

**CITY COUNCIL RESEARCH DIVISION**  
LEGISLATIVE SUMMARY

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



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Jacksonville, FL 32202  
FAX (904) 630-3403

**Bill Type and Number:** Ordinance 2011-618

**Introducer/Sponsor:** Council President at the Request of the Mayor

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$215,797 to provide funding for the acquisition and demolition of a structure at 10131 Paxton Road as part of the Severe Repetitive Loss Flood Mitigation Program. Provision is made for the carryover of appropriated funds into the 2011-2012 fiscal year. The appropriated funds come from a \$194,217.30 grant from the Federal Emergency Management Agency (FEMA) through the Florida Division of Emergency Management and from \$21,579.70 in matching funds from the property owner, Ronald Immel. Authorization is given for the Mayor, or designee, and Corporation Secretary to execute the related Federally Funded Subgrant Agreement, and it is required that the Jacksonville Fire and Rescue Department oversee the project.

**Background Information:** The property has sustained repetitive flooding, and the City will enter into an agreement with Mr. Immel to acquire the property, demolish structures and slabs, and remove associated debris. The FEMA program provides funding to reduce and/or eliminate the long-term risk of flood damage to repetitive loss structures and will further reduce claims under the National Flood Insurance Program, supporting the City's standing in the Community Rating System and the Local Mitigation Strategy for floodplain and mitigation management. The land is to be converted to open space and the deed restricted pursuant to FEMA program requirements.

**Policy Impact Area:** Fire and Rescue-Emergency Preparedness; Public Safety; Floodplain Management

**Fiscal Impact:** Undetermined; \$215,797 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2011-619

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 30, 2011

**Type of Action:** Appropriation

**Bill Summary:** This ordinance concerns a continuation grant. The ordinance de-authorizes and rescinds an appropriation of \$75,000 from the U.S. Department of Justice (Drug Free Communities Support Grant) previously authorized by Ordinance 2003-975-E due to the fact that the grant award was never received, as initiated by B.T. 11-130.

**Background Information:** The grant, in the amount of \$75,000, from the Justice Department would have enabled the City to contract with Gateway Community Services, Inc. and River Region Human Services, Inc. for services and programs that fight drug use by youth in the community. Drug Free Communities strengthen and enhance collaborative partnerships among governmental agencies and community agencies to combat drug abuse. The City submitted the required paper work for the grant prior to receiving the award notification; this resulted in the City not receiving the actual grant to support the program for the October 1, 2003 through September 30, 2004 cycle.

**Policy Impact:** Recreation and Community Services Department/Community Services/Drug Abuse Prevention

**Fiscal Impact:** The ordinance de-authorizes and rescinds a previously enacted appropriation.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-620

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 30, 2011

**Type of Action:** Appropriation

**Bill Summary:** The ordinance de-authorizes and rescinds an appropriation of \$23,740 from Florida State University, previously authorized by Ordinance 2005-0134-E, due to the denial of the grant application and/or funding for the grant award, as initiated by B.T. 11-131.

**Background Information:** This grant is from Florida State University's Florida Center for Preventive Research. The funds were to be used for prevention research as part of a Substance Abuse Coalition Mini-Grant for Join Together Jacksonville to provide for the implementation of community-based substance abuse training for Jacksonville youth. Join Together Jacksonville is a coalition of organizations and individuals involved in substance abuse prevention, including faith-based and community-based organizations, law enforcement, military, public agencies, treatment providers, parents and youth.

**Policy Impact:** Recreation and Community Services Department

**Fiscal Impact:** This ordinance de-authorizes and rescinds an appropriation in the amount of \$23,740 that was previously enacted.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-628

**Introducer/Sponsor:** Land Use and Zoning Committee

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Text Amendment Transmittal Approval

**Bill Summary:** This bill approves a proposed 2011E Series text amendment to the Future Land Use Element of the 2030 Comprehensive Plan for transmittal to various required state agencies for review.

**NOTE:** The title may need revising to reflect that the proposed Comprehensive Plan text amendment is relative to small scale (rather than large scale) density limitations.

**Background Information:** The proposed amendment involves principal uses in the RPI-Rural Area, and small scale density limitations. Provisions concerning principal uses in the RPI-Rural Area category are revised to apply to single-family dwellings originally constructed as single-family dwellings prior to adoption of the 2010 (rather than 2030) Comprehensive Plan. A small scale density limitation provision is removed from several categories throughout the Future Land Use Element (BP-Urban Priority Area and Urban Area; BP-Suburban Area; BP-Rural Area; CGC-Urban Priority Area; CGC-Urban Area; CGC-Suburban Area; CGC-Rural Area; NC-Urban Priority Area; NC-Urban Area; NC-Suburban Area; NC-Rural Area; RPI-Urban Priority Area; RPI-Urban Area; RPI-Suburban Area; and RPI-Rural Area). Said provision states that where the land use category has been established by a small scale land use amendment, the maximum density shall be ten units per acre or less for any residential component unless the amendment meets certain requirements of Florida Statutes.

**Policy Impact Area:** Planning and Development; Comprehensive Plan

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2011-629

**Introducer/Sponsor:** Land Use and Zoning Committee

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Text Amendment Transmittal Approval

**Bill Summary:** This bill approves a proposed 2011G Series text amendment to the Capital Improvements Element of the 2030 Comprehensive Plan for transmittal to various required state agencies for review.

**NOTE:** The exhibit which sets forth the proposed text amendment appears to contain a scrivener's error in the second line of the new language (finite periods "of" time vs. finite periods "or" time).

**Background Information:** The proposed amendment adds a new Policy 1.6.9 whereby the City, through enactment of an ordinance, may establish finite periods of time in which the payment of the mobility fee will be waived for all development within the City in order to encourage economic growth.

**Policy Impact Area:** Planning and Development; Comprehensive Plan; Mobility Fees; Economic Development; Waivers

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2011-630

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation; carry-over provision, designation of oversight department

**Bill Summary:** The bill appropriates an additional continuation grant of \$224,835 from the U.S. Department of Health and Human Services with no local match to provide medical, counseling and case management assistance to persons with HIV/AIDS living in the Jacksonville Transitional Grant Area (TGA). The bill authorizes the funding to carry-over to subsequent fiscal years and designates the Recreation and Community Services Department as the oversight agency for the grant.

**Background Information:** The City has been notified of the availability of \$224,835 in additional grant funding to supplement the annual allocation of \$5.8 million already received. The grant period is from March 2011 through February 2012, thus the need for the carry-over provision. The City has been receiving Ryan White Act federal funding for HIV/AIDS services since 1994. Information from the legislative fact sheet states that there are approximately 5,845 persons with diagnosed HIV/AIDS living in the 4-county Jacksonville TGA. This grant will help to fund outpatient medical care, medications, dental care, mental health and substance abuse counseling and case management for 4,300 persons currently receiving HIV/AIDS services.

**Policy Impact Area:** Community health

**Fiscal Impact:** The bill appropriates a supplemental grant of \$224,835 with no local match.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-631

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation; CIP amendment

**Bill Summary:** The bill appropriates \$309,000 from the Fire Station #56 access road/gate construction account to various other fire stations to fund the installation of diesel fume exhaust remediation systems. The bill also amends the 2012-16 Capital Improvement Program to delete the Fire Station #56 access road/gate construction project and to add a new project entitled Diesel Fume Exhaust System Improvements to reflect the new use of the funds.

**Background Information:** The diesel fume exhaust remediation system have become a priority for the Fire and Rescue Department in order to comply with National Fire Protection Association and Occupational Safety and Health Administration air quality standards in fire stations to prevent diesel fumes from entering sleeping quarters. The exhaust remediation systems to be installed in vehicle bays will be a capture and filtration system. The department hopes to be able to install the filters in 20 or more stations, depending on how low the bids are received. According to the amended CIP project listing for the Fire Station #56 project, the previously planned access road is now considered non-feasible.

**Policy Impact Area:** Fire station air quality

**Fiscal Impact:** The bill de-funds a fire station access road project and transfers \$309,000 to the new diesel fume exhaust remediation project.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-632

**Introducer/Sponsor:** Council President at the Request of the Mayor

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$382,876.90 from the U. S. Department of Agriculture to the Jacksonville Children's Commission to provide additional funds to cover the costs of its After-School Food Program. Provision is made for the carryover of appropriated funds into the 2011-2012 fiscal year.

**Background Information:** At the time funding was approved, the program was not reimbursed for meals served to children ages 13 and over. Since that time, the U. S. Department of Agriculture and the Florida Department of Health have revised the program to provide reimbursement for those meals. The change is retroactive to October 1, 2010, and allows the City to cover allocated salaries and benefits for its Nutrition Program staff.

**Policy Impact Area:** Jacksonville Children's Commission; After-School Food Program

**Fiscal Impact:** Undetermined; \$382,876.90 is appropriated by this ordinance

**Analyst:** Campbell



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**Bill Type and Number:** Ordinance 2011-633

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation

**Bill Summary:** The bill appropriates \$1,429,311 in increased internal service fund revenues from user departments to the Fleet Management Division budget to pay for fuel costs in excess of the budgeted amount for FY10-11.

**Background Information:** The Fleet Management Division budget is going to end the fiscal year in a deficit position because of the spike in fuel prices during the last year. This bill appropriates revenue from increased internal service charges to fuel using agencies to cover the deficit and balance the budget at the end of the fiscal year.

**Policy Impact Area:** Fleet Management operations

**Fiscal Impact:** The bill appropriates \$1,429,311 in additional internal service charge revenues to the fuel expense budget.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-634

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** De-authorization of previous appropriation

**Bill Summary:** The bill de-authorizes an appropriation of \$4,604,343 made by previous Ordinances 2009-5-E and 2009-632-E which included a U.S. Department of Homeland Security grant of \$3,683,474 and a local match of \$920,869 in in-kind services provided by 13 Northeast Florida counties for the purpose of constructing a Public Safety Interoperable Communications radio/video/data system.

**Background Information:** The Public Safety Interoperable Communications (PSIC) grant was a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data and/or video signals throughout the Northeast Florida Region 3 as defined by the Florida Division of Emergency Management. This de-authorization ordinance states that the counties could not construct the interoperable communications in time to meet the grant requirements and therefore desire to de-authorize the project and return the grant funds. The economic downturn has prevented the 13 counties from being able to afford to commit to funding to construct and operate the system for at least 10 years. Jacksonville, as the largest and most experienced jurisdiction in the area of grant administration in the area, was acting as the applicant and grant administrator and does not want to be put in the position of being financially liable for the failure of any of the combined counties to meet the grant conditions.

**Policy Impact Area:** Public safety communications

**Fiscal Impact:** The bill de-authorizes an earlier appropriation of \$4,604,343 in federal grant and local in-kind match.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-635

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Budget reclassification

**Bill Summary:** The bill reclassifies \$7,791,558 of debt service in the FY10-11 budget to reconcile line item amounts for bond debt issuance and Banking Fund borrowing to reflect actual usage at fiscal year-end. The bill does not increase the overall debt authorization but reallocates existing capacity between line items.

**Background Information:** At the beginning of the year the City funds a single, omnibus bond issue account with the debt service that will be needed to service all of bonds anticipated to be issued during the fiscal year. This bill allocates debt service dollars from the single omnibus account to individual debt service accounts in exact amounts for each of the bonds issued during the year. Also, the bill shifts a Better Jacksonville Plan funding allocation from the 242 account (bonds) to the 252 account (State Infrastructure Bank notes) within the Special Bonded Debt group of funds. Finally, the bill shifts excess Banking fund 242 account reserve funds generated by the refund of a bond issue during the fiscal year to the 252 account to correct a negative fund balance.

**Policy Impact Area:** Debt service year-end reconciliation

**Fiscal Impact:** The bill reclassifies \$7,791,558 of debt service in the FY10-11 budget to different line items.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-636

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Re-appropriation; carry-over provision; CIP amendment

**Bill Summary:** The bill re-appropriates \$400,000 from the Lower Eastside Stormwater Drainage project to the Hogan's Creek Stormwater Drainage project to provide additional funding to cover a shortfall in the Hogan's Creek project and provides for carry-over of the funds to future fiscal years. The bill also amends the 2012-16 Capital Improvement Program to reduce the budget for the latest completed current phase of the Lower Eastside Stormwater project by \$400,000 and to increase the budget for the Hogan's Creek Stormwater project by the same amount.

**Background Information:** The contractor working on Hogan's Creek as part of the construction of the Bay Street bridge replacement project found unanticipated contaminated soil at the mouth of the creek and had to remove it at extra cost before the project could be completed. Funding is being shifted from the last completed phase of the Lower Eastside project, which will be a multi-phase project extending years into the future, to supplement the Hogan's Creek project budget.

**Policy Impact Area:** Stormwater project funding

**Fiscal Impact:** The bill shifts \$400,000 from the last completed phase of the Lower Eastside Stormwater project to the under-construction Hogan's Creek Stormwater project to cover a funding shortfall.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-637

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation; carry-over provision; designation of oversight department

**Bill Summary:** The bill appropriates \$40,000 (\$20,000 U.S. Department of Interior historic preservation grant via the Florida Division of Historical Resources and \$20,000 local match) to fund the Restore Jacksonville Conference Project historic preservation and environmental sustainability conference. The bill provides for carry-over of the appropriation to FY12-13 and designates the Planning and Development Department as the oversight department.

**Background Information:** The Restore Jacksonville conference, tentatively scheduled for May 3-5, 2012, will provide a weekend of lectures, workshops and historic site tours to train approximately 300 attendees on combining environmental sustainability with historic preservation. The event is tentatively scheduled for the Main Library conference space and will be the second Restore Jacksonville event, following up on a conference held in 2007. The primary intent of the conference is to encourage the owners of local historic structures and local building contractors to be aware of and sensitive to historic building materials and styles when doing building repairs and renovations, and the encourage the use of local craftsmen to repair or replicate historic materials and building features on-site to assist the Jacksonville economy rather than buying non-authentic, mass-produced products from other parts of the country or the world. The grant and match will provide funding for facility rental, guest speaker expenses, publicity, postage, conference printed materials, and tour transportation. Admission will be charged to the event, although there will be a limited number of free passes for students to attend.

**Policy Impact Area:** Historic preservation; stimulation of local building industry

**Fiscal Impact:** The bill appropriates \$40,000 (\$20,000 U.S. Department of Interior grant and \$20,000 local match)

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2011-638

**Introducer/Sponsor(s):** Council President at the request of the Jacksonville Housing Finance Authority

**Date of Introduction:** September 27, 2011

**Committee(s) of Reference:**

**Date of Analysis:** September 27, 2011

**Type of Action:** Authorization to apply for private activity bond cap allocation

**Bill Summary:** The bill authorizes the Jacksonville Housing Finance Authority to make application for a private activity bond allocation of up to \$40 million from the state's regional pool for the Jacksonville area to finance the purchase or rehabilitation of new or existing owner-occupied single family residences, or to purchase mortgage-backed securities, or to refund previously issued HFA bonds. The bill requires additional City Council approval prior to the actual sale of the bonds once a cap allocation has been approved by the state.

**Background Information:** Each year the state makes available allocations on a regional basis of private activity mortgage bond issuance capacity. This bill applies for a portion of the Northeast Florida private mortgage bond allocation. If successful in obtaining an allocation, the HFA would then need to obtain City Council approval for issuance of the bonds for a specifically described project. The private use bonds would be issued on behalf of the approved project and debt service would be the responsibility of the developer of the project(s) for which the bonds are issued.

**Policy Impact Area:** Affordable housing assistance.

**Fiscal Impact:** The bill authorizes an application for up to \$40 million in housing revenue bond cap allocation which, if approved and issued, would not constitute debt of the City.

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2011-639

**Sponsor:** Council President Joost

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Reappointment

**Bill Summary:** This bill reappoints James W. Pellot to the Jacksonville Housing Finance Authority for a second four-year term ending November 30, 2015.

**Background Information:** The Jacksonville Housing Finance Authority is established pursuant to Chapter 55, *Jacksonville Municipal Code*, and charged to ensure compliance with Sec. 159.601, *Florida Statutes*, regarding the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing and the provision of low-cost loans to purchase affordable housing. Sec. 55.204, *Jacksonville Municipal Code*, provides that two of the five members of the board shall be appointed by Council.

Mr. Pellot received a master's degree in accounting from the University of Illinois and resides in Council District #3. He is retired from mortgage banking and governmental housing and is an active community volunteer.

**Attendance:** According to records provided by the staff for the Jacksonville Housing Finance Authority, Mr. Pellot has attended 74% of the meetings of the board since his appointment in 2008.

	<b>Meetings Attended</b>	<b>Meetings Held</b>
<b>2008</b>	1	2
<b>2009</b>	6	9
<b>2010</b>	6	7
<b>2011</b>	4	5
Total	17	23

**Policy Impact Area:** Jacksonville Housing Finance Authority operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Ordinance 2011-640

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

**Date of Introduction:** September 27, 2011

**Committee(s) of Reference:**

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation

**Bill Summary:** The bill appropriates \$68,498 (a \$23,998 continuation grant from the Florida Division of Emergency Management and \$44,500 local grant match) to the Fire and Rescue Department to continue funding an emergency preparedness senior planner position.

**Background Information:** The position provides the resources needed to meet the state mandate to inspect hazardous material sites in Jacksonville in compliance with the City's hazardous materials preparedness plan. The position is assigned to the Fire and Rescue Department's Emergency Preparedness Division.

**Policy Impact Area:** Hazardous material response planning

**Fiscal Impact:** The bill appropriates a \$23,998 continuation grant from the Florida Division of Emergency Management and \$44,500 local grant match.

**Analyst:** Clements



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**Bill Type and Number:** Ordinance 2011-641

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 30, 2011

**Type of Action:** CON Application

**Bill Summary:** The ordinance grants the application of United Brothers Development Corporation, Inc. for an initial Certificate of Public Convenience and Necessity (CON) to operate a materials reduction facility at 1196 Eastport Road; provides for conditions of said certificate; incorporates exhibit.

**Background Information:** Pursuant to Chapter 380, (Solid Waste Management), the City requires a certificate of public convenience and necessity for the use of property as a solid waste disposal or management facility, finding that the indiscriminate and uncontrolled use of property for disposal or management of solid waste contrary to the interest of the public health. Based upon the determination of the need for a materials reduction facility, the Solid Waste Division of the Department of Public Works supports approval of this application for an initial Certificate of Public Convenience and Necessity. The site is located in Council District 4.

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

**Fiscal Impact:** Undetermined

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-642

**Introducer/Sponsor:** Council President at the Request of the Sheriff

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Appropriation

**Bill Summary:** This bill appropriates \$668,589.14 in the Inmate Welfare Trust Fund.

**NOTE:** An amendment may be needed, as the bill title references a carryover provision which has not been included in the body of the bill.

**Background Information:** The funds are to be used for inmate pharmacy costs and other operating supplies.

**Policy Impact Area:** Office of the Sheriff; Inmate Welfare Trust Fund

**Fiscal Impact:** Undetermined; \$668,589.14 is appropriated by this ordinance

**Analyst:** Campbell

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**Bill Type and Number:** Ordinance 2011-643

**Introducer/Sponsor:** Council Member Bishop

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Ordinance Code Amendment

**Bill Summary:** This bill amends various sections of the Ordinance Code concerning nightclubs and restaurants. Section 656.1601 is amended to change the definition of "nightclub" to mean an establishment with the service of liquor and at least one of the following characteristics: (1) a set-aside area for dancing; (2) live performance of amplified music after 12:00 midnight; (3) a disc jockey or DJ; or (4) other form of amplified live on-site entertainment. Section 656.313 is amended to include nightclubs as a permissible use by exception in the CCG-1 District. Provisions concerning permitted uses in the CCG-2 District are revised and clarified to include separate provisions for (1) a restaurant which includes the retail sale and service of all alcoholic beverages including liquor, beer, or wine for on-premises consumption and (2) an establishment or facility which includes the retail sale of all alcoholic beverages including liquor, beer, or wine for off-premises consumption. Section 656.314 is amended to include nightclubs as a permitted use in the CCBD District. Section 656.361.5, concerning permitted and permissible uses by exception in the Downtown Overlay Zone, is revised to specifically include nightclubs in the provision for establishments or facilities which include the retail sale and service of all alcoholic beverages for either on-premises or off-premises consumption, or both. The distance limitation provisions of Section 656.805 relative to on- and off-premises consumption of alcohol, beer, and/or wine are amended to provide that (1) there shall be not less than 500 feet from an established school or church for a restaurant serving alcoholic beverages, that does not qualify as a nightclub; and (2) there shall be not less than 1,500 feet from an established school or church for the on-premises consumption of alcoholic beverages, not in conjunction with a restaurant.

**Policy Impact Area:** Planning and Zoning

**Fiscal Impact:** Undetermined

**Analyst:** Campbell

**CITY COUNCIL RESEARCH DIVISION**  
**LEGISLATIVE SUMMARY**

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**Bill Type and Number:** Ordinance 2011-644

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 30, 2011

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

**Bill Summary:** This ordinance appropriates \$304,256 in Fair Share Sectors 6-1 and 6-2 funding (\$12,292 from Fair Share Sector 6-1 Investment Pool Earnings, \$61,018 from Fair Share Sector 6-1 Reserves, \$47,759 from Fair Share Sector 6-2 Investment Pool Earnings and \$188,187 from Fair Share Sector 6-2 Reserves) to fund the final construction change order for the Broward Road (I-95 to Lem Turner) Roadway Improvements project, as initiated by B.T. 12-007; provides a carryover of funds to Fiscal Year 2012-2013; amends the 2012-2016 Five-Year Capital Improvement Program, approved by Ordinance 2011-406-E, to increase the budget for the "Broward Road/I-95 to Lem Turner" project.

**Background Information:** Fair Share Sector 6-1 and 6-2 are being appropriated to be substituted for part of the Better Jacksonville Plan portion for the construction of the Broward Road (I-95 to Lem Turner) Roadway Improvement project. The funding funds the final construction change order.

**Policy Impact:** Public Works/Fair Share Sector Areas

**Fiscal Impact:** The ordinance appropriates \$304,256

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2011-645

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

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appropriation of fair share collected revenues; CIP amendments

**Bill Summary:** The bill appropriates \$4,977,538.09 from various fair share fund sector revenues to subsidize Better Jacksonville Plan funding shortfalls for 24 roadway projects:

- Collins Road: Westport to Rampart
- Parramore Road extension
- Ricker Road: Old Middleburg to Morse
- Dean Road: Beach to Parental Home
- 8<sup>th</sup> Street: Liberty to Haines
- 8<sup>th</sup> Street: Boulevard to Liberty
- 13<sup>th</sup> Street
- Broward Road: I-95 to Lem Turner
- Girvin Road: Atlantic to Mt. Pleasant
- St. Johns Bluff Road: Ft. Caroline to Atlantic
- Lone Star Road: Arlington to Millcove
- Greenland Road: Coastal to U.S. 1
- St. Augustine Road: SR 13 to I-95
- Hood Road: Sunbeam to St. Augustine
- Spring Park Road: Emerson to University
- Old Kings Road: Powers to Baymeadows
- St. Augustine Road: Phillips to Emerson
- Old Middleburg Road: Herlong to Wilson
- Rampart Road: Argyle to Park City
- Collins Road: Schindler to Old Middleburg
- Pedestrian/vehicle RR grade crossings
- Lenox Avenue: Highway to Day
- McDuff Avenue/5<sup>th</sup> Street
- Pulaski Road: New Berlin to Eastport

The bill amends the 2012-16 Capital Improvement Program to increase the project budgets for the above-named accounts to cover the costs of change orders, outstanding real estate transactions and project management costs, in amounts ranging from \$1,000 to \$867,078.

**Background Information:** The bill appropriates the following amounts from the various fair share sector funds:

2-1: \$848,456.93	2-2: \$303,339.47	3-1: \$172,921.63	3-2: \$19,244.72
3-3: \$7,132.20	3-4: \$256,258.53	4-2: \$66,749.12	5-1: \$109,728.23
5-2: \$1,271.77	6-1: \$141,234.28	6-2: \$24,727.72	

Investment pool earnings: \$3,026,473.39

**Policy Impact Area:** Better Jacksonville Plan road project completion

**Fiscal Impact:** The bill appropriates \$4,977,538.09 from various fair share fund sector accounts.

**Analyst:** Clements

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**Bill Type and Number:** Resolution 2011-647

**Sponsor:** Council President Joost

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the appointment of Patti H. Anania, to the Taxation, Revenue and Utilization of Expenditures (TRUE) Commission, filling the slot formerly held by Gregory B. Anderson, for an unexpired term ending June 30, 2012.

**Background Information:** The TRUE Commission is established pursuant to Chapter 57, *Jacksonville Municipal Code*, and charged to act as an advisory body to the city concerning fiscal policy and may review any aspect of fiscal policy, including: The city's long-range financial soundness, planning budgeting, and management; The city's budgetary process, including taxation, revenue generation, expenditures, use of permit fees and user fees, bonding capacity, franchise fees, state and federal mandates, privatization, "zero based" financing and other similar topics; The appropriateness of each revenue source the city receives to make up its annual general revenue budget; Potential new revenue sources, such as impact fees, and the use of any such funds; The pre- and post-retirement benefit structure for city employees and the potential impact on the financial status of the city; Recommendations that will help make Jacksonville the most fairly-taxed and financially-sound city in the nation; Recommendations to keep the public better informed about important issues of city financing and budgeting which affect their lives; and Other areas as the Commission may determine are appropriate and within their scope.

Section 57.102, *Jacksonville Municipal Code*, provides that the members of the TRUE Commission shall be residents of the City and six of the members shall be appointed by the President of the Council and confirmed by the Council.

Ms. Anania attended the University of Phoenix and is a co-owner of CAM Automotive, Inc., a local automotive repair business. She resides in the Arlingtonwood area within Council District #1.

**Policy Impact Area:** TRUE Commission operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-648

**Sponsor:** Council President Joost

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appointment

**Bill Summary:** This bill appoints J. Stanton Totman to the Northeast Florida Regional Council, replacing Paul Parsons as the "independent municipality" representative.

**Background Information:** The NEFRC is established pursuant to Chapter 186, Part 5, *Florida Statutes*, and charged to provide local governments with a means of exercising the rights, duties and powers of a regional planning agency; to provide a means for conducting the regional comprehensive planning process; to provide regional coordination; to act in an advisory capacity and to exchange, interchange, and review the various programs of regional concern; to promote communication among members and the identification and resolution of common regional-scale problems; to cooperate with federal, state, local and non-governmental agencies and citizens to insure the orderly and harmonious coordination of federal, state and local planning and development programs to assure the orderly and balanced growth and development of this region; and to encourage and promote communications between neighboring regional planning districts in an attempt to insure compatibility in development and long-range planning goals.

The bylaws of the Northeast Florida Regional Council provide that one of Duval County's four representatives on the Board shall be an elected representative from one of the independent municipalities. Mr. Totman is the Mayor of Baldwin.

**Policy Impact Area:** Northeast Florida Regional Planning Council operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh

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**Bill Type and Number:** Resolution 2011-649

**Sponsor:** Council Member Carter

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Appointment

**Bill Summary:** This bill appoints James E. Kelly to the Jacksonville-Duval County Council on Elder Affairs, replacing Almethia Nixon Davis as the representative for Council District 12, for a term ending June 30, 2012.

**Background Information:** The Jacksonville-Duval County Council on Elder Affairs is established pursuant to Chapter 82, *Jacksonville Municipal Code*, and charged to serve as an advocate, for the older persons in the city, to the governmental agencies responsible for the various plans and programs designed to help older persons; assist in the implementation of plans and programs selected by regional organizations, as they relate to the city and its citizens; and designate priorities among programs developed in the city by public, nonprofit and private providers concerning older persons. Section 82.101, *Jacksonville Municipal Code*, provides that fourteen of the members of the Council on Elder Affairs shall be appointed by the City Council, with one nominee from each of the District Council Members.

Mr. Kelly bachelor's degree in communications from the University of North Florida and is a retired freelance staff writer for Westside Community News. He is an active community volunteer, serving on the Southwest CPAC, and resides in the Jax Heights South area within Council District #12.

**Policy Impact Area:** Jacksonville-Duval County Council on Elder Affairs operations

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Welsh



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**Bill Type and Number:** Resolution 2011-650

**Introducer/Sponsor(s):** Council President at the request of the Duval Legislative Delegation Coordinator

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 27, 2011

**Type of Action:** Expression of support for local legislative J-bill

**Bill Summary:** The bill expresses the City's support for local legislative bill J-2 directing the Florida Agency for Health Care Administration to license a nursing home in Duval County provided that 1) the nursing home is constructed on or immediately abutting the campus of Jacksonville University ; 2) the facility maintains an affiliation agreement with Jacksonville University at all times following its licensure; 3) that it employs or otherwise makes staff positions available for the education and training of JU nursing students.

**Background Information:** Jacksonville University offers programs leading to bachelors, masters and doctoral degrees in nursing, all of which have clinical elements by which students gain practical experience interacting with patients. Certificates of need for all health care-related facilities must be issued by the Florida Agency for Health Care Administration pursuant to state law and regulations.

**Policy Impact Area:** Nursing home licensing

**Fiscal Impact:** None to City.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2011-651

**Introducer/Sponsor:** Council President at the Request of the Mayor

**Date of Introduction:** September 27, 2011

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

**Date of Analysis:** September 29, 2011

**Type of Action:** Transfer of Funds

**Bill Summary:** This bill transfers \$560,880 to move excess cash out of grant funds back to operating funds so as to make the funds available for reappropriation in the 2011-2012 fiscal year. A revised Schedule A-2 is substituted for the original schedule attached to Ordinance 2011-405-E (Budget Ordinance).

**Background Information:** These excess funds represent an overmatch transferred to cover the cost of serving food to children 13 years of age and older. When originally appropriated, the U. S. Department of Agriculture only covered the cost of serving children through the age of 12 and the Jacksonville Children's Commission had to transfer funds from its operating account to cover the cost of serving older children. The original amount of such food service was estimated each year. The State subsequently reimbursed at a rate higher than projected, creating an excess cash balance. Information on file states that these funds are being reappropriated to replace funds scheduled to be cut from the Jacksonville Journey for Team-Up programs at schools on the westside of Jacksonville.

**Policy Impact Area:** Jacksonville Children's Commission; After-School Food Program; Budget and Accounting

**Fiscal Impact:** Undetermined; \$560,880 is transferred by this ordinance

**Analyst:** Campbell