

ZOOM VIRTUAL MEETING NOTICE**INSTRUCTIONS FOR PUBLIC VIEWING AND PARTICIPATION****CITY OF JACKSONVILLE BEACH CITY COUNCIL MEETING****MAY 18, 2020, AT 6:00 P.M.****(NO PHYSICAL LOCATION)**

Due to the current restrictions and limitations for social distancing and gatherings surrounding the COVID-19 crisis, the May 18, 2020, City of Jacksonville Beach, City Council meeting will be conducted in a modified manner. The meeting will be conducted virtually, utilizing Zoom technology and webinar capabilities. The City is providing numerous additional technological options for public attendance and participation in the meeting.

The Governor's Executive Order Number 20-69, addressing Local Government Public Meetings, states local government bodies may utilize communications media technology (CMT), as provided in section 120.54(5)(b)2., Florida Statutes. On April 6, 2020, the City of Jacksonville Beach City Council further approved at their public meeting the use of CMT and alternative start times to conduct their Council meetings and briefings.

The following CMT options are available to participate, view and listen to the May 18, 2020, City Council meeting:

1. **View and listen to a Livestream of the meeting online:**
 - Access the meeting by visiting the [City of Jacksonville Beach YouTube Channel: https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q](https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q)
 - View the Livestream via Zoom technology: <https://us02web.zoom.us/j/84676202085>
2. **Listen to the meeting via phone:**
 - Dial 1-301-715-8592
 - Webinar ID: 846 7620 2085
 - There is no participant ID number. If you are asked for this, press #. When dialing in by phone, your line will be automatically muted for the duration of the meeting, unless you have pre-registered to speak. (Instructions for pre-registration are below.)
3. **Hearing or speech impaired access:**
 - Contact the agency using the Florida Relay Service: 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).
4. **Submit questions and comments concerning a scheduled agenda item or for the Courtesy of the Floor portion of the Agenda:**
 - You may provide written comments by:
 - Emailing the City Clerk, Laurie Scott, at cityclerk@jaxbchfl.net; or
 - Via U.S. mail to City Clerk, City Hall, 11 N. 3rd Street, Jacksonville Beach, FL 32250; or
 - Place a copy of your comments in the drop box at the main entrance of City Hall.
 - Provide your full name and address, and if you are a city business owner, list the business name and address.
 - You may also submit a Public Comment Submission Form on the City of Jacksonville Beach website. Fill out the form at [this link](https://cojb.typeform.com/to/Gu0LXH) to have your comments read during the meeting: <https://cojb.typeform.com/to/Gu0LXH>. Comments on an action item and

comments for Courtesy of the Floor will be read into the record. Submissions will be provided to the Council. All Submissions are a public record.

- Written comments will be read into the record at the appropriate time. All other written comments received by the deadline will be distributed to the Mayor and City Council members and the appropriate staff before the start of the meeting. Comments received through these CMT options will be read into the record by the City Clerk or City Attorney. Written comments will be limited to three (3) minutes of reading time.
- Members of the public may also opt to comment via dialing in or utilizing Zoom technology, but to do this, they **must register in advance**. To register, fill out the form at this link: <https://cojb.typeform.com/to/qiGRmc>
 - It is requested that members of the public register by noon on Monday, May 18, 2020.
 - Speakers will be limited to three (3) minutes.
 - To either dial in or use Zoom technology, speakers need to ensure they have proper working equipment. For dialing in, a telephone with audio/speaker and microphone capabilities is required. For participation utilizing Zoom technology, smart technology (smartphone/tablet/laptop/desktop) should be equipped with both microphone and speaker capabilities. It is up to each speaker to test the functionality of their equipment before the meeting starts. If the speaker's equipment is not working correctly during the meeting, the speaker will be unable to participate.
 - To check technological requirements and to test your technology, visit the Zoom web site here: <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>
 - To download Zoom applications, click here: <https://zoom.us/download>
 - For the purposes of this meeting, speakers will be clicking **“Download”** under **“Zoom Client for Meetings”** (using a PC or mac) *or* choosing your mobile device platform under **“Zoom Mobile Apps.”**
- The email address and the online comment form will remain open during the meeting to accept comments to be read into the record up until 5 minutes before a particular agenda item is addressed by the Mayor. Public comments for Courtesy of the Floor will be accepted until 5 minutes before the Mayor opens that portion of the meeting.
- For additional information or assistance, please contact the following people prior to the meeting:
 - For public comment questions: Laurie Scott, City Clerk, cityclerk@jaxbchfl.net or (904) 247-6299.
 - For questions on connecting to or using CMT or Zoom for the meeting: Jacob Board, Communications Manager, jboard@jaxbchfl.net, or (904) 247-4036.

NOTICE

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

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



Agenda
City Council

Monday, May 18, 2020

6:00 PM

Via Video Conference

MEMORANDUM TO:

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

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

20-104 Regular Council Meeting held on May 4, 2020

20-105 Council Briefing held on May 11, 2020

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

20-106 Presentation by the North Florida Transportation Planning Organization (TPO) Staff on the North Florida Transportation Improvement Program (TIP)

CITY CLERK

CITY MANAGER

20-107 Accept/Reject the Monthly Financial Reports for the Month of April 2020

- 20-108** Approve/Disapprove the First Amendment of the Permissive Use Agreement between the City and St. Johns River Water Management District

RESOLUTIONS

ORDINANCES

- 20-109** ORDINANCE NO. 2020-8139 (Second Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE I. – IN GENERAL, SECTION 31-5 – RIDING BICYCLES ON SIDEWALKS PROHIBITED, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES; CHANGING THE TITLE; REMOVING THE PROHIBITION OF RIDING BICYCLES ON PUBLIC SIDEWALKS, AND ADDING MULTIPLE SUBSECTIONS THAT AUTHORIZE, REGULATE OR PROHIBIT USE OF CERTAIN OTHER DEVICES ON SIDEWALKS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(removes the prohibition of riding bicycles on sidewalks, adding multiple subsections that authorize, regulate or prohibit the use of certain other devices on sidewalks, to conform to Florida Statute regulations)**

- 20-110** ORDINANCE NO. 2020-8140 (Second Reading) (Public Hearing)

AN ORDINANCE TO AMEND SECTION 6-8. – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS, AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. **(amendments to the sea turtle protection to conform to current model lighting regulations)**

- 20-111** ORDINANCE NO. 2020-8141 (Second Reading) (Public Hearing)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

20-112 ORDINANCE NO. 2020-8142 (First Reading) (Public Hearing)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, AMENDING CHAPTER 30, ARTICLE III, SECTION 30-34(a) (ADDITIONAL HOMESTEAD EXEMPTIONS AUTHORIZED) OF THE CITY CODE OF ORDINANCES, TO INCREASE THE AMOUNT OF ADDITIONAL HOMESTEAD EXEMPTION FOR LOW INCOME PERSONS AGE 65 YEARS AND OVER FROM \$25,000.00 TO \$50,000.00 CONSISTENT WITH STATE LAW; DIRECTING THE CLERK TO PROVIDE A COPY OF THIS ORDINANCE UPON COUNCIL APPROVAL TO THE DUVAL COUNTY PROPERTY APPRAISER; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. **(additional homestead exemption for low income persons 65 years of age and over)**

ADJOURNMENT**NOTICE**

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

You may use this website <http://www.jacksonvillebeach.org/publichearinginfo> to find information concerning the hearing process. This information is also available in the City Hall first floor display case.

**Minutes of Regular City Council Meeting
held Monday, May 4, 2020, at 6:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham made the following statement:

“Pursuant to Governor Ron DeSantis’ Executive Order No. 20-112, which extends the Executive Order No. 20-69, municipalities may continue to conduct meetings of their governing boards without having a quorum of its members physically present in any specific location, and they may utilize communications media technology (CMT) to conduct the meeting for public attendance and presentations at the meeting

On April 6, 2020, the City of Jacksonville Beach City Council further approved at their public meeting the use of CMT and alternative start times to conduct their Council meetings and briefings.

Accordingly, this City Council meeting is being held in a modified manner. We are using CMT pursuant to the Governor’s Orders to conduct City business and to protect public, Council, and staff’s health, safety, and welfare.

Additionally, pursuant to the Governor’s Orders prohibiting large gatherings and requiring social distancing, and the local emergency orders of closure of government buildings, the public is not physically present at City Hall tonight.

In a moment, the City Attorney will explain the CMT procedures and adaptations for the public attendance and public comment that have been put in place and are being utilized.

The City Council members and City personnel are appearing through CMT.”

OPENING CEREMONIES:

Council Member Vogelsang provided the Invocation, followed by the Pledge of Allegiance.

CALL TO ORDER:

Mayor Latham called the meeting to order at 6:00 P.M.

Mayor Latham invited City Attorney Chris Ambrosio to explain the CMT procedures and adaptations put in place and being utilized for this meeting.

Mr. Ambrosio explained the CMT instructions and opportunities for the public to attend and participate were published on various platforms in a public notice [*on file*]. He went over the options for the public to view and listen: via Livestream on the City’s YouTube Channel, by phone, and through hearing or speech impaired relay service. The public was notified they could submit questions and comments for an agenda item or Courtesy of the Floor by submitting written comments to the City Clerk via email, U.S. mail, through the drop box located at City Hall, or they could complete an online submission form. Any comments received would be read into the record by the City Clerk or City Attorney. The public could preregister to comment during the meeting utilizing the Zoom platform if they had the proper equipment. Mr. Ambrosio stated council members would not use any technology to communicate among themselves about any agenda item or topic being discussed.

Mayor Latham invited Congressman John Rutherford to speak on the federal response to the COVID-19 pandemic. Congressman Rutherford stated the following related to the federal CARES (Coronavirus Aid, Relief, and Economic Security) Act:

- 74% of loans were for \$150,000 or less, indicating it was going to small business;
- Tried to get money out as quickly as possible to businesses;
- Money is intended for employees;
- If a business wanted the loan to become a grant, a minimum of 75% of their loan must have been spent on their employees' payroll;
- If the money does not go to the employees, then the money would be a loan, and the business would have to pay it back;
- \$25 Million went to the Inspector General's office to review the loans;
- The responsibility for the application is on the borrower, not the lender;
- The CARES Act 2.0 provided:
 - An additional \$484 Billion in resources
 - An additional \$310 Billion to the PPP (Paycheck Protection Program)
 - A total of \$670 Billion in the PPP
 - An additional \$20 Billion for Economic Injury Disaster Loans (EIDL) through the SBA (Small Business Administration)
 - An additional \$50 Billion for the Disaster Loan Program
 - \$60 Billion of the \$310 Billion was set aside for small lenders to lend out
 - Under the CARES Act 2.0, the average loan amount is approximately \$79,000, indicating it is going to small businesses;
- \$75 Billion went to hospitals, children's hospitals, and rural hospitals
 - \$825 Million went to community health centers
 - \$25 Billion went to testing
 - \$22 Billion to the FDA (Food and Drug Administration) for testing
 - 50% went to state and local for testing and tracing;
- \$700 Billion was sent to states for testing and PPEs (Personal Protective Equipment).

Congressman Rutherford responded to comments and questions from Council Members related to the CARES Act loans and the short term impact on the federal budget.

Mayor Latham stated he wanted to let Congressman Rutherford speak while he was available by telephone, so there was a deviation from the agenda schedule.

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty (absent) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

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

- Regular Council Meeting held on April 20, 2020
- Council Briefing held on April 27, 2020

ANNOUNCEMENTS:

Ms. Hoffman announced she had partnered with a Jacksonville Beach based marketing company on the Beaches 2.0 campaign with the goal of keeping the community informed as beaches small businesses reopen safely. She also announced there was a new BEAM (Beaches Emergency Assistance Ministry) campaign called Keep Their Homes. BEAM provides rent assistance to beaches community residents. The goal is \$50,000, and the campaign runs through May 15, 2020.

Ms. Golding announced on May 6, 2020, Beaches Watch would have a virtual community meeting with Beaches School Board Representative Elizabeth Andersen and Superintendent Dr. Diana Greene. They would be speaking about the status of the schools, updates regarding COVID-19, and the half-cent sales tax on the November ballot.

Ms. Dumont congratulated the Spring 2020 UNF graduates.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Ms. Scott read submitted comments into the record [on file]:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach - "Now that the city is using zoom technology to keep council meetings and briefings progressing forward, I was wondering if now is not the time to use same technology with the CRA. This type of technology should be considered not only for monthly meetings, but also use to increase both the number of briefings within the committee, or between the council and CRA. Some of the issues that I believe are worthwhile to explore or get updates on include: 1) Is the law firm that was hired to consolidate the various Vision Plans still on target to deliver the product when expected? If not, what is the expected date and how will the date impact the CRA from using said result to finalize a unified Vision Plan by year end? 2) Based on current economic forecasts, what is the status for all major downtown construction projects and expected completion dates? 3) Attempt to ascertain any challenges and opportunities in our downtown should a potential down economy occur. We know from our most recent citizen Vision meetings, that a common concern among citizens is that we are not realizing the full capabilities of what our downtown should offer for the residents. Obviously, the crystal ball is very unclear about our future economic picture, but proper Downtown Jax Beach planning is very critical, if not essential, during this period. As you know, the 2007 Vision Plan was completed just prior to the 2008 crash, and much was left incomplete. Hopefully we can learn from that experience. There is no doubt that everyone within city hall has much on their plate during the unprecedented period. I only ask that value, importance, and the priority of progressing the CRA mission be considered during this crisis period."
- Sue Ann Alleger, 1084 16th Avenue South, Jacksonville Beach – "16th Avenue South Traffic and Lighting Nuisance Complaint. On March 26, 2020 a letter was sent via email to Commissioner Nichols. That letter is attached [no letter attached to submitted comments]. In a follow-up phone conversation on April 20, Mr. Nichols noted that he had contacted Chief Smith regarding the lack of traffic limit signs and traffic speed problems along 16th Avenue South and Director Mann of the Planning Department regarding nuisance lighting from the Baptist Beaches parking area along 16th Avenue South. Both City of Jacksonville Beach staff were to visit the area and provide information. Mr. Nichols

had nothing to report on April 20. This letter provides the second inquiry into what is going to be done to slow traffic, inform drivers of the lawful speed limit, enforce the speed limit and mitigate for the nuisance lighting from the Baptist Beaches parking lot overhead lights. The residents along 16th Avenue South request: 1. Two to four 15 MPH speed limit signs in both directions of 16th Avenue South between 11th Street and 9th Street. 2. Speed trailer with radar between 10th Street South and 9th Street just before the curve to alert drivers of their traveling speed and to provide traffic count and speed data. 3. Speed limit markings be painted on the road surface of both travel lanes between Roberts Drive and 9th Street South at frequent intervals reflective of FDOT Design Standard Plan guidelines. 4. Replacement or adaption of the parking lot lights in the 16th Avenue South Baptist Beaches parking lot to prevent nighttime nuisance illumination into adjacent homes. The residents and families along 16th Avenue South demand the council focus on these problems before an accident or fatality occurs. Speed kills and we cannot ask residents to obey a law if no information exists to inform them of the law. Thank you.”

Mr. Nichols commented he, Chief Gene Paul Smith, and Director of Planning and Development Bill Mann had been in contact with Ms. Alleger about addressing these issues.

Communications Manager Jacob Board announced there was one preregistered call-in speaker for Courtesy of the Floor.

- Jennifer McKeever [via dial in], 2821 Sebastian Court, Jacksonville, (904) 935-4296, spoke about the lack of small business spaces available that have running hot water. She stated building owners should have to put in hot water at their expense.

MAYOR AND CITY COUNCIL: *No items*

CITY MANAGER:

Item #20-097 – Appoint/Reappoint Three Members to the Police Officers’ Pension Board

Mr. Staffopoulos addressed both Item #20-097 and Item #20-098, stating these are appointments and reappointments of members to the Police and Firefighters’ Pension Boards. He stated even though the fire department is contracted out, the City still maintains the pension associated with it. He added the Human Resources Department liaisons for the Pension Boards.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Marvin Dupree to the Police Officers’ Pension Board for a two-year term expiring on March 31, 2022.

Discussion:

Ms. Hoffman asked about the procedure to have the board members submit new applications and re-interview. Mayor Latham agreed the council had requested the new procedure due to concerns about term limits and asked if there would be a problem to table this item. Director of Human Resources Ann Meuse responded there was a Pension Board meeting scheduled for June 2, 2020. She was concerned without the reappointments, there would not be a quorum for the meeting. Ms.

Scott advised she would reach out to the board members to submit a new application and work on setting up interviews via CMT, which are convenient to Mayor Latham and the applicants.

Ms. Hoffman stated the applicant procedures were guidelines, not requirements. She was comfortable moving forward with the agenda item. Ms. Dumont expressed concern about having these reappointments at this time of year instead of at the end of the calendar year. Ms. Scott clarified most of the other City boards' terms were changed to expire on December 31st. The Pension Board was not changed due to the way their terms run.

Mr. Nichols inquired about extending these appointments until December 31st to allow time to go through the interview process. Ms. Meuse advised one of the appointments in each of these two boards on the agenda is a ministerial appointment of a fifth member selected by the other members.

Ms. Golding asked Ms. Scott if ending all the board terms at the same time would cause any difficulty. Ms. Scott responded there are still some staggered terms, but it makes the process of having qualified candidates ready to interview easier when the terms end at the same time.

Amended Motion: It was moved by Mr. Nichols to extend the terms of Mr. Dupree and Mr. Gosztyla to December 31, 2020.

The motion died due to the lack of a second.

Original Motion:

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint John Gosztyla to the Police Officers' Pension Board for a two-year term expiring on March 31, 2020.

Point of order raised by Mr. Vogelsang that the term ends on March 31, 2022, not March 31, 2020.

Restated Moton: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint John Gosztyla to the Police Officers' Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to reappoint, as a ministerial act, John Galarneau to serve as the fifth member of the Police Officers' Pension Board for a term expiring on March 31, 2022.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Dumont, Golding, Mayor Latham
The motion passed 6-0.

Item #20-098 – Appoint/Reappoint Three Members to the Firefighters’ Pension Board

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Gaylord George Candler to the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Nichols, Vogelsang, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Dennis Povloski to the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Vogelsang, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint as a ministerial act, Deborah White, to serve as the fifth member of the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 6-0.

Item #20-099 – Approve/Disapprove the Rehabilitation of the North Elevated Water Tank with Tank Rehab, Corrpro Water Works and Tank Engineering

Mr. Staffopoulos explained this item is for authorization for the rehabilitation of the City’s north water tank planned in the fiscal year 20-21 CIP (Capital Improvement Plan). Public Works wants to start work on the project now so the rehabilitation can begin in early October.

Director of Public Works Dennis Barron said the project involves repainting the tank on the north end with two logos, replacing cathodic protection, and installing a cellular corral. The plan is to have the work completed in November/December. Approval of this item would allow them to accept bids, get the contracts ready, and be ready to go early.

Discussion:

Ms. Golding asked about how long the overcoat paint and corrosion repair done in July of 2018 was expected to last. Mr. Barron responded normal overcoat paint lasts significantly longer. However, the overcoat paint done in 2018 was spot repairs done to avoid possible catastrophic repairs in 2020/2021. It was a necessary temporary repair due to the saltwater environment. He also stated the cathodic protection is still original.

Mr. Vogelsang asked if the plan was to make this tower look like the tower on the south end with the logo and color. Mr. Barron responded the project includes a complete tank painting with two logo applications. The colors are yet to be determined. Ms. Hoffman said the south end tower looked good and added the Council never voted to approve the logo, so it should not be an issue to adapt the color.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the rehabilitation of the North Elevated Water Tank with Tank Rehab, Corpro Waterworks and Tank Engineering.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

RESOLUTIONS:

Item #20-100 – RESOLUTION NO. 2058-2020

Mayor Latham requested the City Clerk read Resolution No. 2058-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION BY THE CITY OF JACKSONVILLE BEACH, AUTHORIZING THE SALE OF CITY SURPLUS PROPERTY USING GOVDEALS ONLINE AUCTION SERVICES, AS ALLOWED BY CITY CODE OF ORDINANCES SEC. 2-1.1(e), AND DELEGATE ADMINISTRATIVE RESPONSIBILITY FOR DETERMINING SURPLUS PROPERTY AND RESULTING SALES TO THE CITY MANAGER.”

Mr. Staffopoulos explained the disposal of surplus property is done regularly. This action would allow the City to continue doing so into the future.

Property and Procurement Officer Luis Flores stated this item is usually brought before Council twice per year for the sale of surplus items. Previously, the Council expressed the desire to have the process done administratively. This item is to advertise the surplus and to provide the administrative authority to the City Manager in the future. Follow up would be done with the City Attorney to create an ordinance.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2058-2020 to authorize the sale of City surplus property using the online auction services of GovDeals, and to delegate to the City Manager administrative responsibility for determining surplus property designations and sales of the property.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Dumont, Golding, Mayor Latham
The motion passed 6-0.

ORDINANCES:

Item #20-101 – ORDINANCE NO. 2020-8139 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8139 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE I. – IN GENERAL, SECTION 31-5 – RIDING BICYCLES ON SIDEWALKS PROHIBITED, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES; CHANGING THE

TITLE; REMOVING THE PROHIBITION OF RIDING BICYCLES ON PUBLIC SIDEWALKS, AND ADDING MULTIPLE SUBSECTIONS THAT AUTHORIZE, REGULATE OR PROHIBIT USE OF CERTAIN OTHER DEVICES ON SIDEWALKS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8139.”

Public Hearing:

Ms. Scott read into the record submitted comments in support of the agenda item [*on file*]:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach – “On Feb 27, 2020, I submitted an email letter to Councilpersons Golding and Dumont, asking for a comprehensive review of ordinance 31-5 prohibiting the riding of bicycles on all sidewalks in Jax Beach. This ordinance essentially forced cycling families onto busy and dangerous streets such as around Jacksonville Drive, South Beach Parkway, Penman Road, to name but a few. Also, the ordinance was oftentimes not enforced by our police because it simply did not make good sense. We should not put our police dept in that position. Let's provide them with the proper guidelines that make good common sense, and that are also enforceable. This is a start, and I am in full support. I want to personally thank Ms. Golding and Ms. Dumont for their quick response to my email and their efforts in aligning this ordinance with overall public safety and helping us become a more bicycle and pedestrian friendly community. I also want to thank the city manager, city attorney, other council members, or staff that was a part of pushing this agenda item so quickly, especially in light of the other work they must be facing during the virus crisis. As an avid cyclist, I am deeply saddened that Florida remains the state with the highest number of bicycle accident deaths. As a community, I am sure we can be better. I do hope that we have reached out to Chief Smith and his team, and this fully aligns with their expectation. In closing, and without trying to get in the weeds on verbiage, I did not see anything in the ordinance whereby a cyclist should use bike lane or multi use trail if one exists (it can be confusing for pedestrians to see cyclists on sidewalk if bike lane is adjacent). Unfortunately, we don't have that much within the city (1st St being the major exception) but might be worth a discussion. However, I defer that to legal and police experts. Thanks again to all.”

Mr. Board advised there were no preregistered speakers for this agenda item.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8139 to make amendments to Section 31-5 of the City Code of Ordinances to change the title, to remove the prohibition of riding bicycles on sidewalks, adding multiple subsections that authorize, regulate or prohibit the use of certain other devices on sidewalks, to conform to Florida Statute regulations.

Discussion:

Ms. Golding asked for clarification regarding the concern in the comments submitted by Mr. Marsh about bike lanes. She believed it is addressed in the ordinance with reference to Section 316.2065, Florida Statutes. Mr. Ambrosio stated section 31-5(j) of the proposed ordinance is the City incorporating into local law that bicycle operators and riders are to comply with the Florida Statute bicycle regulations. He also explained why designated bike lanes are not addressed in this ordinance.

Ms. Dumont asked what the distinction is between an electrical personal assistive mobility device and the micromobility device.

Mr. Ambrosio advised there were three scrivener errors in the proposed ordinance in section 31-5(f), (l), and (m) that do not affect the substance of the ordinance. He advised he would correct the errors before the second reading of the ordinance.

Mr. Ambrosio responded to Ms. Dumont's question by saying motorized scooters and micromobility devices are motorized, engine propelled devices, which are not capable of traveling at speed greater than 20 miles per hour on level ground. An electrical personal assistive mobility device is any self-balancing, two non-tandem wheeled device designed to transport only one person with electric propulsion with an average power of 750 watts, which is one horsepower, with a maximum speed of less than 20 miles per hour.

Ms. Golding asked about a Segway. Mr. Ambrosio confirmed a Segway is included in the category of an electrical personal assistive mobility device.

Roll Call Vote: Ayes – Nichols, Vogelsang, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 6-0.

Item #20-102 - ORDINANCE NO. 2020-8140 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8140 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND SECTION 6-8. – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS, AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8140.”

Public Hearing:

Ms. Scott stated there were no public comments submitted. Mr. Board stated there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8140 to make amendments to Section 6-8 – Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines.

Mr. Staffopoulos stated this initiative is trying to provide better control and regulation of sea turtle protection. The City is still looking at lighting along the endzones east of 1st Street.

Mr. Ambrosio explained this ordinance begins with definitions. It addresses lighting standards for new construction and development, existing construction and development, and approved Florida Fish and Wildlife Conservation Commission (FWC) lighting. There is also a section related to vehicle parking, parking lots, and pool decks. The ordinance includes stronger enforcement policies and penalties for violations and other remedies.

Mr. Ambrosio advised there were scriveners' errors; he would correct. On page 6, he needed to add the term “frontal dune” in one section. On page 6, Section 6-8(e)(7), and on page 9, Section 6-8(g)(4)a., the tint should be 15% instead of the 45% shown. He stated he would provide links to several educational YouTube videos to Council and for the public.

Discussion:

Ms. Dumont noted Section 6-8(d)(1) related to driving on the beach and 6-8(d)(2) about building campfires or bonfires are already illegal. She asked how many structures would be out of compliance with this ordinance that would have to come into compliance within six months. She was thinking about the costs to homeowners and businesses. Mr. Ambrosio stated he did not have the information, but would get it and provide it to Council members. Mr. Ambrosio added pool deck, and pool lighting is allowed for safety.

Ms. Golding asked about the City’s plans for public awareness if this ordinance passed, handling compliance inspections, and whether enforcement using a stop work order is sufficient or if it should be tied to the property obtaining a Certificate of Occupancy.

Mr. Ambrosio responded the Planning and Development Department believes compliance would be achieved during the application process working with the builder or contractor and, if needed, a stop work order would be sufficient to gain compliance. He shared he was aware of some experience of jurisdictions delaying or not issuing a Certification of Occupancy based on an alleged violation of a sea turtle lighting protection ordinance, which resulted in many expensive legal challenges. He explained Beaches Energy is already running a public awareness campaign called Safe, Flat, and Dark. The Planning and Development Department would inform applicants and builders when applications are submitted, and they would be provided a copy of the ordinance. It would also be distributed to contractors and current projects, and it would be posted on the other City platforms. Mr. Ambrosio advised he was working on a brand new section, Chapter 20 Parks and Recreation, that would include a beach section to address driving on the beach, fires, fire pits, and campfires. He stated he had not yet worked on an analysis of compliance.

Ms. Golding confirmed Beaches Sea Turtle Patrol reviewed the proposed ordinance and shared it with FWC.

Roll Call Vote: Ayes – Vogelsang, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 6-0.

Item #20-103 - ORDINANCE NO. 2020-8141 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8141 by title only, whereupon Ms. Scott read the following:

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8141.”

Public Hearing:

Ms. Scott stated there were no public comments submitted. Mr. Board stated there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8141, making amendments to the City Charter to create the requirements and procedures for removal of the City Manager and City Attorney; and the requirements and procedures for the elimination of City Departments; and standards for Council and appointees to not interfere with the performance of City employee duties, appointments or removals, and provide enforcement provisions.

Mr. Staffopoulos confirmed the deadline for the Supervisor of Elections receiving amendments for the November election is June 1, 2020. If the deadline is missed, a special election would need to be held and paid from City funds if the Council wanted to proceed.

Mr. Ambrosio explained he researched 25 local governments' codes regarding the removal or termination provisions of a city manager or city attorney. The governments were equivalent to Jacksonville Beach with a council-manager form of government and an in-house city attorney, as well as a few where the city attorney is not a charter employee, and similar types of county governments. He said there was no predominant method used of a simple majority or

supermajority vote. If the method was not found in the code, it was usually found in the contract of the city manager or city attorney. Mr. Ambrosio stated he could provide the Council with his summary.

Discussion:

Ms. Dumont suggested adding verbiage where a simple majority of the Council would vote to put forward a formal statement if they had concerns with the City Manager or City Attorney, and at the following Council meeting, after research had been done, a supermajority could then vote to remove the City Manager or City Attorney.

Mr. Nichols stated there should be an overwhelming reason to make this change. He preferred to leave it a simple majority to remove the City Manager or City Attorney. Mr. Vogelsang agreed the current Charter text is fine as a detailed reason for removal had to be presented. He preferred removing the proposed Charter amendment related to the removal of the City Manager or City Attorney. He added any issues could be added as an amendment to the contract of the City Manager or City Attorney.

Amended Motion: It was moved by Mr. Vogelsang and seconded by Mr. Nichols, to remove the first portion of Composite Exhibit 1 dealing with the “Term of appointment” and leaving it status quo for the City Manager [Section 27] and City Attorney [Section 34].

Discussion:

Ms. Hoffman stated previous councils did not use the tools available to them, pointing out as an example, annual reviews were not done. She said some steps could be taken before removing someone from these positions. Ms. Hoffman added when she interviewed all the City Manager candidates, they all expressed concern about the Council election, which creates insecurity when trying to attract and keep high-level talent for the City.

Ms. Golding said the proposed amendments would bring the issue to the community for a vote.

Ms. Dumont agreed with Ms. Hoffman more security attracts the best and the brightest talent for the long term in Jacksonville Beach.

Mr. Ambrosio stated his research did not find any referendum vote for the removal of the City Manager, City Attorney, or City Clerk, who are Charter Officers. The Charter Officers are hired by the City Council and serve at the Council’s pleasure.

Ms. Dumont suggested separating this agenda item into three separate items.

Amended Motion:

Roll Call Vote: Ayes – Nichols, Vogelsang
Nays – Dumont, Golding, Hoffman, Mayor Latham
The amended motion failed 4-2.

Original Motion:

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

ADJOURNMENT:

Before adjourning, Mayor Latham stated some announcements were to be made.

Mr. Ambrosio renewed his public request for a closed session, a private client/attorney session, in the lawsuit of SLG Investment Partnership, LLP vs. City of Jacksonville Beach, Case No. 2018AP00121. Pursuant to Florida Statute, he is required to make a public announcement and request to the City Council stating he desires the advice of Council concerning this litigated matter. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to the litigation expenditures in that case. Mr. Ambrosio added he had requested a closed session before the pandemic, and he was required to renew his request. He requested the closed session to be held on June, 1, 2020, and the City would provide reasonable notice of the time, the date of the meeting, and the persons who would attend, in advance of June 1, 2020.

Mayor Latham inquired if the closed meeting would be virtual. Mr. Ambrosio responded he did not want to have a virtual closed session as a certified court reporter is required to be present. He added a public opening and closing for the closed meeting is also required.

Mr. Staffopoulos stated he would like to discuss with Council concerns he had regarding the City's 4th of July fireworks event. The City has until May 31, 2020, to sign the contract.

There being no further business, the meeting adjourned at 6:59 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

LS: sg

The Council Briefing began at 6:00 P.M. The meeting was held via video conference using the Zoom platform.

The following City Council Members were in attendance:

Mayor: William C. Latham

Council Members: Keith Doherty (absent) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present was City Manager Mike Staffopoulos.

Purpose of Briefing

The purpose of the briefing was to update the Council Members about ongoing items in the City.

City Manager

Additional \$25,000 Low Income Homestead Exemption

Mr. Staffopoulos stated the City had been contacted by Duval County Property Appraiser Jerry Holland in regards to an additional \$25,000 Low Income Homestead Tax Exemption. Mr. Holland requested Jacksonville Beach, Atlantic Beach, Neptune Beach, and the Town of Baldwin to consider adopting the additional exemption.

The consensus of Council was to bring the request for the \$25,000 Low Income Homestead Exemption to Council for formal consideration at an upcoming Council meeting.

Jacksonville Drive Sidewalk Extension

City Project Engineer Kayle Moore and the Project Manager of Hanson Professional Services, Brian McKee, presented information [on file] regarding the addition of an urban trail to the north side of Jacksonville Drive. Conversation ensued regarding the design and cost estimates. The consensus of Council was to proceed with the next steps to install one urban trail on the north side of Jacksonville Drive.

Budget Assumptions

Mr. Staffopoulos reviewed the Budget Assumptions for FY2021. Chief Financial Officer Ashlie Gossett was available to answer any questions. There were no concerns from Council regarding the Budget Assumptions.

Fireworks for the Fourth of July

Mr. Staffopoulos stated the contract for purchasing fireworks for the 4th of July must be signed 30 days prior to the event date. Due to the COVID-19 pandemic and the social distancing requirements, Mr. Staffopoulos asked Council for guidance regarding the decision of canceling the event or proceeding with the regularly scheduled event. Council agreed to discuss the 4th of

July fireworks at the June 1, 2020, Council meeting and make a decision on whether or not to proceed with the event.

City Operations

Mr. Staffopoulos stated on Monday, May 11, 2020, all employees working remotely should have returned to their physical work location. Personal Protective Equipment and Sanitation Stations have been established for all employees. Social distancing is being practiced within the work environment.

Mr. Staffopoulos stated the next phase for re-opening would be to open City facilities to the public and resuming regular business practices. The targeted date for re-opening the City facilities to the public is June 1, 2020.

Conversation ensued regarding Council meetings/briefings, Board meetings, and Special Magistrate hearings resuming and being open to the public. The consensus of Council was to continue virtual Council meetings and briefings until the end of June. In-person meetings are not supported at this time due to social distancing guidelines still being in effect.

The briefing adjourned at 7:30 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____



March 31, 2020

The Honorable Charlie Latham, Mayor
City of Jacksonville Beach
11 North 3rd Street
Jacksonville Beach, FL 32250

Dear Mayor Latham:

The North Florida TPO is developing the **Transportation Improvement Program (TIP) for Fiscal Years 2020/2021 through 2024/2025**. The TIP identifies all publicly funded highway, transit and aviation projects within the North Florida TPO area which includes Clay, Duval, Nassau and St. Johns Counties

To increase public involvement in developing the TIP and to inform the Jacksonville Beach City Council as to the projects planned and programmed for the area, Denise Bunnewith would like to make a brief presentation at your **Monday, May 18** meeting. During this time of expanded virtual meetings, please let me know how to prepare the presentation which should be no more than 10 minutes.

I look forward to hearing from you soon regarding this request.

Sincerely,

A handwritten signature in black ink that reads "Wanda Forrest".

Wanda Forrest
Transportation Planning Manager

PLAN • FUND • MOBILIZE

NORTH FLORIDA TPO

Transportation Improvement
Program FY 2020/21 - 2024/25

Beaches TIP Supplement



Phase	Fund Source	2020/21	2021/22	2022/23	2023/24	2024/25	Total
ATLANTIC BLVD (SR 10) @ THIRD ST (SR A1A) - 4435531							*Non-SIS*
INTERSECTION (MODIFY)							Length: .232
Responsible Agency: FDOT							
CST	SA	642,999	0	0	0	0	642,999
Total		642,999	0	0	0	0	642,999
<i>Prior Cost < 2020/21</i>		<i>222,034</i>	<i>Future Cost > 2024/25</i>		<i>0</i>	<i>Total Project Cost</i>	<i>865,033</i>
ATLANTIC BLVD (SR 10) EB @ SAN PABLO RIVER (ICWW)BRIDGE#720044 - 4338411							*Non-SIS*
BRIDGE-REPAIR/REHABILITATION							Length: .445 MI
Responsible Agency: FDOT							
CST	DIH	0	52,403	0	0	0	52,403
CST	BRRP	0	3,295,855	0	0	0	3,295,855
Total		0	3,348,258	0	0	0	3,348,258
<i>Prior Cost < 2020/21</i>		<i>127,577</i>	<i>Future Cost > 2024/25</i>		<i>0</i>	<i>Total Project Cost</i>	<i>3,475,835</i>
JTB/INTERCOASTAL WATERWAY (SR 202) BRIDGE NUMBERS 720442 & 720509 - 4427801							*Non-SIS*
BRIDGE-REPAIR/REHABILITATION							Length: .871
Responsible Agency: FDOT							
PE	DIH	19,235	0	0	0	0	19,235
PE	BRRP	250,000	0	0	0	0	250,000
CST	DIH	0	0	103,961	0	0	103,961
CST	BRRP	0	0	6,235,549	0	0	6,235,549
Total		269,235	0	6,339,510	0	0	6,608,745
<i>Prior Cost < 2020/21</i>		<i>0</i>	<i>Future Cost > 2024/25</i>		<i>0</i>	<i>Total Project Cost</i>	<i>6,608,745</i>

Phase	Fund Source	2020/21	2021/22	2022/23	2023/24	2024/25	Total
MAYPORT RD (SR 101) FROM ATLANTIC BLVD (SR 10) TO NAVAL BASE - 4432941							*SIS*
SAFETY PROJECT							Length: 3.509
Responsible Agency: FDOT							
CST	ACSS	0	1,904,078	0	0	0	1,904,078
CST	SA	0	23,913	0	0	0	23,913
Total		0	1,927,991	0	0	0	1,927,991
<i>Prior Cost < 2020/21</i>		<i>0</i>	<i>Future Cost > 2024/25</i>	<i>0</i>	<i>Total Project Cost</i>		<i>1,927,991</i>
SR A1A/SR 10/ATLANTIC BLVD/3RD ST FROM 2ND AVE NORTH TO BAY ST - 4411941							*Non-SIS*
PEDESTRIAN SAFETY IMPROVEMENT							Length: 1.793
Responsible Agency: FDOT							
CST	ACSS	1,068,696	0	0	0	0	1,068,696
Total		1,068,696	0	0	0	0	1,068,696
<i>Prior Cost < 2020/21</i>		<i>310,840</i>	<i>Future Cost > 2024/25</i>	<i>0</i>	<i>Total Project Cost</i>		<i>1,379,536</i>
WONDERWOOD DR (SR 116) FROM WOMPI DR TO E OF ICWW BRIDGE - 4287963							*SIS*
RESURFACING							Length: 7.443
Responsible Agency: FDOT							
RRU	LF	0	1,000,056	0	0	0	1,000,056
CST	LF	0	105,359	0	0	0	105,359
CST	DS	0	2,035,569	0	0	0	2,035,569
CST	DIH	0	197,723	0	0	0	197,723
PE	LF	0	200,056	0	0	0	200,056
CST	DDR	0	3,645,704	0	0	0	3,645,704
CST	NHRE	0	9,497,676	0	0	0	9,497,676
Total		0	16,682,143	0	0	0	16,682,143
<i>Prior Cost < 2020/21</i>		<i>1,529,277</i>	<i>Future Cost > 2024/25</i>	<i>0</i>	<i>Total Project Cost</i>		<i>18,211,420</i>

APPENDIX I

Abbreviations & Acronyms

ABBREVIATIONS AND FUNDING SOURCES

AGENCIES

FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
JAA	Jacksonville Aviation Authority
JTA	Jacksonville Transportation Authority
SA/STJAA	St. Augustine/St. Johns County Airport Authority

PROJECT PHASES

ADM	Administration
CAP	Capital
CST	Construction
DSB	Design Build
ENV	Environmental
INC	Contract Incentives
LAR	Local Advance Reimbursement

MNT	Bridge/Roadway/Contract Maintenance
MSC	Miscellaneous
OPS	Operations
PDE	Project, Development & Environment Study
PE	Preliminary Engineering
PLN	Planning
ROW	Right-of-Way Acquisition
RPY	Repayments
RRU	Railroad/Utilities

FUNDING SOURCES

ACBR	Advance Construction (BRT) – Federal Bridge Replacement
ACBZ	Advance Construction (BRTZ)
ACER	Advance Construction (ER)
ACCM	Advance Construction (CM)
ACEN	Advance Construction Equity Bonus National Highway
ACF0	Advance Construction for High Priority
ACFP	Advance Construction Freight Program (NFP)
ACIM	Advanced Construction Interstate

ACNP	Advance Construction (NHPP)
ACSA	Advanced Construction Transportation Management Areas
ACSB	Advance Construction for SABR STP Bridges
ACSE	Advanced Construction Enhancement
ACSH	Advanced Construction Hazard Elimination
ACSL	Advance Construction (SL)
ACSS	Advanced Construction Safety
ACSU	Advance Construction (SU)
BNBR	State Bonds (Statewide Bridges)
BNDS	Bond funding State
BNIR	Interstate R/W and Bridge Bonds
BRAC	Bridge Replacement
BRP	State Bridge Replacement
BRRP	State Bridge Repair and Rehabilitation
BRTZ	Federal Bridge Replacement - Off System
CIGP	County Incentive Grant Program
CM	Congestion Mitigation
CMAQ	Congestion Mitigation Air Quality

D	Unrestricted State Primary
DDR	District Dedicated Revenue (Gas Tax effective January 1, 1991)
DEM	Environmental Mitigation
DDRF	District Dedicated Matching Revenue Funds
DI	Statewide Inter/Intrastate Highways
DIH	State In-House Product Support
DIS	Strategic Intermodal System
DITS	District Intelligent Transportation Systems
DPTO	District Public Transportation Office
DRA	Rest Areas - State 100%
DS	State Primary Highways and PTO
DSBJ	I-295 Express Lanes – Capital
DU	State Primary/Federal Reimb
DWS	Weight Stations – State 100%
EB	Equity Bonus
EBNH	Equity Bonus - National Highway
EM19	GAA Earmarks FY 2019
FAA	Federal Aviation Administration
FTA	Federal Transit Administration

FTAT	FHWA Transfer to FTA (NON-BUD)
GFSU	General Fund
GMR	General Revenue for Strategic Intermodal System
GRSC	Growth Management of SCOP
HPP	High Priority Projects
HRRR	High Risk Rural Road
HSID	Intersection Crashes
HSLD	Lane Departure Crashes
HSP	Highway Safety Program
IMAC	Interstate Maintenance
IMD	Interstate Maintenance Discrete
JAA	Jacksonville Airport Authority
LF	Local Funds
LFB	Local Funds Budget
LFP	Local Funds for Participating
LFR	Local Funds/Reimbursable
LFRF	Local Funds/Reimbursable - Future
LOGT	Local Option Gas Tax

MG	Minimum Guarantee
NFPD	National Freight PGM-Discretionary
NHAC	National Highway System
NHBR	National Highway Bridges
NHPP	IM, Bridge Repl, Natnl Hwy-MAP 21
NHRE	Nat. Hwy. Perform – Resurfacing
NSTP	New Starts Transit Program
PKBD	Turnpike Master Bond Fund
PKYI	Turnpike Improvement
PKLF	Local Support for Turnpike
PLH	Public Lands Highway
PLHD	Public Lands Highway Discretionary
PORT	Seaports
REPE	Repurposed Federal Earmarks
RHH	Rail Highway Crossings - Hazard
RHP	Rail-Highway Safety Crossings – Prot. Dev.
SA	Transportation Management Areas
SCED	2012 SB1998-Small County Outreach
SCOP	Small County Outreach Program

SCRA	Small County Resurfacing
SIWR	2015 SB2514A-Strategic INT SYS
SE	Transportation Enhancement Activities related to any Surface Transportation Program
SH	Hazard Elimination
SIBG	SIB funds – Growth Management
SIB1	State Infrastructure Bank
SL	STP Areas <=200K
SN	STP, Mandatory Non-Urban <=5K
SR	Surface Transportation Program (STP) Railroad Hazard Elimination
SR2T	Safe Routes - Transfer
SS	Any safety improvement eligible under the Section 130 Railway-Highway Crossings Program and the Section 152 Hazard Elimination Program (allocated by statutory formula)
STED	2012 SB1998-Strategic Econ Cor
STP	Surface Transportation Program
SU, XU	Surface Transportation Program (STP) in urban areas with a population of over 200,000
TALT	Transportation Alts – Any Area
TALU	Transportation Alts - >200K
TDTF	Transportation Disadvantaged Trust Fund (80% Federal/20% State)
TGR	Tiger Grant through FHWA

TLWR	Suntrail
TMBJ	I-95 Express Lanes – Maintenance
TOBJ	I-95 Expressway Lanes - Operating
TMA	Transportation Management Areas - Areas with a population of over 200,000
TRIP	Transportation Regional Incentive Program
TRWR	TRIP Wheels on Road
XA	Surface Transportation Program (STP) in any urban areas.
XU, SU	Surface Transportation Program (STP) in urban areas > 200k

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Monthly Financial Reports for April 2020
DATE: May 12, 2020

Summary

The Summary Budget Reports show the cumulative actual revenues and expenditures compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund. These financial reports are prepared on a cash basis.

Exhibit 1 - General Fund Revenues

General Fund revenues are slightly ahead of last year on a percentage of budget basis. We received the annual ad valorem tax distributions in December, bringing the tax revenue-to-date to 81.24% of the annual budget. The increase in permit revenues is largely attributable to the Springhill Suites project.

The decreases in both Charges for Services and Miscellaneous Revenue from the prior year is primarily due to the suspension of recreation programs and facility rentals throughout the month of April in response to the COVID-19 pandemic.

Exhibit 2 - General Fund Expenditures

General Fund Expenditures are slightly under the prior year expenditures on a percentage of budget basis. Total year to date expenditures in the General Fund are under budget by 8.45% and behind last year by 2.13%.



Memorandum to Michael Staffopoulos

Financial Reports

May 12, 2020

Page 2

Exhibit 3 - Enterprise Fund Revenues

Enterprise Fund Revenues are 3.44% lower than the prior year revenues on a percentage of budget basis. Total year to date Electric Fund Revenues are 3.76% under amounts budgeted. This decrease is attributable to the suspension of the bulk power cost portion of the electric rate in the months of October and April as well as an overall reduction in customer consumption compared to the same period in the prior year. The Golf Course year-to-year variance is a result of almost 40 fewer operational days in the prior year as the course reopened to the public in November 2018.

Exhibit 4 - Enterprise Fund Expenditures

Total expenditures in the Enterprise Funds are 17.81% under budget for the current year. The variance from prior year in both Electric and Natural Gas expenses are due primarily to lower power and gas costs from our suppliers. Water & Sewer expenses were higher in the prior year due to the timing of capital projects. The Sanitation Fund purchased a new street sweeper in the current year for \$213,891 attributing to the increase over the prior year.

Exhibit 5 – Special Revenue Fund Revenues

Revenues in the Special Revenue Funds are 16.20% ahead of last year on a percentage basis. We received the annual tax increment distributions in December bringing revenue-to-date slightly over the annual budget. Due to COVID-19, the City of Jacksonville is currently three months behind in processing Convention Development distributions creating a negative variance from the prior year.

Memorandum to Michael Staffopoulos

Financial Reports

May 12, 2020

Page 3

Exhibit 6 - Special Revenue Fund Expenditures

In total, Special Revenue Fund expenditures are under budget for the current year but 11.34% higher than last year on a percentage of budget basis. The Infrastructure Surtax debt was retired in March 2019, reducing the overall budget and expenditures in this fund for the current year. For the Tax Increment Funds, the year-to-year variance is due to the timing of capital project expenditures. Community Development Block Grant Fund expenditures will be reimbursed by grant funding.

Exhibit 7 - Summary Revenues and Expenditures

- Expenditures in the Convention Development Fund exceed revenues due to the timing of revenue receipts from the City of Jacksonville. Revenues are typically received 60 days after the month ends.
- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.

Requested Action

Accept/Reject the financial reports for the month of April 2020, as submitted by the Chief Financial Officer.



Summary Budget Revenue Report

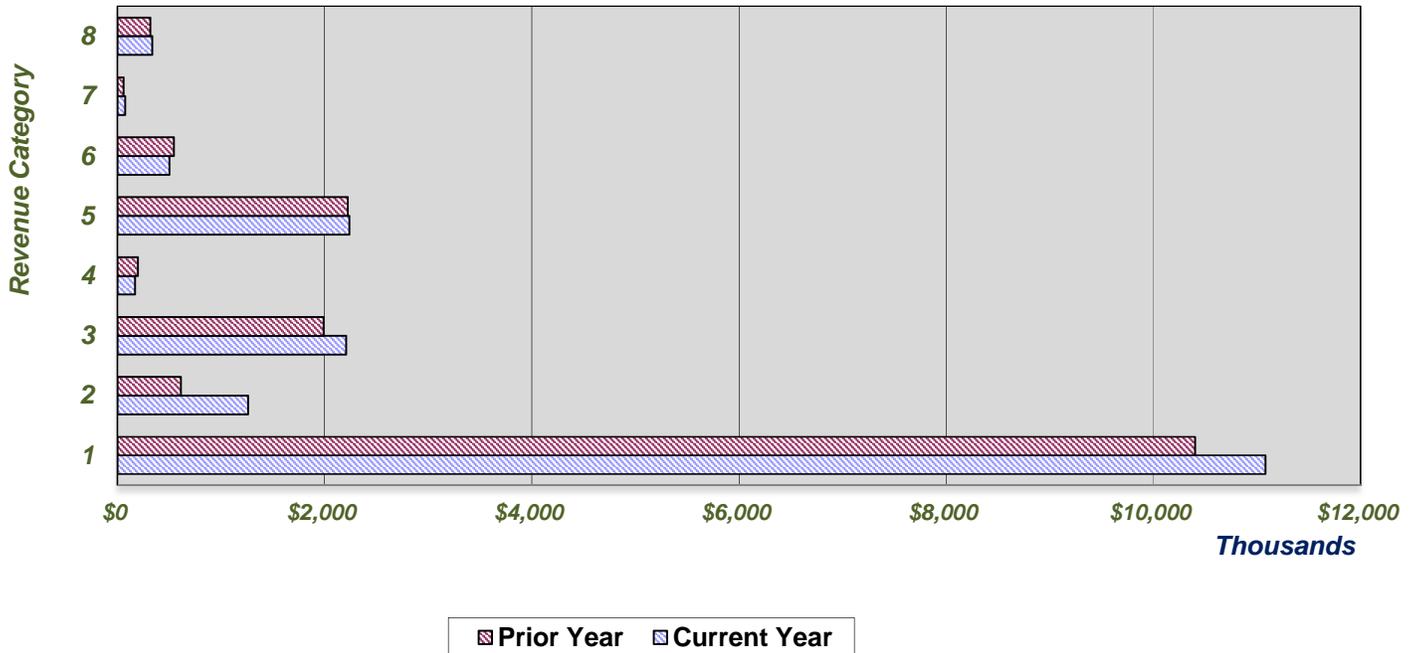
April 30, 2020

(58.20% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	11,080,305	81.24%	10,401,899	84.82%	-3.58%	678,406
2 Licenses & Permits	1,261,639	208.85%	612,679	102.85%	106.00%	648,960
3 Intergovernmental Revenue	2,207,209	48.77%	1,991,564	47.04%	1.73%	215,645
4 Charges for Services	171,058	42.87%	198,816	51.11%	-8.24%	(27,758)
5 Enterprise Contributions	2,238,437	58.33%	2,224,321	58.33%	0.00%	14,116
6 Miscellaneous Revenue	504,187	114.41%	547,266	132.03%	-17.62%	(43,080)
7 Fines & Forfeitures	76,408	47.61%	61,236	35.92%	11.69%	15,172
8 Interfund Transfers	337,874	65.73%	318,953	62.54%	3.19%	18,920
Total Revenues	\$ 17,877,116	74.12%	\$ 16,356,734	73.05%	1.07%	\$ 1,520,382

**GENERAL FUND REVENUES TO DATE
CURRENT YEAR VS PRIOR YEAR**





Summary Budget Expenditure Report

April 30, 2020

(58.20% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	313,591	59.12%	358,355	71.58%	-12.46%	(44,764)
2 City Clerk	200,381	51.47%	185,001	53.45%	-1.98%	15,380
3 Building Maintenance	227,946	52.66%	170,387	42.08%	10.58%	57,559
4 Planning and Development	580,795	49.91%	454,032	49.92%	0.00%	126,763
5 Recreation and Parks	1,792,225	50.36%	1,694,728	48.45%	1.91%	97,497
6 Public Works	905,957	51.94%	898,588	54.46%	-2.51%	7,370
7 Police	4,942,340	49.16%	5,022,653	53.12%	-3.96%	(80,313)
8 Fire	2,348,237	53.46%	2,251,569	53.41%	0.05%	96,668
9 Non-Departmental	754,720	38.00%	718,636	42.90%	-4.90%	36,084
Total Expenditures	\$ 12,066,193	49.75%	\$ 11,753,948	51.88%	-2.13%	\$ 312,245

**GENERAL FUND EXPENDITURES TO DATE
CURRENT YEAR VS PRIOR YEAR**





Summary Budget Revenue Report

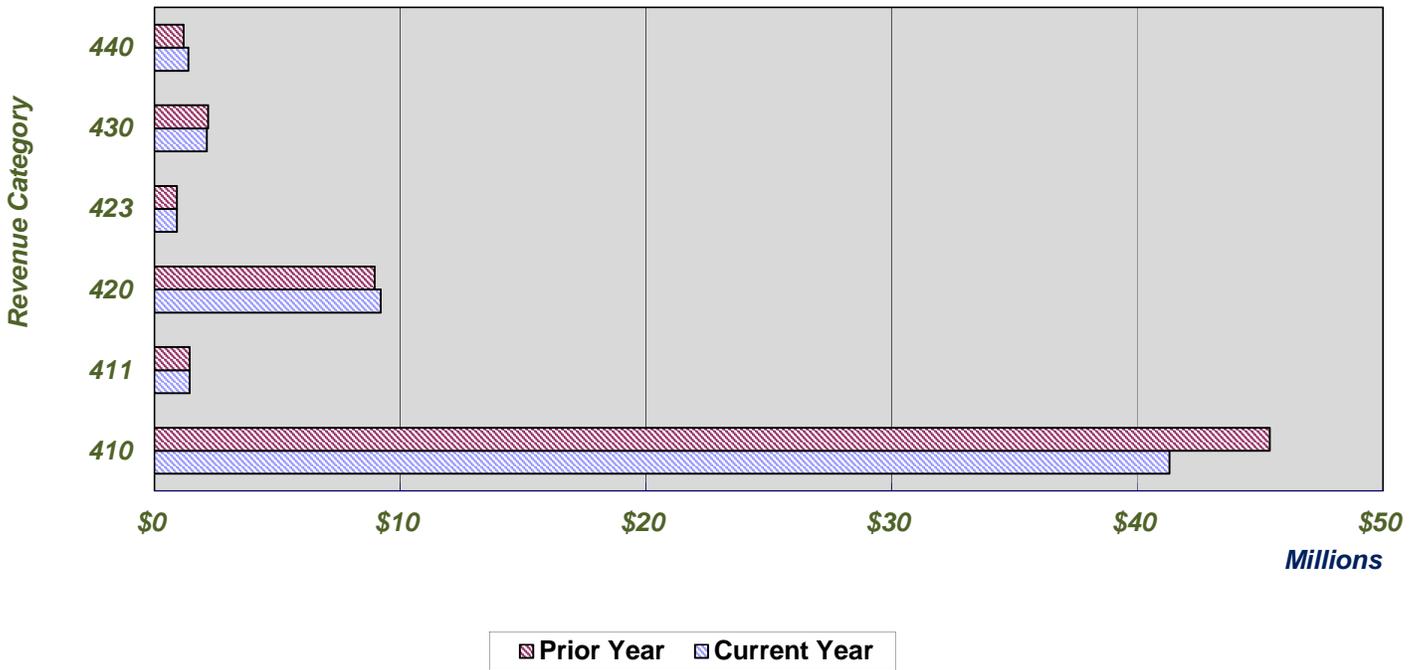
April 30, 2020

(58.20% of year has elapsed)

EXHIBIT 3 -ENTERPRISE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	41,307,902	50.31%	45,392,990	54.07%	-3.76%	(4,085,088)
411 NATURAL GAS	1,439,010	59.83%	1,440,545	64.52%	-4.69%	(1,535)
420 WATER & SEWER	9,216,135	62.67%	8,967,291	65.93%	-3.25%	248,844
423 STORMWATER	919,273	63.25%	922,988	66.06%	-2.81%	(3,715)
430 SANITATION	2,141,747	60.94%	2,186,149	62.51%	-1.57%	(44,402)
440 GOLF COURSE	1,380,669	71.27%	1,191,946	77.66%	-6.39%	188,722
TOTAL REVENUES	\$ 56,404,736	53.15%	\$ 60,101,909	56.58%	-3.44%	\$ (3,697,174)

**ENTERPRISE FUND REVENUES TO DATE
CURRENT YEAR VS PRIOR YEAR**



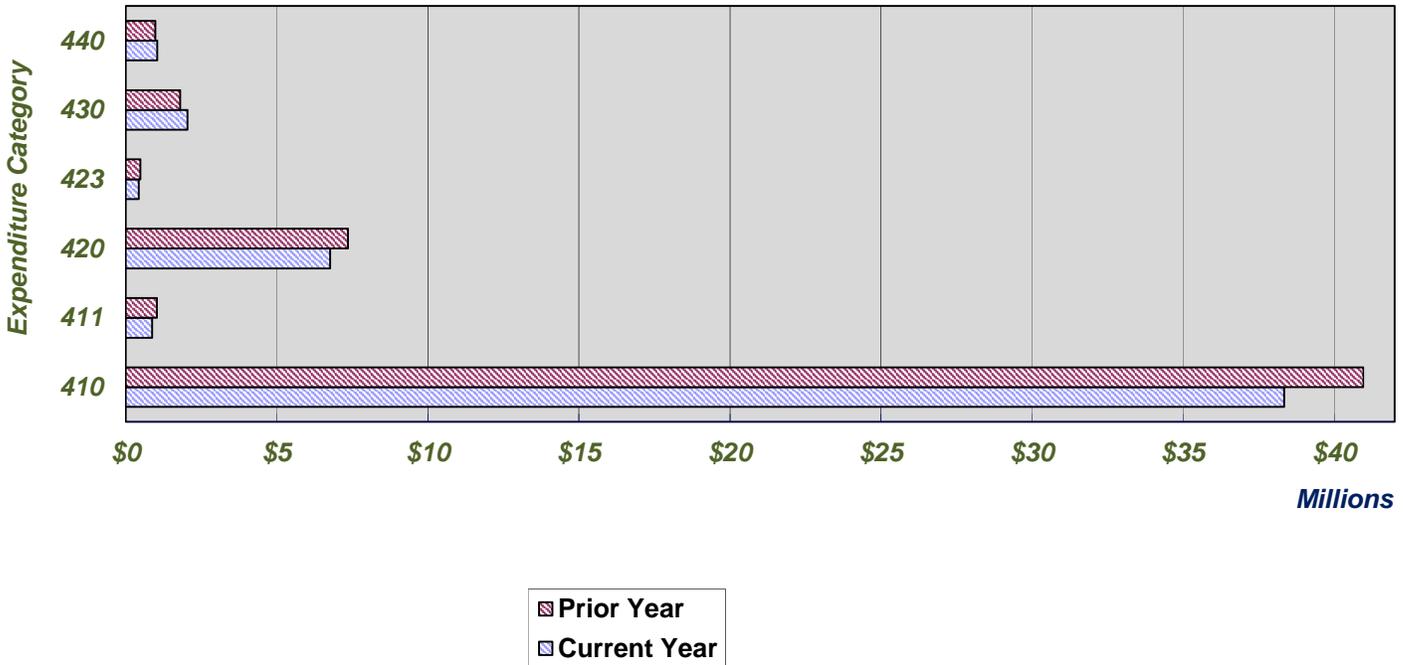


Summary Budget Expenditure Report
 April 30, 2020
 (58.20% of year has elapsed)

EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	38,341,069	40.10%	40,966,941	42.18%	-2.08%	(2,625,872)
411 NATURAL GAS	869,948	42.08%	1,031,886	52.51%	-10.43%	(161,939)
420 WATER & SEWER	6,759,444	42.64%	7,351,009	47.45%	-4.82%	(591,565)
423 STORMWATER	427,383	16.70%	484,183	32.35%	-15.65%	(56,800)
430 SANITATION	2,044,518	46.67%	1,805,378	48.54%	-1.88%	239,141
440 GOLF COURSE	1,043,301	51.61%	982,238	67.69%	-16.08%	61,062
TOTAL EXPENDITURES	\$ 49,485,663	40.39%	\$ 52,621,636	43.40%	-3.00%	\$ (3,135,973)

**ENTERPRISE FUND EXPENDITURES TO DATE
 CURRENT YEAR VS PRIOR YEAR**





Summary Budget Revenue Report

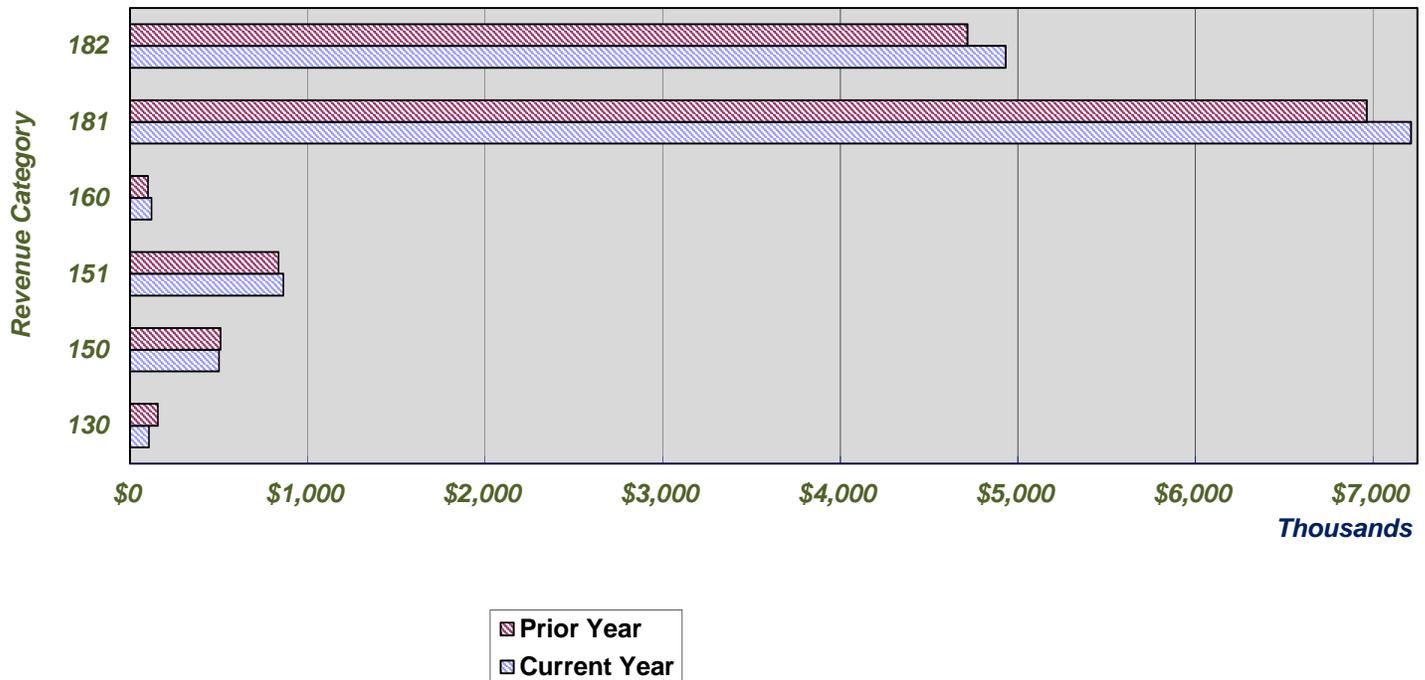
April 30, 2020

(58.20% of year has elapsed)

EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	106,517	26.80%	157,571	43.99%	-17.19%	(51,054)
150 LOCAL OPTION GAS TAX	501,320	60.90%	511,130	62.77%	-1.87%	(9,810)
151 INFRASTRUCTURE SURTAX	864,023	62.66%	837,967	61.43%	1.23%	26,056
160 COMMUNITY DEV. BLK. GRANT	120,874	87.59%	101,953	73.88%	13.71%	18,920
181 DOWNTOWN INCREMENT FUND	7,213,348	102.99%	6,964,373	104.29%	-1.29%	248,975
182 SOUTHEND INCREMENT FUND	4,931,131	196.97%	4,715,941	105.00%	91.96%	215,190
TOTAL REVENUES	\$ 13,737,211	112.19%	\$ 13,288,935	95.99%	16.20%	\$ 448,276

**SPECIAL REVENUE FUND REVENUES TO DATE
CURRENT YEAR VS PRIOR YEAR**





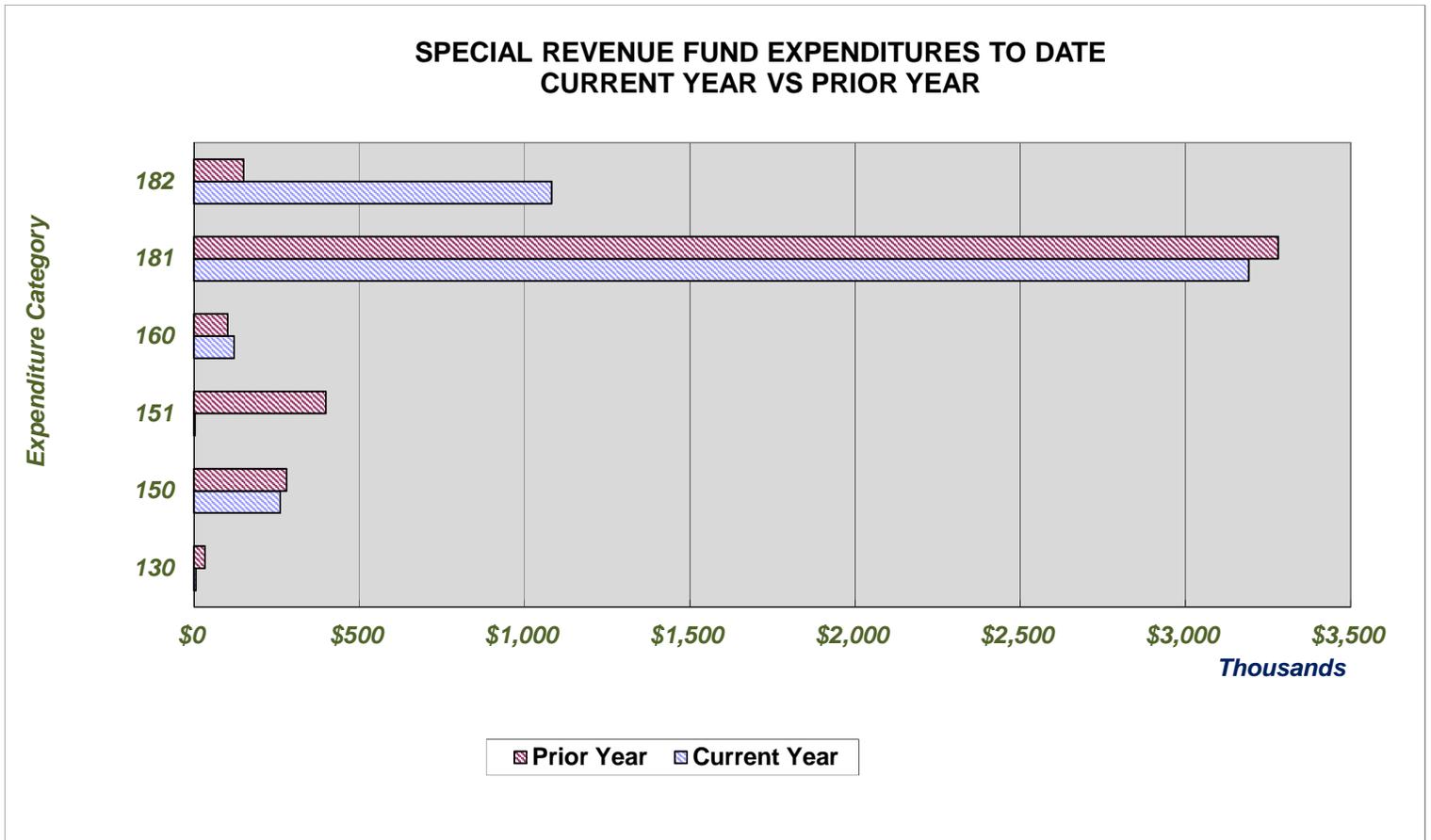
Summary Budget Expenditure Report

April 30, 2020

(58.20% of year has elapsed)

EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	5,773	4.77%	33,072	12.09%	-7.32%	(27,299)
150 LOCAL OPTION GAS TAX	260,927	32.73%	279,565	35.02%	-2.29%	(18,638)
151 INFRASTRUCTURE SURTAX	2,636	0.79%	398,990	44.32%	-43.53%	(396,355)
160 COMMUNITY DEV. BLK. GRANT	120,874	85.12%	101,953	73.88%	11.24%	18,920
181 DOWNTOWN INCREMENT FUND	3,191,316	38.07%	3,280,719	26.24%	11.83%	(89,403)
182 SOUTHEND INCREMENT FUND	1,081,276	53.89%	150,096	35.75%	18.14%	931,180
TOTAL EXPENDITURES	\$ 4,662,801	39.58%	\$ 4,244,395	28.24%	11.34%	\$ 418,406





Summary Budget Report
 April 30, 2020
 (58.20% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2020	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,119,750	14,036,904	17,877,116	3,840,213
130 Convention Development Tax	397,496	231,330	106,517	(124,813)
150 Local Option Gas Tax	823,223	479,089	501,320	22,231
151 Infrastructure Surtax	1,378,808	802,421	864,023	61,602
160 Community Dev. Blk. Grant	138,000	80,311	120,874	40,562
181 Downtown Increment Fund	7,003,700	4,075,924	7,213,348	3,137,424
182 Southend Increment Fund	2,503,537	1,456,976	4,931,131	3,474,154
410 Electric Utility	82,113,996	47,787,653	41,307,902	(6,479,752)
411 Natural Gas Utility	2,405,292	1,399,801	1,439,010	39,209
420 Water & Sewer Utility	14,705,017	8,557,838	9,216,135	658,297
423 Storm Water Management	1,453,505	845,892	919,273	73,381
430 Sanitation Fund	3,514,536	2,045,345	2,141,747	96,402
440 Golf Course Fund	1,937,261	1,127,422	1,380,669	253,246
460 Leased Facilities Fund	679,177	395,259	426,581	31,322
500 Internal Service Funds	13,268,599	7,721,890	7,393,152	(328,737)
Total Revenues	\$ 156,441,897	\$ 91,044,055	\$ 95,838,796	\$ 4,794,741

Fund Name	Budgeted Expenditures Fiscal Year 2020	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,251,677	14,113,681	12,066,193	2,047,489
130 Convention Development Tax	121,028	70,434	5,773	64,661
150 Local Option Gas Tax	797,306	464,006	260,927	203,079
151 Infrastructure Surtax	332,306	193,391	2,636	190,755
160 Community Dev. Blk. Grant	142,000	82,639	120,874	(38,234)
181 Downtown Increment Fund	8,381,899	4,877,990	3,191,316	1,686,675
182 Southend Increment Fund	2,006,504	1,167,719	1,081,276	86,444
410 Electric Utility	95,621,819	55,648,763	38,341,069	17,307,695
411 Natural Gas Utility	2,067,336	1,203,122	869,948	333,174
420 Water & Sewer Utility	15,854,046	9,226,535	6,759,444	2,467,090
423 Storm Water Management	2,558,735	1,489,100	427,383	1,061,717
430 Sanitation Fund	4,381,001	2,549,599	2,044,518	505,080
440 Golf Course Fund	2,021,631	1,176,523	1,043,301	133,222
460 Leased Facilities Fund	964,178	561,120	313,775	247,345
500 Internal Service Funds	13,430,657	7,816,202	6,421,312	1,394,891
Total Expenditures	\$ 172,932,124	\$ 100,640,826	\$ 72,949,743	\$ 27,691,083

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	5,810,924	5,887,701
130 Convention Development Tax	100,744	(60,151)
150 Local Option Gas Tax	240,393	225,310
151 Infrastructure Surtax	861,387	252,357
160 Community Dev. Blk. Grant	-	2,328
181 Downtown Increment Fund	4,022,032	4,824,098
182 Southend Increment Fund	3,849,855	3,560,598
410 Electric Utility	2,966,833	10,827,943
411 Natural Gas Utility	569,063	372,384
420 Water & Sewer Utility	2,456,691	3,125,388
423 Storm Water Management	491,890	1,135,098
430 Sanitation Fund	97,228	601,482
440 Golf Course Fund	337,368	386,469
460 Leased Facilities Fund	112,806	278,667
500 Internal Service Funds	971,841	1,066,153
Total	\$ 22,889,053	\$ 32,485,824



Cash and Investments by Fund
April 30, 2020

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,148,000	3,148,000
TOTAL UTILITY FUNDS 410 and 420			\$3,148,000
Salem Mutual Fund	Portfolio	44,316,102	44,316,102
Sawgrass Asset Management	Portfolio	27,716,661	27,716,661
Wells Capital	Portfolio	15,001,633	15,001,633
JPMCB - Strategic Property Fund	Portfolio	5,253,191	5,253,191
TOTAL PENSION FUNDS 611, 612 and 613			\$92,287,588
TOTAL INVESTMENTS			\$95,435,588
State Board of Administration	Pool	17,087,130	17,087,130
Florida Trust	Pool	19,050,078	19,050,078
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,623,092	12,623,092
Bank of America	Cash	24,777,961	24,777,961
Sawgrass Asset Management	Portfolio	44,378,799	44,378,799
Galliard Capital Management	Portfolio	40,595,609	40,595,609
Garcia Hamilton & Associates	Portfolio	39,885,136	39,885,136
Salem Trust: Goldman Sachs Treasury	MM	16,850	16,850
TOTAL EQUITY IN POOLED CASH			\$198,414,655
Petty Cash	Cash	6,525	6,525
TOTAL CASH AND INVESTMENTS			\$293,856,768

Attorney Fees Paid During the Month

NAME	DESCRIPTION	CHECK DATE	CHECK AMOUNT
Bell & Roper, P.A.	SLG vs. COJB	04/02/20	124
Marks, Gray, PA	General Matters	04/02/20	2,498
Bell & Roper, P.A.	SLG vs. COJB	04/16/20	1,170
Marks, Gray, PA	General Matters and Twin Creeks LLC vs. COJB	04/16/20	1,233
Shepard, Smith, Kohlmyer & Hand	CRA Plan and Council Briefing	04/30/20	2,189
Sugarman & Susskind, P.A.	Monthly Retainer	04/30/20	25,550
TOTAL ATTORNEY FEES			\$32,764



Cash and Investments by Type

Fiscal Year to Date
April 30, 2020

Type of Investment	Beginning Balance 10/1/2019	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 4/30/2020	Weighted Net Return*
State Pooled Investment Fund	16,922,177	164,953	0	0	0	164,953	0	17,087,130	0.08%
Money Market: Goldman Sachs Treasury	11,103	6,220	0	0	(473)	5,747	0	16,850	0.00%
U.S. Treasury Stripped Coupons	3,129,238	0	0	0	0	0	18,762	3,148,000	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,397,619	225,473	0	0	0	225,473	0	12,623,092	0.11%
Sawgrass Asset Management	42,883,166	581,367	103,157	873,518	(62,409)	1,495,633	0	44,378,799	0.77%
Galliard Capital Management	39,449,933	564,697	159,469	465,515	(44,005)	1,145,676	0	40,595,609	0.58%
Garcia Hamilton & Associates	39,823,354	510,597	(36,827)	(354,208)	(57,780)	61,781	(0)	39,885,136	0.03%
Florida Trust	18,876,515	173,563	0	0	0	173,563	0	19,050,078	0.09%
Operating Cash: Bank of America	14,185,724	31,160	0	0	(73,213)	(42,053)	10,634,290	24,777,961	-0.03%
Petty Cash	6,525	0	0	0	0	0	0	6,525	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	187,685,354	2,258,030	225,799	984,825	(237,880)	3,230,773	10,653,052	201,569,180	1.67%
Pension Fund: Salem Mutual Fund	48,546,020	1,318,544	473,450	(5,171,912)	0	(3,379,918)	(850,000)	44,316,102	-3.37%
Pension Fund: Sawgrass Asset Mgt	26,387,145	406,879	662,082	323,172	(62,616)	1,329,517	0	27,716,661	1.51%
Pension Fund: Wells Capital	14,330,608	50,907	296,451	389,141	(65,474)	671,025	0	15,001,633	0.76%
Pension Fund: JPMCB - Strategic Property Fund	5,081,052	0	0	172,139	0	172,139	0	5,253,191	0.19%
TOTAL PENSION INVESTMENTS	94,344,824	1,776,330	1,431,983	(4,287,460)	(128,090)	(1,207,236)	(850,000)	92,287,588	-1.29%
TOTAL CASH AND INVESTMENTS	282,030,178	4,034,360	1,657,782	(3,302,635)	(365,970)	2,023,537	9,803,052	293,856,768	

*Fiscal year to date

City of
Jacksonville Beach
Operations &
Maintenance Facility
Department of Public
Works
1460-A Shetter Avenue
Jacksonville Beach
FL 32250
Phone: 904.247.6219
Fax: 904.247.6117

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Dennis W. Barron, Jr., Public Works Director

SUBJECT: First Amendment to the Permissive Use Agreement with St. Johns River Water Management District (SJRWMD)

DATE: May 6, 2020

BACKGROUND

The City of Jacksonville Beach entered into the original permissive use agreement with SJRWMD on February 1, 1998 to allow the installation and monitoring of a rain gauge and radio telemetry equipment. The original agreement had the equipment placed at Water Plant # 2 south of Osceola Avenue. The equipment was relocated in 2003 to an area off of 10th Street South, north of 13th Avenue North, known as the 12th Avenue South Stormwater Pump Station. The permissive use agreement has never been updated to reflect the change in location of the equipment. The new permissive agreement allows the equipment to be located where it currently resides.

REQUESTED ACTION

Approve/Disapprove the First Amendment of the Permissive Use Agreement between the City and SJRWMD.



FIRST AMENDMENT TO PERMISSIVE USE AGREEMENT

THIS FIRST AMENDMENT TO THE PERMISSIVE USE AGREEMENT (“First Amendment”) is made and entered into this _____ day of May, 2020, by and between the City of Jacksonville Beach, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 11 North Third Street, Jacksonville Beach, FL 32250 (“City”), and St. Johns River Water Management District, whose address is 4049 Reid Street, Palatka, FL 32177 (“SJRWMD”), to amend the Permissive Use Agreement dated February 13, 1998 (“Agreement”), for the use of City’s property located in Section 9, Township 3S, Range 29E, Jacksonville Beach, FL 32250 (“Property”) to install and monitor a rain gauge and radio telemetry equipment.

WHEREAS, on February 13, 1998, the City and SJRWMD entered into the Agreement for use of the Property; and

WHEREAS, City agrees to the following amendment to the Agreement; and

NOW THEREFORE, IN CONSIDERATION of the mutual promises and consideration contained herein, the City and SJRWMD agree:

1. The location of said Property is changed from **Section 9, Township 3S, Range 29E**, to **Section 4, Township 3S, Range 29E**, as shown on the attached Exhibit “A.”
2. All other terms and conditions of the Agreement, including any prior amendments, are hereby ratified and continue in full force and effect.

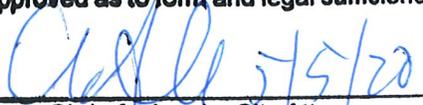
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CITY OF JACKSONVILLE BEACH

ATTEST:

Sign: _____
Print: Laurie Scott
Title: City Clerk

Sign: _____
Sign: William C. Latham
Title: Mayor

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney

Sign: _____
Print: Michael J. Staffopoulos
Title: City Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me **by means of** **physical presence**
or **online notarization**, this ____ day of _____, 2020, by **Michael J. Staffopoulos**, who:
 is personally known to me; or has produced _____ (type of identification)
as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Print: _____
My Commission Expires:

**ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT**

Print: Ann B. Shortelle, Ph.D.
Title: Executive Director

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me **by means of** **physical presence**
or **online notarization**, this ____ day of _____, 2020, by Ann B. Shortelle, who: is
personally known to me; or has produced _____ (type of identification) as
identification.

NOTARY PUBLIC, STATE OF FLORIDA
Print: _____
My Commission Expires:

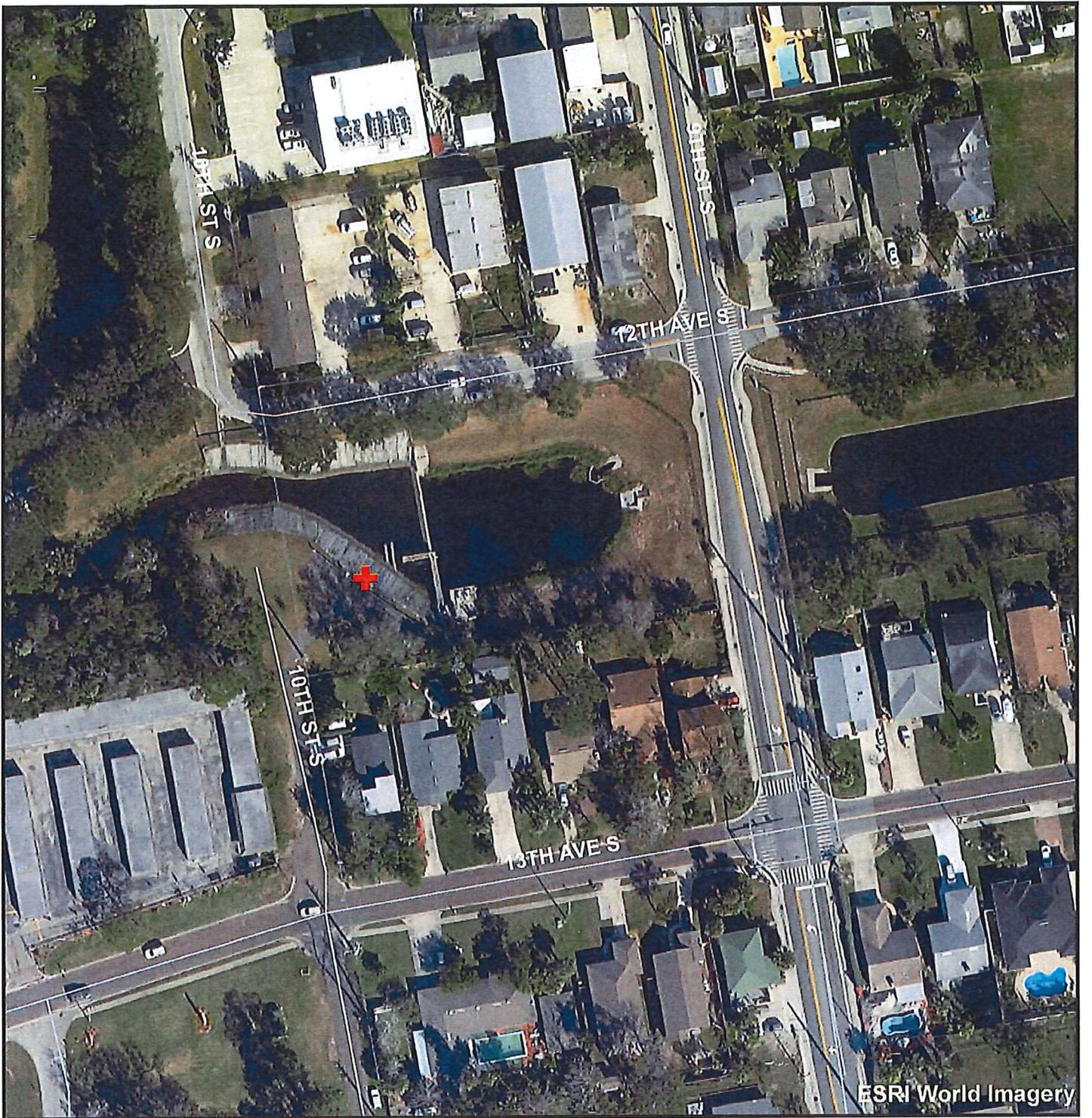
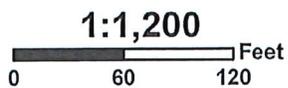


Exhibit "A"
Permissive Use Agreement



Duval County

Legend

SJRWMD - Active Stations

Station Type

+ Rain and Weather

The St. Johns River Water Management District prepares and uses this information for its own purposes and this information may not be suitable for other purposes. This information is provided as is. Further documentation of this data can be obtained by contacting: St. Johns River Water Management District, Geographic Information Systems, Program Management, P.O.Box 1429, 4049 Reid Street Palatka, Florida 32178-1429 Tel: (386) 329-4500

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PERMISSION ~~OF~~ USE AGREEMENT

I, **CITY OF JACKSONVILLE BEACH**, owner of property in **DUVAL** County do hereby give permission for the **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD)**, their agents and contractors **to install and monitor a rain gauge and radio telemetry equipment**, on said property in **Section 9, Township 3S, Range 29E**, commencing on or after **February 1, 1998**. This agreement will remain in force until terminated by 60 days written notice from either party. Access to the station is granted during normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except for holidays. The District shall maintain a program of insurance covering its liabilities as prescribed by Section 768.28, F.S., and shall be responsible for the negligent acts or omissions of its officers, employees, servants, and agents in the event that such acts or omissions result in injury or damages to persons or property.

OWNER: CITY OF JACKSONVILLE BEACH
(Individual, Corporation, Partnership, etc.)

Mailing Address: 11 North 3rd Street
P. O. Box 51389
Jacksonville, FL 32250-1389

SIGNATURE:* George D. Forbes **DATE:** 2-13-98
GEORGE D. FORBES
CITY MANAGER

* Signature certifies authorization to sign this agreement on behalf of the owner whether it be an individual, corporation, partnership or other legal entity.

**ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT**

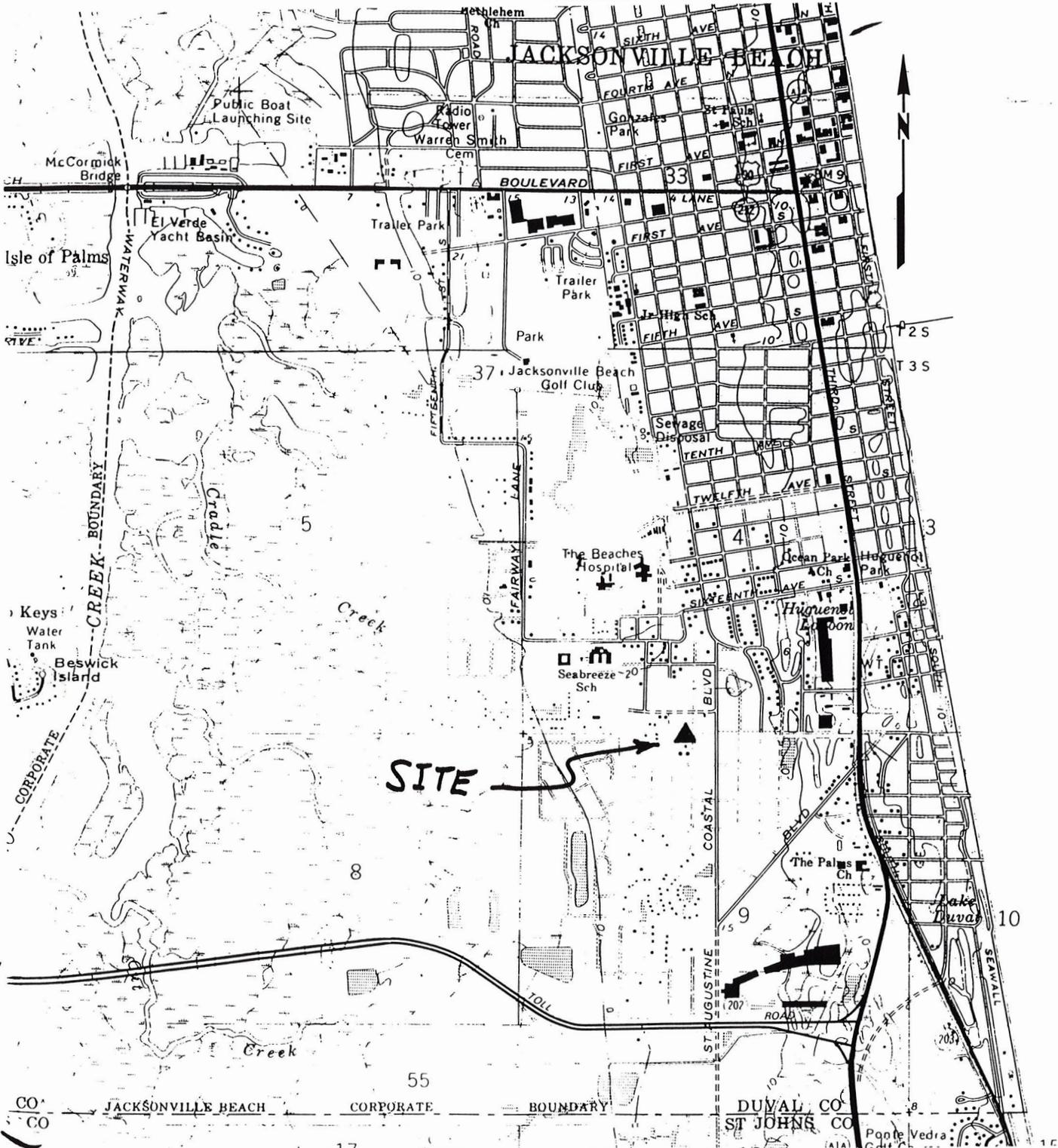
BY: Henry Dean **DATE:** 2-27-98
HENRY DEAN
EXECUTIVE DIRECTOR

**APPROVED BY THE OFFICE OF
GENERAL COUNSEL:**

BY: John W. Williams **DATE:** 2/26/98
JOHN W. WILLIAMS
DEPUTY GENERAL COUNSEL

Return to: Ms. Carolyn W. Brown, Right of Way Specialist, Div. of Land Acquisition,
SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429

EXHIBIT A

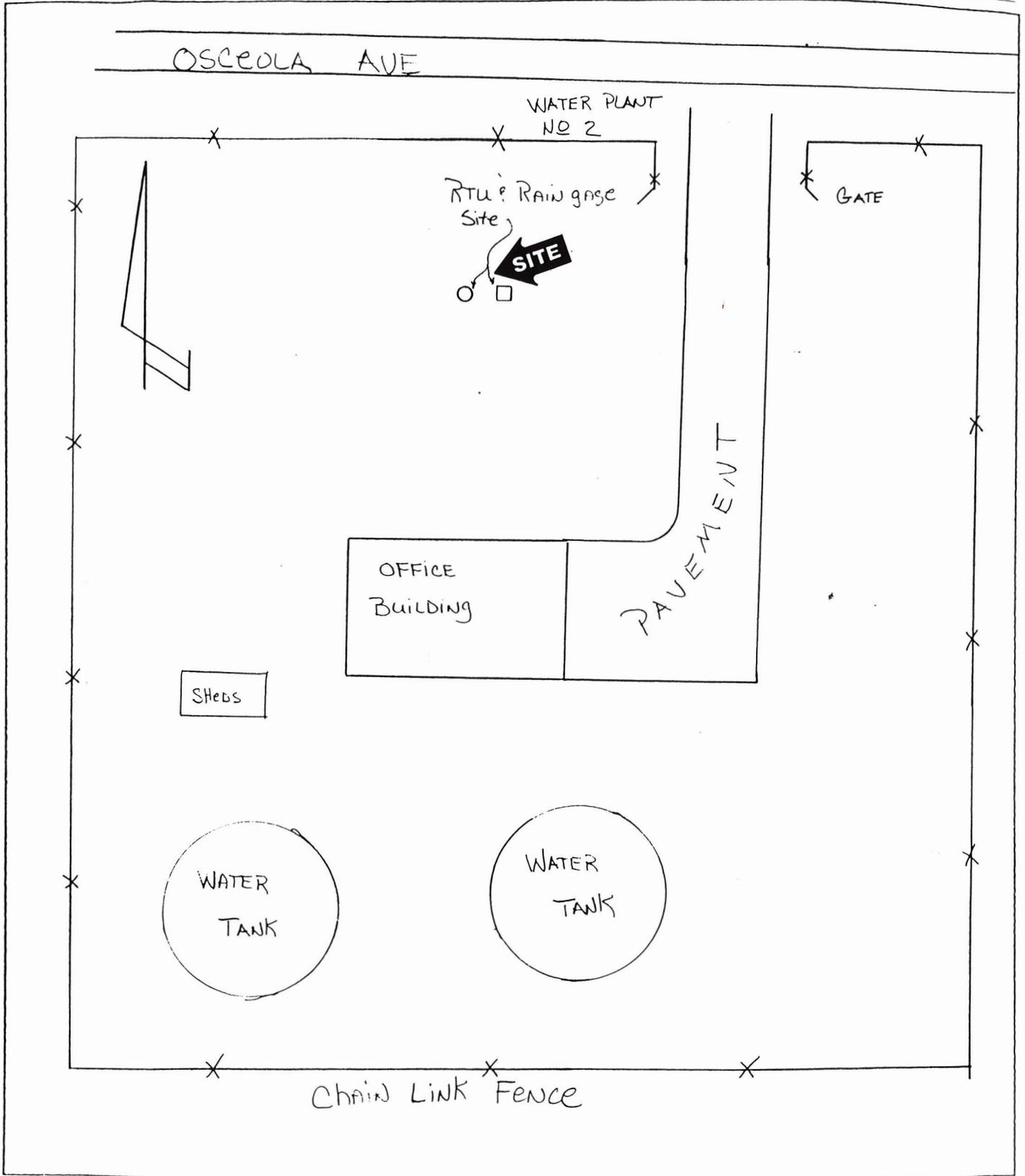


**TO CONSTRUCT AND
MONITOR A RAIN
GAUGE AND RADIO
TELEMETRY**

**CITY OF JACKSONVILLE BEACH
SOUTH WATER PLANT
OSCEOLA AVENUE
JACKSONVILLE BEACH**

**LOCATION:
SECTION 9, TOWNSHIP 3,
RANGE 29E
LATITUDE 30°16'01"
LONGITUDE 81°23'47"**

Station _____



LATITUDE 301601

LONGITUDE 812347

Sheet No. _____ of _____ Sheets. Prepared by RON ALLEN Date 12-3-97

Checked by _____ Date _____

MEMORANDUM//

DATE: March 2, 1998

TO: Central Files

THROUGH: Patrick M. Sherbak, Director
Office of Procurement

Robert A. Christianson *RAC*
Director, Department of Operations and Land Resources

Raymond B. Bunton, Jr. *rbj*
Director, Division of Land Acquisition

FROM: Carolyn W. Brown *cw*
Right of Way Specialist

SUBJECT; PERMISSIVE USE AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH AND THE DISTRICT TO CONSTRUCT AND MONITOR A RAIN GAUGE AND RADIO TELEMETRY EQUIPMENT LOCATED IN SECTION 9, TOWNSHIP 3S, RANGE 29E, SOUTH WATER PLANT, OSCEOLA AVENUE, DUVAL COUNTY, FLORIDA, HYDROLOGIC DATA COLLECTION PROJECT

Transmitted herewith, please find one fully executed original of the above referenced Permissive Use Agreement, and related correspondence, to be maintained in the District's Central Files.

Please advise if we may be of further assistance.

attachments

cc: Ed Chessman
George Robinson
Ron Allen
Glenda McDermont

file copy

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Ordinance No. 2020-8139 making amendments to Sec. 31-5 - *Riding bicycles on sidewalks prohibited*, of the City Code of Ordinances to change the title, to remove the prohibition of riding bicycles on sidewalks, adding multiple subsections that authorize, regulate or prohibit use of certain other devices on sidewalks, to conform to Florida Statute regulations and permissible uses. **(Second reading)**.

DATE: May 5, 2020

BACKGROUND

Section 316.2065 (9) and (10), Florida Statutes, authorizes persons to ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk. In 1955, the City of Jacksonville Beach enacted in its Code of Ordinances, Sec. 31-5. - *Riding bicycles on sidewalks prohibited*, which states that it shall be unlawful for anyone to ride a bicycle on the sidewalks or boardwalks in the City.

City residents have indicated that it is dangerous for them to ride their bicycles on streets and roads in the City, and that they prefer to safely ride on the City sidewalks. Recently there have been accidents in the street involving bicycles and motor vehicles. Residents and tourists from Jacksonville Beach and neighboring communities frequently ride bicycles on sidewalks in the City. The City police department has not enforced Sec. 31-5 as relates to bicycles being operated on the City sidewalks.

Pursuant to Section 316.2068, Florida Statutes, an electric personal assistive mobility device (“EPAMD”), as defined in Section 316.003(22), Florida Statutes, may be operated on a sidewalk under certain regulations and requirements similar to the operation of a bicycle on a sidewalk. Section 316.2128(1), Florida Statutes, empowers a local government to adopt an ordinance that prohibits the operation of micromobility devices and motorized scooters, as defined in Section 316.003, Florida Statutes, on sidewalks.

The proposed new Sec. 31-5:

- allows for operation of bicycles and EPAMD on City sidewalks;
- requires the person operating the bicycle or EPAMD to yield the right-of-way to pedestrians and give an audible signal before overtaking and passing a pedestrian;
- requires the operator of a bicycle or an EPAMD to comply with all requirements and regulations of the applicable Florida Statutes;

- prohibits the operation of micromobility devices and motorized scooters on sidewalks, sidewalk areas, and the promenade walkway adjacent to the City beach bulkhead line;
- prohibits riding or operation of a bicycle on or upon the promenade walkway adjacent to the City beach bulkhead line; and
- has other new regulations in accord with Florida Statutes.

City Code of Ordinances Sec. 28-6. - *Skating, skateboarding, driving, etc., on promenade adjacent to bulkhead line*, makes it is unlawful for any person to skate on roller skates or for any person to ride or operate a skateboard or bicycle or motorcycle or drive any motor vehicle on or upon the concrete walkway or promenade located adjacent to and abutting the bulkhead line of the City. The police department and the City Attorney recommend that Sec. 28-6 remains unchanged to provide for pedestrian safety and to protect the City from potential accident claims.

On May 4, 2020, the City Council approved the first reading of the proposed Ordinance No. 2020-8139. Only three minor scrivener's errors corrections were made to the Ordinance between the first reading and the second reading.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8139 to make amendments to Sec. 31-5 of the City Code of Ordinances to change the title, to remove the prohibition of riding bicycles on sidewalks, adding multiple subsections that authorize, regulate or prohibit use of certain other devices on sidewalks, to conform to Florida Statute regulations.

Introduced by: Council Member Hoffman

1st Reading: May 4, 2020

2nd Reading: May 18, 2020

ORDINANCE NO. 2020-8139

AN ORDINANCE AMENDING CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE I. – IN GENERAL, SECTION 31-5 – RIDING BICYCLES ON SIDEWALKS PROHIBITED, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES; CHANGING THE TITLE; REMOVING THE PROHIBITION OF RIDING BICYCLES ON PUBLIC SIDEWALKS, AND ADDING MULTIPLE SUBSECTIONS THAT AUTHORIZE, REGULATE OR PROHIBIT USE OF CERTAIN OTHER DEVICES ON SIDEWALKS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, municipalities are empowered to legislate by both Florida Constitutional provisions and Florida Statute, Florida Constitution Article VIII, §2(b); §166.021, Florida Statutes; and

WHEREAS, pursuant to Section 316.008(1)(h), Florida Statutes, municipalities are empowered to regulate the operation of bicycles; and

WHEREAS, pursuant to Section 316.003(76), Florida Statutes, a sidewalk is that portion of a street between the curb line, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians; and

WHEREAS, Section 316.008(7)(a), Florida Statutes, empowers a municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas; and

WHEREAS, Section 316.2128(1), Florida Statutes, empowers a local government to adopt an ordinance governing the operation of micromobility devices and motorized scooters, as defined in Section 316.003, Florida Statutes, on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

WHEREAS, Section 316.2065 (9) and (10), Florida Statutes, authorizes persons to ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk; and

WHEREAS, Section 316.2065 (9) and (10), Florida Statutes, also provides that a bicyclist has all the rights and duties applicable to a pedestrian under the same circumstances, and requires a bicyclist to yield the right-of-way to any pedestrian and give an audible signal before overtaking and passing such pedestrian on a sidewalk; and

WHEREAS, in 1955, the City of Jacksonville Beach (“City”) enacted in its Code of Ordinances Sec. 31-5. – *Riding bicycles on sidewalks prohibited*, which states that it shall be unlawful for anyone to ride a bicycle on the sidewalks or boardwalks in the City; and

WHEREAS, Sec. 31-5 cites its State law reference as Section 316.2065, Florida Statutes, Bicycle Regulations, and Sec. 31-1. – Adoption of Florida Uniform Traffic Control Law, states that the “Florida Uniform Traffic Control Law,” Chapter 316 of the Florida Statutes, shall be in full force and effect in the City; and

WHEREAS, City residents, including families with young children, have indicated that it is dangerous for them to ride their bicycles on streets and roads in the City, and that they prefer to safely ride on the City sidewalks; and

WHEREAS, it has been common practice for citizens, residents, and tourists of the City, and neighboring communities, to ride bicycles upon and along sidewalks, in part to avoid potential dangers associated with riding in the street; and

WHEREAS, the use of bicycles and electric personal assistive mobility devices help alleviate traffic congestion and parking problems, and can be a positive activity for families in the City; and

WHEREAS, pursuant to City Code of Ordinances Sec. 28-6. - *Skating, skateboarding, driving, etc.*, on promenade adjacent to bulkhead line, it is unlawful for any person to skate on roller skates or for any person to ride or operate a skateboard or bicycle or motorcycle or drive any motor vehicle on or upon the concrete walkway or promenade located adjacent to and abutting the bulkhead line of the City; and

WHEREAS, the City Council deems it beneficial for the public’s health, safety, and welfare, and in the City’s best interests to amend Sec. 31-5 of the City’s Code of Ordinances to conform with Florida Statutes and serve as a more practical set of regulations of bicycles, bicyclists and other devices; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purposes, it is a permissible exercise of the City’s powers and authority, and benefits the public health, safety, and welfare of the citizens, residents and guests of the City of Jacksonville Beach.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified and made a part of this Ordinance.

SECTION 2. THAT SECTION 31-5 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 31-5. - ~~Riding bicycles on sidewalks prohibited.~~ Bicycle and Bicyclist; Electric Personal Assistive Mobility Devices; Micromobility Devices; and Motorized Scooters Regulations.

(a) It shall be unlawful for anyone to ride a bicycle on the sidewalks or boardwalks in the city. Bicycle riding is allowed upon and along the public sidewalks and crosswalks in the City.

- (b) No person shall ride a bicycle over and upon any sidewalk or crosswalk within the City in a manner which impedes pedestrian traffic.
- (c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (d) Each person who rides or propels any bicycle upon any sidewalk shall yield to all persons exiting or entering a commercial building or place of business.
- (e) Each person who rides or propels any bicycle upon any street, sidewalk, crosswalk, or bicycle path of the City shall comply with all signal lights, stop signs and other traffic-control devices or signals.
- (f) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and shall not exceed the posted speed limit.
- (g) No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand firmly upon the handlebars and in full control of the bicycle.
- (h) It is unlawful for any person to ride or operate a bicycle on or upon the concrete walkway or promenade located adjacent to and abutting the bulkhead line of the City.
- (i) It is unlawful for any person to ride or operate a bicycle on or upon the beach dune crossover walkways.
- (j) Bicycle riders are required to comply with all regulations in Section 316.2065, Florida Statutes, (Bicycle Regulations) as amended.
- (k) Pursuant to Section 316.2068, Florida Statutes, an electric personal assistive mobility device, as defined in Section, 316.003(22), Florida Statutes, may be operated on a sidewalk if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian. The operator of an electric personal assistive mobility device must otherwise comply with all parts, requirements and regulations of Section 316.2068, Florida Statutes.
- (l) Micromobility devices and motorized scooters, as defined in Section 316.003(38) and (45), Florida Statutes, are prohibited from being operated on sidewalks, sidewalk areas, and the promenade adjacent to the bulkhead line.
- (m) Except as specifically provided in this Section, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area.
- (n) Official emergency services and law enforcement agencies and personnel in the course and scope of their duties are exempt from this Section.
- (o) In accordance with Section 316.1995(3), Florida Statutes, this Section does not apply to motorized wheelchairs.

SECTION 3. CONFLICTING ORDINANCES AND ACTS. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Revision of Ordinance No. 2020-8140 making amendments to Sec. 6-8 - Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines. **(Second reading)**.

DATE: May 5, 2020

BACKGROUND

The City adopted Ordinance No. 2000-7789, which created Sec. 6-8 - Sea Turtle Protection. Sec. 6-8 is designed to protect sea turtles and hatchlings from adverse effects of artificial interior and exterior lighting in and around the coastline, for mitigation of potential harmful effects of lighting, and penalties for violation of the section and for injury or harassment of sea turtles.

Two years ago, City Council and the prior City Manager directed staff to research other local governments' model Sea Turtle Protection ordinances and model lighting ordinances for marine turtle protection in order to revise Sec. 6-8 to the extent achievable and practicable for City departments. Several advocates have publicly requested that the City revise Sec. 6-8.

The City Attorney assumed this project. He researched and evaluated model lighting ordinances for sea turtle and hatchlings protection, guidelines and recommendations from the Florida Fish and Wildlife Conservation Commission ("FWC"), Florida Administrative Code, Florida Department of Environmental Protection, the University of Florida Conservation Clinic, Sea Turtle Conservancy, and Beaches Sea Turtle Patrol. He consulted with representatives from some of these organizations. He also researched ordinances from many other local governments, including municipalities, Nassau, Duval and St. Johns Counties. He incorporated in to the Ordinance the comments and suggestions made by FWC experts.

He also met with directors and staff from City Parks and Recreation Department, Planning and Development, Code Enforcement, Beaches Energy Services, and the Police Chief to discuss how the revisions set forth in this proposed Ordinance would impact their departments' delivery of services and ability to comply with the new Sec. 6-8. These Departments contributed input and suggestions for the proposed Ordinance. Chief Building Official, George Knight, added valuable insight from his many years of experience with similar marine protection lighting and development ordinances during his work for local governments in the Florida Panhandle.

The resulting proposed Ordinance is a consolidation of all the research, meetings with City Departments, and a comprehensive collection of the models and current standards.

On May 4, 2020, the City Council approved the first reading of the proposed Ordinance No. 2020-8140. A few scrivener's errors corrections were made to the Ordinance between the first reading and the second reading.

The City Attorney will report back to Council the number of existing buildings and construction projects that will need to make necessary adjustments in order to comply with the new Ordinance. The City Attorney will also follow through with City Departments to ensure that the public, residents, homeowners, HOA/COA boards, permit and building applicants, and contractors are informed of the newly adopted Ordinance, if Council votes to approve upon second reading.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8140 to make amendments to Sec. 6-8 - Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines.

Introduced by: Council Member Hoffman

1st Reading: May 4, 2020

2nd Reading: May 18, 2020

ORDINANCE NO. 2020-8140

AN ORDINANCE TO AMEND SECTION 6-8. – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS, AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach (“City”) has the authority to adopt this Ordinance pursuant to Article VIII, § 2 of the Constitution of the State of Florida; and Chapter 166, Florida Statutes; and

WHEREAS, sea turtles are protected by both the Federal Endangered Species Act and the Florida Marine Protection Act; and

WHEREAS, Section 379.2431, Florida Statutes, the Marine Turtle Protection Act, establishes that the Florida Fish and Wildlife Conservation Commission (“FWC”) has authority to implement its responsibilities for the protection and conservation of sea turtles and hatchlings, and their coastal habitats and nests; and

WHEREAS, Section 161.163, Florida Statutes, requires the Florida Department of Environmental Protection (“FDEP”) to adopt by rule, guidelines for local government regulations that control beachfront lighting to protect hatchling sea turtles; and

WHEREAS, the State of Florida developed a model lighting ordinance for marine turtle protection in Chapter 62B-55 Florida Administrative Code (“FAC”), which provides local governments with guidelines and regulations in developing ordinances that control beachfront lighting to protect sea turtle hatchlings from adverse effects of artificial lighting and improvement in nesting habitat degraded by light pollution, nesting activity and production of hatchlings; and

WHEREAS, the City Council adopted Ordinance No. 2000-7789, which created Section 6-8. - Sea Turtle Protection, designed to protect sea turtles and hatchlings from adverse effects of artificial interior and exterior lighting in and around the coastline, for mitigation of potential harmful effects of lighting, and penalties for violation of the section and for injury or harassment of sea turtles; and

WHEREAS, the City Council recognizes that the City’s beach and shoreline provides a vitally important natural nesting habitat for sea turtles and hatchlings; and

WHEREAS, the City Council recognizes that artificial lighting of beaches is a threat to sea turtles, and that nesting adults and hatchlings are negatively affected by disorientating artificial light that is visible from the beach; and

WHEREAS, the City Council recognizes that a healthy sea turtle population and the safety of hatchlings is important for the marine environment, promotes the quality and reputation of the City's beach community and businesses, and it enriches the quality of life of its residents, guests and tourists; and

WHEREAS, the City Council desires to amend Section 6-8 of the City Code of Ordinances to conform with the current model lighting ordinances for sea turtle, hatchlings and nesting habitat protection on the beach in the City of Jacksonville Beach; and

WHEREAS, the City Attorney evaluated model lighting ordinances for sea turtle and hatchlings protection, guidelines and recommendations from the FWC, FAC, FDEP, the University of Florida Conservation Clinic, Sea Turtle Conservancy, Beaches Sea Turtle Patrol, and Florida Sea Turtle Watch, and he consulted with representatives from some of these organizations to prepare this Ordinance; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes, it is a permissible exercise of the City's powers and authority, and benefits the public health, safety, and welfare of the citizens of the City of Jacksonville Beach; and

WHEREAS, the City Council hereby finds that this Ordinance helps to protect nesting and hatchling sea turtles on the beaches in the City of Jacksonville Beach by safeguarding that their nesting habitat is not degraded and the turtles are not disorientated by artificial light.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct, and made a part of this Ordinance.

SECTION 2. THAT SECTION 6-8 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.¹

Chapter 6 – Beaches and Bulkheads, Article I. – In General:

Sec. 6-8. - Sea Turtle Protection.

- (a) *Title and citation.* This section shall be known and may be cited as the “City of Jacksonville Beach Sea Turtle Protection Regulations.”
- (b) *Purpose.* The purpose of this section is to protect the threatened and endangered sea turtles that may nest along the beaches of Jacksonville Beach, Florida, by safeguarding sea turtles and hatchlings from sources of artificial light, and adult and hatchling sea turtles from injury or harassment.

¹ Revisions to the Code are indicated with ~~strike through~~ text to indicate deletions and underline text to indicate additions.

(c) Definitions. For purposes of this article, the following terms shall have the meanings as set forth within this section:

Artificial light or artificial lighting means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

City means the City of Jacksonville Beach, a municipal corporation of the State of Florida.

Coastal construction activities means any work or activity that is likely to have a physical effect on existing coastal conditions or natural shore and inlet processes or having any portion of work or activity located seaward of the coastal construction control line established by the Florida Department of Environmental Protection.

Coastal construction control line means that portion of the beach and coastal barrier dunes as established pursuant to the provisions of section 161.053, Florida Statutes that lies within the City.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.

Cumulatively visible means light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

Department means the Florida Department of Environmental Protection.

Directly visible means the line of sight visibility of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source by an observer standing on the beach.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism.

Existing development means any building or structure for which a building permit has been issued prior to the adoption of this section.

FWC Certified Wildlife Lighting means lamps/light bulbs that produce only long wavelength light (560 nm or longer and absent wavelengths below 560 nm, or as amended by FDEP, FWC, U.S. Fish and Wildlife Service (“FWS”) or appropriate agency) without the use of filters, gels, or lenses, and have been reviewed through the wildlife lighting certification process and approved by FWC for marine turtle lighting use, or similar bulbs that meet the same lighting standards for marine turtle lighting use.

Frontal Dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground, which prevents artificial lighting from being directly or indirectly visible.

Hatchling(s) means any species of marine turtle, within or outside of a nest that has recently hatched from an egg.

Indirectly illuminated means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.

Indirectly visible means visible as a result of an artificial light (e.g., bulb, lamp, or glaring element) on structures, buildings, or landscaping visible to an observer standing on the beach.

Long wavelength lighting means light bulbs that produce light that measures five hundred sixty (560) nanometers or greater and absent wavelengths below five hundred sixty (560) nanometers on a spectroscope, which include low-pressure sodium (LPS), true red, orange, or amber light-emitting diode (LED), or other lighting sources that produce light that measures greater than five hundred sixty (560) nanometers and absent wavelengths below five hundred sixty (560) nanometers.

Marine turtle means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricate* (hawksbill), and *Lepidochelys kemp* (Kemp's ridley). For purposes of this section, marine turtle is synonymous with sea turtle.

Nest means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season means the period from May 1 through October 31 of each year.

New development or construction means new construction of a structure, and remodeling, renovation or development of existing structures when such work includes new, replacement or alteration of exterior lighting or any exterior window, glass, glass door, or glazing.

Nighttime means the locally effective time period between sunset and sunrise.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Point source means the bulb, lamp or glowing elements of a fixture from which light is emitted.

Sea turtle protection area means the City Beach area located between the north City limits boundary with Neptune Beach at 20th Avenue North, also known as Seagate Avenue, and the south City limits boundary with St. Johns County, at the intersection of Duval Drive and Ponte Vedra Boulevard. The east boundary shall be the Atlantic Ocean, and the west boundary shall be a measured distance of 500 feet inland from the nearest point of the mean high water mark of the Atlantic Ocean.

Shielded means a light fixture which is constructed in a manner that the point source is not directly visible from the beach.

Tinted glass means any glass treated to achieve an industry-approved, inside-to outside light transmittance value of fifteen (15) percent or less. Such transmittance is limited to the visible spectrum (four hundred [400] to seven hundred [700] nanometers) and is measured as the percentage of light that is transmitted through the glass.

(d) Prohibition of activities on the beach disruptive to marine turtles. The following activities are prohibited on the beach at nighttime during the nesting season:

- (1) The operation of all motorized vehicles, except emergency and law enforcement vehicles, those permitted to be on the beach for marine turtle conservation or research, or those permitted to be on the beach by the City Manager.
- (2) The building of campfires or bonfires.
- (3) Use of flashlights and illuminated lanterns during nesting season.

~~(e)~~(e) New development. Lighting standards for new development or construction. New development or construction plans for work to be done in the sea turtle protection area that are submitted to the City shall include certification that the plans comply with this article prior to issuance of a permit. New development or construction which has secured a coastal construction control line permit or joint coastal permit from the Department of Environmental Protection which includes a lighting review for marine turtle protection will be deemed to have complied with the provisions of this article. ~~For~~ In addition to the requirements of the Florida Building Code and other regulating entities, the following lighting standards shall be required for all new development, construction and building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers and other outdoor lighting for real property if there is lighting associated with such construction or development on real property having any portion located seaward of the coastal construction control line (CCCL) established by the Florida Department of Environmental Protection (DEP), or if there are any light sources or any reflective surfaces of the light fixture illuminated by such sources that will be visible from the beach within the sea turtle protection area, such lighting shall be in compliance with the following:

- (1) Outdoor lighting shall be FWC Certified Wildlife Lighting approved lamps, bulbs, and fixtures held to the minimum necessary for security and safety. Exterior artificial light fixtures used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detectors that keep lights off except when approached and that switch

lights off within five (5) minutes are required. Floodlights and landscape or accent lights that will be visible from the beach are prohibited. Floodlights, up-lights or spotlights designed for decorative and accent purposes that are directly, indirectly or cumulatively visible from the beach shall not be used.

- (2) Exterior artificial light fixtures shall be designed and positioned so that the point source of light or any reflective surface from a light fixture is not directly visible from the beach or frontal dune. Exterior artificial light fixtures within line-of-sight of the beach or frontal dune shall be designed as follows:
 - a. Completely shielded downlight only fixtures or recessed fixtures having low wattage, long wavelength light sources with non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with this paragraph; and
 - b. All fixtures shall be mounted as low in elevation as possible through the use of low-mounted wall fixtures, low bollards, and/or ground-level fixtures.
- ~~(2)~~(3) All lighting, including wall-mounted fixtures, pole lighting, lights on balconies, and any other types of lighting not specifically referenced by this section, shall be low intensity, long wavelength, and shall be fitted with hoods or positioned FWC Certified Wildlife Lighting approved lamps, bulbs and fixtures so that the light sources or the reflective surfaces of any light fixtures illuminated by such sources are not directly or indirectly visible from the beach.
- ~~(3)~~(4) Low profile luminaries shall be used in parking lots, and such lighting shall be fitted with long wavelength light sources and with FWC Certified Wildlife Lighting approved lamps, bulbs and fixtures hoods or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from being directly or indirectly visible from the beach.
- ~~(4)~~(5) Dune crosswalks shall utilize long wavelength, low profile shielded luminaries directed and positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not directly, indirectly, or cumulatively visible from the beach. Dune crossover lighting shall be limited to the area landward of the primary dune.
- ~~(5)~~(6) If high intensity lighting is necessary, low pressure sodium vapor long wavelength light-emitting diode (LED) luminaries shall be used and fitted with FWC Certified Wildlife Lighting approved lamps and fixtures a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach.
- ~~(6)~~(7) Plates of tinted glass are required for windows and glass doors that are visible from the beach. The tinted glass shall be any window or glazing that has an industry-

approved light transmittance value of ~~forty-five (45)~~ fifteen percent (15%) or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.

~~(7)~~(8) Temporary security lights lighting at construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the requirements of this section and shall not be mounted more than fifteen (15) feet above the ground. Light sources or any reflective surfaces of any light fixtures illuminated by such sources are not directly, indirectly, or cumulatively visible from the beach.

(9) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach/dune system. Only long wavelength lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
a. Set on a base which raises the source of light no higher than forty-eight (48) inches above the ground; and
b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface from the light fixture is not directly or indirectly visible.

~~(f)~~ Pool decks, pool facilities, swimming pools, spas and outdoor areas:

(1) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded by FWC Certified Wildlife Lighting approved lamps and fixtures.

(2) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(3) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in part (e) of this section.

(4) Underwater lighting of pools or spa light shall:

a. Be mounted horizontally in the wall;

b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach; and

c. Shall comply with minimum light with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(5) Fire pits shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach.

~~(d)(g)~~ Lighting standards for Existing development. The following requirements shall apply if any portion of a developed property is located within a three hundred foot radius measured directly from the actual site of a sea turtle nest as verified by a person holding a Florida

Marine Turtle permit: Existing development improvement plans that are submitted to the City shall include certification that the plans comply with this article prior to issuance of a permit. Existing development which has secured a coastal construction control line permit or joint coastal permit from the Department of Environmental Protection which includes a lighting review for marine turtle protection will be deemed to have complied with the provisions of this article. In order to provide protection for nesting marine turtles and their hatchlings during marine turtle nesting season while maintaining lighting standards necessary for public safety and security, the following standards are adopted for artificial light sources on all existing developments and existing structures that are visible from the beach, and shall be in compliance with the following within six (6) months of the effective date of the ordinance.

- (1) All lights shall be turned off after 9:00 p.m. between May 1 and October 1 of each year, or fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. The following measures may be considered to reduce or eliminate the negative effects of existing exterior artificial lighting. The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting so that the point source of light or any reflective surface of a light fixture is not directly visible from the beach:
 - a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly, or cumulatively visible from the beach.
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields.
 - c. Replace traditional light bulbs with yellow "bug" type bulbs not exceeding fifty (50) watts.
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach.
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least one hundred eighty (180) degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach.
 - f. Replace pole lamps with low profile, low level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach.
 - g. Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor light possible long wavelength light sources for the specific application.
 - h. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach.
 - i. Construct a ground-level barrier to shield light sources from the beach when possible. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short-or long-term damage to the beach/dune system.

- j. i. Permanently remove or permanently disable any hood or fixture which cannot be brought into compliance with the provisions of these standards.
 - j. Existing artificial light fixtures shall be repositioned, modified, redesigned, or removed so that: (a) The point source of light or any reflective surface of the light fixture is not directly visible from the beach or frontal dune; (b) Areas seaward of the frontal dune are not directly or indirectly illuminated; and (c) Areas seaward of the frontal dune are not cumulatively illuminated.
- (2) Lights illuminating dune crosswalks shall be turned off after 9:00 p.m. between May 1 and October 1 of each year, or must be modified to conform to the requirements for new development in accordance with paragraph (c) of this section.
- (3) Security and emergency exit lighting shall follow the same requirements stated in paragraph ~~(d)~~(1) above. If high intensity lighting is necessary for security and emergency exit lighting, low-pressure sodium vapor or long wavelength LED luminaries shall be used and fitted with a hood or positioned so that the light sources or any reflective surfaces of any light fixtures illuminated by such sources are not visible from the beach. Nothing in this paragraph is intended to or shall limit or discourage the use of floodlights or spot lights of any color activated by the motion of person or vehicle on the property. Any such light shall provide illumination for a period not to exceed five (5) minutes each time motion is detected by it. Floodlights and spotlights activated by motion sensors within line of sight of the beach shall be fitted with long wavelength light sources and FWC Certified Wildlife Lighting approved lamps, bulbs, and fixtures
- (4) ~~At least one (1) of~~ The following measures shall be taken, where applicable, to reduce or eliminate the negative effects of interior light emanating from doors or windows within line of sight of the beach, where lights currently illuminate the beach:
 - a. In windows facing and perpendicular to the Atlantic Ocean, tinted window treatments are required for windows that are visible from the beach so that indoor lights do not illuminate the beach. The tinted glass shall be any window or glazing that has an industry-approved light transmittance value of ~~forty five (45)~~ fifteen percent (15%) or less. Such transmittance shall be limited to the visible spectrum (four hundred (400) to seven hundred (700) nanometers) and shall be measured as the percentage of light that is transmitted through the glass, inside to outside.
 - b. Rearrange lamps and other movable fixtures away from windows.
 - c. Use window treatments, ~~including but not limited to blinds and curtains,~~ to shield interior lights from the beach and, during May 1 through October 1 nesting season, draw the operable window coverings; ~~and/or~~
 - d. Turn off unnecessary lights.
- (eh) *Publicly owned lighting.* ~~The following requirements shall apply to street lights and lighting fixtures in public parking lots, the SeaWalk Pavilion, and public boardwalk areas adjacent to the beach which are located within a 300-foot radius measured directly from the actual~~

site of a sea turtle nest as verified by a person holding a Florida Marine Turtle permit: All publicly owned lighting with light sources that are visible from the beach shall be shielded, shaded or positioned so that the point source of artificial light is not visible from the beach and do not directly, indirectly or cumulatively illuminate the beach, or they shall be extinguished between sunset and sunrise during marine turtle nesting season.

(1) Street lights and lights on the public boardwalk are not subject to the terms of this section; however, it is the intent of the city that streetlights shall be located so that they do not illuminate any portion of the beach that is located within three hundred (300) feet of the actual site of a sea turtle nest. Publicly owned lights in public parking lots and the SeaWalk Pavilion shall be shielded, shaded, or shall not be utilized from 11:00 p.m. until 7:00 a.m. The impacts of public lighting on the nesting activities shall be minimized.

(2) Publicly owned lights in public parking lots and the SeaWalk Pavilion shall be shielded, shaded, or shall not be utilized from 11:00 p.m. until 7:00 a.m. each morning if they are located within three hundred (300) feet of the actual site of a sea turtle nest. Streetlights are not subject to the terms of this section. However, it is the intent of the City that streetlights shall be shielded, shaded, located or positioned so that they do not illuminate any portion of the beach.

(3) Exempted from the terms of this section are official traffic control devices and official traffic control signals.

(~~f~~i) Unlawful to kill, molest, or injure sea turtles, hatchlings or nests. It shall be unlawful for any person to kill, molest, or cause direct or indirect injury to any species of sea turtles or hatchlings in the sea turtle protection area, ~~in~~ on Jacksonville Beach or within its jurisdictional waters. It shall be unlawful to collect or possess any part of a sea turtle, turtle nest, or egg(s). The City will cooperate with the appropriate state and federal agencies in prosecuting violations of state and federal laws and all laws relating to this section.

(~~g~~i) Penalties for violation; resort to enforcement; other remedies. Violation of the provisions of this section or failure to comply with any of its requirements shall constitute a misdemeanor. Any person or firm who violates this ~~division~~ section or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned, or both, as provided by law. Each day such violation continues shall constitute a separate offense. Each sea turtle killed, injured, or molested shall constitute a separate violation. Any person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided or as provided by law. The ~~e~~City, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, and code enforcement actions, to enforce the provisions of this section. The City may also issue a stop work order on any construction or development found to be in violation of any provisions contained herein. The Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission shall also have authority to enforce the provisions contained herein.

- (1) Any violation of this section and correction of same, may be handled by the City Code Enforcement Department or City Attorney's Office, and prosecuted by the Special Magistrate pursuant to the standards and procedures set forth in the City Code of Ordinances Section 34-638.

SECTION 3. CONFLICTING ORDINANCES AND ACTS. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered into by the City or any of its officials and that are in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Ordinance No. 2020-8141 making Phase I amendments to the City Charter to create: (a) the requirements and procedures for removal of the City Manager and City Attorney; (b) the requirements and procedures for the elimination of City Departments; and (c) standards for Council and appointees to not interfere with the performance of City employee duties, appointments or removals, and provide enforcement provisions. **(Second reading)**.

DATE: May 5, 2020

BACKGROUND

The City Council directed the City Manager and City Attorney to make Phase I amendments to the City Charter to create: (a) the requirements and procedures for removal of the City Manager and City Attorney by a supermajority vote of the Council; (b) the requirements and procedures for the elimination of City Departments; and (c) standards for Council and appointees to not interfere with the performance of City employee duties, appointments or removals, and provide enforcement provisions.

The attached proposed Ordinance No. 2020-8141 and its Composite Exhibit 1 accomplish the City Council directives as follows:

1. Revises City Code Section 27 to require a supermajority of five (5) votes of the City Council to remove the City Manager, and removes the gender-specific references to the City Manager position.
2. Revises City Code Section 34 to require a supermajority of five (5) votes of the City Council to remove the City Attorney.
3. Creates City Code Section 60 to require that elimination of any City Department, with the exception of the Police Department and Beaches Energy Services, shall be accomplished by a simple majority vote of four (4) members of the City Council. The elimination of the Police Department or Beaches Energy Services shall be accomplished only with a simple majority vote of four (4) members of the City Council and a majority vote of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum vote will take place following the simple majority vote of the City Council at the next available general election of the City or in a special election called by the City for the conduct of such referendum.

4. Revises City Code Section 30 prohibiting Council and appointees from interfering in the performance of City employee duties, appointments, or removals, with express exceptions. It also provides that violation of the provisions of this Section shall constitute malfeasance and subject the member to municipal recall procedures set forth in Section 100.361, Florida Statutes, and shall be punishable by removal from their position by a majority vote of the City Council.

At the Council briefing on April 27, 2020, the Council directed the City Attorney to provide examples of Florida local government codes that codify certain requirements to remove the City Manager and City Attorney from office. The City Attorney researched many Florida local governments that have a Council-Manager form of government and in-house City Attorney (and a few governments that do not have an in-house attorney), and that demonstrated stability, good public services, and successful operations. The City Attorney provided a summary of his findings to Council on May 4, 2020, at the first reading of this Ordinance. The Council approved the first reading of the proposed Ordinance No. 2020-8141. The Supervisor of Elections informed the City Clerk that the adopted Ordinance referendum will need to be submitted by June 1, 2020, in order to make the November, 2020, ballot deadline.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8141 making amendments to the City Charter to create the requirements and procedures for removal of the City Manager and City Attorney; and the requirements and procedures for the elimination of City Departments; and standards for Council and appointees to not interfere with the performance of City employee duties, appointments, or removals, and provide enforcement provisions.

Introduced by: Council Member Hoffman
1st Reading: May 4, 2020
2nd Reading: May 18, 2020

ORDINANCE NO. 2020-8141

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the members of the City of Jacksonville Beach City Council have, in public meetings, studied and reviewed the City of Jacksonville Beach Charter (the “Charter”) and received public input regarding proposed amendments to the Charter; and

WHEREAS, the City Council has determined that the Charter should be updated and revised in various sections; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or to all of its Charter except that part describing the boundaries of such municipality; and

WHEREAS, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 3, 2020.

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

Section 1. The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, is set forth in Section 2 below. Additions are shown with underlining, deletions are shown with ~~striketrough~~ type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections for Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed Charter amendments shall be submitted to the voters at the November 3, 2020 election.

Section 3. The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions affixed to this Ordinance as Composite Exhibit 1.

Section 4. The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with, and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith, are hereby repealed.

Section 7. This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk

COMPOSITE EXHIBIT 1

Ballot Title, Summary and Proposed Amendment – Removal of City Manager

A. Introduction.

This Charter amendment would require a supermajority of five (5) votes of the City Council to remove the City Manager and removes the gender specific references to the City Manager position.

B. Ballot Proposal: The ballot title and question for Question #1 are as follows:

REQUIRING A SUPERMAJORITY VOTE OF
COUNCIL TO REMOVE CITY MANAGER AND
REMOVING GENDER REFERENCES

Amending the Charter by requiring a supermajority vote of five (5) members of the Council to remove the City Manager and removing gender specific references to the City Manager.

_____ Yes

_____ No

C. Text Revisions: Chapter 5, Section 27 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the Charter; ~~strike through~~ text is deleted; unmarked text is existing).

Section 27. - Term of appointment; procedure for removal.

The City Manager shall receive a salary for his services as set by City Council and shall be appointed by affirmative *vote* of four (4) members of the Council for an indefinite term, but may only be removed by ~~like~~ supermajority vote of five (5) members of said Council. At least thirty (30) days before such removal may become effective, the Manager shall be furnished with a formal statement in the form of a resolution passed by a supermajority vote of the five (5) members of the Council, stating the Council's intention to remove ~~him~~ the Manager and reasons therefor. The Manager may reply in writing to such resolution. If so requested by the Manager, the Council shall fix a time for a public hearing upon the question of ~~his~~ the Manager's removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend ~~him~~ the Manager from duty, but ~~his~~ the Manager's pay shall continue until ~~his~~ the Manager's removal shall become effective as herein described. The action of the

Council in removing the Manager shall be final. In case of the absence or disability of the Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such disability or absence.

Ballot Title, Summary and Proposed Amendment – Removal of City Attorney

A. Introduction.

This Charter amendment would require a supermajority vote of five (5) members of the City Council to remove the City Attorney.

B. Ballot Proposal: The ballot title and question for Question #2 are as follows:

REQUIRING A SUPERMAJORITY VOTE OF
COUNCIL TO REMOVE CITY ATTORNEY

Amending the Charter by requiring a supermajority vote of five (5) members of the Council to remove the City Attorney.

_____ Yes

_____ No

C. Text Revisions: Chapter 6, Section 34 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Section 34. - City Attorney; appointment by council; removal.

There is hereby created the office of City Attorney, which said City Attorney shall be appointed by the affirmative *vote* of four (4) members of the City Council, but may only be removed by supermajority *vote* of five (5) members of said Council.

Ballot Title, Summary and Proposed Amendment – Elimination of City Departments

A. Introduction.

This Charter amendment would require a simple majority *vote* of four (4) members of the City Council to eliminate any City Department, with the exception of the Police Department and Beaches Energy Services. The elimination of the Police Department or Beaches Energy Services shall be accomplished only with a simple majority *vote* of four (4) members of the City Council and a majority *vote* of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum *vote* will take place following the simple majority *vote* of the City Council at the next

available general election of the City or in a special election called by the City for the conduct of such referendum.

B. Ballot Proposal: The ballot title and question for Question #3 are as follows:

ESTABLISHING PROCEDURES TO
ELIMINATE CITY DEPARTMENTS
INCLUDING REFERENDA TO ELIMINATE
POLICE AND BEACH ENERGY SERVICES.

Amending the Charter by requiring a simple majority vote of four (4) members of the City Council to eliminate City Departments with the exception of the City Police Department and Beaches Energy Services which, in addition to a simple majority vote of four (4) members of the City Council, shall also require a majority vote of the qualified electors of the City of Jacksonville Beach by referendum.

_____ Yes

_____ No

C. Text Revisions: Chapter 9, Section 60 of the City of Jacksonville Beach Charter is created as follows: (Underline text is added to the charter; ~~strike through~~ text is deleted; unmarked text is existing).

Section 60. – Elimination of City Departments.

The elimination of any City Department, with the exception of the Police Department and Beaches Energy Services, shall be accomplished by simple majority vote of four (4) members of the City Council. The elimination of the Police Department or Beaches Energy Services shall be accomplished only with a simple majority vote of four (4) members of the City Council and a majority vote of the qualified electors of the City of Jacksonville Beach by referendum. Any referendum vote will take place following the simple majority vote of the City Council at the next available general election of the City or in a special election called by the City for the conduct of such referendum.

Ballot Title, Summary and Proposed Amendment – Prohibiting Interference with Administration and City Employees

A. Introduction.

This Charter amendment would clarify that except for purposes of inquiry and information, no member of the City Council or any member of its appointed

committees or boards shall interfere with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager.

B. Ballot Proposal: The ballot title and question for Question #4 are as follows:

PROHIBITING INTERFERENCE WITH CITY
EMPLOYEE DUTIES EXCEPT FOR
PURPOSES OF INQUIRY AND
INFORMATION.

Amending the Charter by prohibiting City Council or its members, including any members of appointed boards or committees, from interfering with the performance of City employee's duties, except for purposes of inquiry and information.

_____ Yes

_____ No

C. Text Revisions: Section 30 of the City of Jacksonville Beach Charter is amended as follows: (Underline text is added to the charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Section 30. – Council and appointees not to interfere in performance of city employee duties, appointments or removals.

~~Subject to the provisions of this Charter, neither the council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council~~
Except for the purposes of inquiry and information, neither the City Council and its members nor any of its appointed boards and committees and their members shall interfere with the performance of any city employee's duties who is under the direct or indirect supervision of the City Manager. This prohibition extends to any directive or request for the appointment or promotion of any person to, or removal or demotion from, any office or employment in the service of the city, except where otherwise provided for in this Charter or the city code. The City Council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any members thereof shall give orders to any subordinate of the City Manager either publicly or privately. This section shall not preclude the City Council from making known to the City Manager its views concerning personnel actions and the internal administration of city government, including advising and consulting with the City Manager and other officers and employees of the city whenever in the judgment of the City Council it may be

necessary, or from making suggestions to the City Manager. Any violation of the provisions of this section by a member of council shall constitute malfeasance and subject said member or members to municipal recall under the procedures set forth in Fla. Stat. § 100.361 ~~be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.~~ Additionally, a violation of the provisions of this section by a member of the City's appointed boards or committees shall be punishable by removal from said position(s) by a majority vote of City Council.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Ordinance Number 2020-8142 amending Chapter 30, Article III, Sec. 30-34(a) "Additional Homestead Exemptions" to increase the low-income senior exemption from \$25,000.00 to \$50,000.00.
DATE: April 29, 2020

BACKGROUND

Florida Statute §196.075(2) authorizes a property tax additional homestead exemption for limited income homesteaded senior citizens who meet certain criteria. Municipalities may grant this additional exemption by ordinance. The City Council adopted Ordinances 2000-7787 (April 3, 2000), and 2015-8066 (January 19, 2016), authorizing an additional homestead exemption of \$25,000.00 for any person who:

- Has the legal or equitable title to real estate, and
- Maintains thereon the permanent residence of the owner, and
- Has attained the age of 65, and
- Whose household income meets the limited income requirements prescribed in Florida Statute §196.075 (the limitation for 2020 is \$30,172).

Since the time the City first adopted the additional exemption, the State raised the maximum allowable amount to \$50,000.00. On March 12, 2020, the City of Jacksonville adopted an ordinance raising its low-income senior exemption from \$25,000.00 to \$50,000.00, and has asked the beach communities to consider doing the same.

The Duval County Property Appraiser's Office estimates that the additional \$25,000.00 exemption would apply to 104 senior-owned properties and would reduce the City's property tax collections in 2020 by \$10,014.37 based on the current in-progress 2020 tax roll.

REQUESTED ACTION

Adopt/Deny Ordinance Number 2020-8142, to amend City Code of Ordinances Sec. 30-34(a) to increase the low-income senior additional homestead exemption from \$25,000.00 to \$50,000.00.



Introduced by: _____

1st Reading: _____

2nd Reading: _____

ORDINANCE NO. 2020-8142

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 30, ARTICLE III, SECTION 30-34(a) (ADDITIONAL HOMESTEAD EXEMPTIONS AUTHORIZED) OF THE CITY CODE OF ORDINANCES, TO INCREASE THE AMOUNT OF ADDITIONAL HOMESTEAD EXEMPTION FOR LOW INCOME PERSONS AGE 65 YEARS AND OVER FROM \$25,000.00 TO \$50,000.00 CONSISTENT WITH STATE LAW; DIRECTING THE CLERK TO PROVIDE A COPY OF THIS ORDINANCE UPON COUNCIL APPROVAL TO THE DUVAL COUNTY PROPERTY APPRAISER; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VII, Section 6(d), Florida Constitution, and Section 196.075, Florida Statutes, the City of Jacksonville Beach (“City”) Code of Ordinances Sec. 30-34(a) authorizes an additional homestead exemption of twenty-five thousand dollars (\$25,000.00) for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained the age of sixty-five (65) and whose household income does not exceed the income limitation prescribed in Section 196.075, Florida Statutes; and

WHEREAS, Article VII, Section 6(d), Florida Constitution, authorizes the State Legislature to enact a general law allowing local governments, for the purpose of their respective tax levies, to grant additional homestead exemptions; and

WHEREAS, Section 196.075(2), Florida Statutes, implementing Article VII, Section 6(d), Florida Constitution, allows for two additional homestead exemptions for low income seniors, and it authorizes the governing authority of any municipality to adopt an ordinance to allow either or both of the additional homestead exemptions; and

WHEREAS, Section 196.075(2)(a), Florida Statutes, allows an additional homestead exemption up to \$50,000.00 for a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000.00; and

WHEREAS, Section 196.075(1)(b), Florida Statutes, defines “household income” as the adjusted gross income, as defined in Section 62 of the United States Internal Revenue Code (26 U.S.C.A. §62), of all members of a household; and

WHEREAS, pursuant to Section 196.075(3), Florida Statutes, the \$20,000.00 income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-

price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor; and

WHEREAS, pursuant to Section 196.075(4)(b), Florida Statutes, the City Council specifies that the additional homestead exemption granted by this Ordinance applies only to taxes levied by the City; and

WHEREAS, pursuant to Section 196.075(4)(c), Florida Statutes, this Ordinance increases the additional homestead exemption allowed in the City Code of Ordinances Section 30-34(a), from \$25,000.00 to \$50,000.00 consistent with and as authorized by the provisions and limitations of Article VII, Section 6(d), Florida Constitution, and Section 196.075(2)(a), Florida Statutes; and

WHEREAS, pursuant to Section 196.075(4)(d), Florida Statutes, a taxpayer claiming the additional homestead exemption authorized by this Ordinance must annually submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Department of Revenue; and

WHEREAS, pursuant to Section 196.075(6), Florida Statutes, the City Clerk shall deliver a copy of this Ordinance, when adopted by City Council, to the Duval County Property Appraiser no later than December 1, 2020, and that the exemption authorized by this Ordinance shall be effective in the 2021 tax year.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. THAT SECTION 30-34(a) OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS¹:

Sec. 30-34. - Additional homestead exemptions authorized.

- (a) Commencing January 1, ~~2001~~ 2021, and annually thereafter, pursuant to Article VII, § 6(d), Florida Constitution, and § 196.075(2)(a), Florida Statutes, an additional homestead exemption of ~~twenty-five~~ fifty thousand dollars (~~\$25,000.00~~ \$50,000.00) is hereby authorized for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained the age of sixty-five (65) and whose household income does not exceed the income limitation prescribed in § 196.075, Florida Statutes.

SECTION 3. CONFLICTING ORDINANCES AND RESOLUTIONS. All Ordinances and Resolutions previously adopted or entered into by the City that are in conflict with this Ordinance are repealed to the extent inconsistent herewith.

¹ Additions are indicated with underline text, deletions are indicated with ~~strike through~~ text.

SECTION 4. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. DIRECTION TO CITY CLERK. The City Clerk is directed to deliver a true and correct certified copy of this Ordinance to the Duval County Property Appraiser's Office as soon as practicable, but no later than December 1, 2020.

SECTION 6. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2020.

William C. Latham, Mayor

Laurie Scott, City Clerk