

## CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
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**Bill Type and Number:** Ordinance 2013-44

**Introducer/Sponsor(s):** Council Member Carter

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** LUZ

**Date of Analysis:** January 10, 2013

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 656 – Zoning Code – in Part 4 – Supplementary Regulations – to provide that in the RLD, RMD-A, RMD-B and PUD zoning districts, the long axis of a dwelling may be oriented perpendicular to or diagonally to the street if required to do so to meet the physical, topographical or environmental conditions of the particular lot, and not merely to accommodate the desire to place a dwelling unit that would not otherwise meet setback requirements. It deletes a provision that permitted a dwelling that did not meet the setback limitations by a small amount (less than 10% deficiency) to be placed on the lot and landscaped to mitigate the setback deficiency if approved by the Zoning Administrator.

**Background Information:** The Zoning Code currently requires that dwellings be placed on lots such that the long axis of the house is parallel to the street frontage. The Zoning Administrator may grant an exception for a structure that lacks the appropriate lot line setbacks by a small amount (less than a 10% deviation from the requirement) provided that landscaping is utilized to buffer the deficiency in the setback. The sponsor wishes to authorize the long axis of a dwelling to be placed perpendicular or diagonal to the street frontage if normal setbacks cannot be achieved in the parallel orientation because of some peculiarity of the shape or topography of a particular lot, but intends to prohibit the alternative placement of a dwelling purely because of the owner's desire to have a dwelling that does not meet setback requirements because of size or location on the lot.

**Policy Impact Area:** Neighborhood uniformity and appearance

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-45

**Sponsor:** Council Member Crescimbeni:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 25, 2013

**Type of Action:** Ordinance Amendment

**Bill Summary:** The ordinance amends Chapter 93 (St. Johns River Ferry Commission), Section 93.103 (Membership; Terms; Composition), *Ordinance Code*, to add the Chief Executive Officer of Visit Jacksonville, or any successor entity chosen by the Tourist Development Council to perform marketing services and to promote tourism in Jacksonville, as an ex officio member of the St. Johns River Ferry Commission.

**Background Information:** While revenue in the operation of the St. Johns River Ferry has been steady since the ferry's operations were transferred from JaxPort to the City (October 1, 2012), ridership has been down. There are a number of variables that may account for this. Once the Port Authority announced its intention of ceasing to operate the ferry, many people may have assumed that the ferry actually ceased to operate. This ordinance addresses another possible consideration, namely, that many people who actually live on the First Coast, are not aware of the ferry's existence. The Commission feels that marketing is fundamental in raising awareness of the ferry's existence as both a mode of transportation and as a tourist attraction, as well. Adding Visit Jacksonville's CEO could greatly enhance the ferry's visibility.

**Policy Impact:** St. Johns River Ferry Commission

**Fiscal Impact:** Minimal

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-46

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** TEU, F

**Date of Analysis:** January 10, 2013

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 609 – Code Enforcement Citations – to add the provisions of Chapter 741 – Zero Tolerance on Litter – to the City’s code enforcement chapter and Uniform Fine Schedule.

**Background Information:** Chapter 609 sets forth the procedures for code enforcement and establishes fines and penalties for violations of Class A through Class E offenses. This ordinance specifically authorizes the Code Enforcement Division to enforce the Zero Tolerance On Litter regulations and to levy a schedule of increasing fines for multiple violations.

**Policy Impact Area:** Litter enforcement

**Fiscal Impact:** May generate additional citation revenue by clearly tasking Code Enforcement with enforcement of the Zero Tolerance On Litter regulations.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-47

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** HS; F

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance transfers funding in the amount of \$125,000 from the Sheriff's Criminal Investigative Fund to the Confidential Vehicle Maintenance Fund, as initiated by B.T. 13-021.

**Background Information:** Confidential vehicles in the Sheriff's Office's fleet are covert police vehicles.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates (transfers) \$125,000.00 within the Sheriff's budget.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-48

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** PHS; F

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates \$150,000 from the Federal Forfeiture Trust Fund to provide funding for accreditation administration and training tracking software.

**Background Information:** Federal Forfeiture Trust Fund funding is from the U.S. Department of Justice. The funding in this appropriation enables the Jacksonville Sheriff's Office to meet requirements of national regulatory agencies that accredit police/sheriff departments.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates \$150,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-49

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** PHS; F

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates \$50,000 from the Federal Forfeiture Trust Fund to provide funding for JSO firing range berm enhancements, as initiated by B.T. 13-023.

**Background Information:** Firing range berms are the mounds, often raised, at the range where targets are placed for target practice.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates \$50,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-50

**Sponsor:** Council President at the request of the Sheriff:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** PHS; F

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates, in accordance with Section 932.7055, Florida Statutes, \$10,000 from the Special Law Enforcement Trust Fund in order to provide funding for the Homeward Bound Project.

**Background Information:** The funds in this Trust Fund are primarily for programs that promote safe neighborhoods and crime prevention. The Homeward Bound Project provides funds to individuals who are stranded in Jacksonville to return to their hometown. Often, indigent, homeless individuals are sent to Jacksonville. Once here, these individuals have neither shelter nor prospects of work. The Homeward Bound Project provides the individual with a bus ticket to return to their hometown.

**Policy Impact:** Jacksonville Sheriff's Office

**Fiscal Impact:** The ordinance appropriates \$10,000

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-51

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** F; RCD

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation; Agreement Approval; CIP Amendment

**Bill Summary:** The ordinance appropriates \$100,000 (\$50,000 in Artificial Reef Grant Funds received from the Florida Fish and Wildlife Conservation Commission and \$50,000 from Reserves for Federal Projects) to provide funding for the construction of an artificial reef off the coast of Duval County at the permitted site known as Floyd's Folly, as initiated by B.T. 13-026; provides a carryover of funds into Fiscal Year 2013-2014; approves and authorizes the Mayor and Corporation Secretary to execute the Grant Agreement and to take further action to implement the purpose of this ordinance. The ordinance amends the 2012-2016 Five-Year Capital Improvement Program, approved by Ordinance 2012-434-E, to increase funding for the project entitled "Artificial Reef"; provides for City oversight by the Planning & Development Department.

**Background Information:** Artificial reefs are popular with anglers and are thought to generate revenue and spur economic growth with recreational and commercial fishing opportunities. The City proposes to deploy approximately 700 tons of clean concrete bridge materials at a depth of 70 feet, within the City's Floyd's Folly's permitted artificial reef site. The proposed deployment location is located approximately 18.5 nautical miles southeast of the mouth of the St. Johns River off the east coast of Duval County. The Floyd's Folly Artificial Reef Site is permitted to the City of Jacksonville by the U.S. Department of the Army Corps of Engineers. The permit is valid until December 10, 2017. The minimum vertical clearance is 50 ft. above the highest [point of the reef material (in accordance with the special conditions of the Army Corps of Engineers)].

**Policy Impact:** Artificial Reefs/Planning and Development Department

**Fiscal Impact:** This ordinance appropriates \$100,000 (50% in State grant; 50% local match)

**Analyst:** Jackson



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**Bill Type and Number:** Ordinance 2013-52

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** F

**Date of Analysis:** January 10, 2013

**Type of Action:** Appropriation; CIP amendment and finding of necessity for mid-year amendment

**Bill Summary:** The bill appropriates \$150,000 from the 2009 Capital Facilities Maintenance Account to the Real Estate Division to fund a professional services contract for a comprehensive survey and evaluation of all of the City's real estate assets. The bill amends the 2012-16 Capital Improvement Program to create and fund a project entitled Facilities Capital Asset Review and declares the necessity of making the amendment in mid-year in order to avoid unnecessary delay in evaluating the properties and putting them to the highest and best use possible.

**Background Information:** The purpose of the study is to catalog and evaluate all of the City's real estate holdings to determine their current value, liabilities, and condition assessment in order to optimize the value of the properties for the benefit of the taxpayers.

**Policy Impact Area:** Public property evaluation

**Fiscal Impact:** The bill appropriates \$150,000 to professional services to pay for a consultant study.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-53

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** F; RCD

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance transfers funding in the amount of \$1,328,399.03 (unused grant matching funds from the General Fund Reserve for Federal Programs in the amount of \$686,138.34 which were returned to their respective accounts of origin pursuant to Section 117.106, *Ordinance Code*, and \$642,260.69 from SF 751 JEDC Fund Balance) in order to remove the extraordinary lapses in all departments in the General Fund – GSD and to fund janitorial services for parks which were not transferred from the Department of Public Works to the Department of Parks and Recreation during the budget process, with the remaining balance going to fund right-of-way mowing, as initiated by B.T. 13-029.

**Background Information:** The purpose of the appropriation is to transfer unused grant matching funds which were returned to their accounts of origin pursuant to Section 117.106, *Ordinance Code*, along with the remaining fund balance from SF (sub fund) 751 in order to remove the extraordinary lapses in all departments in the General Fund – GSD, and to fund janitorial services for parks which were not transferred from Public Works to Parks & Recreation Department during the budget process, with the remaining balance going to fund right-of-way moving. Pursuant to Section 106.106(m), the funding coming from SF 751 in the amount of \$642,260.69 shall require approval by two-thirds vote of all City Council members. The funding comes from two sources: (1) the balance in sub-fund that was associated with the former Jacksonville Economic Development Commission (JEDC); and (2) City matching funds from prior year Florida Inland Navigation District (FIND) grants that did not materialize; the matching funds were returned to the City.

**Policy Impact:** Finance/Budget Office

**Fiscal Impact:** The ordinance transfers (appropriates) funding in the amount of \$1,328,399.03

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-54

**Sponsor:** Council Member Crescimbeni:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** F; TEU

**Date of Analysis:** January 25, 2013

**Type of Action:** Appropriation

**Bill Summary:** The ordinance appropriates \$15,207.45 from contributions from other governments and private sources to Mayport Ferry Contractual Services Account to permit the St. Johns River Ferry Commission to contract for grant writing services.

**Background Information:** The St. Johns River Ferry Commission has issued an RFP for a grant writer. A grant writer would assist the Commission in identifying grants for sources of funds for the ferry's operation costs. Contributions for appropriated by this legislation came from the beaches communities and Nassau County. \$207.00 was raised by a nine-year old student from the Beaches, Jack Ross, who, with friends, sold their toys in a fundraiser for the ferry.

**Policy Impact:** St. Johns River Ferry Commission

**Fiscal Impact:** The ordinance appropriates \$15,207.45

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-55

**Introducer/Sponsor(s):** Council Member Carter

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** R, PHS, F

**Date of Analysis:** January 10, 2013

**Type of Action:** Ordinance Code waiver

**Bill Summary:** The bill waives the provisions of Ordinance Code Section 116.910 – Residence Within the City; Exception – in order to permit the Sheriff to rehire 45 police officers laid off by the Sheriff in 2012 due to budget constraints, some of whom reside outside of the City of Jacksonville. The waiver is good for a period of 1 year, after which it automatically sunsets unless renewed or extended by action of the City Council.

**Background Information:** The City Council enacted Ordinance 2011-276-E in the fall of 2011 which reinstated a city residency requirement for all new employees. In 2012 the Sheriff laid off 45 officers due to budget constraints, whom he now proposes to re-hire. Some of those officers lived outside of Jacksonville at the time of the adoption of the residency requirement and when they ceased to be City employees lost their “grandfathered” status when applying for reinstatement to the JSO. Other officers left the City for other jobs in nearby jurisdictions after the lay-off and now as new hires must meet the residency requirement and move back to Jacksonville. The bill’s preamble states that the City has invested considerable time and resources in training these officers and that it is in the City’s best interest to waive the residency requirement so that these officers can be immediately re-hired.

**Policy Impact Area:** Employee residency requirement

**Fiscal Impact:** Undetermined

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-56

**Introducer/Sponsor(s):** Council President Bishop

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 10, 2013

**Type of Action:** Council Rules amendment

**Bill Summary:** The bill amends Council Rule 3.303 – Second Reading: Committee Reports; Amendments and Substitutes – to provide that if a committee meeting is cancelled, all bills referred to that committee that would have been in the normal posture for a recommendation of second reading and re-referral shall be placed on the subsequent City Council agenda for that action as if the committee had met and made that recommendation.

**Background Information:** On rare occasion a council committee meeting is cancelled due to lack of a quorum or an absence of any action items requiring a committee recommendation for third reading approval. When such meetings are cancelled, bills appearing on the committee agenda for the first time for a recommendation of second reading and re-referral to committee are not acted upon, and by rule should not be placed on the City Council's subsequent agenda for a vote on second reading.

**Policy Impact Area:** Legislative process

**Fiscal Impact:** None

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-57

**Sponsor:** Council Member Brown:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 25, 2013

**Type of Action:** Honorary Street Designation; Ordinance Code Waiver

**Bill Summary:** The ordinance establishes an honorary street designation in front of the Alphonso West Mortuary, Inc. business located at 4409 Soutel Drive in Jacksonville for Alphonso West; provides for the installation of an honorary roadway marker to be located in an appropriate location on the designated roadway in Council District 10; honoring the life and legacy of Alphonso West, and recognizing the achievements of Alphonso West; provides for conformance with Part I (General Provisions) of Chapter 745, *Ordinance Code* (Addressing and Street Naming Regulations); Waiving the requirements of Section 745.105 (e) (2), *Ordinance Code*, regarding persons who honorary street designation may be named after; directing Legislative Services to forward the ordinance to the Planning and Development Department.

**Background Information:** Alphonse West served countless families in their time of need over the course of 60 years that he was a funeral director in Jacksonville. A native of Thomson, Georgia, Mr. West moved to Jacksonville in his youth, was a 1939 graduate of Stanton High School who subsequently graduated from the Atlanta School of Embalming. During World War II, Mr. West served in the U.S. Navy. He was co-owner of Holmes & West Funeral Home for 30 years and owned Alphonso West Mortuary for 22 years. An active member of Bethel Baptist Institutional Church, Mr. West served as a Trustee and Assistant Treasurer of the historic house of worship. The honorary street designation on Soutel Drive extends between Norfolk Boulevard and Scott Woods Drive, in front of the Aphonso West Mortuary. A private donor has provided funding to cover the costs of the roadway markers. Provisions of Section 745.105(e) (2), *Ordinance Code*, allowing for honorary designations for persons who have been deceased for a minimum of five (5) years are waived.

**Policy Impact:** Street Naming

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-58

**Sponsor:** Council President pursuant to Chapter 380, *Ordinance Code*:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 25, 2013

**Type of Action:** CON Renewal

**Bill Summary:** The ordinance grants the application of Burkhalter Wrecking, Inc. for renewal of its Certificate of Public Convenience and Necessity (CON) to operate a clean debris demolition disposal facility; provides for conditions of said certificate.

**Background Information:** Pursuant to Chapter 380, *Ordinance Code*, Burkhalter Wrecking, Inc. has applied for renewal of its Certificate of Public convenience and Necessity (CON). The Burkhalter Wrecking facility is located at 400 Alton Box Road, West Jacksonville, Council District 7. The Solid Waste Division of the Department of Public works supports approval of the application, provided that the applicant agrees to accept and comply with operating conditions, some of which include: entrance sign; authorized materials; our-of-County wastes; personnel training; waste control; monthly reports; storage time and height of storage pile; operating hours; sediment and erosion control; litter control; odor control.

**Policy Impact:** Public Works/Solid Waste Division

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-59

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 25, 2013

**Type of Action:** Street Closure

**Bill Summary:** The ordinance closes, abandons and/or disclaims a portion of the opened and improved 50 foot right-of-way of 16<sup>th</sup> Street, a portion of the open and improved 43 foot right-of-way of Wilcox Street, and a portion of the unopened and unimproved right-of-way of 17<sup>th</sup> Street, all in Council District 8 and all established via Plat Book 4, page 2, dated October 7, 1910, in the public records of Duval County, Florida, at the request of Northwest Jacksonville Community Development Corporation, Inc. ("applicant") so as to facilitate the construction of a senior living facility, subject to reservation unto JEA and AT&T of easements over the closed rights-of-way for ingress and egress and all utilities.

**Background Information:** The applicant, Northwest Jacksonville CDC, is requesting the closure to facilitate the construction of a senior living facility to be known as the Mary Eaves Senior Center. A portion of the construction cost for the facility will come from public funds. The portions of Wilcox and 16<sup>th</sup> are located on dead ends with no provided cul-de-sacs. 17<sup>th</sup> Street is undeveloped. With the construction of the elderly housing development, traffic flow will be improved. The request for closure has been sent to the various state, municipal and utility agencies which might have an interest in this matter. There were no objections. The applicant has paid the \$4500.00 application fee. The adjacent property owners have been notified of the closure application and have no objections to the closures.

**Policy Impact:** Public Works/Real Estate

**Fiscal Impact:** The applicant for the closure has paid a fee in the amount of \$4500.00.

**Analyst:** Jackson



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**Bill Type and Number:** Ordinance 2013-60

**Sponsor:** Council President at the request of the Mayor:

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 25, 2013

**Type of Action:** Road Closure

**Bill Summary:** This ordinance closes and abandons and/or disclaims (1) a portion of West 11<sup>th</sup> Street established via Plat Book 6, page 77, dated June 27, 1911, in the public records of Duval County, (2) a portion of James Hall Drive established via Plat Book 6, page 77, dated June 27, 1911, in the public records of Duval County, (3) a portion of Dr. Roy Baker Way established via Plat Book 1, page 72, dated Jun, 1888, in the public records of Duval County, and (4) a portion of Jefferson Street established by Drawing Number 5000/262 of Road Number 6461 as show in the Office Files of the City Engineer, all in Council District 7, at the request of the City of Jacksonville's Public Works Department so as to allow for the reestablishment and realignment of West 11<sup>th</sup> Street and West 12<sup>th</sup> Street, subject to reservation unto the City of Jacksonville and JEA of easements over the closed portions of Dr. Roy Baker Way and Jefferson Street for ingress and egress for all utilities.

**Background Information:** A section of the West 11<sup>th</sup> Street right-of-way was previously closed by Ordinance 90-701-309. This section is being re-opened and realigned with Wet 12<sup>th</sup> Street to provide a through route from Boulevard to Davis Street. The new roadway will include curb-and-gutter, sidewalks, lighting and landscaping. The present and only use of Dr. Roy Baker Way is as the entrance to Shands Hospital Emergency Room area. The present use as the Emergency Room entrance will continue. Shands Hospital and the Duval County Hospital Authority (City of Jacksonville) own all the property adjacent to Dr. Ray Baker Way. The closure request has been sent to the various State, municipal and utility agencies which might have an interest in this matter. There were no objections. The applicant (Public Works Department) is a City agency and is exempt from the road closure application processing fee.

**Policy Impact:** Public Works Department

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2013-61

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** TEU

**Date of Analysis:** January 10, 2013

**Type of Action:** Authorizing perpendicular parking

**Bill Summary:** The bill authorizes the establishment of 2 Americans With Disabilities Act-compliant perpendicular parking spaces on the north side of West 11<sup>th</sup> Street adjacent to 2108 North Jefferson Street, the Duval County Medical Examiner's office.

**Background Information:** State law requires that all vehicle parking spaces on public roads shall be parallel to the curb or edge of the roadway unless specifically permitted on a local road by action of the city or county. The City is in the process of designing a road realignment project on West 11<sup>th</sup> and 12<sup>th</sup> Streets in Springfield which will require a relocation of the existing parking for the Medical Examiner's Office. Two ADA-compliant parking spaces are required to serve the building, and site constraints, including the lot and roadway layout and the location of a natural gas meter, dictate that perpendicular spaces are the best solution to providing the two required ADA spaces near the handicapped-accessible entrance to the building.

**Policy Impact Area:** Handicapped-accessible parking

**Fiscal Impact:** Minimal within the context of the road project

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-62

**Introducer/Sponsor(s):** Council President at the request of the Mayor

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** TEU, F

**Date of Analysis:** January 10, 2013

**Type of Action:** Authorization of declaration of restrictive covenant

**Bill Summary:** The bill authorizes the administration to execute a declaration of restrictive covenant with the Florida Department of Environmental Protection to place environmental restrictions on the property that encompasses the area around the north endzone stands of EverBank Field.

**Background Information:** Florida DEP has reason to believe that a solid waste dump once existed in the area that is now the site of the stands, pedestrian plaza and access road of EverBank Field, and that hazardous materials (including heavy metals and several types of hydrocarbons) are present in the groundwater and soil under a small portion of the site. The City and FDEP have agreed that the contamination is not currently leaving the site and does not need to be remediated so long as certain restrictions are in place as set forth in the declaration of restrictive covenant. The restrictive covenant provides that there shall be no drilling of wells (except permitted monitoring wells) and no stormwater retention swales, ditches or ponds in the area. A permanent impervious cover is required and no soil may be disturbed without proper permits and approved disposal of any soil excavated. Upon the execution of the Declaration with FDEP, FDEP will issue a Site Rehabilitation Completion Order with conditions for the Site.

**Policy Impact Area:** Environmental protection

**Fiscal Impact:** None

**Analyst:** Clements

## CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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**Bill Type and Number:** Ordinance 2013-63

**Introducer/Sponsor(s):** Council Member Gulliford

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** F, RCD

**Date of Analysis:** January 10, 2013

**Type of Action:** Authorization of facility license agreement

**Bill Summary:** The bill authorizes a license agreement between the City and McCue Boat Ramp Foundation, Inc. for the foundation to make capital improvements and provide maintenance for a period of five years to the McCue Park and Boat Ramp on 2<sup>nd</sup> Avenue North in Jacksonville Beach.

**NOTE:** while the bill states that the private foundation's maintenance obligation will be 2 years (pg. 2, line 9), the attached license agreement provides for 5 years of private maintenance.

**Background Information:** McCue Park and Boat Ramp, a facility encompassing approximately 1.1 acres, was renamed from the former Intracoastal Waterway Boat Ramp in 2011 in memory of Mike McCue, a popular Beaches resident and former Jacksonville and Atlantic Beach firefighter who was murdered in his front yard. The license agreement authorizes the McCue Boat Ramp Foundation to construct a concrete and paver promenade with a sculpture, landscaping and irrigation system at the boat ramp, and requires the foundation to maintain the landscaping installed by the foundation (but not the remaining park area) for a period of 5 years from the effective date of the agreement. Either party may terminate the agreement upon providing 60 days' written notice to the other party. If the foundation terminates the agreement before the end of the 5-year maintenance period, the foundation must restore the site to its pre-existing condition.

**Policy Impact Area:** Park improvement license agreement

**Fiscal Impact:** The McCue Boat Ramp Foundation is responsible for all capital improvement costs and for 5 years of maintenance of the new features.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2013-66

**Introducer/Sponsor(s):** Council Member Yarborough

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** LUZ

**Date of Analysis:** January 10, 2013

**Type of Action:** Withdrawal of applications for future land use map amendment and rezoning

**Bill Summary:** The bill withdraws the applications filed by First Coast Investments, Inc. for a small-scale amendment to the 2030 Comprehensive Plan's Future Land Use Map series and a companion rezoning for property located at 1301 Monument Road in Arlington, and authorizes the return of application fees paid by the applicant.

**Background Information:** First Coast Investments, Inc. submitted applications to the Planning Department for a PUD to PUD rezoning and companion small scale land use change for 3.43 acres of land in Arlington. There were deficiencies in the PUD rezoning application which prevented the bill from being filed with City Council. The Ordinance Code and city regulations allow an applicant to withdraw an application and the Planning Department to refund 50% of the application fee up to the time a workshop is held on the application. Once the workshop is held the department is not authorized to refund any fees. Only City Council may withdraw an application once the workshop stage is passed, but because of the PUD rezoning application deficiency neither bill was ever filed, so the matter has not come before the Council and provided an opportunity for withdrawal. This bill brings both applications before the Council to allow for the withdrawal to take place and Council has sometimes authorized refund of fees. To date the Planning Department has, with respect to the land use application, published a newspaper ad, mailed notices to adjoining property owners, done field investigation, and conducted the workshop.

**Policy Impact Area:** Withdrawal of development applications and refund of fees

**Fiscal Impact:** The Planning Department has not tabulated the costs expended on these applications.

**Analyst:** Clements

**CITY COUNCIL RESEARCH DIVISION**  
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**Bill Type and Number:** Ordinance 2013-67

**Introducer/Sponsor(s):** LUZ Committee

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** LUZ

**Date of Analysis:** January 10, 2013

**Type of Action:** Ruling on zoning exception appeal

**Bill Summary:** The bill rules on an appeal of a zoning exception filed by Lad Hawkins on behalf of the Greater Arlington Civic Council and by John Mesawitz of a final order issued by the Planning Commission approving a zoning exception to allow the sale and service of alcoholic beverages for off-premises consumption at 7720 Merrill Road.

**Background Information:** Shiv Investments of Jacksonville, LLC applied to the Planning Commission for a zoning exception to allow sale of alcohol for off-premises consumption in a Commercial Neighborhood (CN) zoning district. The Planning Commission approved the exception at its December 13, 2012 meeting, after which Lad Hawkins on behalf of the Greater Arlington Civic Council and Mr. John Mesawitz filed an appeal of the decision.

**Policy Impact Area:** Zoning exception appeal

**Fiscal Impact:**

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2013-68

**Sponsor:** Council President at the request of the Sheriff

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 17, 2013

**Type of Action:** Appointment Confirmation with Retroactive Effective Date

**Bill Summary:** This bill confirms the Sheriff's appointment of Michael S. Williams as Director of the Investigations and Homeland Security Department, within the Sheriff's Office, retroactively effective back to January 5, 2013.

**Background Information:** Section 37.109(b), *Ordinance Code*, provides that the director shall have a college degree or at least five years' experience and commensurate training.

Chief Williams has been employed with the Sheriff's Office since 1991, working his way up from Police Recruit to Chief of the Homeland Security and Narcotics / Vice Division in 2010. He received a bachelor's degree from the Liberty University and has completed various law enforcement training courses.

**Policy Impact Area:** Jacksonville Sheriff's Office operations

**Fiscal Impact:** According to Employee Services, the salary range for this position is \$94,214 - \$153,819 annually.

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-69

**Sponsor:** Council President at the request of the Sheriff

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 17, 2013

**Type of Action:** Appointment Confirmation with Retroactive Effective Date

**Bill Summary:** This bill confirms the Sheriff's appointment of Ronald L. Lendvay as Chief of the Homeland Security and Narcotics / Vice Division, within the Sheriff's Office, retroactively effective back to January 5, 2013.

**Background Information:** Section 37.102(a), *Ordinance Code*, provides that the division chiefs, within the Office of the Sheriff, shall have a college degree or at least five years' training and experience.

Asst. Lendvay has been employed with the Sheriff's Office since 1994, working his way up to Police Lieutenant, a position he held until his appointment as Assistant Chief in 2009. He received a bachelor's degree in criminal justice from the University of North Florida and has completed various law enforcement training courses.

**Policy Impact Area:** Jacksonville Sheriff's Office operations

**Fiscal Impact:** According to Human Resources, the salary range for this position is \$80,774 - \$131,875 annually.

**Analyst:** Welsh



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**Bill Type and Number:** Resolution 2013-70

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 17, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Christopher D. Flagg as a member of the Downtown Development Review Board, as a landscape architect representative, for a third term.

**Background Information:** The DDRB is established pursuant to Section 656.361.7, *Ordinance Code*, and charged to review and make decisions with respect to all applications for development and redevelopment within the Downtown Overlay Zone. The nine voting members of the board are appointed by the Mayor and confirmed by the City Council, in various categories including landscape architect.

Mr. Flagg received a bachelor's degree in landscape architecture from Louisiana State University and is a registered landscape architect. He previously served on the Downtown Design Review Committee. Mr. Flagg is the President of *Flagg Design Studio, LLC* and resides in the Glynea/Grove Park area within Council District #4.

**NOTE: This bill may need to be amended to correct the term end date to June 30, 2014.**

**Policy Impact Area:** Downtown Development Review Board operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

**CITY COUNCIL RESEARCH DIVISION**  
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**Bill Type and Number:** Resolution 2013-71

**Sponsor:** Council President Bishop

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 22, 2013

**Type of Action:** Appointment

**Bill Summary:** This bill appoints John M. Shaw, III to the Jacksonville Health Facilities Authority, filling the seat formerly held by Steven C. Peck, for a first term ending December 15, 2016.

**Background Information:** The Jacksonville Health Facilities Authority is established pursuant to Chapter 490, *Ordinance Code*, and charged to assist health facilities in the acquisition, construction, financing, and refinancing of projects. Section 490.106, *Ordinance Code*, provides that the members of the board are appointed by the Council.

Mr. Shaw received master's degrees in planning and public administration from Florida State University and is an Emergency Preparedness Planner with the City of Jacksonville. He resides in the Chimney Lakes area within Council District #11.

**Policy Impact Area:** Jacksonville Health Facilities Authority operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-72

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 22, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Guy Anderson as a member of the Board of Library Trustees, as an At-Large, Group 4 representative, filling the seat formerly held by Amy T. Morales, for a first term ending July 15, 2016.

**Background Information:** The Library Board of Trustees is established pursuant to Chapter 90, *Ordinance Code*, and charged with the authority to receive, accept and exercise control over funds, property, gifts, legacies or devises now or hereafter granted to the library or its predecessor libraries and agencies for the purpose of establishing and maintaining a free public library in and for the Consolidated Government and its citizens and the responsibility for the administration of Chapter 662 and the provision of library services. Section 90.101, *Ordinance Code*, provides that the voting members of the board shall be appointed by the Mayor and confirmed by the Council, with two each from the five At-Large Council Districts.

Mr. Anderson received a bachelor's degree in chemistry and biology from Trinity College and is a utility and power energy consultant. He resides in the San Marco area within Council District #5 (At-Large, Group 4).

**NOTE: This bill may need to be amended to reflect that Mr. Anderson will be representing At-Large, Group 4.**

**Policy Impact Area:** Library Board of Trustees operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-73

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 22, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Nelson Wyman Calvin Winbush, as a member of the JEA Board, replacing M. Ashton Hudson, for a first full four-year term ending February 28, 2017.

**Background Information:** The JEA is established pursuant to Article 21, *Jacksonville Municipal Charter*, and authorized to own, manage and operate a utilities system within and without the City of Jacksonville. The JEA is created for the express purpose of acquiring, constructing, operating, financing and otherwise have plenary authority with respect to electric, water, sewer, natural gas and such other utility systems as may be under its control now or in the future. Section 21.03(a), *Municipal Charter*, provides that the seven members of the JEA Board are to be city residents and electors appointed by the Mayor and confirmed by Council.

Mr. Winbush received a master's degree in business administration from Jacksonville University and is employed with *IBM*. He resides in the St. Johns Bluff area within Council District #1.

**Policy Impact Area:** JEA Board operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-74

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 22, 2013

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Mario Ernesto Decunto as a member of the Jacksonville Human Rights Commission, filling the seat formerly held by Dr. Alvin G. White for a first term ending December 31, 2014.

**Background Information:** The Jacksonville Human Rights Commission is established pursuant to Chapter 60, *Ordinance Code*, and charged to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status; and promote mutual understanding and respect among all economic, social, racial, religious and ethnic groups; and endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members.

Section 60.101, *Ordinance Code*, provides that the 20 members of the commission shall be appointed by the Mayor, subject to confirmation by the Council, and shall reside or be employed in the City for their entire term.

Mr. Decunto received a master's degree in counseling psychology from the University of North Florida and is a practicing Therapist with *Sheldon J. Kaplan and Associates*. He resides in the Beacon Hills area within Council District #1.

**Policy Impact Area:** Jacksonville Human Rights Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-75

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 23, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Parvez Ahmed, as a member of the Jacksonville Human Rights Commission, for a second term ending December 31, 2015.

**Background Information:** The Jacksonville Human Rights Commission is established pursuant to Chapter 60, *Ordinance Code*, and charged to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status; and promote mutual understanding and respect among all economic, social, racial, religious and ethnic groups; and endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members.

Section 60.101, *Ordinance Code*, provides that the 20 members of the commission shall be appointed by the Mayor, subject to confirmation by the Council, and shall reside or be employed in the City for their entire term.

Dr. Ahmed received a Ph.D. in finance from the University of Texas and is the Director of the Center of Sustainable Business Practices and an Associate Professor of Finance, both at the *University of North Florida*. He resides in the East Arlington area within Council District #2.

**Policy Impact Area:** Jacksonville Human Rights Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-76

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 23, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Dane Grey, as a member of the Jacksonville Human Rights Commission, for a second term ending December 31, 2015.

**Background Information:** The Jacksonville Human Rights Commission is established pursuant to Chapter 60, *Ordinance Code*, and charged to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status; and promote mutual understanding and respect among all economic, social, racial, religious and ethnic groups; and endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members.

Section 60.101, *Ordinance Code*, provides that the 20 members of the commission shall be appointed by the Mayor, subject to confirmation by the Council, and shall reside or be employed in the City for their entire term.

Mr. Grey received a master's degree in commercial aviation from Delta State University and is the President of *Elite Parking Services of America, Inc.* He resides in the downtown area within Council District #7.

**Policy Impact Area:** Jacksonville Human Rights Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2013-77

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 23, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of Susan Harthill, as a member of the Jacksonville Human Rights Commission, for a second term ending December 31, 2015.

**Background Information:** The Jacksonville Human Rights Commission is established pursuant to Chapter 60, *Ordinance Code*, and charged to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, marital or familial status; and promote mutual understanding and respect among all economic, social, racial, religious and ethnic groups; and endeavor to eliminate discrimination against, and antagonism between, religious, racial and ethnic groups and their members.

Section 60.101, *Ordinance Code*, provides that the 20 members of the commission shall be appointed by the Mayor, subject to confirmation by the Council, and shall reside or be employed in the City for their entire term.

Ms. Harthill received a law degree from the University of Cincinnati and is a Professor at the *Florida Coastal School of Law*. She resides in St. Johns County and works in Duval County.

**Policy Impact Area:** Jacksonville Human Rights Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh



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**Bill Type and Number:** Resolution 2013-78

**Sponsor:** Council President at the request of the Mayor

**Date of Introduction:** January 22, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 23, 2013

**Type of Action:** Reappointment Confirmation

**Bill Summary:** This bill confirms the Mayor's reappointment of John Allmand, as a member of the Jacksonville Historic Preservation Commission, for a term ending March 4, 2016.

**Background Information:** The Jacksonville Historic Preservation Commission is established pursuant to Chapter 76, *Ordinance Code*, and charged to conduct an ongoing survey and inventory of historic buildings, areas, and archaeological sites in the City of Jacksonville and to plan for their preservation; identify potential landmarks and potential landmark sites and to make recommendations to the City Council as to whether such should be officially designated; recommend that the City Council designate specified areas as historic districts and to identify which structures should be considered to be contributing structures; develop specific guidelines for the alteration, construction, relocation or removal of designated property; promulgate standards for architectural review which are consistent with standards for rehabilitation established by the United States Secretary of the Interior; approve or deny applications for certificate of appropriateness for alteration, construction, demolition, relocation or removal of landmarks, landmark sites, and property in historic districts; initiate plans for the preservation and rehabilitation of individual historic buildings; undertake public information programs including the preparation of publications and the placing of historic markers; conduct public hearings to consider historic preservation issues, the designation of landmarks, landmark sites, and historic districts, applications for certificate of appropriateness and nominations to the National Register of Historic Places; and administer Chapter 307, *Ordinance Code*.

Section 76.102, *Ordinance Code*, provides that the seven members of the commission shall be residents of the City of Jacksonville for their entire term and shall be appointed by the Mayor, subject to confirmation by the City Council.

Mr. Allmand received a master's degree in architecture from Florida International University and is a licensed Architect. He is President of *JAA Architecture, Inc.* and resides in the Murray Hill area within Council District #14.

**Policy Impact Area:** Jacksonville Historical Preservation Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Ordinance 2013-79

**Introducer/Sponsor(s):** Council Member Schellenberg

**Date of Introduction:** January 8, 2013

**Committee(s) of Reference:** R

**Date of Analysis:** January 10, 2013

**Type of Action:** Request to Mayor

**Bill Summary:** The bill encourages the mayor to form a "Council of Leaders" with the CEOs of the City's independent authorities (JAA, JEA, JTA, JPA) and the Downtown Investment Authority, the Director of the Office of Economic Development, the School Superintendent, the President of the Chamber of Commerce, the President of the Jacksonville Civic Council, and the City Council President to meet on an occasional basis to share ideas, goals and visions and to foster collaboration on issues of common interest.

**Background Information:** Within the last year the City has seen a somewhat unusual turnover in the executive leadership of many of its city government and civic institutions. The bill's sponsor proposes this Council of Leaders as a vehicle for enhanced communication and coordination of efforts among the City's civic leadership.

**Policy Impact Area:** Civic leadership

**Fiscal Impact:** None

**Analyst:** Clements