

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377



117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Ordinance 2014-690

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 28, 2014

Committee(s) of Reference: R; F

Date of Analysis: October 31, 2014

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$140,085.77 (\$119,072.91 in Help America Vote Act (HAVA) funds received from the State of Florida, Department of State, Division of elections, as election reform payment and a City match of \$21,012.86 from the Reserve for Federal Projects Account) to provide funding for voter education and federal election activities, as initiated by B.T. 15-006; it provides a carryover of funds to Fiscal Year 2015-2016.

Background Information: The 2014 Legislature appropriated \$3,000,000 from the Help America Vote Act funds. These funds are allocated and distributed to the Supervisors of Elections based on a formula using the number of active registered voters in each county as of the 2012 General Election's book closing. These funds can only be spend for: voter education; poll worker training; standardizing election results reporting; and other federal-approved election administration activities relating to military and overseas voters, or elections hardware of software purchases, as approved by the Florida Department of State.

Policy Impact: Voter Education/Supervisor of Elections

Fiscal Impact: the ordinance appropriates \$140,085.91

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-692

Sponsor: Council Member Bishop:

Date of Introduction: October 28, 2014

Committee(s) of Reference: F; TEU

Date of Analysis: October 31, 2014

Type of Action: Appropriation

Bill Summary: The ordinance appropriates \$17,950 from the Tree Protection and Related Expenses Trust Fund to plant 70 trees on a City right of way located on Gately Road between Mount Pleasant Road and Mount Pleasant Woods Drive, in Council District 2; it provides for the Public Works Department to oversee the project; there is a procurement directive utilizing the continuing contract of Davey Tree Expert Company.

Background Information: Davey Tree Expert Company will install and maintain the trees under a continuing contract (CS-0618-12), which is valid through September 30, 2015. The installation of trees at Gately Road common area will consist of:

15 - Crape Myrtle 12' @ \$375 ea = \$5,625

7 - Cathedral Live Oak @ \$450 ea = \$3,150

13 - Southern Magnolia @ \$450 ea = \$5,850

35 - Add Alt #1 @ \$95 ea = \$3,325

TOTAL \$17,950

Policy Impact: Neighborhood Beautification/Tree Protection and Related Expenses Trust Fund

Fiscal Impact: The ordinance appropriates \$17,950.00

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-693

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: October 28, 2014

Committee(s) of Reference: TEU, F

Date of Analysis: October 30, 2014

Type of Action: Amendment to prior ordinance; appropriation; fee refund authorization

Bill Summary: The bill repeals Sections 1, 2 and 3 (Appropriation, Purpose, and Authorization for Disbursement) of prior Ordinance 2014-470-E in order to de-authorize a refund of solid waste monthly administrative fees paid by Coastal Recycling Company. The bill also appropriates \$500 from the Special Council Contingency Fund to the Solid Waste Disposal Operations account and authorizes a refund of solid waste monthly administrative fees paid by Wood Resource Recovery, LLC pursuant to Ordinance 2013-414-E.

Background Information: Ordinance 2013-414-E amended the solid waste code to provide that companies that recycle solid waste materials in Jacksonville and then dispose of residual non-recyclable materials outside of the city would not be required to pay the solid waste disposal host fee, but would be subject to a \$500 per month administrative fee. Ordinance 2014-470-E approved on October 14, 2014 was introduced to repeal the \$500 administrative fee and repeal the exemption from the solid waste disposal host fee, effective January 1, 2015. The bill was amended on the night of final adoption to include a refund of \$7,000 to companies that had paid the administrative fee in 2013 and 2014, which included only Coastal Recycling and Wood Resource Recovery. It was subsequently discovered that Coastal had paid the City \$7,000 in monthly administrative fees but had not paid over \$23,000 in accumulated host fees. This bill rescinds the refund of the administrative fees to Coastal in light of the amount of host fees still due the City. It also authorizes a refund of \$500 in administrative fees to Wood Resource Recovery that were levied just before 2014-470-E became effective.

Policy Impact Area: Solid waste host fee/administrative fee application to recyclers

Fiscal Impact: The bill rescinds the previously-authorized \$7,000 fee refund and authorizes a \$500 refund to a company that paid the administrative fee just prior to its revocation.

Analyst: Clements

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Bill Type and Number: Ordinance 2014-695

Sponsor: Council President at the request of the Mayor:

Date of Introduction: October 28, 2014

Committee(s) of Reference: TEU; F

Date of Analysis: October 31, 2014

Type of Action: Conveyance Authorization

Bill Summary: The ordinance approves and authorizes the Mayor and Corporation Secretary to execute appropriate documents necessary to convey to the State of Florida Department of Transportation, in accordance with Section 122.421(b), *Ordinance Code*, one (1) Temporary Construction Easement in, over, and under City of Jacksonville Parcel 700 at Newnan Street and Hubbard Street in Council District 7 for the replacement of Bridge #724171 and the tying in, harmonizing, and resurfacing of a portion of Newnan Street and Hubbard Street.

Background Information: Parcel 700 is needed by FDOT for the replacement of Bridge #724171 over Hogan Creek at Newnan Street and Hubbard Street. The entire Easement is within the right-of-way. Ordinance 2014-485-E authorized the "Construction and Maintenance Agreement" between the City and FDOT for the bridge replacement. The City Engineer has reviewed and approved the conveyance request.

Policy Impact: Public Works/Real Estate

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-700

Sponsor: Council Member Redman:

Date of Introduction: October 28, 2014

Committee(s) of Reference: F; RCDPHS; JWW

Date of Analysis: October 31, 2014

Type of Action: Special District Establishment

Bill Summary: The ordinance establishes the Millers Creek Special District in accordance with Section 189.4041, Florida Statutes; it adopts a charter for the "Millers Creek Special District" for the limited purpose of maintaining the portion of Millers Creek adjacent to the properties within the District's boundaries to enable continuing access to the St. Johns River; it establishes a five member Board of Supervisors to be originally appointed by the City Council with all five initial terms expiring on November 20, 2016, and all five supervisors being elected by the qualified electors of the District beginning with the 2016 general election; provides for boundaries of the District; provides that the Board of Supervisors shall have the authority to impose a non-ad valorem assessment in an amount up to \$3,000 annually for each residential unit and each parcel with a canal access easement; provides that the Board of Supervisors shall have the authority to appropriate funds for the limited purpose of maintaining the canal system.

Background Information: Florida Statutes provide that the City Council may create dependent special districts for the purpose of delivery essential services to specific areas within the City. The system of canals located in Millers Creek in Council District 4; require continuous maintenance in order to remain navigable and sanitary. The City is unable to provide the human and financial resources required to properly maintain this system of canals. A dependent special district financed by property owners adjacent to this system of canals is an appropriate, efficient and effective vehicle to insure that the canals are properly maintained. The creation of the Millers Creek Special District is the best alternative to ensure that the canals are properly maintained because the creation of such a district provides a legally enforceable mechanism to collect monies from all property owners that benefit from properly maintained canals, and it ensures that the monies, when collected, are spent by a governmental entity that is accountable to the people that it serves.

Policy Impact: Special Districts/Waterways

Fiscal Impact: Minimal

Analyst: Jackson

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Bill Type and Number: Ordinance 2014-701

Introducer/Sponsor(s): Council President at the request of the General Counsel

Date of Introduction: October 28, 2014

Committee(s) of Reference: R, F, RDCPHS

Date of Analysis: October 30, 2014

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends the Ordinance Code in Title XII – Fire Prevention Code, Chapter 420 – General Provisions, to provide that the Chief of the Fire Prevention Division of the Fire and Rescue Department may take such actions as are necessary to immediately alleviate an imminent threat to the health, safety or general welfare of the public or of the occupants of particular structures pursuant to a set of defined procedures. The bill creates a new Section 420.111 – Emergencies – which provides that the Chief may order repairs to be made or may order the evacuation of a structure and the cessation of all or part of any business activity taking place there if the Chief finds that imminent health or safety threats exist which would justify the entry of an ex parte injunction, without notice, in a circuit court. When the Chief deems that a true emergency situation exists, the chief or a designee may enter the premises without permission for the purpose of remediating the emergency condition, may order evacuation of the building, and may order that electric service to the building be shut off if the presence of the electricity constitutes a danger to life or safety.

The bill provides that the owner of a property may appeal the Chief’s declaration of an emergency and the remedial action within 15 days to a Special Magistrate for a hearing. Application for a hearing automatically stays the effect of a vacate/cease and desist order and/or termination of electrical service, unless the Chief certifies in writing, under oath, that the emergency condition poses an imminent threat to life or safety. The Special Magistrate must issue a ruling on the day of the hearing, which may be appealed to the Building Codes Adjustment Board. The bill creates a new Sec. 420.112 – Unlawful to occupy or operate – making it a Class C offense to be physically present in or to allow others to be present in a structure that the Chief of Fire Prevention has ordered vacated without prior written permission of the Chief. It is also declared to be a Class C offense to operate a commercial business on a property when such activity has been declared by the Chief to be unsafe.

Background Information: This legislation is part of a proposed settlement over the manner in which a nightclub was condemned by the Fire Marshall’s office. The plaintiff’s argument in the lawsuit was that the ordinance code did not provide a sufficient review process once a business is shut down, so this legislation is intended to provide for the opportunity for the business owner to request a “show cause” hearing, where the Fire Marshall must demonstrate the basis for the condemnation. The legislation makes the emergency condemnation procedures consistent with the process that was already put into place for condemnations under the Building Code and the Property Safety Code.

Policy Impact Area: Condemnation procedures

Fiscal Impact: Undetermined

Analyst: Clements

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Bill Type and Number: Ordinance 2014-703

Introducer/Sponsor(s): RCDPHS Committee

Date of Introduction: October 28, 2014

Committee(s) of Reference: F, RCDPHS

Date of Analysis: October 30, 2014

Type of Action: Ad valorem tax exemption

Bill Summary: The bill grants a historic preservation tax exemption in the amount of 100% of the value of rehabilitation cost for 10 years for renovations done to the property located at 1836 Edgewood Avenue South.

Background Information: The State of Florida authorized and the City adopted a partial ad valorem tax exemption on the value of renovations to a local landmark, landmark site or contributing structure in a designated historic district where the cost of the renovations exceeds 25% of the assessed value of the property and at least 15% or a minimum of \$2,500 of the renovation costs (whichever is less) are expenditures on work to the exterior of the structure. The property on Edgewood Avenue South is a contributing structure in the Riverside Avondale Historic District. The owners have submitted and the Planning and Development Department has approved documentation of the qualifying improvements.

Policy Impact Area: Historic preservation

Fiscal Impact: Undetermined - the cost of the renovations was \$312,161.

Analyst: Clements

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Bill Type and Number: Ordinance 2014-704

Introducer/Sponsor(s): Council Member Schellenberg

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 30, 2014

Type of Action: Request to City Council President

Bill Summary: The bill requests and urges the Council President to replace the Council's two appointees to the Police and Fire Pension Fund board of trustees – Walt Bussells and Adam Herbert – with new appointees George Robbins and John Thompson.

Background Information: The City Council appoints 2 of the 5 members of the Police and Fire Pension Fund board of trustees, who serve at the pleasure of the Council and may be replaced at the Council's discretion. Mr. Bussells and Mr. Herbert were appointed to the board as Council appointees via Resolution 2012-411-A for terms of 4 years expiring June 30, 2016. Mr. Robbins is a retired President and CEO of Millenium Specialty Chemicals and serves on many community and not-for-profit corporation boards. Mr. Thompson is a senior vice president and investment officer at the Forbes and Thompson Wealth Management Group and served on Mayor Brown's transition team as Co-Chairman of the Pension Committee and was a member of the mayor's recent Pension Task Force.

Policy Impact Area: Police and Fire Pension Fund operations

Fiscal Impact: None

Analyst: Clements

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Bill Type and Number: Resolution 2014-707

Sponsor: Council President at the request of the Mayor

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 24, 2014

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Dr. Lauren M. Husband to the Context Sensitive Streets Standards Committee, replacing Dr. Dawn Emerick as a community health or public health representative, for a term ending July 31, 2016.

Background Information: The Context Sensitive Streets Standards Committee is established pursuant to Chapter 32, Part 7, *Ordinance Code*, and charged to review and revise the City standard specifications, City standard details and rules, standards and policies set forth in the Land Development Procedures Manual and any other regulations, relating to transportation, traffic engineering and roadway design, and make recommendations concerning amendments to the Ordinance Code and 2030 Comprehensive Plan pertaining to such issues. Section 32.702(b)(1), *Ordinance Code*, provides for six of the thirteen members of the committee to be appointed by the Mayor, subject to confirmation by the Council, in various categories, including a community health or public health representative.

Dr. Husband received doctorate degrees in educational management and diversity studies and in curriculum and instruction. She is employed with the *Florida Department of Health* as the Healthy Jacksonville Director and resides in the Arrowhead area within Council District #6.

NOTE: This bill may need to be amended to reflect that Dr. Husband is filling a **partial** term, not a first full term. Section 32.702(c), *Ordinance Code*, provides that "appointments to fill vacancies for partial terms (less than 50% of a full term) ... shall not be deemed to be full terms for reappointment purposes." As this appointment will be for less than 50% of a full four-year term, it should be referenced as a "partial" term.

Additionally, the category Dr. Husband is filling may need to be amended to reflect "community health or public **health** representative" as listed in Section 32.702(b)(1)d, *Ordinance Code*.

Policy Impact Area: Context Sensitive Streets Standards Committee operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-708

Sponsor: Council President at the request of the Mayor

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 29, 2014

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Alma Ferrante as a member of the Jacksonville Small and Emerging Business "JSEB" Monitoring Committee, as a Non-JSEB contractor, filling the seat formerly held by Lawrence Murr, for a partial term ending April 30, 2015.

Background Information: The JSEB Monitoring Committee is established pursuant to Section 126.607, *Ordinance Code*, and charged to review the status of the goals of the Jacksonville Small Emerging Businesses Program, along with a comparison of the achievements under the Program compared with the goals. Section 126.607(c), *Ordinance Code*, provides that three of the members of the JSEB Monitoring Committee are appointed by the Mayor, and confirmed by Council, in various categories, including a Non-JSEB Contractor.

Ms. Ferrante received an associate's degree from the University of Technologies and Science in Panama. She is a St. Johns County resident, but owns *ITG Global, LLC*, located in the Windy Hill area within Council District #4.

NOTE: Ms. Ferrante is a JSEB registered vendor.

Policy Impact Area: JSEB Monitoring Committee operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-709

Sponsor: Council President Yarborough

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 24, 2014

Type of Action: Appointment

Bill Summary: This bill appoints Craig F. Smith to the Duval County Tourist Development Council, as a representative of the tourist industry, replacing David Potts for a first term ending June 30, 2017.

Background Information: The Tourist Development Council is established pursuant to Chapter 70, *Ordinance Code*, and Section 125.0104, *Florida Statutes*, and charged to recommend a method of coordination of existing tourist development efforts by both public and private agencies, organizations and business and of new or additional tourist development efforts; identify and recommend methods of eliminating unnecessary duplications in existing tourist development efforts; identify and develop new tourist development efforts; create, prepare and submit to the Council a tourist development plan; and review the expenditures of revenues from the Tourist Development Trust Fund and report any unauthorized expenditures to the Council and State Department of Revenue. Section 70.102(a), *Ordinance Code*, provides that three of the members of the Duval County Tourist Development Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but are not associated with tourist accommodation.

Mr. Smith received an associate's degree from Florida Community College at Jacksonville and is a managing partner with *Alhambra Theatre & Dining*. He formerly operated *Beaches Limousine* (1997-2006) and worked in Sales and Event Management with the *Jacksonville Suns* (1987-1990). Mr. Smith resides in the Southside area within Council District #4.

Policy Impact Area: Duval County Tourist Development Council operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-710

Sponsor: Council President Yarborough

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 24, 2014

Type of Action: Reappointment

Bill Summary: This bill reappoints Michael D. Stewart, to the Jacksonville International Airport (JIA) Area Redevelopment Agency Board, as the representative for School Board District #4, for a term ending June 30, 2018.

Background Information: The JIA Area Redevelopment Agency Board is an advisory board to the Office of Economic Development. Per Ordinance 90-409-293, which created the board, the seven members are appointed by the Council, one each from the seven School Board districts.

Mr. Stewart received a bachelor's degree in civil engineering from Howard University and is the Director of External Affairs with the *Jacksonville Aviation Authority*. He has previously served on the Construction Trades Qualifying Board. Mr. Stewart resides in the Highlands area within Council District #8 (School Board District #4).

Attendance: According to information provided by the staff for the JIA Area Redevelopment Agency Board, Mr. Stewart has attended 75% of the meetings of the board since his initial appointment in 2011.

	Meetings Held	Meetings Attended
2011	4	2
2012	6	4
2013	6	6
2014	4	3
Total	20	15

NOTE: This bill may need to be amended to reflect that Mr. Stewart is being reappointed to a **second four-year term**, not a first term.

Policy Impact Area: JIA Area Redevelopment Agency Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-711

Sponsor: Council President Yarborough

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 24, 2014

Type of Action: Reappointment

Bill Summary: This bill reappoints Steven R. Merten, to the Duval County Research and Development Authority, for a second four-year term ending October 17, 2018.

Background Information: The Duval County Research and Development Authority is established pursuant to Chapter 67, *Ordinance Code*, and charged to oversee "First Coast Technology Park", a 285-acre commerce center at the University of North Florida; for the purpose of promoting scientific research and development in affiliation with and related to the research and development activities of one or more state-based, accredited, public or private institutions of higher education; for the purpose of financing and refinancing capital projects related to establishment of a research and development park in affiliation with one or more institutions of higher education, including facilities that complement or encourage the complete operation thereof; and for the fostering of the economic development and broadening the economic base of the county. Section 159.703, *Florida Statutes*, provides that the members of the board shall be residents and electors of, or have their principal place of employment in, the county.

Mr. Merten received a bachelor's degree in construction management from Purdue University and is a Florida Certified General Contractor. He is a Vice President with *Toll Brothers, Inc.*, a single family home construction firm. Mr. Merten resides in Council District #3.

Attendance: According to information provided by the staff for the Duval County Research and Development Authority, Mr. Merten has attended 100% of the meetings of the board since his initial appointment in 2012.

	Meetings Held	Meetings Attended
2012	0	0
2013	1	1
2014	1	1
Total	2	2

Policy Impact Area: Duval County Research and Development Authority Operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-712

Sponsor: Council President Yarborough

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 27, 2014

Type of Action: Reappointment

Bill Summary: This bill reappoints Stephen T. Lovett to the Health Planning Council of Northeast Florida, Inc., in the "consumer" category, for a third two-year term ending September 30, 2016.

Background Information: The Health Planning Council of Northeast Florida, Inc. is established pursuant to Section 408.033, *Florida Statutes*, and authorized to develop a district health plan; advise the state department on health care issues and resource allocations; promote public awareness of community health needs; collect data and conduct analyses and studies related to health care needs of the district; advise and assist local governments on the development of an optional health plan; and monitor and evaluate the adequacy, appropriateness and effectiveness of funds distributed to meet the needs of the medically indigent. The bylaws of the Health Planning Council provide that the Board of Directors shall be made up of health care consumers, providers and purchasers, with a consumer being an individual who is a member of the general public or representative of consumer organizations but not a health care provider or purchaser.

Mr. Lovett received a bachelor's degree in landscape architecture from Washington State University and is a partner with *Ervin Lovett & Miller, Inc.* He resides within Council District #3.

Attendance: According to records provided by the staff for the Health Planning Council, Mr. Lovett has attended 77% of the meetings of the board during his current term.

	Meetings Held	Meetings Attended
2012	1	1
2013	9	8
2014	12	8
Total	22	17

Policy Impact Area: Health Planning Council of Northeast Florida, Inc. operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2013-713

Sponsor: Council President at the request of the Mayor

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 27, 2014

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of David Gates as a member of the Construction Trades Qualifying Board, filling the seat formerly held by David L. Bryant, as a journeyman craftsman, for a term ending September 30, 2017.

Background Information: The Construction Trades Qualifying Board is established pursuant to Chapter 62, *Ordinance Code*, and charged to administer Chapter 342; ensure that an applicant for any certificate meets the qualifications provided by law; provide for the preparation, administration and grading of examinations; decide questions of definition and interpretation of the scope of work of the various construction trades covered by Chapter 342; make recommendations to the Council for amendment to ordinances it is required to administer; and provide a continuous study of the different trades and crafts regulated by Chapter 342 and recommend the regulation of additional trades or crafts as may be determined to protect the public health, safety and welfare.

Section 62.101, *Ordinance Code*, provides that the eighteen members shall be residents of Duval County, appointed by the Mayor and confirmed by the Council, and three of the members shall be journeyman craftsmen.

Mr. Gates received an associate's degree from Cincinnati Technical Institute and is a licensed journeyman electrician. He resides in the Highlands area within Council District #8.

Policy Impact Area: Construction Trades Qualifying Board operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Resolution 2014-714

Sponsor: Council President at the request of the Mayor

Date of Introduction: October 28, 2014

Committee(s) of Reference: R

Date of Analysis: October 27, 2014

Type of Action: Appointment Confirmation

Bill Summary: This bill confirms the Mayor's appointment of Andrea P. Monroe as a member of the Board of Library Trustees, filling the seat formerly held by Rita Cannon as an At-Large, Group 1 representative, for a 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.

Ms. Monroe received a bachelor's degree in psychology and is the Chief Operating Officer for *Tellacom Communications Group*. She resides in the Oceanway area within Council District #11 (At-Large Group 1).

NOTE: The term expiration date may need to be amended to **July 15, 2015**. The passage of 2010-557-E amended the membership and terms of the Library Board of Trustees, providing for staggered terms with three members appointed to each four-year term ending July 15th. This seat is the last term to be aligned to comply with the staggered term provision of Section 90.101(c), *Ordinance Code*. As three current members already fill seats with terms ending in 2016, the term for this seat should be amended to end in 2015.

Policy Impact Area: Library Board of Trustees operations

Fiscal Impact: Anticipated to be minimal

Analyst: Merritt

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Bill Type and Number: Ordinance 2014-716

Introducer/Sponsor(s): Council President at the request of the General Counsel

Date of Introduction: October 28, 2014

Committee(s) of Reference: R, RDCPHS, LUZ

Date of Analysis: October 30, 2014

Type of Action: Approving settlement agreement; Ordinance Code amendments; City Charter and Ordinance Code waivers

Bill Summary: The bill approves a settlement agreement among the City, Scenic Jacksonville, Inc. and Clear Channel Outdoor, Inc. to end pending litigation among the parties over the interpretation and applicability of various provisions of the City's Ordinance Code and Charter regarding off-site signs. The bill amends Ordinance Code Chapter 614 – Public Order and Safety and Chapter 656 – Zoning Code in their sections on unlawful sign messages to provide that the sections do not prohibit off-site commercial signs maintained or erected in accordance with the terms of an authorized settlement agreement with the City. The Zoning Code is amended in Part 13 – Sign Regulations - to create a new Billboard Inventory Registration System to track all off-site commercial billboards. The bill amends Ordinance Code Chapter 30 – Planning and Development Department – to give the Planning Commission the duty to hear appeals of decisions by the Building Inspection Division concerning off-site commercial billboards, the decisions of which are the final action of the City and may not be further reviewed by the City.

The bill amends City Charter Article 23 – Off-Site Commercial Billboard Ban – in the area of enforcement and penalties to provide that no civil action may be brought in connection with any existing off-site commercial billboard registered with the City or lawfully derived through an authorized settlement agreement pursuant to the process established by the Ordinance Code. The bill waives the section of the Zoning Code requiring the Planning Commission to review and advise on proposed amendments to the Zoning Code before City Council action and waives any provisions of the City Charter or Ordinance Code that may be contrary to or conflict with the terms of the settlement agreement.

Background Information: The settlement agreement was negotiated to end years of disputes and litigation among the City, Scenic Jacksonville, Inc. (the successor to CapSigns, the citizen organization that conducted the petition campaign in the 1980s leading to the adoption of the “billboard ban” Charter amendment) and Clear Channel Outdoor, Inc. over the terms of the City's regulation of off-site commercial billboards. The effect of the settlement agreement will be to allow the continued operation of electronic face-changing billboards and allow limited installation of new digital billboards in return for the elimination of a larger number of conventional billboards. Clear Channel will be required to remove three times as many conventional billboards as the number of digital billboards it installs and limits digital signs to no more than 15% of the company's sign face display area in Jacksonville. The agreement also prohibits installation of billboards along some roadways entirely (roads constructed since the passage of the Charter amendment referendum in 1987).

Policy Impact Area: Off-site commercial billboard regulation; legal settlement

Fiscal Impact: Undetermined

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377



117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Ordinance 2014-717

Introducer/Sponsor(s): Council President at the request of the General Counsel

Date of Introduction: October 28, 2014

Committee(s) of Reference: F, RDCPHS, LUZ

Date of Analysis: October 30, 2014

Type of Action: Approving settlement agreement; Ordinance Code amendments; City Charter and Ordinance Code waivers

Bill Summary: The bill approves a settlement agreement among the City, Scenic Jacksonville, Inc. and CBS Outdoor, LLC to end pending litigation among the parties over the interpretation and applicability of various provisions of the City's Ordinance Code and Charter regarding off-site signs. The bill amends Ordinance Code Chapter 614 – Public Order and Safety and Chapter 656 – Zoning Code in their sections on unlawful sign messages to provide that the sections do not prohibit off-site commercial signs maintained or erected in accordance with the terms of an authorized settlement agreement with the City. The bill waives the section of the Zoning Code requiring the Planning Commission to review and advise on proposed amendments to the Zoning Code before City Council action and waives any provisions of the City Charter or Ordinance Code that may be contrary to or conflict with the terms of the settlement agreement.

Background Information: The settlement agreement was negotiated to end years of disputes and litigation among the City, Scenic Jacksonville, Inc. (the successor to CapSigns, the citizen organization that conducted the petition campaign in the 1980s leading to the adoption of the "billboard ban" Charter amendment) and CBS Outdoor, LLC. over the terms of the City's regulation of off-site commercial billboards. The effect of the settlement agreement will be to allow the continued operation of electronic face-changing billboards and allow limited installation of new digital billboards in return for the elimination of a larger number of conventional billboards. CBS Outdoor will be permitted to install new digital signs at no more than 16 locations in the City and agrees to convert 1 digital sign in St. Nicholas back to a conventional sign and to withdraw its pending application to construct a new digital sign on I-95 approaching downtown. The agreement also prohibits installation of billboards along some roadways entirely (roads constructed since the passage of the Charter amendment referendum in 1987).

Policy Impact Area: Off-site commercial billboard regulation; legal settlement

Fiscal Impact: Undetermined

Analyst: Clements

CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377

117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Resolution 2014-718

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: October 28, 2014

Committee(s) of Reference: None – emergency action on first reading

Date of Analysis: October 30, 2014

Type of Action: Petition to Mayor and General Counsel

Bill Summary: The bill urges the Mayor and General Counsel to cease any further appeals in the case of *Frank Denton v. City of Jacksonville*, a case concerning alleged violations of the Government in the Sunshine Act.

Background Information: Frank Denton, Editor of the *Florida Times-Union*, sued the City alleging that negotiations conducted in the context of a court-ordered mediation between the City and the Police and Fire Pension Fund over proposed changes to the Police and Fire Pension under the purview of the 30-year agreement between the City and the Police and Fire Pension Fund board constituted collective bargaining, and therefore should have been held in open, noticed meetings as required by state law for collective bargaining. The City's defense was that court-ordered mediation must by law be conducted confidentially and therefore no Sunshine Law violation occurred. A circuit court judge ruled in favor of Mr. Denton and, upon appeal by the City, the appellate court unanimously upheld the circuit judge's ruling. This bill directs the Mayor and General Counsel to cease appeals of the ruling.

Policy Impact Area: Legal strategy

Fiscal Impact: Undetermined – the City is liable to pay the plaintiff's attorney costs if he prevails.

Analyst: Clements

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

JEFFREY R. CLEMENTS
Chief of Research
(904) 630-1377



117 West Duval Street
City Hall, Suite 425
Jacksonville, FL 32202
FAX (904) 630-3403

Bill Type and Number: Ordinance 2014-719

Introducer/Sponsor(s): Council Member Gulliford

Date of Introduction: October 28, 2014

Committee(s) of Reference: TEU, F

Date of Analysis: October 30, 2014

Type of Action: Approval of mobility fee contract

Bill Summary: The bill approves a mobility fee contract between the City and Eastland Timber, LLC for the construction of a privately-financed transportation improvement project, the extension of R.G. Skinner Parkway to the south from its terminus near Atlantic Coast High School and its connection with an interchange currently under construction on State Road 9B. The City agrees to add the Skinner Parkway extension and interchange to the next edition of the City's 5-year Capital Improvement Program.

Background Information: The mobility fee contract is for a period of 7 years (with an option for 1 three-year extension) and provides that Eastland Timber will construct the roadway and interchange and convey it to the City or the FDOT in return for reimbursement in the form of mobility fee credits in the amount of \$34,693,525, which are transferrable by Eastland to other potential users within the same mobility zone. Construction of the roadway will enable Eastland to build a single-family housing development (158 homes on 126.5 acres) accessed by the new road.

Policy Impact Area: Transportation improvement; mobility fee alternative funding mechanism

Fiscal Impact: The contract provides for Eastland to earn \$34,693,525 in mobility fee credits in exchange for construction of the roadway project at that cost.

Analyst: Clements