# City of Jacksonville Beach

11 North Third Street
Jacksonville Beach,
Florida

## Agenda

**City Council**

| Tuesday, January 21, 2020 | 7:00 PM | Council Chambers |
|---|---|---|

**MEMORANDUM TO:**

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

Council Members:

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

**OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

**20-001** Council Briefing held on December 16, 2019

**20-002** Regular Council Meeting held on December 16, 2019

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**20-003** Appointment of One Regular Member to the Board of Adjustment

**CITY MANAGER**

**20-004** Appointment of Fifth Member to the General Employees' Pension Board

**20-005** Accept the Monthly Financial Reports for the Month of December 2019

**20-006** Approve Adding a Second Full-Time Accounting Technician in the Finance Department

**20-007** Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements (Potable Water and Sewer Improvements) Constructed by AB Beach Blvd., LLC. (950 10th Street S.)

**20-008** Award City Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation to PBM Constructors, Inc., for Construction Services, and Authorize Construction Administration Services with the Project Design Firm, Four Waters Engineering, Inc.

**20-009** Public Hearing and City Council Approval of Projects for Inclusion in the FY 2020-2021 Community Development Block Grant (CDBG) Application to the City of Jacksonville

## RESOLUTIONS

**20-010** RESOLUTION NO. 2048-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

**20-011** RESOLUTION NO. 2049-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING THE RATE FOR ATTORNEY FEES TO BE SOUGHT BY THE CITY ATTORNEY FOR REIMBURSEMENT UNDER THE CITY CHARTER CHAPTER VI, SECTION 37, AND AS AUTHORIZED BY CONTROLLING CASE LAW.

## ORDINANCES

**20-012** ORDINANCE NO. 2019-8130 (Second Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 8, "CEMETERIES," OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES BY AMENDING SECTION 8-1. "LOTS-PURCHASE EASEMENT FORM;" PROVIDING FOR FINDINGS; DELETING THE TERM "LINEAL;" REVISING THE PURCHASE EASEMENT FORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

**20-013** ORDINANCE NO. 2020-8131 (First Reading) (Public Hearing)

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-41 AND ARTICLE VIII, DIVISION 2, SECTION 34-392 OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE FEMALE CHICKENS, AND AMENDING THE SITE DEVELOPMENT STANDARDS ACCESSORY USES AND STRUCTURES TO PERMIT FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS, ADDING CATS, DOGS, HAMSTERS AND BIRDS AS EXAMPLE HOUSEHOLD PETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND OFFICIAL ACTS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**20-014** ORDINANCE NO. 2020-8132 (First Reading) (Public Hearing)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**ADJOURNMENT**

## NOTICE

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

*The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.*

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing 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.*

**Minutes of City Council Briefing**
**Monday, December 16, 2019 – 5:30 P.M.**
**in the Council Chambers, City Hall**
**11 North 3rd Street, Jacksonville Beach, FL**

JACKSONVILLE BEACH

The Council Briefing began at 5:30 P.M.

The following City Council Members were in attendance:

**Mayor:** William C. Latham (Absent)

**Council Members:** Keith Doherty, 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 Annual Review

Human Resources Director Ann Meuse provided a template for an evaluation she obtained from the International City/County Management Association (ICMA). The following recommendations were made:

- Supervision, staffing, and citizen relations reviews should be anonymous and conducted by department heads and citizens, not the City Council.
- Mr. Staffopoulos should complete his own self-evaluation discussing his objectives, accomplishments, and recommendations.
- Mr. Staffopoulos should be able to review and respond to the evaluations.
- Evaluations from Mr. Staffopoulos and department heads would be handed in before January 21, 2020. Councilmembers' evaluations would be handed in by January 29, 2020. Council would discuss all evaluations at the February 3, 2020 briefing, and be voted on at the Council meeting on the same evening.
- Councilmembers should consider a salary increase of between 3% and 6% to be in line with department heads' raises this year.

Backyard Hens Regulation

Senior Planner Heather Ireland explained the need to amend Chapter 5 of the Land Development Code. Attorney for the City, Denise May, reviewed other municipalities' language and made recommended changes.

The Council agreed to:

- Expand the existing language to indicate hens would not be permitted to trespass on other properties, be released, or set free.
- A one-time $25 permit for keeping the hens would be required.
- Enclosures would be limited to 100 square feet and would not require a permit.
- Owners would be required to complete the Backyard Poultry Seminar in Duval County.

- Code Enforcement would enforce the ordinance, and the Special Magistrate would hear cases.
- Owners who neglected or abused their animal(s) would have their permits revoked.

City Attorney Duties

City Attorney Chris Ambrosio described his varied duties and explained local governments were entitled to seek reimbursement for their city attorneys' fees for time spent on litigation. A resolution would be needed to authorize the City Attorney to seek reimbursement for those fees. The resolution would strengthen Mr. Ambrosio's ability to recover his fees. Council suggested Mr. Ambrosio should draft the resolution.

Low-Speed Vehicle Research

Mr. Ambrosio stated he agreed with the City of Jacksonville's ordinance, which specifically addressed golf carts, but not low-speed vehicles. He stated a version of the City of Jacksonville's ordinance would be acceptable. Mr. Ambrosio stated the St. Johns County ordinance combined golf carts and low-speed vehicles in a way he did not believe to be correct. In the City of Jacksonville, golf cart use was restricted to golf cart paths. In St. Johns County, they mixed the concepts of golf cart paths and multi-use paths as well as golf cart communities and non-golf cart communities in unincorporated areas of the county. Mr. Ambrosio had found no authority to allow a low-speed vehicle to be used anywhere other than a street.

Lakeside Drive Gate

Council returned to the discussion of the gate issue, and it was suggested making the street wide enough, and the closed gate small enough, to accommodate a low-speed vehicle passing the closed gate. Mr. Ambrosio noted closing the gate would mean this was no longer a "public street," and therefore, the low-speed vehicles would be prohibited from using it. Mr. Ambrosio agreed to continue his research for a workable solution.

South Beach CRA TIF reduction

Mr. Staffopoulos stated the City no longer had the need to collect as much money for the South Beach Redevelopment area. $4.5 million should be reallocated to their originating sources: $3 million to Jacksonville and $1.5 million to the city's general fund.

Chief Financial Officer Ashlie Gossett stated an agreement would need to be executed to reduce the TIF funds.

Mr. Staffopoulos indicated they were seeking to identify legitimate capital projects that made sense for the CRA. They must keep in mind the intent of the CRA: to eliminate slum and blight.

Other Announcements

Mr. Staffopoulos announced:

- The new Public Works Department director, Dennis Barron, would begin on January 6, 2020.
- He agreed to seek an update on the construction on South 2nd Street.
- The city employee holiday luncheon would be held on December 17, 2019, from 11:30 A.M. until 1:00 P.M. at the community center.

- They would begin scheduling the City of Jacksonville Beach Vision community meetings, and at least one Council member should attend each meeting.

The briefing adjourned at 6:54 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

_____
William C. Latham, MAYOR

Date: _____

**Minutes of Regular City Council Meeting**
**held Monday, December 16, 2019, at 7:00 P.M.**
**in the Council Chambers, 11 North 3rd Street,**
**Jacksonville Beach, Florida**

## OPENING CEREMONIES:

Council Member Vogelsang provided the Invocation, followed by the salute to the flag.

## CALL TO ORDER:

Mayor Latham called the meeting to order at 7:00 P.M.

## ROLL CALL:

| | | | |
|---|---|---|---|
| Mayor: | William C. Latham | | |
| Council Members: | Keith Doherty | Georgette Dumont | Sandy Golding |
| | Christine Hoffman | Cory Nichols | Phil Vogelsang |

Also present were City Manager Mike Staffopoulos and City Attorney Chris Ambrosio.

## APPROVAL OF MINUTES:

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

- Council Briefing held on December 2, 2019
- Regular Council Meeting held on December 2, 2019

## ANNOUNCEMENTS:

Ms. Golding stated she attended the Kids Play Free event at the city golf course. She thanked the Jax Beach Golf Association. She also attended Tuba Christmas at Deck the Chairs. She recognized the Police Department and CPAAA volunteers who put on the Kid's Christmas Party at Ace Hardware.

Mr. Staffopoulos advised this was the first year the City had entered the Deck the Chairs competition, and City staff put together a Ferris wheel, which took fifth place. He congratulated the staff who participated.

## COURTESY OF THE FLOOR TO VISITORS:

- Jim Sorrell, 428 North 10th Avenue, requested a better forum for citizens to present inquiries and complaints. He felt the three minutes afforded during "Courtesy of the Floor to Visitors" was not sufficient to communicate concerns and people felt they were not being represented. He pointed out there was no appeal process for citizens who objected to ordinances. Mr. Sorrell also requested Council consider residential parking requirements.
- Ken Marsh, 2011 Gail Avenue, provided a recap of the city's year. He stated they had two opportunities for improvement in 2020: Communication/engagement between City Hall and citizens and the downtown vision plan.
- Gary Paetau, 725 Bonaire Circle, asked for additional information regarding the reduction of funding for the South Beach Community Redevelopment Association. He pointed out

not all projects in the 2012 study had been completed and wondered why they would return those funds.

**MAYOR AND CITY COUNCIL:**

**CITY CLERK:**

**CITY MANAGER:**

**Item #19-222 – Accept the Monthly Financial Reports for the Month of November 2019**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the Monthly Financial Reports for the month of November 2019.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

**Item # 19-223 – Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements (Potable Water and Roadway Improvements) Constructed by the Owner, Rose & Ken, Inc. (Beach Marine).**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the dedication to the city and acceptance for maintenance of the public infrastructure improvements for Beach Marine Harborside Townhomes Phase 1 as described in the memorandum from the Public Works City Engineer dated December 9, 2019.

Mr. Staffopoulos said this would accept the installation of potable water lines at Beach Marine that would be owned and operated by the city. He stated the townhomes project was on hold while Beach Marine conducted due diligence regarding ownership issues.

**Roll Call Vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed unanimously.

**Item #19-224 – Approve a Commercial Lease Agreement with Heart Utilities of Jacksonville, Inc. for Property at the Industrial Park**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to authorize the City Manager and Mayor to execute a lease with Heart Utilities of Jacksonville, Inc. for property at the Jacksonville Beach Industrial Park as described in the memorandum from the Property and Procurement Officer dated December 9, 2019.

Mr. Staffopoulos reported this would allow Heart Utilities to be in an appropriately zoned area of the city. He stated they would access the property from the south.

**Amended Motion:** It was moved by Ms. Golding and seconded by Ms. Dumont, to amend the lease agreement to include language in 5A regarding the "pollution control plant odors."

**Roll Call Vote:** Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The amended motion passed unanimously.

**Roll Call Vote:** Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The motion passed unanimously as amended.

**Item #19-225 – Approve Sole Source Request for Spatial Business Systems, Inc. to Provide and Implement Automated Utility Design Software as well as $82,000 for the Software and Implementation. Funding is Available in Electric Utility Fund Reserves. The Budget will be Amended as Part of the FY2020 Mid-Year Budget Adjustment**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the Sole Source Request for Spatial Business Systems, Inc. in the amount of $82,000 for Spatial Business Systems, Inc. to provide and implement the automated utility design application.

Mr. Staffopoulos reported this would allow Beaches Energy employees to mark up as-built plans in real-time and upload the changes directly to the city's AutoCAD system.

**Roll Call Vote:** Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The motion passed unanimously.

**Item #19-226 – Approve an Amount Not to Exceed $150,000 as Part of the Overall Lump Sum Contract Price for Preliminary Engineering and Geotechnical Services in Order to Provide More-Firm Pricing for the Design-Build Contract for Sampson Substation Autotransformer No. 2 Replacement**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve an amount not to exceed $150,000 as part of the overall lump sum contract price for preliminary engineering and geotechnical services that allows Burns & McDonnell to provide a full construction bid package consisting of all drawings, layouts, specifications, views and reports as per the attached December 6, 2019, letter Phase 1 development submission for Sampson substation autotransformer No. 2 replacement.

**Roll Call Vote:** Ayes – Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed unanimously.

**RESOLUTIONS:**

**None**

**ORDINANCES:**

**Item #19-227 – ORDINANCE NO. 2019-8130 (First Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8130 by title only, whereupon Ms. Scott read the following:

> "AN ORDINANCE AMENDING CHAPTER 8, "CEMETERIES", OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES BY AMENDING SECTION 8-1. "LOTS-PURCHASE EASEMENT FORM"; PROVIDING FOR FINDINGS; DELETING THE TERM "LINEAL"; REVISING THE PURCHASE EASEMENT FORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE."

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to revise the form of burial easement to eliminate reference to lineal descendants to enable transfer of burial rights to all descendants as described in the memorandum from the Director of Parks and Recreation dated December 4, 2019.

**Public Hearing:**
Mayor Latham asked if anyone wished to speak on this item. No one came forward.

**Discussion:**
Director of Parks and Recreation Jason Phitides, explained burial easements would be transferred without remuneration.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

**ADJOURNMENT:**
There being no further business, the meeting adjourned at 7:25 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

_____
William C. Latham, MAYOR

Date: _____

JACKSONVILLE BEACH

OFFICE OF THE CITY CLERK

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
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# MEMORANDUM

**DATE:** January 13, 2020
**TO:** The Honorable Mayor and Members of the City Council
**FROM:** Laurie Scott, City Clerk
**Re:** Appointment - Board of Adjustment

## ACTION REQUESTED:

Appointment of one Regular Member to the Board of Adjustment

## BACKGROUND:

Board of Adjustment members are appointed by City Council. Five members appointed by Council serve four-year terms, while two alternates serve two-year terms.

- The term of Jeff Truhlar expired on December 31, 2019. Mr. Truhlar has requested that the City Council consider him for reappointment to a new four-year term as a Regular Member of the Board of Adjustment with the term expiring December 31, 2023. Mr. Truhlar has served on the Board of Adjustment since 2014, as a 1st Alternate, then as a Regular Member.

The following applicant selected Board of Adjustment as his 1st Board preference and was recommended for consideration for a board appointment by Council Member(s) and city staff.

- Dan Elmaleh

## RECOMMENDATION:

Nominate a Regular Board Member to a new four-year term to expire December 31, 2023.

Attachments: (7)

1. Current Board Member Roster
2. Board Descriptions
3. Copy of Applicants Application and Resume, (if resume was submitted)
4. Staff* Board Recommendations
5. Term Tracker Report
6. "Applicants for Appointment to City Boards" Tracking Sheet
7. "Not Met Requirements or No Longer Interested in Serving" Applicant Tracking Sheet

# CITY OF JACKSONVILLE BEACH
# FLORIDA

## Board Member Roster

### Board of Adjustment

Meets 1st and 3rd Tuesday,
7:00 P.M., Council Chambers

**Chair**
Francis Reddington

**Vice-Chair**
Scott Cummings

**Members**
John Moreland
Sylvia Osewalt
*Vacancy*
Dan Janson (1st Alternate)
Alexi Gonzalez (2nd Alternate)

### Planning Commission

Meets 2nd and 4th Monday, 7:00 P.M.,
Council Chambers

**Chair**
Greg Sutton

**Vice-Chair**
David Dahl

**Members**
Margo Moehring
Britton Sanders
Jon Scott Walker
Colleen Murphy White (1st Alternate)
Justin Lerman (2nd Alternate)

### Community Redevelopment Agency

Meets 4th Monday, 5:00 P.M.,
Council Chambers

**Chair**
Art Graham

**Vice-Chair**
Frances Povloski

**Members**
Samuel Hall, Jr.
Jeffrey Jones
Gary Paetau

### General Employees' Pension Board

Meets Quarterly, 2nd Tuesday,
3:00 P.M., Council Chambers

**Chairperson**
Brandon Maresma

**Chairperson Pro Tem**
Christine Hoffman

**Members**
Georgette Dumont
Nick Currie
Eddie Vergara

### Firefighters' Pension Board

Meets Quarterly, 2nd Tuesday, 3:00 P.M.,
Council Chambers

**Chairperson**
Dennis Povloski

**Chairperson Pro Tem**
Debbie White

**Members**
Gaylord Candler
Edward Dawson
John McDaniel

### Police Officers' Pension Board

Meets Quarterly, 2nd Tuesday,
3:00 P.M., Council Chambers

**Chair**
Marvin V. DuPree

**Chairperson Pro Tem**
John Galarneau

**Members**
David Cohill
John Gosztyla
Jason Sharp

### Special Magistrate

Hearings 4th Wednesday, 2:00 P.M., Council Chambers

**Magistrate**
The Honorable Susan Haag

### Building and Fire Code Board of Appeals

*Meeting Schedule TBD*

**Members**
5 Members – *Vacancies*
2 Alternates - *Vacancies*

# City of Jacksonville Beach

## Brief Description of City Boards

### *Board of Adjustment (BOA)*

- Meets 1st and 3rd Tuesday of each month at 7:00 P.M. in the Council Chambers at City Hall.
- The Board of Adjustment hears reviews, approves, approves with conditions, or denies variances to the terms of the Land Development Code. Board of Adjustment members is appointed by the City Council. **Five members appointed by City Council serve four-year terms**, while **two alternates serve two-year terms**. Eligibility criteria: must be a qualified elector and have two-year residency for the appointment. Although no specific experience requirements shall be necessary as a pre-requisite to appointment, consideration shall be given to applicants who have experience in planning, the law, architecture, natural resource management, real estate, and related fields. No member of the city council or a city employee may serve on the Board of Adjustment.

### *Community Redevelopment Agency (CRA)*

- Meets the 4th Monday of each month at 5:00 P.M. in the Council Chambers at City Hall.
- The Community Redevelopment Agency is a five-member board appointed by the City Council and oversees two designated Community Redevelopment Districts within the City.
  - *The South Beach Redevelopment District is composed of approximately 356 acres near the intersection of J. Turner Butler Boulevard and west of Third Street (SR A1A).*
  - *The Downtown Redevelopment District is composed of 185 acres from 13th Avenue South to 9th Avenue North, and east of Third Street (SR A1A).*
- The CRA is responsible for implementing the redevelopment plan for each district as adopted by the City Council. As part of the implementation process, the CRA is responsible for marketing the areas, identifying developers, issuing Requests for Development Proposals, selection of developers, contract approving, financing plans, and monitoring contract implementation. **Five members appointed by City Council serve four-year terms.** Eligibility criteria: Reside in or be engaged in business within the area of operation of the agency, coterminous with the area of the county or municipality. The CRA is responsible to the City Council.

### *Planning Commission (PC)*

- Meets the 2nd and 4th Monday of each month at 7:00 P.M. in the Council Chambers at City Hall.
- The Planning Commission serves as the City's Local Planning Agency as required by Florida Statutes and primarily reviews and approves, approves with conditions, or disapproves Conditional Use Zoning applications. The Commission also hears requests for rezoning, text amendments, and comprehensive plan amendments, and makes recommendations to the City Council on their approvals. **Five members and two alternates appointed by City Council serve four-year terms**. Eligibility criteria: a qualified elector and two-year residency requirement for the appointment. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields. No member of the city council or a city employee may serve on the Planning Commission.

### *Pension Boards of Trustees*

- Meets quarterly (*February, May, August, November*) or more frequently, if needed.
- The City has three Retirement Systems: Firefighters', General Employees', and Police Officers'. Each Board consists of **five trustees who serve two or four-year terms; two appointed by Council, two elected by employees**, and **one appointed by the other four members**. Trustees have a fiduciary responsibility and are responsible for administering the plans as adopted by City Council.

*This information is published by the City Clerk's Office in an effort to better inform citizens about their City Government*

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

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

RECEIVED
OCT 17 2019
COJB City Clerk

# Application for Appointment to City Boards

**Personal Information** *(Please print or type)*

Name: JEFF TRUHLAR
Home Phone: 904-242-0991
Home Address: 918 22ND ST NORTH JAX BEACH 32250
E-Mail Address: JTRUHLAR@SHANERGRP.COM
Cell Phone: 904-412-4360
Occupation: REGIONAL VICE PRESIDENT
Business Phone: 904-435-1822
Business Name: SHANER HOTEL GROUP
Business Address: 1617 N 1ST STREET JAX BEACH FL 32250

**Eligibility – Please Circle**

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

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

If yes, please provide details:

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

| | | | |
|---|---|---|---|
| ✓ | Board of Adjustment | | Planning Commission |
| | Community Redevelopment Agency | | Pension Trustee |

Please list the type of City meetings you have attended:

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

Education: RESUME ON FILE

## Application for Appointment to City Boards *(cont.)*

**State Reporting Requirements**

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

| Race | | Gender | Physically Disabled |
|---|---|---|---|
| ☐ African-American | ☑ Caucasian | ☐ Female | ☐ Yes |
| ☐ Asian/Pacific Islander | ☐ Hispanic | ☐ Male | ☐ No |
| ☐ American Indian/Alaskan | ☐ Not Known | | |

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

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

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

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

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

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

10/4/19
Date

Applicant's Signature

**Please do not write below – Staff use**

Date application received: _____

Interviewed on: _____

Eligible for appointment Yes No

If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

# JEFFREY TRUHLAR

918 22nd Street North, Jacksonville Beach Fl.
904-412-4360 / jtruhlar@shanercorp.com

A highly accomplished hospitality professional with the ability to handle management responsibilities within a highly financially competitive hospitality corporation. A decisive leader with proven success in maximizing sales, increasing guest retention, and identifying growth opportunities within an operational unit. Adept in performing within dynamically changing environments requiring focused decision-making. Instrumental in streamlining business processes, implementing cost control measures, and enhancing operational efficiency. Passionate about searching out my associates 'strengths' and what makes them 'tick' to help better prepare them for advancement within the company.

## AREAS OF EXPERTISE

- Hospitality Management
- Operations Management
- Sales & Marketing
- Change Management
- Business Development
- Development
- Innovative Leadership
- Strategic Planning
- Training & Coaching
- Budget Management
- Investment Opportunities
- P&L Management
- Financial Management
- Cost Containment

## TOUCH POINTS

- Traveled for Shaner Hotel Group to areas of challenge and growing markets.
- Opened Five new Hotels, Three Property Conversions, Three Property Acquisitions
- Direct Contact for new managed developments in Florida.
- Currently Oversee Eleven Hotels with three more under Construction.
- All Hotel in Region Recognized as Marriott Award Winning Hotels
- All Hotels in Region are Trip Advisor Excellence Award Hotels.

## PROFESSIONAL BACKGROUND

Shaner Hotel Group (1996 – Present)

***Southeastern V.P of Operations; Jacksonville Beach, Fl. (2012 – Present)***
Provided leadership and direction in daily operation of eleven hotels with revenues exceeding 30 million

- Insured staff/hotel was continuously focused on creating the exceptional "experience" for our guest. Ensured all staff members followed a strict guest recovery program, and documented all issues. All surveys were reviewed and followed up upon daily.
  - Increased 6 hotels over 12% in revenue third year in a row
  - Increased NOCF 8% in 2013
  - Overall Hotel satisfaction YTD 2013 91.2%%

***Regional District Director – Jacksonville Beach FL (2009-2012)***
Directed all aspects of Hotel Operations for the Courtyard by Marriott and Fairfield Inn and Suites. , maintenance programs, payment schedules, and renovation requirements for property owners. Ensured the integrity of all budgets, forecasts, and financial reports .Conducted weekly revenue meetings and staff/supervisor meetings focused on further training and associate development. Monitored labor for all properties

- Analyzed P&L reports and identified areas for enhancing profitability.
- Maximized labor usage on a daily basis to ensure optimal performance levels and cost effective production.
- Adhered to performance specs by Preferred Hotel Brand.

***Area General Manager– Marriott Courtyard& Fairfield Inn & Suites, Jacksonville Beach, FL (2004 – 2009)***
Led all Operations for both hotels, as well as renovations, sales efforts and Guest Service. Handled P&L management and financial reporting tasks within the corporate office. Forecasted Revenues for budget as well as twelve month forecasting.

# JEFFREY TRUHLAR



- Direct Liaison to owner ship of a 22 Million Dollar renovation for hotel conversion from Holiday Inn SunSpree To Marriott Courtyard
- Owner Liaison of the construction of the Fairfield Inn & Suites with a year delay to poor construction techniques.
- Sat in as owner rep for construction lawsuits and property correction of mold and leaks post construction, as well as poor mechanical design

***General Manager for Shaner, Jacksonville F.L, Newport R.I, Saddle Brook N.J, (1996 – 2004)***

- Full responsibilities for a Union Hotel for ownership
- Executed strategy for hotel sell out as well as coordinated hotel call around and property "rack rates" on

**Early Career: (1981-1996)**
***Food & Beverage Director Rayel Hotels, Executive Chef: Holiday Inn/ Empire Ballroom Suffern New York AGM Saddlebook N.J.)***

***Appointed as Student Advisory Chair for San Pablo Elementary, Coached 2 years of entry Flag Football League, Chairman of Jacksonville Hotel, Motel Association, Gradate of FBI Citizen's Academy 2013, FEMA Certified 2012, Past Chair of Florida first Coast of Golf***

## AWARDS

4 times awarded Gold Service – Marriot

## EDUCATIONAL BACKGROUND

**1981 JOHN JAY GRADUATE WITH REGENTS DIPLOMA**

**1996- CERTIFIED WORKING CHEF/ AH&L**

**1998- CERTIFIED FOOD & BEVERAGE DIRECTOR**

**2001- CERTIFIED HOTEL ADMINISTRATOR AH& L**

**2003 -CONNECT U GRADUATE / MARRIOTT INTERNATIONAL**

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

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

RECEIVED
OCT 31 2019
COJB City Clerk

# Application for Appointment to City Boards

**Personal Information** *(Please print or type)*

**Name:** DANIEL ELMALEH **Home Phone:**
**Home Address:** 1879 S 1st Street Jax Bch FL 32250
**E-Mail Address:** danelmo54@gmail.com **Cell Phone:** 904) 955 1881
**Occupation:** RE BROKER **Business Phone:**
**Business Name:** ELMO REALTY
**Business Address:** 1879 S 1st

**Eligibility – Please Circle**

| | | | |
|---|---|---|---|
| Are you a resident of the City? | (Yes) | No | If yes, length of time: 45 years + |
| Are you a registered voter? | (Yes) | No | If yes, what County: Duval |
| Do you own property in the City? | (Yes) | No | If yes, address: 1879 S 1st / 6 Rental Prop |
| Do you hold a public office? | Yes | (No) | If yes, Office name: |
| Are you employed by the City? | Yes | (No) | If yes, position: |
| Are you currently serving on a Board? | Yes | (No) | If yes, Board Name: |
| Have you been convicted of a felony? | Yes | (No) | If yes, provide date: |
| Have your civil rights been restored? | Yes | No | If yes, provide date: |
| Have you filed bankruptcy? | Yes | (No) | If yes, provide date: |

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

If yes, please provide details:

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

| | | | |
|---|---|---|---|
| (1) | Board of Adjustment | | Planning Commission |
| (2) | Community Redevelopment Agency | | Pension Trustee |

**Please list the type of City meetings you have attended:** BOA on numerous occasions City Council Meeting to a lesser extent

**Qualifications** *(Briefly describe specific expertise, abilities, or qualifications)* 25 years with CSX RPI as Director of Acquisitions, Been active in Jax Bch RE Market as Resident / Investor / BCD

**Education:** Art + Design High School NYC Graduated 1972
JU - Graduated 1976
Numerous RE courses

## Application for Appointment to City Boards *(cont.)*

**State Reporting Requirements**

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

| Race | | Gender | Physically Disabled |
|---|---|---|---|
| ☐ African-American | ☒ Caucasian | ☐ Female | ☐ Yes |
| ☐ Asian/Pacific Islander | ☐ Hispanic | ☒ Male | ☒ No |
| ☐ American Indian/Alaskan | ☐ Not Known | | |

Florida's Public Records Law, Chapter 119, Florida Statutes, states: "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes.

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

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

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

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

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

10/31/19
Date

David Eller
Applicant's Signature

**Please do not write below – Staff use**

Date application received: _____

Interviewed on: _____

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

If not eligible for appointment
Explanation: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

Appointed to: _____ Date: _____

**DANIEL C. ELMALEH**
1879 South 1st Street
Jacksonville Beach, Florida 32250
CELL / BUSINESS; (904) 955-1881

Received
NOV 12 2019
Jacksonville Beach City Clerk

**Current; FLA RE Broker - Sole Proprieter of Elmo Realty;**

I remain active in the local Beaches real estate market buying, building, managing our rental properties, (including Airbnb) and providing mortgage capital to investors. I believe this exercise has afforded me a well-rounded knowledge of all facets involved in real estate.

**Prior Work Experienc**
6/ 1990-to 1/ 2015

**CSX REAL PROPERTY, INC.**
301 West Bay Street, Suite 800
Jacksonville Florida, 32202

**Director Real Estate Broker of Record;** responsible for the sale and acquisitions of real estate assets. Duties include analyzing CSX's property interests and leveraging the value of these assets through sale, lease, or development. Additional responsibilities incde acquisition of properties necessary to meet CSX operational requirements. Job includes appraising real estate, developing marketing plans, resolving wetlands and environmental challenges, dealing with local political entities, negotiating contracts and networking with local brokers within my assigned geographical territory.

April 1988-June 1990

**MANHATTAN MARKETING, INC.**
767 3rd Avenue
New York City, New York 10017

Manager of on site sales of co-ops for one of Manhattan's leading developers. Led sales force six consecutive quarters.

May 1984-April 1988

**ARVIDA REALTY SALES, INC.**
Realtor associate, selling investment, primary and secondary homes, lots and condominiums at Sawgrass Country Club.

**Education:**

**JACKSONVILLE UNIVERSITY**
Jacksonville Florida -- Graduated in 1977
Bachelor of Science Degree, Marketing, minor in Management.
Licensed FL Real Estate Broker

**Personal:**

Married no children.

# Dan Elmaleh

**ELMO REALTY**

FL Real Estate Broker

BK 0199950

904-955-1881

danelmo54@gmail.com

When there's a
palace for every
pup,
And every dog
has it's day!
Give us a bark!
904-955-1881

WM, Mayor, Laurie

# City of Jacksonville Beach

## Volunteer Board Appointment Interview Questions

Board(s): BOA

Candidate's Name: Jeff Trihler Date: 1-10-20

1. Please take a few minutes to tell us about yourself.

2. Why are you interested in serving on the board(s) you indicated on your application?

3. What does the board(s) do? Why does it exist?

4. What do you believe is the most important function of the board(s)?

5. What experience do you have in any of the following subject areas: land planning, land use law, architecture, real estate development, or other related fields?

6. Attendance at Board meetings is crucial. Are you aware of the times and dates for the meetings and can you attend them?

7. Would you have a problem once a year filling the Financial Disclosure Forms required by the State? (Hand them a form to review and explain the form.)

8. Do you have any questions of us?

_____

_____

_____

Interviewer: Bill Mann

***Recommended for the following Board(s):***

X Board of Adjustment
___ Community Redevelopment Agency
___ Planning Commission
___ Pension Board
(General, Fire, Police) circle one
___ Board of Appeals

***Not Recommended***

___ Board of Adjustment
___ Community Redevelopment Agency
___ Planning Commission
___ Pension Board
(General, Fire, Police) circle one
___ Board of Appeals

**City of Jacksonville Beach**
**11 N. 3rd Street, Jacksonville Beach, Fl 32250**
**www.jacksonvillebeach.org**
**(904)247-6299**

# Expiring Terms

Members whose term expires between 01/13/2020 and 12/31/2023

| Group Name | Member Type | Member Role | Term Starts On | Term Ends On |
|---|---|---|---|---|
| **Board of Adjustment** | | | | |
| Sylvia Osewalt | Board of Adjustmen | Member | 01/02/2018 | 12/20/2020 |
| Francis Reddington | Board of Adjustmen | Chair | 07/16/2018 | 12/31/2021 |
| Daniel Janson | Board of Adjustmen | 1st Alternate | 01/01/2020 | 12/31/2021 |
| John Moreland | Board of Adjustmen | Member | 09/17/2018 | 12/31/2021 |
| Alexi Gonzalez | Board of Adjustmen | 2nd Alternate | 01/01/2020 | 12/31/2021 |
| Scott Cummings | Board of Adjustmen | Vice-Chair | 01/01/2020 | 12/31/2023 |
| **City Council** | | | | |
| Charlie Latham | City Council | Mayor | 11/06/2012 | 11/03/2020 |
| Keith Doherty | City Council | Seat 3, At Large | 11/06/2012 | 11/03/2020 |
| Phil Vogelsang | City Council | Seat 2, At Large | 11/06/2012 | 11/03/2020 |
| Christine Hoffman | City Council | Mayor Pro-tem | 11/06/2012 | 11/03/2020 |
| Sandy Golding | City Council | Seat 6, District 3 | 11/06/2018 | 11/08/2022 |
| Georgette Dumont | City Council | Seat 5, District 2 | 11/06/2018 | 11/08/2022 |
| Cory Nichols | City Council | Seat 4, District 1 | 11/06/2018 | 11/08/2022 |
| **Community Redevelopment** | | | | |
| Jeffrey Jones | Community Redeve | Member | 05/16/2016 | 05/16/2020 |
| Samuel Hall, Jr | Community Redeve | Member | 06/18/2017 | 12/31/2020 |
| Frances Povloski | Community Redeve | Vice-Chair | 06/17/2013 | 12/31/2020 |
| Art Graham | Community Redeve | Chair | 01/01/2020 | 12/31/2023 |
| Gary Paetau | Community Redeve | Member | 01/01/2020 | 12/31/2023 |
| **Pension Board - Fire** | | | | |
| Deborah White | Firefighters' PB | Fifth Member | 04/01/2018 | 03/31/2020 |
| Gaylord Candler | Firefighters' PB | Secretary | 03/31/2018 | 03/31/2020 |
| Dennis Povloski | Firefighters' PB | Chair | 04/01/2018 | 03/31/2020 |
| John McDaniel | Firefighters' PB | Employee Rep | 10/01/2019 | 09/30/2021 |
| Edward Dawson | Firefighters' PB | Employee Rep | 10/01/2019 | 09/30/2021 |
| **Pension Board - General Employees** | | | | |
| Eddie Vergara | General Employees | Employee Rep | 09/21/2015 | 10/31/2020 |
| Christine Hoffman | City Council | Chairperson Pro-tem | 01/22/2013 | 11/03/2020 |
| Nick Currie | General Employees | Employee Rep | 11/01/2018 | 11/01/2022 |
| Georgette Dumont | City Council | City Council | 02/12/2019 | 11/08/2022 |
| **Pension Board - Police** | | | | |
| John Galarneau | Police Officers' PB | Fifth Member | 02/27/2018 | 03/31/2020 |
| Marvin DuPree | Police Officers' PB | Chair | 04/03/2000 | 03/31/2020 |
| John Gosztyla | Police Officers' PB | Member | 08/05/2019 | 03/31/2020 |
| Jason Sharp | Police Officers' PB | Employee Rep | 10/01/2017 | 09/30/2021 |
| David Cohill | Police Officers' PB | Employee Rep | 10/01/2017 | 09/30/2021 |
| **Planning Commission** | | | | |
| Colleen Murphy White | Planning Commissi | 1st Alternate | 06/17/2019 | 12/31/2020 |
| Jon Walker | Planning Commissi | Member | 06/17/2019 | 12/31/2020 |
| Britton Sanders | Planning Commissi | Member | 07/21/2014 | 12/31/2020 |
| Margo Moehring | Planning Commissi | Member | 09/17/2018 | 12/31/2021 |
| David Dahl | Planning Commissi | Vice-Chair | 03/04/2019 | 12/31/2022 |
| Greg Sutton | Planning Commissi | Chair | 01/01/2020 | 12/31/2023 |
| Justin Lerman | Planning Commissi | 2nd Alternate | 01/01/2020 | 12/31/2023 |

## Applicants for Appointment to City Boards

| Last Name | First Name | MI | Home Address | Phone | Email | Date App Recvd | Thank you card sent | Met Residency requirement | Verified Elector status for Duval Co. | City Board Preference by Ranking (Primary "1" and Secondary "2") | | | | Board of Appeals | Approximated by F.S. 112.3 or other City ordinance or legislation | Interview Date | Renewal Applicants | Not Interested Date |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | Board of Adjustment | Comm. Redevel. Agency (CRA) | Pension Trustee | Planning Commission | | | | | |
| | 2 | 3 | 4 | 5 | 6 | Column7 | Column8 | Column9 | Column10 | Column11 | Column12 | Column13 | Column14 | Column15 | Column16 | Column16 | Column17 | Column18 |
| Carmichael | Catherine | M | 83 30th Ave South, JB | 850.443.4084 | catherinemichael@gmail.com | 1/25/2019 | Yes | Yes - 2.5 yrs | Yes | | | | 1 | (yes) | Reviewed by B. Mann | 5/29/2019 | | |
| Elmaleh | Daniel | | 1879 S 1st Street, JB | 904.955.1881 | danelmo54@gmail.com | 10/31/2019 | | Yes- 45 yrs | Yes | 1 | 2 | | | | | 11/25/2019 | | |
| Gray, Jr | John | P | 3972 Poincianna Blvd, JB | 904 635 2612 c<br>904 737 8679 w | johngray04@comcast.net | 6/3/2019 | Yes | 7.5 yrs | Yes | | 1 | | 2 | | Reviewed by B Mann | 10/30/2019 | | |
| Hallahan | Timothy | | 3755 Sanctuary Way North, JB | 904.805.2658 | tim@hallahan.pro | 5/2/2019 | Yes | May 2018 | Yes | | | 1 | | (yes) | HR did not feel comfortable reviewing app | 5/29/2019 | | |
| Langham | Samuel | | 138 32nd Avenue South, JB | 904.249.3403 | salangham@reabc.com | 4/27/2016 | na | 27 yrs | Yes | | 1 | | | | 5/5/2016 | [illegible] | | |
| Mazur | Jennie | | 1806 Evans Dr South, JB | 860.604.2101 | jennie@tailorcdcampaigns.com | 4/23/2019 | Yes | Yes - 10 yrs | Yes | | | | 1 | (yes) | Reviewed by B. Mann | 5/29/2019 | | |
| Shapiro | Sean | | 1745 Pullian St, JB | 904.607.5031 | sean@rcbeastroofing.com | 3/7/2019 | Yes | Yes - 5 yrs | Yes | | 2 | | 1 | (yes) | Reviewed by B Mann | 5/29/2019 | | |
| Spann | William (Bill) | | 4153 4th Ave South, JB | 850.322.9855 | bspann@comcast.net | | na | Yes-5+ yrs | Yes | | | | | Yes* | | 10/30/2019 | | |

| Not Met Requirements OR No Longer Interested | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Last Name | First Name | MI | Home Address | Phone | Email | Date App Recd | Thank you card sent | Met Residency requirements | Verified Qualified Electorate | City Board Preference by Ranking (Primary "1" and Secondary "2") | | | | Appeals (pending) | Interview Date | Recommended for Appt/Re-Appt | Renewed Application | Int... |
| | | | | | | | | | | Board of Adjustment | Redevel. Agency | Pension Trustee | Planning Commission | | | | | |
| Column1 | Column2 | Col | Column4 | Column5 | Column6 | Column7 | Column8 | Column9 | Column10 | Column11 | Column12 | Column13 | Column14 | Column15 | Column16 | Column17 | Column18 | Col |
| Buttril | Matthew | | 1615 Seabreze Ave, JB | 703.407.4896 | matt.buttrill@gmail.com | 6/20/2018 | na | 4 yrs | Yes | | 2 | | 1 | | 8/27/2018 | | | |
| Davis | Reginald | | 917 N. 1st St, JB | 904.339.2062 | hfdcaptta2@comcast.net | 4/29/2019 | Yes | Yes | No - registered in Alabama | 2 | | | 3 | 1 | | | | |
| Dickinson | William | B | 1729 Upper 4th Ave North, JB | 904.241.4424 | dickin_b@bellsouth.net | 5/18/2018 | na | 63 yrs | Yes | 1 | 2 | | | | 8/27/2018 | | | |
| Geissman | Julie | | 12 Tallwood Rd, JB | 904.568.7289 | gogos12@comcast.net | 6/15/2018 | na | Yes - 30 yrs | Yes | 1 | | | 2 | | Reviewed by B. Mann | 5/29/19 - Email from Ms. Giessman stating no longer interested as this time | | |
| Halres | Phranteeena | T | 211 8th Street North #3, JB | 904.330.8640 | jam@phranteeena.com | 5/21/2019 | Yes - Rec'd by USPS | No-8 mos | Yes | | 1 | | 2 | | | | | |
| Montello | Jeffrey | | 315 33rd Ave South, JB | 904.525.7937 | jacksonvillejeff@gmail.com | 5/25/2016 | na | Yes- 5 yrs | Yes | | 2 | 1 | | | 6/6/2016 | 1. 6/6/2016 2. No response to request to interview on 5/29/19 | | |
| Normande | Thomas | | 330 6th Ave North, Unit D, JB | 727.560.6887 c. 904.278.7688 b. | tsnormandeau@gmail.com | 4/29/2019 | Yes | No - Moved to JB May 14, 2018 (per his email) | Yes | | 2 | | 1 | | | | | |
| Sommers | Craig | | 9967 Merlin Dr East, Jax | 904.636.6713 | csommers@jdsae.net | 4/24/2019 | Yes | Not a resident of Jax Bch | Yes | 2 | | | | 1 | | | | |
| Cloutier | Harris | | 922 1st St South, JB | 216.210.2362 | hclout@aol.com | 11/10/2018 | Yes | Yes - 5 yrs | Yes | | 1 | | | | Reviewed by B. Mann | no response to request to interview | | |
| Parrish | Kristen | | 4112 Tideview Drive, JB | 904-510-622 | kristenchaseford@gmail. | 10/16/2019 | emailed info she did not meet eligibility | No - Lives across the bridge in Isle of Palms-JAX/business located in JAX | Yes (K. Chase Ford) | No | No | | | | | | | |

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6263
Fax: 904.247.6169

www.jacksonvillebeach.org

**HUMAN RESOURCES**

MEMORANDUM

TO: The Honorable Mayor and Members of the City Council

FROM: Duston Scott, Pension Plan Administrator

SUBJECT: Appointment of Fifth Member to the General Employees' Pension Board

DATE: December 11, 2019

## ACTION REQUESTED

Appointment of a fifth member to serve on the General Employees' Retirement System Board of Trustees, respectively, is requested.

## BACKGROUND

Pursuant to the Jacksonville Beach Code of Ordinances Section 2-162.23 (b) Board of Trustees, the General Employees' Board consists of (5) members:

(1) Two (2) members of the City Council, selected by the City Council.

**(2) A fifth member selected by the other four (4) members and appointed, as a ministerial act, by the city council. The fifth member may be a Retiree of this system.**

(3) Two (2) members of the General Employees' Retirement System, other than Retirees, to be elected by the members of the General Employees' Retirement System.

At their November 12, 2019, Quarterly Pension Board meeting, the General Employees' Retirement System Board of Trustees voted unanimously to reappoint Brandon Maresma to serve as the fifth member. Mr. Maresma was originally appointed in November 2009.

Mr. Maresma has indicated he would be willing to serve another two-year term.

## RECOMMENDATION

Reappoint Brandon Maresma to serve as a trustee as the fifth member on the General Employees' Retirement System Board, new two-year term to expire December 31, 2021.

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6274

www.jacksonvillebeach.org

FINANCE DEPARTMENT

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Monthly Financial Reports for December 2019
DATE: January 16, 2020

**Action Requested**

Accept the monthly financial reports for the month of December 2019.

**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 65.08% of the annual budget. Growth in license and permit revenue reflects increased building permit activity including projects such as Whole Foods, Springhill Suites, and the Pier reconstruction.

Miscellaneous revenues in the General Fund include interest on pooled investments, auction proceeds, facility rental fees, tennis fees, and cemetery lots purchased.

**Exhibit 2 - General Fund Expenditures**

General Fund Expenditures are slightly ahead of prior year expenditures on a percentage of budget basis. Total year to date expenditures in the General Fund are under budget by 4.51%. Fire Department expenditures are higher than budgeted because of sick and vacation accrued leave payouts made to personnel as part of the Fire Services Agreement with the City of Jacksonville.

**Exhibit 3 - Enterprise Fund Revenues**

Enterprise Fund Revenues are 3.26% lower than the prior year revenues on a percentage of budget basis. Total year to date Enterprise Fund Revenues are 1.51% under amounts budgeted. The bulk power cost portion of the electric rate was suspended in October. Additionally, electric rates dropped by $1 per 1,000kwh this month, reducing overall Electric revenues. The Golf Course year-to-year variance is a result of the course closing for renovations from January to November 2018.

**Exhibit 4 - Enterprise Fund Expenditures**

Total expenditures in the Enterprise Funds are 9.88% under budget for the current year. The year over year decrease in Electric expenses is due to lower power costs from the City's provider FMPA. Water & Sewer expenses were higher in the prior year primarily due to capital projects. The Sanitation Fund purchased a new street sweeper in the current year for $213,891 attributing to the 2.99% variance from the prior year.

**Exhibit 5 – Special Revenue Fund Revenues**

Revenues in the Special Revenue Funds are 14.74% 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. Convention Development Tax revenues have not been received from the City of Jacksonville.

**Exhibit 6 - Special Revenue Fund Expenditures**

In total, Special Revenue Fund expenditures are under budget for the current year but 4.02% higher than last year on a percentage of budget basis. Variances from the prior year in the Infrastructure Surtax, Downtown Increment, and Southend Increment Funds are primarily due to the timing of capital project expenditures.

**Exhibit 7 - Summary Revenues and Expenditures**

- The net income shown for the Electric Fund is overstated because monthly power bills are paid in arrears to FMPA.
- Convention Development Tax revenues have not yet been received from the City of Jacksonville causing a negative variance in budget-to-actual to date amounts.

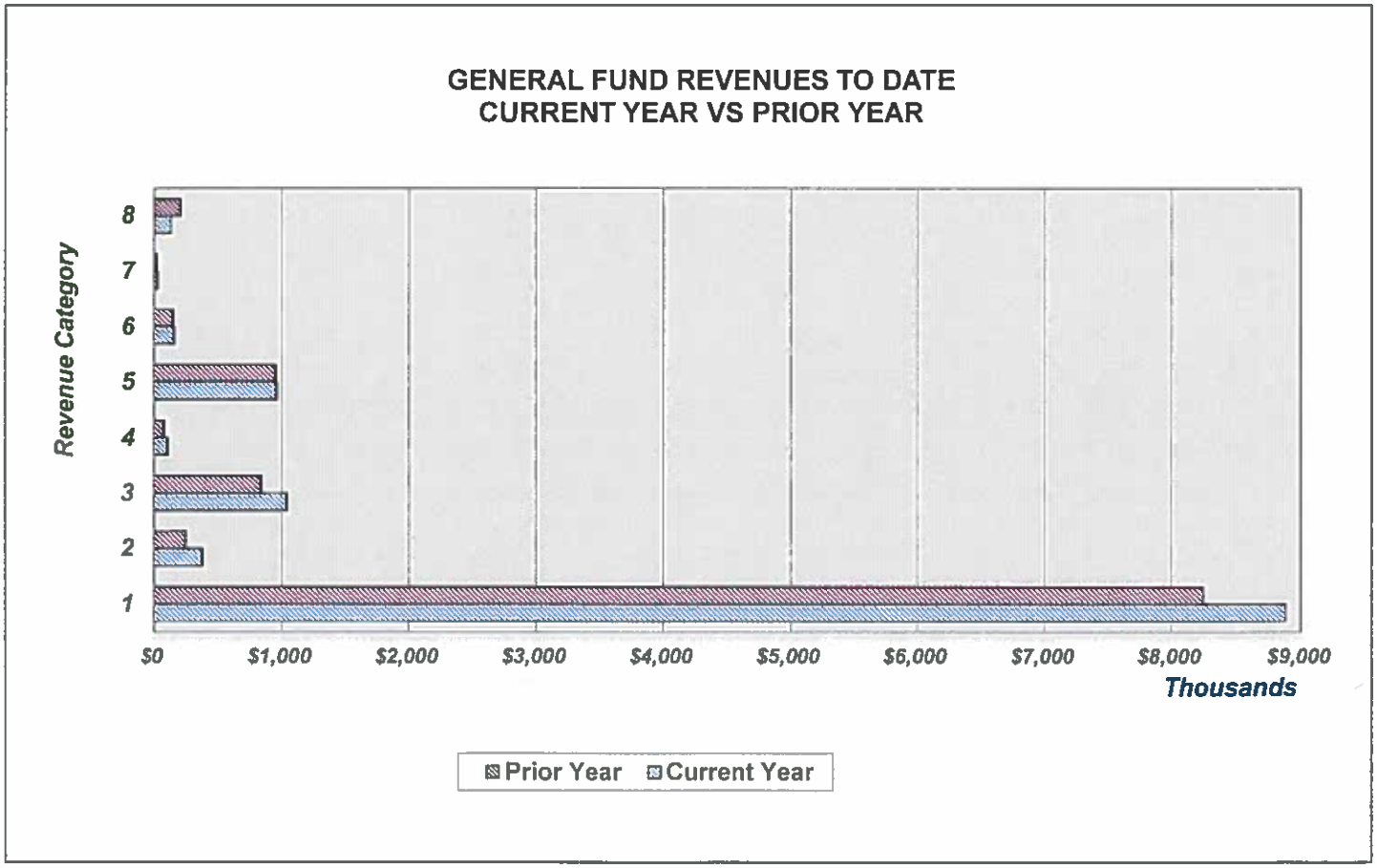
**Recommendation**

Accept the financial reports for the month of December 2019, as submitted by the Chief Financial Officer.

**Summary Budget Revenue Report**
December 31, 2019
*(25.21% of year has elapsed)*

## EXHIBIT 1 - GENERAL FUND REVENUES

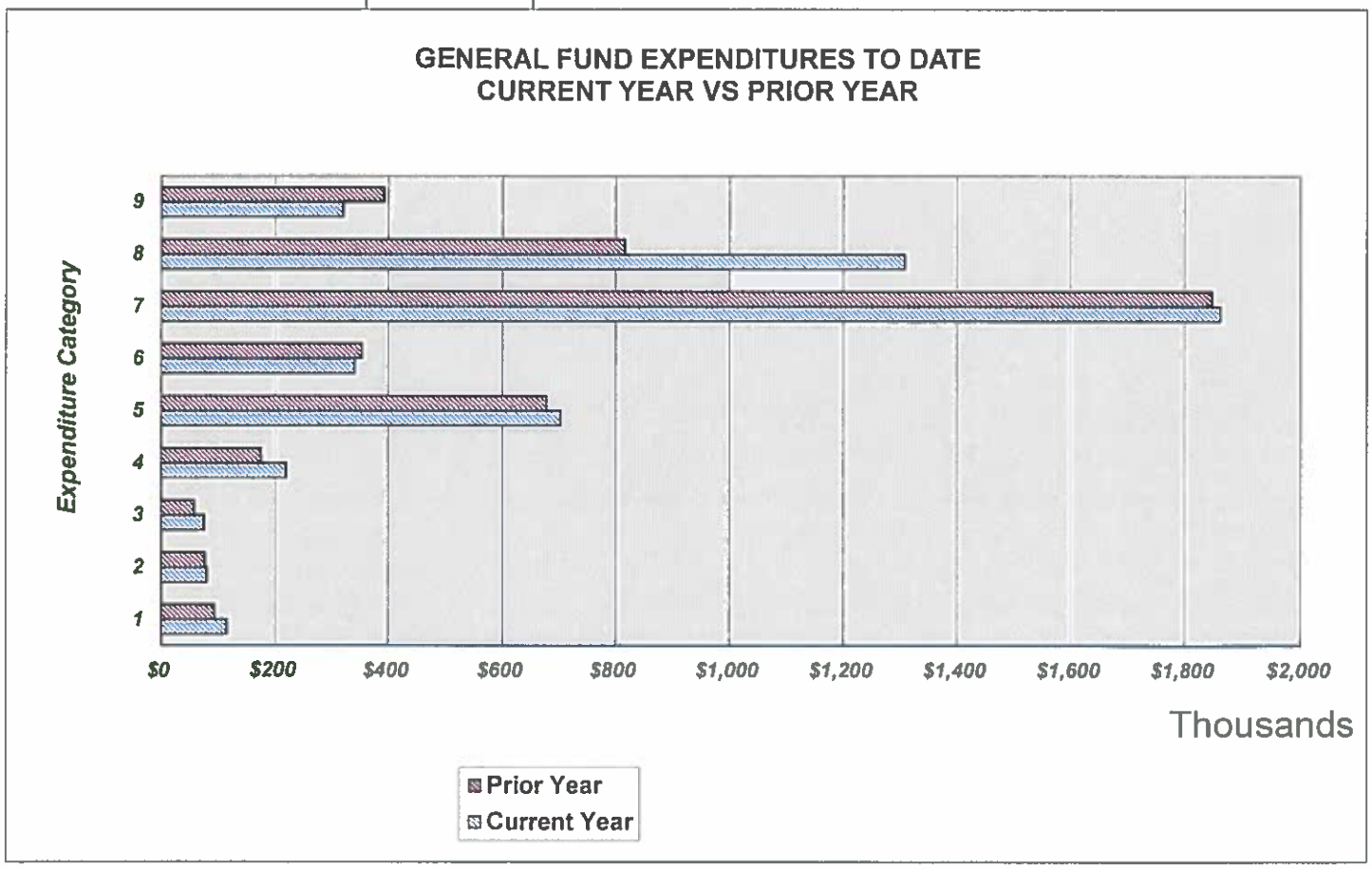
| | Revenue Category | Current Year Revenue to Date | Current Year Revenue As a % of Budget | Prior Year Revenue to Date | Prior Year Revenue As a % of Budget | % Variance (Current Year Less Prior Year) | $ Variance (Current Year Less Prior Year) |
|---|---|---|---|---|---|---|---|
| 1 | Taxes | 8,876,388 | 65.08% | 8,250,565 | 67.28% | -2.19% | 625,823 |
| 2 | Licenses & Permits | 377,493 | 62.93% | 248,923 | 41.79% | 21.14% | 128,569 |
| 3 | Intergovernmental Revenue | 1,040,863 | 23.23% | 842,089 | 19.89% | 3.34% | 198,774 |
| 4 | Charges for Services | 104,524 | 26.20% | 79,383 | 20.41% | 5.79% | 25,141 |
| 5 | Enterprise Contributions | 959,330 | 25.00% | 953,280 | 25.00% | 0.00% | 6,050 |
| 6 | Miscellaneous Revenue | 154,322 | 38.82% | 148,440 | 35.81% | 3.01% | 5,882 |
| 7 | Fines & Forfeitures | 26,158 | 16.30% | 23,932 | 14.04% | 2.26% | 2,226 |
| 8 | Interfund Transfers | 128,591 | 25.02% | 204,119 | 40.02% | -15.01% | (75,527) |
| | **Total Revenues** | **$ 11,667,669** | **48.56%** | **$ 10,750,731** | **48.02%** | **0.54%** | **$ 916,938** |



**Summary Budget Expenditure Report**
December 31, 2019
(25.21% of year has elapsed)

## EXHIBIT 2 - GENERAL FUND EXPENDITURES

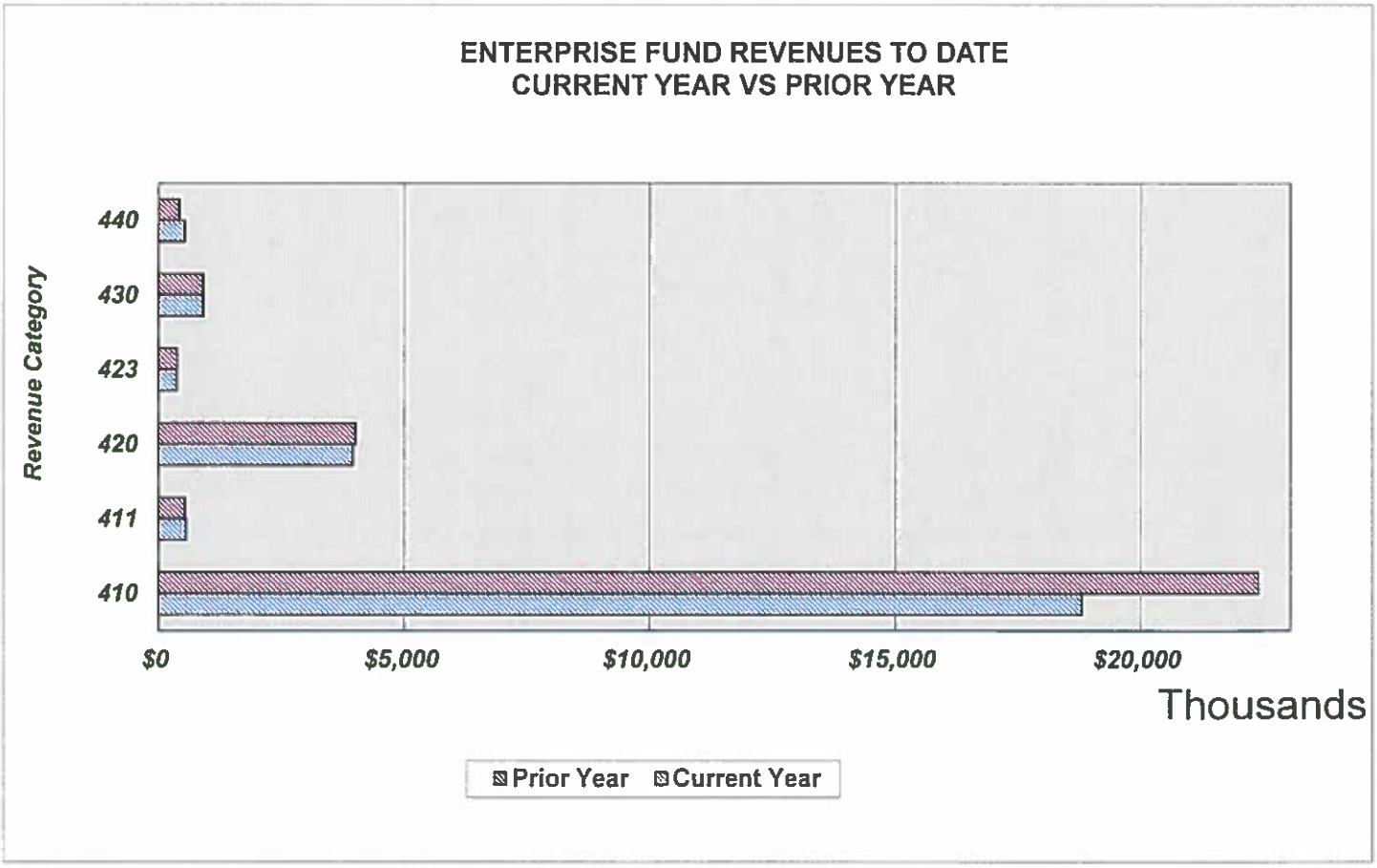
| | Expenditure Category | Current Year Expenditures to Date | Current Year Expenditures As a % of Budget | Prior Year Expenditures to Date | Prior Year Expenditures As a % of Budget | % Variance (Current Year Less Prior Year) | $ Variance (Current Year Less Prior Year) |
|---|---|---|---|---|---|---|---|
| 1 | City Administration | 114,714 | 22.25% | 94,812 | 18.94% | 3.31% | 19,902 |
| 2 | City Clerk | 80,987 | 20.80% | 76,971 | 22.24% | -1.44% | 4,016 |
| 3 | Building Maintenance | 75,846 | 17.52% | 58,341 | 14.41% | 3.11% | 17,505 |
| 4 | Planning and Development | 218,896 | 21.37% | 174,774 | 19.22% | 2.16% | 44,122 |
| 5 | Recreation and Parks | 703,347 | 20.08% | 678,432 | 19.39% | 0.68% | 24,915 |
| 6 | Public Works | 340,504 | 19.52% | 353,911 | 21.45% | -1.93% | (13,407) |
| 7 | Police | 1,862,329 | 18.64% | 1,847,757 | 19.54% | -0.90% | 14,572 |
| 8 | Fire | 1,307,689 | 28.17% | 816,228 | 19.36% | 8.81% | 491,460 |
| 9 | Non-Departmental | 320,581 | 15.75% | 392,316 | 23.42% | -7.67% | (71,735) |
| | **Total Expenditures** | **$ 5,024,893** | **20.70%** | **$ 4,493,543** | **19.83%** | **0.86%** | **$ 531,350** |



**Summary Budget Revenue Report**
December 31, 2019
(25.21% of year has elapsed)

## EXHIBIT 3 -ENTERPRISE FUND REVENUES

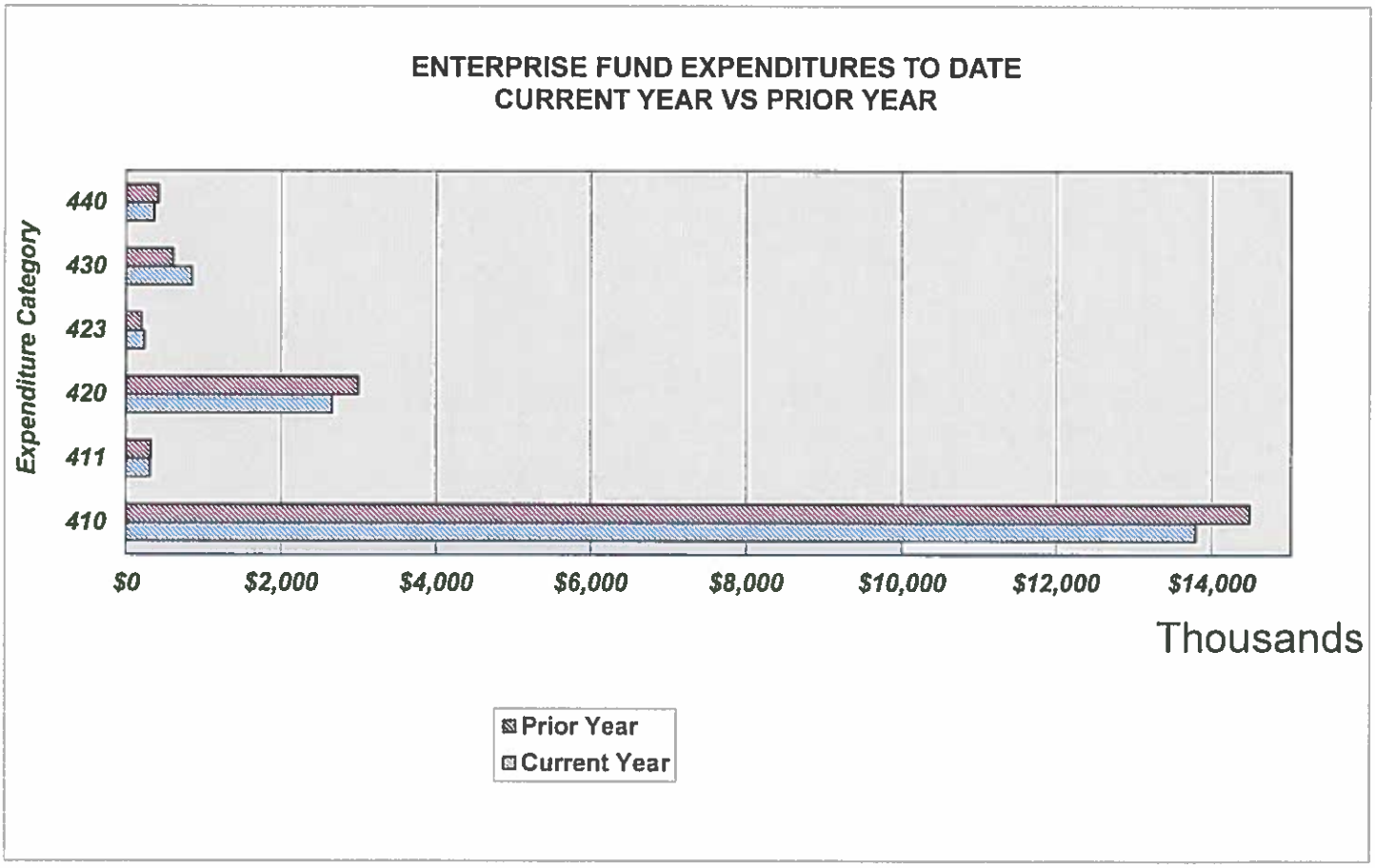
| Revenue Category | Current Year Revenue to Date | Current Year Revenue As a % of Budget | Prior Year Revenue to Date | Prior Year Revenue As a % of Budget | % Variance (Current Year Less Prior Year) | $ Variance (Current Year Less Prior Year) |
|---|---|---|---|---|---|---|
| 410 ELECTRIC | 18,797,297 | 22.89% | 22,357,787 | 26.63% | -3.74% | (3,560,490) |
| 411 NATURAL GAS | 572,037 | 23.78% | 546,158 | 24.46% | -0.68% | 25,879 |
| 420 WATER & SEWER | 3,952,021 | 26.88% | 4,008,485 | 29.47% | -2.59% | (56,465) |
| 423 STORMWATER | 380,514 | 26.18% | 388,035 | 27.77% | -1.59% | (7,521) |
| 430 SANITATION | 911,731 | 25.94% | 909,766 | 26.01% | -0.07% | 1,964 |
| 440 GOLF COURSE | 542,020 | 27.98% | 430,491 | 28.05% | -0.07% | 111,529 |
| TOTAL REVENUES | $ 25,155,619 | 23.70% | $ 28,640,723 | 26.96% | -3.26% | $ (3,485,104) |



**Summary Budget Expenditure Report**
December 31, 2019
(25.21% of year has elapsed)

## EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

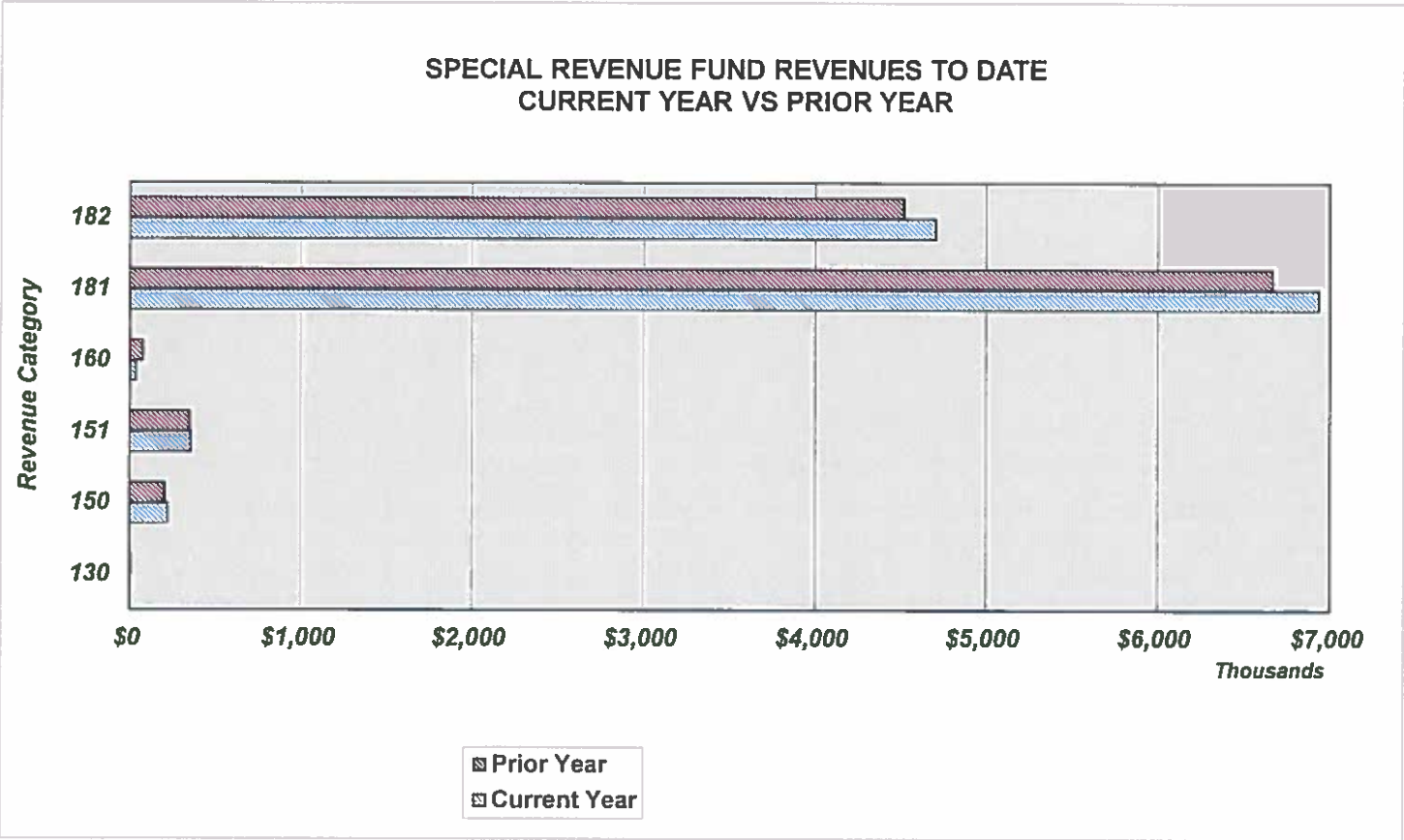
| Expenditure Category | Current Year Expenditures to Date | Current Year Expenditures As a % of Budget | Prior Year Expenditures to Date | Prior Year Expenditures As a % of Budget | % Variance (Current Year Less Prior Year) | $ Variance (Current Year Less Prior Year) |
|---|---|---|---|---|---|---|
| 410 ELECTRIC | 13,792,924 | 14.92% | 14,484,829 | 14.91% | 0.00% | (691,905) |
| 411 NATURAL GAS | 311,841 | 15.08% | 321,492 | 16.36% | -1.28% | (9,651) |
| 420 WATER & SEWER | 2,665,090 | 17.45% | 2,998,137 | 19.35% | -1.91% | (333,047) |
| 423 STORMWATER | 231,476 | 9.05% | 196,508 | 13.13% | -4.08% | 34,968 |
| 430 SANITATION | 850,435 | 19.41% | 610,647 | 16.42% | 2.99% | 239,788 |
| 440 GOLF COURSE | 361,271 | 17.87% | 418,833 | 28.86% | -10.99% | (57,563) |
| **TOTAL EXPENDITURES** | **$ 18,213,037** | **15.33%** | **$ 19,030,447** | **15.69%** | **-0.36%** | **$ (817,410)** |



**Summary Budget Revenue Report**
December 31, 2019
(25.21% of year has elapsed)

## EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

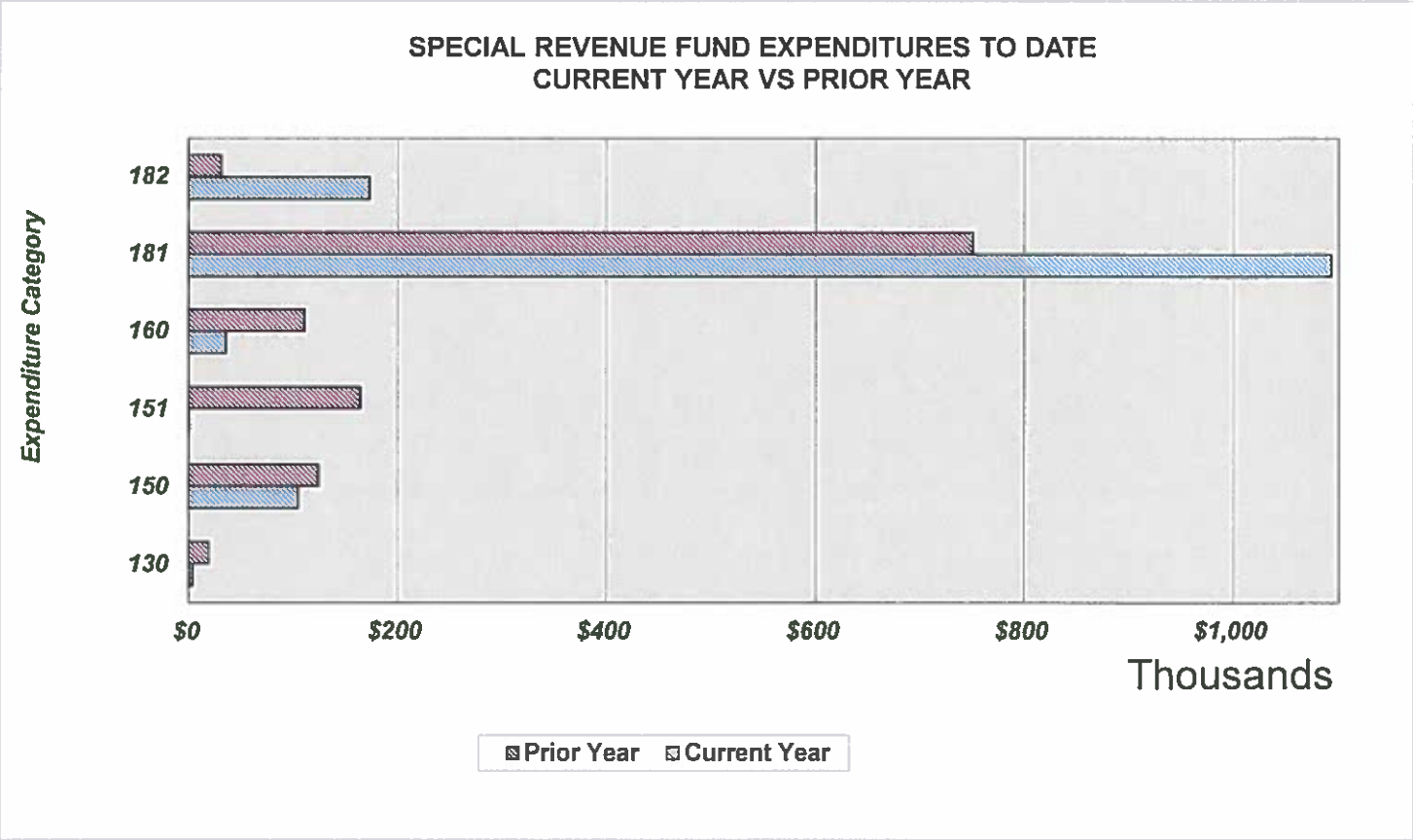
| | Revenue Category | Current Year Revenue to Date | Current Year Revenue As a % of Budget | Prior Year Revenue to Date | Prior Year Revenue As a % of Budget | % Variance (Current Year Less Prior Year) | $ Variance (Current Year Less Prior Year) |
|---|---|---|---|---|---|---|---|
| 130 | CONVENTION DEV. TAX | 5,076 | 1.28% | 6,206 | 1.73% | -0.46% | (1,129) |
| 150 | LOCAL OPTION GAS TAX | 222,576 | 27.04% | 206,602 | 25.37% | 1.66% | 15,974 |
| 151 | INFRASTRUCTURE SURTAX | 360,761 | 26.16% | 354,551 | 25.99% | 0.17% | 6,211 |
| 160 | COMMUNITY DEV. BLK. GRANT | 35,591 | 25.79% | 76,619 | 55.52% | -29.73% | (41,027) |
| 181 | DOWNTOWN INCREMENT FUND | 6,937,423 | 99.05% | 6,666,530 | 99.83% | -0.77% | 270,893 |
| 182 | SOUTHEND INCREMENT FUND | 4,705,777 | 187.97% | 4,518,462 | 100.61% | 87.36% | 187,314 |
| | **TOTAL REVENUES** | **$ 12,267,205** | **100.18%** | **$ 11,828,969** | **85.45%** | **14.74%** | **$ 438,236** |



**Summary Budget Expenditure Report**
December 31, 2019
(25.21% 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 | 3,901 | 3.22% | 19,277 | 7.04% | -3.82% | (15,376) |
| 150 | LOCAL OPTION GAS TAX | 104,815 | 13.15% | 124,369 | 15.58% | -2.43% | (19,554) |
| 151 | INFRASTRUCTURE SURTAX | 875 | 0.26% | 164,094 | 18.23% | -17.97% | (163,220) |
| 160 | COMMUNITY DEV. BLK. GRANT | 35,591 | 25.06% | 111,119 | 80.52% | -55.46% | (75,527) |
| 181 | DOWNTOWN INCREMENT FUND | 1,092,699 | 13.04% | 750,461 | 6.00% | 7.03% | 342,239 |
| 182 | SOUTHEND INCREMENT FUND | 172,796 | 8.73% | 31,291 | 7.45% | 1.28% | 141,505 |
| | TOTAL EXPENDITURES | $ 1,410,677 | 12.00% | $ 1,200,611 | 7.99% | 4.02% | $ 210,066 |



**Summary Budget Report**
December 31, 2019
(25.21% 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 | 24,027,407 | 6,056,223 | 11,667,669 | 5,611,446 |
| 130 Convention Development Tax | 397,496 | 100,191 | 5,076 | (95,114) |
| 150 Local Option Gas Tax | 823,223 | 207,497 | 222,576 | 15,079 |
| 151 Infrastructure Surtax | 1,378,808 | 347,535 | 360,761 | 13,226 |
| 160 Community Dev. Blk. Grant | 138,000 | 34,784 | 35,591 | 808 |
| 181 Downtown Increment Fund | 7,003,700 | 1,765,316 | 6,937,423 | 5,172,107 |
| 182 Southend Increment Fund | 2,503,537 | 631,029 | 4,705,777 | 4,074,748 |
| 410 Electric Utility | 82,113,996 | 20,697,226 | 18,797,297 | (1,899,930) |
| 411 Natural Gas Utility | 2,405,292 | 606,265 | 572,037 | (34,228) |
| 420 Water & Sewer Utility | 14,705,017 | 3,706,470 | 3,952,021 | 245,551 |
| 423 Storm Water Management | 1,453,505 | 366,363 | 380,514 | 14,151 |
| 430 Sanitation Fund | 3,514,536 | 885,856 | 911,731 | 25,875 |
| 440 Golf Course Fund | 1,937,261 | 488,296 | 542,020 | 53,724 |
| 460 Leased Facilities Fund | 679,177 | 171,190 | 171,003 | (187) |
| 500 Internal Service Funds | 13,268,599 | 3,344,414 | 3,108,971 | (235,443) |
| **Total Revenues** | **$ 156,349,554** | **$ 39,408,655** | **$ 52,370,466** | **$ 12,961,812** |

| Fund Name | Budgeted Expenditures Fiscal Year 2020 | Budgeted Expenditures To Date | Actual Expenditures To Date | Variance Favorable/ (Unfavorable) |
|---|---|---|---|---|
| 001 General Fund | 24,278,365 | 6,119,478 | 5,024,893 | 1,094,585 |
| 130 Convention Development Tax | 121,028 | 30,506 | 3,901 | 26,605 |
| 150 Local Option Gas Tax | 797,306 | 200,965 | 104,815 | 96,150 |
| 151 Infrastructure Surtax | 332,306 | 83,759 | 875 | 82,885 |
| 160 Community Dev. Blk. Grant | 142,000 | 35,792 | 35,591 | 200 |
| 181 Downtown Increment Fund | 8,381,899 | 2,112,698 | 1,092,699 | 1,019,998 |
| 182 Southend Increment Fund | 1,978,372 | 498,658 | 172,796 | 325,863 |
| 410 Electric Utility | 92,474,819 | 23,308,721 | 13,792,924 | 9,515,797 |
| 411 Natural Gas Utility | 2,067,336 | 521,082 | 311,841 | 209,241 |
| 420 Water & Sewer Utility | 15,274,268 | 3,849,952 | 2,665,090 | 1,184,863 |
| 423 Storm Water Management | 2,558,735 | 644,941 | 231,476 | 413,465 |
| 430 Sanitation Fund | 4,381,001 | 1,104,252 | 850,435 | 253,817 |
| 440 Golf Course Fund | 2,021,631 | 509,562 | 361,271 | 148,291 |
| 460 Leased Facilities Fund | 964,178 | 243,026 | 237,405 | 5,620 |
| 500 Internal Service Funds | 13,430,657 | 3,385,262 | 2,649,537 | 735,724 |
| **Total Expenditures** | **$ 169,203,902** | **$ 42,648,655** | **$ 27,535,550** | **$ 15,113,105** |

| Fund Name | Net Income (Loss) | Net Variance Favorable/ (Unfavorable) |
|---|---|---|
| 001 General Fund | 6,642,775 | 6,706,030 |
| 130 Convention Development Tax | 1,176 | (68,510) |
| 150 Local Option Gas Tax | 117,761 | 111,229 |
| 151 Infrastructure Surtax | 359,886 | 96,111 |
| 160 Community Dev. Blk. Grant | - | 1,008 |
| 181 Downtown Increment Fund | 5,844,723 | 6,192,105 |
| 182 Southend Increment Fund | 4,532,981 | 4,400,611 |
| 410 Electric Utility | 5,004,372 | 7,615,867 |
| 411 Natural Gas Utility | 260,197 | 175,014 |
| 420 Water & Sewer Utility | 1,286,931 | 1,430,413 |
| 423 Storm Water Management | 149,038 | 427,616 |
| 430 Sanitation Fund | 61,295 | 279,692 |
| 440 Golf Course Fund | 180,749 | 202,015 |
| 460 Leased Facilities Fund | (66,403) | 5,433 |
| 500 Internal Service Funds | 459,434 | 500,282 |
| **Total** | **$ 24,834,916** | **$ 28,074,916** |

## Cash and Investments by Fund
December 31, 2019

| INVESTMENT HOLDER | TYPE | FACE AMOUNT | MARKET VALUE |
|---|---|---|---|
| Salem Trust Treasury Strip | TS | 3,145,891 | 3,145,891 |
| **TOTAL UTILITY FUNDS 410 and 420** | | | **$3,145,891** |
| Salem Mutual Fund | Portfolio | 51,145,995 | 51,145,995 |
| Sawgrass Asset Management | Portfolio | 26,315,741 | 26,315,741 |
| Wells Capital | Portfolio | 15,365,471 | 15,365,471 |
| JPMCB - Strategic Property Fund | Portfolio | 5,130,159 | 5,130,159 |
| **TOTAL PENSION FUNDS 611, 612 and 613** | | | **$97,957,367** |
| | | | |
| **TOTAL INVESTMENTS** | | | **$101,103,258** |
| State Board of Administration | Pool | 17,004,102 | 17,004,102 |
| Florida Trust | Pool | 18,964,102 | 18,964,102 |
| FMIT 0-2 Yr High Quality Bond Fund | Pool | 12,453,338 | 12,453,338 |
| Bank of America | Cash | 33,007,322 | 33,007,322 |
| Sawgrass Asset Management | Portfolio | 43,061,506 | 43,061,506 |
| Galliard Capital Management | Portfolio | 39,664,997 | 39,664,997 |
| Garcia Hamilton & Associates | Portfolio | 40,122,503 | 40,122,503 |
| Salem Trust: Goldman Sachs Treasury | MM | 10,984 | 10,984 |
| **TOTAL EQUITY IN POOLED CASH** | | | **$204,288,854** |
| Petty Cash | Cash | 6,525 | 6,525 |
| **TOTAL CASH AND INVESTMENTS** | | | **$305,398,636** |

## Attorney Fees Paid During the Month

| NAME | DESCRIPTION | CHECK DATE | CHECK AMOUNT |
|---|---|---|---|
| Gray Robinson, P.A. | Telecommunications Ordiance | 12/19/19 | 247.50 |
| Lewis, Longman & Walker, P.A. | Pension Matters | 12/19/19 | 2,730.00 |
| Marks, Gray, PA | General Matters in Oct | 12/19/19 | 22,774.60 |
| Rogers Towers, P.A. | LIUNA Negotiations, Poline Metcalf, FOP and | 12/27/19 | 3,347.50 |
| **TOTAL ATTORNEY FEES** | | | **$29,099.60** |

JACKSONVILLE BEACH

## Cash and Investments by Type
Fiscal Year to Date
December 31, 2019

| 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 12/31/2019 | Weighted Net Return* |
|---|---|---|---|---|---|---|---|---|---|
| State Pooled Investment Fund | 16,922,177 | 81,926 | 0 | 0 | 0 | 81,926 | (0) | 17,004,102 | 0.04% |
| Money Market: Goldman Sachs Treasury | 11,103 | 38 | 0 | 0 | (157) | (119) | 0 | 10,984 | 0.00% |
| U.S. Treasury Stripped Coupons | 3,129,238 | 0 | 0 | 16,653 | 0 | 16,653 | 0 | 3,145,891 | 0.01% |
| Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund | 12,397,619 | 55,719 | 0 | 0 | 0 | 55,719 | 0 | 12,453,338 | 0.03% |
| Sawgrass Asset Management | 42,883,166 | 250,207 | 39,979 | (90,013) | (21,833) | 178,340 | (0) | 43,061,506 | 0.09% |
| Galliard Capital Management | 39,449,933 | 237,350 | 50,869 | (67,226) | (5,929) | 215,064 | 0 | 39,664,997 | 0.10% |
| Garcia Hamilton & Associates | 39,823,354 | 246,510 | (0) | 73,103 | (20,464) | 299,148 | (0) | 40,122,503 | 0.15% |
| Florida Trust | 18,876,515 | 87,588 | 0 | 0 | 0 | 87,588 | (0) | 18,964,102 | 0.04% |
| Operating Cash: Bank of America | 14,185,724 | 9,358 | 0 | 0 | (26,530) | (17,172) | 18,838,770 | 33,007,322 | -0.01% |
| Petty Cash | 6,525 | 0 | 0 | 0 | 0 | 0 | 0 | 6,525 | 0.00% |
| **TOTAL CITY MANAGED INVESTMENTS AND CASH** | **187,685,354** | **968,695** | **90,848** | **(67,484)** | **(74,914)** | **917,145** | **18,838,770** | **207,441,270** | **0.47%** |
| Pension Fund: Salem Mutual Fund | 48,546,020 | 1,103,626 | 469,922 | 1,876,427 | 0 | 3,449,975 | (850,000) | 51,145,995 | 3.74% |
| Pension Fund: Sawgrass Asset Mgt | 26,387,145 | 172,933 | 386,975 | (610,672) | (20,639) | (71,403) | (0) | 26,315,741 | -0.07% |
| Pension Fund: Wells Capital | 14,330,608 | 25,436 | 96,049 | 935,494 | (22,116) | 1,034,863 | 0 | 15,365,471 | 1.13% |
| Pension Fund: JPMCB - Strategic Property Fund | 5,081,052 | 0 | 0 | 49,108 | 0 | 49,108 | (0) | 5,130,159 | 0.05% |
| **TOTAL PENSION INVESTMENTS** | **94,344,824** | **1,301,995** | **952,946** | **2,250,357** | **(42,755)** | **4,462,542** | **(850,000)** | **97,957,367** | **4.75%** |
| **TOTAL CASH AND INVESTMENTS** | **282,030,178** | **2,270,689** | **1,043,794** | **2,182,873** | **(117,669)** | **5,379,687** | **17,988,771** | **305,398,636** | |

**Fiscal year to date*

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6274

www.jacksonvillebeach.org

FINANCE DEPARTMENT

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Additional Accounting Technician position in the Finance Department
DATE: January 14, 2020

ACTION REQUESTED

Approve adding a second full-time Accounting Technician in the Finance Department.

BACKGROUND

The City currently has one Accounting Technician who is responsible for processing all outgoing payments, reconciling daily cash receipts for all City operations, and preparing month-end adjusting journal entries. In the last fiscal year, the Accounting Technician processed 6,000 vendor payments, 2,500 utility billing deposit refunds, and 13,000 payroll & pension payments. Prior to the recession, this work was performed by two full-time para-professional staff members. In 2009, one full time Accounting Technician position was replaced with a part-time Office Assistant.

The City implemented new financial software in 2018 that provides many new features, including approval workflow and record archiving within the system. Payment processing time has been improved with the electronic workflow and system users are able to search for documents using multiple data points. This change in business practice has improved internal controls and record archiving, but takes more staff time to administer.

A second Accounting Technician would assume the responsibility for invoice processing. This will allow us to process payments and reconciliations in a more timely manner. The additional position will also provide increased coverage in the Accounting Division, allowing for cross-training and more efficient daily operations.

We intend to keep the part-time Office Assistant position throughout the remainder of the ERP project while we continue to operate in two systems, which requires additional reconciliations and data validation. Once the project is completed, we anticipate being able to eliminate the part-time position.

The annual estimated cost of adding a second Accounting Technician in the Finance Department is $67,464. The funding will be included in the mid-year budget modification.

| | |
|---|---|
| Salary | $48,274 |
| FICA & Medicare | $3,693 |
| Worker's Comp | $59 |
| Life, Health, & Dental Insurance | $7,528 |
| Pension | $7,910 |
| **Total Salary & Benefits** | **$67,464** |

RECOMMENDATION

Approve the addition of one full-time Accounting Technician in the Finance Department, at an estimated cost of $67,464.

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: Martin Martirone, City Engineer

SUBJECT: Dedication to the City and Acceptance for Maintenance of Public Infrastructure Improvements for 950 10th St. S. Phase 2

DATE: January 13, 2020

## ACTION REQUESTED

Approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements (potable water and sewer improvements) constructed by AB Beach Blvd., LLC.

## BACKGROUND

The owner installed public infrastructure as indicated below to support 950 10th St. S. Phase 2. This development will consist of four (4) buildings and will be located south of the City's Wastewater Treatment Plant site, east of the City's Golf Course and west of 10th St. S. between 10th and 11th Ave. S. as outlined in red on the attached project map.

| Public Infrastructure Dedicated to the City for Maintenance | | | |
|---|---|---|---|
| **Description** | **Value** | **Location** | **Responsibility** |
| **Potable Water Distribution System** (943 LF of 8 and 6-inch PVC pipe, 4 valves, 1 hydrant, 32 services, and related work) | $100,966.45 | in road right-of-way and easement | Public Works |
| **Sewer Improvements** (44 LF of 8-inch PVC pipe, connection to existing manhole and related work) | $1,320.00 | in road right-of-way | Public Works |
| **TOTAL:** | **$102,286.45** | | |

The water main was tested and received Florida Department of Environmental Protection clearance but has not been placed into operation. The engineer certified the work based on testing results and as-built drawings and certified the work's value. The owner has provided a one-year maintenance bond. Attached is the recorded easement document for the potable water main.

**RECOMMENDATION**

Approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements for 950 10th St. S. Phase 2 as described in the memorandum from the Public Works City Engineer dated January 13, 2020.

**CITY OF JACKSONVILLE BEACH**
DEPARTMENT OF PUBLIC WORKS
1460-A Shetter Avenue
Jacksonville Beach, FL 32250
904.247.6219 / publicworks@jaxbchfl.net

**950 10th Street S.**
**Location Map**

N

Date Saved: 1/9/2020

0 0.0125 0.025 0.05 Miles

| Prepared By and Return To: | For County Recording Use Only: |
|---|---|
| John Atkins<br>AB Beach Blvd. 36 W. 6th St.<br>Atlantic Beach, Fl. 32233 | Doc # 2020005103, OR BK 19062 Page 169,<br>Number Pages: 5<br>Recorded 01/08/2020 03:52 PM,<br>RONNIE FUSSELL CLERK CIRCUIT COURT DUVAL COUNTY<br>RECORDING $44.00<br>DEED DOC ST $0.70 |

# GRANT OF EASEMENT
# POTABLE WATER FACILITIES
# AT 950 SOUTH 10TH ST.

**THIS GRANT OF EASEMENT FOR POTABLE WATER FACILITIES,** hereinafter "Utility Easement", made this 8TH day of JANUARY 2020, between AB Beach Blvd. Inc., whose mailing address is 36 West 6th St., Atlantic Beach, Fl. 32233, hereinafter "Grantor," and the **City of Jacksonville Beach**, a municipal corporation in Duval County, Florida, hereinafter "Grantee."

**PROPERTY:** The following described land situated in Duval County, Florida, and hereinafter "Property"
A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF GADSDEN AVENUE WITH THE WESTERLY RIGHT OF WAY OF TENTH ST. (A 50' RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 10°20'00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 374.12 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 10°20'00" EAST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 68.83 FEET; THENCE SOUTH 88°34'45" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 286.81 FEET; THENCE SOUTH 01°25'15" EAST, A DISTANCE OF 104 FEET; THENCE NORTH 88°34'45" EAST, A DISTANCE OF 303.12 FEET TO THE INTERSECTION WITH THE SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 10°20'00"EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 68.83 FEET; THENCE SOUTH 88°34'45"WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 421.75 FEET: THENCE NORTH 01°26'17" WEST, A DISTANCE OF 228.58 FEET THENCE NORTH 88°33'43" EAST, A DISTANCE OF 67.21 FEET; THENCE NORTH 01°26'17" WEST, A DISTANCE 0F 11.40 FEET; THENCE NORTH 88°34'45" EAST, A DISTANCE OF 316.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 65,270 SQUARE FEET OR 1.498 ACRES, MORE OR LESS. (Exhibit "B")

PIN # or RE # of above described Property R.E. # 179450-0020 (Exhibit "A")
Street address of above described Property 950 South 10TH St., Jacksonville Beach, FL 32250

**WITNESSETH:** For and in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, Grantor, its successors and assigns, hereby gives, grants, dedicates, and conveys to Grantee its successors and assigns forever, an unobstructed perpetual easement for the purpose of installing and maintaining potable water mains, equipment, and appurtenances across, above, on, and below the surface of the Property with the further right to install other water facilities for the operation, maintenance, and replacement of water systems, **TOGETHER WITH** the right of ingress to and egress from, over, upon, under, and across said Property for the purpose of maintaining, replacing, upgrading, improving, repairing, reconstructing, and removing said water facilities, lines, equipment, and appurtenances.

**AND TOGETHER WITH** the right to Grantee, its successors and assigns, a perpetual non-exclusive easement for ingress to and egress from, over, upon, under, and across the Property, and for doing anything lawful as necessary, useful, or convenient for the enjoyment of the Easement herein granted, including the right to cut, spray, trim, remove, and dispose of any trees, growth, or vegetation Grantee determines is necessary or convenient in connection with its operation, maintenance, and replacement of said water facilities, also the privilege of removing at any time, any and all said water facilities located over, upon, in, across, or under said Property, **ALSO TOGETHER WITH** the right and easement privilege in and to said Property which may be required for the enjoyment of the rights granted herein. Grantee shall restore Property to a like and safe condition as found prior to any installation, repair, or maintenance work of its

Corporate

facilities. The City of Jacksonville Beach shall not be responsible for the repair or maintenance of any landscaping, vegetation, specialty-paving materials or, above or below ground structures constructed and/or installed by others or currently in existence. Any maintenance, repair, or restoration of paved surfaces by the City of Jacksonville Beach, its successors or assigns, shall be performed using materials as may usually and customarily be in use by The City of Jacksonville Beach at the time of such work and, shall be within the City's sole discretion.

**IN WITNESS WHEREOF,** Grantor has executed this Easement the day and year first above written.

Signed, Sealed, and Delivered:

| **WITNESS:** | **GRANTOR:** |
|---|---|
| Mary F Schneider<br>1st Witness (Signature) | By: _____<br>Grantor's Signature |
| Mary F Schneider<br>1st Witness (Type or Print Name) | John Atkins<br>Type or Print Name |
| Deborah Campbell<br>2nd Witness (Signature) | Member<br>Title with Grantor |
| DEBORAH CAMPBELL<br>2nd Witness (Type or Print Name) | |

**STATE OF FLORIDA,**

**COUNTY OF** DUVAL

The foregoing instrument was acknowledged before me this 8 day of January 2020, by

John Atkins (Name), Member (Title)

of AB Beach Blvd. LLC

a Florida (State of Incorporation) corporation, on behalf of the Corporation. **He/She** is personally known to me or

**has/have** produced DL (Type of Identification) and **did/did not** take an oath

At: 36 West 6th St. Atlantic Beach, Fl. 32233
Mailing Address of Corporation

Notary's Signature

Carie Whitcomb
Type or Print Name

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: 8/6/2020
Commission No. FF997596

CARIE M. WHITCOMB
Notary Public - State of Florida
Commission # FF 997596
My Comm. Expires Aug 6, 2020
Bonded through National Notary Assn.

Corporate

EXHIBIT "A"

**AB BEACH BOULEVARD LLC**
36 W 6TH ST
ATLANTIC BEACH, FL 32233

**Primary Site Address**
950 S 10TH ST
Jacksonville Beach FL 32250

**Official Record Book/Page**
18176-02105

**Tile #**
9504

## 950 S 10TH ST

Property Detail

| | |
|---|---|
| RE # | 179450-0020 |
| Tax District | USD2 |
| Property Use | 4000 Vacant Industrial |
| # of Buildings | 0 |
| Legal Desc. | For full legal description see Land & Legal section below |
| Subdivision | 00000 SECTION LAND |
| Total Area | 189851 |

The sale of this property may result in higher property taxes. For more information go to Save Our Homes and our Property Tax Estimator . 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. Learn how the Property Appraiser's Office values property.

Value Summary

| Value Description | 2019 Certified | 2020 In Progress |
|---|---|---|
| Value Method | CAMA | CAMA |
| Total Building Value | $0.00 | $0.00 |
| Extra Feature Value | $351.00 | $351.00 |
| Land Value (Market) | $1,492,425.00 | $1,492,425.00 |
| Land Value (Agric.) | $0.00 | $0.00 |
| Just (Market) Value | $1,492,776.00 | $1,492,776.00 |
| Assessed Value | $1,492,776.00 | $1,492,776.00 |
| Cap Diff/Portability Amt | $0.00 / $0.00 | $0.00 / $0.00 |
| Exemptions | $0.00 | See below |
| Taxable Value | $1,492,776.00 | See below |

## Taxable Values and Exemptions – In Progress

**If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.**

County/Municipal Taxable Value
No applicable exemptions

SJRWMD/FIND Taxable Value
No applicable exemptions

School Taxable Value
No applicable exemptions

## Sales History

| Book/Page | Sale Date | Sale Price | Deed Instrument Type Code | Qualified/Unqualified | Vacant/Improved |
|---|---|---|---|---|---|
| 18176-02105 | 10/31/2017 | $1,900,000.00 | SW - Special Warranty | Qualified | Vacant |
| 06152-00948 | 4/1/1986 | $692,000.00 | WD - Warranty Deed | Unqualified | Improved |
| 02519-00273 | 5/23/1973 | $104,100.00 | WD - Warranty Deed | Unqualified | Improved |

## Extra Features

| LN | Feature Code | Feature Description | Bldg. | Length | Width | Total Units | Value |
|---|---|---|---|---|---|---|---|
| 1 | FCBC1 | Fence Chain Barbed | 0 | 0 | 0 | 1,560.00 | $328.00 |
| 2 | LPWC1 | Light Pole Wood | 0 | 0 | 0 | 1.00 | $8.00 |
| 3 | LITC1 | Lighting Fixtures | 0 | 0 | 0 | 2.00 | $15.00 |

## Land & Legal

Land

| LN | Code | Use Description | Zoning | Front | Depth | Category | Land Units | Land Type | Land Value |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 4000 | LIGHT INDUSTRIAL | JI-1 | 0.00 | 0.00 | Common | 191,290.00 | Square Footage | $1,434,675.00 |
| 2 | 9103 | TOWER SITE | JI-1 | 0.00 | 0.00 | Common | 7,700.00 | Square Footage | $57,750.00 |

Legal

| LN | Legal Description |
|---|---|
| 1 | 04-3S-29E 4.56 |
| 2 | PT GOVT LOT 6 RECD |
| 3 | O/R 18176-2105 (EX PT RECD |
| 4 | O/R 6152-948 BEING PARCEL 3) |

## Buildings

No data found for this section

## 2019 Notice of Proposed Property Taxes Notice (TRIM Notice)

| Taxing District | Assessed Value | Exemptions | Taxable Value | Last Year | Proposed | Rolled-back |
|---|---|---|---|---|---|---|
| Gen Govt Beaches | $1,492,776.00 | $0.00 | $1,492,776.00 | $12,167.83 | $12,167.92 | $11,526.62 |
| Public Schools: By State Law | $1,492,776.00 | $0.00 | $1,492,776.00 | $6,038.24 | $5,824.81 | $5,666.58 |
| By Local Board | $1,492,776.00 | $0.00 | $1,492,776.00 | $3,355.74 | $3,355.76 | $3,149.16 |
| FL Inland Navigation Dist. | $1,492,776.00 | $0.00 | $1,492,776.00 | $47.77 | $47.77 | $45.38 |
| Jax Beach | $1,492,776.00 | $0.00 | $1,492,776.00 | $5,963.15 | $5,963.19 | $5,650.90 |
| Water Mgmt Dist. SJRWMD | $1,492,776.00 | $0.00 | $1,492,776.00 | $382.45 | $360.36 | $360.36 |
| Gen Gov Voted | $1,492,776.00 | $0.00 | $1,492,776.00 | $0.00 | $0.00 | $0.00 |
| School Board Voted | $1,492,776.00 | $0.00 | $1,492,776.00 | $0.00 | $0.00 | $0.00 |
| Urban Service Dist2 | $1,492,776.00 | $0.00 | $1,492,776.00 | $0.00 | $0.00 | $0.00 |
| | | | Totals | $27,955.18 | $27,719.81 | $26,399.00 |

| Description | Just Value | Assessed Value | Exemptions | Taxable Value |
|---|---|---|---|---|
| Last Year | $1,492,766.00 | $1,492,766.00 | $0.00 | $1,492,766.00 |
| Current Year | $1,492,776.00 | $1,492,776.00 | $0.00 | $1,492,776.00 |

**2019 TRIM Property Record Card (PRC)**

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

## Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

2019

# MAP SHOWING SKETCH & DESCRIPTION LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA
## FOR:
## POTABLE WATER EASEMENT
## CITY OF JACKSONVILLE BEACH, FLORIDA

### EXHIBIT "B"

**DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF GADSDEN AVENUE WITH THE WESTERLY RIGHT OF WAY LINE OF TENTH STREET (A 50 FOOT RIGHT OF WAY, AS NOW ESTABLISHED); THENCE SOUTH 10°20'00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 374.12 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 10°20'00" EAST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 68.83 FEET; THENCE SOUTH 88°34'45" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 266.81 FEET; THENCE SOUTH 01°25'15" EAST, A DISTANCE OF 104.00 FEET; THENCE NORTH 88°34'45" EAST, A DISTANCE OF 303.12 FEET TO THE INTERSECTION WITH THE SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 10°20'00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 68.83 FEET; THENCE SOUTH 88°34'45" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 421.75 FEET; THENCE NORTH 01°26'17" WEST, A DISTANCE OF 228.58 FEET; THENCE NORTH 88°33'43" EAST, A DISTANCE OF 67.21 FEET; THENCE NORTH 01°26'17" WEST, A DISTANCE OF 11.40 FEET; THENCE NORTH 88°34'45" EAST, A DISTANCE OF 316.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 65,270 SQUARE FEET OR 1.498 ACRES, MORE OR LESS.

| LEGEND | |
|---|---|
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| ORB | OFFICAL RECORDS BOOK |
| PG | PAGE |
| RNG- | RANGE |
| SEC- | SECTION |
| TWP- | TOWNSHIP |
| RE# | REAL ESTATE IDENTIFICATION |
| FP&L | FLORIDA POWER & LIGHT |

NOTES:
1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF 10TH STREET SOUTH, BEING SOUTH 10°20'00" EAST, AS PER PARENT PARCEL DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 18176, PAGE 2105 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
4. THE PURPOSE OF THIS SKETCH IS TO DEPICT A PROPOSED EASEMENT AREA AS SPECIFIED BY THE CLIENT.
5. NOTE, IMPROVEMENTS SHOWN HEREON ARE PROPOSED AND UNDER CONSTRUCTION AT THIS TIME. LOCATIONS OF SAID IMPROVEMENTS SHOWN HEREON WERE TAKEN FROM DESIGN CAD FILE.

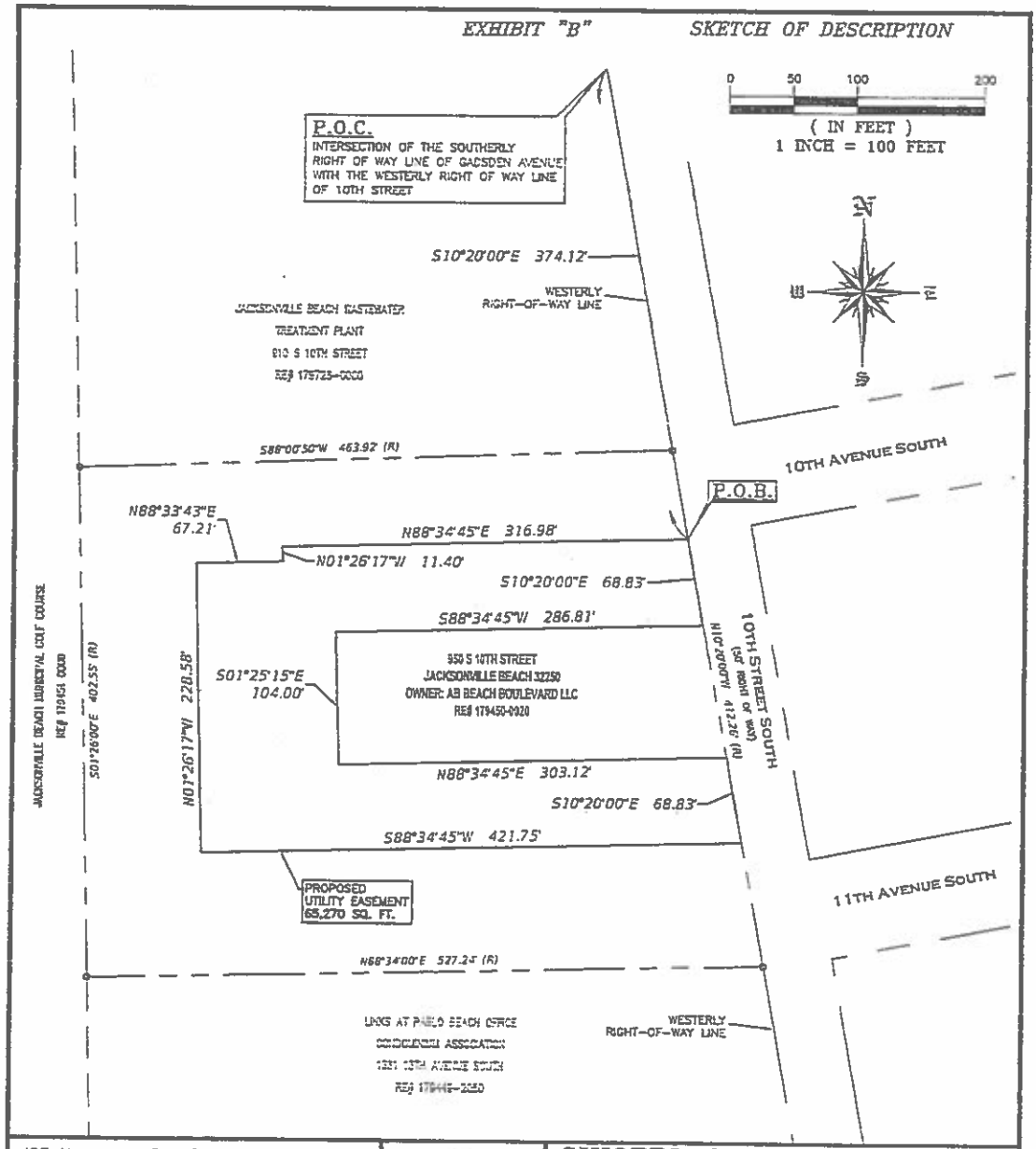
JOHN S. THOMAS CERTIFICATE No. 6223

JOHN S. THOMAS, P.S.M.
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER No. 6223
NOT VALID WITHOUT THE SIGNATURE AND SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER

| | |
|---|---|
| JOB No.: | 18-047 |
| FILE No.: | A-179 |
| REFERENCE: | N/A |
| PARTY CHIEF: | N/A |
| FIELD BOOK: | N/A |
| DRAWN BY: | C. CARLSON |
| CHECKED BY: | J. THOMAS |
| PLOT DATE: | 12/23/2019 10:55:05 AM |
| CAD FILE: | P:\18\18-047 950 10TH AVE SOUTH\DWG\18-047 950 10TH AVENUE SOUTH UTILITY EASEMENT.DWG |

GHIOTTO & ASSOCIATES

GHIOTTO & ASSOCIATES, INC.
NATIONALLY CERTIFIED SURVEYORS & MAPPERS
CERTIFICATE OF AUTHORIZATION No. LB 6508
2426 PHILIPS HIGHWAY
JACKSONVILLE, FLORIDA 32207
(904) 886-0071
(904) 886-7174 FAX
www.GHIOTTO.com




| | |
|---|---|
| JOB No.: | 18-047 |
| FILE No.: | A-179 |
| REFERENCE: | N/A |
| PARTY CHIEF: | N/A |
| FIELD BOOK: | N/A |
| DRAWN BY: | C. CARLSON |
| CHECKED BY: | J. THOMAS |
| PLOT DATE: | 12/23/2019 10:55:06 AM |
| CAD FILE: | P:\18\18-047 950 10TH AVE SOUTH\DWG\18-047 950 10TH AVENUE SOUTH UTILITY EASEMENT.DWG |

GHIOTTO & ASSOCIATES


GHIOTTO & ASSOCIATES, INC.
NATIONALLY CERTIFIED SURVEYORS & MAPPERS
CERTIFICATE OF AUTHORIZATION No. LB 6508
2426 PHILIPS HIGHWAY
JACKSONVILLE, FLORIDA 32207
(904) 886-0071
(904) 886-7174 FAX
www.GHIOTTO.com

JACKSONVILLE BEACH

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: Michael J. Staffopoulos, City Manager

FROM: Kayle W. Moore, P.E. PW Project Engineer

SUBJECT: Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation

DATE: January 13, 2020

## ACTION REQUESTED

Award City Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation to PBM Constructors, Inc. for construction services, and authorize construction administration services with the project design firm, Four Waters Engineering, Inc.

## BACKGROUND

This project is part of the City's 2019 Capital Improvement and Business Plans. This project involves rehabilitation of the sanitary sewer lift station located in the southeast corner of the South Beach Parkway Plaza, behind the Target store and adjacent to the shopping center access road and Marsh Landing Parkway. Major work includes complete rehabilitation of the existing duplex lift station including equipment and structure demolition and abandonment, limited site clearing and vegetation removal, replacement of chain link fencing around lift station site, installation of new precast concrete wet well and manhole with coating system, pumps, piping, valves, control panel, telemetry and SCADA equipment, bypassing operations, site light, new concrete slab and new concrete driveway.

The City advertised the project to fifteen (15) contractors on October 23, 2019, and seven (7) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total base bids from the contractors ranged from $444,067.50 to $564,500.00. The Engineer's Opinion of Cost for this project (before contingency) was $448,708. PBM Constructors, Inc. was the lowest responsive, responsible bidder for the project.

| Unit Price Bid No: 1920-02, Sanitary Sewer LS-29 Rehabilitation | | |
|---|---|---|
| **DESCRIPTION** | **COST** | **RECOMMENDATION** |
| Unit Price Bid (based on estimated quantities) | $ 444,067.50 | • Award to *PBM Constructors, Inc.,* (the lowest qualified bidder) |
| 10% Contingency | $ 44,406.75 | |
| **Construction Total:** | $ 488,474.25 | |
| Construction Administration (C&A) Services | $ 13,905.00 | • Authorize C&A Services with *Four Waters Engineering, Inc.*(the project's design firm) |
| 10% Contingency | $ 1,390.50 | |
| **C&A Services Total:** | $ 15,295.50 | |
| **GRAND TOTAL:** | $ 503,769.75 | |

The bid tabulation form and design consultant Recommendation of Award letter are attached.

The original FY 2019 budgeted amount for this construction project was $300,000. Due to several factors, including the need for a new precast wet well and current industry-wide construction and materials cost escalations, $203,770 in additional funding is necessary to complete this project (inclusive of Construction Administration Services and contingencies).

Sufficient funding is available in the Water and Sewer Utility Fund operating reserves. With Council approval, the budget will be amended as part of the FY2020 mid-year budget adjustment. (420-07-0706-535-63-563000- VREH29)

**RECOMMENDATON**

Award City Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation to PBM Constructors, Inc. for construction services, and authorize construction administration services with the project design firm, Four Waters Engineering, Inc., as described in the memorandum from the Public Works Project Engineer dated January 13, 2020.

**CITY OF JACKSONVILLE BEACH**
DEPARTMENT OF PUBLIC WORKS
1460-A Shetter Avenue
Jacksonville Beach, FL 32250
904.247.6219 / publicworks@jaxbchfl.net

# LiftStation #29 Project Sites

Date: 1/10/2020

# City of Jacksonville Beach Bid Tabulation Form

## Bid Number 1920-02, LS29 Rehabilitation

| Bid Date: | December 11, 2019 | | | | |
|---|---|---|---|---|---|
| | **BIDDERS** | | | | |
| | ***Vendor A*** | ***Vendor B*** | ***Vendor C*** | ***Vendor D*** | |
| **Base Bid** | **$ 444,067.50** | $ 450,000.00 | $ 457,187.50* | $ 472,228.50 | |
| | | | | | |
| | | | | | |
| | ***Vendor E*** | ***Vendor F*** | ***Vendor G*** | | |
| **Base Bid** | $ 485,294.00 | $ 493,345.80 | $ 564,500.00 | | |
| | | | | | |
| | | | | | |

| Invitations Issued: 15 | Plan Holders: N/A | Bid Responses: 7 |
|---|---|---|

| **BIDDERS** | |
|---|---|
| A | **PBM CONTRACTORS, INC., LOWEST, RESPONSIVE BIDDER** |
| B | PETTICOAT-SCHMITT CIVIL CONTRACTORS, INC. |
| C | INTERCOUNTY ENGINEERING, INC. |
| D | THE KENTON GROUP, INC. |
| E | GRIMES UTILITIES, INC. |
| F | G&H UNDERGROUND CONSTRUCTION, INC. |
| G | ALLSITE CONTRACTING, INC. |

* Corrected bid amount

FOUR WATERS
ENGINEERING

Kayle Moore, P.E.
Project Engineer
Department of Public Works
City of Jacksonville Beach
1460-A Shetter Avenue
Jacksonville Beach, Fl 32250

December 19, 2019

RE: Recommendation of Award for Lift Station #29 Rehabilitation
City of Jacksonville Beach Bid No. 1920-02
Bid Review and Evaluation of Findings

Dear Mr. Moore:

This letter summarizes the construction contract bids received for the Lift Station #29 Rehabilitation project. The City of Jacksonville Beach (City) received bids for the project on December 11, 2019, at 2:00 pm. Seven (7) contractors submitted bids for the project. The bids were evaluated for conformance with the criteria set forth in the bidding documents. The total base bids from the contractors ranged from $444,067.50 to $564,500.00.

PBM Constructors, Inc. submitted the lowest bid. Four Waters Engineering (4Waters) has reviewed the submitted bid package provided by PBM Constructors, Inc. and finds their bid responsive and responsible. All required items were acknowledged on the Bid Form and included with the bid package. A 5% Bid Bond was provided and the Bid Bond surety is licensed in Florida and has an AM Best Rating of "A". Qualifications and reference projects and contacts were included with the bid package. State licensing was provided; however, local licensing documentation may need to be provided prior to final execution of a contract.

4Waters also investigated the contractor's experience, and reputation, and finds the contractor capable of performing the work for this project based on the information received from reference contacts.

Although the City will make final determination regarding contract award, 4Waters finds PBM Constructors, Inc. bid to be responsive and responsible, and recommends award of the project to PBM Constructors, Inc. for the Total Bid Price of $444,067.50. 4Waters further recommends that the City establish a contingency in an amount of fifteen percent (15%) of the total bid price to allow for any unknown conditions that may be encountered during construction.

We appreciate this opportunity to provide services to the City of Jacksonville Beach and look forward to working with the City during the ongoing construction of this project. If you have any questions, please feel free to contact me at 904-414-2400 Ext 51 or abryan@4weng.com.

Sincerely,
**Four Waters Engineering, Inc.**

Angela Bryan, P.E.
President/Project Manager

**FOUR WATERS ENGINEERING, INC.**
324 6th Avenue North
Jacksonville Beach, FL 32250
(904) 414-2400 Office

January 7, 2020
Sent Electronically

Kayle Moore, P.E.
Project Engineer
Department of Public Works
City of Jacksonville Beach
1460-A Shetter Avenue
Jacksonville Beach, Fl 32250
kmoore@jaxbchfl.net

Re: Proposal for Professional Engineering Services
LS29 Rehabilitation Project – Construction Administration Services

Dear Mr. Moore:

Four Waters Engineering, Inc. (4Waters) is pleased to provide this proposal to the City of Jacksonville Beach Public Works Department (City) for construction administration services for the rehabilitation of Lift Station 29 (LS29). 4Waters prepared the design documents and bidding services for the project under a previous proposal and authorization. 4Waters will serve as Engineer of Record for the project and will provide the following construction phase services which is based on the 180-day period of construction completion:

- Pre-construction Meeting and Conformed Documents – 4Waters will participate in a pre-construction meeting for the project. The scope/fee is based on 4Waters scheduling the meeting, preparing the agenda, and distributing a meeting summary. 4Waters will also conform the bid drawings and project manual and provide at the Pre-construction meeting.

- Shop Drawing Review – 4Waters will review the shop drawings for the project and maintain a shop drawing log.

- RFI's, Clarifications and Change Orders – 4Waters will respond to the Contractor's Requests for Information and Requests for Clarifications and will modify the construction drawings as necessary. 4Waters will coordinate with Contractor and City to develop change orders, as necessary.

- Construction Engineering Site Visits – Engineer of Record will provide two (2) construction engineering site visits during key construction activities of the project.

- Record Drawings – The Contractor is responsible for the preparation of the record drawings in AutoCAD format and submittal for review at substantial completion. 4Waters will review the record drawings and determine whether the finished product is representative of the actual

construction and suitable for acceptance by the City based on key site visits, RFIs, and City inspections.

- Substantial and Final Completion – 4Waters (with City's involvement) will schedule, conduct and document the on-site review meetings for substantial and final completion of the construction efforts. At substantial completion the contractor will have completed the project to the point of beneficial operation by the City and will have presented their letter requesting reduction of retainage along with the list of items to be completed prior to final completion. 4Waters will conduct the substantial completion inspection and prepare a punch list of items to be completed before the final completion meeting. The final completion inspection will verify completion of the punch list items and clear the way for the acceptance of the Contractor's final pay request. This task also includes final project closeout including the COJ EQD notification of completion and request to place into operation.

We appreciate this opportunity to work with the City and propose to complete the construction administration services outlined above for the lump sum fee of $13,905.00. A breakdown is provided on the following page. If you have any questions, please contact me at abryan@4weng.com or (904) 414-2400 Ext. 51.

With best regards,
**Four Waters Engineering, Inc.**

Angela Bryan, P.E., LEED AP
President

Attachment

## City of Jacksonville Beach LS29 Rehabilitation CA Services
## Proposal for Professional Engineering Services

| *Job Title* | Project Manager | Senior Engineer | Project Engineer | Engineer | Engineer in Training | CAD Draft | Admin-istrative | Direct Costs | TOTALS |
|---|---|---|---|---|---|---|---|---|---|
| *Hourly Rate* | $165.00 | $145.00 | $115.00 | $110.00 | $85.00 | $95.00 | $60.00 | | |
| | Hours<br>$ | Hours<br>$ | Hours<br>$ | Hours<br>$ | Hours<br>$ | Hours<br>$ | Hours<br>$ | | Hours<br>$ |
| 1.0<br>Pre-Construction Meeting and Conformed Documents | 0<br>$0.00 | 4<br>$580.00 | 2<br>$230.00 | 0<br>$0.00 | 4<br>$380.00 | 4<br>$380.00 | 2<br>$120.00 | $250.00 | 1,940.00 |
| 2.0<br>Shop Drawings Review | 0<br>$0.00 | 2<br>$290.00 | 4<br>$460.00 | 8<br>$880.00 | 2<br>$190.00 | 0<br>$0.00 | 4<br>$240.00 | $0.00 | 2,060.00 |
| 3.0<br>RFIs, Clarifications, and Change Orders | 0<br>$0.00 | 2<br>$290.00 | 8<br>$920.00 | 14<br>$1,540.00 | 0<br>$0.00 | 10<br>$950.00 | 2<br>$120.00 | $0.00 | 3,820.00 |
| 4.0<br>Construction Engineering Site Visits (2) | 0<br>$0.00 | 4<br>$580.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | $25.00 | 605.00 |
| 5.0<br>Record Drawings | 0<br>$0.00 | 0<br>$0.00 | 4<br>$460.00 | 0<br>$0.00 | 4<br>$380.00 | 2<br>$190.00 | 0<br>$0.00 | $50.00 | 1,080.00 |
| 6.0<br>Substantial and Final Completion | 0<br>$0.00 | 4<br>$580.00 | 8<br>$920.00 | 0<br>$0.00 | 8<br>$760.00 | 0<br>$0.00 | 0<br>$0.00 | $100.00 | 2,360.00 |
| 7.0<br>Electrical Sub | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | 0<br>$0.00 | $2,040.00 | 2,040.00 |
| | | | | | | | | | |
| **TOTAL** | **$0.00** | **$2,320.00** | **$2,990.00** | **$2,420.00** | **$1,710.00** | **$1,520.00** | **$480.00** | **$2,465.00** | **13,905.00** |

ENGINEERING SERVICES FEE PROPOSAL

DATE: September 10, 2018

TO: Angela Bryan, PE
Four Waters Engineering, Inc.
324 6th Avenue N.
Jacksonville Beach, FL 32250

FROM: David Lassetter
WD Lassetter, PE
3837 Buckskin Trail East
Jacksonville, Florida 32277

RE: Lift Station No.29 Rehabilitation
Jacksonville Beach, Florida

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This Fee Proposal is based upon CAD drafting services and word processing services to be provided by Four Waters. My understanding of the project scope is based on the attached email corresponence from Angela Bryan.

| Services During Design Phase | | Engineering Man-hours |
|---|---|---|
| Design Coordination and Field Investigation | | 8 |
| Electrical Plans and Specifications | | 32 |
| E-1 Lift Station 17 Single Line Diagram | 8 | |
| E-2 Lift Station 17 Control Wiring Diagram | 8 | |
| E-3 Lift Station 17 Electrical Plan | 8 | |
| E-4 Lift Station 17 Electrical Details | 8 | |
| Client & QC Reviews | | 8 |
| Bidding Assistance and Conformed Drawings | | 4 |
| Subtotal Engineering Manhours | | 52 |
| Subtotal Engineering Budget @ $120.00 /Hour | | $6,240 |
| Reimbursible Expense Budget | | $240 |
| Proposed Lump Sum Fee Authorization | | $6,480 |

| Services During Construction | Engineering Man-hours |
|---|---|
| Preconstruction Meeting | 2 |
| Shop Drawing Reviews and RFIs | 8 |
| Project Progress Inspections | 6 |
| Subtotal Engineering Manhours | 16 |
| Subtotal Engineering Budget @ $120.00 /Hour | $1,920 |
| Reimbursible Expense Budget | $120 |
| Proposed Lump Sum Fee Authorization | $2,040 |

JACKSONVILLE BEACH

City of
Jacksonville Beach
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FL 32250
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www.jacksonvillebeach.org

DEPARTMENT OF PARKS & RECREATION

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Jason Phitides, Director of Parks & Recreation
SUBJECT: Proposed Community Development Block Grant Projects for FY 2020-2021
DATE: January 10, 2020

## ACTION REQUESTED

Public Hearing and City Council approval of projects for inclusion in the FY 2020-2021 Community Development Block Grant (CDBG) application to the City of Jacksonville.

## BACKGROUND

The City participates with the City of Jacksonville, along with the other Beach cities, in sharing the Entitlement Funding this area receives from Federal Community Development Block Grants (CDBG). The CDBG funding must be spent to improve the quality of life for people with low and moderate incomes. The City's portion is utilized to fund the Community Assisted Policing Effort (CAPE) Program and the Carver Center Recreation Program.

We are requesting full funding for both programs in our FY 2020-2021 CDBG grant application. A breakdown of the funding request and the priority rank is outlined below.

| Proposed Projects | Proposed Funding | Priority Level |
|---|---|---|
| **Carver Center Recreation Program:** | | |
| • Salary & Benefits for one (1) Recreation Supervisor | $117,847.14 | #1 |
| • Salary & Benefits for one (1) Recreation Leader | | |
| **Community Assisted Policing Effort:** | | |
| • Salary & Benefits for one (1) Police Officer | $76,509.63 | #2 |
| GRAND TOTAL | $194,356.77 | |

The City's CDBG FY 2019-2020 grant award amount was $142,366.00 to fund these programs. Continuing these two programs at the same service level during FY 2020-2021 requires approximately $194,356.77. The City Manager will adjust the funding levels of the recommended projects in accordance with the priority ranking shown if there is any change in the funding.

**RECOMMENDATION:**

Approve the Mayor and City Manager to submit a Community Development Block Grant application for fiscal year 2020-2021 as described in the memorandum from the Director of Parks and Recreation dated January 10, 2020.

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6268

www.jacksonvillebeach.org

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor and City Council

FROM: Michael Staffopoulos, City Manager

SUBJECT: Resolution Number 2048-2020, Establishing and Adopting a Code of Ethics for Public Officials

DATE: January 14, 2020

## ACTION REQUESTED

Adopt Resolution Number 2048-2020, establishing and adopting a Code of Ethics for Public Officials for the City of Jacksonville Beach. This resolution has no financial impact to the City of Jacksonville Beach.

## BACKGROUND

In 2019, City Council indicated they would like a Code of Ethics to provide guidance on behavior for each elected official, board appointee, and appointed official within the City. In September 2019, a discussion of a draft document was held at a Council briefing. Council was content with the document, with discussion ensuing on authority for interpretations of the Code. Council direction to staff was to edit the document such that the City Attorney's written findings on individual issues would be binding on the Council.

Since that direction, the City has hired a full-time, in-house City Attorney. Upon review of the document, and considering direction from Council from the September briefing, additional modifications to specific sections have been made to the Code by the City Attorney and City Manager, including:

- E. Public Meetings - add arriving late to scheduled meetings and briefings
- G. Communication – address quasi-judicial proceedings
- S. Notice from Council – add to the document
- T. City Attorney to Render Opinion – modified based on City Attorney review; binding nature of the City Attorney's findings reduced to opinion
- U. Florida Statutes – modified based on City Attorney review; incorporation of Florida Commission on Ethics and ancillary documents

Adoption of this Resolution would result in the City of Jacksonville Beach having a new Code of Ethics that affects elected officials, board appointees, and appointed positions. Upon adoption, staff will distribute the document to all affected persons, and forward to the City Clerk for incorporation into the Legislative Policies Manual currently under development.

RECOMMENDATION

Adopt Resolution Number 2048-2020, establishing and adopting a Code of Ethics for Public Officials for the City of Jacksonville Beach.

Introduced By: _____
Adopted: _____

**RESOLUTION NO. 2048-2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach is committed to accountable and responsible governance, personal integrity, and the highest standards of ethical conduct from its public officials in performance of their official public duties; and

**WHEREAS**, Federal and Florida laws and the Florida Commission on Ethics provide mandatory laws, regulations and guidance for public officials in carrying out their public responsibilities and to maintain public trust and integrity in local government; and

**WHEREAS**, the Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes, contains standards of ethical conduct and disclosures applicable to public officers and employees, among others, in local government; and

**WHEREAS**, it is the intention of the City Council for the City of Jacksonville Beach that all public officials, including elected officials, appointed officials and members of boards, commissions, and committees perform their duties in compliance with all requirements of Florida laws, the City Charter and a City Code of Ethics for Public Officials; and

**WHEREAS**, the City Council expects all City public officials to comply with all ethics laws, and it recognizes the value and importance of adopting a City Code of Ethics to provide additional guidelines, expectations and requirements for all public officials serving the City that will benefit public trust, City staff and City residents, taxpayers, and businesses.

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

**SECTION 1.** The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

**SECTION 2.** That the City of Jacksonville Beach hereby adopts and immediately implements its City Code of Ethics for Public Officials as it is presented in Attachment A to this Resolution and as it may be revised and amended by the City Council from time to time in the future.

**SECTION 3.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

**SECTION 4.** This Resolution and the Code of Ethics for Public Officials shall take effect immediately upon its adoption.

**AUTHENTICATED** this _____day of _____, 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

# CODE OF ETHICS for PUBLIC OFFICIALS
(City Council, Appointed Officials, Boards, Commissions, Committees)

## DECLARATION OF POLICY

It is the policy of the City of Jacksonville Beach to uphold, promote, and demand ethical conduct from its elected and appointed public officials. The citizens and businesses of the City of Jacksonville Beach are entitled to have fair, ethical, and accountable local government. As members of the City Council, we recognize the importance of codifying and making known to the general public the ethical principles and law that guide the work of public officials. Public officials are to maintain the highest standards of personal integrity, truthfulness, and fairness in carrying out their public duties.

In order to fulfill this mission, the City of Jacksonville Beach hereby adopts a Code of Ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation. The Code of Ethics expresses standards of ethical conduct expected for all public officials, including elected officials (City Council), appointed officials (City Manager and City Attorney), and members of boards, commissions, and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

## APPLICABLE LAWS AND POLICIES

A. Responsibility of Public Office
Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City of Jacksonville Beach, and avoiding actions that are inconsistent with the best interests of the City. All persons, claims, and transactions coming before the City Council or any City board, commission, or committee, shall be assured of fair and equal treatment.

B. Compliance with Law
Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state, county, and municipality, and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Florida Constitutions, Florida statutes and City ordinances.

C. Conduct of Officials
The professional and personal conduct of public officials shall be above reproach and avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards, commissions, committees, City staff, or the public.

D. Performance of Duties
    1. Public officials shall perform their duties in accordance with the processes and rules of order established by the City Council, boards, commissions, and committees, governing the deliberation of public policy issues, meaningful

involvement of the public, and implementation of policy decisions of the City Council by City staff.

2. Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.
3. Public officials shall not undertake actions or communications that subvert an action formally taken by City Council.

E. Public Meetings

Public officials shall prepare themselves for all meetings, both public and shade. Officials shall listen courteously and attentively to all public discussion before the body, and focus on the business at hand. Officials shall refrain from:

- interrupting other speakers
- making personal comments not germane to the business of the body
- taking or making phone calls
- reading or sending texts
- participating in any other actions that would interfere with the orderly conduct of meetings
- using inappropriate language
- arriving late to scheduled meetings and briefings

F. Decisions Based on Merit and Evidence

Public officials shall base their decisions on the merits and substance of the matter at hand, and on competent and substantial evidence when performing in a quasi-judicial capacity.

G. Communication

Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process. In the context of quasi-judicial proceedings, before final action or vote are taken on the matter, the public official must disclose any ex-parte communication he or she received, identifying the party and the substance of the subject matter that was communicated. Any written form of ex-parte communication must be made a part of the record before final action or vote is taken.

H. Conflict of Interest

1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship, which may give the appearance of a conflict of interest. In accordance with law, officials shall disclose investments, interests in real property, sources of income

and gifts, and shall abstain from participating in deliberations and decision-making where conflicts may exist.

2. Public officials shall not engage in or accept private employment or render service for private interests when such employment or service:
    a. is incompatible with the proper discharge of his/her official duties;
    b. impairs independence of judgment or action in the performance of official duties;
    c. is contrary to the interests of the City.
3. Public officials should avoid action or speech, whether or not specifically prohibited, which might result in or create the appearance of:
    a. using public office for private gain;
    b. offering preferential treatment to any person;
    c. impeding City efficiency or economy;
    d. being contrary to the interests of the City;
    e. losing complete independence or impartiality;
    f. making a City decision outside of official channels;
    g. degrading public confidence in the integrity of the City.

I. Gifts, Gratuities, and Favors

Public officials shall comply with the requirements of Section 112.3148, Florida Statutes, relating to the acceptance and reporting of gifts, gratuities, and favors.

J. Confidentiality of Information

Public officials shall not disclose or furnish to anyone any information concerning City property, personnel, litigation, or proceedings of the City, other than public information or with legal authorization that was obtained as a result of their positions with the City. This shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or providing information that would place the official or the recipient in a vantage position over the general public and thereby constitute a violation of public trust. Confidential information shall include, but not be limited to, any written information which is not subject to disclosure pursuant to Chapter 119, Florida Statutes, or any other statutory exemption regarding public records or any oral information which was not discussed at a public meeting.

K. Use of Public Resources

1. Unless specifically permitted by City policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel, or other goods or services is limited to City business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with City policy.
2. A public official may use the City's name, letterhead, logo, or seal only when it would be perceived as representing the City of Jacksonville Beach or the body as a whole and only with the prior consent of Council. However, this provision will not prohibit individual councilmembers from using City letterhead and resources to write personal congratulatory letters. Letters of recommendations, references,

endorsements, and such, may be written by councilmembers on City letterhead, with a copy being provided to each councilmember.

3. A public official shall not utilize the City's name, letterhead, logo, or seal for the purpose of endorsing any political candidate, business, commercial product, or service.

L. Representative of Private Interests
As stewards of the public interest, members of the City Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, committee, or proceeding of the City. Public officials of boards, commissions, and committees shall not appear before their own bodies or before the City Council on behalf of the private interest of third parties on matters related to the areas of service of their bodies.

M. Advocacy
Public officials shall represent the official policies or positions of the City Council, board, commission, or committee to the best of their abilities when designated as delegates for this purpose. When presenting their individual opinions and positions, officials shall explicitly state that they do not represent their body or the City of Jacksonville Beach, nor give the inference that they do.

N. Policy Role of Members
Public officials shall respect and adhere to the Council-Manager form of government as outlined in the City Charter and Council's Policies and Procedures with respect to the City Manager's relationship with the City Council. In this structure, the City Council determines the policies of the City with advice, information, and analysis provided by the public, boards, commissions, committees, and City staff. Except as provided by City Charter or ordinance, councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, or impair the ability of staff to implement Council policy decisions.

O. Independence of Boards, Commissions, and Committees
The value of independent advice and recommendations of boards, commissions, and committees to the public decision-making process is of such significance, that members of Council shall refrain from using their position to influence unduly the deliberations or outcome of board, commission, and committee proceedings.

P. Harassment
The City strongly disapproves of and does not tolerate harassment of any kind. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment will be promptly and carefully investigated in accordance with the City's applicable Workplace Violence and Sexual Harassment policies.

Q. Positive Work Place Environment
Public officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City.

Officials shall recognize their roles in dealings with City employees (as established by Charter) and refrain from creating the perception of inappropriate direction to staff.

1. Officials, acting as a resident of the City and requiring contact with City employees, shall do so in a positive, professional and courteous manner in accordance with this code.
2. Officials, acting on behalf of their employment and requiring contact with City employees, shall first contact the City Manager to determine acceptability and/or conditions of such contact. In the event contact will be frequent or routine, appropriate guidelines may be established by the City Manager so as not to hinder the Official's performance of their employment.
3. Officials, acting as a member or representative for a non-profit civic organization or group and requesting contact with City employees, shall first contact the City Manager to determine acceptability and/or conditions of such contact.
4. Officials seeking to volunteer within the City organization shall recognize that this is a privilege, and first seek authorization from the City Manager. If acceptable, the City Manager may approve a request, identifying department, division and frequency for volunteer activities. Communication with staff while volunteering shall adhere to the context and intent of this code and City Charter. The City Manager, in his/her sole discretion, reserves the right to cancel an Official's volunteer privilege at any time.

R. Notice to Council

Should either the City Attorney or City Manager become aware of potential conflicts with this Code, a written document shall be prepared by either or both parties detailing the facts of the potential conflict, and shall publish such document for the consideration of the City Council. Upon direction from the City Council, the City Attorney and City Manager shall fully investigate the potential conflict, and the City Attorney shall produce a written report with any additional information.

S. Notice from Council

Should any City Council member become aware of potential conflict with this Code, the Council member shall prepare a written document detailing the facts of the potential conflict, and provide such document for the consideration of the City Council. Upon direction from the City Council, the City Attorney and City Manager shall fully investigate the potential conflict, and the City Attorney shall produce a written report with any additional information.

T. City Attorney to Render Opinion

Whenever any public official, subject to this policy, is in doubt as to the proper interpretation or application of this Code of Ethics policy prior to a potential conflict occurring, that official may submit to the City Attorney a full written statement of the facts and questions. The City Attorney shall then render a written opinion that addresses the potential conflict to all officials without use of the name of the official advised.. If material facts relating to the potential conflict change then the public official must promptly notify the City Attorney of any changes.

U. FLORIDA STATUTES (CHAPTER 112, PARTIII)

1. Chapter 112, Part III, Florida Statutes, Code of Ethics for Public Officers and Employees, prescribes appropriate standards of ethical conduct for employees and elected and appointed officials, as well as reporting and investigative procedures in response to prohibited actions. The City of Jacksonville Beach Code

of Ethics is to be used as a supplement to the statutes. Should any conflicts exist between the codes, the more stringent language of the two shall prevail. Public officials are encouraged to read the most recent version of the Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.

2. Public officials required to file an annual financial disclosure form, submitted in accordance with Section 112, Florida Statutes, shall file a copy with the Office of the City Clerk, using the forms prescribed by the Commission on Ethics.

V. IMPLEMENTATION

1. The Code of Ethics for the public officials of the City of Jacksonville Beach is intended to be self-enforcing. Interpretation and enforcement of this Code lies solely with the City Council. It therefore becomes most effective when officials are thoroughly familiar with it and embraces its provisions. For this reason, ethical standards shall be included in the regular orientation for candidates for the City Council, newly elected officials, and appointed members of boards, commissions, and committees, as held.
2. Officials entering office will receive a statement certifying they have read and understand the City of Jacksonville Beach Code of Ethics. Signing the statement is optional. All public officials are subject to the provisions of the Code of Ethics whether or not the statement is signed.
3. The Code of Ethics shall be reviewed annually by the City Council, boards, commissions, and committees. Recommendations received from the review shall be considered by the City Council. The Code of Ethics shall be updated, as necessary, in November of even-numbered years.

W. PENALTIES

1. Code violations by Boards, Commissions, and Committees may result in the following penalties:
    a. verbal reprimand, issued orally in open session;
    b. written reprimand;
    c. suspension in the form of a temporary cessation of duties;
    d. forfeiture of appointment or position.
2. Code violations by Appointed Officials and Council members may result in the following penalties:
    a. verbal reprimand, issued orally in open session;
    b. written reprimand;
    c. suspension or removal from any appointed boards or committees
3. The authority and process for removal of an Appointed Official shall be reserved for the City Charter and/or employment agreement.
4. The authority and process for removal of a seated Council member shall be reserved for the City Charter.

Adopted: XXXXX, 2019
Revised: NA

JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
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OFFICE OF THE CITY ATTORNEY

# MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Resolution No. 2049-2020

DATE: January 21, 2020

## ACTION REQUESTED

Adopt Resolution No. 2049-2020 directing the City Attorney to seek reimbursement of the City Attorney's legal services fees at the prevailing reasonable hourly rate in which the City, Beaches Energy Services and the Police Department are a party.

## BACKGROUND

The City of Jacksonville Beach now has a full time, in-house City Attorney on salary. Part of the City Attorney's duties is to prosecute actions and defend cases on behalf of the City, Beaches Energy Services and the Police Department (collectively "City"). The City Attorney may serve as the sole litigator, lead litigator or as co-counsel depending on the case that the City is a party to. Florida case law authorizes government entities, such as the City, to seek reimbursement for its City Attorney's expert legal services at the prevailing reasonable rate in the community even if that amount exceeds the cost of the particular attorney's compensation package (salary plus benefits). Resolution No. 2049-2020 directs the City Attorney to attempt to seek reimbursement at the rate of $300.00 per hour when allowed in cases. This amount falls within the acceptable and customary range of attorney's fees charged by litigation attorneys practicing in North and Central Florida, possessing similar skill, experience, and competence in civil litigation representing local governments as that of the City Attorney.

## RECOMMENDATION

Adopt Resolution No. 2049-2020 directing the City Attorney to seek reimbursement of the City Attorney's legal services fees at the prevailing reasonable hourly rate in cases which the City, Beaches Energy Services and/or the Police Department are parties.

Introduced By: _____
Adopted: _____

# RESOLUTION NO. 2049-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING THE RATE FOR ATTORNEY FEES TO BE SOUGHT BY THE CITY ATTORNEY FOR REIMBURSEMENT UNDER THE CITY CHARTER CHAPTER VI, SECTION 37 AND AS AUTHORIZED BY CONTROLLING CASE LAW.**

**WHEREAS**, pursuant to the City of Jacksonville Beach Charter Chapter VI, Section 37 the City Attorney shall prosecute and defend the City, for and on behalf of the City, all complaints, suits, and proceedings (collectively "cases") in which the City is a party; and

**WHEREAS**, the City Attorney litigates cases and serves as litigation co-counsel on behalf of the City, Beaches Energy Services and the City Police Department which often result in the City being entitled to recover its attorney's fees expended to defend or prosecute the cases; and

**WHEREAS**, litigation causes the City Attorney and staff to expend time and costs which reduces the time and resources available to perform other critical City work, and burdens legal and other City departments, and the City's public funds; and

**WHEREAS**, Florida case law authorizes government entities, such as the City, to seek reimbursement for its in-house City Attorney's expert legal services at the prevailing reasonable rate in the community even if that amount exceeds the cost of the particular attorney's compensation package (salary plus benefits); *see* City of Boca Raton v. Faith Baptist Church, 423 So.2d 1021 (Fla. 4th DCA 1982); Liebowitz v. City of Miami Beach, 683 So.2d 204 (Fla. 3d DCA 1996); Computer Task Group, Inc. v. Palm Beach County, 782 So.2d 942 (Fla. 4th DCA 2001); Broward Marine, Inc. v. Palm Beach Polo Holdings, Inc., 902 So.2d 855 (Fla. 4th DCA 2005); and

**WHEREAS**, the City Council has been advised of the Florida case law opinions and finds the rate of three hundred dollars ($300.00) per hour falls within the acceptable and customary range of attorney's fees charged by litigation attorneys practicing in North and Central Florida, possessing similar skill, experience, and competence in civil litigation specializing in local government as that of the City's Florida Bar Board Certified Specialist City Attorney.

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

**SECTION 1.** The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

**SECTION 2.** The City Attorney is instructed to attempt to obtain reimbursement for the attorney's fees expended in litigation at the rate of three hundred dollars ($300.00) per hour in any case in which the City, Beaches Energy Services and the City Police Department may be entitled to reimbursement. This rate may be adjusted from time to time by a subsequent vote of the City Council after a public hearing.

**SECTION 3.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Resolution are repealed to the extent of conflict or inconsistency herewith.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.

**AUTHENTICATED** this _____day of _____, 2020.

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

City of
Jacksonville Beach
2508 South Beach
Parkway
Jacksonville Beach
FL 32250
Phone: 904.247.6236
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MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Jason Phitides, Director Parks and Recreation

SUBJECT: Second Reading, Ordinance 2019-8130, Revision to Code of Ordinances Section 8-1 Form of Burial Easement

DATE: December 23, 2019

## ACTION REQUESTED

Adopt Ordinance 2019-8130 following its Second Reading, to revise the City's Code of Ordinances Section 8-1 Form of Burial Easement to eliminate reference to "lineal" descendants, and add "collateral heirs", to enable transfer of burial rights to all descendants and collateral heirs of a decedent.

## BACKGROUND

Section 8.1 of the City's Code of Ordinances provides a Form of Burial Easement used to record the sale of burial lots at H. Warren Smith and Lee Kirkland cemeteries. As Grantor, the City grants and conveys a perpetual easement to the cemetery lot to the Grantee.

The current Form of Burial Easement limits burial rights to the grantee and family which is deemed to be the surviving spouse and lineal descendants.

Lineal descendants are blood relatives in the direct line of descent such as children, grandchildren and great-grandchildren, and are distinguished from collateral heirs, which include the line of siblings, nieces, nephews, cousins, aunts and uncles.

Based on the number of requests we received to transfer burial rights by collateral heirs, staff compared burial rights transfers among nine (9) municipalities within the State of Florida. The City Attorney also compared six (6)

additional municipalities. None of the municipalities restrict transfer to lineal descendants. (A summary of the comparison is attached).

Staff recommend removing the reference to lineal from the Form of Burial Easement and add collateral heirs to enable transfer of burial rights to all descendants and collateral heirs of a decedent.

The City Council met on December 16, 2019 and voted unanimously to approve the ordinance on its First Reading.

RECOMMENDATION

Adopt Ordinance 2019-8130 following its Second Reading, to revise the Form of Burial Easement to eliminate reference to lineal descendants, and add collateral heirs, to enable transfer of burial rights to all descendants and collateral heirs, as described in the memorandum from the Director of Parks and Recreation, dated December 23, 2019.

Attachment: Cemetery Burial Rights Transfer Comparison

Cemetery Burial Rights Transfer Comparison

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| City of Palatka Cemetery<br>(3 City owned cemeteries) | Palatka | 396-329-0107 | City does not tranfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish, including the City. |
| Bosque Bello Cemetery | Fernandina Beach | 904-310-3356 | City does not tranfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish, including the City.<br><br>Sec. 30-43. - Transfer of ownership.<br>No lot owner shall allow interment in his or her lot for remuneration, nor shall any transfer of interest in the lot be valid except by written consent of the city. Such transfer or assignment shall be recorded in the records of the *cemetery* . No transfer for consideration shall be authorized. Any attempted transfer of a lot or interest in a lot to one not authorized to own the lot shall be invalid and of no force and effect. The city shall not be obligated to honor the transfer. Transfer of ownership requires a copy of the existing deed and owner verification by affidavit (sworn statement) or other means as determined by the city.<br><br>The city may refuse to consent a transfer or an assignment as long as there is any indebtedness due the city from the lot owner for interment rights in the lot involved.<br><br>In every case where a lot owner wishes to dispose of vacant lot, the city shall have the option to repurchase the lot at a price agreed upon between the lot owner and the official representative of the city. The price shall not exceed $1,000.00. |
| Magnolia Cemetery | Town of Orange Park | 904-264-2635 | City owned cemetery. City does not transfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish, including the City. |

Cemetery Burial Rights Transfer Comparison

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| Evergreen Cemetery | Gainesville | 352-393-8535 | City owned cemetery. City does not transfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish. City does not repurchase plots; instead, deeds are sold back to City then re-deeded to new owners.<br><br>Any and all transfers of interment rights are subject to all rules and regulations of the cemetery, which are now in full force and effect or which may be hereafter enacted.<br><br>Before transfer of interment rights the original owner must reconvey the interment rights to the city. The city shall then issue a warranty of conveyance to the new owner. The warranty of conveyance shall not be issued unless perpetual care has been purchased. The same rules shall apply in all cases of assignment of purchase contract for interment rights. This information shall then be duly recorded in a permanent cemetery file.<br><br>The owner of interment rights may dispose of same by will, subject to the conditions of transfer in interment rights as stated above.<br><br>The subdivision of interment rights shall not be effective without prior consent of the city. The subdivision will not be allowed on property unless perpetual care has been purchased.<br><br>The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city in connection with the lot, grave, memorial, or care, or right of transfer in question. |
| City of Tampa (4 City-owned cemeteries) | Tampa | 813-274-8711 | City-owned cemetery. City does not transfer burial rights to lineal descedents. Plot owners may sell plot to anyone they wish.<br><br>Sec. 8-11. - Transfer of ownership.<br>It is the owner's responsibility to inform the parks and recreation department of any sale or transfer of ownership of any block, lot, or space. It shall be the responsibility of the (new) owner to provide copies of the legal documents to the parks and recreation department. |
| | Ocala | 352-351-6691 | City owned cemeteries. City does not transfer burial rights to lineal descedents. Plot owners may sell plot to anyone they wish. |

**Cemetery Burial Rights Transfer Comparison**

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| Rose Hill Cemetery | Kissimmee | 407-518-2350 | City-owned cemetery. City does not transfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish, including the City.<br><br>TRANSFER OR ASSIGNMENTS OF LOTS OR BURIAL SPACES.<br>(A) No owner of a lot or burial space in the cemetery shall sell, transfer or convey the same to another person without a conveyance in writing from the city, which consent shall appear on the face of such conveyance. The city shall have the right to refuse to consent to a transfer or assignment as long as there is any indebtedness on a cemetery space first due the city.<br>(B) If for any reason it becomes necessary for any lot owner to dispose of his/her interest in or title to his/her cemetery lot, he/she may make application at the office of the City Clerk for repurchase of his/her interest in or title to such lot by the city, which may elect to repurchase the lot at the price it was originally purchased. The payment price will be made to the lot owner when he/she has conveyed to the city by a warranty deed in a form approved by the city. |
| City of Fort Myers Cemetery | Fort Myers | 239-321-7000 | City-owned cemetery. City does not transfer burial rights to lineal descendents. Plot owners may sell plot to anyone they wish, including the City. |

**Cemetery Burial Rights Transfer Comparison**

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| Melbourne Cemetery | Melbourne | | City-owned cemetery. City does not transfer burial rights to lineal descedents.<br><br>Sec. 16-7. - Transfer of right to burial prohibited.<br>(a) Only the remains of the grantee or other person designated in the deed may be buried in a space. The grantee may not transfer the deed; however, the grantee may change the designation of a space by filing a written request with the city clerk.<br><br>(b) If a grantee determines that he no longer wishes to use the space, he may offer the space for sale back to the city. The city will repurchase a space at the following rate:<br><br>1) Full adult space ..... $400.00<br>2) One-third space for cremated remains ..... 135.00<br><br>c) The purchase price for a one-third space for cremated remains will apply only if the deed was issued for a "one-third" space.<br><br>(d) If a grantee has died and elected to not use his space, a representative of the estate of the deceased grantee may offer the space for sale back to the city or designate the space for someone else. A representative of a deceased grantee making such a request will be required to provide the following:<br><br>1) Legal document showing the person is the court ordered representative of the deceased;<br><br>2) Copy of a will that has been admitted to probate showing that the person making the request is the legal representative; or<br><br>3) Notarized affidavit from the person making the request stating that he is the personal representative of the deceased and, as such, has the authority to sell the space to the city or designate the space. |
| Greenwood Cemetery<br>Oakland Cemetery<br>Millville Cemetery | | 850-872-3000 | City-owned cemetery. City does not transfer burial rights to lineal descedents. Plot owners may sell plot to anyone they wish. |

Cemetery Burial Rights Transfer Comparison

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| | Pompano Beach | 954-786-4600 | City owned cemetery. City does not transfer burial rights. Plot owner may sell plot to anyone they wish, including the City.<br><br>92.51 BURIAL RIGHTS.<br>(A) At the time of purchase of a burial right agreement, or at any time thereafter during the purchaser's or transferee's lifetime, and in accordance with these rules and regulations, the owner or owners of any burial right agreement may present his burial right agreement and execute in the office of the management a declaration of reservation, therein specifically designating the persons entitled to be buried in any or all of the plots in the lot, or vesting the right of designation for unreserved plots in a named person. No other person may be buried in any plot designated by the owner or owners in the declaration of reservation except by an amended declaration of reservation, executed by the owner or owners in the office of the management. The owner or owners of any lot may in the declaration of reservation limit the persons entitled to be buried in the lot to those persons designated in the declaration of reservation. In the event the owner or owners fails to designate burial rights as to each plot in the lot, or fails to limit burials in the plot to those designated in the declaration of reservation, then, as to the plots not designated, the right of burial shall be as provided in subsection (C) (2) below.<br><br>(B) Upon application by any person for interment of a body in a given plot, the burden of proof as to the identity of the person to be interred rests upon the applicant and no liability shall rest upon or be chargeable to the city in case of a false statement in the application. However, the city will make a diligent effort to see that only persons entitled to be buried in a given plot are so interred.<br>(C) In the absence of a declaration of reservation by the burial right owner of a lot, the right of interment shall be in the following order.<br>(1) One plot shall be forever reserved for the burial right owner and one for the burial right owner's surviving spouse, if any.<br><br>(2) The remaining plots in the lot shall be held in trust by the city for burial of the following persons in the order of their death and request for burial: the children of the burial right owner or owners, and their respective spouses; lineal descendants of the burial right owner, or owners, and their respective spouses; and parents of the burial right owner or owners. |

| Cemetery | City | Phone | Notes |
|---|---|---|---|
| | | | (D) The burial rights to all lots and plots conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the burial right agreement, in accordance with these rules and regulations. However, the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which shall continue as long as he or she shall remain the husband or wife of the owner of the burial right agreement, or shall be his or her wife or husband at the time of the owner's demise. No conveyance or transfer shall divest the husband or wife of a burial right owner of his or her vested right of interment without the joinder therein executed by the spouse in the office of the management.<br><br>(E) All lots, the use of which has been conveyed in a burial right agreement, are indivisible. Whenever an interment of the remains of a member, or of a relative of a member of the family of the burial right owner, or of the burial right owner, is made in a lot, the lot thereby becomes inalienable and shall be held as the family plot of the burial right owner, except as otherwise provided by the owner's declaration of reservation.<br><br>92.52 TRANSFERS OR ASSIGNMENTS.<br><br>(A) No transfer or assignment of any lot or plot, or interest therein, shall be valid without the consent in writing of the City Commission. The transfer or assignment must be executed in the office of the cemetery, and upon forms provided by the city. The original burial right agreement must be presented at the time application for transfer is made.<br><br>(B) In the event the original burial right owner desires to sell his interest in lots or plots, the city shall have the first right of refusal to purchase the lots or plots from him at the original cost. Should the city fail within seven days to exercise its right of first refusal, then the original burial right owner may sell his lots or plots elsewhere. Should notification of the owner's desire to sell be received by the city during a month when the City Commission is in recess, 30 days shall be added to the time within which the city must exercise its right of first refusal. |

Introduced by: Council Member Chris Hoffman
1st Reading: 12/16/19
2nd Reading: _____

**ORDINANCE NO. 2019-8130**

**AN ORDINANCE AMENDING CHAPTER 8, "CEMETERIES", OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES BY AMENDING SECTION 8-1. "LOTS-PURCHASE EASEMENT FORM"; PROVIDING FOR FINDINGS; DELETING THE TERM "LINEAL"; ADDING THE TERM "COLLATERAL HEIRS"; REVISING THE PURCHASE EASEMENT FORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

**WHEREAS**, Chapter 497 "the "Florida Funeral, Cemetery, and Consumer Services Act" of the Florida Statutes, does not use or define the term "lineal descendant"; and municipal cemeteries are generally exempt from the provisions of Chapter 497 relating to cemeteries; and

**WHEREAS**, "Collateral heir" means an heir who is related to the decedent through a common ancestor but who is not an ancestor or descendant of the decedent, which includes siblings, cousins, nieces, nephews, aunts and uncles of the decedent §731.201(6), Fla. Stat., and "Descendant" means a person in any generational level down the applicable individual's descending line and includes children, grandchildren, and more remote descendants. §731.201(9), Fla. Stat. The term "descendant" is synonymous with the terms "lineal descendant" and "issue" but excludes collateral heirs. §731.201(9), Fla. Stat.; and

**WHEREAS**, research of many Florida municipalities shows that their Code of Ordinances and cemetery policies and regulations do not utilize the term "lineal" and don't limit transfer of burial rights to lineal descendants, a sample of these municipalities include, Dunedin, Fernandina Beach, Fort Lauderdale, Fort Myers, Jacksonville, Kissimmee, Lake Wales, Melbourne, Ocala, Ocoee, Orange Park, Orlando, Palatka, Pompano Beach, and Tampa; and

**WHEREAS**, the City Council of the City of Jacksonville Beach finds the proposed ordinance will serve to protect the health, welfare and safety of residents and the regulation and use of municipal cemeteries, and the general exercise of burial easement rights.

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

**SECTION 1. Recitals.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2. <u>Amendment of City Code</u>.**[1] That Section 8-1 "Lots-Purchase easement form", of Chapter 8 of the Code of Ordinances of the City of Jacksonville Beach, Florida, is hereby amended and ordained to read as follows:

**Sec. 8-1. Lots-Purchase easement form.**

For the consideration now or hereafter fixed by the city council for the purchase price, upon payment thereof, a conveyance in the form herein specified shall be made and issued to the purchaser of cemetery lots, executed in the name of the city by the mayor and city manager and attested by the city clerk under the seal of the city and duly acknowledged by such officer.

FORM OF BURIAL EASEMENT

Know all men by these present: That pursuant to the Code of Ordinances of Jacksonville Beach, Florida, and in consideration of $ _____ , the City of Jacksonville Beach, a municipal corporation, hereby grants and conveys to _____ as Grantee, a Perpetual Easement in the Cemetery Lot herein described, subject to the reservation of the fee in the said City for control of management and improvement and adoption of regulations essential to the uniform, orderly operation of the Cemetery; Section _____ Block _____ Lot _____ Grave No. _____ as shown on plat prepared by City of Jacksonville Beach Engineering Department and accepted by the City Council of Jacksonville Beach at its regular meeting on April 1, 1957, said plat being filed with the City Clerk of the City of Jacksonville Beach, Florida.

TO HAVE AND TO HOLD the same for the burial of grantee and family, deemed herein to be the surviving spouse and ~~lineal~~ descendants **<u>and collateral heirs</u>** of grantee; the surviving spouse being first vested during life with the exercise of easement in control and care of lot, and thence to the ~~lineal~~ descendants **<u>and collateral heirs</u>**; providing the grantee may by will or indenture appoint any person or corporation as executor or personal representative to exercise the right of easement limited or in perpetuity. The rights granted by this easement cannot be sold or assigned except back to the grantor.

IN WITNESS WHEREOF the Grantor has caused these presents to be made and executed by its officers, thereunto duly authorized this _____ day of _____ / _____ / _____ , ~~19~~ 20_____ .

| | |
|---|---|
| Signed, sealed and delivered in our presence | CITY OF JACKSONVILLE BEACH (LS) |
| | By _____Its Mayor |
| | By _____Its City Manager |

[1] (~~strikethrough~~ text indicates deletions, <u>underline</u> text indicates additions).

| | |
|---|---|
| | Attest: _____City Clerk |
| STATE OF FLORIDA COUNTY OF DUVAL | I hereby certify that on this day personally came and appeared before me the undersigned officer the following persons |
| | _____, Mayor |
| | _____, City Manager |
| | _____, City Clerk |

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

**SECTION 4. CONFLICTING ORDINANCES.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

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

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

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MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: **1st Reading, Ordinance No. 2020-8131**, to amend Sections 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

Date: January 8, 2020

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## ACTION REQUESTED

Adopt Ordinance No. 2020-8131, to amend Section 34-41 and 34-392 of the Jacksonville Beach Land Development Code (LDC) related to permitting hens as household pets.

## BACKGROUND

Following a complaint to both the City's animal control and code enforcement officers regarding the keeping of chickens and other animals on a residential lot, the property owner approached Planning and Development Department staff to inquire about identified conflicts in the City's codes and to discuss a possible resolution. Currently, the LDC exists partly in conflict with Chapter 5 of the City Code of Ordinances that addresses "Animals and Fowl".

Residential zoning districts permit doghouses and similar structures for housing household pets. Under Article IV. Definitions in the LDC, household pets include dogs, cats, hamsters, and birds, but specifically excludes poultry. So while the "Animals and Fowl" section of Chapter 5 of the City Code may not prohibit certain livestock animals, the LDC prohibits residents from providing the required housing or pens for them based on the LDC definition of what is currently considered a household pet.

The proposed LDC text amendments were originally presented to the Planning Commission on May 28, 2019. Following several discussions between the applicant, staff and the City's attorney, the application was deferred and considered at the September 23, 2019 Planning Commission meeting.

After additional review and discussion it was determined that while, at minimum, the definition of household pets in the LDC should be amended to permit hens, the

bulk of the code changes proposed would be more appropriately placed under Code of Ordinances, Chapter 5 – "Animals and Fowl". Since Chapter 5 is not part of the LDC, it cannot be changed through the Planning Commission. The proposed regulations for permitting hens and changes to Chapter 5 are provided separately under Ordinance No. 2019-8132 and submitted for first reading on the Council's January 21, 2020 agenda.

The final proposed changes to amend Sections 34-41 and 34-392 of the LDC in Ordinance No. 2020-8131 include the following:

1. Amend the definition of household pets to include hens.

2. Limit the number of hens per household to five (5).

The Planning Commission met and conducted a public hearing on Monday, September 23, 2019 and voted to recommend denial of the proposed LDC text amendments by the City Council based on some concerns about the potential for diseases and decreased property values.

If Ordinance No. 2020-8131 is denied by the City Council as recommended by the Planning Commission, then companion Ordinance No. 2020-8132, amending Chapter 5 of the Code of Ordinances, should also be denied.

**RECOMMENDATION**:

Adopt Ordinance No. 2020-8131, to amend Sections 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

or

Deny Ordinance No. 2020-8131, to amend Sections 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

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

# ORDINANCE NO. 2020-8131

**AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-41 AND ARTICLE VIII, DIVISION 2, SECTION 34-392 OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE FEMALE CHICKENS, AND AMENDING THE SITE DEVELOMENT STANDARDS ACCESSORY USES AND STRUCTURES TO PERMIT FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS, ADDING CATS, DOGS, HAMSTERS AND BIRDS AS EXAMPLE HOUSEHOLD PETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND OFFICAL ACTS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; and Chapters 163 & 166, Florida Statutes; and

**WHEREAS,** many communities in Florida and throughout the United States have implemented regulations regarding the permitting and keeping of backyard female chickens (hens) in urban settings; and

**WHEREAS,** residents of the City of Jacksonville Beach living in residentially zoned areas that are not currently permitted to keep hens have indicated a desire to do so; and

**WHEREAS,** the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and public testimony given at the public hearings concerning the keeping of hens as household pets where permitted upon lands in the City.

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

**SECTION 1. RECITALS.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2. AMENDMENT TO THE CITY LDC[1].** That Article IV. Section 34-41. Definitions of the Land Development Code is hereby amended as follows:

[1] (~~strikethrough~~ text indicates deletions, <u>underline</u> text indicates additions).

*Pets, household* means any domestic animal such as cats, dogs, hamsters, ~~and~~ birds, and hens ~~other than poultry~~ that are customarily kept for personal use including collection of eggs and/or enjoyment within the home or residential lot. Other ~~P~~poultry, hoofed animals of any type, predatory animals, or any animal which is normally raised ~~to provide food~~ for slaughter or commercial sale ~~for people~~ shall not be considered as household pets.

**SECTION 3. AMENDMENT TO THE CITY LDC.** That Article VIII. Site Development Standards. Division 2. Supplemental Standards. Section 34-392. Accessory uses and structures of the Land Development Code is hereby amended as follows:

(2) *Household pets.* Household pets, like cats, dogs, hamsters, or birds, along with related doghouses and pens, are a permitted accessory use to residential uses in all zoning districts, provided the number of such pets over six (6) months in age shall not exceed three (3), and the keeping of four (4) or more dogs, six (6) months of age or older, shall be considered a kennel. Hens as household pets are limited to five (5) where permitted upon lands in the City.

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

**SECTION 5. 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 6. EFFECTIVE DATE.** That this ordinance shall take effect upon its adoption by the City Council.

**AUTHENTICATED THIS _____ DAY OF_____, A.D., 2020.**

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk

JACKSONVILLE BEACH

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MEMORANDUM

To: Mike Staffopoulos, City Manager

From: Heather Ireland, Senior Planner

Subject: **1st Reading, Ordinance No. 2020-8132**, to amend Chapter 5. Animals and Fowl of the City Code of Ordinances related to regulating the keeping of hens as household pets on residential property.

Date: January 8, 2020

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## ACTION REQUESTED

Adopt Ordinance No. 2020-8132, to amend Chapter 5. Animals and Fowl of the City Code of Ordinances creating a new subsection related to regulating the keeping of hens as household pets on residential property.

## BACKGROUND

As it relates to Ordinance Number 2020-8131 to amend the Land Development Code (LDC) to add hens to the definition of a household pet, specific regulations for keeping hens are being proposed as an addition to Chapter 5. Animals and Fowl. While the Animals and Fowl section of Chapter 5 of the City Code of Ordinances does not specifically prohibit hens, it currently does not provide detailed regulations for keeping them on properties within the city.

The proposed additions to Chapter 5. Animals and Fowl have been drafted to be similar in substance to the regulations of Neptune and Atlantic Beach that have both recently permitted hens on residential properties with an issued permit.

The proposed additions to Chapter 5. Animals and Fowl include the following:

1. Definitions of "coop", "enclosed pen" and "hen";
2. Requirements related to the keeping of hens;
3. Regulations on enclosed pen and coop sizes and construction;
4. Permit details and cost, including a requirement to complete the Duval County Backyard Poultry Seminar;

5. Details on where hens will be permitted; and

6. Enforcement of regulations.

If approved, city staff will develop an application for residential hen permits beginning on an effective date provided by city council.

If companion Ordinance No. 2020-8131, amending the Land Development Code relative to household pets and hens, is approved, then Ordinance No 2020-8132 should also be approved. Conversely, if Ordinance No. 2020-8131 is denied, then Ordinance No 2020-8132 should also be denied.

**RECOMMENDATION**:

Adopt Ordinance No. 2020-8132, to amend Chapter 5. Animals and Fowl of the City Code of Ordinances creating a new subsection related to regulating the keeping of hens as household pets on residential property.

or

Deny Ordinance No. 2020-8132, to amend Chapter 5. Animals and Fowl of the City Code of Ordinances creating a new subsection related to regulating the keeping of hens as household pets on residential property.

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

# ORDINANCE NO. 2020-8132

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE:**

**WHEREAS,** Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

**WHEREAS,** pursuant to the referenced provision of the Florida Constitution, the City of Jacksonville Beach may exercise any power for municipal purposes except as otherwise provided by law; and

**WHEREAS,** the importance of sustainability and local food sourcing has inspired an interest in backyard and community food production within the City limits; and

**WHEREAS,** many communities in Florida and throughout the United States have been exploring and implementing programs to integrate the keeping of backyard hens into urban and suburban residential settings; and

**WHEREAS,** chickens are social animals and can make good pets but should be limited for proper integration and reduction of potential nuisance to surrounding residential homes; and

**WHEREAS,** data indicates that five (5) hens are sufficient to meet the needs of the average family's egg consumption; and

**WHEREAS,** residents of the City residing in residential zones have indicated a desire to provide for the raising and keeping of backyard hens and seeking proper regulation thereof; and

**WHEREAS,** the City Council of the City of Jacksonville Beach finds the proposed ordinance will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

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

**SECTION 1. Recitals.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

**SECTION 2. Amendment of City Code.** That Chapter 5, Article IV is hereby created to read as follows: [1]

**Section 5-80. Purpose and intent.**

(a) The purpose of this Article is to authorize and regulate the keeping of backyard hens in specified residential zones under specified criteria within the City of Jacksonville Beach. To establish the criteria and limitations so as to avoid adverse impacts on neighboring properties and residents and to provide for the safety and health of hens. Nothing herein shall supersede any effective, recorded deed restriction prohibiting backyard hens on property located within the City.

**Section 5-81. Definitions.**

(a) *Coop* shall mean a structure with nesting boxes where hens can lay eggs and perches where hens can sleep, with a roof.

(b) *Enclosed pen* shall mean a fenced or wire enclosure used to contain female hens.

(c) *Hen* shall mean a female chicken of the species gallus domesticus.

**Section 5-82. General requirements, improvements, and prohibitions.**

(a) The maximum number of hens permitted on any property shall be five (5).

(b) All food for hens shall be stored in rodent and predator proof containers.

(c) Hens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within an enclosed pen according to the requirements of this Article at all times.

(d) Hens shall not be kept on any property without a properly issued permit authorizing such use.

[1] (~~strikethrough~~ text indicates deletions, underline text indicates additions).

(e) Coops and enclosed pens shall be kept clean and sanitary at all times so that they do not become a nuisance due to odor, noise, pests or other nuisance condition.

(f) Hens shall be kept for personal use only. The selling of hens, eggs or manure, as well as breeding of chickens for commercial purposes is prohibited.

(g) Hens shall not be slaughtered within the City.

(h) Hens that are no longer wanted by their owners shall not be abandoned, released into the wild, or taken to the City's Animal Control.

(i) If a public health emergency is declared by the Duval County Health Department related to hens, the permit holder shall comply with any requirements including, but not limited to, the removal of hens from the property.

(j) Under no circumstances shall ducks, geese, turkeys, peafowl, pheasants, quail, peacocks, male chickens or any other poultry or fowl other than hens, be kept on any property.

(k) The following improvements are required at the time of application and permit issuance and throughout the duration of an active permit to keep hens on a property:

(1) An enclosed pen that is:

a. At least ten (10) square feet per hen; and

b. Well drained so that there is no moisture accumulation.

(2) A coop that is:

a. At least three (3) square feet per hen;

b. Covered and ventilated to allow for a wholesome exchange of air; and

c. Attached to or within an enclosed pen that allows for free movement between the coop and enclosed pen.

(3) Coops and enclosed pens shall:

a. Not exceed six (6) feet in height;

b. Not exceed one hundred (100) square feet in total area;

c. Be fully enclosed and secured from predators; and

d. Be anchored in a manner acceptable to the City to prevent them from becoming airborne during a wind event.

(4) Opaque fencing or comparable landscaping that screens coops and enclosed pens from view by adjoining neighbors shall be installed.

**Section 5-83. Permit required.**

(a) Any person seeking to keep a hen on their property must first obtain a permit from the City authorizing such use.

(b) Prior to issuance of a permit authorizing hens on a property, an applicant shall submit to the City the following:

(1) A permit application containing the following information:

a. The name of the applicant;

b. The address of the property where hens are to be kept;

c. The maximum number of hens to be kept on the property at any given time;

d. The property owner's authorization if the applicant is not the property owner of record; and

e. An oath that no deed restrictions apply to the subject property or proof that deed restrictions, if any, do not prohibit the keeping of hens on the property.

(2) A Certificate of Completion demonstrating that the applicant has completed the Backyard Poultry Seminar offered by the Duval County Agricultural Extension Office; and

(3) Application fee of twenty-five ($25.00) dollars

(c) Permits shall only be valid for the address provided.

(d) Permits shall only be valid for the maximum number of hens approved.

(e) As a condition of the issuance of the permit, the applicant and property owner (if different) shall consent to the inspection of the subject property by the City

upon receiving a complaint related to hens to ensure compliance with the requirements of this Article.

**Section 5-84. Permitted zoning locations.**

(a) Hen(s) shall only be permitted on parcels developed with a single family dwelling located within the following zoning districts which have a minimum lot size of five thousand (5,000) square feet:

(1) RS-1, Residential, single-family

(2) RS-2, Residential, single-family

(3) RS-3, Residential, single-family

(b) Under no circumstances shall hens be kept on property developed with multiple-family, two-family (duplex), or townhouse dwellings as defined in the City of Jacksonville Beach Land Development Code. Nor may any hens be kept on any non-residential property or development.

(c) Coops and enclosed pens shall be located within the rear yard of a property only and shall be at least five (5) feet from side and rear property lines. No coop or enclosed pen shall be located in front or side yards.

**Section 5-85. Effects on other parts of this Chapter.**

(a) Under no circumstances shall any dog, cat, or other authorized animal pursuant to this Chapter that maims or kills a hen, for that reason alone, be considered a dangerous animal.

**Section 5-86. Enforcement.**

(a) Violations of this article shall be referred to the Special Magistrate of the City of Jacksonville Beach for disposition in accordance with F.S. § 162 and City Code Chapter 2, Article VI.

(b) A finding by the Special Magistrate of illegal slaughter or neglect of hen(s) will result in revocation of the permit issued pursuant to this article.

(c) Additionally, the City may take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violations, in which case the violator and property owner shall be jointly and severally liable to the City for reimbursement of the City's attorneys' fees and accosts incurred in such action through any appellate action, if taken.

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

**SECTION 4. CONFLICTING ORDINANCES.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect upon it adoption by the City Council.

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

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk