department does. Mayor Latham encouraged the audience to participate in the program and noted another class will be starting soon.

Interim Police Chief Pat Dooley stated the police can make arrests but don't control how long they are incarcerated. Most of the arrests are for misdemeanors and the person is in and out quickly. Chief Dooley explained the downtown CAPE program has four full time officers. He stated Officer Watts was personally involved in housing 33 people last year. Chief Dooley said people living on the street also become victims. He said the police try to connect with people who want help getting the help they need. They enforce the rights of citizens and visitors. When people are found sleeping on the beach, they are first given a warning and a contact card. The beach is checked every night. A photo is taken on the 2nd and 3rd time. It is an ongoing process. Chief Dooley said they need the help of the public to call when they see violations of the law. He outlined a program that they are working on to have persons with repeat arrests brought before a judge in the hope it would force the individual into a treatment program. Chief Dooley explained that property owners can sign a Trespass Agreement which allows the police to go on their property and automatically arrest any trespassers after a one time warning. Chief Dooley answered questions from the audience. He stated that 20% of the annual arrests involve the homeless. Commander Steve Corbitt went over a breakdown of the cost of each arrest and estimated the average cost in 2011 at \$15,578.46. In 2012, the estimate is \$14,000.

Mayor Latham stated that there would not be any solutions tonight. He then opened it up to the audience for any questions or comments.

Minutes of City Council Workshop
held on Wednesday, March 6, 2013 – 6:30 p.m.

Mayor Latham said the next step is to do additional research. He will bring this issue before the City Council. Mayor Latham stated this was a very informative meeting and thanked those who attended the workshop.

The workshop was adjourned at 8:46 PM.

Submitted by: Sheri Gosselin
Assistant to the City Manager

Approved:

William C. Latham, Mayor

Date: March 18, 2013

DRAFT

Proclamation

Military Family and Community Covenant Day

Whereas, for more than 230 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

Whereas, whether serving at home or abroad, Florida's active duty reserve and National Guard military and civil servants, protect our homeland, respond to national disasters, assist humanitarian emergencies and protect against all threats foreign and domestic; and

Whereas, created in 2008, the United States Army Community Covenant program was designed to foster and sustain effective state and community partnerships with all of the armed services, improving the quality of life for service men and women and their families; and

Whereas, the State of Florida has conducted a state-wide community covenant signing ceremony; and

Whereas, community support is essential to the readiness of the military and contributes to strengthening the resilience of U.S. military personnel; and

Whereas, Americans recognize that military personnel and their families make considerable sacrifices as they defend the Nation, as multiple long deployments, frequent moves, and wounds of war are a few of the unique stresses military families face; and

Whereas, today, Floridians support service members, veterans, and their families by stepping forward to help mitigate stresses associated with military life while also striving to inspire their fellow Americans to continue to recognize and support military and veteran families in their communities.

Now, Therefore, I, Charlie Latham, Mayor of the City of Jacksonville Beach, by virtue of the authority vested in me, do hereby proclaim Wednesday, April 17, 2013, as

Military Family and Community Covenant Day

and hereby express their unwavering support and admiration to all current and former military personnel for their true and faithful service and further recognize the tremendous sacrifices of their families.

Be It Further Resolved that the City of Jacksonville Beach, through the Florida Military Family and Community Covenant and Operation Strong Families, accepts the call to action to support and honor all the services members, veterans and their families, past and present.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Jacksonville Beach to be affixed this 18th day of March, 2013.



A handwritten signature in blue ink, appearing to read "Charlie Latham", is written over a horizontal line.

Charlie Latham, MAYOR

CITY OF JACKSONVILLE BEACH

904/247-6268 • P.O. BOX 51389 • JACKSONVILLE BEACH, FLORIDA 32240



City of
Jacksonville Beach
City Hall
11 North Third Street
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FL 32250
Phone: 904.247 6274
Fax: 904.270 1 642

www.jacksonvillebeach.org

March 5, 2013

MEMORANDUM

TO: George D. Forbes
CITY MANAGER

FROM: Harry E. Royal
FINANCE OFFICER

RE: Monthly Financial Reports - Month of February 2013

The Monthly Financial Reports for the month of February are being furnished for your information and perusal. These reports can be found on the "Reports and Information" portion of this Agenda.

If you have any questions concerning these reports, please give me a call.

Sincerely,

Harry E. Royal
FINANCE OFFICER



City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247 6274
Fax: 904.270 1642

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March 5, 2013

MEMORANDUM

TO: George D. Forbes
CITY MANAGER

FROM: Harry E. Royal
FINANCE OFFICER

SUBJECT: Summary Budget Reports and Cash and
Investments Reports for February 2013

Attached are the monthly financial reports for February 2013. Please be aware that in the Summary Budget Reports (Exhibits 1-6) that the cumulative actual revenues and expenditures are compared to the actual amounts at the same point in time as last fiscal year. As with previous reports, the variance shown is computed on a percentage basis and converted to a dollar value based on the current year budget. This kind of comparison smoothes out the seasonality and peculiarity of any specific category of revenues and expenditures. Exhibit 7 of the Summary Budget Reports compares actual revenues, expenditures, and budget-to-date amounts in total by fund.

A brief synopsis of the Summary Financial Reports presented with this memorandum follows:

Exhibit One - General Fund - Summary Budget Revenue Report

1. As can be seen in this summary, General Fund Revenues were over the prior year at the same point in time by 3.62% on a percentage of budget basis.
2. Taxes were over last year because ad valorem distributions from the Tax Collector were approximately \$290 thousand more than the previous year and communications service taxes were \$174 thousand more due mostly to a \$165 thousand audit adjustment by the Department of Revenue related to prior years.



George D. Forbes
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March 5, 2013

Exhibit One - General Fund - Summary Budget Revenue Report-Continued

3. Licenses and Permits are running ahead of last year at the same point in time mostly due to increases in building permit revenues.
4. Miscellaneous Revenues were under last year because interest earnings were below last year at the same point in time.

Exhibit Two - General Fund - Summary Budget Expenditure Report

1. Based on percentage of budget compared to the prior year, General Fund expenditures were over prior year expenditures by .04% on a percentage of budget basis at yearend. In the current year, all of the departments have expended less than the percentage of the budget year (41.37%) that has elapsed.

Exhibit Three - Enterprise Funds - Summary Revenue Report

1. Total Enterprise Funds Revenues were .80% under prior year revenues on a percentage of budget basis. Most of the difference is attributable to the Electric Fund and because of the reduction in the bulk power adjustment charges in the last year.

Exhibit Four - Enterprise Funds - Summary Budget Expenditure Report

1. The Enterprise Funds expenditures in total are .64% over what was expended on a percentage basis compared to last year.
2. The variance in the Stormwater Fund is because our stormwater bonds were paid off last year and we had no debt service expenditures in October as we did in the prior and previous fiscal years.

George D. Forbes

Page 3

March 5, 2013

Exhibit Five - Special Revenue Funds - Summary Budget Revenue Report

1. Special Revenues were 2.94% over where they were last year.
2. Community Development Block Grant Revenues were over the prior year because we had not received any reimbursements from Jacksonville at the same point in time last year.
3. The variance for the Downtown Tax Increment Revenues was skewed because our budget projections last year slightly overestimated the amount we would receive in the Downtown Tax Increment District.

Exhibit Six - Special Revenue Funds - Summary Budget Expenditure Report

1. Special Revenue Fund Expenditures are running .38% over where they were last year on a percentage of budget basis.
2. The variance in the Community Development Block Grant Fund is due to a timing difference in the receipt of the monthly grant reimbursements. Last year the contract with the City of Jacksonville was not approved until much later in the fiscal year.
3. The variance in the Downtown Tax Increment District was due to capital expenditures in the Downtown Vision Project.

Exhibit Seven - Summary Budget Report

1. As can be seen in the bottom of this summary, total revenues exceed total expenditures at the end of February.

George D. Forbes
Page 4
March 5, 2013

Exhibit Seven - Summary Budget Report-Continued

2. Expenditures exceed revenues in the Convention Development Fund because we have only received two monthly tax distributions from the City of Jacksonville.
3. Expenditures exceed revenues in the Community Development Block Grant Fund because of a timing difference because expenditures are reimbursed in arrears.
4. The net income shown for the Electric Fund is skewed because we have not yet paid the previous month's power bill from FMFA.
5. Expenditures exceed revenues in the Leased Facilities Fund because of annual technology maintenance expenses during the month. In addition, on a monthly basis we are also transferring monies to the General Fund for capital outlay purchases in the General Fund and to the Capital Projects Fund to finance the purchase of business application software.

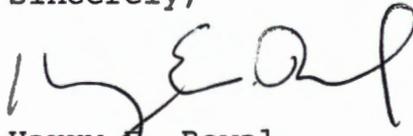
The cash and investments report attached reflects a net decrease in cash and investments of approximately \$600 thousand from the prior month.

If you have questions or comments about these exhibits, please call me. I am still always looking for more ways to prepare financial reports that are more meaningful and understandable than the ones we have used in the past. This is a continuing process and if you or any Council Member have any suggestions as to the formats for the financial reports or reports you may desire to have, please let me know and I will try to incorporate them into the Summary Financial Reports.

George D. Forbes
Page 5
March 5, 2013

Please do not hesitate to call if you should have any questions regarding the information in the attached reports. I will be happy to discuss them with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Royal', written in a cursive style.

Harry H. Royal
FINANCE OFFICER
Attachments

CITY OF JACKSONVILLE BEACH

MONTHLY FINANCIAL REPORTS FOR THE MONTH OF FEBRUARY 2013

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<u>Summary Budget</u>	<u>Exhibit #</u>
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<u>Cash and Investments Report</u>	<u>Page #</u>
Schedule of Cash and Investments By Type	1
Investment Report By Fund	2

Exhibit 1

CITY OF JACKSONVILLE BEACH

SUMMARY BUDGET REVENUE REPORT

February 28, 2013
(41.37% of year has elapsed)

GENERAL FUND

REVENUE CATEGORY	CURRENT YEAR REVENUE TO DATE	CURRENT YEAR REVENUE AS A PERCENTAGE OF BUDGET	PRIOR YEAR REVENUE TO DATE	PRIOR YEAR REVENUE AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
1 Taxes	\$6,795,116	76.48%	\$6,332,727	69.59%	6.89%	\$612,372
2 Licenses & Permits	195,760	64.44%	115,829	35.17%	29.27%	88,922
3 Intergovernmental Revenue	1,456,874	41.19%	1,403,184	40.57%	0.62%	21,908
4 Charges for Services	74,394	18.47%	82,928	27.42%	-8.95%	-36,060
5 Enterprise Contributions	1,471,895	41.67%	1,574,272	41.67%	0.00%	2
6 Miscellaneous Revenue	76,953	27.24%	124,509	47.16%	-19.92%	-56,281
7 Fines & Forfeitures	44,806	26.36%	59,395	35.57%	-9.21%	-15,855
8 Interfund Transfers	243,419	35.95%	202,917	28.18%	7.78%	52,661
Total Revenues	\$10,359,218	58.23%	\$9,895,560	54.61%	3.62%	\$643,413

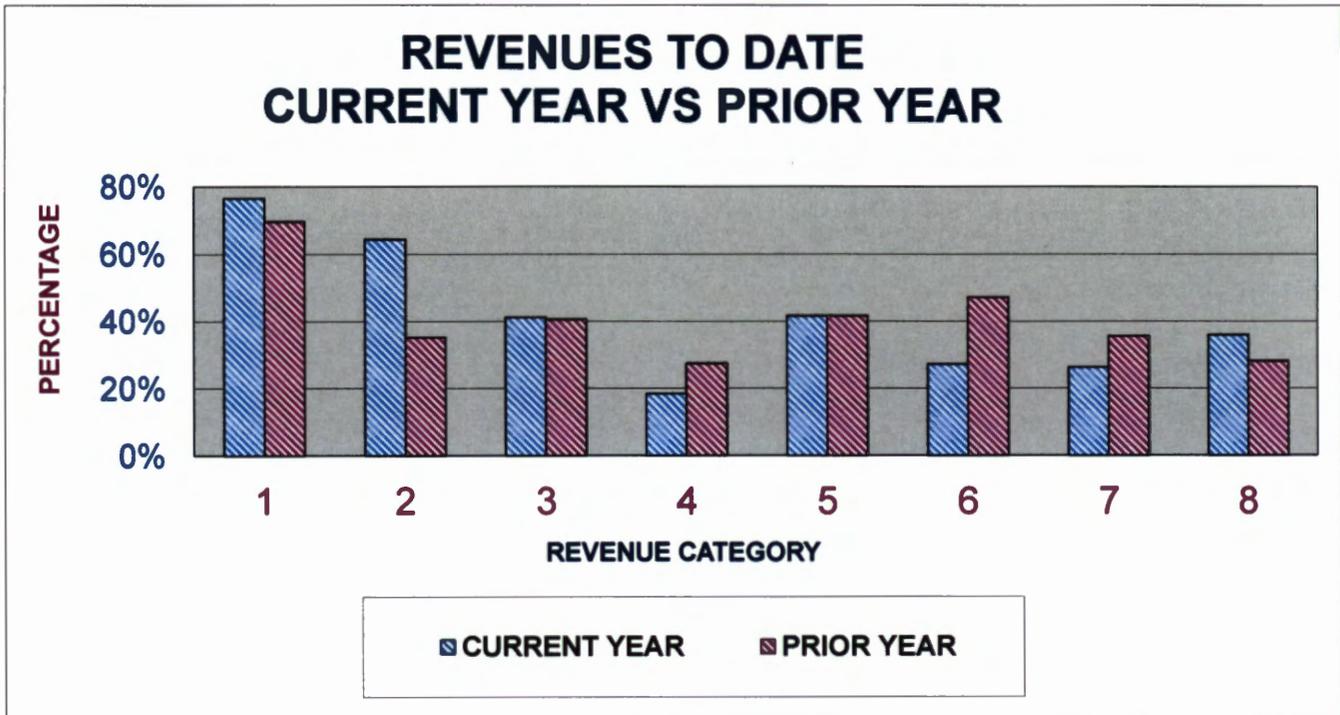


Exhibit 2

CITY OF JACKSONVILLE BEACH

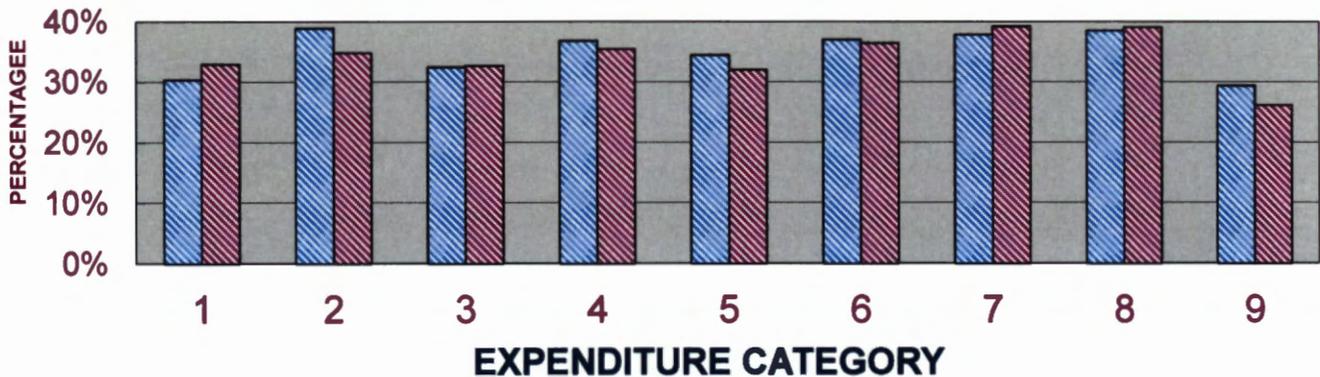
SUMMARY BUDGET EXPENDITURE REPORT

February 28, 2013
(41.37% of year has elapsed)

GENERAL FUND

DEPARTMENT	CURRENT YEAR EXPENDITURES TO DATE	CURRENT YEAR EXPENDITURES AS A PERCENTAGE OF BUDGET	PRIOR YEAR EXPENDITURES TO DATE	PRIOR YEAR EXPENDITURES AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
1 City Administration	\$148,629	30.30%	\$155,271	32.90%	2.80%	\$12,574
2 City Clerk	91,448	38.88%	89,491	34.76%	-4.12%	-9,687
3 Central Services	142,558	32.41%	144,804	32.64%	0.23%	1,013
4 Planning and Development	229,452	36.80%	229,450	35.42%	-1.37%	-8,564
5 Recreation and Parks	780,908	34.45%	715,230	31.98%	-2.48%	-54,723
6 Public Works	550,521	37.00%	556,090	36.43%	-0.57%	-8,539
7 Police	3,051,288	37.84%	3,101,793	39.19%	1.35%	109,153
8 Fire	1,329,843	38.52%	1,343,507	39.07%	0.55%	18,999
9 Non-Departmental	360,841	29.37%	337,852	26.14%	-3.23%	-39,706
TOTAL EXPENDITURES	\$6,663,463	36.57%	\$6,673,487	36.61%	0.04%	\$7,841

EXPENDITURES TO DATE CURRENT YEAR VS PRIOR YEAR



■ CURRENT YEAR ■ PRIOR YEAR

Exhibit 3

CITY OF JACKSONVILLE BEACH

SUMMARY BUDGET REVENUE REPORT

February 28, 2013
(41.37% of year has elapsed)

ENTERPRISE FUNDS

FUND	CURRENT YEAR REVENUE TO DATE	CURRENT YEAR REVENUE AS A PERCENTAGE OF BUDGET	PRIOR YEAR REVENUE TO DATE	PRIOR YEAR REVENUE AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
410 ELECTRIC	\$34,404,835	34.43%	\$35,027,789	35.40%	-0.97%	-\$967,585
411 NATURAL GAS	853,284	33.24%	793,318	34.80%	-1.56%	-40,038
420 WATER & SEWER	4,283,025	40.80%	3,709,825	40.38%	0.42%	43,549
423 STORMWATER	535,934	42.42%	532,594	42.34%	0.08%	1,048
430 SANITATION	1,336,195	41.90%	1,327,633	41.64%	0.27%	8,562
440 GOLF COURSE	511,304	36.64%	556,689	39.63%	-2.99%	-41,674
TOTAL REVENUES	\$41,904,578	35.27%	\$41,947,848	36.08%	-0.80%	-\$952,098

REVENUES TO DATE CURRENT YEAR VS PRIOR YEAR

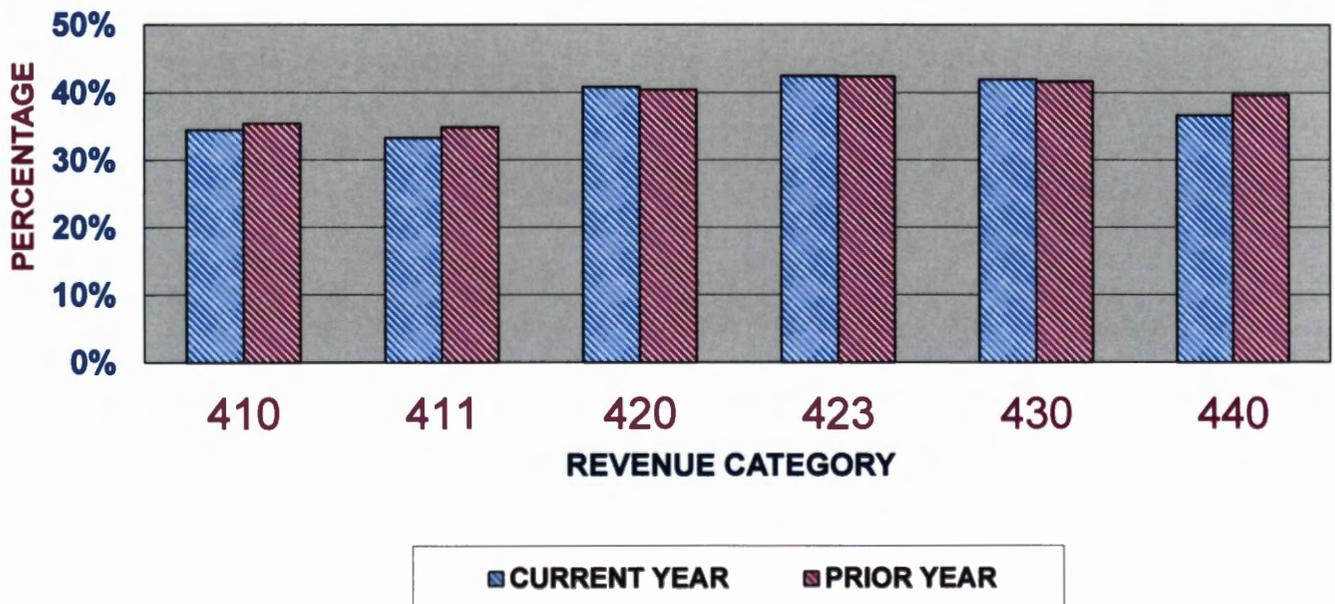


Exhibit 4

CITY OF JACKSONVILLE BEACH

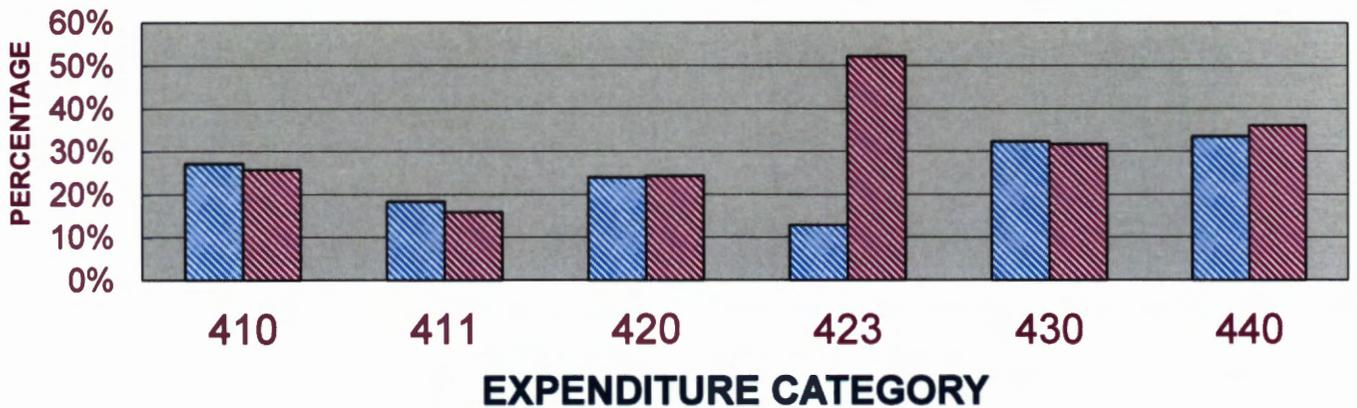
SUMMARY BUDGET EXPENDITURE REPORT

February 28, 2013
(41.37% of year has elapsed)

ENTERPRISE FUNDS

FUND	CURRENT YEAR EXPENDITURE TO DATE	CURRENT YEAR EXPENDITURE AS A PERCENTAGE OF BUDGET	PRIOR YEAR EXPENDITURE TO DATE	PRIOR YEAR EXPENDITURE AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
410 ELECTRIC	\$26,733,352	27.17%	\$25,798,349	25.75%	-1.42%	-\$1,397,215
411 NATURAL GAS	433,447	18.33%	373,518	15.88%	-2.45%	-57,945
420 WATER & SEWER	3,567,319	24.00%	3,611,318	24.32%	0.32%	48,111
423 STORMWATER	196,474	12.86%	807,014	52.14%	39.28%	600,080
430 SANITATION	1,093,154	32.30%	1,075,930	31.74%	-0.56%	-18,803
440 GOLF COURSE	462,562	33.47%	506,451	36.02%	2.55%	35,276
TOTAL EXPENDITURES	\$32,486,308	26.65%	\$32,172,581	26.00%	-0.64%	-\$785,546

EXPENDITURES TO DATE CURRENT YEAR VS PRIOR YEAR



■ CURRENT YEAR ■ PRIOR YEAR

Exhibit 5

CITY OF JACKSONVILLE BEACH

SUMMARY BUDGET REVENUE REPORT

February 28, 2013

(41.37% of year has elapsed)

SPECIAL REVENUE FUNDS

FUND	CURRENT YEAR REVENUE TO DATE	CURRENT YEAR REVENUE AS A PERCENTAGE OF BUDGET	PRIOR YEAR REVENUE TO DATE	PRIOR YEAR REVENUE AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
130 CONVENTION DEV. TAX	\$47,447	30.91%	\$46,066	25.81%	5.10%	\$7,833
150 LOCAL OPTION GAS TAX	302,735	40.26%	304,472	39.06%	1.19%	8,976
151 INFRASTRUCTURE SURTAX	440,385	45.82%	422,297	42.19%	3.63%	34,888
160 COMMUNITY DEV. BLK. GRANT	23,835	15.22%	0	0.00%	15.22%	23,835
181 DOWNTOWN INCREMENT FUND	4,323,552	100.21%	4,891,554	95.08%	5.13%	221,143
182 SOUTHEND INCREMENT FUND	2,606,806	99.27%	2,594,548	99.54%	-0.27%	-7,094
TOTAL REVENUES	\$7,744,761	86.40%	\$8,058,937	83.46%	2.94%	\$263,740

REVENUES TO DATE CURRENT YEAR VS PRIOR YEAR

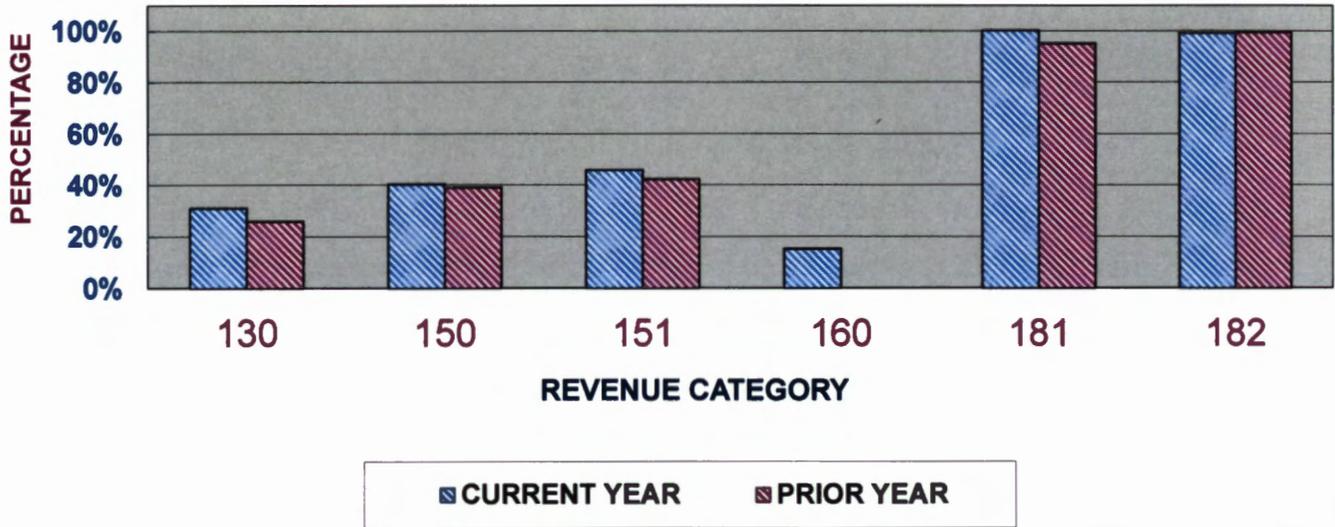


Exhibit 6

CITY OF JACKSONVILLE BEACH

SUMMARY BUDGET EXPENDITURE REPORT

February 28, 2013
(41.37% of year has elapsed)

SPECIAL REVENUE FUNDS

FUND	CURRENT YEAR EXPENDITURE TO DATE	CURRENT YEAR EXPENDITURE AS A PERCENTAGE OF BUDGET	PRIOR YEAR EXPENDITURE TO DATE	PRIOR YEAR EXPENDITURE AS A PERCENTAGE OF BUDGET	PERCENTAGE VARIANCE (CURRENT YEAR LESS PRIOR YEAR)	NET VARIANCE IN CURRENT BUDGET DOLLARS FAV/(UNFAV)
130 CONVENTION DEV. TAX	\$161,275	57.34%	\$127,561	56.53%	-0.81%	-\$2,277
150 LOCAL OPTION GAS TAX	181,034	21.86%	216,842	26.99%	5.13%	42,448
151 INFRASTRUCTURE SURTAX	405,018	41.68%	434,691	40.73%	-0.95%	-9,273
160 COMMUNITY DEV. BLK. GRANT	38,889	24.84%	8,864	5.66%	-19.18%	-30,028
181 DOWNTOWN INCREMENT FUND	1,246,138	7.72%	489,264	6.12%	-1.80%	-258,213
182 SOUTHEND INCREMENT FUND	199,994	4.37%	130,972	2.71%	-1.66%	-75,894
TOTAL EXPENDITURES	\$2,232,348	9.72%	\$1,408,193	9.34%	-0.38%	-\$88,142

EXPENDITURES TO DATE CURRENT YEAR VS PRIOR YEAR

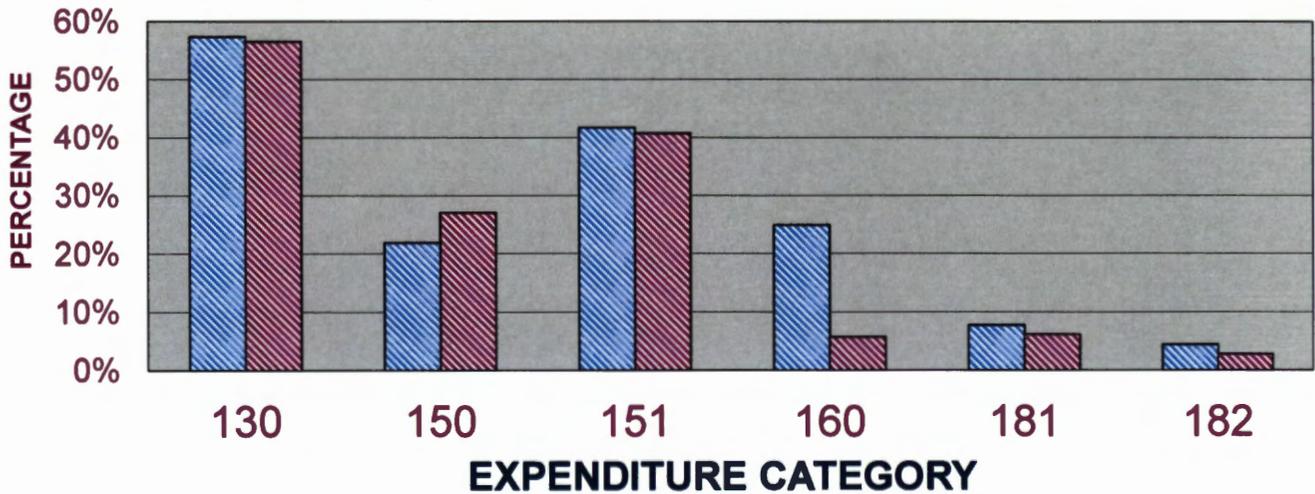


Exhibit 7

CITY OF JACKSONVILLE BEACH

SUMMARY BUDGET REPORT
 February 28, 2013
 (41.37% of year has elapsed)

FUND NAME	BUDGET FOR YEAR	BUDGETED REVENUES TO DATE	ACTUAL REVENUES TO DATE	VARIANCE FAV. (UNFAV)
001 General Fund	17,790,542.00	7,359,922.85	10,359,217.67	2,999,294.82
130 Convention Development Tax	153,500.00	63,502.74	47,447.44	(16,055.30)
150 Local Option Gas Tax	752,000.00	311,101.37	302,734.66	(8,366.71)
151 Infrastructure Surtax	961,200.00	397,647.12	440,385.34	42,738.22
160 Community Dev. Blk. Grant	156,576.00	64,775.28	23,835.35	(40,939.93)
181 Downtown Increment Fund	4,314,632.00	1,784,957.35	4,323,552.10	2,538,594.75
182 Southend Increment Fund	2,626,066.00	1,066,399.91	2,606,805.77	1,520,405.86
410 Electric Utility	99,931,547.00	41,341,544.10	34,404,835.44	(6,936,708.66)
411 Natural Gas Utility	2,567,199.00	1,062,046.71	853,283.78	(208,762.93)
420 Water & Sewer Utility	10,449,466.00	4,322,929.77	4,263,024.86	(59,904.91)
423 Storm Water Management	1,263,316.00	522,632.10	535,934.21	13,302.11
430 Sanitation Fund	3,188,666.00	1,319,146.76	1,336,195.19	17,048.43
440 Golf Course Fund	1,395,478.00	577,307.34	511,304.17	(66,003.17)
460 Leased Facilities Fund	584,421.00	241,774.17	246,122.81	4,348.64
500 Internal Service Funds	9,276,161.00	3,837,535.10	4,566,911.04	729,375.94
Total Revenues	155,410,770.00	64,293,222.66	64,821,589.83	528,367.17

FUND NAME	BUDGET FOR YEAR	BUDGETED EXPENDITURES TO DATE	ACTUAL EXPENDITURES TO DATE	VARIANCE FAV. (UNFAV)
001 General Fund	18,223,373.00	7,538,984.45	6,663,462.87	875,521.58
130 Convention Development Tax	281,270.00	116,361.01	161,275.13	(44,914.12)
150 Local Option Gas Tax	827,979.00	342,533.78	181,033.67	161,500.11
151 Infrastructure Surtax	971,734.00	402,005.02	405,017.78	(3,012.76)
160 Community Dev. Blk. Grant	156,576.00	64,775.28	38,889.14	25,886.14
181 Downtown Increment Fund	16,144,625.00	6,679,009.25	1,246,137.60	5,432,871.65
182 Southend Increment Fund	4,575,272.00	1,892,783.76	199,994.36	1,692,789.40
410 Electric Utility	98,387,841.00	40,702,915.04	26,733,351.71	13,969,563.33
411 Natural Gas Utility	2,364,597.00	978,230.54	433,447.34	544,783.20
420 Water & Sewer Utility	14,864,038.00	6,149,232.16	3,567,319.14	2,581,913.02
423 Storm Water Management	1,527,641.00	631,982.99	196,474.00	435,508.99
430 Sanitation Fund	3,384,600.00	1,400,204.38	1,093,153.65	307,050.73
440 Golf Course Fund	1,382,066.00	571,759.84	482,582.47	109,197.17
460 Leased Facilities Fund	1,402,066.00	580,041.06	675,359.56	(95,318.50)
500 Internal Service Funds	9,445,255.00	3,907,489.05	4,093,591.41	(186,102.36)
Total Expenditures	173,938,955.00	71,958,307.41	46,151,069.83	25,807,237.58

FUND NAME	NET INCOME	NET VARIANCE FAV (UNFAV)
001 General Fund	3,695,754.80	3,874,816.39
130 Convention Development Tax	(113,827.69)	(60,969.42)
150 Local Option Gas Tax	121,700.99	153,133.40
151 Infrastructure Surtax	35,367.56	39,725.46
160 Community Dev. Blk. Grant	(15,053.79)	(15,053.79)
181 Downtown Increment Fund	3,077,414.50	7,971,466.40
182 Southend Increment Fund	2,406,811.41	3,213,195.26
410 Electric Utility	7,671,483.73	7,032,854.67
411 Natural Gas Utility	419,836.44	336,020.27
420 Water & Sewer Utility	695,705.72	2,522,008.11
423 Storm Water Management	339,460.21	448,811.10
430 Sanitation Fund	243,041.54	324,099.17
440 Golf Course Fund	48,741.70	43,194.00
460 Leased Facilities Fund	(429,236.75)	(90,969.86)
500 Internal Service Funds	473,319.63	543,273.59
Total Net Variance	18,670,520.00	26,335,604.75

Schedule of Cash and Investments by Type
February 28, 2013

Type of Investment	Beginning Balance 1/31/2013	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 2/28/2013	Net Rate of Return*	Percent of Total	Weighted Net Return*
State Pooled Investment Fund	173,160	27	0	913	0	940	0	174,100	0.54%	0.14%	0.00%
Money Market: Suntrust	2,567,774	197	0	0	(25)	172	0	2,567,946	0.01%	2.07%	0.00%
Money Market: Goldman Sachs Treasury	10,307	11	116	0	0	127	0	10,434	1.23%	0.01%	0.00%
U.S. Treasury Stripped Coupons	2,792,087	0	0	34,848	0	34,848	0	2,826,935	1.25%	2.28%	0.03%
Florida Municipal Investment Trust 1-3 Yr HQ Bond Fund	12,544,992	422	0	0	0	422	0	12,545,414	0.00%	10.11%	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	21,645,343	6,538	0	0	0	6,538	0	21,651,881	0.03%	17.46%	0.01%
Sawgrass Asset Management	25,936,304	22,095	11,674	30,944	0	64,713	0	26,001,016	0.25%	20.96%	0.05%
Cutwater Investment Services	25,416,942	23,119	5,423	14,649	0	43,191	0	25,460,132	0.17%	20.53%	0.03%
Galliard Capital Management	10,002,246	8,168	(929)	3,139	0	10,379	0	10,012,625	0.10%	8.07%	0.01%
Federal Agency Security: Govt Ntl Mortgage Assoc.	4,553	0	(116)	16	0	(100)	0	4,453	-2.19%	0.00%	0.00%
TOTAL CITY MANAGED INVESTMENTS	101,093,708	60,577	16,168	84,510	(25)	161,230	0	101,254,937	0.16%	81.63%	0.13%
Operating Cash: Bank of America	23,900,208	3,794	0	0	(10,877)	(7,083)	(1,124,498)	22,768,628	-0.03%	18.36%	-0.01%
Restricted Money Market: Unclaimed Bond Fund	10,197	0	0	0	0	0	0	10,197	0.00%	0.01%	0.00%
Petty Cash	5,745	0	0	0	0	0	0	5,745	0.00%	0.00%	0.00%
TOTAL OPERATING CASH	23,916,150	3,794	0	0	(10,877)	(7,083)	(1,124,498)	22,784,570	-0.03%	18.37%	-0.01%
TOTAL CITY MANAGED INVESTMENTS AND CASH	125,009,858	64,371	16,168	84,510	(10,902)	154,147	(1,124,498)	124,039,507	0.12%	100.00%	0.12%
Pension Fund: Salem Mutual Fund	14,577,302	11,059	0	4,950	0	16,009	0	14,593,312	0.11%	20.59%	0.02%
Pension Fund: Sawgrass Asset Mgt	26,237,550	53,860	(2,571)	95,236	0	146,525	(0)	26,384,075	0.56%	37.22%	0.21%
Pension Fund: Atlanta Capital	17,590,247	30,099	118,881	11,447	0	160,426	0	17,750,673	0.91%	25.04%	0.23%
Pension Fund: MD Sass	12,094,649	18,986	200,639	(164,799)	0	54,827	(0)	12,149,476	0.45%	17.14%	0.08%
TOTAL PENSION INVESTMENTS	70,499,748	114,004	316,949	(53,166)	0	377,787	(1)	70,877,536	0.54%	100.00%	0.54%

* For month, not annualized.

**City of Jacksonville Beach
Investment Report by Fund
February 28, 2013**

Investment held by:	Type	Face Amount	Market Value
Salem Trust Treasury Strip	TS	3,148,000	2,826,935
TOTAL for FUNDS 410 and 420			2,826,935

Salem Mutual Fund	Portfolio	14,593,312	14,593,312
Sawgrass Asset Management	Portfolio	26,384,075	26,384,075
Atlanta Capital	Portfolio	17,750,673	17,750,673
MD Sass	Portfolio	12,149,476	12,149,476
TOTAL for FUNDS 611, 612 and 613			70,877,536

TOTAL INVESTMENTS	\$73,704,471
--------------------------	---------------------

State Board of Administration	Pool	174,100	174,100
Suntrust Money Market	MM	2,567,946	2,567,946
Bank of America	Cash	22,768,628	22,768,628
FMIT 1-3 Yr High Quality Bond Fund	Pool	12,545,414	12,545,414
FMIT 0-2 Yr High Quality Bond Fund	Pool	21,651,881	21,651,881
Sawgrass Asset Management	Portfolio	26,001,016	26,001,016
Cutwater Investment Services	Portfolio	25,460,132	25,460,132
Galliard Capital Management	Portfolio	10,012,625	10,012,625
Salem Trust	GNMA	4,453	4,453
Salem Trust: Goldman Sachs Treasury	MM	10,434	10,434

TOTAL EQUITY IN POOLED CASH	\$121,196,629
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Petty Cash	Cash	5,745	5,745
Money Markets: Unclaimed Bond Funds	MM	10,197	10,197

TOTAL CASH AND INVESTMENTS	\$194,917,042
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**Summary of Attorney's Fees For The Month Ended
February 28, 2013**

Name	Description	Check Date	Check Amount
Finger & Nelson PLLC	General Matters	02/14/13	\$ 220.00
Fowler White Boggs	Employee Matters	02/28/13	\$ 902.00
Marks Gray PA	General Matters	02/14/13	\$ 6,789.02
Sugarman & Susskind PA	Pension Matters	02/21/13	\$ 2,031.00

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, Interim Chief of Police

Subject: Create Parking for Licensed Low Speed Vehicles, such as Licensed Golf Carts in Designated Areas of the City

Date: March 6, 2013

ACTION REQUESTED

Authorize the City Manager to designate locations throughout the city for parking licensed golf carts and low speed vehicles.

BACKGROUND

Low speed vehicles have become more popular with our local residents. They include licensed golf carts and other vehicles that cannot exceed 25mph as defined in state statute. These vehicles are licensed by The State of Florida to operate on locally maintained and owned roadways. The size of these vehicles is smaller than most cars, therefore needing less room to park and can fit into a space 6'x10' vs. a normal space of 19'x8.5'.

Many residents have found it difficult to find parking for these vehicles. As a result, there may be a need to create specific designated parking for licensed low speed vehicles in the city. The cost for the signs and space striping is estimated to be between \$100 and \$160 per space. The spaces we are currently considering for licensed low speed vehicles are shown in the attached maps.

RECOMMENDATION

Authorize the City Manager to designate parking for licensed golf carts and low speed vehicles.



City of Jacksonville Beach



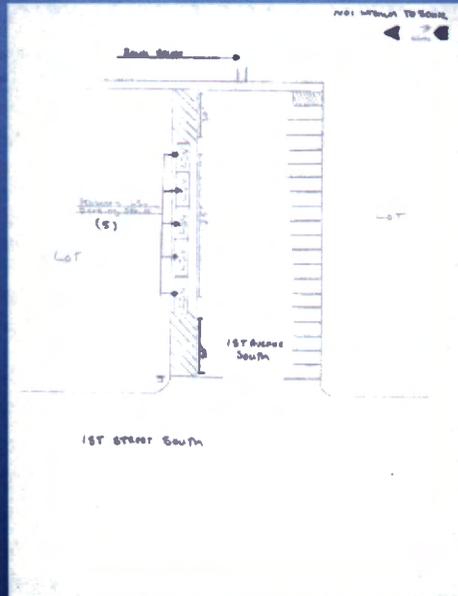
Low Speed Vehicle Parking Solutions

Pilot Program

503 1st Street North Pier Parking Lot



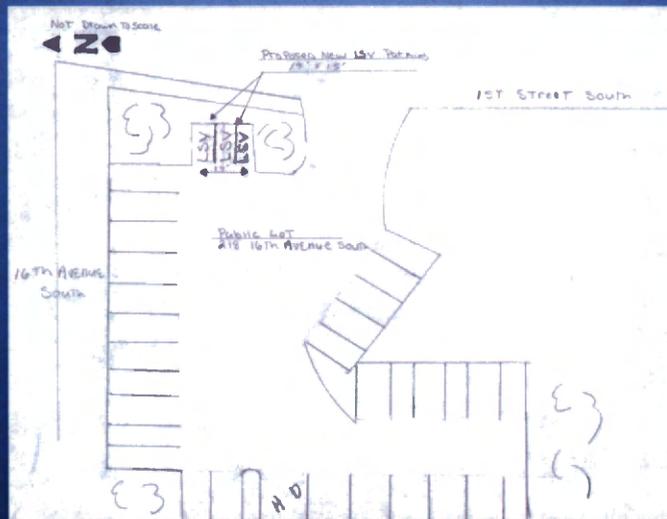
1st Avenue South



12th Avenue South



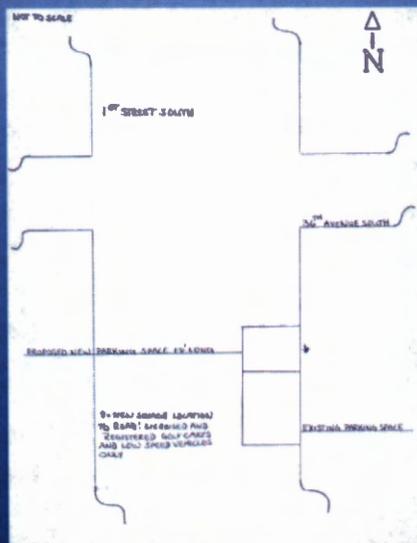
218 16th Avenue South Public Parking Lot



1st Street South @ 32nd Avenue



1st Street South @ 36th Avenue



City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

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www.jacksonvillebeach.org

To: Mayor and City Council
From: George D. Forbes, City Manager
Subject: Authorize the Downtown Parking Program
Date: March 7, 2013

ACTION REQUESTED:

1. Approve the temporary suspension of the paid parking while researching a permanent paid parking program, or continue the current parking program until new equipment is selected and installed.
2. Approve a plan for the Police Department to take over the security for the parking lots when paid parking is enforced.
3. Authorize paid parking to be in effect during daylight savings time (March 10, 2013, through November 3, 2013).
4. The City Manager will take the action necessary to replace the orange barricades with a movable gate system.
5. If continuation of the current paid parking system is approved, authorize the City Manager to begin a pilot program of validating parking for restaurants.

BACKGROUND:

On March 21, 2010, the City Council authorized the City Manager to implement a paid parking program. As part of the paid program, security was included to have security guards in three city owned lots during the hours of operation. During the peak hours a police officer would rove between the three lots to assist the security guards with any issues. The security program was funded by the revenues generated by the paid parking program.

The City Council conducted workshops in early 2013, the purpose was to determine how the city would proceed with, or eliminate paid parking. As a result of the workshop we are recommending:

1. Continue the **current paid parking program** with summer hours (Fridays, Saturdays, Sundays and holidays) until the new equipment is



selected, and provide a **validation program for restaurants**. This will allow the City to pay for the enhanced security while reducing the impact of paid parking on the business community.

2. Authorize the City Manager to seek proposals for a gated entryway paid **parking system with a manned pay booth and ticket system**. This has the advantage of improved customer service and security, and can provide a permanent validation program. (see attachments)
3. Authorize the **police department to take over security** with non-sworn part-time employees.

Security in the downtown parking lot area could be significantly improved if the police department replaced the security guards and instead hired up to ten part-time employees who would receive a minimum of 70 hours of training. The positions will be called a Community Service Officer II. The non-sworn, uniformed police department employees will be assigned to the Pier parking lot and the Latham Plaza parking lot.

The hours for the two CSOII's will be on **Fridays** from 6:00 p.m. until 2:00 a.m., a Police Officer will be assigned to the area lots at 9:00 p.m. until 2:30 a.m. **Saturday** hours of operation for the two CSOII's will be from 1:00 p.m. until 2:00 a.m., and a police officer will be assigned at 9:00 p.m. until 2:30 a.m. **Sunday** Hours of operation will begin for the two CSOII's at 1:00 p.m. until 12:00 a.m. The police officer will work from 2:00 p.m. until 10:00 p.m. This will continue for the 35 weekends during the daylight saving time period.

A **combined part-time CSOII and police presence** in the parking lots should provide a level of security in the lots exceeding that which was provided under the paid parking program by Giddens Security. The hours of operation may be changed due to weather conditions.

There will be costs associated with the start-up of the program. It is recommended that two marked low speed vehicles with light bars be purchased to be used by the CSOII's while patrolling in the lots. Police radios will also be needed for direct communications.

The estimated costs are as follows:

Total Estimated Salary Cost for Two CSOII's	\$31,000.00
1 Police Officer Salary & Benefits	\$30,000.00
Radios and Chargers	\$13,000.00

Uniforms and Equipment for 10 Part-Time Employees	\$10,000.00
2 Golf Carts Street Ready	\$21,750.00
Total Police and CSOII Annual Payroll Cost	\$61,000.00
Total Equipment and Uniforms	\$44,750.00
Total Estimated Startup Cost for the Program	\$105,750.00

4. **Paid parking will only be in effect during daylight saving time** which is at 2:00 a.m. on the second Sunday in March through the first Sunday in November. This will continue paid parking during the peak season and eliminate it when the parking lots are no longer in demand.

The actual hours of operation for the paid parking will be Friday and Saturday from 10:00am until 2:00am. On Sundays and holidays it will open from 10:00 am until 12:00 am. The hours may vary based on weather conditions.

5. The City Manager will seek proposals to **replace the orange barricades with movable gates** installed at the unmanned entry points that will be closed during paid parking hours of operation.

RECOMMENDATION:

Authorize the downtown parking program as detailed in a memo from the City Manager dated March 7, 2013. Authorize the City Manager to expend the funds for the security program from the Unallocated General fund, or through the Redevelopment Agency, whichever is applicable.

Automated Parking Control System with Cashier (Pros)

- **Validation Program**- there are many systems that can easily be used
- **Supports multiple payment options**- coins, cash, credit, tokens, prepaid cards or bar code stickers
- **Revenue Control**- there are checks and balances for revenue control, easy to audit, and all vehicles are counted by the system
- **Computer programed**- Means you can use data to monitor system and pull data in real time
- **System pays for itself**- Once you have cost of the system paid for, not a lot of hidden costs
- **Enforcement**- if gated, or pay and display, either system is easy to enforce
- **System Control**- can make modifications as situations change; can change parking amounts for different times, dates, locations, events. This can be done from a central location to all parts of the system, employees or designated people can have access with little to no issues
- **Cashiers** – can provide public information to visitors. They can educate the public on how to enter the lot using the gate system. They are available to manage the equipment for system failovers, they can take all types of cash and give change, they can provide customer service and give a perception of security
- **Enforcement** – not needed if gated with a cashier taking the funds, no violators because they already paid

Automated Parking Control System with Cashier (Cons)

- **Start-up costs**- Depending on the system, \$24,571-\$160,679.60 (per entry/exit point), will need to get bids and a consultant should be hired to give you your best options, parking lots might/will need to be reconfigured
- **Start-up costs**- Depending on the system, \$58,941.25- \$185,767.90 (per entry/exit point), will need to get bids and a consultant should be hired to give you your best options, parking lots might/will need to be reconfigured
- **Additional equipment required** – a cashier booth will be required to meet Florida hurricane standards. Booths will need power.
- **Limited vehicle access** – will slow down entry of emergency vehicles. Equipment cannot be removed for special event vehicles
- **New System**-Can be confusing to unfamiliar users
- **Machines**-Equipment and computers break, must be fixed or replaced quickly to stay operational, also have to provide maintenance, environment and vandalism need to be considered, should purchase a camera system to monitor the machines and cashiers (that collect money) (who monitors the cameras?)
- **Enforcement**-Must have people to enforce violations of parking on a pay and display, more officers or CSOs
- **Revenue Control** – Employees create an opportunity for theft. Will require a system to audit employees and make deposits,
- **Cashiers** – Employees require restrooms, breaks, a relief employee for lunch, sick time, must cover for them



POLICE DEPARTMENT
 Patrick K. Dooley
 Interim Chief of Police

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, Interim Chief of Police
Subject: Draw for purchase of SWAT Team Ballistic Body Armor Vests, (four vests) for the Police Department from Local Law Enforcement Trust Fund
Date: March 6, 2013

ACTIONS REQUESTED:

Approve a draw for SWAT Team Entry Vests (four vests) from the Local Law Enforcement Trust Fund.

BACKGROUND:

The purchase of SWAT Body Armor entry vests are considered upgrades and possess an increased area of ballistic protection, ability to customize the fit for each team member, and possess better load-carrying ability.

The recommended life for body armor is five years. Four vests are currently seven years old and in need of replacement. These vests also endure extreme wear and tear due to mission requirements. The vests are on state bid #FSC680850111. The items detailed in this memorandum meet statutory requirements for the use of Local Law Enforcement Trust Fund.

	VENDOR	UNIT COST	QUANTITY	SUBTOTAL
SWAT Body Armor-Protech FAV	DGG TASER	\$1817.56	4	\$7,375.24
			TOTAL	\$7,375.24

RECOMMENDATION

Approve the draw of \$7,375.24 from The Local Law Enforcement Trust Fund to purchase four SWAT body armor vests.







City of
Jacksonville Beach
Fire Department
325 2nd Avenue South
Jacksonville Beach
FL 32250
Phone: 904.247.6201
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www.jacksonvillebeach.org

MEMORANDUM

TO: George Forbes, City Manager
FROM: Gary Frazier, Fire Chief
DATE: March 5, 2013
SUBJECT: Overtime Request to Cover for the Fire Marshal

ACTION REQUESTED:

Allocate \$5,000 for overtime personnel to cover the Fire Marshal's position.

BACKGROUND:

The Fire Marshal is expected to be off due to a major surgery for the next 4-5 weeks. He is responsible for plans review, code enforcement, fire investigation, and fire inspections. With the recent influx of projects and remodeling at the beach, it is necessary to have someone with experience with plans and code requirements in his office to meet and give direction to the contractors and builders about the fire codes.

In an effort to keep continuity and to maintain our services to the community and local businesses, we are requesting additional overtime funding to provide staffing to fill this position 3 days a week with until he returns. We will supplement his position with a State Certified Fire Inspector from among our ranks. The anticipated cost is \$5,000. Funding can come from the unanticipated General Fund and will be included in the year-end budget adjustment.

RECOMMENDATION

Approve \$5,000 for overtime to cover the Fire Marshal's position as described in a memo from Fire Chief Gary Frazier dated March 5, 2013.



City of
Jacksonville Beach
O&M Facility
1460A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6228
Fax: 904.270.1639

www.jacksonvillebeach.org

TO: George D. Forbes
City Manager

FROM: Diana Pratt
Property Management Supervisor

DATE: March 11, 2013

SUBJECT: Approval for Crazy Fish Jacksonville Beach, Inc. "Tenant" to Construct Two (2) Parking Lot Areas Designated for Restaurant Customers, Change the Name of the Business to Old Florida Fish Camp and Seafood Shack, Inc., and Extend the Existing Commercial Lease Agreement

ACTION REQUESTED:

Approval for Crazy Fish Jacksonville Beach, Inc., to construct two (2) parking lots designated for restaurant customers, change the name of the business from Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc., and extend the Lease for five (5) years. This facility is being used as a restaurant, and for marine related rentals and eco tours.

BACKGROUND:

On March 15, 2010, City Council approved Joshua Schruett d/b/a Crazy Fish Jacksonville Beach, Inc. to lease the former Florida Marine Patrol building at 2510 2nd Avenue North. The term of this original agreement is ten (10) years with an option to renew for additional one (1) year periods upon approval by the City Manager.

Due to an ongoing issue with minimal parking for Crazy Fish restaurant customers, the Tenant would like to construct two (2) parking lots in two (2) separate phases. He currently has five (5) parking spaces plus one (1) handicapped space. Phase 1 will include twenty-two (22) parking spaces across the street just north of the building with an anticipated completion date of six (6) months. Phase 2 will include fifteen (15) spaces plus one (1) handicapped space on the northeast side of the building with an anticipated completion date of eighteen (18) months. The Site Improvement Plan is attached. The Tenant's



estimate for building these two parking lots is approximately \$50,000.00; therefore in order for this project to be feasible, he is requesting to extend his current Commercial Lease Agreement for five (5) additional years, terminating on February 14, 2024.

The Tenant and his contractor will be working closely with the Property Management Supervisor, Planning and Development Department and Public Works Department to meet all requirements and obtain all approvals for this project.

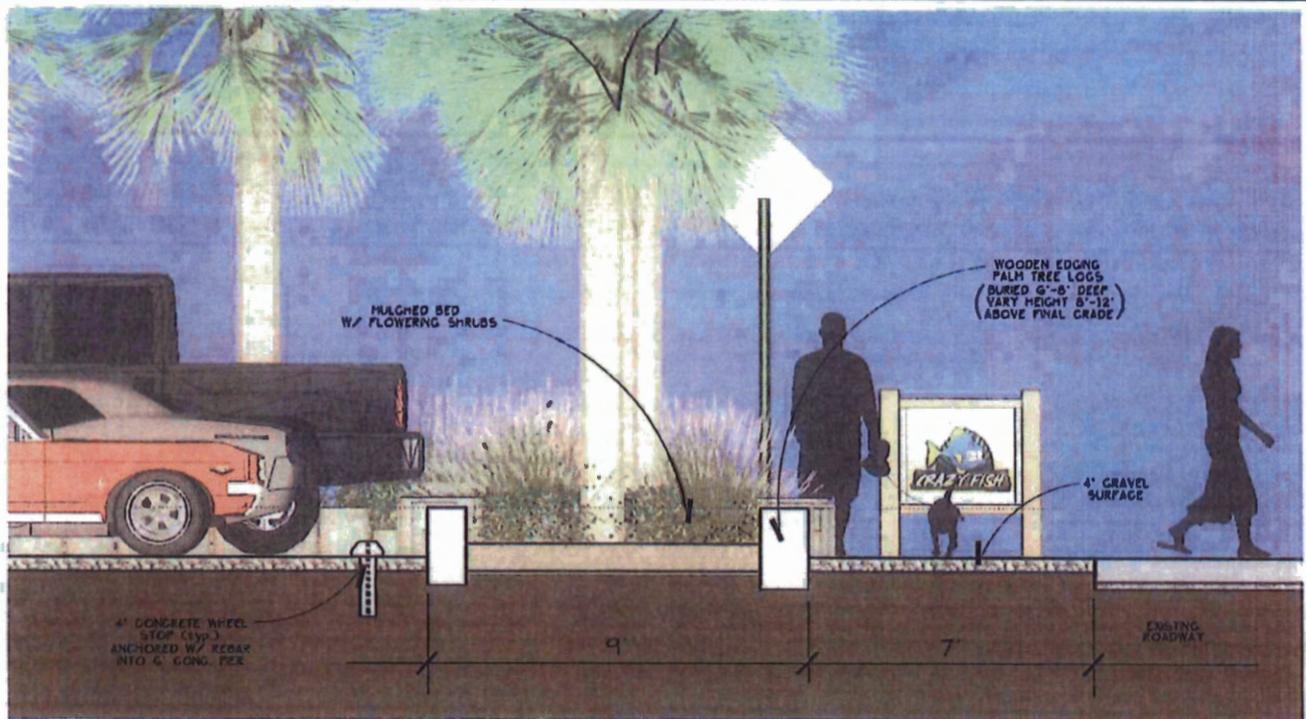
Since 2008, the Tenant has made several improvements to the City's leased facility including remodeling the entire interior of the building, adding a deck to the exterior of the building and a floating dock, as well as extensive landscaping to the property.

The attached Amendment #2 to the Lease Agreement will allow them to:

- Construct two (2) parking lots designated for restaurant customers;
- Change the name of the business from Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc.;
- Extend the existing Commercial Lease Agreement for five (5) years terminating on February 14, 2024.

RECOMMENDATION:

Adopt Amendment #2 to the existing lease agreement with Crazy Fish Jacksonville Beach, Inc. as described in a memorandum from Diana Pratt, Property Management Supervisor, dated March 11, 2013.



SECTION VIEW



- 1 - (10) CABBAGE PALMS
(*Sabal Palmetto*)
- 2 - (25) PURPLE FOUNTAIN GRASS
(*Pennisetum setaceum 'Rubrum'*)
- 3 - (40) FLUMBAGO
(*Plumbago auriculata*)

PLANT LIST

S-1

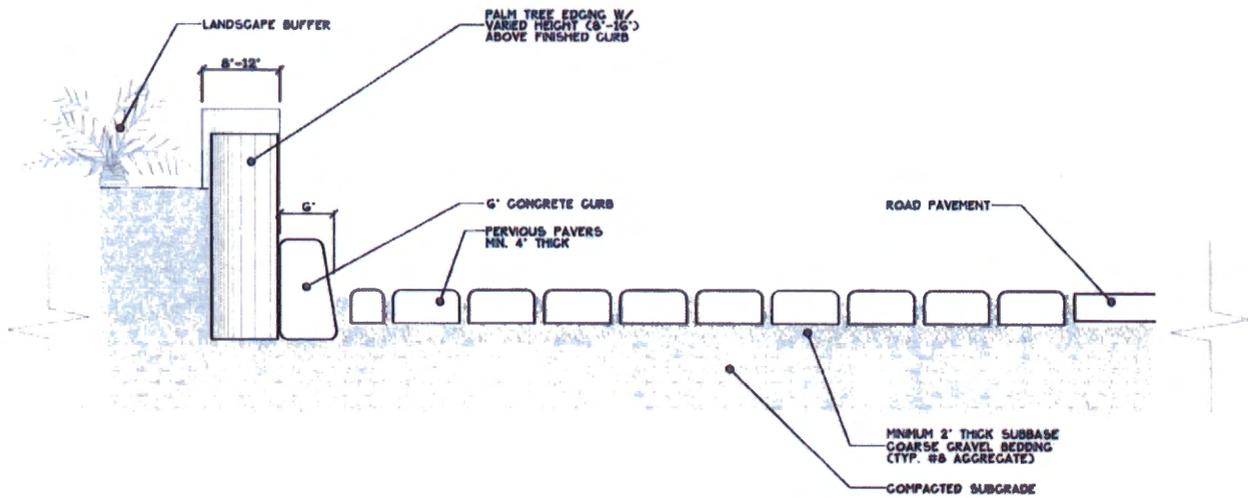
CRAZY FISH RESTAURANT
Jacksonville Beach, Florida

GREG STANG 1500 First Street
Hempstead Beach, FL 32208
Phone (904) 831-6099
jgregstang@aol.com

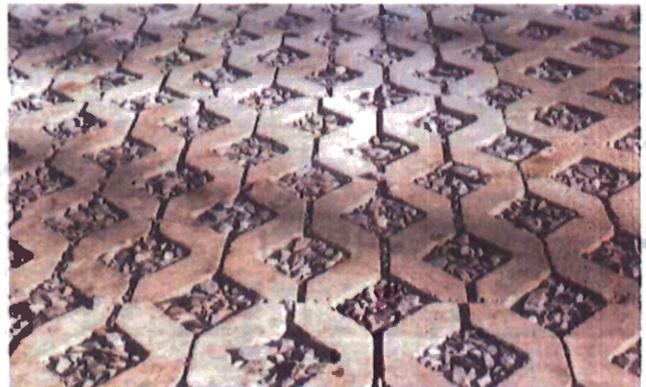


DATE:	October 26, 2012
SCALE:	1" = 20'
DESIGNER:	Stang Golf Design
DRAWN BY:	Courtney Conroy
REVISIONS:	





SECTION VIEW



- 1 - (28) PURPLE FOUNTAIN GRASS
(*Pennisetum setaceum rubrum*)
- 2 - (40) PLUMBAGO
(*Plumbago auriculata*)

PLANT LIST

S-2

SHEET NUMBER

CRAZY FISH RESTAURANT
Jacksonville Beach, Florida

GREG STANG 1000 First Street
Hoffman Beach, FL 32209
Phone (904) 634-6000
ggregstang@aol.com



DATE: February 8, 2012
SCALE: N.T.S.
DESIGNED: Stang Golf Design
DRAWN: Coach Consulting
REVISIONS:

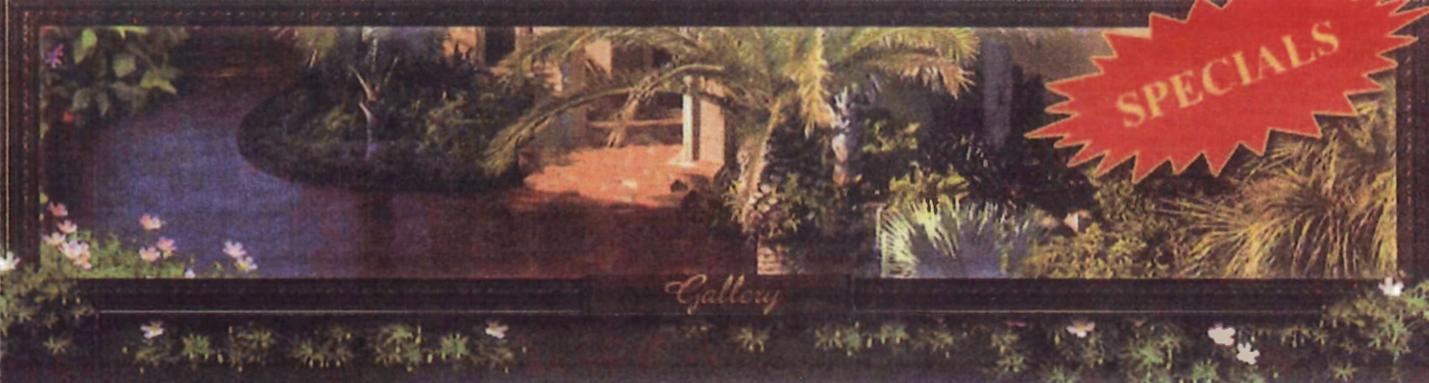




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- > Firepits
- > Rubber Pavers
- > Partners
- > Paver Lights

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Turfstone grid pavements allow vegetation to thrive or can be constructed as a permeable paver. Ideal for pedestrian and overflow traffic areas requiring solid traction and/or erosion control. Turfstone blends naturally with the landscape. Its simple open weave design allows for a breathable pavement, making it an environmentally friendly alternative to heat producing solid concrete or asphalt surfaces. Turfstone keeps the green surfaces green!

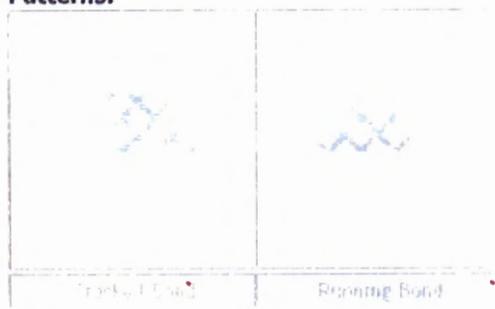
LEED Eligible Credits

- SS - Credit 6.1 Stormwater Design, Quality Control
- SS - Credit 6.2 Stormwater Design, Quality Control
- SS - Credit 7.1 Heat Island Effect Non-Roof

- MR - Credit 2.1 & 2.2 Construction Site Waste Management
 - MR - Credit 4.1 & 4.2 Recyclable Control
 - 4.1 - 10%
 - 4.2 - 20% post industrial
 - MR - Credit 5.1 & 5.2 Regional Materials
 - 5.1 - 10%
 - 5.2 - 20% extracted and processed
- Manufactured regionally, 500 miles

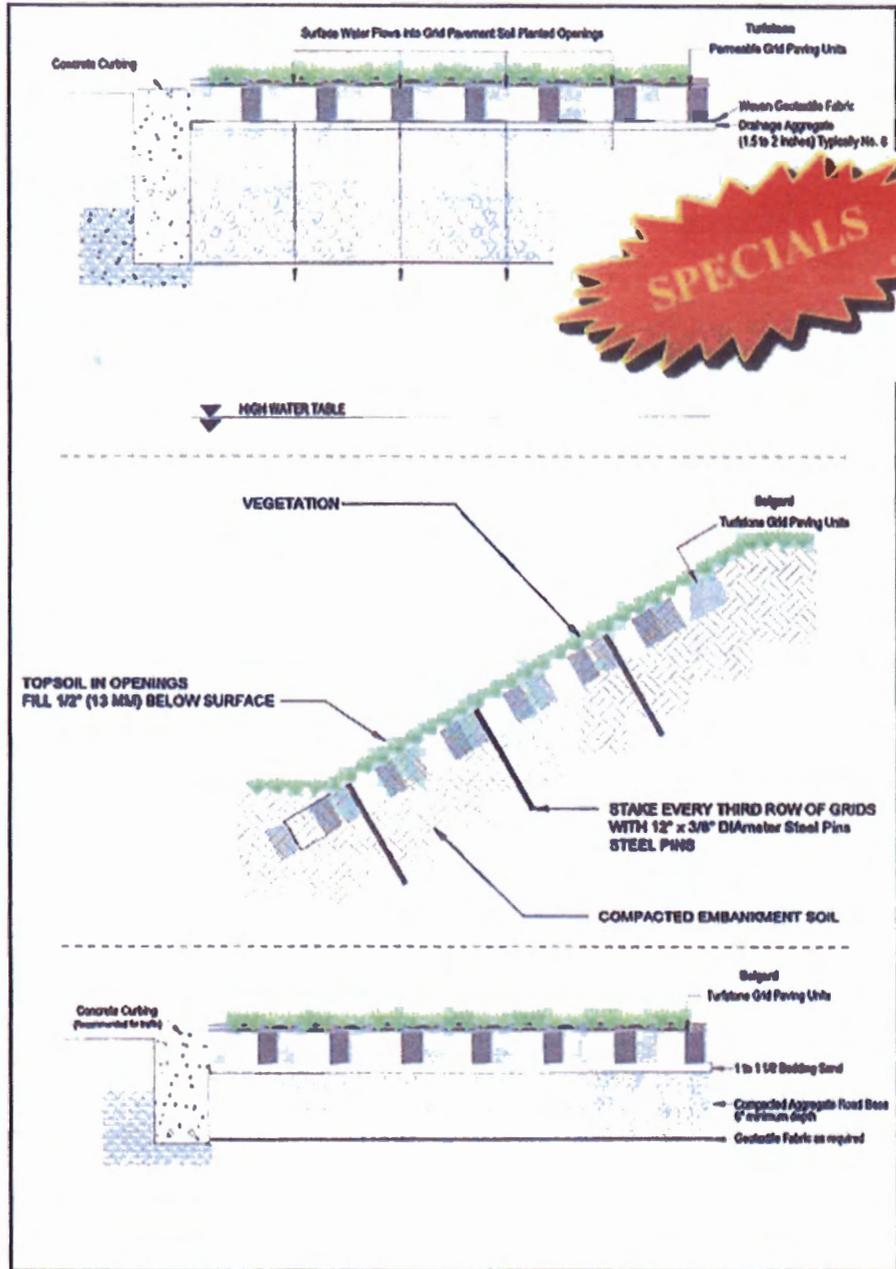


Patterns:





2.67 sq. ft. per unit
 Specs: 24" x 16" x 3 1/8"
 Weight: 58 lbs. approximate
 Meets ASTM C1319
 Void Opening: 39.9%



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AMENDMENT #2
COMMERCIAL LEASE AGREEMENT BETWEEN
THE CITY OF JACKSONVILLE BEACH AND JOSHUA SCHRUTT
D/B/A CRAZY FISH JACKSONVILLE BEACH, INC.

This Commercial Lease Amendment #2 shall provide the following changes(s) to the original Commercial Lease Agreement dated March 15, 2010 between the City of Jacksonville Beach "City" and Joshua Schrutt d/b/a Crazy Fish Jacksonville Beach, Inc. "Tenant":

1. The Tenant agrees to construct two (2) parking lots designated for restaurant customers in two (2) phases per the Site Improvement Plan, absorb the cost of all expenses to construct and maintain this work, and obtain all permitting requirements and approvals from the Property Management Supervisor, Public Works and Planning and Development Department.

Phase 1 will be completed by September 2013 and Phase 2 will be completed by March 2015.

2. Change the name of the business from Crazy Fish Jacksonville Beach, Inc., to Old Florida Fish Camp and Seafood Shack, Inc.
3. The City agrees to extend the lease agreement to February 14, 2024.
3. All other provisions of the original lease dated March 15, 2010 shall remain the same.



CITY - CITY OF JACKSONVILLE BEACH

ATTEST:

CITY:

Sign: _____ Sign: _____
Print: _____ Print: _____
Title: City Clerk Title: Mayor

Sign: _____
Print: _____
Title: City Manager

STATE OF FLORIDA
COUNTY OF DUVAL

**TENANT – OLD FLORIDA FISH CAMP AND SEAFOOD SHACK, INC.
(FORMERLY CRAZY FISH JACKSONVILLE BEACH, INC.)**

WITNESSED BY:

TENANT:

Sign: _____ Sign: _____
Print: _____ Print: _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by _____, as and as, on behalf of the corporation. They are personally known to me or produced _____ as identification and did/did not take an oath.

NOTARY PUBLIC:

Sign: _____
Print: _____
State of Florida at Large [SEAL]
My Commission Expires:

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

MEMORANDUM

To: George D. Forbes, City Manager

From: William C. Mann, Senior Planner 

Re: Ordinance No. 2013-8025, repealing Section 34-467 *Flood Hazard Area* of the Jacksonville Beach Land Development Code (LDC), and replacing it with new Floodplain Management Regulations consistent with the 2010 Florida Building Code, adopting updated Flood Hazard Maps, and adopting local administrative amendments to the Florida Building Code.

Date: February 28, 2013

ACTION REQUESTED:

Adoption of Ordinance No. 2013-8025, repealing Section 34-467 *Flood Hazard Area* of the Jacksonville Beach Land Development Code (LDC), and replacing it with new Floodplain Management Regulations consistent with the 2010 Florida Building Code, adopting updated Flood Hazard Maps, and adopting local administrative amendments to the Florida Building Code. (Applicant – Steve Lindorff, Planning and Development Director)

BACKGROUND:

The 2010 edition of the Florida Building Code became effective in the spring of 2012. One key provision in this latest version of the Building Code is that it contains flood provisions governing the flood resistant design of buildings in mapped flood hazard areas. Some of these regulations are not consistent with Florida counties' and cities' existing floodplain regulations, so the Division of Emergency Management (DEM) developed a 'model' ordinance to be used by counties and cities that repeals their current regulations and replaces them with regulations which are consistent with the flood regulations in the new Building Code.



The attached ordinance incorporates the State's model language into our Land Development Code. These new regulations are not only coordinated with the Florida Building Code, they are also improved in some respects. For example, floodplain management provisions and definitions are clearer and more detailed, and include administrative provisions and requirements for development other than buildings, and for structures that are exempt from Building Code requirements. Detailed elevation requirements for flood zone area buildings that require permits are now contained in the Building Code, whereas they had traditionally been found in a city's local zoning regulations.

The City has been regulating construction in its flood hazard areas since it began participation in the National Flood Insurance Program (NFIP) in 1977. Our flood hazard area regulations set minimum first floor elevations and design standards for structures located in flood hazard areas, or flood zones as they are commonly referred to. These regulations serve to minimize the potential for flood damage to such structures, thereby reducing flood insurance policy claims paid out by the NFIP. For instance, the low lying developed areas adjacent to the Pablo Creek salt marshes lie in AE Flood Zones with base flood elevations of 4' and 5', depending on exact location. Our flood regulations require that habitable structures built within these zones be elevated so that the first floor and the lowest equipment serving that structure are at or above that specified base flood elevation.

The proposed ordinance does not increase any regulations applicable to development in floodplain areas in the city. The regulations for such development have simply been moved, in large part, from our zoning code to the Building Code. The attached ordinance also references the new Flood Insurance Rate Map (FIRM) panels for the City, prepared by FEMA over the last three years, and recently distributed to all Duval County cities. They replace our current Flood Map panels dated April 17, 1989. There are no major changes to the delineated flood hazard areas on the panels, and several smaller, isolated flood hazard areas were actually eliminated. Owners whose properties were potentially affected by changes in the new maps were contacted by FEMA contractors during the map update process.

The Planning Commission met and conducted a required public hearing on this Land Development Code Text Amendment application on Monday, February 25, 2013, and recommended its approval by the City Council.

RECOMMENDATION:

Adopt Ordinance No. 2013-8025, approving new Floodplain Management Regulations coordinated with the 2010 Florida Building Code, adopting local administrative amendments to the Florida Building Code, and adopting updated Flood Insurance Rate Map panels for the City of Jacksonville Beach.

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2013-8025

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP BY REPEALING SECTION 34-467 FLOOD HAZARD AREA IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 34-347 FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS, DESIGNATING A FLOODPLAIN ADMINISTRATOR, ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, ADOPTING LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, REPEALER, AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Jacksonville Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Jacksonville Beach was accepted for participation in the National Flood Insurance Program on March 15, 1977, and the Jacksonville Beach City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the Jacksonville Beach City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the Jacksonville Beach City Council that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. That Land Development Code Article VI, Division 6, Section 34-287. *Supplemental Standards For Variances In Flood Hazard Areas* and Land Development Code Article VIII, Division 5, Section 34-467. *Flood Hazard Area* are repealed and shall be replaced by the following new Land Development Code Article VIII, Division 5, Section 34-467. *Flood Hazard Area* which shall read as follows:

**ARTICLE VIII SITE DEVELOPMENT STANDARDS
DIVISION 5. ENVIRONMENTAL STANDARDS**

Sec. 34-467. Flood hazard area

(a) *Administration*

(1) *General*

- a. *Title.* These regulations shall be known as the *Floodplain Management Ordinance of the City of Jacksonville Beach, Florida*, hereinafter referred to as "this ordinance."
- b. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- c. *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- d. *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
 - e. *Warning.* The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
 - f. *Disclaimer of Liability.* This ordinance shall not create liability on the part of the City Council of the City of Jacksonville Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

(2) *Applicability*

- a. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- b. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Jacksonville Beach, as established in Section 102.3 of this ordinance.
- c. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Duval County, Florida and Incorporated Areas dated June 3, 2013, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall in the Planning and Development Department, 11 N. 3rd Street.
- d. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared

by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- e. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- f. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- g. *Interpretation.* In the interpretation and application of this section, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(3) *Duties and powers of the flood plain administrator.*

- a. *Designation.* The Planning and Development Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- b. *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.
- c. *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
- d. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.
- e. *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.
- f. *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

- g. *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- h. *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Jacksonville Beach are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- i. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the offices of the Planning and Development Department, 11 North 3rd Street.

(4) *Permits.*

- a. *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.
- b. *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:
 1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- d. *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 1. Identify and describe the development to be covered by the permit or approval.

2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
- e. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- f. *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- g. *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
- h. *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
1. The St. Johns River Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 6. Federal permits and approvals.

(5) *Site plans and construction documents.*

a. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

b. *Information in flood hazard areas without base flood elevations (approximate Zone A.)* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- c. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- d. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs,

and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(6) *Inspections.*

- a. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- b. *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- c. *Buildings, structures, and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- d. *Building, structures, and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- e. *Buildings, structures, and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.
- f. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Inspection Division.

(7) *Variances and appeals.*

- a. *General.* The Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Jacksonville Beach Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood

resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

- b. *Appeals*. The Jacksonville Beach Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Jacksonville Beach Board of Adjustment may appeal such decision to the Circuit Court of Duval County, as provided by Florida Statutes.
- c. *Limitations on authority to grant variances*. The Jacksonville Beach Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Jacksonville Beach Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
- d. *Restrictions in floodways*. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.
- e. *Historic buildings*. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
- f. *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- g. *Considerations for issuance of variances*. In reviewing requests for variances, the Jacksonville Beach Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - 4. The importance of the services provided by the proposed development to the community;

5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- h. *Conditions for issuance of variances.* Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
 2. Determination by the Jacksonville Beach Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(8) *Violations.*

- a. *Violations.* Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed

a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

- b. *Authority.* For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- c. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(9) *Definitions.*

a. *General.*

- 1. *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.
- 2. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- 3. *Terms not defined.* Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

b. *Definitions.*

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before March 15, 1977. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 15, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after March 15, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 15, 1977.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 107 of this ordinance.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(10) *Flood resistant development.*

a. *Buildings and structures.*

1. *Design and construction of buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.
2. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
 - (a) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building Section 3109* and *Section 1612* or *Florida Building Code, Residential Section R322*.
 - (b) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

b. *Subdivisions.*

1. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - (b) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) of this ordinance; and

- (c) Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

c. *Site improvements, utilities, and limitations.*

1. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - (d) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
 - (e) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 - (f) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 - (g) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.
 - (h) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood

damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8(3)

d. *Manufactured homes.*

1. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - (a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
 - (b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.
3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.
5. *General elevation requirement.* Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).
6. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 - (a) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

- (b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.
 - 7. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.
 - 8. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.
- e. *Recreational vehicles and park trailers.*
- 1. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (a) Be on the site for fewer than one-hundred and eighty (180) consecutive days; or
 - (b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 - 2. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.
- f. *Tanks*
- 1. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 - 2. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:
 - (a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (b) Not be permitted in coastal high hazard areas (Zone V).
 - 3. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to, and elevated to or above the design flood elevation on, a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

- g. *Other development.*
 1. *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and
 - (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.
 3. *Retaining walls, sidewalks, and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.
 4. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3 (3) of this ordinance.
 5. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - (a) Structurally independent of the foundation system of the building or structure;
 - (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

- (c) Have a maximum slab thickness of not more than four (4) inches.
6. *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
- (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - (c) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - (d) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
- (a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - (b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five

units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run up and wave reflection that would increase damage to adjacent buildings and structures.

- (c) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 3. The *Florida Building Code, Building* is amended by adding a new Section 107.6.1 to the Administration chapter of the Florida Building Code which shall read as follows:

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

SECTION 4. The *Florida Building Code, Building* is amended by adding a new Section 117 to the Administration chapter of the Florida Building Code which shall read as follows:

117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

SECTION 5. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 6. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Jacksonville Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after April 1, 2013.

SECTION 7. All other ordinances and regulations or parts of ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 8. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the Jacksonville Beach City Council that the provisions of this ordinance shall become and be made a part of Chapter 34 *Jacksonville Beach Land Development Code* of the Jacksonville Beach Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 9. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with the law.

AUTHENTICATED ON THIS __ DAY OF _____, A.D., 2013

William C. Latham, MAYOR

Judy Bullock, CITY CLERK