

ZOOM VIRTUAL MEETING NOTICE**INSTRUCTIONS FOR PUBLIC VIEWING AND PARTICIPATION****CITY OF JACKSONVILLE BEACH CITY COUNCIL MEETING****OCTOBER 5, 2020, AT 6:00 P.M.****(NO PHYSICAL LOCATION)**

Due to the current restrictions and limitations for social distancing and gatherings surrounding the COVID-19 crisis, the October 5, 2020, City of Jacksonville Beach, City Council meeting will be conducted in a modified manner. The meeting will be conducted virtually, utilizing Zoom technology and webinar capabilities. The City is providing numerous additional technological options for public attendance and participation in the meeting.

Governor DeSantis' Executive Order No. 20-246, extended the Governor's authorization for local government bodies to continue to conduct meetings without an in-person quorum at any specific location, and to hold meetings using communications media technology (CMT). On April 6, 2020, the City of Jacksonville Beach City Council approved at their public meeting the use of CMT and alternative start times to conduct Council meetings and briefings. The following CMT options are available to participate, view and listen to the October 5, 2020, City Council meeting:

1. **View and listen to a Livestream of the meeting online:**
 - Access the meeting by visiting the [City of Jacksonville Beach YouTube Channel: https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q](https://www.youtube.com/channel/UCBvNLjCCZtu9PWDV41cR6-Q)
 - View the Livestream via Zoom technology: <https://us02web.zoom.us/j/87468957855>
2. **Listen to the meeting via phone:**
 - Dial 1-301-715-8592
 - Webinar ID: 874 6895 7855
 - There is no participant ID number. If you are asked for this, press #. When dialing in by phone, your line will be automatically muted for the duration of the meeting, unless you have pre-registered to speak. (Instructions for pre-registration are below.)
3. **Hearing or speech impaired access:**
 - Contact the agency using the Florida Relay Service: 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).
4. **Submit questions and comments concerning a scheduled agenda item or for the Courtesy of the Floor portion of the Agenda:**
 - You may provide written comments by:
 - Emailing the City Clerk, Laurie Scott, at cityclerk@jaxbchfl.net; or
 - Via U.S. mail to City Clerk, City Hall, 11 N. 3rd Street, Jacksonville Beach, FL 32250; or
 - Place a copy of your comments in the drop box at the main entrance of City Hall.
 - Provide your full name and address, and if you are a city business owner, list the business name and address.
 - You may also submit a Public Comment Submission Form on the City of Jacksonville Beach website. Fill out the form at [this link](https://bit.ly/COJBvirtualmeeting) to have your comments read during the meeting: <https://bit.ly/COJBvirtualmeeting>. Comments on an action item and comments for Courtesy of the Floor will be read into the record. Submissions will be provided to the Council. All Submissions are a public record.

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

NOTICE

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

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



Agenda
City Council

Monday, October 5, 2020

6:00 PM

Via Video Conference

MEMORANDUM TO:

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

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

20-193 Council Briefing held on September 21, 2020

20-194 Regular Council Meeting held on September 21, 2020

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

20-195 Approve/Disapprove the Amendment to City Attorney Employment Agreement

20-196 Award/Reject Bid No. 1920-09 to Trayer Engineering Corporation for the Purchase of Pad Mount Switchgear

- 20-197** Award/Reject Bid Items 1 through 5 of Bid No. 1920-10, Titled Asphaltic Concrete Milling, Paving and Overlaying of Roadways, to Duval Asphalt Products, Inc.

RESOLUTIONS

- 20-198** RESOLUTION NO. 2067-2020

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE CITY OF JACKSONVILLE BEACH POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, AND ADMINISTRATIVE (NON-UNION) POSITIONS, EFFECTIVE OCTOBER 5, 2020.

ORDINANCES

- 20-199** ORDINANCE NO. 2020-8153 (First Reading) (Public Hearing)

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CITY COUNCIL TO REPEAL AND REPLACE CHAPTER 10 - FIRE AND LIFE SAFETY IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- 20-200** ORDINANCE NO. 2020-8154 (First Reading) (Public Hearing)

AN ORDINANCE TO REVISE AND AMEND CHAPTER 6 "BEACHES AND BULKHEADS" OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES, TO MAKE CORRECTIONS AND ADD SECTIONS, TO PROVIDE CODIFIED LOCAL RULES, REGULATIONS, AND ENFORCEMENT PROVISIONS CONCERNING THE CITY'S BEACHES AND USE OF THE ATLANTIC OCEAN; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND 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.

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, no later than one business day before the meeting.

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

**Minutes of City Council Briefing
Monday, September 21, 2020 – 5:30 P.M.
Via Video Conference**



The Council Briefing began at 5:30 P.M. The meeting was held via video conference using the Zoom platform.

The following City Council Members were in attendance:

Mayor: William C. Latham (absent)

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

Also present was City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, Director of Public Works Dennis Barron, Fire Marshal Steve Sciotto, Sergeant Tonya Tator, and Animal Control Officer Riley Jacobs.

Purpose of Briefing

The purpose of the Briefing was to update the Council members about ongoing items in the City. Mr. Staffopoulos stated due to limited time, the discussion may not include all the items on the Briefing Notice. Any items not discussed would be included in the next scheduled Council Briefing.

City Manager

Local Business Support

City Manager Mike Staffopoulos reviewed a list [on file] of decisions the City had been making related to relaxing enforcement of codes during the COVID-19 pandemic for local businesses for the following:

- Temporary signage
- Use of outdoor space for dining
- Grease traps

Conversation ensued on the relaxed code enforcement regarding the grease trap ordinance and requirements. The consensus of Council was to handle temporary signage and outdoor seating administratively and to create a resolution addressing the relaxation of grease trap regulations.

Public Works Reorganization

Director of Public Works Dennis Barron reviewed the proposed reorganization chart [on file] for the Public Works Department. Mr. Barron stated the proposed reorganization offered better delegation of authority and would be cost-neutral.

The consensus of Council was to move forward with the proposed amendments to the pay plan to support the reorganization. This item was planned to be presented to Council at the October 5, 2020, City Council Meeting.

Revision of Chapter 10, Fire and Life Safety

City Attorney Chris Ambrosio and Fire Marshal Steve Sciotto reviewed the proposed revisions to Chapter 10, Fire and Life Safety. Conversation ensued regarding the Building and Fire Code Board of Appeals and its composition.

The consensus of Council was to move forward with the revisions and further research whether there is supposed to be a separate board for Short Term Vacation Rentals. And if so, can it be combined with the Board of Appeals.

New Chapter 5, Animal Code and Dog Leash Regulations chart

City Attorney Chris Ambrosio, Police Sergeant Tonya Tator, and Animal Control Officer Riley Jacobs reviewed Chapter 5, Animal Control and Dog Leash Regulations. Conversation ensued regarding the proposed changes.

The consensus of Council was to continue with the changes to Chapter 5 and treat it as one ordinance adoption, not segments or pieces.

The Briefing adjourned at 6:52 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

**Minutes of Regular City Council Meeting
held Monday, September 21, 2020, at 7:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham read the following statement:

“Governor DeSantis’ Executive Order No. 20-193, extended the Governor’s authorization for local government bodies to continue to conduct meetings without an in-person quorum at any specific location and to hold meetings using communications media technology (CMT).

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

Accordingly, this City Council meeting is being held in a modified manner using CMT. The Council, staff, and the public are not physically present in City Hall tonight.

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

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

OPENING CEREMONIES:

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

CALL TO ORDER:

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

Mayor Latham invited City Attorney Chris Ambrosio to state the CMT procedures and adaptations being utilized for this meeting.

Mr. Ambrosio explained the CMT instructions and opportunities for the public to attend and participate were published on various platforms in a public notice [*on file*] and went over the options.

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, City Attorney Chris Ambrosio, Director of Public Works Dennis Barron, Senior Planner Heather Ireland, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

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

- Special Council Meeting held on September 3, 2020 (Tentative Budget)
- Council Briefing held on September 8, 2020
- Regular Council Meeting held on September 8, 2020
- Special Council Meeting held on September 14, 2020 (Budget Adoption)
- Special Council Briefing held on September 14, 2020

ANNOUNCEMENTS:

Council Member Golding congratulated CPA (Citizen Police Academy) Class 44, of which she was a member, on graduating after five months, due to COVID-19. She thanked Chief Gene Paul Smith, Sergeant Tonya Tator, and all the officers involved in conducting the classes.

Ms. Golding also mentioned Beaches Watch would hold a virtual candidate forum for the Jacksonville Beach candidates on October 1, 2020.

Ms. Golding stated she attended the Florida League of Cities Municipal Administration Policy Committee meeting and wanted to mention there is a working group for vacation rentals. She thanked City Manager Mike Staffopoulos and Mayor Latham for participating in the group.

Lastly, Council Member Golding shared the North Florida Land Trust had previously discussed marshland to the west of Plantation Oaks that the White family was considering donating to the City of Jacksonville Beach. However, the White family decided not to donate the land to the City, but rather sell the property to an adjacent property owner who has a dock that extends into the marsh property.

Council Member Dumont encouraged everyone to fill out the 2020 Census, register to vote, and then to vote.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. No one had registered to speak and no public comments were submitted.

CITY CLERK: *No items*

MAYOR AND CITY COUNCIL: *No Items*

CITY MANAGER:

Item #20-185 – Accept/Reject the Financial Reports for the Month of August 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the financial reports for the month of August 2020.

Discussion:

There was no Council discussion.

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

Item #20-186 – Approve/Disapprove the \$113,742.50 Purchase and Installation of UVC Lights in the Air Handling Units at City Facilities from Trane Technologies Utilizing GSA Federal Supply Schedule Contract #47QSWA20D002A

Mr. Staffopoulos explained this item was to install UVC lights within the City's air handling systems for all of the buildings with primary occupancy for employees or the public. Information

indicated ultraviolet radiation helped prevent viruses from reproducing, including COVID-19 and influenza viruses. Mr. Staffopoulos stated the City received a rebate from its health insurance premiums and those funds would be used towards health improvements for employees.

Ms. Golding inquired about the cost. Mr. Staffopoulos said the installation would cost approximately \$113,000, and the UV bulbs, which are changed out once per year, are between \$50-\$100. The electric cost is relatively low.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the \$113,742.50 purchase and installation of UVC lights in air handling units at City facilities from Trane Technologies utilizing GSA Federal Supply Schedule contract #47QSWA20D002A.

Discussion:

There was no Council discussion.

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

Item #20-187 – Award/Reject RFP No. 07-1920, Space Needs Assessment, to Ebert Norman Brady Architects

Mr. Staffopoulos explained the item was seeking to hire an architect to assist the City with creating a space needs analysis in multiple buildings. The current buildings were designed and built over 20 years ago and the functionality has changed over time. Three buildings need to be explored to see if there are ways to maximize space within the existing footprint or potentially the need to make physical modifications.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award RFQ No. 07-1920, Space Needs Assessment, to Ebert Norman Brady Architects, as described in the memorandum from the Property and Procurement Officer dated September 10, 2020.

Discussion:

There was no Council discussion.

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

Item #20-188 – Award/Reject RFP No. 03-1920, Standby Contracts for Disaster Debris Management, Recovery and Response Services to the Two Highest Ranked Respondents, Ceres Environmental Services, Inc., and Shawnee Mission Tree Services, Inc. DBA Arbor Masters Tree Service, for a Period of Five (5) Years

Mr. Staffopoulos explained this item was to award standby contracts for disaster debris management recovery and response services to two different firms. He said whenever there is a natural disaster, FEMA (Federal Emergency Management Agency) requires the City to use a

certified contractor to document all of the removal activities that occur in order to be eligible for reimbursement.

Director of Public Works Dennis Barron explained the primary contract is with Ceres Environmental Services. The City decided to go with two firms to have options.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award RFP No. 03-1920, Standby Contracts for Disaster Debris Management, Recovery and Response Services, to the two highest ranked respondents, Ceres Environmental Services, Inc., and Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service, for a period of five (5) years, as described in the memorandum from the Public Works Project Engineer dated September 8, 2020.

Discussion:

There was no Council discussion.

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

RESOLUTIONS: *No items*

ORDINANCES:

Item #20-189 – ORDINANCE NO. 2020-8145 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8145 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO REVISE CHAPTERS 12 AND 34 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADAPT THE CITY’S CODE TO NEW FLORIDA STATUTE SECTION 509.102 CONCERNING MOBILE FOOD DISPENSING VEHICLES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a quasi-legislative proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

I will now open the public hearing on Ordinance No. 2020-8145.

Please recognize that this Ordinance predominately amends Chapter 12 – Food and Food Products, of the City Code of Ordinances. In which case, the Land Development Code is not being changed. And a quasi-legislative proceeding is not required. But the Ordinance also makes a few minor changes to Chapter 34 – Land Development Code. So this quasi-legislative proceeding is being utilized for those portions of the Ordinance limited to and regarding Chapter 34.”

Public Hearing:

Mr. Ambrosio advised he spoke individually with some Council members and he or Senior Planner Heather Ireland could answer their questions if they wished to raise them.

Council Member Hoffman wanted to confirm for the benefit of the public this ordinance didn't change the zoning districts where food trucks are currently allowed. Mr. Ambrosio responded the zoning districts for food trucks remain the same.

Ms. Dumont said she had inquired about an HOA (Home Owners' Association) that regularly has a food truck come out, but as the code is currently written, it is not allowed. She explained Mr. Ambrosio advised her the City was looking at changes before the end of the year that may include allowing HOAs to ask a food truck to operate in it's HOA versus an individual resident of the HOA. Mr. Ambrosio clarified substantive changes to the ordinance would bring it back to the starting point, which would be to go to the Planning Commission and go through a first and second reading before City Council. He recommended the Council approve the ordinance as drafted because the City is trying to comply with the way the new Florida Statute reads.

Mayor Latham closed the public hearing and read the following:

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

Ex Parte:

Mayor Latham and Council Members Nichols, Doherty, Vogelsang, and Golding disclosed they had no ex-parte communications regarding this item.

Ms. Hoffman stated she spoke with Victor Melone, who is a resident of Ocean Cay.

Ms. Dumont stated she spoke with Gary Paetau and Barbara McCue through email, both Ocean Cay residents.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8145 to revise and amend the City’s Code of Ordinances Chapters 12 and 34 to conform and comply with Florida Statute Section 509.102.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

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

Item #20-190 – ORDINANCE NO. 2020-8149 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8149 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT: PUD ORDINANCE NUMBER 99-7765, ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”

Mayor Latham read the following:

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

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

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

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

Mayor Latham closed the public hearing and read the following:

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

Ex Parte:

Mayor Latham and Council Members Dumont, Doherty, Vogelsang, and Golding disclosed they had no ex-parte communications regarding this item.

Ms. Hoffman stated she had a call from Catie Southall, a resident of Ocean Cay, who had some questions and concerns about the project.

Mr. Nichols stated he received an email from Carrie Lantzy, 3148 Isabella Boulevard, asking for more information and he forwarded her to Director of Planning and Development Bill Mann and told Ms. Lantzy what his understanding of this ordinance was.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8149, amending PUD Rezoning Ordinance No. 99-7765 governing the property located at 2520-2902 Isabella Boulevard, by providing a new project narrative and preliminary development plan. (Isabella Office Center PUD)

Discussion: Mayor Latham read the following statement for the records:

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

Ms. Hoffman stated she texted with Ms. Ireland about concerns from the Rip Tide neighborhood where they saw the language, “Two-family dwellings, Multiple family dwellings, Townhouse dwellings,” and envisioned condos going up. Ms. Ireland explained part of the approved PUD is not only the list of permitted uses, but also the site plan. Since that property is almost built out, if the property owner or subsequent property owner wanted to replace the office buildings with townhouses or two-family dwellings for example, it would require them to amend the approved site plan, which would bring them back before Council for public input. So it is possible, but it would have to go back through the whole process.

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

Item #20-191 – ORDINANCE NO. 2020-8150 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8150 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE EMPLOYEE BENEFITS AND LEAVE POLICY PROVIDING FOR AN ADDITIONAL PAID HOLIDAY (PRESIDENT’S DAY); PROVIDING FOR LEGISLATIVE FINDINGS, DIRECTION TO AMEND CITY POLICY, REPEAL OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before the Council for a public hearing and consideration on its second reading.”

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8150, amending the City Employee Benefits and Leave Policy to provide President’s Day as an official paid holiday for employees and staff.

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

Item #20-192 – ORDINANCE NO. 2020-8151 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8151 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 REVISING THE TITLE AND AMENDING SECTION 8-2. “SAME – CITY CLERK TO MAINTAIN RECORD OF GRANTEES, ETC.” AND AMENDING SECTION 8-3. “DISINTERMENTS; MOLESTING GRAVES.” BY CHANGING THE REFERENCE FROM “CITY CLERK” TO “PARKS AND RECREATION DEPARTMENT;” PROVIDING FOR ADOPTION OF RECITALS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, CODEFICTION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before the Council for a public hearing and consideration on its second reading.”

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8151, amending Chapter 8, Section 8-2, and Section 8-3 of the City Code of

Ordinances to replace the City Clerk as cemetery records custodian, with the Parks and Recreation Department.

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

ADJOURNMENT:

Prior to adjournment, Mr. Ambrosio announced the first workers' compensation seminar for department directors and employees.

Mr. Staffopoulos announced as a reminder to the Mayor, the Council and the public, in-person meetings are still planned to start back in October unless the governor extends the CMT order. The October 5, 2020, regular City Council meeting is scheduled to be held in the Council Chamber at 6:00 P.M., with the Council Briefings alternating on the second and fourth Monday.

There being no further business, the meeting adjourned at 7:41 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

LS: sg

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6263

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www.jacksonvillebeach.org

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Ann Meuse, Human Resources Director
SUBJECT: Amendment to City Attorney Employment Agreement
DATE: September 25, 2020

BACKGROUND

The City and the City Attorney entered into a City Attorney Employment Agreement for the in-house City Attorney to provide legal services, for an indefinite term, serving at the pleasure of City Council, commencing on October 21, 2019 ("Agreement"). In accordance with Section 8. A. of the Agreement, the City Attorney and the City Council held a 6 month job performance evaluation briefing and discussed goals, resources, and objectives of the City Attorney in his provision of legal services. Pursuant to Section 8. B. of the Agreement, on September 14, 2020, the City Council and the City Attorney conducted an annual review briefing about the City Attorney's scope of work, job performance, achievements, accomplishments, year review summary report, and financial savings and costs comparisons for legal services. The Human Resources Director provided the City Council with department directors' reviews of the City Attorney. Pursuant to Section 7. B. of the Agreement, after conducting the annual review of the City Attorney's performance, the City Council shall consider the results of his performance in determining the amount of salary adjustment and benefit adjustment. The City Council designated Councilor Phil Vogelsang to negotiate an Amendment to the Agreement. Attached for City Council consideration is the Amendment to the Agreement.

REQUESTED ACTION

Approve/Disapprove the Amendment to City Attorney Employment Agreement.



AMENDMENT TO CITY ATTORNEY EMPLOYMENT AGREEMENT

THIS AGREEMENT AMENDMENT by and between the City of Jacksonville Beach, a Florida municipal corporation organized and existing under the laws of the State of Florida, (“City”), and the City Attorney, Chris Ambrosio (“City Attorney”), dated and effective as of October 5, 2020 (“Amendment”), amends the CITY ATTORNEY EMPLOYMENT AGREEMENT, dated October 7, 2019, between the City and the City Attorney (“Agreement”).

WHEREAS, the City and the City Attorney entered into the Agreement for the City Attorney to provide the City with legal services as the new in-house City Attorney, for an indefinite term serving at the pleasure of City Council, commencing on October 21, 2019; and

WHEREAS, in accordance with Section 8. A. of the Agreement, the City Attorney and the City Council held a 6 month job performance evaluation briefing and discussed the goals, resources, and objectives of the City Attorney in the provision of his legal services; and

WHEREAS, pursuant to Section 8. B. of the Agreement, the City Council shall review the City Attorney’s job performance at least once annually with the first review being on or before the City Attorney’s anniversary employment date of October 21, 2020; and

WHEREAS, in September 2020, the City Attorney provided the City Council with a year review summary report, and the Director of Human Resources provided City department directors’ assessments and statements about the City Attorney, and his performance and contributions; and

WHEREAS, on September 14, 2020, the City Council and the City Attorney conducted an annual review briefing about the City Attorney’s scope of work, job performance, achievements, accomplishments, and financial savings and costs comparisons for legal services; and

WHEREAS, Section 7. B. of the Agreement states that after conducting the annual review of the City Attorney’s performance, the City Council shall consider the results of his performance in determining the amount of salary adjustment and benefit adjustment for the City Attorney; and

WHEREAS, upon consideration of the briefing information, reports and reviews, the legal service demands and workloads placed upon the new City Attorney position are considerable, some initial job requirements need revision, the first year annual salary should be adjusted based on the City Attorney’s contributions, performance and value; so per Section 7. B. a salary adjustment and benefit adjustment in the Agreement is warranted and justified; and

WHEREAS, Section 14. D. and G. of the Agreement allow an amendment to the Agreement when made in writing and signed by both parties; and

WHEREAS, the parties desire and agree to execute this Amendment to the Agreement in order to delete, amend, add, and adjust certain terms and conditions as more fully set forth below.

THEREFORE, in consideration of the mutual covenants in this Amendment, the City Council and the City Attorney agree to amend the Agreement as follows:

1. **Exhibit A** (as first cited in Section 1. A. of the Agreement) is revised to delete the following requirements that: (1) the City Attorney shall attend all Planning Commission and Special Magistrate meetings, and (2) that the City Attorney will attend Board of Adjustment meetings, if after a review of the Agenda he determines that the scheduled matters require his appearance, and (3) other meetings shall be attended at the request of the City Council, City Manager or department head, or as necessary to provide legal advice and opinions relative to matters under consideration by the City Council.

The three requirements listed above are replaced with: (1) the City Attorney shall attend Planning Commission, Community Redevelopment Agency, and Board of Adjustment meetings, and Special Magistrate hearings, when after a judicious review of the scheduled matters, the City Attorney determines that in the City’s best interest, he should participate in a matter before those boards. The City Attorney shall attend the meetings and hearings upon request of the City Council, City Manager or Department Director, when necessary to provide legal service on matters under consideration by the City Council.

2. **Section 7. A.** is amended and replaced with: The City agrees to pay the City Attorney an adjusted annual base salary of \$160,000.00 during the second year of employment under the Agreement, commencing on October 21, 2020, payable in bi-weekly equal installments, for services rendered.

3. **Section 9. D.** is added to state that the City agrees to pay the City Attorney a \$500.00 per month stipend for maintaining Florida Bar Board Certification in City, County, and Local Government Law during his tenure as City Attorney, payable in bi-weekly equal installments each month, commencing on October 21, 2020.

4. Unless otherwise provide herein, all other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the City of Jacksonville Beach has caused this Agreement Amendment to be signed and executed, and duly attested by its City Clerk, and City Attorney, Chris Ambrosio, has signed and executed same on the dates written.

CITY OF JACKSONVILLE BEACH

ATTEST:

Sign: _____
Print: Laurie Scott, City Clerk
Date: _____

Sign: _____
Print: William C. Latham, Mayor
Date: _____

Sign: _____
Print: Michael J. Staffopoulos, City Manager
Date: _____

CITY ATTORNEY

Sign: _____
Print: Chris Ambrosio, City Attorney
Date: _____



Beaches Energy

Services

1460-A Shetter Ave

Jacksonville Beach

FL 32250

Phone: 904.247.6281

www.beachesenergy.com

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Allen Putnam, Director of Beaches Energy Services

SUBJECT: Bid No. 1920-09, Pad Mount Switchgear

DATE: September 23, 2020

BACKGROUND

To enhance reliability and decrease restoration times, Beaches Energy Services utilizes equipment that allows field employees to isolate and reconfigure the primary distribution system through the operation of switches. In the event of a major circuit fault, Beaches Energy Services must have the ability to sectionalize the affected area, minimizing the number of customers out of service, while permanent repairs are made.

Bid No. 1920-09 establishes the specifications for pad mount switchgear. The solicitation was advertised and we received the following four (4) responses:

Type	VFI Positions	Anixter	Gresco	Stuart C. Irby	Trayer
Type 5 JB#00692	600 Amp 1 Way	\$ 40,047.00	\$ 40,047.00	\$ 37,984.00	\$ 28,650.00
Type 9 JB#00694	600 Amp 2 Way	\$ 54,591.00	\$ 54,591.00	\$ 77,316.00	\$ 54,768.00
Type 11 JB#00697	600 Amp 1 Way	\$ 51,386.00	\$ 51,386.00	\$ 78,394.00	\$ 45,582.00
Type 12 JB#01440	600 Amp 1 Way	\$ 61,686.00	\$ 61,686.00	\$ 76,239.00	\$ 62,526.00
		\$207,710.00	\$207,710.00	\$ 269,933.00	\$191,526.00

Trayer Engineering Corporation was the low bidder and met all specifications with no exceptions. We anticipate installing six (6) to eight (8) pad mount switchgears during FY 2021. Funding for this purchase is included in the Beaches Energy Services Operations and Maintenance budget account # 410-12-1207-531-63-563000.

REQUESTED ACTION

Award/Reject Bid No. 1920-09 to Trayer Engineering Corporation for the purchase of Pad Mount Switchgear.

This is the only recommendation notice you will receive. If there are other representatives in your firm working on this project, please forward to their attention.

**NOTICE OF INTENT TO SUBMIT BID FOR APPROVAL AND
AWARD BY CITY COUNCIL - REVISED**

Date: September 17, 2020
 From: Luis F. Flores, Property and Procurement Officer
 RE: **Bid No. 1920-09 Pad Mount Switchgear**

Recommendation will be presented to the City Manager for:

Bid Number: 1920-09
 Title: Pad Mount Switchgear

Following is the bid tabulation sheet:

Type	VFI Positions	Anixter	Gresco	Stuart C. Irby	Trayer
Type 5 JB#00692	600 Amp 1 Way	\$ 40,047.00	\$ 40,047.00	\$ 37,984.00	\$ 28,650.00
Type 9 JB#00694	600 Amp 2 Way	\$ 54,591.00	\$ 54,591.00	\$ 77,316.00	\$ 54,768.00
Type 11 JB#00697	600 Amp 1 Way	\$ 51,386.00	\$ 51,386.00	\$ 78,394.00	\$ 45,582.00
Type 12 JB#01440	600 Amp 1 Way	\$ 61,686.00	\$ 61,686.00	\$ 76,239.00	\$ 62,526.00
		\$207,710.00	\$207,710.00	\$ 269,933.00	\$191,526.00

Recommendation will be presented to the City Manager for Intent to Award of Bid No. 1920-09 Pad Mount Switchgear to **Trayer Engineering Corporation**.

The complete bid tabulation sheet is attached herewith.

In accordance with the procedures set forth in Section XII K. of the City of Jacksonville Beach Purchasing Manual, a written notice of intent to file a protest must be filed with the Property and Procurement Officer within three (3) business days, Monday through Friday, 8:00 AM – 4:00 PM, after receipt by the respondent of the Bid Award Notice from the Property and Procurement Officer.

If awarded, please do not proceed with any work prior to receiving an official City of Jacksonville Beach Purchase Order and/or Notice-to-Proceed letter.

We would like to thank each bidder for their submittal.

Luis F. Flores

Luis F. Flores, Property & Procurement Officer
 1460A Shetter Avenue, Jacksonville Beach, FL 32250

City of
 Jacksonville Beach
 Property and
 Procurement Division
 1460A Shetter Avenue
 Jacksonville Beach
 FL 32250
 Phone: 904.247.6229
 Email: purchasing@jaxbchfl.net
 www.jacksonvillebeach.org



MEMORANUM

TO: Michael J. Staffopoulos, City Manager
 FROM: Dennis W. Barron, Jr., Director of Public Works
 SUBJECT: Bid No. 1920-10, Asphaltic Concrete Milling, Paving and Overlaying of Roadways
 DATE: September 17, 2020

BACKGROUND

This project is part of the City's street maintenance program to renew aging roadways, where street surfaces are renewed by milling and repaving or overlaying. This project entails resurfacing up to 4.8 miles (+/-) of roadways in the following areas:

- Rip Tide Subdivision (Bid Item 1),
- 5th thru 10th Avenues and 14th and 15th Avenues between 1st and 3rd Streets South (Bid Item 2)
- Ocean Drive South from 30th to 37th Avenues to include 31st thru 37th Avenues between Ocean Drive and 1st Street South, 34th, 35th, 36th, 37th Avenues between 1st Street & 3rd Street South (Bid Item 3)
- 2nd Street South and Old A1A, 4th Avenue North from 11th Street North to 3rd Street North (Bid Item 4)

All areas are shown on the attached overview map.

Twelve (12) invitations to bid were issued and five (5) bids were received. After review of the bids, (The bid tabulation sheet is attached), the Public Works Streets Division staff evaluated the bids and recommended award to the lowest qualified bidder, Duval Asphalt Products, Inc. The cost and staff recommendation are summarized below:

AWARD RECOMMENDATION for Unit Price Bid No. 1920-10, Asphaltic Concrete Milling, Paving and Overlaying of Roadways		
<u>Description</u>	<u>Estimated Cost</u>	<u>Recommendation</u>
<u>Bid Items</u> 1,2,3,4 (about 4.8 miles)	\$573,875.50	• <u>Award</u> to Duval Asphalt Products, Inc., the lowest qualified bidder.
<u>Bid Item</u> 5A 5B	A) \$750.00 Each B) \$500.00 Each	• Manhole and Valve Box adjustments, as needed (respectively, not included in sub-total)

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



		<ul style="list-style-type: none"> • <u>Authorize</u> to Duval Asphalt Products, Inc., the lowest qualified bidder.
Sub-Total:	\$573,875.50	
10% Contingency:	<u>\$57,387.55</u>	
Grand Total:	\$631,263.05	<ul style="list-style-type: none"> • Project budget is maximized

The Bid Request, Bid Response, Response Summary, Bid Tabulation and Intent to Award from Duval Asphalt, are available for review in hardcopy at the City Clerk Office and through the following links:

Original Bid Request

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:27827ed0-72b5-458e-89f8-10a6ba05307a>

Duval Asphalt Response

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:0834f6df-78d1-45df-ab1e-419196a08469>

Response Summary, Bid Tabulation, and Intent to Award

<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:24d7d4b0-45de-4844-bbe5-983e26a1b94d>

Contract Document – Duval Asphalt

Project funding is available in the Infrastructure Surtax Fund reserves and the budget in account (151-00-0000-541-46-546000), will be adjusted accordingly at mid-year FY2021.

REQUESTED ACTION

Award/Reject Bid Items 1 thru 5 of Bid No. 1920-10, titled Asphaltic Concrete Milling, Paving and Overlaying of Roadways, to Duval Asphalt Products, Inc., as explained in the memorandum from the Public Works Director dated September 17, 2020.

**CONTRACT AGREEMENT FOR ASPHALT CONCRETE
MILLING, PAVING AND OVERLAYING OF ROADWAYS**

THIS AGREEMENT is made and entered on **October 5, 2020**, by and between the **CITY OF JACKSONVILLE BEACH, FLORIDA**, a municipality organized and existing under the laws of the State of Florida, hereinafter referred to as CITY, and **DUVAL ASPHALT PRODUCTS, INC.**, hereinafter referred to as CONTRACTOR or DUVAL ASPHALT, for CONTRACTOR to provide CITY with Asphalt Concrete Milling, Paving and Overlaying of Roadways Services in specific locations within the CITY.

WITNESSETH:

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1: Scope of Asphalt Concrete Milling, Paving and Overlaying of Roadways Services.

CONTRACTOR shall provide and complete all work as specified or indicated in the Contract Documents that include this Agreement and all Bid No.1920-10 documents and CONTRACTOR's proposal to same, and any related CITY approved Change Orders. The work contemplated by this Agreement is generally described as follows:

**BID NO. 1920-10 ASPHALT CONCRETE MILLING, PAVING AND
OVERLAYING OF ROADWAY
FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA.**

All of CONTRACTOR's services shall be performed in accordance with the Bid Specifications prepared by the CITY Public Works Department. Services shall be for all materials, equipment and services, including labor to perform Roadways Asphalt Concrete Milling, Paving and Overlaying Services, of which the requirements and scope of services are more specifically detailed in: **Attachment "A": BID No. 1920-10.**

Article 2: CITY's Responsibility.

Access to Work Area: The CITY shall provide CONTRACTOR with reasonable access to all areas in which CONTRACTOR's services and obligations under this Agreement are to be performed and executed.

Article 3: Terms of Agreement.

This Agreement shall be effective from the date of City Council action, **October 5, 2020, and only after final execution of the Agreement by the CITY and CONTRACTOR.** Simultaneously with the delivery of the executed contract to the CITY, the CONTRACTOR must deliver to the CITY its Certificates of Insurance and executed Performance and Payment Bonds on the prescribed forms, each in an amount of one-hundred percent (100%) of the total amount of the accepted Bid/Proposal, as security for the faithful performance of the contract and for the payment of all persons performing labor or furnishing materials or equipment in connection therewith.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

Article 4: Nonexclusive Contract.

Nothing herein is intended nor shall be construed as creating any exclusive arrangement with CONTRACTOR. This Agreement does not restrict the CITY from acquiring similar, equal or like goods and/or services from other entities or sources. The CITY makes no guarantee of amount of work for CONTRACTOR under this Agreement.

Article 5: Payment To CONTRACTOR.

CONTRACTOR agrees to provide services as described in the Contract Documents and comply with the terms therein.

- 5.1 *For Basic Services:* CITY shall pay CONTRACTOR for contractual services performed or furnished under **BID No. 1920-10 (Attachment “A”)**, as set forth in CONTRACTOR’s Proposal Packet (**Attachment “B”**) submitted by CONTRACTOR in response to: **BID No. 1920-10 and associated PROPOSAL TENDER FORM.**
- 5.2 *For Additional Services:* Notwithstanding the scope of work enumerated in **Attachment “A,”** CONTRACTOR will, upon written request from the CITY, provide any and all other services normally falling within the services offered by CONTRACTOR. In advance of performance of additional services, CITY and CONTRACTOR shall agree in writing to the additional services and negotiated price, consistent with the type of services requested. CONTRACTOR shall not perform additional services without prior written agreement on the services and price by the CITY.
- 5.3 *Invoices.*
 - A. *Preparation of Invoices:* Invoices will be prepared in accordance with CONTRACTOR’s standard invoicing practices, in a form acceptable to the City’s Finance Department, and will be submitted to the CITY by CONTRACTOR, unless otherwise agreed. The amount billed in each invoice will be calculated as set forth herein. Invoices are to be issued by the 10th of the month for services rendered in the previous month.
 - B. *Payment of Invoices:* Invoices are due and payable within 30 days of receipt.
 - C. *Disputed Invoices:* In the event of a disputed or contested invoice, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.
- 5.4 *Payment Upon Termination:* In the event of termination, CONTRACTOR will be entitled to be paid for all services performed or furnished through the effective date of termination.
- 5.5 *Records of CONTRACTOR’s cost:* Records of CONTRACTOR’s cost pertinent to CONTRACTOR’s compensation under this Agreement shall be kept in accordance with generally accepted accounting practices. Upon the CITY’s request, copies of such records

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

will be made available by CONTRACTOR to the CITY, at no cost to the CITY. CONTRACTOR's costs records are public record.

Article 6: Standards of Performance.

CONTRACTOR and CITY shall comply with applicable laws, regulations, and CITY mandated performance standards and regulations. This Agreement is based on these requirements as of its Effective Date and includes **Attachment "A."** Changes to these requirements after the Effective Date may be the basis for modifications to CONTRACTOR's scope of work, times of performance, or compensation.

Article 7: CONTRACTOR as Independent Contractor.

It is expressly agreed and understood that CONTRACTOR is in all respects, an independent contractor as to the work and is in no respect an agent, servant, or employee of the CITY. This Agreement and the Contract Documents specify the work to be done by CONTRACTOR. The method to be employed to accomplish the work is the responsibility of CONTRACTOR.

Article 8: Subcontracting.

CONTRACTOR may subcontract services to be performed hereunder with prior approval of the CITY. No such approval will be construed as making the CITY a party of or to such subcontract, or subjecting the CITY to liability of any kind to any subcontract. No subcontract shall, under any circumstances, relieve CONTRACTOR of its liability and obligation under this Agreement. Despite any such subcontracting, the CITY shall deal through CONTRACTOR, and subcontractors will be dealt with as workers and representatives of CONTRACTOR.

Article 9: Authorized Project Representatives.

Upon the execution of this Agreement, CONTRACTOR and CITY shall designate specific individuals to act as representatives with respect to the services to be performed or furnished by CONTRACTOR and responsibilities of CITY under this Agreement. Such individuals shall have authority to transmit instructions, receive information, and render decisions relative to the work on behalf of each respective party.

Article 10: Inspection of Work.

CONTRACTOR shall furnish the CITY or the CITY's representative with every reasonable opportunity for determining whether or not the work is performed in accordance with the requirements of this Agreement. The CITY may appoint persons to inspect CONTRACTOR's operations, equipment, and performance, and CONTRACTOR shall permit these persons to make such inspections.

Article 11: Right To Require Performance.

The failure of either the CITY or CONTRACTOR at any time to require performance by the other party of any provisions hereof shall in no way affect the right of the performing party thereafter to enforce the same. Nor shall waiver by such party of any breach of any provision hereof be taken

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
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THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

Article 12: Extraordinary Occurrences.

It is agreed that in no event shall the CITY or CONTRACTOR be liable or responsible to each other or to other persons for damages resulting from deficiencies or delays in the work herein provided for, where such deficiencies or delays result from acts of God, fire, natural disaster, or any other cause not within reasonable control of the CITY or CONTRACTOR. CONTRACTOR recognizes the essential nature of the services to be performed hereunder and will use its best efforts to discharge its functions despite such extraordinary occurrences.

Article 13: Insurance.

- 13.1 *Hold Harmless*: The CITY shall be held harmless against all claims, actions, and suits for bodily injury, disease, death, personal injury, and damage to property or loss of use resulting there from, to the extent caused by CONTRACTOR or its subcontractors, unless such claims are a result of the CITY's sole negligence.
- 13.2 *Payment on Behalf of the CITY*: CONTRACTOR agrees to pay on behalf of the CITY, the CITY's legal defense, for all claims, actions, and suits resulting from CONTRACTOR or its subcontractors' work under this Agreement. Such payment on behalf of the CITY shall be in addition to all other legal remedies available to the CITY and shall not be considered to be the CITY's exclusive remedy.
- 13.3 *Loss Control/Safety*: Precaution shall be exercised at all times by CONTRACTOR for the protection of all persons, employees, and property. CONTRACTOR shall comply with all laws, regulations, and ordinances related to safety and health, shall make special efforts to detect hazardous conditions, and shall take prompt action where loss control and safety measures should reasonably be expected.
- 13.4 *Proof of Carriage of Insurance & Naming CITY as Additional Insured*. CONTRACTOR shall furnish the CITY with satisfactory proof of carriage of insurance required herein. CONTRACTOR shall name the CITY as additional insured on CONTRACTOR'S, and any sub-consultant's or subcontractor's Public Liability, Property Damage, and Comprehensive Automobile Liability Insurance Policies. The additional insured shall be provided the same coverage as the primary insured for losses arising from work performed by CONTRACTOR or its sub-consultant's or subcontractor's. The proof of carriage or a copy of all policies shall be required prior to commencement of any work under this Agreement.

The CITY may order work to be stopped if conditions exist that present immediate danger to persons or property. CONTRACTOR acknowledges that such stoppage will not shift responsibility for any damages or losses from CONTRACTOR to the CITY.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

13.5 *Insurance Requirements.* Basic Coverage's Required: During the term of this Agreement, CONTRACTOR shall procure and maintain the following-described insurance and/or self-insurance except for coverage's specifically waived by the CITY. All policies and insurers must be acceptable to the CITY.

These insurance requirements shall not limit the liability of CONTRACTOR. The CITY does not represent these types of amounts of insurance to be sufficient or adequate to protect CONTRACTOR's interests or liabilities, but are merely minimums.

A. Workers Compensation Coverage is required.

CONTRACTOR and all subcontractors shall purchase and maintain workers' compensation insurance for all workers' compensation obligations imposed by state law with employers' liability limits of at least \$100,000 each accident, \$100,000 each employee and \$500,000 policy limit for disease.

CONTRACTOR and all subcontractors shall also purchase any other coverage's required by law for the benefit of employees.

B. General Liability Coverage is required for all CONTRACTOR and Subcontractors.
Commercial General Liability in Occurrence Form.

Coverage A shall include Bodily Injury and Property Damage coverage for liability claims arising from premises, operations, contractual liability, independent Contractors, products and complete operations and including but not limited to coverage for claims resulting from explosion, collapse, or underground (x,c,u) exposures (if any).

Coverage B shall include personal injury and **is required**

Coverage C, medical payments **is not required.**

Amounts:	Bodily Injury:	\$1,000,000	each occurrence
		\$1,000,000	Aggregate
	Property Damage:	\$1,000,000	each occurrence
		\$1,000,000	aggregate

C. Products and Completed Operations are required for CONTRACTOR and all Subcontractors.

Amounts:	\$1,000,000	aggregate
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CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

D. Business Auto Liability Coverage is required for CONTRACTOR and all Subcontractors.

Business Auto Liability coverage is to include bodily injury and property damage arising out of ownership, maintenance, or use of any vehicle, including owned, non-owned and hired vehicles, and employee non-ownership use.

Amounts:	Bodily Injury:	\$1,000,000	each occurrence
		\$1,000,000	Aggregate
	Property Damage:	\$1,000,000	each occurrence
		\$1,000,000	aggregate

E. Professional Liability is not required.

F. Pollution Liability required of CONTRACTOR and all Subcontractors.

The CITY requires Pollution/Environmental Liability insurance covering cleanup costs including on-site discovery and third party liability, on-site and off-site third party pollution liability coverage, natural resources damage coverage.

Limits of Liability:	\$1,000,000	Each Pollution Event Limit
	\$1,000,000	Aggregate Policy Limit

G. Excess or Umbrella Liability Coverage.

Umbrella Liability insurance is preferred, but an Excess Liability equivalent may be allowed. Whichever type of coverage is provided, it shall not be more restrictive than the underlying insurance policy coverage.

H. Claims Made Coverage – No Gap

If any of the required liability insurance is provided on a “claims made” form, such coverage shall extend for a period of not less than 36 months following completion of the Agreement. In the event of termination of a claims made policy, extended coverage may be provided by assurance that extended discovery coverage of at least 36 months will be purchased from the expiring insurer, or by assurance that the succeeding insurer will provide retroactive coverage with an inception date of at least on or before the effective date of this Agreement.

I. Certificates of Insurance

Required insurance shall be documented in Certificates of Insurance which provide that the CITY shall be notified at least 30 calendar days in advance of cancellation, non-renewal, or adverse change.

New Certificates of Insurance are to be provided to the CITY at least 15 calendar days prior to coverage renewals.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

If requested by the CITY, the CONTRACTOR shall furnish complete copies of the CONTRACTOR'S insurance policies, forms, and endorsements.

For Commercial General Liability coverage, CONTRACTOR shall at the option of the CITY, provide an indication of the amount of claims, payments, or reserves chargeable to the aggregate amount of liability coverage. NOTE: Any subcontractors approved by the CITY shall be required to provide proof of insurance identical in amounts as required by the contract to perform related services. All coverage's shall name the CITY as "additional insured".

Receipt of certificates or other documents of insurance or policies or copies of policies by the CITY, or by any of its representatives, which indicate less coverage than required will not constitute a waiver of the CONTRACTOR's obligation to fulfill the insurance requirements herein.

Article 14: Termination.

The obligation to provide further services under this Agreement may be terminated:

14.1 *For cause.* By either the CITY or CONTRACTOR upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

14.2 *For convenience.* By the CITY, effective upon the receipt of notice by CONTRACTOR. The CITY's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the City Council.

Article 15: Indemnification.

A: General Indemnity. To the fullest extent permitted by law, CONTRACTOR shall hold harmless, indemnify, and pay on behalf of the CITY, CITY's officers, directors, partners, agents, contractors, and employees from and against any and all costs, losses, and damages, including claims for bodily injury, disease, death, personal injury, and damage to property or loss of use resulting therefrom, and for professional liability (including, but not limited to all fees and charges of contractors, architects, attorneys, and other professionals, and all court, arbitration, or other resolution costs) caused by the negligent acts or omissions of CONTRACTOR or CONTRACTOR's officers, directors, partners, agents, contractors, employees, and CONTRACTOR's consultants, agents, and contractors in the performance and furnishing of CONTRACTOR's services under this Agreement, unless such claims are a result of the CITY's sole negligence. Such payments on behalf of the CITY shall be in addition to all other legal remedies available to the CITY and shall not be considered to be the CITY's exclusive remedy.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

B: Copyright and Intellectual Property Rights. At CONTRACTOR's expense as described herein, CONTRACTOR shall indemnify, defend and hold CITY and its affiliates and their respective directors, officers, employees, and contractors and agents harmless from and against any claims that any of the professional services allegedly infringe a patent, copyright, trademark, trade secrets or other intellectual property right by defending against such claim and paying all amounts that a court awards or that CONTRACTOR agrees to in settlement of such claim. CONTRACTOR shall also reimburse the CITY for all reasonable expenses incurred by the CITY in respect of each claim. To qualify for such defense and payment, CITY must: (i) give CONTRACTOR prompt written notice of such claim; and (ii) allow CONTRACTOR to control and fully cooperate with CITY in the defense and all related negotiations. CONTRACTOR's obligation under this Section is conditional upon CITY's agreement that if the professional services become, or in CONTRACTOR's opinion (as stated in writing to CITY by CONTRACTOR) is likely to become the subject of an infringement claim, then CITY shall permit CONTRACTOR at CONTRACTOR's expense either to procure the right for CITY to continue to use such intellectual property contained in the professional services, or to replace or modify it so that it becomes non-infringing and retains in all material respects comparable functionality in the CITY'S environment. CONTRACTOR shall have no obligation with respect to any claim to the extent it is based on: (i) CITY's use of the intellectual property contained in the professional services in violation of this Agreement; (ii) modifications or user controlled features not authorized by CONTRACTOR; (iii) custom programming for which CONTRACTOR does not develop the specifications or where the code at issue is supplied by CITY. This subsection states CONTRACTOR's entire obligation regarding intellectual property right infringement.

Article 16: Notices.

Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address on the signature page and given personally, or by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon date of receipt.

Article 17: Survival.

All express representations, indemnifications, or limitations of liability included in this Agreement will survive its completion or termination for any reason.

Article 18: Severability.

Any provision or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the CITY and CONTRACTOR, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Article 19: Waiver.

Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

Article 20: Headings.

The headings used in this Agreement are for general reference only and do not have special significance.

Article 21: Contract Documents.

The Contract Documents which comprise the entire Agreement between the CITY and CONTRACTOR consist of the following, which are made a part thereof:

- 21.1 Contract Agreement for Graffiti Abatement Services (pages 1 through 12, inclusive).
- 21.2 Attachment “A”: BID No. 1920-10 in total.
- 21.3 Attachment “B”: Bid Proposal Packet submitted by CONTRACTOR in response to **BID No. 1920-10**, including, but not limited to:
 - A. CONTRACTOR’s PROPOSAL TENDER FORM.
 - B. CONTRACTOR’s DRUG-FREE WORKPLACE COMPLIANCE FORM.
 - C. CONTRACTOR’s NON-COLLUSION STATEMENT.
 - D. CONTRACTOR’s NON-BANKRUPTCY AFFIDAVIT.

There are no Contract Documents other than those listed above in this Article 21. The Contract Documents may only be altered, amended, or repealed in accordance with the Terms and Conditions.

Article 22: Governing Law.

This Agreement shall be governed by the laws of the State of Florida. Both parties agree that the courts of the State of Florida shall have jurisdiction of any claim arising in connection with this Agreement. In the event of litigation arising out of this Agreement, the prevailing party shall be entitled to the award of attorney’s fees and costs at both the trial and appellate level.

Article 23: Materials and Services.

The professional fees for CONTRACTOR’s services are set forth on the “Fee Schedule” as contained in CONTRACTOR’s submitted proposal and made part hereof.

Article 24: General Terms.

CONTRACTOR shall hold harmless and defend the CITY, its officers, agents, and employees from and against all losses and all claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description and all costs, including attorney fees, arising under this Agreement, including claims for property damage and claims for injury to or death of persons arising out of or occurring as a result of any act or omission of the CITY, its officers, agents, or employees in the performance of its obligation to the CITY, other than claims arising from the intentional or negligent acts or omissions of the CITY, its officers, agents, or employees.

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
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CONTRACTOR, without exception, shall indemnify and hold harmless the CITY, its officers, agents, and employees from liability of any nature or kind, including costs and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of this Agreement, including use by the CITY.

The CITY is a government agency; therefore, the CITY is exempt from any sales tax. However, the CITY agrees to reimburse CONTRACTOR for any other taxes, duties, or other fees that CONTRACTOR may be required to pay when performing services or producing material on behalf of the CITY.

It is agreed that all materials and information furnished to CONTRACTOR by the CITY or to the CITY by CONTRACTOR shall remain confidential, except to the extent that such materials and information have become a matter of public record, and such materials and information shall not be divulged except as required under this Agreement or by the Laws of the State of Florida.

Article 25. Public Records Law Chapter 119 Florida Statutes.

The Parties acknowledge that the CITY is a governmental entity subject to the Florida Public Records Law, as governed by Chapter 119, Florida Statutes. In accordance with Section 119.0701, Florida Statutes, the following provisions are included in this contract:

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE CITY OF JACKSONVILLE BEACH, CITY CLERK'S OFFICE:
TELEPHONE NUMBER: 904-247-6250 EXT # 11
EMAIL ADDRESS: CITYCLERK@JAXBCHFL.NET
MAILING ADDRESS: 11 NORTH THIRD STREET
JACKSONVILLE BEACH, FL 32250**

CONTRACTOR must keep and maintain public records required by the CITY to perform the services. CONTRACTOR acknowledges that upon request from the CITY, CONTRACTOR must provide the CITY with a copy of the requested records or allow the record to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. CONTRACTOR must ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if CONTRACTOR does not transfer the records to the CITY. Upon completion of the Agreement, CONTRACTOR shall transfer, at no cost to the CITY, all public records in its possession OR keep and maintain all public records required by the CITY to perform the service contemplated herein. If CONTRACTOR transfers all public records to the CITY upon

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
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completion of the Agreement, CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If CONTRACTOR keeps and maintains the public records upon completion of the Agreement, CONTRACTOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the CITY, upon request from the CITY, in a format that is compatible with the CITY's information technology systems.

CONTRACTOR acknowledges that a request to inspect or copy public records relating to a CITY'S Agreement for services must be made directly to the CITY. If the CITY does not possess the requested records, the CITY shall immediately notify CONTRACTOR of the request, and CONTRACTOR must provide the records to the CITY or allow the records to be inspected or copied within a reasonable time. If CONTRACTOR fails to provide the public records to the CITY within a reasonable time it may be subject to penalties under Section 119.10, Florida Statutes. CONTRACTOR acknowledges its potential liability pursuant to Section 119.0701(4), Florida Statutes, if the CITY has to seek legal action to compel CONTRACTOR to produce public records relating to a CITY'S Agreement for services.

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CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement in triplicate. One counterpart each has been delivered to CITY and CONTRACTOR. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR on their behalf.

This Agreement was made and entered into as of the last signature date shown below and has Effective Date of October 5, 2020 (Article 3).

CITY: CITY OF JACKSONVILLE BEACH, FLORIDA

BY: _____

William C. Latham, Mayor

Date Signed: _____

BY: _____

Mike Staffopoulos, City Manager

Date Signed: _____

ATTEST: _____

Laurie Scott, City Clerk

Date Signed: _____

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney

CONTRACTOR: DUVAL ASPHALT PRODUCTS, INC.

BY: _____

PRINTED NAME: _____

TITLE: _____

Date Signed: _____

(CORPORATE SEAL)

ATTEST: _____

PRINTED NAME: _____

Date Signed: _____

CONTRACT AGREEMENT FOR ASPHALTIC CONCRETE MILLING, PAVING AND OVERLAYING OF
ROADWAYS BETWEEN
THE CITY OF JACKSONVILLE BEACH AND DUVAL ASPHALT PRODUCTS, INC.

AGENT FOR SERVICE OF PROCESS

CITY:

CONTRACTOR:

Address for Giving Notices:

Address for Giving Notices:

City of Jacksonville Beach

Duval Asphalt Products, Inc.

Department of Public Works

7544 Phillips Hwy

1460A Shetter Avenue

Jacksonville, FL 32256

Jacksonville Beach, FL 32250

Designated Representative
(Article 9):

Designated Representative
(Article 9):

Name: Dennis Barron, Jr., MBA

Name: Chris Wright

Title: Director of Public Works

Title: Assistant Secretary

Phone Number: (904) 247-6219

Phone Number: (904) 296-2020

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6274

Fax: 904.270.1642

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Ann Meuse, Human Resources Director

SUBJECT: Resolution Number 2067-2020, Amending the Position Classification and Pay Plan for Managerial, Professional, Administrative and Unclassified (Nonunion), Effective October 5, 2020

DATE: October 5, 2020

ACTION REQUESTED

Adopt Resolution Number 2067-2020, amending the Position Classification and Pay Plan for Managerial, Professional, Administrative and Unclassified (Nonunion) positions, effective October 5, 2020, which reclassifies and establishes positions within the Public Works Department due to a reorganization of the department and establishes a Community Redevelopment Agency Program Manager position in the Planning and Development Department.

BACKGROUND

Public Works:

Currently the Public Works Department is structured into four separate divisions, Streets, Distribution & Collection, Pollution Control and Water Plant, all reporting directly to the Department Director. This structure does not allow for delegation in the absence of a division director and is not efficient for the proper management of the public works operations.

Instead, the Director of Public works is proposing to consolidate the Streets and Distribution & Collection Divisions and reclassify existing positions in those divisions to create a superintendent and deputy superintendent for the newly created division. He is also proposing to consolidate the Pollution Control and Water Plant Divisions and create a superintendent, deputy superintendent and plant operations managers in this newly created division as well. The following is



Pay Plan Amendment

October 5, 2020

Page 2 of 2

a summary of the positions that will be reclassified or established by this resolution:

Current Position Title	Pay Grade	New Position Title	Proposed Grade
Streets Superintendent	324	Streets and D&C Superintendent	326
D&C Superintendent	324	Streets and D&C Deputy Superintendent	324
Utility Plant Superintendent (PCP)	324	Utility Plant Operations Superintendent	326
Utility Plant Superintendent (Water)	324	Utility Plant Operations Deputy Superintendent	324
Promotional Opportunity		Plant Operations Manager	322

No additional staffing is proposed as a result of the Public Work's department reorganization and there is no financial impact on the budget.

Planning and Development:

The 2020/2021 annual operating budget, approved by the City Council on September 14, 2020, includes the addition of a Community Redevelopment Agency Program Manager in the Planning and Development Department. This resolution adds this position to the Position Classification and Pay Plan for Managerial, Professional, Administrative and Unclassified (Nonunion).

REQUESTED ACTION

Adopt/Deny Resolution Number 2067-2020, amending the Position Classification and Pay Plan for Managerial, Professional, Administrative and Unclassified (Nonunion) positions, effective October 5, 2020.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 2067-2020

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE CITY OF JACKSONVILLE BEACH POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, AND ADMINISTRATIVE (NON-UNION) POSITIONS, EFFECTIVE OCTOBER 5, 2020.

WHEREAS, the City Council has adopted a Position Classification and Pay Plan which establishes job classifications and salary ranges for each position that are competitive with similar positions in the labor market; and

WHEREAS, it periodically becomes necessary to update the Position Classification and Pay Plan to ensure positions are properly classified and compensated in accordance with skill levels, job duties, and supervisory responsibility.

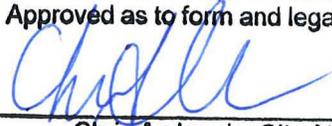
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA THAT:

SECTION 1. The City amends the Position Classification and Pay Plan for Managerial, Professional, and Administrative (Non-union) Positions attached hereto as *Attachment A*, dated October 5, 2020, which reclassifies positions and adds a position in the Public Works Department due to the reorganization of the Public Works Department, and adds a Community Redevelopment Agency Program Manager in the Planning and Development Department.

SECTION 2. The City Manager is hereby authorized to implement the amended pay plan and take any action necessary to carry out implementation not in conflict with any other laws or ordinances.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this ___ day of _____, 2020.

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

CITY OF JACKSONVILLE BEACH
POSITION CLASSIFICATION AND PAY PLAN



Managerial, Professional and Administrative (Nonunion)

Effective October 1, 2019

Last Revised 10/5/2020

INTRODUCTION

The Position Classification and Pay Plan for the City of Jacksonville Beach is divided into three major sections:

Section I: General Rules and Regulations provides for the rules which guide the administration of the Position Classification and Pay Plan.

Section II: Classification and Pay Grades provides for the assignment of a classification and pay grade to each position within the plan.

Section III: Pay Grade Schedule provides pay grades and pay ranges in hourly and annual amounts. Minimums, maximums and midpoints are identified.

Job descriptions have been written for each classification in the plan. Although not part of this document, the job descriptions are incorporated by reference and are on file for review in the Human Resources Department.

The position classification plan brings together a number of nonunion management, professional and administrative positions under a single classification plan. The plan provides that all positions receive similar treatment with respect to matters of classification. The plan also provides for normal lines of promotion and career development ladders. The organization and arrangement of classes facilitates various aspects of personnel administration such as records processing, position control, recruitment, testing, training and budget control.

The pay plan consists of a system of pay ranges assigned to all classes of work. The pay plan is intended to:

- 1) Provide equal pay for equal work;
- 2) Provide a means of rewarding employees for continued good or outstanding service;
- 3) Provide a convenient method of adjusting the plan to meet changes in conditions which require change in pay levels; and,
- 4) Establish salary and wage rates which compare satisfactorily with those public and private employers in competitive market areas for each position, and thus to permit the City to attract and retain qualified employees.

SECTION I GENERAL RULES AND REGULATIONS

A. Administration of the Pay Plan

- 1) Primary responsibility for establishment and upkeep of the classification and pay plan is assigned to the City Manager, or designee.
- 2) All changes and improvements will be made through recommendations to the Human Resources Director, who will analyze and determine whether they should be considered.
- 3) The entire plan shall be reviewed on an annual basis by the City Manager or designee. Following the review, any proposed revisions will be submitted by the City Manager to the City Council for adoption.
- 4) The Pay Grade Schedule consists of a salary schedule showing salary ranges and midpoints.
- 5) An employee may receive a salary increase by means of merit salary advancement, promotion, reclassification, or a pay range adjustment, if there is an availability of funds.
- 6) The rate of pay of an employee within the pay grade will depend on merit. There are no provisions in the pay plan for automatic salary advancement as all merit increases are to be based upon work performance and other pertinent factors as evaluated by the employee's supervisor.
- 7) The performance evaluation system is to develop incentive among employees to improve their work performance.
- 8) The City Manager may approve special increases based on evaluation of performance and/or to address what the City determines to be pay inequities.

B. Appointments and Starting Rates

- 1) The minimum salary established for a position is considered the normal appointment rate for new employees.
- 2) Appointments below or above the minimum salary may be authorized by the City Manager in the following situations:
 - a) If the applicant's training, experience or other qualifications are substantially above those required for the position;
 - b) Exceptions as noted in the trainee category.
- 3) When an employee is promoted from a lower to a higher pay grade, the promotion shall always include a minimum of a five percent (5%) salary increase (this provision shall apply to promotions only and not to transfers).

Police Sergeants promoted to Commander shall be eligible for a 20% pay increase.

C. Merit Increases

- 1) A merit salary advancement is a salary increase within the same pay grade and is not considered to be automatic, but based upon an evaluation of performance of an individual.
- 2) An employee is eligible for a merit advancement of 2% to 3% over the current rate of pay on the anniversary date of employment in the position, as warranted by performance, provided there are funds available for the increase.

D. Probationary Increases

- 1) Employees hired or promoted between April 1, 2019 and September 30, 2019, whose probationary period ends between October 1, 2019 and March 30, 2020, are eligible for a merit salary advancement of up to 5% upon satisfactory completion of the probationary period in the position, as warranted by performance, provided that funds are available for the increase.
- 2) Employees hired or promoted on or after October 1, 2019 are not eligible for a pay increase upon completion of the probationary period.

E. Lead Worker Category

- 1) A Lead Worker position is defined as a work assignment where duties of a supervisory nature are assigned over a group of positions classified the same as that of the Lead Worker. The assignment is typical in laboring or trade occupations where the foreman or supervisor must visit several locations during the hours of a work day and work crews are left on the job without direct supervision.
- 2) The assignment of a Lead Worker should be made with care and be monitored periodically to assure that the employee is functioning in this capacity.
- 3) When assigned as Lead Worker the employee should receive up to a three percent (3%) increase above present pay while on the assignment. When the assignment is removed, the special pay provision will be removed. All Lead Worker assignments must be approved by the City Manager or designee prior to any compensation payment.

F. Training Category

- 1) In the event an applicant does not meet the minimum qualifications but is otherwise qualified for the position, the hiring authority may request the appointment as a trainee. This category is used to train people on the job who have a potential to do the work but lack some of the skills or experience needed.
- 2) In such cases the employee would be hired at a rate of 10 to 30 percent below the minimum salary until the minimum qualifications have been satisfied.
- 3) The normal time a person would spend in this category would usually be a minimum of six months and a maximum of eighteen months.

G. EXCEL (Excellent City Employees with Longevity) Program

- 1) An employee is eligible for a lump sum award of 2% to 3% over the current rate of pay, based upon the performance evaluation, once the individual has achieved progression to the maximum pay in the assigned pay grade. EXCEL awards will be provided in one lump sum and will not be added to the employee's base pay. Appropriate tax exclusions will be made.
- 2) EXCEL increases may be awarded once every year. An EXCEL award shall not be given during the same year as a merit increase. Exception is granted if the individual is recommended for an increase and in order to award the increase it is necessary to combine the merit increase with a lump sum EXCEL amount so that the employee's pay rate does not exceed the maximum rate for the pay grade.

H. Qualification Increases

- 1) To promote skill and professional development, and to provide opportunities for advancement, certain employees may be eligible for a qualification increase upon obtaining a professional license or certification. To qualify for such an increase, the license or certification must be directly related to the employee's current position and must be included in the job description as a preferred, but not required, qualification. Employees will not receive an increase upon obtaining a license or certification that is required as a condition of employment.
- 2) Upon obtaining the qualified license or certification, and provided that all education, training, and performance requirements of the job are met, employees will receive an increase of 3%.

I. Automobile Allowance

- 1) Employees who are required to drive their personal vehicle during the regular course of City business may be eligible to receive either an automobile allowance or mileage reimbursement, as determined by the City Manager, in accordance with the City's travel policy. Employees who are issued a City vehicle are not eligible to receive an automobile allowance.
- 2) Employees approved for an automobile allowance will receive payment bi-weekly, in 26 equal installments per year. Eligible positions and annual amounts are as follows:

ELIGIBLE POSITION	ANNUAL AMOUNT
Chief Financial Officer	\$4,800.00
Deputy City Manager	\$4,800.00
Director Of Beaches Energy	\$4,800.00
Director Of Human Resources	\$4,800.00
Director Of Parks & Recreation	\$4,800.00
Director Of Planning & Development	\$4,800.00
Director Of Public Works	\$4,800.00
Police Chief	\$4,800.00
City Clerk	\$3,600.00
City Engineer	\$3,600.00
Regulatory Compliance Officer	\$3,600.00
Electrical Engineer	\$3,600.00
Electrical Engineer (PE)	\$3,600.00
Electrical Engineering Project Supervisor	\$3,600.00
Electrical Engineering Supervisor	\$3,600.00
Public Works Project Engineer	\$3,600.00
Property and Procurement Officer	\$3,600.00

SECTION II
CLASSIFICATIONS AND PAY GRADES

CLASSIFICATION	POSITION TITLE	GRADE
EXECUTIVE MANAGEMENT	* Chief Financial Officer	332
	* Deputy City Manager	335
	* Director Of Beaches Energy	335
	* Director Of Human Resources	329
	* Director Of Parks & Recreation	329
	* Director Of Planning & Development	329
	* Director Of Public Works	332
	* Police Chief	332
MANAGERIAL, PROFESSIONAL & ADMINISTRATIVE	* Accountant	319
	* Accounting Supervisor	323
	Administrative Assistant	312
	Assistant City Clerk	316
	* Assistant Customer Service Supervisor	318
	* Assistant CFO/Budget Officer	327
	Assistant to the City Manager	316
	Assistant to the Police Chief	316
	* Bus Relations/Conservation Coordinator	316
	* City Clerk	322
	* Communications Manager	322
	* Customer Service Supervisor	322
	Human Resources Generalist	317
	* Internal Auditor	322
	Legal Assistant	322
	Office Administrator	314
	Office Assistant	310
	* Payroll/Benefits Administrator	323
	Payroll Specialist	314
	* Utilities Accountant	318
INFORMATION SYSTEMS	* Associate Business Analyst	319
	* Business Analyst	323
	* Database Administrator	322
	* GIS Technical Architect	323
	* Information Systems Supervisor	327
	* Network Engineer	323
	* System Administrator	322

* Exempt from overtime under the Fair Labor Standards Act

SECTION II
CLASSIFICATIONS AND PAY GRADES

CLASSIFICATION	POSITION TITLE	GRADE
PLANNING & DEVELOPMENT	* Building Official	326
	* Planning Official	326
	* <u>CRA Program Manager</u>	<u>322</u>
	* Senior Planner	322
PROPERTY & PROCUREMENT	Building Maintenance Supervisor	315
	Chief Storekeeper	312
	* Procurement Administrator	321
	Procurement Associate	316
	* Property and Procurement Officer	327
ENERGY SERVICES	* Construction & Maintenance Supervisor	327
	* Electric Safety & Training Supervisor	322
	* Electrical Engineer	327
	* Electrical Engineer (PE)	328
	* Electrical Engineering Project Supervisor	330
	* Electrical Engineering Supervisor	330
	* Meter Services Supervisor	320
	* Regulatory Compliance Officer	330
	* Substation/Relay Supervisor	328
	* System Operations Supervisor	328
	* Utilities Superintendent	330
PUBLIC WORKS	* Distribution & Collection Superintendent	324
	* GIS Systems Analyst	321
	<u>Plant Operations Manager</u>	<u>322</u>
	* Public Works City Engineer	329
	* Public Works Project Engineer	329
	* Streets <u>and Distribution & Collection</u> Superintendent	<u>3264</u>
	* <u>Streets and Distribution & Collection Deputy</u> <u>Superintendent</u>	<u>324</u>
	Utility Plant Maintenance Supervisor	320
	* <u>Utility Plant Operations Deputy</u> <u>Superintendent</u>	<u>324</u>
	* Utility Plant <u>Operations</u> Superintendent	<u>3264</u>
PARKS & RECREATION	* Assistant Golf Course Superintendent	318
	Assistant Golf Professional	314
	Events Coordinator	314
	Golf Cart/Range Attendant	302
	* Golf Course Facility Manager	322
	* Golf Course Superintendent	322
	Golf Shop Attendant	308

SECTION II
CLASSIFICATIONS AND PAY GRADES

CLASSIFICATION	POSITION TITLE	GRADE
PARKS & RECREATION	Golf Starter	302
	* Park Maintenance Superintendent	322
	Recreation Leader	310
	Recreation Program Assistant	308
	* Recreation Superintendent	320
	Recreation Supervisor	316
	Tennis Court Attendant	302
	* Tennis Facility Manager	311
	PUBLIC SAFETY	* Fire Marshal
Deputy Fire Marshal		321
Police Accreditation Manager		315
* Police Commander		327
Police Records Supervisor		315
Police Volunteer Coordinator		308
Public Safety Communications Supervisor		319
Beach Patrol Guard		601
Beach Patrol Lieutenant		602
Assistant Ocean Rescue Supervisor		603
Ocean Rescue Supervisor		604
School Crossing Guard		901

*Exempt from overtime under the Fair Labor Standards Act

**SECTION III
PAY GRADE SCHEDULE**

GRADE	MINIMUM	MIDPOINT	MAXIMUM
302	\$9.74 \$20,259.20	\$12.76 \$26,540.80	\$15.78 \$32,822.40
303	\$10.23 \$21,278.40	\$13.40 \$27,872.00	\$16.57 \$34,465.60
304	\$10.74 \$22,339.20	\$14.07 \$29,265.60	\$17.40 \$36,192.00
305	\$11.28 \$23,462.40	\$14.77 \$30,721.60	\$18.27 \$38,001.60
306	\$11.84 \$24,627.20	\$15.51 \$32,260.80	\$19.18 \$39,894.40
307	\$12.43 \$25,854.40	\$16.29 \$33,883.20	\$20.14 \$41,891.20
308	\$13.06 \$27,164.80	\$17.10 \$35,568.00	\$21.15 \$43,992.00
309	\$13.71 \$28,516.80	\$17.96 \$37,356.80	\$22.21 \$46,196.80
310	\$14.39 \$29,931.20	\$18.86 \$39,228.80	\$23.32 \$48,505.60
311	\$15.11 \$31,428.80	\$19.80 \$41,184.00	\$24.49 \$50,939.20
312	\$15.87 \$33,009.60	\$20.79 \$43,243.20	\$25.71 \$53,476.80
313	\$16.66 \$34,652.80	\$21.83 \$45,406.40	\$26.99 \$56,139.20
314	\$17.50 \$36,400.00	\$22.92 \$47,673.60	\$28.34 \$58,947.20
315	\$18.37 \$38,209.60	\$24.07 \$50,065.60	\$29.76 \$61,900.80
316	\$19.29 \$40,123.20	\$25.27 \$52,561.60	\$31.25 \$65,000.00
317	\$20.25 \$42,120.00	\$26.53 \$55,182.40	\$32.81 \$68,244.80
318	\$21.27 \$44,241.60	\$27.86 \$57,948.80	\$34.45 \$71,656.00

**SECTION III
PAY GRADE SCHEDULE**

GRADE	MINIMUM	MIDPOINT	MAXIMUM
319	\$22.33 \$46,446.40	\$29.25 \$60,840.00	\$36.18 \$75,254.40
320	\$23.45 \$48,776.00	\$30.72 \$63,897.60	\$37.98 \$78,998.40
321	\$24.62 \$51,209.60	\$32.25 \$67,080.00	\$39.88 \$82,950.40
322	\$25.85 \$53,768.00	\$33.86 \$70,428.80	\$41.88 \$87,110.40
323	\$27.14 \$56,451.20	\$35.56 \$73,964.80	\$43.97 \$91,457.60
324	\$28.50 \$59,280.00	\$37.34 \$77,667.20	\$46.17 \$96,033.60
325	\$29.93 \$62,254.40	\$39.20 \$81,536.00	\$48.48 \$100,838.40
326	\$31.42 \$65,353.60	\$41.16 \$85,612.80	\$50.90 \$105,872.00
327	\$32.99 \$68,619.20	\$43.22 \$89,897.60	\$53.45 \$111,176.00
328	\$34.64 \$72,051.20	\$45.38 \$94,390.40	\$56.12 \$116,729.60
329	\$36.37 \$75,649.60	\$47.65 \$99,112.00	\$58.93 \$122,574.40
330	\$38.19 \$79,435.20	\$50.03 \$104,062.40	\$61.87 \$128,689.60
331	\$40.10 \$83,408.00	\$52.53 \$109,262.40	\$64.97 \$135,137.60
332	\$42.11 \$87,588.80	\$55.16 \$114,732.80	\$68.21 \$141,876.80
333	\$44.21 \$91,956.80	\$57.92 \$120,473.60	\$71.63 \$148,990.40
334	\$46.42 \$96,553.60	\$60.82 \$126,505.60	\$75.21 \$156,436.80
335	\$48.75 \$101,400.00	\$63.86 \$132,828.80	\$78.97 \$164,257.60

**SECTION III
PAY GRADE SCHEDULE**

OCEAN RESCUE – PART TIME			HOURLY
601	Beach Patrol Guard	Year 1	\$12.00
601	Beach Patrol Guard	Year 2	\$12.36
601	Beach Patrol Guard	Year 3	\$12.73
601	Beach Patrol Guard	Year 4	\$13.11
601	Beach Patrol Guard	Year 5	\$13.51
601	Rescue Swimmer*		\$14.18
602	Lieutenant		\$16.30
<p>a. Increase in years 2-5 requires a minimum of 300 hours worked in the previous year.</p> <p>b. Beach Patrol Guards/Rescue Swimmers who work a minimum of 300 hours between May and September, and are in good standing, are eligible for a lump sum payment of \$500.</p> <p><i>*Requires Emergency Medical Technician Certification.</i></p>			

OCEAN RESCUE – FULL TIME		MINIMUM	MIDPOINT	MAXIMUM
602	Lieutenant	\$16.30 \$33,904.00	\$19.88 \$41,340.00	\$23.45 \$48,776.00
603	Assistant Ocean Rescue Supervisor	\$16.79 \$34,923.20	\$20.47 \$42,577.60	\$24.15 \$50,232.00
604	Ocean Rescue Supervisor	\$17.63 \$36,670.40	\$21.50 \$44,709.60	\$25.36 \$52,748.80

901 – SCHOOL CROSSING GUARDS	
Year 1	\$10.05
Year 2	\$10.35
Year 3	\$10.66
Year 4	\$10.98
Year 5	\$11.31
Year 6	\$11.65

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager

FROM: Chris Ambrosio, City Attorney

SUBJECT: Ordinance No. 2020-8153 repealing and replacing City Code of Ordinances Chapter 10 – Fire and Life Safety

DATE: September 23, 2020

BACKGROUND

Currently, the City Code of Ordinances Chapter 10 – Fire and Life Safety provides that the City of Jacksonville Beach shall have a fire department, personnel, and organization. The City no longer has a Fire Department or fire rescue personnel. Chapter 10 also has several other articles and sections that need revision as set forth below. At the Council Briefing on September 21, 2020, Council agreed that Chapter 10 requires comprehensive change.

In Ordinance No. 2020-8153, the City Attorney and Fire Marshal have substantially revised Chapter 10 to the extent that the entire Chapter should be repealed, replaced, and codified. The new Chapter will: (a) account for the disbanding of the City Fire Department, personnel, and organization; (b) provide many clarifications, references, and include the current editions of the Florida Fire Prevention Code, National Fire Protection Association 101, and Life Safety Code as being adopted and incorporated in the Code; (c) elucidate the Fire Marshal's duties and authorities; (d) accurately address investigation of fires; (e) improve wording and section numbering; and (f) revise the Article on Building and Fire Code Board of Appeals.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8153 repealing and replacing City Code of Ordinances Chapter 10 – Fire and Life Safety.

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

ORDINANCE NO. 2020-8153

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CITY COUNCIL TO REPEAL AND REPLACE CHAPTER 10 - FIRE AND LIFE SAFETY IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the current City Code of Ordinances Chapter 10 – Fire and Life Safety, contains inapplicable articles and sections, and requires comprehensive changes; and

WHEREAS, the City no longer has a fire department, fire rescue personnel, and organization, so portions of Chapter 10 addressing the fire department need to be adjusted accordingly; and

WHEREAS, Chapter 10 also requires revision to the Fire Marshal duties and authorities, investigation of fires, Building and Fire Code Board of Appeals, adoption and inclusion of the current editions of the Florida Fire Prevention Code and National Fire Protection Association 101 Life Safety Code, and overall amendments and corrections to sections, wording, and renumbering; and

WHEREAS, section 633.025(2), Florida Statutes, requires each municipality with fire safety responsibilities to enforce the Florida Fire Prevention Code as the minimum fire safety code; and

WHEREAS, section 633.025(3), Florida Statutes, requires the most current edition of the National Fire Protection Association 101 Life Safety Code adopted by the State Fire Marshal be deemed adopted by each municipality with fire safety responsibilities as the minimum fire safety code; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

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

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

SECTION 2. REPEAL. CITY CODE OF ORDINANCES CHAPTER 10 - FIRE AND LIFE SAFETY IS HEREBY REPEALED.

SECTION 3. REPLACE. CITY CODE OF ORDINANCES CHAPTER 10 - FIRE AND LIFE SAFETY IS HEREBY REPLACED ENTIRELY WITH THE FOLLOWING:

CHAPTER 10 – FIRE AND LIFE SAFETY

ARTICLE I. – IN GENERAL

Sec. 10-1.01. - Title.

The provisions of this chapter shall constitute and shall hereafter be known as “The Fire and Life Safety Code of the City of Jacksonville Beach, Florida.”

ARTICLE II. – FIRE SUPPRESSION AND FIRE PREVENTION ACTIVITIES

Sec. 10-2.01. - Established.

There is hereby established for the City of Jacksonville Beach the Fire Marshal’s office whose purpose shall be to provide fire and life safety code enforcement, fire prevention education, emergency management functions, hazardous materials code enforcement, and related services or duties as required or directed by the City Manager.

Sec. 10-2.02. – Department organization.

(1) The City of Jacksonville Beach obtains fire suppression and fire rescue services through an agreement with the City of Jacksonville.

(2) The City of Jacksonville Beach Fire Marshal’s office will be responsible for fire and life safety activities in Jacksonville Beach.

ARTICLE III. - FIRE PREVENTION AND LIFE SAFETY

Sec. 10-3.01. - Purpose and intent.

(1) The purpose and intent of this chapter is to prescribe minimum requirements and controls to safeguard life, property, and the public welfare from the hazards of fire and explosion arising from the improper storage, handling, and use of substances, materials, or devices and from conditions hazardous to life, property, and the public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or any other premises. When no specific standards or requirements are specified in this chapter or within other applicable laws, compliance with the standards of the National Fire Prevention Association (NFPA), Southern Building Code Congress International, or

other nationally recognized fire safety standards as are approved by the fire official shall be deemed as evidence of compliance with this intent.

(2) The provisions of this chapter shall apply to existing conditions as well as to conditions arising after adoption thereof. Prior to applying the requirements of this chapter to an existing condition, the fire official shall determine that a threat to life, safety, or property exists. If such a threat exists, the fire official shall apply the appropriate provision of this chapter to the extent practical to assure a reasonable degree of life, safety, and property protection is maintained.

(3) The provisions of this chapter shall not apply to any building, area, or premises within the City which is owned by the government of the United States, the State of Florida, or the School Board of Duval County.

Sec. 10-3.02. - Definitions.

Authority having jurisdiction shall mean the fire official of the City.

Building construction type I, II, III, IV, V, or VI shall refer to the characteristics of building construction as defined in that certain code known as the Standard Building Code referenced in Chapter 7 of the Code of Ordinances of the City.

Complete automatic sprinkler system shall mean a complete automatic sprinkler system as described in the nationally recognized standards, NFPA No. 13, NFPA No. 13D and NFPA No. 13R.

Fire official shall mean the City of Jacksonville Beach Fire Marshal or designee.

Gross floor area shall mean the floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of the interior walls, columns, or other features.

New additions or expansions shall mean the alteration of a building to increase; occupancy, usable floor space or number of living units or the remodeling or renovation of a building which equals or exceeds the cumulative total of 50 percent of the assessed value of the structure either:

- a. Before the repair or improvements started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.

Sec. 10-3.03. - Codes adopted.

The Florida Fire Prevention Code (FFPC) is adopted in its entirety as an addition to the text of this chapter. The text of this adopted model code shall be fully enforceable as other regulations adopted under the provisions of this chapter as if the same were incorporated and set forth at length herein. Model codes adopted pursuant to this chapter shall not waive any provisions of this chapter or be less restrictive than its provisions. The 6th Edition of the FFPC is adopted

through December 31, 2020. The 7th Edition of the FFPC will be adopted effective January 1, 2021.

Sec. 10-3.04. - Inspections.

(1) The fire official shall cause to be inspected all buildings and premises including such other hazards or material items for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this chapter and of any other law or standard affecting fire safety.

(2) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, or health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment as specified in this chapter or any other effective ordinance are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

(3) When an apparent structural hazard is caused by the faulty installation or malfunction of any of the items or devices listed in section 10-3.06, the fire official shall immediately order the correction of the hazards as required by this chapter and shall notify the building official of such hazards for correction under Chapter 7 of the Code of Ordinances of the City.

Sec. 10-3.05. - Right of entry.

(1) To the full extent permitted by law, the fire official, engaged in life and safety services and fire prevention and inspection work, is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, the fire official shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances that the fire official knows, or has reason to believe, exist, and that reasonably may constitute immediate danger to life and property.

(2) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles, and premises as herein set forth shall be identified by proper credentials issued by the City.

(3) It shall be unlawful for any person to interfere with the fire official carrying out any duties or functions prescribed by this chapter.

(4) It shall be unlawful for any unauthorized person to use an official badge, uniform, or other credentials to impersonate a fire official for the purpose of gaining access to any building, structure, marine vessel, vehicle, or premises in this jurisdiction.

(5) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the fire official for the purpose of inspections pursuant to the chapter.

Sec. 10-3.06. - Notice to eliminate dangerous conditions.

(1) Whenever the fire official shall find in any building, or upon any premises, dangerous or hazardous conditions or materials as follows, there shall be issued such notice or orders to remove or remedy the following conditions, as may be necessary for the protection of life and property from fire and smoke:

- a. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- b. Hazardous conditions arising from defective or improperly installed equipment for handling or using explosive or otherwise hazardous materials.
- c. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials.
- d. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors, and ducts.
- e. Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors, or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire.
- f. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

(2) Whenever the fire official deems any chimney, smokestack, stove, oven, incinerator, furnace, or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this chapter, to be defective or unsafe so as to create an immediate hazard, he/she shall serve upon the owner or the person having control of the property, a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He/she may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by order of such fire official or his/her duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

Sec. 10-3.07. - Service of orders; notice of violation.

The service of orders or notices for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to such person, or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof

in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order or notice upon the owner of the premises such order or notice may be served either by delivering to and leaving with the said person a copy of the said order or notice, or, if such owner is absent from the jurisdiction of the officer making the order or notice, by sending such copy by certified or registered mail to the owner's last known post office address.

Sec. 10-3.08. - Compliance.

Any order or notice issued or served as provided in this chapter shall be complied with by the owner, operator, occupant, or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of emergency or extreme danger to persons or property, immediate compliance shall be required.

Sec. 10-3.09. - Authority to require exposures or stop work.

(1) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the fire official may require by written notice that such work be exposed for inspection. The fire official shall be notified when the installation is ready for inspection and the fire official shall conduct the inspection within a reasonable period of time.

(2) When any construction or installation work is being performed in violation of the plans and specifications as approved by the fire official, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

Sec. 10-3.10. - Appeals.

(1) Any person aggrieved by an order issued under this chapter may appeal such order or notice in accordance with the procedures established in the FFPC, as adopted in section 10-3.03 of this chapter.

(2) In the event of a conflict between the Building Code as established in Chapter 7 of the Code of Ordinances of the City, and this chapter, it shall be resolved in accordance with section 553.73, Florida Statutes.

Sec. 10-3.11. - Summary abatement.

(1) The fire official shall have the authority to summarily abate any condition that is in violation of any provision of this chapter and that presents an immediate hazard to life or property.

(2) When, in the opinion of the fire official, there is actual danger to the occupants or those in proximity of any building, structure, or premises because of unsafe structural conditions or inadequacy of any exitway, the presence of explosives, explosive fumes or vapors, flammable

liquids, vapors, gases, or materials, the fire official may order the immediate evacuation of such building, structure, or premises, and no one shall enter or reenter until authorized to do so by the fire official. In addition, the fire official may order the disconnection of electric and gas utility services from such building, structure, or premises and no one shall reconnect such utility services until authorized to do so by the fire official.

Sec. 10-3.12. - Penalties and other remedies for violations.

(1) Failure to comply with any provision of this chapter or any lawful order or notice of the fire official shall constitute a misdemeanor of the second degree, punishable by a fine of not more than \$500.00, or by imprisonment for not more than 10 days, or by both a fine and imprisonment. Each day that a violation continues shall be a separate offense.

(2) The City may institute injunction, mandamus, or any other appropriate actions or proceeding at law or in equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(3) The City may enforce this chapter using the proceedings set forth in Chapter 2 Administration, Article VI, of the Code of Ordinances, City of Jacksonville Beach, Florida.

Sec. 10-3.13. - Authority to investigate fires.

(1) The fire official shall receive and review all completed reports documenting a fire occurrence in the City.

(2) If it appears that the fire is of suspicious origin, the fire official shall immediately notify the police department as necessary, and shall assist the police department and state Fire Marshal as necessary in their investigation.

(3) The fire official may investigate the cause, origin, and circumstances of each and every fire occurring in the City involving the loss of life or injury to persons, or destruction or damage to property. The fire official shall prepare a written report which shall be made of all facts and findings relative to each fire investigation.

Sec. 10-3.14. - Key vault requirement.

The fire official may require the installation and maintenance of a key vault security system in such buildings or structures where security precautions and protective devices may unreasonably delay the entry of the fire department in time of emergency.

Sec. 10-3.15. - Fees.

The city council may, by resolution, establish a schedule of fees to pay the cost of inspections, plans review, fire/rescue standby services, emergency control services, and related administrative costs incurred pursuant to this chapter.

Sec. 10-3.16. - Automatic fire sprinkler requirements.

The following supplemental automatic fire sprinkler requirements are adopted for the purpose of furthering the growth management goals, objectives, and policies of the Jacksonville Beach Comprehensive Plan Elements, adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act.

- (1) All new buildings or existing buildings incorporating new additions or expansions, except one or two-family dwellings, shall be equipped with a complete automatic sprinkler system:
 - a. Where the combined total occupant load is 300 persons or more.
 - b. Where an assembly occupancy is located above or below the level of exit discharge, regardless of occupant load.
 - c. Where the building is used as an educational, health care, ambulatory health care, or residential board and care occupancy.
 - d. In any and all areas below the level of exit discharge.
 - e. In all buildings over 7,000 square feet of gross floor area of all floors combined.
 - f. In all buildings over four stories in height regardless of gross floor area.

- (2) The fire official may omit sprinkler heads in areas of buildings or structures as follows:
 - a. In areas containing electrical equipment or telephone equipment not over 100 square feet in gross floor area.
 - b. In small compartmented areas such as closets not over 24 square feet and bathrooms not over 55 square feet, with limited or non-combustible material walls and ceilings that extend behind fixtures.

- (3) All automatic fire sprinkler systems shall be electronically supervised to detect water flow. Such supervision shall be at a location, approved by the fire official, and constantly attended by a competent person trained and equipped to alert the fire department in the event of a water flow signal.

Sec. 10-3.17. - Building permits.

A permit for construction, erection, alteration, repair, or demolition shall not be issued until the fire official has reviewed the plans and specifications for such proposal and the fire official has found the plans to be in compliance with this chapter and adopted edition of the FFPC.

Sec. 10-3.18. - Smoke detector power source.

All smoke detectors installed to protect sleeping areas, except those in one and two-family dwellings, shall be powered by a permanent connection to an AC power source.

Sec. 10-3.19. - Hazardous materials identification and information.

(1) There is hereby adopted by the City for the purpose of prescribing regulations to identify hazardous materials manufacturing, storage, and use facilities the NFPA 704 “Identification of Fire Hazards of Materials” of the National Fire Protection Association. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this section the provisions of said standard shall control within the limits of the City.

Sec. 10-3.20. - Fire hydrants required.

(1) All new buildings or structures, except one and two-family dwellings, shall be protected by a fire hydrant connected to a public water main capable of supplying the necessary water for fire protection. Such fire hydrant shall be located within 300 feet of the protected building and shall be so arranged so that hose may be distributed to any portion of the building at distances not exceeding 500 feet.

(2) The fire official may modify this requirement when automatic fire sprinkler protection is provided.

(3) The cost of fire hydrant protection and necessary water system extension shall be the responsibility of the developer.

ARTICLE IV. - OPEN BURNING

Sec. 10-4.01. - Open burning regulations.

(1) Open burning within the City limits is regulated by local ordinance in accordance with rules and regulations by FFPC, the Air Quality Branch of the Jacksonville/Duval County Environmental Quality Division, and the Florida Department of Environmental Protection Agency.

(2) Any open burning in the City must be approved and have been issued a permit by the fire official in accordance with the above-mentioned laws, ordinances, and City policies. Open burning may be allowed under special circumstances due to land clearing, ceremonial situations, or other special events. If open burning is allowed, the following conditions must be met:

- a. Burning must not be left unattended, but must have a responsible party at the site at all times. Burning shall be limited to daylight hours unless specified hours are listed on the permit.
- b. An extinguishing agent or water supply with hose must be readily available at the site.
- c. The burning must not cause a safety hazard or nuisance to residents or obstruct vision for motorists on roadways.
- d. Burning must be approved and meet air quality standards for Duval County.
- e. Burning must not be conducted within 50 feet of a structure.
- f. Wind conditions shall not exceed 15 mph.
- g. The fire official will be notified by the responsible party of the date and time of the requested burning to determine compliance with the guidelines and regulations. If the open burning request is approved, the fire official

will notify emergency communications and Air Quality Branch of the location, date, and time.

(3) For other than one and two-family dwellings, no hibachi grills of any type or similar device used for cooking, heating, or other purpose shall be used or kindled on any balcony, under any overhang portion of a structure or within 10 feet of any structure. Listed electric, LP gas, or natural gas operated equipment permanently installed in accordance with its listing, applicable codes, and manufacturer instructions, shall be permitted if the LP or natural gas is piped in to the appliance and approved by the fire official.

(4) Cooking fires in approved containers, ornamental fireplaces, chimeneas, charcoal, gas, or electric barbecue grills and patio heaters are allowed at one and two-family dwellings provided they are used in accordance with their listing, applicable codes, recommended fuel, and the manufacturer's instructions. They are not to be used around combustible material, nor are they to create a nuisance or other type of hazard.

(5) Recreational/warming fires may be allowed if a UL approved container or a container otherwise approved by the fire official is used, a garden hose connected to a water source is within 25 feet, combustible material has been cleared away from the container, yard debris or trash is not being burned, nuisance smoke is not being created, and the fire is attended at all times.

(6) Trash/rubbish fires are prohibited at any time. This material includes wiring, household waste, yard collections, construction debris, or other similar material. Burning leaves or grass is prohibited.

(7) No open fires, campfires, grills, or other cooking or heating devices on the beach.

(8) Commercial incinerators shall be equipped and maintained with an adequate spark arrestor.

ARTICLE V. - BUILDING AND FIRE CODE BOARD OF APPEALS

Sec. 10-5.01. - Creation.

There is hereby created and established a board to be known and designated as the "Building and Fire Code Board of Appeals."

Sec. 10-5.02. - Powers and duties.

(1) The board of appeals shall provide reasonable interpretation of the provisions of Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach and the FFPC as adopted thereby and issue rulings on appeals of the decision of the fire official and building official of the City.

(2) The rulings by the board of appeals shall be consistent with the letter and intent of the code as adopted in Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the

City of Jacksonville Beach and the FFPC.

(3) The board shall hear appeals regarding the interpretations of the FFPC and/or the Florida Building Code by the fire official and/or building official.

(4) If the decision of the fire official and the building official is to apply the provisions of either the Building Code or the Fire Prevention Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable.

(5) The board of appeals shall not have the authority to waive the requirements of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC.

(6) The board of appeals decisions shall not be precedent setting.

Sec. 10-5.03. - Means of appeal.

(1) A substantially affected party with standing may appeal a decision of the fire official or building official when it is claimed that one or more of the following conditions exist:

- a. The true intent of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC has been incorrectly interpreted.
- b. The provisions of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC do not fully apply.
- c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(2) An appeal shall be submitted to the City in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

- a. The provision(s) of the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC from which relief is sought.
- b. A statement indicating which provisions of section 10-5.03(a) apply.
- c. Justification as to the applicability of the provision(s) cited in section 10-5.03(a).
- d. A requested remedy.
- e. Justification for the requested remedy stating specifically how the Florida Building Code, Chapter 10, Article III, Fire Prevention and Life Safety of the Code for the City of Jacksonville Beach, or the FFPC is complied with, public safety is secured, and fire fighter safety is secured.

(3) A meeting of the Board of Appeals shall be held within 30 calendar days of the filing of a notice of appeal.

Sec. 10-5.04. - Creation; composition; term of office.

(1) *Composition.* Such board of appeals shall be composed of five members to be appointed by the city council. The city council shall also appoint two alternate members, a first alternate and a second alternate. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence.

(2) *Qualifications.* Members of the board of appeals shall be a resident of the City for two years prior to appointment, and a qualified elector. No member of the city council, city employee, or agent of the City shall serve on the board of appeals. To the greatest extent possible, members of the board of appeals shall be composed of members with expertise in engineering or architectural design, general contracting, fire protection contracting, fire department operations or fire code enforcement, building code enforcement, legal, and general public. No more than one member shall represent the same field.

(3) *Ex-officio member.* The City's fire official shall be an ex-officio member of the board of appeals and entitled to participate in all discussion. The ex-officio member shall not be entitled to a vote.

(4) *Terms.* The term of office of each member, both full and alternate members, shall be three years. When a person is appointed to fill the term of a departing member, the appointed member term will end on the date the departing members term would naturally end.

Sec. 10-5.05. - Removal from office.

(1) In the event that any member is no longer a qualified elector or is convicted of a felony or an offense involving moral turpitude while in office, the city council shall terminate the appointment of such person as a member of the board of appeals and appoint a new member.

(2) If any member of the board of appeals fails to attend the annual meeting without cause, the chairman of the board of appeals shall notify the city council who shall declare the member's office vacant and appoint a new member.

Sec. 10-5.06. - Vacancy.

Whenever a vacancy occurs on the board of appeals, the full-time member's position shall be served by an alternate member until a permanent member can be appointed by the city council. The city council shall appoint the new member within 30 days of the vacancy.

Sec. 10-5.07. - Officers; quorum; rules of procedure.

(1) *Chairman and vice-chairman.* At an annual organizational meeting, the members of the board of appeals shall elect one of their members as chairman and one as vice-chairman. The chairman shall be in charge of all proceedings before the board of appeals, shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order

and integrity of all proceedings. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all powers of the chairman. The chairman and vice-chairman shall serve a term of one year. No member shall serve as chairman for more than two consecutive terms.

(2) Secretary. The City clerk or his/her designated representative shall serve as secretary for the board of appeals. The secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the board of appeals and shall include the vote of all members upon every question, and be attested to by the secretary. The minutes shall also indicate whether a member is absent or disqualified from voting. The minutes shall be approved by a majority of the board of appeals members voting. In addition, the secretary shall maintain all records of board of appeals meetings, hearings, proceedings, and the correspondence of the board of appeals as public records.

(3) Staff. The City clerk or his/her designated representative shall be the professional staff for the board of appeals. Agendas and reports items will be produced by the City clerk or his/her designated representative with input from the fire official and/or building official as may be required.

(4) Quorum and voting. No meeting of the board of appeals shall be called to order nor may any business be transacted by the board of appeals without a quorum consisting of at least three members of the board of appeals being present. All actions shall require a simple majority of the members then present and voting. Members of the board of appeals are required to vote on all matters before the board of appeals unless they are absent or disqualified.

(5) Disqualification. If a member of the board of appeals determines that they have private or personal interests in an issue that comes before the board of appeals, they may disqualify themselves from participation in that issue. A member of the board of appeals may be disqualified from participation on an issue by a majority vote of the board of appeals on the same grounds.

(6) Rules of procedure. The board of appeals shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings, and determinations. The board of appeals may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be necessary.

Sec. 10-5.08. - Meetings.

(1) General. The board of appeals shall meet at least annually and shall meet as needed for the purpose of interpreting the provisions of the fire code and to consider and rule on any properly filed appeal from a decision of the fire official and/or building official.

(2) Continuance. If a matter is postponed due to lack of a quorum, the chairman shall continue the meeting as a special meeting to be held within seven days thereafter. In case of delays caused by other reasons, the public hearing shall be rescheduled to the next board of appeals meeting. The secretary shall notify all members of the date of the continued public hearing and also shall notify all parties.

(3) Open to public. All meetings and public hearings of the board of appeals shall be open to the public.

(4) Notice. Public hearings shall be set for a time certain after due public notice.

(5) Compensation. Members of the board of appeals may receive reimbursement for travel and other expenses while on official business for the board of appeals as approved and established by the city council.

SECTION 4. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 6. CODIFICATION. The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances, and it shall entirely replace the current Chapter 10 in the City Code.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

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

William C. Latham, Mayor

Laurie Scott, City Clerk

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Chris Ambrosio, City Attorney
SUBJECT: Ordinance No. 2020-8154 revising and amending City Code of Ordinances Chapter 6 – Beaches and Bulkheads
DATE: September 24, 2020

BACKGROUND

City Council placed a priority direction for the City Attorney to revise and update Chapter 6 – Beaches and Bulkheads, Sec. 6-8 – *Sea turtle protection*, of the City Code of Ordinances. The new Sec. 6-8 has been approved and updated. Other portions of Chapter 6 are outdated, deficient, incorrect, or lack complete sections to properly address the protection of the natural environment, public property, public use, and public safety, health, and welfare issues concerning the City beach and Atlantic Ocean coast and waters. City Council also directed the City Attorney to revise Article III – *Use of Atlantic Ocean*, in Chapter 6, and remove it from the ordinance that creates a new Chapter 20 – Parks and Recreation, and rather, maintain Article III in Chapter 6.

The proposed Ordinance will amend Chapter 6 by: (a) regulating trash, litter, glass, alcoholic beverages, vending and rentals, sale of foods and beverages, parking of sailboats and other vessels, certain prohibited activities, operation of jet skis, boats and other watercraft, use of floats, and removal of natural items; and (b) provide enforcement provisions.

This Ordinance provides the City Parks and Recreation Department, Police Department, and the Ocean Rescue Lifeguard operations with a more substantial set of local regulations and rules to protect the general public, public property, and the environment. The general public should be aware of and be provided plainly codified rules and regulations for beach and ocean use. This Ordinance serves a public purpose to provide guests and citizens of the City with hospitable, safe, and clean public environments at the beach and ocean in which to engage in recreational, leisure, and sporting activities.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8154 revising and amending City Code of Ordinances Chapter 6 – Beaches and Bulkheads.

Introduced by: _____

1st Reading: _____

2nd Reading: _____

ORDINANCE NO. 2020-8154

AN ORDINANCE TO REVISE AND AMEND CHAPTER 6 “BEACHES AND BULKHEADS” OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES, TO MAKE CORRECTIONS AND ADD SECTIONS, TO PROVIDE CODIFIED LOCAL RULES, REGULATIONS, AND ENFORCEMENT PROVISIONS CONCERNING THE CITY’S BEACHES AND USE OF THE ATLANTIC OCEAN; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Code of Ordinances Chapter 6 “Beaches and Bulkheads” contains certain portions that are outdated, deficient, incorrect, or lack complete sections to properly address the protection of the natural environment, public property, public use, and public safety, health, and welfare issues concerning the City beach and Atlantic Ocean coast and waters; and

WHEREAS, the City Council directed the City Attorney to remove the revised Article III – Use of Atlantic Ocean Beach, from the ordinance that creates a new Chapter 20 – Parks and Recreation, and rather, keep the new Article III in Chapter 6; and

WHEREAS, Chapter 6 was recently revised and updated with a new Sec. 6-8 – Sea turtle protection, through the enactment of Ordinance No. 2020-8140; and

WHEREAS, much of Chapter 6 needs revision and amendments in areas such as regulating trash, litter, glass, alcoholic beverages, vending and rentals, sale of foods and beverages, parking of sailboats and other vessels, certain prohibited activities, operation of jet skis, boats and other watercraft, use of floats, and removal of natural items, and enforcement provisions; and

WHEREAS, a revised and amended Chapter 6 will provide the City Parks and Recreation Department, Police Department, and the Ocean Rescue Lifeguard operations with more substantial local regulations and rules to protect the general public, public property, and the environment; and it serves a public purpose to provide guests and citizens with hospitable, safe, and clean environments at the beach and ocean; and

WHEREAS, this Ordinance serves legitimate government purposes, it is a permissible exercise of the City’s powers and authority, benefits the health, safety, and welfare of the City of Jacksonville Beach citizens, and serves to protect and preserve the environment and City property for public benefit.

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

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

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

Sec. 6-1. - Bulkhead plat.

The plat on file in the office of the city engineer is approved as, and shall constitute, the official plat of the official bulkhead line of the city, for ocean front lots of lands, within the limits of the city and abutting the Atlantic Ocean.

SECTION 3. CHAPTER 6, ARTICLE I, SECTION 6-2 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-2. - Airplanes using beaches.

(a~~1~~) Use of beach. It shall be unlawful for any person to start or take off or alight from or on any part of the ocean beach within the city, in an airplane, except as hereinafter provided.

(b~~2~~) Permits. The city manager may grant permission in writing on extraordinary occasions for persons to start or take off or alight from or on any part of the ocean beach, provided each such permit shall authorize one flight only.

(c~~3~~) Government use. Nothing contained in this section shall be taken to prohibit the starting, taking off or landing of airplanes belonging to the United States Government, from or on such part of the ocean beach.

SECTION 4. CHAPTER 6, ARTICLE I, SECTION 6-3 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-3. - Horses prohibited on beach ~~during certain months.~~

It shall be unlawful for any person to ride or exercise any horse, or allow any horse to be on any portion of the public beach ~~east of the established bulkhead within the city limits, from April first of each year to October first of the same year.~~

SECTION 5. CHAPTER 6, ARTICLE I, SECTION 6-4 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

Sec. 6-4. - ~~Possession of gGlass bottles or containers prohibited on ocean beach area.~~

~~(1) It shall be unlawful and a municipal offense, punishable as provided in this Code, for any person or legal entity to at any time while on the ocean beach area deliver, exchange to at any time own, possess, have on his or her possession, dump, cause to be dumped, place or cause to be placed, use or otherwise have in his or her possession or control any food container made of any glass bottles or beverage glass container made of glass or other disposable container made of glass on, or while on, the ocean beach.~~

~~(2) Any City of Jacksonville Beach law enforcement officer is authorized to issue a civil citation and/or notice to appear to any violator of this section, which contains at least the following:~~

- ~~a. Name of person alleged to have violated this section.~~
- ~~b. Description of the alleged violation.~~
- ~~c. Date, time, and place of the alleged violation.~~
- ~~d. Witnesses, if any.~~
- ~~e. Name of officer charging the violation.~~
- ~~f. The date, time, and location of the scheduled judicial hearing on the offense charged.~~

~~The citation shall also contain a space where the alleged violator of this section may sign to indicate that he/she received a copy of the citation and shall also indicate the penalty established herein for violation of this section.~~

~~(3) A person shall be charged with violation of this section by citation. The citation shall indicate the penalty established herein for violation of this section.~~

~~(4) A person cited for a violation of this section shall sign and accept a citation indicating his/her receipt of a copy of the citation.~~

~~(5) Any person found guilty of violating this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$50.00.~~

~~(6) Any person who willfully refuses to accept and sign a citation shall be assessed an additional \$200.00 fine and may be subject to arrest.~~

~~(7) Any person charged with violation of this section may:~~

- ~~a. Pay the penalty set forth in subsection 5, either by mail or in person, within 10 days of the date of receiving the citation, made payable to City of Jacksonville Beach, and paid at the City of Jacksonville Beach Police Department; or~~
- ~~b. Appear at the scheduled judicial hearing to contest the charge.~~

~~If the person cited elects to pay the penalty set forth in a. above, he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of violation of this section.~~

SECTION 6. CHAPTER 6, ARTICLE I, SECTION 6-5 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-5. - Special permits to operate business on beaches required.

(a1) It shall be unlawful for any person to engage in, manage or conduct any business, profession or occupation upon any portion of the beach or shore of the Atlantic Ocean lying east of the bulkhead line for the city without first applying for, and obtaining, a permit from the city clerk, which shall be subject to being revoked for violation of this chapter or other laws applicable thereto, and no permit granted by the city clerk shall be transferred or assigned without the approval of the city manager, provided that section 6-6 shall prevail over this section.

(b2) The application for a permit shall be obtained from the city clerk and shall be in writing on a form prescribed by the city and shall meet the following conditions:

- (1)a. The operator of the business shall have a current local business tax receipt on file with the city.
- (2)b. The operator shall have a place of business or agreement to operate from a place of business west of the bulkhead line on private property that abuts the beach, within the City of Jacksonville Beach, where they can conduct their operation. Said place of business shall be located in a zoning district where such an operation is permitted and approved as a conditional use. No business payment transactions shall be conducted directly on the beach east of the bulkhead line or on public property.
- (3)c. The operator shall maintain a minimum of one million dollars (\$1,000,000.00) in general liability insurance, sign and provide to the city a hold-harmless agreement, and add the City of Jacksonville Beach as an additional insured on all insurance policies.
- (4)d. No equipment or materials of any kind shall be stored east of the bulkhead line before or after the approved hours of operation. After hours of operations, all equipment must be stored on private property.
- (5)e. The operator shall abide by the Code of Ordinances as they relate to surfing, rental boats, and floats; sections 6-49, 6-51, 6-53.
- (6)f. Kite surfing, parasailing, jet skis, or any other motorized boats will not be rented.
- (7)g. The operator shall identify how they will transport their equipment and materials to the beach east of the bulkhead line, and obtain written permission from the city for same. The transport of equipment shall use city-approved access points and shall not negatively impact the sand dunes.
- (8)h. The operator shall list the hours, days, and months of operation they will be open for business. The hours of operation shall be within the hours of 8:00 a.m. to 7:00 p.m.
- (9)i. The operator shall not advertise the business on the beach, nor place snipe or illegal signs anywhere within the City of Jacksonville Beach.
- (10)j. The operator shall identify where along the beach the business will be located and shall not interfere with any existing business or city-approved special event.
- (11)k. Operator shall rent only the following equipment: chairs, umbrellas, body boards, skim boards, surfboards, kayaks, bikes, footballs, volleyballs, and games such as horse shoes, Frisbees, bocce ball, and other similar equipment approved in writing by the city manager.

Upon obtaining a special permit to operate a business on the beach from the city clerk, the owner/operator must have the permit renewed annually. The permit can be revoked at any time by the city manager if the operation is found to be in conflict with the safe use of the beach, or there is a failure to follow the terms of the permit, or there is a violation of any city ordinances. The city manager's revocation of a permit may be appealed to the special magistrate.

SECTION 7. CHAPTER 6, ARTICLE I, SECTION 6-6 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-6. - Vending food and food products from vehicles prohibited.

(a1) It shall be unlawful for any person to engage in, or manage the business of vending, hawking, peddling, selling or offering for sale at retail to consumers, in the city, from any truck, wagon, automobile, or other vehicle whether driven by power or otherwise, within the city, any article of food, food products, or soft drink, over or upon the hereinafter mentioned and designated ~~streets and highways~~ areas of the city, ~~to-wit:~~

All that part of the Ocean Beach from the bulkhead line on the west to the Atlantic Ocean on the east, and extending to the city limits on the north and the south. All of ~~the~~ that territory being within the limits of the city.

(b2) For purposes of this section, A a vendor, peddler, hawker, or seller of food, food products or soft drink for the purposes of this section is hereby defined as a person who sells or offers for sale sandwiches, hot dogs, ice cream, cake, popcorn, peanuts, soda, water, ~~lemonade,~~ food snacks, drinks, or other ~~article~~ items of food, or food product, packaged or unpackaged, to any person within the city, from a wagon, truck, automobile, or other vehicle operated or propelled.

SECTION 8. CHAPTER 6, ARTICLE I, SECTION 6-7 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-7. - Removal of shell, sand, ~~or~~ coquina, natural items is prohibited.

It shall be unlawful for any person to excavate, bulldoze, or remove ~~The removal of shell, sand, or coquina, rock, vegetation, or soil from the beaches is hereby prohibited within the corporate limits of the City, and any of the above conduct shall be unlawful regardless of ownership of the adjacent or abutting property by such person. However, the above provisions shall not apply to incidental or minor use, digging, or shoveling by children and other individuals as part of the reasonable recreational use of the beaches.~~

SECTION 9. THAT THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA IS HEREBY AMENDED BY ADDING TO THE TITLE OF CHAPTER 6, ARTICLE III AND ADDING SECTIONS WITHIN SAID ARTICLE TO BE NUMBERED 6-44 THROUGH SECTION 6-46, WHICH SAID ARTICLE AND SECTIONS SHALL READ AS FOLLOWS.

ARTICLE III. - USE OF ATLANTIC OCEAN BEACH

Sec. 6-44. – Atlantic Ocean beach defined.

As used in this article, the term “Atlantic Ocean beach” shall mean that portion of the City contiguous to the Atlantic Ocean dedicated to the use of the public for recreation and extending from the easterly-ocean bluff line west to the City limits. As used herein, the “ocean bluff line” is the easternmost projection of the top edge of the natural vegetated ocean bluff or dune which meanders along the shore of the Atlantic Ocean, or as established by a United States Coast and Geodetic Survey. In the absence of a clearly defined or recognizable bluff or dune, the City may elect to establish an ocean bluff line by measuring west or westerly a distance of 60 feet (60’) from the full moon high tide.

Sec. 6-45. – Prohibited activities and items on Atlantic Ocean beach.

- (1) No person shall be nude. Appropriate attire and covering is required.
- (2) No glass.
- (3) No camping or sleeping from sunset to sunrise without first receiving permission from the City Manager.
- (4) No swimming or bathing except between such hours of the day as shall be designated or posted by the Department for such purposes.
- (5) No disobeying rules posted by the City, Ocean Rescue, or the City Manager or designee, or instructions or directions from a law enforcement officer.
- (6) No illegal drugs, alcoholic beverages (in any type of container or other means of consumption), or unpermitted weapons.
- (7) No open fires, campfires, grills, or other cooking or heating devices.
- (8) No fireworks, as defined by Section 791.01, Florida Statutes, with the exception of City authorized and permitted public displays of fireworks.
- (9) No unauthorized person shall climb upon, sit on, mount, interfere with, loiter upon, enter, occupy, or use in any manner any lifeguard stand, station, or other City lifesaving equipment at any time.
- (10) No persons or pets shall wash or be washed, with soap or other cleaners, in any swimming area or any other public waters, including but not limited to beaches, public showers, storm water, lakes or streams.
- (11) No unleashed dogs at any time. Dogs on leashes are permitted to be on the beach at any hour from October 1 through March 31; and during the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30.
- (12) No person shall place or deposit, or permit to be placed or deposited, any human waste on the Atlantic Ocean beach.
- (13) Unless permitted by the City, no person shall park, propel, operate, or drive any motor vehicle on the Atlantic Ocean beach. This prohibition excludes authorized City and emergency vehicles including but not limited to ocean rescue, police, fire department, ambulance and lifeguard vehicles. This section shall not apply to helicopters when authorized to land upon the Atlantic Ocean beach by the department of public safety personnel. It shall also not apply to any other vehicle that obtained permission from the public safety department.

Sec. 6-46. – Trash and litter.

(1) It is unlawful for any person to deposit, discard, throw, place, or pile any trash, litter of any type, whether organic or inorganic, including but not limited to paper, garbage, cans, cartons, bottles, cigarette butts, filters, products containing tobacco or used for consuming tobacco products, or other waste or discard materials on the Atlantic Ocean beach or any public street, right-of-way, public path, or other public places in the city, except in public trash receptacles, in authorized private receptacles for collection, or in the official city trash disposal site.

(2) It is unlawful to deposit, leave, or bury any fish or other marine life carcasses, remains, or waste on or near the Atlantic Ocean beach.

(3) Any City of Jacksonville Beach law enforcement officer is authorized to issue a civil citation and/or notice to appear to any violator of this section, which contains at least the following:

- a. Name of person alleged to have violated this section.
- b. Description of the alleged violation.
- c. Date, time and place of the alleged violation.
- d. Witnesses, if any.
- e. Name of officer charging the violation.
- f. The date, time and location of the scheduled judicial hearing on the offense charged.

The citation shall also contain a space where the alleged violator of this section may sign to indicate that he/she received a copy of the citation and shall also indicate the penalty established herein for violation of this section.

(1) A person shall be charged with violation of this section by citation. The citation shall indicate the penalty established herein for violation of this section.

(2) A person cited for a violation of this section shall sign and accept a citation indicating his/her receipt of a copy of the citation.

(3) Any person found guilty of violating this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$50.00.

(4) Any person who willfully refuses to accept and sign a citation shall be assessed an additional \$200.00 fine and may be subject to arrest.

(5) Any person charged with violation of this section may:

- a. Pay the penalty set forth in subsection 6, either by mail or in person, within 10 days of the date of receiving the citation, made payable to City of Jacksonville Beach, and paid at the City of Jacksonville Beach Police Department; or
- b. Appear at the scheduled judicial hearing to contest the charge.

If the person cited elects to pay the penalty set forth in a. above, he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of violation of this section.

SECTION 10. CHAPTER 6, ARTICLE III, SECTION 6-48 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-48. - Swimming prohibited when person is intoxicated or impaired by beverages, drugs, and/or substances.

It shall be unlawful for anyone to swim or bathe in the Atlantic Ocean within the corporate limits of the city while under the influence of intoxicating beverages, drugs, and/or substances.

SECTION 11. CHAPTER 6, ARTICLE III, SECTION 6-49 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-49. - Surfing and swimming prohibited in certain designated areas.

(a1) Surfing:

(1)a. Surfing or the use or riding of surfboards in the Atlantic Ocean within the corporate limits of the city shall be allowed at any location except it will be unlawful for anyone to surf or to use or ride surfboards within a ~~three hundred~~ 300 foot radius of the fishing pier presently extending into the Atlantic Ocean from the foot of ~~Sixth Avenue South~~ Fourth Avenue North.

(2)b. For reasons of public safety or necessity, the city manager shall have the authority to regulate, restrict, limit or prohibit surfing or the use or riding of surfboards within the areas described in this subsection.

(3)c. It shall be unlawful for any person to surf or use or ride a surfboard in the surf adjacent to the beach within the corporate limits of the city at any time and at any location unless such surfboard has securely fastened to it a tether not exceeding eight (~~8~~) feet in length, the free end of which must be securely bound to either the ankle or wrist of the surfer.

(b2) Swimming: It shall be unlawful for anyone to swim, bathe, or wade at any time within a ~~three hundred~~ 300 foot radius of the fishing pier presently extending into the Atlantic Ocean from the foot of ~~Sixth Avenue South~~ Fourth Avenue North.

SECTION 12. CHAPTER 6, ARTICLE III, SECTION 6-51 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-51. - Operation of boat prohibited within certain distance of shoreline; operation of motorized apparatus prohibited within certain distance of shore line; sand sailing prohibited.

(1) It shall be unlawful for any person to operate a boat parallel to the shoreline within ~~two hundred~~ (~~200~~) yards of the shoreline.

(2) It shall be unlawful for any person to operate any motorized boat or other motorized apparatus within 200 feet of the shoreline.

(3) It shall be unlawful for any person to operate a sand sailer or sand sailboat (a sailing device on wheels propelled by the force of the wind) on the Atlantic Ocean beach.

SECTION 13. CHAPTER 6, ARTICLE III, SECTION 6-53 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-53. – ~~Same~~ Floats and float boats —Use prohibited during winds of specified velocity, when beach and ocean closed, within designated distance of piers, without safety ropes, by minors under ~~twelve~~ 12.

No float or float boat shall be rented or used in the Atlantic Ocean within the corporate limits of the city during west winds having a wind velocity of over ~~twenty~~ (20) miles per hour, and no child under the age of ~~twelve~~ (12) years shall be allowed or permitted to rent or use any float or float boat within the corporate limits unless accompanied by his or her parents or his or her guardian, and the use of floats and float boats shall be prohibited in the Atlantic Ocean within the corporate limits of the city when the beach and ocean has been closed for swimming purposes by order of the city manager, and no float or float boat shall be used at any time within ~~one hundred~~ (100) yards of any ocean pier extending into the Atlantic Ocean in the city. No float or float boat shall be rented for use in the Atlantic Ocean within the corporate limits of the city, unless the same shall be equipped with safety ropes, such safety ropes to extend around the perimeter of the float or float boat and securely fastened at each corner in such a manner as to be easily grasped by swimmers.

SECTION 14. CHAPTER 6, ARTICLE III, SECTION 6-54 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-54. - Fishing with seine or net.

(~~a~~1) It shall be unlawful for any person to use or employ the use of any seine or net in excess of ~~two hundred~~ (200) feet in length for the catching of fish or other forms of marine life out of the waters of the Atlantic Ocean between the city limit line on the north and the city limit line on south as extended easterly into the Atlantic Ocean.

(~~b~~2) This section shall not be construed to authorize any use of seines or nets which may be prohibited by the laws of the state.

SECTION 15. CHAPTER 6, ARTICLE III, SECTION 6-55 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-55. – ~~Reserved~~ Parking of sailboats, catamarans, and vessels prohibited.

(1) It shall be unlawful for any person to park or leave unattended a sailboat, catamaran, or other vessel on the beach. A sailboat, catamaran, or vessel shall only be allowed to parked or left on the beach, if granted written approval by the city manager. At no time will any sailboat, catamaran, or other vessel be allowed to park west of the dune line, on a beach access, or public right-of-way, or on a beach dune.

(2) Before the city manager or his designee gives permission for the owner of a sailboat, catamaran, or other vessel to be parked or left on the beach, the owner must provide proof of ownership, description, serial number, hull number or other identification number, and the location desired for parking same. Permission to park, and the location requested, is at the sole discretion of the city manager. The manager may develop additional rules to protect public safety and public property.

(3) Any person who parks a sailboat or catamaran or other vessel in violation of this section is subject to having such sailboat, catamaran, or other vessel towed or removed at the owner's expense.

SECTION 16. CHAPTER 6, ARTICLE III, SECTION 6-56 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS.

Sec. 6-56. - Operation of jet skis and personal watercraft.

(a1) Definitions.

- ~~(1)~~a. Personal watercraft. For the purposes of this section, a personal watercraft is defined as a small class A-1 or A-2 vessel which uses either an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motor power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- ~~(2)~~b. Jet ski. For the purposes of this section, a jet ski has the same definition as a personal watercraft.

(b2) Operation generally. The operation of a jet ski or personal watercraft in the Atlantic Ocean within the corporate limits of the city shall be allowed outside of three hundred (300) feet from the water's edge as hereinafter provided:

- ~~(1)~~a. The hours of operation of personal watercraft or jet skis shall be from the hours of 9:00 a.m. until 5:00 p.m. in the winter months and from 9:00 a.m. until 7:00 p.m. in the summer months. The winter months are those months from October 1 until March 31 and the summer months shall be from April 1 until September 30.
- ~~(2)~~b. A person operating a personal watercraft or jet ski equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to his person, clothing, or personal flotation device as is appropriate for the specific vessel. If the specific vessel is not equipped by the manufacturer with a lanyard type engine cutoff switch, then the vessel must be equipped with a manufacturer installed device which automatically operates to cause the vessel to reduce to an idle speed and then into a continuous circle upon the operator or passenger losing control of or being thrown from the vessel so that the operator may readily retrieve the vessel. It shall be unlawful to operate a jet ski or personal watercraft without one of the aforementioned manufacturer installed safety devices.
- ~~(3)~~c. All personal watercraft or jet skis shall be operated with the manufacturer's muffler intact.

(e3) Launching. For the purposes of ingress and egress only, launched and personal watercraft or jet skis may be launched and operated within a corridor as defined by extending eastward the right-of-way boundaries of Beach Boulevard and 8th Avenue North to the personal watercraft or jet ski operation area as previously defined. During such ingress and egress within the corridor, the operator must not exceed an idle speed unless other speed is dictated by the wave or ocean conditions at the time.

SECTION 17. CONFLICTING ORDINANCES AND ACTS. All ordinances and resolutions previously adopted or entered into by the City that are in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 18. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 19. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

SECTION 20. EFFECTIVE DATE. This Ordinance will immediately take effect upon its adoption by the City Council.

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

William C. Latham, Mayor

Laurie Scott, City Clerk