



Agenda
City Council

Monday, October 19, 2020

6:00 PM

Council Chambers

MEMORANDUM TO:

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

Council Members:

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

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

20-201 Regular Council Meeting held on October 5, 2020

20-202 Council Briefing held on October 12, 2020

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

20-203 Approve/Disapprove the Amendment to City Attorney Employment Agreement

20-204 Accept/Reject the Monthly Financial Reports for the Month of September 2020

- 20-205**
1. Approve/Disapprove to expend \$28,811 from JAG C Grant Funds to Purchase the iRecord Universe System for Police Interview Rooms
 2. Approve/Disapprove Word Systems, Inc. as the Sole Source Vendor for All Service Work including Software Upgrades for the iRecord System

20-206 Authorize the City Manager to Execute the Memorandum of Agreement Between the City of Jacksonville Beach and Other Northeast Florida Water Utilities to Assess Groundwater Resource Sustainability

20-207 Approve/Disapprove the Final Plat for the Southwind Subdivision

RESOLUTIONS

ORDINANCES

20-208 ORDINANCE NO. 2020-8148 (Second Reading) (Public Hearing)

AN ORDINANCE TO CREATE CHAPTER 20 "PARKS AND RECREATION" AND ASSOCIATED SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO PROVIDE UNIFORM AND PARK SPECIFIC CODIFIED LOCAL LAWS, RULES, AND REGULATIONS AND SPECIFIED AUTHORITY AND ENFORCEMENT ACTIONS CONCERNING THE CITY'S PARKS AND PARK PROPERTIES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

20-209 ORDINANCE NO. 2020-8153 (Second 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.

20-210 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, 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; AND 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.

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

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

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

**Minutes of Regular City Council Meeting
held Monday, October 5, 2020, at 7:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham stated this was the last virtual meeting of the City Council and read the following statement:

“Governor DeSantis’ Executive Order No. 20-246, authorizes local government bodies to continue to conduct public meetings using communications media technology (CMT) and suspends the requirement of having an in-person quorum at any specific location.

On April 6, 2020, the City of Jacksonville Beach City Council approved the use of CMT and alternative start times to conduct their Council meetings and briefings. Therefore, this City Council meeting will be held in a modified manner using CMT, and it is starting at an alternative time of 6:00 P.M. The Council, staff, and the public are not physically present in City Hall tonight. The City Council members and City personnel are appearing through CMT.

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

OPENING CEREMONIES:

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

Mayor Latham asked Police Chief Gene Paul Smith to say a few words about Ernie Florig, CPAAA (Citizen Police Academy Alumni Association) Vice-President, who had passed away. Chief Smith spoke about Mr. Florig, his family, military service, and service to the Jacksonville Beach community. A moment of silence followed.

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.

CALL TO ORDER:

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

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, Director of Beaches Energy Services Allen Putnam, 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:

- Council Briefing held on September 21, 2020
- Regular Council Meeting held on September 21, 2020

ANNOUNCEMENTS:

Council Member Golding mentioned Beaches Watch had the Jacksonville Beach Candidate Forum on October 1, 2020. The video of the Forum and other resources to learn about the candidates is available on the Beaches Watch website.

Council Member Nichols wished President Trump and the First Lady a speedy recovery [following positive Covid-19 diagnosis]. He also announced the Flounder Pounder Fishing Tournament was coming up later in October, and he would donate the majority, if not all, of his Council salary to the Jacksonville School of Autism.

Council Member Doherty thanked Mayor Latham for lifting the business restrictions in the city. He stated he spoke to several business owners who said their business had increased. Mr. Doherty said local jobs were saved in bars, restaurants, retail, hotels, and suppliers. He said many businesses were still being proactive trying to curtail the spread of the coronavirus with some employees still wearing masks, some tables still being spaced, and promoting outdoor seating. Mayor Latham said City Manager Mike Staffopoulos also had a say in opening the businesses following the response from the Governor's office.

Council Member Vogelsang shared the City of Jacksonville Beach was now debt free and commended staff.

Council Member Dumont stated October 5, 2020, was the last day to register to vote, and the last day to complete the 2020 Census was October 31, 2020.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors.

- Jonny Rose, Senior Marketing Specialist with Whole Foods Market, 6451 North Federal Highway, Fort Lauderdale, spoke about the new Jacksonville Beach location [2050 South 3rd Street), which would hold a grand opening on October 7, 2020.
- Paula DiMeglio, Florida Regional Vice President with Whole Food Market, 6451 North Federal Highway, Fort Lauderdale, spoke about the new Jacksonville Beach location.
- Thea Ermalovich-Hayek, Regional Vice-President with Whole Foods, 6451 North Federal Highway, Fort Lauderdale, spoke about the new Jacksonville Beach location.

CITY CLERK: *No items*

MAYOR AND CITY COUNCIL: *No Items*

CITY MANAGER:

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

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the amendments to the City Attorney Employment Agreement.

Council Member Vogelsang explained the negotiation discussions and information he shared with Mr. Ambrosio related to salary comparisons to other cities with solo attorneys and the City's legal budget for the past 10 years. Mr. Vogelsang said \$160,000 was on par with the six percent raise the City Manager received, and the \$500 per month for [City, County, and Local Government Law] certification was important.

Discussion:

Ms. Golding suggested having a written evaluation in the future to document Council feedback for the City Attorney's performance each year. Regarding the amendment on attending meetings, Ms. Golding said the Planning Commission meetings could use the City Attorney's guidance and support in their decision making due to possible legalities. Ms. Golding spoke to the Planning Commission Chair, Greg Sutton, who said it was very helpful to have a City Attorney present at the meetings. She also believed the Board of Adjustment could benefit. Lastly, Ms. Golding stated a citizen had expressed concern about Florida Statute 112.313(6) and the request for the \$500 stipend.

Amended Motion #1: It was moved by Ms. Golding to amend the Agreement to require Mr. Ambrosio to participate in the Planning Commission meetings and the Board of Adjustment meetings.

The motion failed due to the lack of a second.

Amended Motion #2: It was moved by Ms. Golding and seconded by Ms. Dumont that the City Attorney attend the Planning Commission meetings.

Discussion:

Mr. Vogelsang brought up the amount of work being put on the City Attorney and the additional hours required to attend meetings. He said the department head should be able to answer any questions raised at the meetings adequately. Ms. Dumont clarified the department head does not attend the Planning Commission meetings. She stated, as a former Planning Commission member, there are times when legal advice is needed at the meeting for direction to make the best decision for the City.

Mayor Latham asked Mr. Staffopoulos to look into the possibility of having an attorney from Marks Gray attend the Planning Commission meetings.

Mr. Doherty stated there had been a lack of training for the boards.

Ms. Golding said many applicants at Planning Commission meetings are attorneys, putting the City at a disadvantage. Mr. Nichols expressed concern about making legal decisions at the

meetings and the cost of outsourcing another attorney to attend the meeting. Mr. Doherty thought the item might need to be tabled. Ms. Dumont clarified the City Attorney would provide legal guidance to the board, not legal decisions.

Ms. Dumont stated the City Attorney's original contract required him to attend all the board meetings. This amended motion requires he attend fewer meetings by only attending the Planning Commission meetings at least through this contract period.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman,
Nays – Doherty, Nichols, Vogelsang, Mayor Latham
Amended Motion #2 failed 3-4.

Amended Motion #3: It was moved by Ms. Golding to remove the stipend from the Amendment. The motion failed due to the lack of a second.

Motion: It was moved by Mr. Doherty and seconded by Ms. Dumont to table the item until the next Council meeting.

Roll Call Vote: Ayes – Dumont, Golding, Doherty, Mayor Latham
Nays – Hoffman, Nichols, Vogelsang
The motion to table the item passed 4-3.

Mayor Latham added when these agreements are made, the Council needs to consider the temporary use of contractors to take the pressure off periodically. He said the comments were legitimate concerns. If the contract is reconsidered and more money is offered, it approaches the point where the City Attorney would be making more than the City Manager.

Mr. Vogelsang asked Mr. Ambrosio to contact the Ethics Commission about the issues raised regarding potential Florida State Statute Chapter 112 violations and if they had any merit, to notify the Council.

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

Mr. Staffopoulos explained this item was for the purchase of pad mount switchgear for Beaches Energy Services, for components used annually. Director of Beaches Energy Services Allen Putnam said this is bid out every three years and is for equipment used during power outages to sectionalize the system to lower the number of customers affected.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award Bid No. 1920-09 to Trayer Engineering Corporation for the purchase of pad mount switchgear.

Discussion:
There was no Council discussion.

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

Item #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.

Mr. Staffopoulos explained the item was for asphalt, milling, and overlaying of certain streets in different areas of the city. Director of Public Works Dennis Barron stated this bid was delayed getting out due to Covid-19. He said 12 bid invitations were sent out, and there were five bids returned.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award Bid Items 1 through 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.

Discussion:

Ms. Dumont stated she had been contacted by a citizen about Bid Area 2, where the City has plans to do infrastructure work on the roads in the next four to five years, about why the roads are being paved now when they would be ripped up and then repaved again. She also asked why the beach ends (Avenues) aren't being done at the same time the roads are being done in Bid Area 2. Mr. Barron responded Ms. Dumont was correct about repaving the area again if the infrastructure replacement timeline remains consistent. He stated if nothing is done now, the condition of the roads in the area would diminish. The beach ends are going through a process to determine how the City wants to brand them so they can all be similar in content, signage, design, and construction. Some beach ends have already been done or are being redone by contractors, and other projects are being done related to beach outfalls and drainage issues. Ms. Dumont asked if this process was the least expensive way to fix a road. Mr. Barron replied there might be less expensive options that would only be temporary repairs.

Mr. Doherty asked about liquidated damages not being addressed in the contract for going over the time. He also asked about how long the work would take. Mr. Barron stated this work would have a short timeframe. He also said there had been discussions about addressing liquidated damages and putting timelines in the RFPs (Request for Proposals) for phases 4, 5, and 6.

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

RESOLUTIONS:

Item #20-198 – RESOLUTION NO. 2067-2020

Mayor Latham requested the City Clerk read Resolution No. 2067-2020 by title only, whereupon Ms. Scott read the following:

“AN 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.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to 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.

Mr. Staffopoulos explained this resolution adds the Community Redevelopment Agency Program Manager to the Pay Plan, and also reflects changes to some job titles and job descriptions resulting from the reorganization of the Public Works Department.

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

ORDINANCES:

Item #20-199 – ORDINANCE NO. 2020-8153 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8153 by title only, whereupon Ms. Scott read the following:

“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.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8145.”

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. 2020-8153, repealing and replacing City Code of Ordinances Chapter 10 – Fire and Life Safety.

Mr. Staffopoulos explained this ordinance was a rewrite of Chapter 10 – Fire and Life Safety due to the fact the City is now contracting its fire department services with Jacksonville Fire Rescue.

The City Attorney worked with Fire Marshal Steve Sciotto to accurately reflect what the City currently has for operations.

Discussion:

Ms. Golding asked about Section 10-3.03 and if there was any way not to adopt the FFPC (Florida Fire Prevention Code) Editions as an addition by ordinance each time it is updated. Mr. Ambrosio stated two corrections would be made that would not affect the ordinance moving on to its second reading. He said, at the state level, it was intended that local fire marshals review the FFPC on a three-year cycle. Fire Marshal Sciotto further explained the state wants the whole fire safety code to be looked at by the Council because not everything inside the City's code is in the FFPC. As an example, Jacksonville Beach has a stronger fire sprinkler ordinance, and it allows the public a chance to comment.

Ms. Golding asked about Section 10-3.16(1), related to automatic fire sprinkler systems, if all the items listed were required. Fire Marshall Sciotto explained there are some exemptions, and the state code requires sprinklers at 12,000 square feet, and our code requires it at 7,000 square feet. Mr. Ambrosio stated language would be added to the section to show all of the items listed were included.

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

Item #20-200 – ORDINANCE NO. 2020-8154 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8154 by title only, whereupon Ms. Scott read the following:

“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.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8154.”

Public Hearing:

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

Mayor Latham closed the public.

Mr. Staffopoulos explained this ordinance revises Chapter 6 - Beaches and Bulkheads. A previous update to Chapter 20 Parks and Recreation had previously been presented to Council. There were elements in that chapter related to beaches that were pulled out and added to Chapter 6.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8154 revising and amending City Code of Ordinances Chapter 6 – Beaches and Bulkheads.

Discussion:

Ms. Golding suggested adding in “Section 6-3. – Horses prohibited on beach,” language similar to Atlantic Beach, which is not so specific referencing “horses, cows, cattle, chickens, poultry or goats” on the ocean beach. Mr. Ambrosio said Director of Parks and Recreation Jason Phitides discussed making additional changes to Section 6-3 and other sections, along with changes being made to Chapter 20. Mayor Latham suggested tabling the item.

Motion: It was moved by Ms. Golding and seconded by Ms. Dumont to table this item to the October 19, 2020, City Council meeting.

Discussion:

Mr. Doherty asked how far out the City has jurisdiction to set regulations versus state and federal jurisdiction. Mayor Latham stated he believed it to be three miles for coastal waters where the municipality remains intact. Mr. Ambrosio did not know the exact distance but confirmed it was miles and does not contradict state regulation.

Voice Vote: Ayes –Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion to table the item passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:20 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

LS: sg

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

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, and Director of Planning and Development Bill Mann.

Purpose of Briefing

The purpose of the Briefing was to update the Council members about ongoing items in the City.

City Manager

Short Term Vacation Rental (STVR) Update

City Manager Mike Staffopoulos reviewed the Short Term Vacation Rental (STVR) update [on file] provided by the Planning and Development Department. Conversation ensued regarding compliance and enforcement issues.

Director of Planning and Development Bill Mann clarified information regarding the contract with Host Compliance, the company selected to assist in the registration process for STVR's.

The Council's consensus was for the City to continue registering and enforcing STVR within the City of Jacksonville Beach.

City Attorney Position

City Manager Mike Staffopoulos stated at the October 5, 2020, Council meeting, the item for the City Attorney's annual evaluation was tabled to be brought back up at the October 19, 2020, Council meeting. Following the October 5, 2020, Council meeting, City Attorney Chris Ambrosio submitted a resignation letter. Mr. Staffopoulos stated several Council members requested a special meeting to discuss the matter. Mr. Staffopoulos turned the topic of discussion over to Mayor Latham to chair the discussion.

Mayor Latham opened the floor for discussion. Ms. Golding issued a public apology to Mr. Ambrosio. Conversation ensued regarding the cause and effect of Mr. Ambrosio's resignation letter. Mr. Ambrosio made a statement addressing his reasons for submitting a resignation letter. The Council's consensus was to ask Mr. Ambrosio to consider rescinding his letter of resignation. The discussion continued regarding Mr. Ambrosio's annual contract.

The Briefing adjourned at 7:00 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approved:

William C. Latham, MAYOR

Date: _____

DRAFT

City of

Jacksonville Beach

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MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Ann Meuse, Human Resources Director
SUBJECT: Amendment to City Attorney Employment Agreement
DATE: October 7, 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 City 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 arrange an Amendment to the Agreement. The finalized Amendment to the Agreement was placed on the October 5, 2020 City Council meeting.

At the October 5, 2020 City Council meeting, the City Council reviewed the Amendment to the Agreement. The City Council voted against a motion to remove the section 1 of the proposed Amendment, which modifies the City Attorney's attendance at all board meetings to be based on his determination of need, or 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.



The City Council also voted to table the Amendment to the Agreement to the next City Council meeting. Mr. Vogelsang considered the statements made by the City Council on October 5, and he again reviewed the Amendment to the Agreement. Mr. Vogelsang determined that in light of the vote and majority support for the Amendment to the Agreement, sections 1 through 4 of the Amendment should remain unchanged and resubmitted for final approval at the October 19, 2020, City Council meeting. Non-material sections of the Amendment have been modified as follows:

- The effective date on page 1 has been updated to October 19, 2020
- A Whereas clause has been added on page 1 to reflect the failed motion to remove section 1 of the Amendment (as provided on Page 2)

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 of the State of Florida, (“City”), and the City Attorney, Chris Ambrosio (“City Attorney”), dated and effective as of October 19, 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 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, on October 5, 2019, the City Council voted against a motion to remove Part 1., of this Amendment as provided on Page 2 below; 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, and the 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: _____

City of

Jacksonville Beach

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www.jacksonvillebeach.org

MEMORANDUM

TO: Michael Staffopoulos, City Manager
FROM: Ashlie Gossett, Chief Financial Officer
SUBJECT: Monthly Financial Reports for September 2020
DATE: October 9, 2020

Summary

The Summary Budget Reports show the cumulative actual revenues and expenditures compared to the actual amounts at the same point in time as last fiscal year. Exhibit 7 of the Summary Budget Reports compares actual revenues and expenditures to budget in total by fund. These financial reports are prepared on a cash basis and do not reflect year-end accruals.

Exhibit 1 - General Fund Revenues

General Fund Tax revenue-to-date is greater than the prior year, but less than budgeted because the planned return of 50% of the South Beach Tax Increment Fund revenues has not yet been processed. The increase in permit revenues is largely attributable to the Springhill Suites project.

The decreases in Charges for Services, Intergovernmental Revenue, and Miscellaneous Revenue from the prior year are primarily due to the impact of COVID-19. Recreation programs and City facility rentals have been suspended since April.

Exhibit 2 - General Fund Expenditures

General Fund Expenditures are under budget by 10.07% for the current year and 1.48% under amounts expended in the prior year. The increase in Fire Department expenditures is due to compensated absence payouts and a lump sum contribution to the Fire Pension Plan as part of the Fire Services Agreement with the City of Jacksonville.



Memorandum to Michael Staffopoulos

Financial Reports

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Exhibit 3 - Enterprise Fund Revenues

Enterprise Fund Revenues are 6.49% lower than prior year revenues on a percentage of budget basis. Total year to date Electric Fund Revenues are 5.9% under budget. This is attributable to the suspension of the bulk power cost portion of the electric rate in the months of October, April, and May as well as an overall reduction in customer consumption compared to the same period in the prior year. Natural Gas consumption also decreased from the prior year, attributing to this fund's decline in revenues. The Golf Course year-to-year variance is a result of almost 40 fewer operational days in the prior year as the course reopened to the public in November 2018.

Exhibit 4 - Enterprise Fund Expenditures

Total expenditures in the Enterprise Funds are 21.65% under budget for the current year. The dollar variance from prior year in both Electric and Natural Gas expenses are due primarily to lower consumption as well as reduced power and gas costs from our suppliers. Water & Sewer and Stormwater expenses were higher in the prior year due to the timing of capital projects. The Sanitation Fund purchased a new street sweeper in the current year for \$213,891 attributing to the increase over the prior year.

Exhibit 5 – Special Revenue Fund Revenues

Revenues in the Special Revenue Funds are 15.82% ahead of last year on a percentage basis. We received the annual tax increment distributions in December bringing revenue-to-date slightly over the annual budget. Convention Development revenues reflect activity through the month of July and the year-to-year decrease can be attributed to the *Safer at Home* orders issued as result of the COVID-19 pandemic.

Memorandum to Michael Staffopoulos

Financial Reports

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Exhibit 6 - Special Revenue Fund Expenditures

In total, Special Revenue Fund expenditures are under budget for the current year but 18.16% higher than last year on a percentage of budget basis. City sponsored special events were canceled throughout the year in response to the COVID-19 pandemic, reducing the overall expenditures in the Convention Development Fund. Infrastructure Surtax debt was retired in March 2019, reducing the overall budget and expenditures in this fund for the current year. The year-to-year variance in the Tax Increment Funds is due to the timing of capital project expenditures. Community Development Block Grant Fund expenditures will be reimbursed by grant funding.

Exhibit 7 - Summary Revenues and Expenditures

- Convention Development Fund revenues are typically received 60 days in arrears. Receipt activity through July reflects a 28.2% reduction from the prior year at the same time largely due to COVID-19 *Safer at Home* orders.
- Revenues in the Electric Utility are less than anticipated due a suspension in the bulk power cost adjustment in the months of October, April, and May.
- The unfavorable variance in Natural Gas Utility revenues is largely attributable to an 11.8% decrease in consumption compared to the same time in the prior year.

Requested Action

Accept/Reject the financial reports for the month of September 2020.



Summary Budget Revenue Report

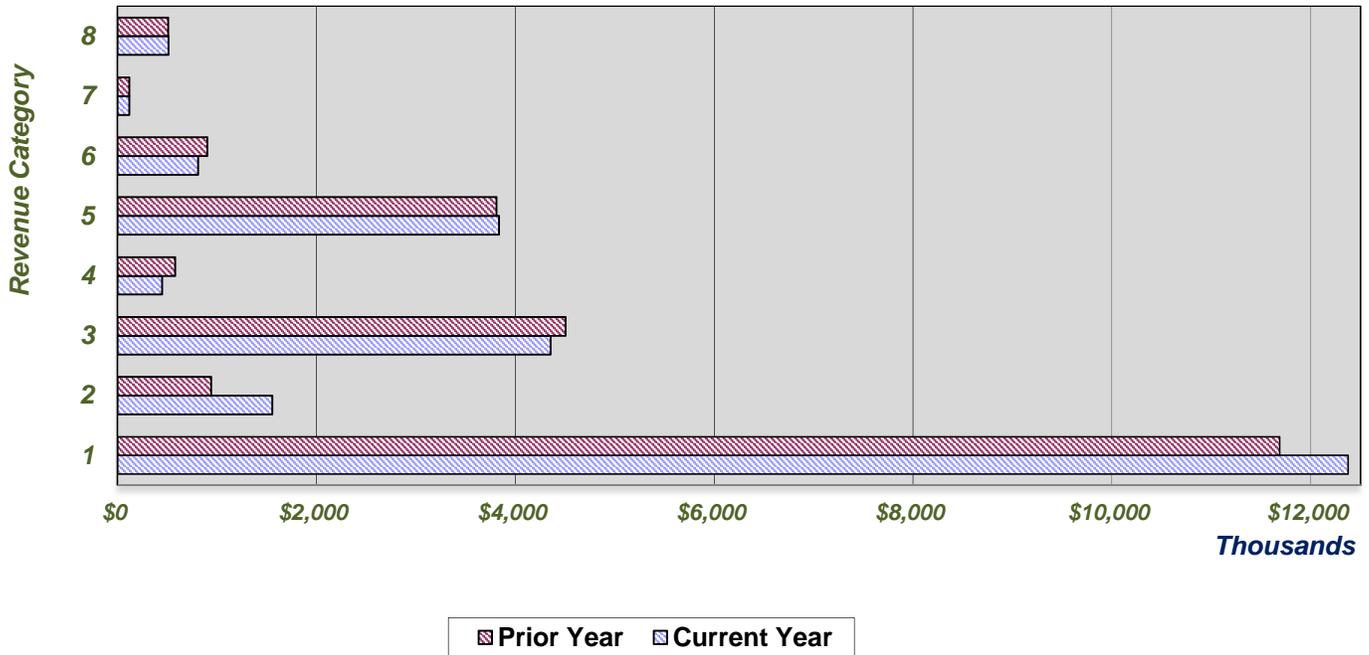
September 30, 2020

(100% of year has elapsed)

EXHIBIT 1 - GENERAL FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 Taxes	12,373,657	90.73%	11,685,081	95.28%	-4.56%	688,576
2 Licenses & Permits	1,556,531	257.66%	942,091	158.15%	99.51%	614,441
3 Intergovernmental Revenue	4,355,166	96.23%	4,504,787	106.39%	-10.16%	(149,620)
4 Charges for Services	450,754	112.97%	581,236	149.42%	-36.45%	(130,482)
5 Enterprise Contributions	3,837,320	100.00%	3,813,121	100.00%	0.00%	24,199
6 Miscellaneous Revenue	812,123	184.29%	905,880	213.98%	-29.69%	(93,757)
7 Fines & Forfeitures	122,042	76.04%	119,858	70.30%	5.74%	2,184
8 Interfund Transfers	514,366	100.07%	509,708	99.94%	0.13%	4,658
Total Revenues	\$ 24,021,959	99.59%	\$ 23,061,761	102.96%	-3.36%	\$ 960,198

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





Summary Budget Expenditure Report

September 30, 2020

(100% of year has elapsed)

EXHIBIT 2 - GENERAL FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
1 City Administration	557,382	105.09%	545,312	108.92%	-3.84%	12,071
2 City Clerk	363,282	93.31%	331,533	95.79%	-2.47%	31,749
3 Building Maintenance	373,183	86.21%	356,935	88.15%	-1.93%	16,248
4 Planning and Development	1,016,485	87.36%	826,009	90.82%	-3.46%	190,476
5 Recreation and Parks	3,191,837	89.68%	3,198,877	91.45%	-1.76%	(7,041)
6 Public Works	1,595,137	91.45%	1,619,421	97.03%	-5.58%	(24,284)
7 Police	9,139,975	90.91%	8,869,670	93.10%	-2.18%	270,304
8 Fire	4,250,730	96.77%	3,897,129	90.34%	6.43%	353,601
9 Non-Departmental	1,320,575	66.49%	1,110,908	72.19%	-5.70%	209,667
Total Expenditures	\$ 21,808,585	89.93%	\$ 20,755,794	91.40%	-1.48%	\$ 1,052,791

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





Summary Budget Revenue Report

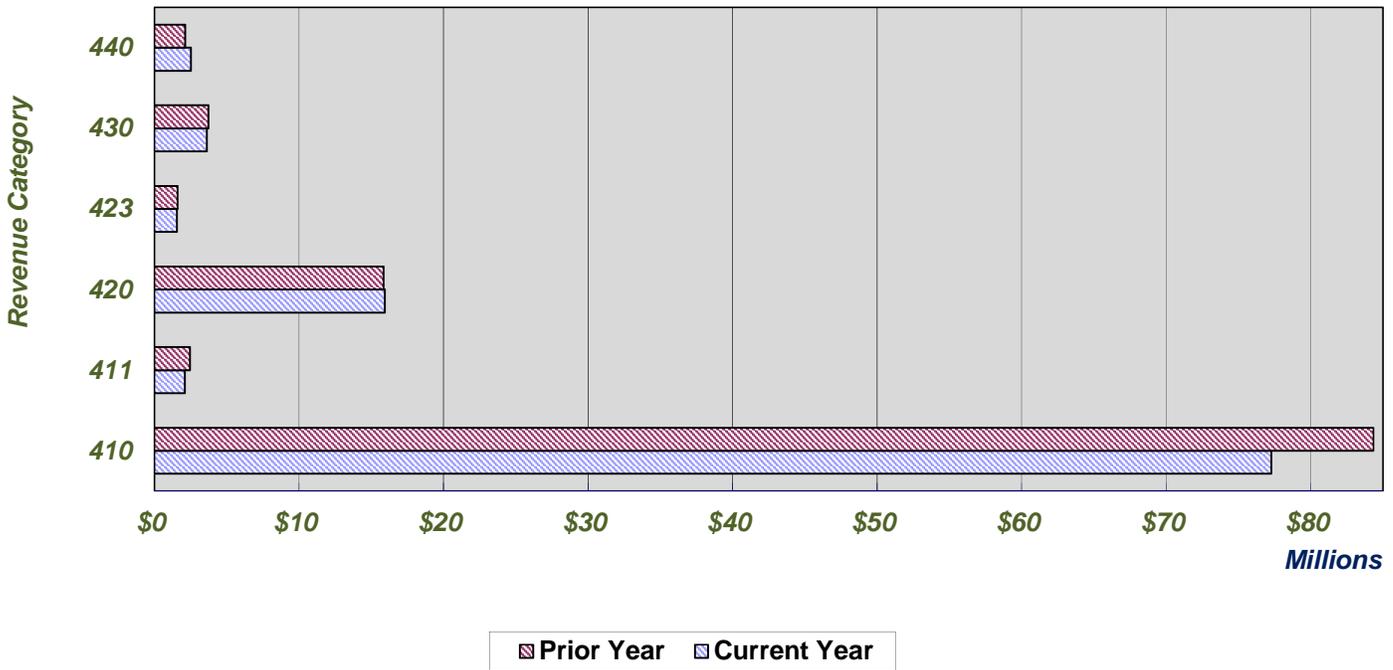
September 30, 2020

(100% of year has elapsed)

EXHIBIT 3 -ENTERPRISE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	77,271,577	94.10%	84,337,283	100.45%	-6.34%	(7,065,706)
411 NATURAL GAS	2,108,649	87.67%	2,464,420	105.65%	-17.98%	(355,771)
420 WATER & SEWER	15,943,116	108.42%	15,859,884	116.58%	-8.16%	83,232
423 STORMWATER	1,569,890	108.01%	1,604,330	114.82%	-6.81%	(34,440)
430 SANITATION	3,625,937	103.17%	3,745,942	107.10%	-3.93%	(120,005)
440 GOLF COURSE	2,539,124	131.07%	2,141,729	139.54%	-8.47%	397,395
TOTAL REVENUES	\$ 103,058,293	97.11%	\$ 110,153,588	103.60%	-6.49%	\$ (7,095,295)

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



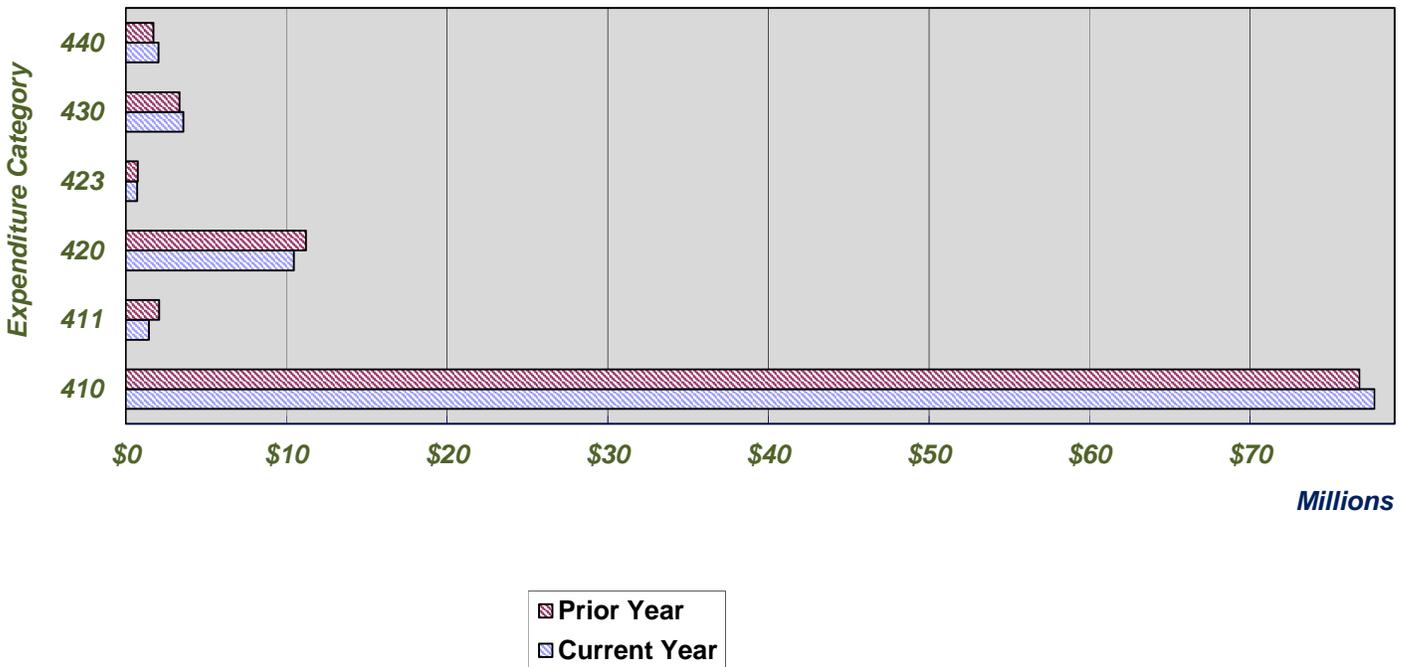


Summary Budget Expenditure Report
 September 30, 2020
 (100% of year has elapsed)

EXHIBIT 4 - ENTERPRISE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
410 ELECTRIC	77,736,183	81.30%	76,809,760	79.08%	2.22%	926,422
411 NATURAL GAS	1,448,878	70.08%	2,071,937	84.34%	-14.26%	(623,059)
420 WATER & SEWER	10,471,773	66.05%	11,208,148	72.34%	-6.29%	(736,376)
423 STORMWATER	712,268	27.84%	758,610	50.69%	-22.85%	(46,342)
430 SANITATION	3,584,888	81.83%	3,342,651	88.65%	-6.82%	242,237
440 GOLF COURSE	2,033,700	100.60%	1,713,696	115.25%	-14.65%	320,005
TOTAL EXPENDITURES	\$ 95,987,689	78.35%	\$ 95,904,802	78.72%	-0.36%	\$ 82,887

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



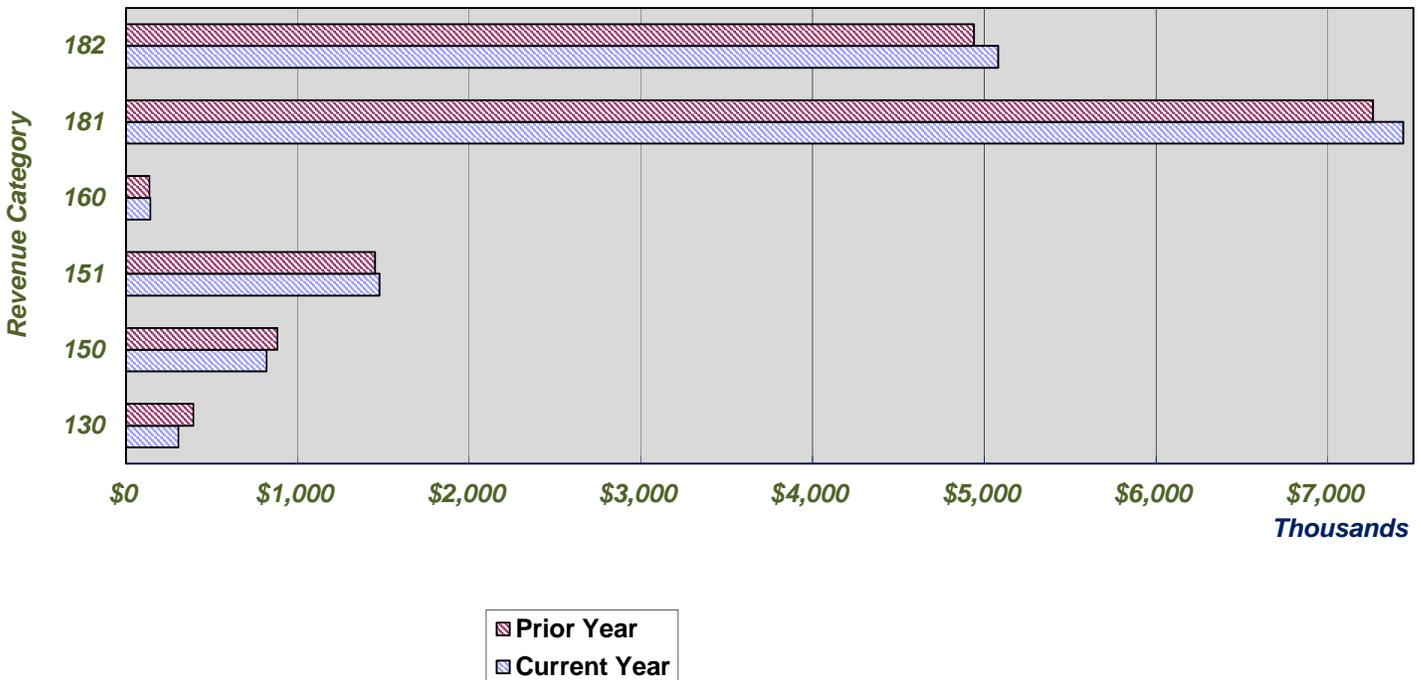


Summary Budget Revenue Report
 September 30, 2020
 (100% of year has elapsed)

EXHIBIT 5 -SPECIAL REVENUE FUND REVENUES

Revenue Category	Current Year Revenue to Date	Current Year Revenue As a % of Budget	Prior Year Revenue to Date	Prior Year Revenue As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	305,075	76.75%	392,450	109.55%	-32.80%	(87,374)
150 LOCAL OPTION GAS TAX	818,696	99.45%	882,958	108.44%	-8.99%	(64,262)
151 INFRASTRUCTURE SURTAX	1,476,970	107.12%	1,450,157	106.31%	0.81%	26,813
160 COMMUNITY DEV. BLK. GRANT	142,366	103.16%	137,708	99.79%	3.38%	4,658
181 DOWNTOWN INCREMENT FUND	7,440,116	106.23%	7,263,365	108.77%	-2.53%	176,751
182 SOUTHEND INCREMENT FUND	5,080,335	202.93%	4,940,406	110.00%	92.92%	139,930
TOTAL REVENUES	\$ 15,263,559	124.65%	\$ 15,067,044	108.84%	15.82%	\$ 196,515

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

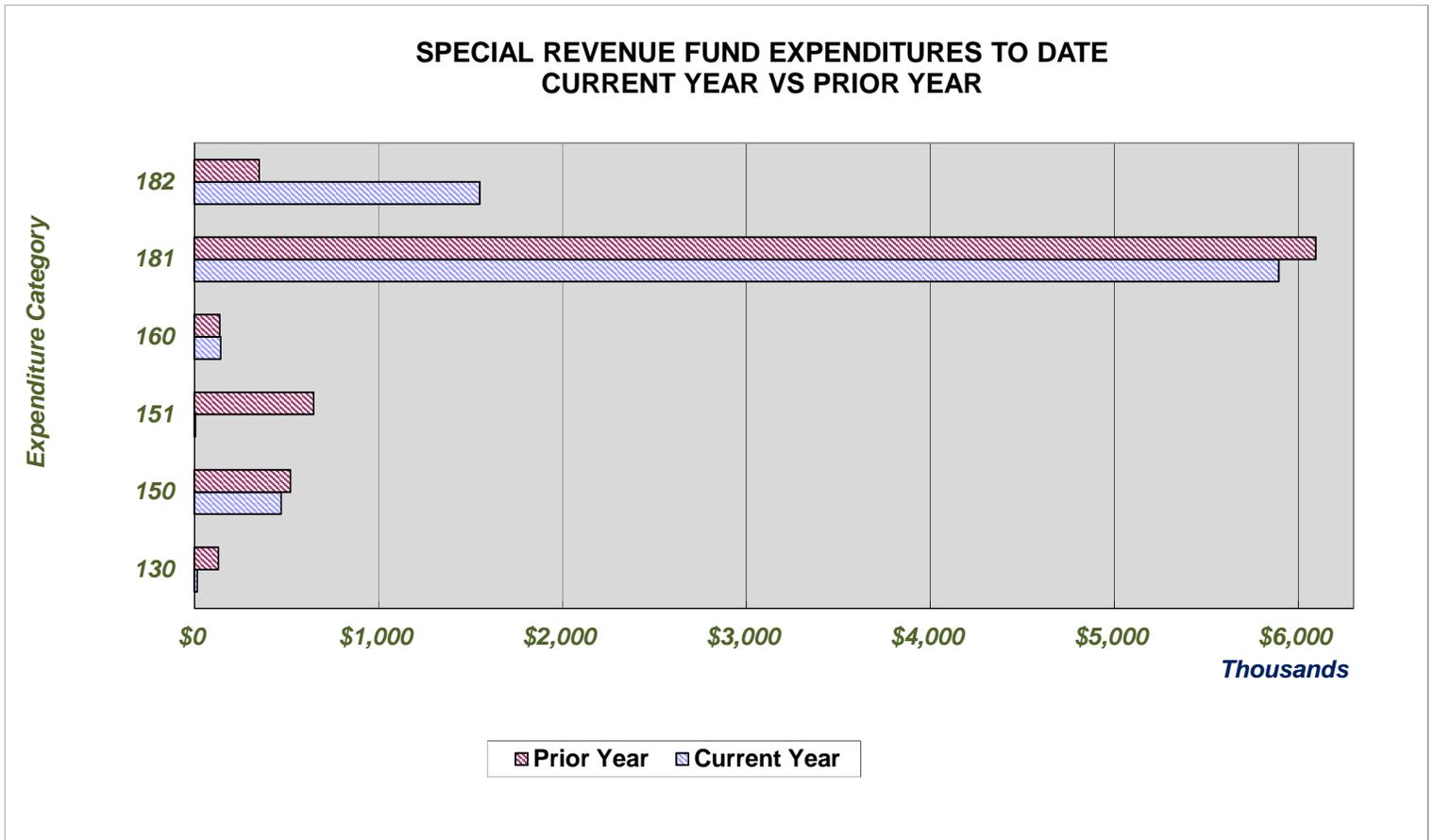




Summary Budget Expenditure Report
 September 30, 2020
 (100% of year has elapsed)

EXHIBIT 6 - SPECIAL REVENUE FUND EXPENDITURES

Expenditure Category	Current Year Expenditures to Date	Current Year Expenditures As a % of Budget	Prior Year Expenditures to Date	Prior Year Expenditures As a % of Budget	% Variance (Current Year Less Prior Year)	\$ Variance (Current Year Less Prior Year)
130 CONVENTION DEV. TAX	15,015	12.41%	129,459	47.31%	-34.90%	(114,444)
150 LOCAL OPTION GAS TAX	471,263	59.11%	522,139	65.40%	-6.29%	(50,875)
151 INFRASTRUCTURE SURTAX	4,840	1.46%	646,747	67.36%	-65.90%	(641,907)
160 COMMUNITY DEV. BLK. GRANT	142,366	100.26%	137,708	99.79%	0.47%	4,658
181 DOWNTOWN INCREMENT FUND	5,892,939	70.31%	6,094,005	47.40%	22.91%	(201,066)
182 SOUTHEND INCREMENT FUND	1,549,258	77.21%	352,130	57.12%	20.10%	1,197,128
TOTAL EXPENDITURES	\$ 8,075,682	68.55%	\$ 7,882,188	50.39%	18.16%	\$ 193,494





Summary Budget Report

September 30, 2020

(100% of year has elapsed)

EXHIBIT 7 - SUMMARY REVENUES AND EXPENDITURES

Fund Name	Budgeted Revenues Fiscal Year 2020	Budgeted Revenues To Date	Actual Revenues To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,119,750	24,119,750	24,021,959	(97,791)
130 Convention Development Tax	397,496	397,496	305,075	(92,421)
150 Local Option Gas Tax	823,223	823,223	818,696	(4,527)
151 Infrastructure Surtax	1,378,808	1,378,808	1,476,970	98,162
160 Community Dev. Blk. Grant	138,000	138,000	142,366	4,366
181 Downtown Increment Fund	7,003,700	7,003,700	7,440,116	436,416
182 Southend Increment Fund	2,503,537	2,503,537	5,080,335	2,576,798
410 Electric Utility	82,113,996	82,113,996	77,271,577	(4,842,419)
411 Natural Gas Utility	2,405,292	2,405,292	2,108,649	(296,643)
420 Water & Sewer Utility	14,705,017	14,705,017	15,943,116	1,238,099
423 Storm Water Management	1,453,505	1,453,505	1,569,890	116,385
430 Sanitation Fund	3,514,536	3,514,536	3,625,937	111,401
440 Golf Course Fund	1,937,261	1,937,261	2,539,124	601,863
460 Leased Facilities Fund	679,177	679,177	755,975	76,798
500 Internal Service Funds	13,268,599	13,268,599	12,797,830	(470,769)
Total Revenues	\$ 156,441,897	\$ 156,441,897	\$ 155,897,616	\$ (544,281)

Fund Name	Budgeted Expenditures Fiscal Year 2020	Budgeted Expenditures To Date	Actual Expenditures To Date	Variance Favorable/ (Unfavorable)
001 General Fund	24,251,677	24,251,677	21,808,585	2,443,092
130 Convention Development Tax	121,028	121,028	15,015	106,013
150 Local Option Gas Tax	797,306	797,306	471,263	326,043
151 Infrastructure Surtax	332,306	332,306	4,840	327,466
160 Community Dev. Blk. Grant	142,000	142,000	142,366	(366)
181 Downtown Increment Fund	8,381,899	8,381,899	5,892,939	2,488,960
182 Southend Increment Fund	2,006,504	2,006,504	1,549,258	457,246
410 Electric Utility	95,621,819	95,621,819	77,736,183	17,885,636
411 Natural Gas Utility	2,067,336	2,067,336	1,448,878	618,458
420 Water & Sewer Utility	15,854,046	15,854,046	10,471,773	5,382,273
423 Storm Water Management	2,558,735	2,558,735	712,268	1,846,467
430 Sanitation Fund	4,381,001	4,381,001	3,584,888	796,113
440 Golf Course Fund	2,021,631	2,021,631	2,033,700	(12,069)
460 Leased Facilities Fund	964,178	964,178	811,195	152,983
500 Internal Service Funds	13,430,657	13,430,657	11,569,067	1,861,590
Total Expenditures	\$ 172,932,124	\$ 172,932,124	\$ 138,252,218	\$ 34,679,905

Fund Name	Net Income (Loss)	Net Variance Favorable/ (Unfavorable)
001 General Fund	2,213,374	2,345,301
130 Convention Development Tax	290,061	13,593
150 Local Option Gas Tax	347,433	321,516
151 Infrastructure Surtax	1,472,130	425,628
160 Community Dev. Blk. Grant	-	4,000
181 Downtown Increment Fund	1,547,177	2,925,376
182 Southend Increment Fund	3,531,077	3,034,044
410 Electric Utility	(464,605)	13,043,217
411 Natural Gas Utility	659,771	321,815
420 Water & Sewer Utility	5,471,343	6,620,372
423 Storm Water Management	857,622	1,962,852
430 Sanitation Fund	41,049	907,514
440 Golf Course Fund	505,424	589,794
460 Leased Facilities Fund	(55,220)	229,782
500 Internal Service Funds	1,228,763	1,390,821
Total	\$ 17,645,398	\$ 34,135,625



Cash and Investments by Fund
September 30, 2020

INVESTMENT HOLDER	TYPE	FACE AMOUNT	MARKET VALUE
Salem Trust Treasury Strip	TS	3,148,000	3,148,000
TOTAL UTILITY FUNDS 410 and 420			\$3,148,000
Salem Mutual Fund	Portfolio	49,899,536	49,899,536
Sawgrass Asset Management	Portfolio	28,105,809	28,105,809
Wells Capital	Portfolio	18,047,681	18,047,681
JPMCB - Strategic Property Fund	Portfolio	5,128,779	5,128,779
TOTAL PENSION FUNDS 611, 612 and 613			\$101,181,805
TOTAL INVESTMENTS			\$104,329,805
State Board of Administration	Pool	17,122,886	17,122,886
Florida Trust	Pool	19,078,497	19,078,497
FMIT 0-2 Yr High Quality Bond Fund	Pool	12,679,771	12,679,771
Bank of America	Cash	18,447,549	18,447,549
Sawgrass Asset Management	Portfolio	44,820,104	44,820,104
Galliard Capital Management	Portfolio	41,301,815	41,301,815
Garcia Hamilton & Associates	Portfolio	40,665,947	40,665,947
Salem Trust: Goldman Sachs Treasury	MM	16,772	16,772
TOTAL EQUITY IN POOLED CASH			\$194,133,342
Petty Cash	Cash	6,525	6,525
TOTAL CASH AND INVESTMENTS			\$298,469,672

Attorney Fees Paid During the Month

NAME	DESCRIPTION	FUNDING SOURCE	CHECK DATE	CHECK AMOUNT
Lewis, Longman & Walker, P.A.	Special Magistrate Code Enforcement He	General Fund	09/03/20	1,000
Rogers Towers, P.A.	2020 FOP Collective Bargaining	General Fund	09/03/20	910
Shepard, Smith, Kohlymyer & Hand	CRA Planning and Development	Downtown Tax	09/03/20	8,550
Sugarman, Susskind, P.A.	Pension Retainer	Pension Funds	09/03/20	850
Shepard, Smith, Kohlymyer & Hand	CRA Planning and Development	Downtown Tax	09/04/20	3,180
Sugarman, Susskind, P.A.	Pension Retainer	Pension Funds	09/17/20	4,250
Bell & Roper, P.A.	SLG vs. COJB	General Fund	09/24/20	162
Lewis, Longman & Walker, P.A.	Police Pension	General Fund	09/24/20	5,417
Marks, Gray, PA	COJB vs. Twin Creeks Ventures, LLC	General Fund	09/24/20	135
TOTAL ATTORNEY FEES				\$24,454



Cash and Investments by Type

Fiscal Year to Date
September 30, 2020

Type of Investment	Beginning Balance 10/1/2019	Investment Earnings	Realized Gain/(Loss)	Unrealized Gain/(Loss)	Fees	Net Investment Income	Net Deposits (Withdrawals)	Ending Balance 9/30/2020	Weighted Net Return*
State Pooled Investment Fund	16,922,177	200,709	0	0	0	200,709	0	17,122,886	0.10%
Money Market: Goldman Sachs Treasury	11,103	6,301	0	0	(631)	5,669	0	16,772	0.00%
U.S. Treasury Stripped Coupons	3,129,238	0	0	0	0	0	18,762	3,148,000	0.00%
Florida Municipal Investment Trust 0-2 Yr HQ Bond Fund	12,397,619	282,152	0	0	0	282,152	0	12,679,771	0.15%
Sawgrass Asset Management	42,883,166	967,404	383,046	674,957	(88,469)	1,936,938	0	44,820,104	1.03%
Galliard Capital Management	39,449,933	911,694	460,174	548,707	(68,693)	1,851,882	(0)	41,301,815	0.98%
Garcia Hamilton & Associates	39,823,354	702,675	68,797	153,280	(82,159)	842,592	(0)	40,665,947	0.44%
Florida Trust	18,876,515	201,982	0	0	0	201,982	0	19,078,497	0.10%
Operating Cash: Bank of America	14,185,724	50,367	0	0	(125,894)	(75,527)	4,337,352	18,447,549	-0.04%
Petty Cash	6,525	0	0	0	0	0	0	6,525	0.00%
TOTAL CITY MANAGED INVESTMENTS AND CASH	187,685,354	3,323,284	912,017	1,376,944	(365,846)	5,246,399	4,356,114	197,287,867	2.76%
Pension Fund: Salem Mutual Fund	48,546,020	1,632,382	(332,014)	1,653,148	0	2,953,516	(1,600,000)	49,899,536	3.05%
Pension Fund: Sawgrass Asset Mgt	26,387,145	685,032	1,272,829	95,121	(84,317)	1,968,665	(250,000)	28,105,809	2.08%
Pension Fund: Wells Capital	14,330,608	83,021	1,208,488	3,214,013	(88,450)	4,417,073	(700,000)	18,047,681	5.64%
Pension Fund: JPMCB - Strategic Property Fund	5,081,052	0	0	47,728	0	47,728	(0)	5,128,779	0.05%
TOTAL PENSION INVESTMENTS	94,344,824	2,400,435	2,149,303	5,010,009	(172,766)	9,386,981	(2,550,000)	101,181,805	10.09%
TOTAL CASH AND INVESTMENTS	282,030,178	5,723,719	3,061,320	6,386,952	(538,612)	14,633,380	1,806,114	298,469,672	

*Fiscal year to date

City of

Jacksonville Beach

Police Department

101 Penman Road, South

Jacksonville Beach

FL 32250

Phone: 904.247.6343

Fax: 904.247.6342

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Gene Paul N. Smith, Chief of Police

SUBJECT: Sole Source Purchase to standardize Interview Recording System Hardware and Software

DATE: September 18, 2020

BACKGROUND

The initial iRecord VI Sunset System was approved and purchased in May 2012, for \$24,990. Since then hundreds of interviews and interrogations were conducted for criminal cases. The system was user friendly and had many features required by our department. We are beginning to experience recording and storage problems with the current system. The iRecord VI is no longer available for purchase and on December 31, 2020 technical support will cease. System upgrade discounts will also no longer be available after December 31, 2020.

The upgraded capabilities are listed below.

- Axis Power-Over-Ethernet IP cameras Full HD-resolution (1920 x 1080) Video;
- Software Generated Time and Date Generator;
- Software Generated Attorney-Client Microphone Disable Feature;
- Time stamp and watermark on video for evidence chain of custody;
- Full Screen Interface Support;
- Live Viewing and Rewind in Progress Feature;
- Real-Time Notes;
- Remote Control On/Off via Network PC;
- File Import Feature;
- Advanced/Flexible Interdepartmental Security (Privacy, Sub-Groups, Multiple Group Support);
- Redaction Uses Scroll Bar and will now save to MPEG-2 DVD, WMV and USB;
- Export iRecord Anywhere (Microsoft Surface Tablet) files to Universe Evidence Vault;
- Web Browser Support for MS-Edge, MSIE, Chrome, Firefox;
- Document, Picture Import (PDF ONLY);
- Securely Protect File – Restricted Access to Interview;
- A field mobile system allowing interviews and interrogations to be conducted away from the station;
- Redundant recording with dual (PIP) cameras per room, configurable on playback with split screen; and
- Improved User Management (expiration passwords) with and without Active Directory.



Although there are other types of interview recording software systems available, the iRecord system has been the standard in place since 2012. Most local agencies utilize this system and they were completely satisfied with the upgrade. The recording system is proven and tested in our judicial circuit and familiar to the State Attorney's Office. Detectives and department personnel are already familiar with the operation of this system and no additional training of personnel is required. We will also be able to access all previous stored interviews/interrogations files. Word Systems, Inc. is the exclusive sole source provider of iRecord audio and video interview software and hardware in the state of Florida. (See attached sole source letter.)

ITEM	QTY	UNIT COST	TOTAL
iRecord Universe Software includes: Redaction, Multi-Department security, Chain of Evidence Audit Report, Export to DVD+USB, Remote Control On/Off, Universe Desktop, Local Evidence Vault, 10x iRecord Thick Client Licenses, Remote Live Viewing, RTSP Live Monitoring, File import, Picture-in-picture One Year Hardware and Software Warranty	1	\$22,371	\$22,371
iRecord Anywhere Microsoft Surface Pro Kit, Ethernet Adapter and Installation	2	\$3,220	\$6,440
		TOTAL	\$28,811

NOTE: Beyond the included one year warranty, a ONE YEAR Remote Extended Warranty Option is \$2,858.00. This is not part of the JAG C expenditure request.

The total cost of the system upgrade and ancillary equipment will be funded by Justice Assistance Grant #2020-JAGC-DUVA-2-Y5-138 which was awarded in the amount of \$50,385 for police equipment upgrades. The budget in the accounts for the grant award (186-00-000-331-00-331001) and equipment purchase (186-09-0904-521-64-564000) is part of the FY 2020 year-end budget adjustment.

REQUESTED ACTION

1. **Approve/Disapprove** to expend \$28,811 from JAG C grant funds to purchase the iRecord Universe System for police interview rooms.
2. **Approve/Disapprove** Word Systems, Inc. as the sole source vendor for all service work including software upgrades for the iRecord system.



Tuesday, July 21, 2020

To Whom It May Concern:

Thank you for your consideration of investing in the iRecord digital audio video recording, broadcast and content management solution. I would like to take this opportunity to advise you that Word Systems is the exclusive sole source of iRecord Software and Hardware Products in the state of Florida.

iRecord is the leading on-demand, digital video/voice recording system designed specifically for Law Enforcement, Custodial Interviews, and Child Advocacy Centers. iRecord has been made in the USA since 2002, with the help of detectives, law enforcement professionals, computer software and hardware engineers. iRecord is "purposeful" technology because it helps public safety agencies better serve and protect by increasing efficiency, effectiveness, and productivity, while minimizing risk.

iRecord has installed over 3,000 interview rooms nation and worldwide to nearly 2,000 customers. The iRecord solution contains a number of notable specifications and features, several of which are exclusive to iRecord. Some of the features included with the iRecord solution are:

1. **Simple, easy to use, "One Touch" Recording**
2. **HD/IP Cameras**
3. **High Resolution Video**
4. **ONVIF® Compliant**
5. **Software Generated Time and Date Generator (Watermark)**
6. **Software Generated Attorney-Client Microphone Disable Feature**
7. **Brightness and Contrast Control**
8. **Live Viewing and Rewind in Progress Feature**
9. **Real-Time and Post-Time Notes/Bookmarking**
10. **Scrolling Notes**
11. **Searchable META Data SQL Database**
12. **Active Directory® Integration**
13. **Remote Client Browser allows for Live Viewing of Interviews, Live Notes, Data Search, Interview Retrieval**
14. **Remote Start/Stop via Client Browser, Dry Contact Switches**
15. **External Video Import Feature (In-Car Video Files, Body Cameras, Surveillance Files etc.)**



16. **Advanced/Flexible Interdepartmental Security (Password protection, Adjustable User Access, Privacy, Sub-Groups, Multiple Group Support)**
17. **Redaction for Secure Editing**
18. **Chain of Evidence Audit Report PDF**
19. **Export Mobile Anywhere Files to Universe Evidence Vault Database**
20. **Picture in Picture Supports Two Cameras Per Room**
21. **Non-Proprietary Files (WMV and MP4), playable on Windows PC and DVD players**
22. **Immediate file transfer to Evidence Vault**
23. **DVD burn time for interviews is approx. 5 mins, Transfer to USB takes seconds**
24. **The ability to burn additional copies via the client browser**
25. **Enterprise Evidence Vault™ for unlimited concurrent access, single centralized database and long term, secure file retention**

Should you need further clarification of the statements above, please contact me at 800.425.7637.

Sincerely,

A handwritten signature in black ink, appearing to read 'RVogt'.

Ryan Vogt
Director of Partner Channel Sales
Word Systems, Inc.



City of

Jacksonville Beach

Operations &

Maintenance Facility

Department of Public

Works

1460-A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6219

Fax: 904.247.6117

www.jacksonvillebeach.org

MEMORANDUM

TO: Mike Staffopoulos, City Manager

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

SUBJECT: Renewal of Memorandum of Agreement between City of Jacksonville Beach and Other Northeast Florida Water Utilities to Assess Groundwater Resource Sustainability

DATE: October 2, 2020

BACKGROUND

In June 2009, City Council first approved the City to join with other water utilities in Northeast Florida in a memorandum of agreement (“MOA”) for working on groundwater resource sustainability and water supply planning. This MOA combined our resources for hiring a technical consultant and legal support services needed in our coordination with the St. Johns River, Santa Fe River Water Management District, and the Florida Department of Environmental Protection. The utility group is known as the Northeast Florida Utility Coordination Group. This MOA was renewed in February 2011, July 2014 and September 2017. The current agreement ended on September 30, 2020. The proposed MOA is for three (3) years and will expire on September 30, 2023.

This collaborative effort has been crucial in communicating the concerns of the utilities for using the best science available and developing more accurate groundwater models. Meanwhile, other environmental and water resource pressures, such as minimum flow levels for lakes and the impact of withdrawals in adjoining regions, continue to grow in importance. In addition, other influential groups with different and varying priorities are engaging in these regional discussions and work groups. Ultimately, it is anticipated that stricter limits for water withdrawals will be set in the future. It is imperative that our region’s water utilities maintain a common voice and message as this dialogue continues.

The following water utilities have agreed to continue working together via the renewed memorandum of agreement (attached) that pays for this anticipated level of technical consultant and legal support services:

- City of Atlantic Beach
- City of Neptune Beach
- Clay County Utility Authority
- Town of Orange Park
- City of Jacksonville Beach
- St. Johns County
- Gainesville Regional Utilities
- JEA



JEA will continue as the designee to administer the contracts, utilizing their engineering and legal contracts, with costs reimbursed to JEA by the member utilities based on annual average daily flows. The City's share of the cost will be 1.36% for the renewal period. The estimated costs are:

<u>3-Year MOA</u>	<u>Fiscal Year</u>	<u>NFUCG Total</u>	<u>City Portion</u>
<u>Previous</u>	2018	\$500,000	\$8,094.00
	2019	\$500,000	\$8,094.00
	2020	<u>\$500,000</u>	<u>\$8,094.00</u>
	TOTAL:	\$1,500,000	\$24,282.00
<u>Renewal</u>	2021	\$500,000	\$ 6,810.00
	2022	\$500,000	\$ 6,810.00
	2023	<u>\$500,000</u>	<u>\$ 6,810.00</u>
	TOTAL:	\$1,500,000	\$20,429.00

Funding for this contract is available in the Water & Sewer budget. As with the previous four (4) agreements, it is recommended that the City Manager execute this MOA on behalf of the City.

REQUESTED ACTION

Authorize the City Manager to execute the Memorandum of Agreement between the City of Jacksonville Beach and other Northeast Florida water utilities to assess groundwater resource sustainability as described in the memorandum from the Public Works Director dated October 2, 2020.

**MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF ATLANTIC BEACH, CLAY COUNTY UTILITY AUTHORITY,
CITY OF GAINESVILLE, CITY OF JACKSONVILLE BEACH, JEA,
CITY OF NEPTUNE BEACH, TOWN OF ORANGE PARK, AND ST. JOHNS COUNTY
TO ASSESS GROUNDWATER RESOURCE SUSTAINABILITY IN NORTHEAST
FLORIDA**

WHEREAS, the St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) are undertaking and continuing water supply planning processes using growth projections, groundwater and resource impact models, and other technical tools that will affect local governments and utilities throughout the region and specifically developing MFL Prevention and Recovery Plans that local governments and utilities may be a participant; and

WHEREAS, the City of Atlantic Beach, Clay County Utility Authority, City of Gainesville, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, and St. Johns County (hereinafter referred to as "OWNERS"), desire to jointly and collaboratively evaluate regional long-term sustainability of groundwater resources to meet future public water supply needs relative to the St. Johns River Water Management District's (SJRWMD) and Suwannee River Water Management District's (SRWMD) water supply planning processes; and

WHEREAS, the OWNERS support protecting and sustaining the natural systems and groundwater resources; and

WHEREAS, the OWNERS have a responsibility to provide cost effective public water supply alternatives; and

WHEREAS, it is more efficient for the OWNERS to cost share in this effort and to avoid duplication of effort; and

WHEREAS, the OWNERS need to engage engineering consultants and legal support services and desire to designate JEA to administer these contracts; and

WHEREAS, pursuant to Section 21.04(t) of the City of Jacksonville Charter, JEA is authorized to provide the services described herein; and

WHEREAS, the OWNERS have agreed to enter into this agreement (the "Agreement") for the purpose of setting forth the terms and conditions which will govern their mutual obligations in furtherance of the foregoing Recitals; and

WHEREAS, the OWNERS had previously entered into a Memorandum of Agreement Between City of Atlantic Beach, Clay County Utility Authority, City of Gainesville, City of Green Cove Springs, City of Jacksonville Beach, JEA, City of Neptune Beach, Town of Orange Park, and St. Johns County to Assess Groundwater Resource Sustainability in Northeast Florida (the "2017 MOA"). The 2017 MOA will terminate on September 30, 2020. Upon execution of this

Agreement the 2017 MOA shall terminate as of the Effective Date of this Agreement and the parties shall be bound only by this Agreement and not the 2017 MOA.

NOW, THEREFORE, the OWNERS and JEA agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference to the same.

2. **Services.** JEA hereby agrees to administer consultant and legal services contracts for the OWNERS as described in the Scope of Services (the "Scopes"), which will be attached as consultant Exhibit A hereto, after being approved and finalized by JEA and all OWNERS, and which shall become a part hereof when attached hereto. The OWNERS and JEA understand that Exhibit A may be modified and/or additional Scopes may be added at a future date, in accordance with the provisions set forth in paragraphs 4, 6 and 8 herein. In the role of administrator of the consultant and legal contracts, JEA will (1) act as the primary contact for the contracts, (2) will relay the prioritization of tasks as set by the OWNERS, (3) coordinate progress meetings and other activities relating to project status and (4) pay the invoices submitted by the consultants, subject to the reimbursement of the costs by the other OWNERS, in the percentages as set forth in paragraph 6 herein.

3. **Limitations.** Prioritization of tasks included in the Scopes and overall direction to consultant and legal service providers will be determined jointly by the OWNERS. Decisions will require a majority vote of the OWNERS before JEA directs consultants accordingly. Each OWNER will have one vote. JEA will coordinate regular progress meetings for conference calls and meetings with consultant and legal service providers to provide OWNERS with project status updates and obtain OWNER votes, as needed.

4. **Costs.** OWNERS shall be limited to an overall, combined total cost not to exceed \$1,500,000 over the term of this Agreement (the "Total Costs Amount") as presented in Table 1. These costs are anticipated to be incurred at approximately \$500,000 per year for each of the three (3) years of the Agreement (Fiscal Years 2021, 2022, and 2023). Exhibit A contains a draft scope of services for these activities. This scope will be updated and adjusted as needed by the committee. Decisions to add additional services within the Scopes, but subject to and limited by the Total Costs Amount, will require at least a majority vote of the OWNERS. The addition of Scopes above the Total Costs Amount will require written modification of this Agreement and the approval of a majority of the OWNERS. In the event that additional Scopes above the Total Costs Amount are so approved, any dissenting OWNER may elect to withdraw from this Agreement in accordance with the requirements of paragraph 10 hereof.

5. **Effective Date.** The Effective Date of this Agreement shall be October 1, 2020.

6. **Reimbursement of Expenses.** OWNERS will reimburse JEA on up to a monthly basis and within 30 days of invoicing by JEA in consideration of this Agreement based on actual costs incurred during the preceding period. Costs to each OWNER will be paid proportionally to each utility's 2019 total annual average daily flow for the duration of this Agreement, as follows:

Table 1: Percentage Reimbursement and Cost

Owner	2019 Flow AADF (MGD)	Reimbursement (%)	Total Annual Cost	Total Cost Amount
City of Atlantic Beach	2.36	1.36%	\$6,804	\$20,412
Clay County Utility Authority	12.51	7.22%	\$36,090	\$108,270
City of Gainesville	23.90	13.78%	\$68,924	\$206,772
City of Jacksonville Beach	2.36	1.36%	\$6,810	\$20,429
JEA	118.35	68.27%	\$341,343	\$1,024,028
City of Neptune Beach	0.69	0.40%	\$1,981	\$5,944
Town of Orange Park	0.87	0.50%	\$2,506	\$7,519
St. Johns County	12.32	7.11%	\$35,542	\$106,626
Total	173.36	100.00%	\$500,000	\$1,500,000

Note: AADF is annual average daily flow

JEA will not charge OWNERS any additional fees for contract administration. If any OWNER fails to reimburse JEA for its percentage share, interest shall be assessed at the rate of 8% per year. If an OWNER fails to pay its percentage share for two (2) consecutive months, this MOA shall be void as between JEA and such Defaulting OWNER. Defaulting OWNER shall thereafter cease to be a part of the OWNERS group, and shall not be entitled to attend any meetings, have any vote on matters, and obtain any information or reports prepared by consultants. The Defaulting OWNER shall continue to be liable to JEA for payment of its percentage share of the costs incurred, plus accrued interest, but the defaulting OWNER shall not be liable for any cost or expenses from the date it is no longer a part of the OWNERS group. If an OWNER defaults or separates from the group in accordance with paragraph 10, JEA shall re-allocate the reimbursement percentages set forth above, and each OWNER shall thereafter be responsible for the revised percentage of the fees.

In lieu of cost reimbursement, JEA may allow OWNERS to provide in-kind services, on a case-by-case basis, and as unanimously agreed by OWNERS when said in-kind services have or will directly support and offset costs of the Scopes within the limitations of the Total Costs Amount in paragraph 4 above and any approved additional services.

7. Notification. Correspondence to JEA, project administration questions, and payment, as well as any other notice, shall be directed as follows:

Tom Bartol, PE
 JEA
 21 W. Church St. T-8
 Jacksonville, Florida 32202
 (904) 665-6373
 barttj@jea.com

Notices to and from the other OWNERS and voting shall be made by the following individuals, or a designee of each respective OWNER, at the addresses shown:

Steve Swann City Engineer City of Atlantic Beach 800 Seminole Road Atlantic Beach, FL 32233 904-247-5874 sswann@coab.us	Leon Smith Director of Public Works City of Neptune Beach 2010 Forest Avenue Neptune Beach, Florida 32266 (904) 270-2422 dpw@nbfl.us
Jeremy Johnston Executive Director Clay County Utility Authority 3176 Old Jennings Road Middleburg, Florida 32068 (904) 272-5999 jjohnston@clayutility.org	Chuck Pavlos Public Works Director Town of Orange Park 2042 Park Avenue Orange Park, Florida 32073 (904) 264-7411 cpavlos@townop.com
Rick Hutton Supervising Engineer W/WW Division Gainesville Regional Utilities 4747 N Main Street Gainesville, FL 32609 (904) 393-1612 huttonrh@gru.com	Bill Young Utility Director St. Johns County 1205 SR 16 St. Augustine, Florida 32084 (904) 209-2700 byoung@sjcfl.us
Kayle Moore Engineer City of Jacksonville Beach 1460A Shetter Avenue Jacksonville Beach, Florida 32250 (904) 247-6219 kmoore@jaxbchfl.net	

8. Modification. This Agreement may be modified only upon mutual, written agreement signed by all of the OWNERS.

9. Additional Parties as OWNERS. OWNERS may be added to the Agreement in the future. Decisions to add additional OWNERS will require at least a majority vote of the OWNERS. If an OWNER is added, JEA shall re-allocate the reimbursement percentages set forth in paragraph 6 above, and each OWNER shall thereafter be responsible for the revised percentage of the fees. OWNERS may also agree to allow participation of other entities in this collaborative effort without becoming an OWNER and at no cost, but only after unanimous agreement by OWNERS.

10. Separation. Any OWNER may withdraw from this Agreement before termination by giving not less than 30 days' written notice to all OWNERS. In the event of withdrawal, the withdrawing OWNER shall be responsible for its share of all services up to the date of termination plus its remaining share of active phase(s) of work being performed under the Scopes. Payment in full for the remaining balance shall be due within thirty (30) days of separation. The withdrawing OWNER will not be responsible for costs associated with any phases of the Scopes not yet started and future costs for phases not yet started will be redistributed among the remaining OWNERS within the limitations of the Annual Cost and Total Cost Amount OWNER allocation described above.

11. Execution. This Agreement may be executed in multiple counterparts, each of which shall be considered an original document for all purposes.

12. Termination. This Agreement shall terminate on September 30, 2023 or upon the completion of the Scopes, whichever shall first occur, unless terminated earlier by the procedures set forth herein. In the event of termination before completion of the Scopes, the OWNERS shall be responsible for their respective shares of services performed to the date of termination, and no compensation previously paid for services performed in accordance with this Agreement shall be refundable by JEA.

AGREED TO on this ___ day of _____, _____

Memorandum of Agreement to assess groundwater resource sustainability in Northeast Florida

[Signature Pages Follow]

DATE:

CITY OF ATLANTIC BEACH

Shane Corbin
City Manager
City of Atlantic Beach
800 Seminole Rd.
Atlantic Beach, Florida 32233

DATE:

CLAY COUNTY UTILITY AUTHORITY

Jeremy Johnson
Executive Director
Clay County Utility Authority
3176 Old Jennings Road
Middleburg, Florida 32068

DATE:

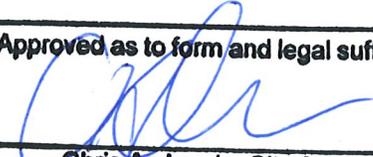
CITY OF GAINESVILLE

Anthony Cunningham
Water/Wastewater Officer
Gainesville Regional Utilities
301 SE 4th Avenue
Gainesville, Florida 32601

DATE:

CITY OF JACKSONVILLE BEACH

Mike Staffopoulos
City Manager
City of Jacksonville Beach
11 North Third Street
Jacksonville Beach, Florida 32250

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney

DATE:

JEA

JEA
21 W. Church Street, JEA Tower 16th Floor
Jacksonville, Florida 32202

DATE:

CITY OF NEPTUNE BEACH

Stefen Wynn
City Manager
City of Neptune Beach
116 First Street
Neptune Beach, Florida 32266

DATE:

TOWN OF ORANGE PARK

Sarah Campbell
Town Manager
Town of Orange Park
2042 Park Avenue
Orange Park, Florida 32073

DATE:

ST. JOHNS COUNTY

Hunter Conrad
County Administrator
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Exhibit A: General Scope of Support Services

Proposed Workplan

The following tasks are expected to be completed by engineering consultants over the next 3 years on behalf of NFUCG. This workplan is a general guide to the activities that are likely to occur over the next several years and does not represent a detailed scope of work. Detailed scopes will be developed as the water supply planning process evolves and new information necessitates engaging the technical services of engineering consultants.

Task 1. Participate in Clay-Putnam County Area MFLs and Prevention/Recovery

SJRWMD has begun re-evaluation of MFLs and developing recovery and prevention strategies for the MFL lakes in the Clay-Putnam County area. The following are the primary tasks requiring technical services related to NFUCG participation in the Clay-Putnam County area MFL working group.

Task 1.1 Review Clay-Putnam County Area MFLs

SJRWMD is re-evaluating MFLs for Lake Geneva and Lake Brooklyn. NFUCG has been actively involved with the proposed MFL for Lake Geneva. Significant technical issues will need to be addressed before the Lake Geneva MFL can be adopted. The re-evaluation of Lake Brooklyn is in the preliminary stages. The same modeling tools and assumptions used for Lake Geneva will likely be applied to Lake Brooklyn and could result in the lake being in recovery. This task includes continuing the technical review of the Lake Geneva and Lake Brooklyn MFLs. The effort includes performing groundwater and surface water modeling, compiling data, meeting with the District, and conducting field assessments.

Task 1.2 Evaluate Water Supply and Water Resources Development Strategies

The purpose of this task is to evaluate proposed strategies to analyze their impact on water resources constraints in the Clay-Putnam County area for NFUCG. The effort includes compiling data for performing groundwater and surface water modeling, proposing recommended strategies and presenting results as necessary to NFUCG and the working group.

Task 2. Review MFLs Proposed by SRWMD

SRWMD has initiated MFL development for major waterbodies and springs in the Suwannee Basin. In addition, the SRWMD will be re-evaluating the Lower Santa Fe River and Ichetucknee River MFLs prior to 2019. As such, these MFLs could have a significant potential impact on the NFUCG. The purpose of this task is to have technical resources review interim and final work products and to participate in public information meetings

Task 3. Provide Technical Resources to the Development of Future Groundwater and MFL Modeling Tools

The following primary tasks require technical services for NFUCG to understand and participate in the development and application of groundwater modeling tools being created by SJRWMD and SRWMD.

Task 3.1 Review Northeast Florida Southeast Georgia (NFSEG) Regional Groundwater Model

The St. Johns River Water Management District (SJRWMD), Suwannee River Water Management District (SRWMD), and Southwest Florida Water Management District (SWFWMD) have developed a regional groundwater flow model, the NFSEG v1.0 Model, which was released in August 2016. The purpose of this task is to continue providing technical services for NFUCG to understand and participate in developing the next version (v1.1) of the NFSEG regional groundwater flow model. This effort includes documenting findings, presenting findings to NFUCG, and meeting with SJRWMD to incorporate comments. It also includes participating in the peer review of the NFSEG model which is underway.

Task 3.2 Participate in the Development of Sub-Regional Groundwater Modeling Tools

The SJRWMD is in the process of developing a local-scale groundwater model of the Keystone Heights area to assist in the assessment of groundwater impacts on lakes. This Keystone Heights Transient Groundwater Flow Model (KHT Model) is currently planned to be used in the assessment of whether or not MFLs in the area are being met. As such, the KHT Model is of significant importance to all stakeholders including the NFUCG.

The purpose of this task is to providing technical services for NFUCG to understand and participate in the development of the KHT Model. The role of NFUCG's consultant will be to participate and provide critical feedback to decisions, document and communicate key decision points, work with District staff to advance the development of the modeling tools, review model results, evaluate boundary conditions, run model scenarios and review parameter sensitivity. The effort does not include building a regional or sub-regional model.

Task 4. Participate in Development of North Florida Regional Water Supply Plan (NFRWSP)

SJRWMD and SRWMD previously initiated the development of the NFRWSP, a joint regional water supply plan that identified sustainable water supply for reasonable water uses in North Florida through 2035 while protecting the water resources and environment of the region. The NFRWSP was approved in 2016 and is anticipated to be updated by the end of 2020. The purpose of this task is to provide technical resources to the NFUCG to evaluate the NFRWSP as it is updated in 2020.

Task 5. Document and Communicate Major Finding to NFUCG

Information must be documented and communicated throughout this process. The consultant will prepare meeting minutes and develop supporting materials to record major findings and decision points related to the previous tasks. These findings will be distributed to NFUCG and presented at status meetings.

Strategic & Legal Support Services to NFUCG

Proposed Workplan

In addition to technical assistances, the NFUCG recognizes the need for strategic and legal expertise. The workplan for these activities are not easily defined at this time, but will generally consist of legal interpretation and representation regarding the following:

1. Water Supply Planning
2. Minimum Flows and Levels
3. Rule-making
4. Legislative Rules and Requirements
5. Permitting and Implementation
6. General Guidance

MEMORANDUM

TO: Mike Staffopoulos, City Manager

FROM: Heather Ireland, Senior Planner

SUBJECT: Southwind Final Plat, Replat of Lots 2 and 3 of Block FF as shown on map of Permenter's Replat of South San Pablo or Atlantic Camp Grounds (231 South 21st Avenue)

Date: October 9, 2020

BACKGROUND

The applicant has applied to subdivide property that is currently being redeveloped into three (3) residential townhouse lots. The subject property is located on the northwest corner of Gail Avenue and 21st Avenue South in the Atlantic Camp Grounds neighborhood. The property consists of two platted lots of record and is currently developed with one single-family use. The applicants are redeveloping the subject property into a three lot townhouse project under the Residential, multiple-family: RM-2 zoning standards.

The proposed three lot townhouse subdivision is consistent with the existing mix of single- and multiple-family uses surrounding the property, and, as shown, meets the RM-2 zoning standards for a townhouse development. The project received Concept Plan for Plat approval from the Planning Commission in January of 2020, and has also received Development Plan approval. Adjacent uses include single-family residential to the north and west, and multiple family residential to the east and south.

The attached Final Plat document has been approved by all reviewing City Departments, and is consistent with relevant Land Development Code and Comprehensive Plan regulations.

REQUESTED ACTION

Approve/Disapprove the Final Plat for the Southwind subdivision.

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org



SOUTHWIND TOWNHOMES

CITY OF JACKSONVILLE BEACH, FLORIDA

BEING A REPLAT OF LOTS 2 AND 3 BLOCK FF AS SHOWN ON MAP OF PERMENTER'S REPLAT OF SOUTH SAN PABLO OR ATLANTIC CAMP GROUNDS, AS RECORDED IN PLAT BOOK 9, PAGE 44, OF THE CURRENT PUBLIC RECORDS OF, DUVAL COUNTY, CITY OF JACKSONVILLE, FLORIDA

PLAT BOOK _____ PAGE _____

SHEET 1 OF 2 SHEETS
SEE SHEET 2 FOR NOTES

OWNER:

NEW ATLANTIC BUILDERS, LLC
7563 PHILIPS HIGHWAY, SUITE 101
JACKSONVILLE, FLORIDA 32256

SURVEYOR:

ALL AMERICAN SURVEYORS OF FLORIDA, INC.
3751 SAN JOSE PLACE, SUITE 15
JACKSONVILLE, FLORIDA 32257

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT NEW ATLANTIC BUILDERS, LLC ("OWNER") IS THE LAWFUL OWNERS OF THE LANDS DESCRIBED IN THE CAPTION SHOWN HEREON WHICH SHALL HEREAFTER BE KNOWN AS SOUTHWIND TOWNHOMES, AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AND THAT THIS PLAT, MADE IN ACCORDANCE WITH SAID SURVEY, IS HEREBY ADOPTED AS THE TRUE AND CORRECT PLAT OF SAID LANDS.

THOSE EASEMENTS DENOTED AS "5' B.E.S. EASEMENT," ARE HEREBY IRREVOCABLY AND WITHOUT RESERVATION DEDICATED TO THE CITY OF JACKSONVILLE BEACH, A MUNICIPAL CORPORATION IN DUVAL COUNTY, FLORIDA D/B/A BEACHES ENERGY SERVICES, ITS SUCCESSORS AND ASSIGNS, FOR ITS USE IN CONJUNCTION WITH ITS UNDERGROUND UTILITY DISTRIBUTION SYSTEM; PROVIDED HOWEVER, THAT NO UTILITIES OTHER THAN "B.E.S." MAY BE INSTALLED PARALLEL WITH SAID EASEMENTS. BEACHES ENERGY SERVICES HEREBY RESERVES THE NON-EXCLUSIVE, IRREVOCABLE AND PERPETUAL RIGHT OF INGRESS TO AND EGRESS FROM, OVER, UNDER AND ACROSS ALL ROADS, STREETS, WAYS, BOULEVARDS, LANES, AND UTILITY EASEMENTS DEPICTED OR DEDICATED BY THIS PLAT FOR ITS USE IN THE CONSTRUCTION, INSTALLATION, MAINTENANCE, OR REMOVAL OF ITS UNDERGROUND UTILITY DISTRIBUTION SYSTEM, SURFACE MOUNTED EQUIPMENT, FACILITIES, AND APPURTENANCES, IN CONJUNCTION WITH ITS UNDERGROUND UTILITY DISTRIBUTION SYSTEM. ALL LOTS ARE SUBJECT TO AN EASEMENT FOR ELECTRIC AND NATURAL GAS DISTRIBUTION LINES AND ABOVE GROUND EQUIPMENT, FACILITIES, AND APPURTENANCES OVER, UNDER, ACROSS AND ALONG A MINIMUM OF FIVE (5') FEET IN WIDTH STRIP OF LAND ADJACENT TO, ABUTTING, PARALLEL, AND CONCENTRIC WITH THE ROAD RIGHT-OF-WAYS DEDICATED BY THIS PLAT (DENOTED AS 5' B.E.S. ELECTRIC EASEMENT). THE AFORESAID SPECIFIC FIVE (5') FOOT B.E.S. EASEMENTS ARE SUBJECT TO THE FOLLOWING COVENANTS WHICH SHALL RUN WITH THE LAND:

(1)

ELECTRIC EASEMENTS DEDICATED TO BEACHES ENERGY SERVICES AND WHERE ABOVE GROUND EQUIPMENT, FACILITIES, AND APPURTENANCES ARE PLACED SHALL REMAIN TOTALLY UNOBSTRUCTED IN COMPLIANCE WITH THE UTILITY'S REQUIREMENTS AND SPECIFICATIONS FOR EQUIPMENT CLEARANCES FROM SHRUBS, TREES, PLANTS, FENCES, AND OTHER OBJECTS. THE INSTALLATION OF FENCES, HEDGES, AND LANDSCAPING IS PERMISSIBLE BUT SUBJECT TO REMOVAL BY BEACHES ENERGY SERVICES WITHOUT PRIOR NOTICE, AT THE EXPENSE OF EACH LOT OWNER FOR THE REMOVAL AND THE REPLACEMENT OF SUCH ITEMS.

(2) NO UTILITIES OTHER THAN BEACHES ENERGY SERVICES SHALL BE INSTALLED PARALLEL WITHIN SAID EASEMENTS.

(3)

PRIVATE UNOBSTRUCTED DRAINAGE EASEMENTS, AND UNOBSTRUCTED DRAINAGE EASEMENTS SHALL REMAIN PRIVATELY OWNED AND THE SOLE AND EXCLUSIVE PROPERTY OF THE "OWNER", NEW ATLANTIC BUILDERS, LLC, ITS SUCCESSORS AND ASSIGNS. THE OWNER SHALL ALSO RESERVE THE RIGHT TO CONVEY RIGHTS OF WAY TOGETHER WITH ALL UNOBSTRUCTED DRAINAGE & ACCESS EASEMENTS AND UNOBSTRUCTED DRAINAGE EASEMENTS TO THE CITY OF JACKSONVILLE BEACH, FLORIDA

(4)

EXISTING PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY HERETO DO NOT NEED TO BE REDEDICATED TO THE CITY OF JACKSONVILLE BEACH, FLORIDA

CITY OF JACKSONVILLE BEACH APPROVAL

THIS IS TO CERTIFY THAT THIS PLAT, HAS BEEN EXAMINED AND APPROVED BY THE CITY COUNCIL OF JACKSONVILLE BEACH, FLORIDA, ON THIS _____ DAY OF _____ A.D. 2020.

WILLIAM C. LATHAM
MAYOR

LAURIE SCOTT
CITY CLERK

CLERK'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND APPROVED AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND SUBMITTED TO ME FOR RECORDING, AND IS RECORDED IN PLAT BOOK _____, PAGES _____ OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
SIGNED THIS _____ DAY OF _____ A.D. 2020.

RONNIE FUSSELL
CLERK OF THE CIRCUIT COURTS

PLAT CONFORMITY REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO FLORIDA STATUTES CHAPTER 177, PART 1, THIS DAY OF _____ A.D. 2020.

REVIEWING PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER _____

IN WITNESS WHEREOF, THE "OWNER" HAS CAUSED THIS PLAT AND DEDICATION TO BE EXECUTED BY ITS DULY ELECTED OFFICERS, ACTING BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS.

WITNESSES:

OWNER: NEW ATLANTIC BUILDERS, LLC
A LIMITED LIABILITY COMPANY

BY: _____
JOHN TOWERS, PARTIAL OWNER

PRINT NAME: _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING CURRENTLY LICENSED AND REGISTERED BY THE STATE OF FLORIDA AS A PROFESSIONAL SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT THE ABOVE PLAT WAS PREPARED UNDER HIS OR HER DIRECTION AND SUPERVISION, AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1, PLATTING, CURRENT FLORIDA STATUTES.

SIGNED AND SEALED THIS _____ DAY OF _____ A.D. 2020.

JAMES D. HARRISON, JR.
PROFESSIONAL SURVEYOR & MAPPER, LICENSE NUMBER 2647
ALL AMERICAN SURVEYORS OF FLORIDA, INC.

STATE OF FLORIDA, COUNTY OF DUVAL

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS DAY OF _____, 2020 BY _____ AS _____ OF NEW ATLANTIC BUILDERS LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

(NOTARY SIGNATURE)

PRINT NAME
MY COMMISSION EXPIRES:

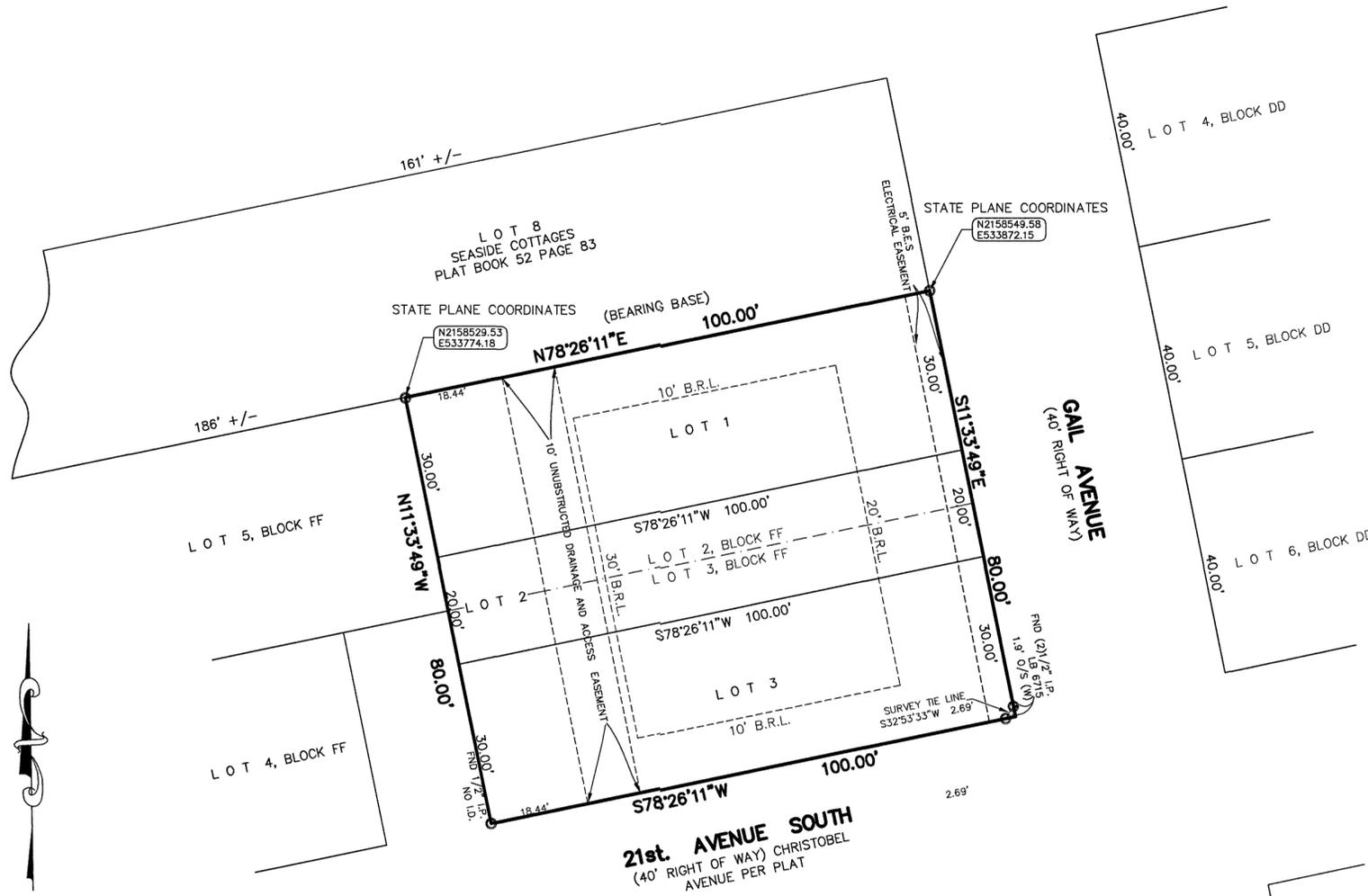
(NOTARY SEAL)

PREPARED BY
ALL AMERICAN SURVEYORS OF FLORIDA, INC.
3751 SAN JOSE PLACE SUITE 15
JACKSONVILLE, FLORIDA 32257
904-279-0088
LICENSED BUSINESS NO. 3857

SOUTHWIND TOWNHOMES

CITY OF JACKSONVILLE BEACH, FLORIDA

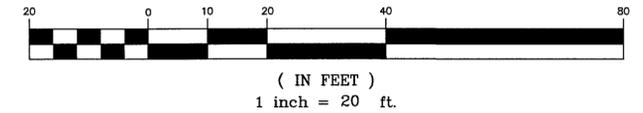
BEING A REPLAT OF LOTS 2 AND 3 BLOCK FF AS SHOWN ON MAP OF PERMETER'S REPLAT OF SOUTH SAN PABLO OR ATLANTIC CAMP GROUNDS, AS RECORDED IN PLAT BOOK 9, PAGE 44, OF THE CURRENT PUBLIC RECORDS OF, DUVAL COUNTY, CITY OF JACKSONVILLE, FLORIDA



NOTES:

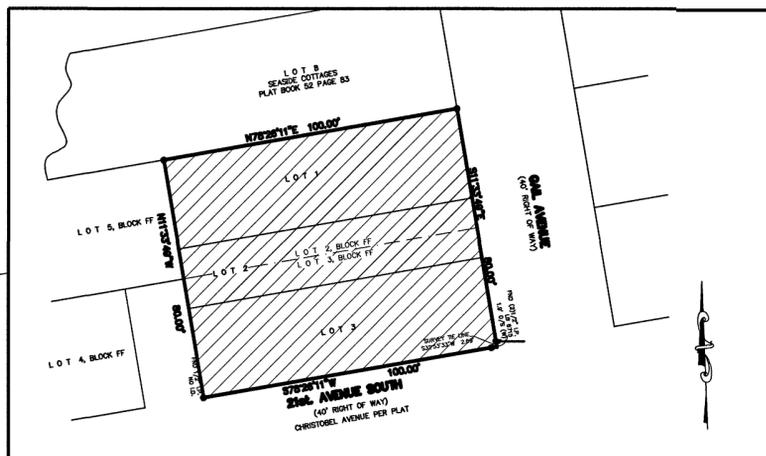
1. BEARINGS SHOWN HEREON ARE IN REFERENCE TO THE STATE PLANE COORDINATES AS INDICATED HEREON AND ARE BASED ON THE SOUTHERLY BOUNDARY LINE OF LOT 1 BLOCK FF OF PERMETER'S REPLAT OF SOUTH SAN PABLO OR ATLANTIC CAMP GROUNDS, AS RECORDED IN PLAT BOOK 9, PAGE 44, OF THE CURRENT PUBLIC RECORDS OF, DUVAL COUNTY, CITY OF JACKSONVILLE, FLORIDA AND AS BEING N78°26'11"E.
2. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
3. THE LANDS SHOWN HEREON LIE WITHIN FLOOD ZONE "AE" ELEVATION 9' AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 419J, NAVD-88 DATUM, DATED 11/2/2018
4. THE EASEMENTS SHOWN HEREON ARE DESIGNATED AS UNOBSTRUCTED EASEMENTS AND SHALL REMAIN TOTALLY UNOBSTRUCTED BY ANY PERMANENT IMPROVEMENTS WHICH MAY IMPEDE THE USE OF SAID EASEMENT BY THE CITY OF JACKSONVILLE BEACH. THE CONSTRUCTION OF DRIVEWAYS AND THE INSTALLATION OF FENCES, HEDGES AND LANDSCAPING IS PERMISSIBLE BUT SUBJECT TO REMOVAL BY THE CITY AT THE EXPENSE OF EACH LOT OWNER FOR THE REMOVAL AND/OR REPLACEMENT OF SUCH ITEMS.
5. THE INTENDED USE OF THESE COORDINATES IS FOR GIS BASE MAPPING PURPOSES. THE GEODETIC CONTROL RELIED UPON FOR THESE VALUES WAS N.G.S. GEODETIC NETWORK CONTROL STATION DUR2. COORDINATES ARE BASED ON NORTH AMERICAN DATUM 1983/90 - STATE PLANE COORDINATES - FLORIDA EAST ZONE - U.S. FEET.
6. "B.E.S." DENOTES BEACHES ENERGY SERVICES. B.E.S. WILL ALLOW CERTAIN NON-PERMANENT IMPROVEMENTS WHICH DO NOT IMPEDE THE USE OF SAID EASEMENTS BY B.E.S. THE INSTALLATION OF FENCES, HEDGES, AND LANDSCAPING IS PERMISSIBLE BUT SUBJECT TO REMOVAL BY B.E.S. AT THE EXPENSE OF EACH LOT OWNER FOR THE REMOVAL AND FOR REPLACEMENT OF SUCH ITEMS.
7. ALL PROPERTY HEREON ARE ALL LOCATED INSIDE THE PLAT OF PERMETER'S REPLAT OF SOUTH PABLO OR ATLANTIC CAMP GROUNDS AS RECORDED IN PLAT BOOK 9 PAGE 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY

GRAPHIC SCALE



LEGEND

- P.B. PLAT BOOK
- PG(S) PAGE(S)
- ORB OFFICIAL RECORDS BOOK
- R/W RIGHT OF WAY
- -DENOTES FND 1/2" I.P. LB 6715 UNLESS OTHERWISE NOTED



VICINITY MAP
NOT TO SCALE

PREPARED BY
ALL AMERICAN SURVEYORS OF FLORIDA, INC.
3751 SAN JOSE PLACE SUITE 15
JACKSONVILLE, FLORIDA 32257
904-279-0088
LICENSED BUSINESS NO. 3857

MEMORANDUM

TO: Michael J. Staffopoulos, City Manager
FROM: Chris Ambrosio, City Attorney
SUBJECT: Ordinance No. 2020-8148 creating a new City Code of Ordinances Chapter 20 – Parks and Recreation
DATE: September 29, 2020 (new Second Reading after being tabled September 8, 2020)

BACKGROUND

Currently, the City Code of Ordinances has a vacant Chapter 20 – Parks and Recreation. The City Attorney, Parks and Recreation Department, and Police Department, suggest that a new Chapter 20 – Parks and Recreation, be created and codified. The new Chapter will: (a) provide both uniform and park specific local laws, rules, and regulations; (b) codify specified authority and enforcement action to specifically address operations, concerns, and issues that the Parks and Recreation and Police Departments encounter; (c) establish governing management mechanisms to protect City parks, park facilities, beach, and public park users; and (d) create an enforcement provision for violators and trespassers. The public should be aware of and be provided plainly codified rules and regulations for park use. This Ordinance serves a public purpose to provide guests and citizens of the City with hospitable, safe, and clean public environments and facilities in which to engage in recreational, leisure, and sporting activities.

On September 8, 2020, at the second reading of Ordinance No. 2020-8148 this item was tabled to relocate the beaches section of the Ordinance to City Code Chapter 6 – Beaches and Bulkheads. A proposed Ordinance revising Chapter 6 was presented to Council under a separate agenda item.

At the Council Briefing on August 3, 2020, Council asked whether the Splash Pad would be incorporated into Chapter 20. In the past, the Splash Pad season began the weekend of Memorial Day and ended the weekend of Labor Day. Currently, the Parks and Recreation Department has extended the season to run through the end of October. Next year, the daily water chemical maintenance will be performed by a contractor, versus reliance on limited staff availability, which will provide greater flexibility in adapting to seasonal demands. The Parks and Recreation Department recommends that the Splash Pad not be expressly included in the new Chapter 20 at this time.

REQUESTED ACTION

Adopt/Deny Ordinance No. 2020-8148 creating a new City Code of Ordinances Chapter 20 – Parks and Recreation.

Introduced by: _____
1st Reading: August 17, 2020
2nd Reading: _____

ORDINANCE NO. 2020-8148

AN ORDINANCE TO CREATE CHAPTER 20 “PARKS AND RECREATION” AND ASSOCIATED SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO PROVIDE UNIFORM AND PARK SPECIFIC CODIFIED LOCAL LAWS, RULES, AND REGULATIONS AND SPECIFIED AUTHORITY AND ENFORCEMENT ACTIONS CONCERNING THE CITY’S PARKS AND PARK PROPERTIES; 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 20 “Parks and Recreation” is currently a vacant Chapter with no articles or sections, and serves no meaningful or useful purpose for the City, residents, and the public; and

WHEREAS, a proper Chapter 20 is needed to include codified local laws, rules, regulations, authority, and enforcement actions concerning operations and management of the City’s parks and park properties; and

WHEREAS, such a new Chapter 20 will provide the City Parks and Recreation Department and employees, the Police Department, park users, and the public with explicit codified guidance, regulation, and enforcement provisions to manage and protect City parks; and

WHEREAS, a new Chapter 20 will in substantial part: (a) provide both uniform and park specific local laws, rules, and regulations; (b) codify specified authority and enforcement action to specifically address operations, concerns, and issues that the Parks and Recreation, and Police Departments encounter; (c) establish governing management mechanisms to protect City parks, park properties, and public park users; and (d) create an enforcement provision for violators and trespassers; 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 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. THAT THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA IS HEREBY AMENDED BY ADDING TO CHAPTER 20 - PARKS AND RECREATION, ARTICLES TO BE NUMBERED “I THROUGH IV,” AND ADDING SECTIONS WITHIN SAID ARTICLES TO BE NUMBERED “20-01 THROUGH 20-18,” WHICH SAID ARTICLES AND SECTIONS SHALL READ AS FOLLOWS.

ARTICLE I. – DEFINITIONS

Sec. 20-01. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Authorized or authorization means that the City Manager or Director of the City Parks and Recreation Department must officially approve and authorize requests. Authorized and Authorization entails an electronic or written letter, confirmation, or memorandum granting the request.

Beach or public beach means all that part of the Atlantic Ocean beach lying between the bulkhead line on the west and the Atlantic Ocean on the east and extending to the City limits on the north and the south. The area includes the beach walkovers and beach access points.

City means City of Jacksonville Beach, Florida.

Department means the City Parks and Recreation Department.

Director means the Director of the City Parks and Recreation Department.

Golf Course means the City of Jacksonville Beach Golf Course and all its facilities and grounds located at 605 Penman Road South, Jacksonville Beach, Florida.

Organized activity means any planned recreational activity or game having formal organization or structure, or any activity or game affiliated with membership in an organization such as a school, social organization, or sports league. Organized activity shall not mean informal or casual “pick-up” recreational activity or games, occurring without regularity or occurring spontaneously or by chance.

Park means a park, playground, recreational center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.

Park property means all areas, buildings, locations, and facilities described in the definition of parks.

Park roads means all surfaced areas designated for vehicular traffic, and passing through any legally defined park or recreational area or any part thereof.

Parking area means any designated part of any park road, drive or special area contiguous thereto set apart for the temporary parking, standing, or stationing of a vehicle.

Person means any individual regardless of age or gender, corporation, company, association, club, society, league, or group that utilize parks and park property.

Vehicle means any wheeled conveyance, whether motor powered (such as an automobile, truck, motorcycle, scooter, or moped), or self-propelled (such as a bicycle or tricycle). The term shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages, motorized and non-motorized devices required to allow reasonable access to parks or park facilities for persons with disabilities, and vehicles in the service of the parks.

ARTICLE II. - GENERAL

Sec. 20-02. - Surveys of facilities.

The City Manager or designee is hereby authorized and directed to conduct and maintain current surveys of all parks and recreational facilities of the City. At each location, he/she shall locate and designate all areas which have a specialized function, such as picnic areas, pavilions, athletic courts, beaches, playgrounds, or baseball diamonds.

Sec. 20-03. - Interference with personnel.

No person shall interfere with, hinder, or oppose any officer, agent, or employee of the City in the discharge of such officer's, agent's, or employee's duties or with the regulation and enforcement of the beach and park regulations and rules.

Sec. 20-04. - Violation of closing hours.

No person shall enter or remain on the beach or in parks or on park property without a permit during closing hours. No person shall enter or remain on the beach or in parks or recreational facilities after such person receives notice of the closing hours from a City employee acting within the scope of his/her official duties. No person who has violated a park rule shall remain on the beach or in a park or recreational facility after a police officer, sheriff's deputy, or City employee acting within the scope of his/her official duties, requests such person to leave or vacate a park or park property.

ARTICLE III. - USE REGULATIONS

Sec. 20-05. – Personal responsibility; necessity for rules and regulations.

It is the responsibility of each person to conduct and participate in recreational activities and athletic events at the parks and on park property in such a manner so as to prevent injury or loss of life to any person including himself/herself. Therefore, for the public safety, it is necessary

to prescribe rules and regulations to govern recreational activities and athletic events in parks and on public beaches.

Sec. 20-06. - Authority to regulate beaches and park property.

(1) The City Manager is empowered to exercise discretion to regulate the time, place, and manner in which the public beaches, park property, or any portion thereof, are to be used by the public and to authorize the posting of signs regulating public use. In so doing, the City Manager is to give due regard to the safety and preservation of public property, the number of persons who can be safely protected and safeguarded at the particular location, and the public health, safety and welfare. City Manager directions given pursuant to the authority contained in this section are declared to have the effect of local law and shall be enforced by the City police officers and employees.

(2) Each park shall have at least one prominently posted sign that states the hours of operation for that park.

Sec. 20-07. - Domestic animals.

(1) Other than as specifically provided for below, in those park areas where dogs are allowed, the dogs shall at all times be restrained and on adequate leashes as set forth in Chapter 5 of this Code of Ordinances, and all other pets shall be under constant physical control of a person.

(2) At Paws Dog Park only, there are areas designated for dogs off leash. Dogs in these designated areas must be accompanied by their owner, be under vocal control, and not cause a public nuisance, safety hazard, or harass wildlife.

(3) In the case of dog and other pet defecation on the beaches or park property, the owner or person in charge or in control of the dog or other pet shall immediately remove all feces deposited by such animal and dispose of same in a sanitary manner as set forth in Chapter 5 of this Code of Ordinances.

(4) Notwithstanding the restrictions described in this section, animals engaged in training to provide assistance to an individual with a disability, or animals individually trained to provide assistance to an individual with a disability, shall be permitted in all public areas and public facilities. The accommodation of service animals as provided for herein shall at all times be in accordance with the Americans with Disabilities Act of 1990 (ADA), 42 USCA § 12101 et. seq., and Section 413.08, Florida Statutes.

Sec. 20-08. – Traffic regulations.

Applicable state vehicle traffic laws as contained in Chapter 316, Florida Statutes, shall apply in and about all parks, park property, roads, and areas, and in addition thereto the following rules shall be applicable on roads and driveways within City parks:

(1) No person driving, operating, controlling, or propelling any vehicle shall use any road or driveway other than the regularly designated park roads or driveways, except when directed to do so by a law enforcement officer, directional signs, or a Department employee.

(2) The operator of any vehicle must obey all signs concerning speed limits, danger, director of traffic, and other traffic rules specifically applicable in park areas.

(3) All law enforcement officers and Department employees are hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and recreation areas. All persons shall comply with any lawful order, signal, or direction of law enforcement officers and Department employees.

(4) No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width, and condition of paving and the traffic thereon. All motorized vehicles shall give right-of-way to pedestrians or self-propelled vehicles. Maximum speed shall be 15 miles per hour in all parks.

(5) No person shall cause any vehicle to enter any park except through the designated park entrance, except for authorized emergency vehicles when conditions warrant.

(6) No vehicle shall be driven on the beach without permitted approval by the City.

Sec. 20-09. – Parking; servicing, washing of vehicles.

(1) No person shall park a vehicle on park property other than in the designated parking areas or at designated times provided for that particular type of vehicle, unless directed otherwise by law enforcement officers, Department employees, or as authorized by the City.

(2) No person shall double-park any vehicle at any time on any road, parkway, or parking area, unless so directed by a law enforcement officer or Department employee.

(3) No person shall park or station any vehicle in any zone designated and marked “no parking” or otherwise marked for restricted use.

(4) No vehicle shall be left overnight in any park or beach parking lot area unless authorized by the City Manager or designee, Director, or in emergencies.

(5) No person shall change any parts, repair, wash, grease, or perform other maintenance on a vehicle on any park property except in emergencies.

Sec. 20-10. - Organized activities or potentially dangerous games.

(1) No person shall engage in any rough or potentially dangerous activity.

(2) Use of park property is limited to its intended use only, unless permission is granted in writing by the City Manager or designee. Skateboarding shall be governed by this section and in accordance with Section 20-18 of this Code, as amended from time to time.

(3) No person shall trespass on or use athletic fields that are posted for use by permit only without a valid permit.

(4) No person shall play golf or use golf balls and clubs within any park areas or on the public beaches, with the exception of the Golf Course.

Sec. 20-11. – Alcohol and intoxicating substances.

No person shall consume any alcoholic beverage of any form on any park property, except as permitted by an alcoholic beverage special event permit as provided for in Chapter 19.5 of this Code of Ordinances. This prohibition shall not apply to any prohibition within a public building when rented to private parties, or to the Golf Course, when the sale or consumption of alcoholic beverages has been authorized by the terms of any lease or other agreement approved by the City council, or to events held pursuant to an alcoholic beverage special event permit. Furthermore, no person under the influence of alcohol or any chemical substance set forth in Section 877.111, Florida Statutes, or any controlled substance under Chapter 893, Florida Statutes, to the extent that the person’s normal faculties are impaired will be permitted entry to park properties; and any person so doing, if discovered therein, will be subject to immediate expulsion from City property and reported to law enforcement authorities.

Sec. 20-12. – Reserved.

ARTICLE IV – PARK RULES AND REGULATIONS

Sec. 20-13. – General park rules and regulations.

(1) Applicable Parks. The following parks are included in this article:

- 12th Avenue South Park
- Carver Center
- Cradle Creek Preserve
- Gonzales Park
- Huguenot Park
- Oceanfront Park
- Paws Dog Park
- Penman Park
- Rotary Park
- Seawalk Pavilion and Latham Plaza
- South Beach Park and Sunshine Playground
- Tall Pines Park
- Wingate Park

(2) Hours. The hours of operation for each City park, as may be amended from time to time, are from sunrise to sunset, except for Paws Dog Park, which opens at 5:00 A.M. and closes at 10:00 P.M.

(3) Prohibited activities. It shall be unlawful for any person to do any of the following in any park area or any other areas officially designated by the City Council as a park and posted as such unless specifically permitted by the appropriate authorization received from the City Manager and issued pursuant to this article, except for activities of the City which are undertaken within the scope of its governmental authority:

- a. Trespass when the park is closed.
- b. Camp overnight.
- c. Purchase, sell, offer, possess, or consume any alcoholic beverages, except in accordance with a special event and supplemental alcohol permit as provided in Chapter 19.5 of this Code of Ordinances.
- d. Cook foodstuff on grills other than those public grills provided by the City for that purpose. Persons may utilize grills provided by the City only for cooking in the designated park areas. No fires or food preparation is allowed that pose a hazard to public property or the general public.
- e. Set or stoke a fire, except for City-authorized prescribed burns or those fires set or stoked in designated City grills, where they are provided, and said fire shall not be allowed if it poses a hazard to public property or the general public.
- f. Litter, dump, or fail to remove all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse left or caused in the use of a park. If no trash receptacles are provided, then refuse and trash shall be carried away from the park area by the park user to be properly disposed of elsewhere.
- g. Engage in the defacing, destruction, removal, or alteration of any park facility, structure, grounds, or equipment.
- h. Construct or erect any hut, shanty, or other shelter. Park users may set up a temporary sun/shade apparatus up to 10 feet by 10 feet (10' x 10') in size. Such apparatus must be made of flexible material, and any support lines which extend beyond the length and width of the covering, must be flagged for visibility and cannot be within 15 feet (15') of any game court, sports field, or children's play equipment. No sun/shade apparatus shall remain in place overnight in any park.
- i. Disturb the natural surface of the ground in any manner unless authorized in writing by the City Manager and done in accordance with a City-initiated land management activity.
- j. Erect or affix signs to any tree, post, pole, fence, or park facility or grounds except as provided by City ordinance, or through an approved facility use contract authorized by the City Manager.
- k. To bring or otherwise allow any cat, dog, or other animal into any park area, except in a public parking area or registered dogs in Paws Dog Park, walkways adjacent to a park, or where otherwise clearly marked by signs expressly permitting domestic animals in that area. Service animals that

are specially trained and actively engaged in service to assist the handicapped are exempted from this section.

- l. To allow privately owned animals to discharge or deposit waste. All owners or others in charge of privately owned animals shall remove their animal waste from the park grounds, and may deposit animal waste in park trash receptacles.
- m. To disturb or remove any plant, wildlife, animal, bird, or egg located above, upon, or below the surface of the park grounds, or to allow any privately owned animal to do so unless specifically authorized in writing by the City Manager.
- n. To launch, throw, hurl, or otherwise propel an arrow, spear, BB, pellet, slingshot, javelin, or other dangerous object. This part shall not be used or interpreted to regulate firearms, ammunition, or components thereof as defined in Chapter 790, Florida Statutes.
- o. Use roller skates, roller blades, or skateboards, except on park facilities specifically designated for this purpose.
- p. Use public restrooms to shave, bathe, and/or shower, unless shower facilities are specifically provided for public use.
- q. Sleep on park benches, tables, or under any covered areas or pavilion.
- r. Store personal goods or property on park property.
- s. Loiter.
- t. Bathe or otherwise be, use or remain in a water or drinking fountain and/or its reservoir or to allow any privately owned animal to do so.
- u. Discharge or deposit human waste, except in toilet facilities provided by the City.
- v. Engage in the sale, rental, delivery, demonstration, display, or offering as a business promotion any item or service for any non-City sponsored function(s), except as otherwise permitted for special events as provided by Chapter 19.5 of this Code of Ordinances or administrative rule.
- w. Use any park property for non-City sponsored fundraising activities, except as otherwise permitted for special events as provided in Chapter 19.5 of this Code of Ordinances.
- x. Engage in gambling, conduct raffles, bingo games, or card games for money or donations for prizes or any other forms of gambling, whether the activity is for charity or otherwise.
- y. Play or operate any radio, stereo, public address system, or any other sound emitting device in such a manner that the sound produced is audible at a distance of greater than 100 feet (100'), unless otherwise permitted for special events as provided in Chapter 19.5 of this Code of Ordinances, except that no action shall be taken to enforce this part until a warning to cease such violation has been issued by a person authorized to enforce this chapter and the violator continues such violation.
- z. Refuse to vacate any pavilion, table, building, or other portion of a park area that is permitted for the exclusive use of another party as provided by a special event permit or temporary rental agreement authorized by the City.

- aa. Smoke, vape, or use tobacco products in any park, park property, athletic area, playground area, or indoor facility.
- bb. Drive any vehicle on any all-purpose field, including the Golf Course, with the exception of carts and devices allowed by the Golf Course staff.

Sec. 20-14. - Huguenot Tennis Center (HTC).

(1) Fees. Charges for the use of the tennis courts at HTC shall be by resolution approved by the City Council.

(2) Hours of operation:
Monday - Friday 9:00 A.M. - 12:00 P.M.; and 3:00 P.M. - 9:00 P.M.
Saturday and Sunday 9:00 A.M. - 5:00 P.M.
(The courts may be closed to the public during tournaments or special events).

(3) Fiscal Year Holiday Hours:
Independence Day - 8:00 A.M. - 1:00 P.M.
Labor Day – OPEN
Columbus Day – OPEN
Veteran’s Day – OPEN
Thanksgiving – Closed
Friday after Thanksgiving – Closed
Christmas Eve – Closed
Christmas Day – Closed
New Year’s Eve – 9:00 A.M. - 2:00 P.M.
New Year’s Day – Closed
Martin Luther King Day – OPEN
Easter – Closed
Memorial Day – OPEN

(4) Rules and Regulations:

- a. HTC is a smoke-free facility. The use of cigars, cigarettes, vapor, or e-cigarettes in any form is prohibited at HTC, and within 25 feet (25’) of the exterior fencing of the facility.
- b. Proper tennis attire is required (shirts must be worn at all times).
- c. Only flat-soled tennis specific shoes are allowed on the tennis courts. Cross trainers or other running shoes are not permitted for both safety and court maintenance and surface conditioning reasons.
- d. No skateboards, scooters, bicycles, or skates are allowed on the courts or within the perimeter fencing.
- e. No pets allowed on courts.
- f. Guide or assistance dogs for the handicapped are the only animals that will be allowed inside the buildings.
- g. No alcoholic beverages are allowed in any HTC area.
- h. The use, sale, or possession of alcoholic beverages or controlled substances is prohibited. Being under the influence of said substances and refusal to

leave the premises may result in suspension from the facility and/or prosecution.

- i. Children must be supervised by parents at all times. Children under the age of 12 are not permitted to remain courtside or in the lounge or lobby areas unless supervised by a parent or an adult guardian.
- j. No hitting/throwing balls against walls in the facility or climbing on the furniture or fences.
- k. Games and excessive horseplay are not allowed on the premises.
- l. Profanity, loud noises, racquet throwing, abuse of City property, and similar aggressive behavior will not be tolerated. Failure to comply may result in suspension from the facility.
- m. Announcements or flyers for bulletin boards must be submitted to and approved by the HTC facility manager.
- n. City and HTC staff are not responsible for personal items left unattended, lost, or stolen.
- o. No parking in handicapped designated spaces unless the vehicle is properly registered and displays a handicap permit.
- p. Theft or vandalizing of City property or property belonging to a private party may result in criminal charges. Guests caught vandalizing property will forfeit their rights to the facility and will be prosecuted to the fullest extent of the law.
- q. Use of verbal or physical threats toward HTC staff or other patrons or the use of offensive, obscene, or illegal conduct is prohibited. Violators will be asked to leave the facility. Depending on the severity of the behavior, individuals may be suspended from future use of the facility.
- r. Dispose of gum properly by placing it in proper trash receptacles.
- s. Place unwanted, used balls in the recycling containers provided.

(5) Check-in procedures:

- a. All users must sign in at the clubhouse prior to entering a court for play at all times (individual play, private lessons, team practices, etc.).
- b. All applicable fees must be paid prior to play. Only checks or cash are accepted.
- c. Failure to comply with registration procedures and submission of payment may result in interruption of play and forfeiture of court until resolved.
- d. Courts will be assigned by HTC staff.
- e. Court time will be limited to one and a half hours for singles and two hours for doubles. Anyone wishing to play longer may check in at the clubhouse and be added to the waiting list.
- f. A minimum of two courts will be available for walk-up play when all courts are playable. In the event there is a limited number of courts available due to maintenance, resurfacing, inclement weather, etc., at least two courts of the playable courts will be designated for reservation or walk-up play.
- g. Tournament and league matches take precedence over member and/or walk-up play if at any time all courts are needed for these events. HTC's

reservation policy is subject to court availability. Court reservations can be made by calling HTC.

- h. Individuals and instructors may make a reservation for one court up to seven days in advance.
- i. Teams may make a reservation for two courts up to seven days in advance.
- j. Reserved courts that have not been claimed and paid for 10 minutes after the scheduled time will be released to waiting parties.
- k. Prompt notification of reservation cancellation should be made to HTC staff.

(6) Waiting List:

- a. When all walk-up courts have been issued, a waiting list will be started. The list will be in order of arrival.
- b. One person is not allowed to be on the waiting list for two courts. If two courts are needed, two individuals should sign up on the waiting list. There is no guarantee that the courts will be close to each other.

(7) Court Use:

- a. Please be quiet when walking or waiting behind courts.
- b. When claiming a court, wait until the exiting players have finished a point or rally before entering.
- c. As a courtesy to players with a reservation following yours, please be ready to exit a court at the exact end of your reserved time.
- d. Do not enter adjacent courts (when in use) to retrieve stray balls. Wait until your neighboring players have finished a point, and then ask them to return your ball.
- e. After play, the court must be cleared of trash, properly groomed with the brushes provided, the lines swept, and equipment returned to the designated area.

(8) Weather Procedures:

- a. Play will be halted on courts when HTC staff determines the courts are unplayable and HTC staff will determine when courts will be playable again.
- b. If the temperature is 100° or above, or the heat index is 106° or higher, or 32° or below, any player may halt play. If lightning/thunder is detected, it is the players' responsibility to halt play.

(9) USTA League Team Practices. In the event the majority of the courts are unplayable, team practices will be cancelled. If enough courts are playable for each team to receive one court, then team practices will be held with each team receiving one court.

(10) USTA League Matches. All league matches are assigned courts at least one day prior to the match. Matches scheduled on courts that are playable will go on as scheduled. Matches scheduled on courts that are unplayable will be cancelled and will be rescheduled. In the event a match is scheduled on a bank of courts where only a portion of those courts are playable, the

matches should go on as scheduled on the playable courts and the unplayable courts should be rescheduled.

(11) Reservations and Individual Play:

- a. In case of inclement weather, all reservations are subject to court availability.
- b. If courts are limited due to weather, all individual reservations will be cancelled.
- c. Players may contact HTC at 904-247-6221 to find out if courts are available for walk-up play.

(12) Rescheduled Matches:

- a. Captains of cancelled matches should use their assigned practice night and courts to make up the matches. HTC staff will not schedule make up matches on other teams' practice courts.
- b. Rescheduled matches played on team practice courts will not be interrupted, and shall be played until completion.
- c. Rescheduled matches should not be scheduled later than one and a half hours before closing. (e.g., no matches scheduled after 7:30 P.M. when facility closes at 9:00 P.M.)
- d. Subject to court availability, teams utilizing their allotted two courts for make-up matches may also reserve up to two additional courts on the same scheduled team practice night.

(13) Host Policies & Procedures:

- a. A full-time HTC staff person must be on site during the event.
- b. Facility should be adequately staffed based on event size and need.
- c. All HTC staff should be knowledgeable of all policies, procedures, maintenance, and equipment use.

Sec. 20-15. – Paws Dog Park.

(1) Membership. Membership is required to access Paws Dog Park. Membership Fees shall be established by resolution approved by the City council.

(2) Rules and Regulations. Visitors of Paws Dog Park shall follow the rules and regulations set forth below. Violators may be subject to removal from the park and park privileges may be suspended:

- a. The park is open seven days a week from 5:00 A.M. until 10:00 P.M. The park may be closed for maintenance on Thursdays from 9:00 A.M. until 2:00 P.M.
- b. No animals other than dogs are permitted in the park.
- c. No dogs under four months of age are permitted in the park.
- d. No food (people or animal), treats, alcoholic beverages, smoking, glass, strollers, baby carriers, bicycles, or children's toys are permitted in the park.
- e. Children under 12 must have close adult supervision at all times.

- f. No more than three dogs per handler are allowed.
- g. All dogs must have current vaccinations, must wear a collar and ID tags at all times, and must have a current rabies vaccination tag attached to its collar. Required vaccinations include Rabies, Distemper, Parvo, and Bordetella.
- h. Sick dogs are not permitted in the park.
- i. Any Dog declared a “dangerous dog” (per City ordinance) is not permitted in the park.
- j. All dogs must be spayed or neutered in order to enter the park.
- k. All dogs must be leashed before entering the park and prior to leaving the park.
- l. All dogs must be off leash while inside the park. Choke collars or prong collars are not permitted in the park.
- m. Dog owners must be in the park and within view and voice contact of their dog(s) at all times. Dog owners must monitor and be responsible for their dog(s) at all times.
- n. Dogs must be accompanied by owner or handler at all times. Leaving dogs in the park unattended is prohibited. Unattended dogs will be removed by Animal Control.
- o. The weight limit for the small dog area is 30 lbs. Dogs less than 30 lbs. are only permitted in the small dog area.
- p. Large dogs are not permitted in the small dog area. Dogs 30 lbs. and over are only permitted in the large dog area.
- q. Dog waste must be immediately cleaned up and properly disposed of by its owner. The dog owner may be fined for failure to comply with this rule.
- r. Aggressive dogs are not permitted in the park. Any dog showing aggressive behavior must leave the park immediately without debate. The City Animal Control, police, and park staff are authorized to designate dogs as “aggressive” and to direct their removal from the Dog Park.
- s. Animals that exhibit a history of aggressive behavior are not permitted in the park, to be determined at the sole discretion of the City staff and Animal Control Officer(s).
- t. Owners whose dogs are shown to be aggressive may have their membership revoked.
- u. If dogs are playing rough, displaying excessive dominant behavior, (e.g., forcing upon another dog, thrusting, pinning other dogs down, etc.) or intimidating other dogs, owners should relocate their dog(s) to a different area of the park. If dominant behavior persists, owners are required to remove their dog(s) from the park.
- v. Be cautious with dog toys; some dogs do not like to share.
- w. Dog owners are solely liable for injuries or damage caused by their dog(s).
- x. Dog owners must fill any holes dug by their dogs.
- y. Dogs who bark excessively may be removed from the park.

Sec. 20-16. - South Beach Park Skate Park.

(1) Rules and regulations. To ensure the enjoyment, safety, and proper use of South Beach Park Skate Park, all persons using the park, including all persons skating or skateboarding at specifically designated areas of the park, shall comply with each of the following regulations:

- a. No person under the age of eight years old shall be permitted to utilize the skate area unless accompanied by an adult.
- b. No person shall skate or skateboard anywhere in the park except in a posted designated skate area.
- c. No person shall skate or skateboard in the designated area of the park unless all the equipment is in good repair and safe working order during use.
- d. No person shall skate or skateboard in the designated area of the park when the skate surface is wet, when it is raining, lightning, or during maintenance periods.
- e. No person shall ride, operate, or utilize any device other than skateboards or skates in the skate area. Prohibited devices include, but are not limited to, bicycles, scooters, motorized razors, and motorized vehicles.
- f. The park is closed after dark. No person shall enter or be in the park or skate area at any time other than during the posted hours of operation for the park or when City staff or designated representatives have closed the park or skate area.
- g. No person shall place or use any additional piece of equipment, obstacle, apparatus, or other material, including, but not limited to, ramps, jumps, or rails, within the park or skate area.
- h. No person shall use or engage in profanity, aggressive, reckless or boisterous behavior, including, but not limited to, fighting, tandem riding, pushing, horseplay, hazing or bullying, or any other activity which could endanger the safety of persons using the park.
- i. No person shall use, consume, or have within his/her custody or control, food or other beverages, other than water in a plastic container, within the skate area. No person shall use or possess glass products within the park.
- j. No person shall use, consume, or have within his/her custody or control, alcohol or illegal drugs within the park.
- k. No person shall enter or be in the park or skate area under the influence of alcoholic beverages or illegal drugs or with his/her motor skills or judgment impaired as the result of any alcoholic beverage or illegal drugs.
- l. No person shall engage in graffiti, tagging, or other defacing of the park.
- m. All persons using a park area must place trash in receptacles or containers provided.
- n. No person shall disobey the lawful and reasonable order of a police officer or City employee in the discharge of such officer or employee's duties, or disobey or disregard the notices, prohibitions, instructions, or directions on any park sign, including rules and regulations posted on the grounds or buildings in the park.
- o. No person shall interfere with, encumber, obstruct, or render dangerous any part of the park.

- p. No person shall destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any growing thing, including but not limited to any plant, flower, flower bed, shrub, tree, growth or any branch, stem, fruit or leaf thereof, or bring into or have in such person's possession in the park any tool or instrument intended to be used for cutting thereof or any garden or agricultural implements or tools which could be used for the removal thereof.
- q. No pets are allowed in the skate park.
- r. This is an unsupervised park; skaters, users and observers assume their own risks.
- s. Helmets and personal safety equipment are recommended.

Sec. 20-17. - South Beach Park Tennis Court.

(1) Rules and Regulations:

- a. The Department reserves the right to schedule tennis court reservations and maintain a reservation schedule in the Department's administration office.
- b. Residents may use the tennis court on a first come, first serve basis, or may make a reservation by acquiring a permit at the Parks and Recreation office on weekdays between 8:00 A.M. and 4:00 P.M.
- c. Permit holders are allowed to reserve the tennis court for a 90-minute block per day for singles play, and for two hours per day for doubles play. A maximum of two reservations may be made at one time.
- d. An additional reservation on the same day may be made only after completing your first reservation of the day.
- e. Reservations are not transferable.
- f. While a permit is not required for walk-up play on the tennis court, permit holders are considered "first priority" on the court. Non-permitted players must relinquish the court to permit holders for the time designated on the permit. We strongly encourage reserving a court for tennis play.
- g. All walk-up play begins and ends on the hour. If there are no players on the court, and no one is waiting, non-permit holders may begin play immediately, but must relinquish the court at the end of the next full hour if other non-permit holders are waiting to play.
- h. Non-permitted play is limited to 60 minutes for singles play and 90 minutes for doubles play when others are waiting.
- i. Tennis instructors must obtain a reservation permit (subject to the same terms as other permit holders) and shall pay a fee of \$25.00 per 60 minutes, or \$40.00 per 90 minutes for use of the court. Tennis instructors must provide proof of \$1,000,000 in Liability Insurance naming the City as an additional insured.
- j. Tennis instruction or private/group lessons are prohibited without a permit. Violators will be subject to removal by law enforcement officers and may lose their privileges for a period of up to 60 days.
- k. All persons using the tennis court do so at their own risk; users agree to hold the City harmless from injury and agree to abide by the rules for use of the

tennis court. The City assumes no responsibility for any accident or injury in connection with such use, or for any loss or damage to personal property.

Sec. 20-18. - Enforcement.

(1) Intent. It is the intent of the Department that these laws and regulations be enforced in a fair and equitable manner. All rules and regulations contained in this chapter and permits required by this chapter are enforceable by all park employees and law enforcement officers. Those properly designated park employees may warn participants of violations and report such violations to the proper law enforcement officers for compliance.

(2) Trespass. Any person or group found in violation of any of the laws, rules, and regulations of this chapter shall be ordered to leave all parks, beaches, and recreation facilities for a minimum 48-hour period. Any person who fails to leave all facilities, parks, or beaches at the time requested may be arrested and prosecuted for trespassing or prosecuted under other existing ordinances or laws. Evidence that a violator refuses to leave any park, park property, facilities, or beach after being asked to leave by any City employee or law enforcement officer is sufficient to establish criminal trespass.

(3) Any person determined by the Director or any law enforcement officer to be a violator of this chapter may be ordered by the Director or any law enforcement officer to remain out of any park, park property, park facilities, and beach areas for a period of time not to exceed six months. Upon being ordered to remain out of any park, park property, facility, or beach area, violators shall be entitled to a hearing before the Special Magistrate, in order to appeal the Director or law enforcement officer's decision. The person appealing the Director's decision may present evidence to the Special Magistrate. The request for such hearing must be in writing and simultaneously delivered to the Director and City Attorney. This request must be made in writing within three days of the date of the order or direction that is being appealed. Any authorized Department employee or designee or any law enforcement officer shall have the authority to enforce these laws, rules, and regulations, and to eject any person or group acting in violation of these laws, rules, and regulations from any park, park property, lands, or facilities or otherwise revoke their permission to use such park, park property, lands, or facilities.

SECTION 3. 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 4. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

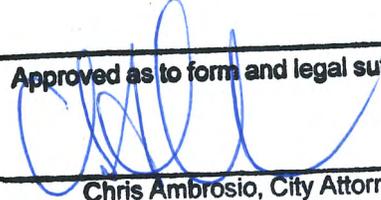
SECTION 5. CODIFICATION. The City Council intends that this Ordinance will be made a part of and codified in the City of Jacksonville Beach Code of Ordinances.

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

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

William C. Latham, Mayor

Laurie Scott, City Clerk

Approved as to form and legal sufficiency:


Chris Ambrosio, City Attorney

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 (Second Reading)
DATE: October 6, 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 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 and National Fire Protection Association 101, 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. On October 5, 2020, City Council approved the Ordinance on first reading.

REQUESTED ACTION

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

Introduced by: Council Member Chris Hoffman
1st Reading: October 5, 2020
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, shall 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 of the following 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

Approved as to form and legal sufficiency:



Chris Ambrosio, City Attorney

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: October 8, 2020

BACKGROUND

City Council directed 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 City Council approved and codified. Other portions of Chapter 6 are outdated, deficient, incorrect, or lack complete sections to fully address the protection of the natural environment, public use of the beach, and public safety, health, and welfare issues concerning the City beach and Atlantic Ocean coast. City Council also directed the City Attorney to revise Article III – *Use of Atlantic Ocean Beach* 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 City Parks and Recreation Department and Police Department have also requested and approved of the proposed revisions.

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 and Police Department with a more substantial set of local regulations and rules to protect the general public, public property, and the environment. 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; AND PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, 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 and Police Department 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~~ Animals prohibited on beach ~~during certain months~~; exception for dogs.

It shall be unlawful for any person to ~~ride or exercise any horse~~ have or allow any animal 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.~~ Dogs are exempt from this prohibition to the extent expressly provided within the City's Code of Ordinances.

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

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.

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

~~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 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 bottle or beverage glass container made of glass or other disposable container made of glass on the ocean beach.~~

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 sSection 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; sSections 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, on or upon ~~the hereinafter mentioned and designated streets and highways of the city, to wit: A~~ 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 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 nudity is allowed. Appropriate attire and body coverings are 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 of Parks and Recreation 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) No pet feces are allowed on the Atlantic Ocean beach. A dog's owner or handler shall immediately remove any feces from the Atlantic Ocean beach and properly dispose of the feces in a public trash receptacle.

(14) 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.

(15) 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.

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 except in public trash receptacles, in authorized private receptacles for collection.

(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.

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 in the Atlantic Ocean is prohibited when a person is impaired in any manner that jeopardizes his or her safety, or the safety of others. This includes, but is not limited to, impairment caused by medical conditions and intoxication 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 or while consuming 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.

(a~~1~~) 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.

(b~~2~~) 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.

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

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 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 6-55 WHICH SAID SECTION SHALL 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.

(a~~1~~) 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.

(b~~2~~) 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.

(e~~3~~) 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. CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 6-57, WHICH SAID SECTION SHALL READ AS FOLLOWS.

Sec. 6-57. – Enforcement; citation form; hearing; penalties.

(1) Enforcement. Any City of Jacksonville Beach law enforcement officer is authorized to issue a civil citation to any violator of this chapter. The citation shall indicate the penalty established herein for violation of this chapter. A person cited for a violation of this chapter shall sign and accept a citation indicating his/her receipt of a copy of the citation. Citations issued for violation of any provision of this chapter shall be enforced in proceedings under the Special Magistrate hearing procedures of Chapter 2, Article VI of the City Code of Ordinances and are solely within the power, authority, and jurisdiction of the City’s Special Magistrate. The City’s Special Magistrate shall have jurisdiction and authority to hold hearings for contests to citations, receive and evaluate evidence, to make a determination based upon the preponderance of the evidence as to whether the violation(s) listed in the citation were committed, and impose fines and fees against the violator consistent with this chapter. The decision of the Special Magistrate shall be the final action by the City. Formal rules of evidence shall not apply at the hearing and any relevant evidence may be admitted as deemed by the Special Magistrate. The hearing shall be conducted in a manner to ensure that procedural and substantive due process is afforded to both parties.

(2) Citation Form. The citation form shall contain language providing notice of 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 Special Magistrate 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) Penalties. Any person found guilty of violating this chapter shall be guilty of a misdemeanor punishable by charged a fine not to exceed \$50.00. Any person who willfully refuses to accept and sign a citation shall be assessed an additional \$200.00 fine. Any person charged with violation of this chapter may:

- a. Pay the penalty set forth in the citation, 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 utility billing office on the first floor of City of Jacksonville Beach City Hall; or

b. Appear at the scheduled Special Magistrate 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. Each day any violation of any provision of this section occurs shall constitute a separate offense that may be fined. Violation fees must be paid at the City of Jacksonville Beach Police Department or at the utility billing office on the first floor of City of Jacksonville Beach City Hall.

(4) Hearing. If the alleged violator elects to not pay the citation fine and opts to request a hearing before the Special Magistrate, then the violator must provide written notification of such request to the City of Jacksonville Beach Police Department and the City Attorney, no later than 30 days from the date of the citation. Failure to timely submit the written request shall constitute waiver of the hearing option by the alleged violator and the City may proceed with enforcement and collection of the penalty. Upon receipt of the request for a hearing, the City Clerk's office shall issue a notice of hearing date to the person that requested the hearing. Any person who requests a hearing and does not appear in accordance with the notice shall be sent notice by the Police Department to pay within 10 days the doubled fine plus \$10.00 for the cost of administrative services. After the requested hearing, the Special Magistrate shall make a determination as to whether a violation has been committed and may impose a fine in accordance with this section and Florida law, plus court costs. An election to request a hearing constitutes a waiver of the right to pay the penalty indicated on the citation, and the Special Magistrate, after the hearing and upon making a determination that a violation has been committed, may impose a fine, plus court costs for each violation.

SECTION 18. 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 19. SEVERABILITY. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 20. 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 21. 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