

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

**JEFFREY R. CLEMENTS**  
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**Bill Type and Number:** Ordinance 2018-256

**Introducer/Sponsor(s):** Introduced by Council Member Dennis

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 23, 2018

**Type of Action:** Charter amendment

**Bill Summary:** This bill amends Section 21.03, Article 21 of the City Charter, which pertains to the membership of the JEA board. With this amendment, City Council will be authorized to appoint four of the seven JEA board members, and those four board members may be removed by the council at any time with or without cause, but a by a two-thirds vote. The Mayor will continue to appoint, and may remove, the other three board members with council confirmation.

This bill also changes the length of residency required to be a JEA board appointee from six consecutive months to three consecutive years. Upon the passage of this ordinance, the Mayor will identify three members to complete their respective four-year terms and the terms of other incumbent members expire upon appointment of his or her successor by council. Any vacancies on the JEA board as of the effective date of Ordinance 2018-256, will be filled by the council; if more than four vacancies exist as of such effective date, then the mayor will appoint any of that number greater than four.

**Background Information:** Currently, the Mayor has the authority to appoint all seven members of the JEA board, with council approval. The purpose of this legislation is to give City Council more input as to the composition of the JEA board and to prevent recurring or long term board vacancies.

**Policy Impact Area:** JEA board membership

**Fiscal Impact:** None

**Analyst:** Hampsey

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**Bill Type and Number:** Ordinance 2018-257

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

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 27, 2018

**Type of Action:** Right-of-Way Closure

**Bill Summary:** The ordinance closes, abandons and disclaims a portion of the right-of-way Irving Road, an opened and improved right-of-way lying northwesterly of Lowry Street in Council District 2, as established in Plat Book U, page 300, New Berlin, in the former Public Records of Duval County at the request of Cross State Towing Company, the owner of all adjacent property (the "Applicant"), subject to reservation unto the City of Jacksonville and JEA of an easement over the right-of-way for ingress and egress and for all utilities.

**Background Information:** The applicant requested the R/W closure in anticipation of development of the property as a shipyard. The property is zoned waterfront dependent light industrial and PUD. The right-of-way contains JEA, AT&T and Comcast facilities requiring reservation of the all utilities easement. There were no objections from City, state, and utility agencies to the closure of this portion of the right-of-way.

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

**Fiscal Impact:** The applicant has paid a \$2,091.00 closure application fee.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-258

**Sponsor:** Council President per Ordinance 2017-154-E:

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 27, 2018

**Type of Action:** Special District Budget Approval

**Bill Summary:** This ordinance approves the Tarpon Cove Dependent Special District proposed Fiscal Year 2018/2019 budget, per Ordinance 2017-154-E and Section 189.02, *Florida Statutes*.

**Background Information:** To qualify as a dependent district per 189.02, *Florida Statutes*, the City, in Ordinance 2017-154-E, requires the District to submit its proposed budget to the City Council every year by April 1<sup>st</sup>. The District has submitted the proposed Fiscal Year 2018-2019 budget to the City prior to April 1<sup>st</sup> and seeks approval of the budget by the City Council. Florida Statutes provide that the City Council can create dependent special districts for the purpose of delivering essential services to specific areas within the City. The system of canals located within Tarpon Cove requires continuous maintenance in order to remain navigable and sanitary. The City is unable to provide the human and financial resources required to properly maintain the canal system. A dependent special district financed by the property owners who benefit from properly maintained canals is an appropriate, efficient and effective vehicle to insure that the canals are properly maintained. Tarpon Cove is located in Council District 13.

**Policy Impact:** Dependent Special Districts

**Fiscal Impact:** Minimal; the ordinance approves the Dependent Special Districts budget for Fiscal Year 2018/2019.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-259

**Sponsor:** Council President. Per Ordinance 2010-725-E;

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 27, 2018

**Type of Action:** Special District Budget Approval

**Bill Summary:** The ordinance approves the Harbour Waterway Dependent Special District proposed Fiscal Year 2018/2019 budget, per Ordinance 2010-725-E and Section 189.02, *Florida Statutes*.

**Background Information:** The City of Jacksonville established the Harbour Waterway Dependent Special District for the purpose of dredging the Harbour Waterway canal system. To qualify as a dependent special district, the City, in Ordinance 2010-725-E, required the district to submit its proposed budget to the City Council every year by April 1<sup>st</sup>. The district has submitted the proposed Fiscal Year 2018/2019 budget to the City Council and is seeking approval of the budget by the City Council. Florida Statutes provide that the City Council can create dependent special districts for the purpose of delivering essential services to specific areas of the City. The system of canals located at Harbour Waterway requires continuous maintenance in order to remain navigable and sanitary. The City is unable to provide the human and financial resources required to properly maintain the canal system. A dependent special district financed by the property owners who benefit from properly maintained canals is an appropriate, efficient, effective vehicle to insure that the canals are properly maintained. Harbour Waterway is located in Council District 1.

**Policy Impact:** Dependent Special Districts

**Fiscal Impact:** Minimal; the ordinance approves the Dependent Special District's budget for Fiscal Year 2018/2019.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-262

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

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 24, 2018

**Type of Action:** Amending charter

**Bill Summary:** The bill amends Part 3 (Inspector General), Chapter 602 (Jacksonville Ethics Code), *Ordinance Code*, to establish a rotating chair position for the Inspector General Selection and Retention Committee; to modify the Committee's duties to include budget review, annual review of the Inspector general, and meeting schedule; and amends Section 602.309 (Penalty Provisions).

**Background Information:** The Inspector General Selection and Retention Committee recommended, in its November 15, 2017 meeting, to make some changes within the *Ordinance Code*. The amendments include grammatical and technical changes, language clarification regarding the chairperson's role, definition of the committee's role post-selection, and modification of penalties to be consistent with other provisions of the Code.

The Inspector General Selection and Retention Committee shall be included on list to receive the annual report and a verbal briefing every six months. The chairperson of the committee shall rotate among members, in numerical order, every two years. The chairperson is connected to the position not the individual. The term of the chairperson will begin July 1<sup>st</sup>. The committee will meet no less than once every six months and review the proposed annual budget for the Office of Inspector General every spring. Language was included under the Penalty Provisions regarding persons that knowingly or attempt to interfere, obstruct, or impede any investigation conducted by the Office of Inspector General; as well as, knowingly falsify facts in any oral or written statement made as part of any investigation conducted by the Office of Inspector General.

**Policy Impact Area:** Jacksonville Ethics Code, Inspector General

**Fiscal Impact:** None

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2018-263

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

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 26, 2018

**Type of Action:** Appropriation; authorization to execute settlement agreement; fiscal year carry-over

**Bill Summary:** The bill appropriates \$2,150,000 from the General Fund/GSD – Fund Balance to the Claims & Losses account (with the understanding that an additional \$2,750,000 will be appropriated as part of the FY18/19 budget) to pay for settlement of pending litigation titled *United States of America, et al. v. Consolidated City of Jacksonville* (Case No. 3:12-CV-451-J32MCR) and *Smith, et al. v. Consolidated City of Jacksonville, et al.* (Case No. 3:11-cv-345-J-32MCR). It approves execution of a settlement agreement with the parties, commits to the appropriation of additional funding in the next fiscal year, and authorizes carry-over of the funds to a future fiscal year.

**Background Information:** In 2011 and 2012 the City was sued by a group of African-American firefighters and the U.S. Department of Justice regarding the City's promotion testing practices in the Fire and Rescue Department. The suits alleged that some of the written job-knowledge promotion tests in use from 2004 to 2011 were unintentionally discriminatory because the pass/fail and rank-order use of the challenged examinations produced higher promotion rates for Caucasian firefighters than for African-American firefighters. After several years of mediation the parties have reached a settlement which the City Council is being asked to approve. The agreement admits no wrongdoing on the part of the City, but approves a settlement payment of \$4.9 million, to be spread over 2 fiscal years - \$2,150,000 in FY17-18 and \$2,750,000 in FY 18-19.

**Policy Impact Area:** Legal settlement

**Fiscal Impact:** The bill appropriates \$2,150,000 in FY17-18 from the General Fund/GSD – Fund Balance and commits to appropriating an additional \$2,750,000 in FY 18-19 for this settlement.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2018-264

**Introducer/Sponsor(s):** Transportation, Energy, & Utilities Committee

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 24, 2018

**Type of Action:** Street Renaming

**Bill Summary:** The bill approves the renaming of Inman Place to Oaklawn Place in Council District 5; directs the Legislative Services Division to forward the ordinance to the Planning and Development Department for processing, implementation, and coordination with 911 Emergency, Fire and Rescue Department, the Post Office and other affected agencies and organizations.

**Background Information:** Inman Place was named for the Inman Bonds Realty Company. The street name was established and recorded as a part of Bonita Springs, in 1926. The documents are located in Plat Book 12, Page 67 in the public records of Duval County. The owner of Oaklawn Cemetery is constructing a new funeral home facility on the property that will be accessed from Inman Place. The chapel, also on the property, is addressed on San Jose. The name change will eliminate confusion by emergency responders and the general public, and allows for the precise location between the existing chapel and new facility.

On January 31, 2018, the 911 Emergency Addressing Advisory Committee determined that the proposed street name change to Oaklawn Place would eliminate any confusion regarding the precise location of the property. On March 28, 2018, the Jacksonville Historic Preservation Commission reviewed the recommendation of the 911 Emergency Addressing Advisory Committee, and made a determination that there was no historical impact regarding the name change.

**Policy Impact Area:** Street Renaming, Oaklawn Cemetery

**Fiscal Impact:** The applicant paid the \$2,000.00 application fee.

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2018-265

**Introducer/Sponsor(s):** Introduced by Council Member Love

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 24, 2018

**Type of Action:** Ordinance to permit parking spaces and approval of a development agreement

**Bill Summary:** This bill authorizes the creation of twenty, forty-five degree angled parking spaces on the north side of Ortega Boulevard between Roosevelt Boulevard and Venetia Boulevard, adjacent to 5344 Ortega Boulevard. This property is currently owned by First Coast Energy, LLP, but is being developed as Edley's Bar-B-Que by VOTO, LLC. This bill also approves the development agreement between the City of Jacksonville and VOTO, LLC.

**Background Information:** The purpose of this legislation is to allow for new angled parking spaces to be created near 5344 Ortega Boulevard. Pursuant to Section 316.195(3), *Florida Statutes*, local authorities may permit angle parking on any local roadway by ordinance. The property was previously a gas station that has recently been razed for development and the spaces will provide parking for the restaurant. The developer will be responsible for all costs related to the proposed parking spaces located in the right-of-way and all of the expenses for a crosswalk and signalization to the standards required by the City Traffic Engineer and as described in the development agreement.

**Policy Impact Area:** Parking spaces for a new restaurant on Ortega Blvd.

**Fiscal Impact:** No cost to the City, all project and development costs are the responsibility of the developer

**Analyst:** Hampsey



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**Bill Type and Number:** Ordinance 2018-266

**Introducer/Sponsor(s):** Council Member Schellenberg and Co-Sponsor Council Member Ferraro

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 24, 2018

**Type of Action:** Ordinance Code amendment

**Bill Summary:** The bill amends Ordinance Code Chapter 804 – Jacksonville Traffic Code – to create a new Part 15– Golf Carts – to establish standards and procedures for approval and designation of public rights-of-way for use by golf carts; and provides for severability.

**Background Information:** Many residents are moving towards golf carts on local roads between residencies, area retail and workplace. Golf carts are low speed vehicles that reduce vehicle emission and gasoline consumption. This legislation designates appropriate usage of golf carts as an alternative mode of transportation for residents within the community. The rules and regulations established are standard for public and private rights-of-way, and comply with the safety standards in 49 C.F.R. Section 571.500 and Section 316.2122, Florida Statutes.

**Policy Impact Area:** Golf Carts, Traffic Standards

**Fiscal Impact:** Civil infractions range from \$75.00 to \$150.00 for uncontested violations; and \$93.00 to \$168.00 for contested violations. The maximum civil penalty for violations is \$500.00.

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2018-267

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

**Date of Introduction:** April 24, 2018

**Committee(s) of Reference:**

**Date of Analysis:** April 26, 2018

**Type of Action:** Amending economic development agreement

**Bill Summary:** The bill approves an amendment to the economic development agreement previously executed by the City and 2385 Corbett Street, LLC in order to exclude a portion of the building from the definition of the project area for the purpose of excluding a craft beer taproom from certain restrictions imposed by the Northwest Jacksonville Economic Development Fund (NWJEDF).

**Background Information:** in 2017 the City Council approved a grant of \$34,000 from the NWJEDF to the developer of a project on Corbett Street to purchase portable HVAC equipment to make the 3 buildings usable as a multi-purpose event venue, artist studios and offices. The NWJEDF grant specifically prohibited grant funds from being used for a "bar" (not defined in the agreement), which is an ineligible use for the funding. One building was leased for an artist studio, but the renter defaulted on the lease. The developer has a new tenant who wishes to equip a portion of the building for a craft brewery and a 60-seat taproom in which most of the beer sold will be manufactured on-site. The space proposed for the brewery and tap room is in the main building on the site and is served by an HVAC system separate from the portable units purchased with the City grant funds. The developer requests that the economic development agreement between the parties be revised to exclude the brewery and tap room space (approximately 12% of the area of the three buildings combined) from the definition of the original project area so that the prohibition against the NWJEDF grant funds benefitting a "bar" does not apply to that space that is not benefitting from the portable HVAC units purchased with grant funds, thus allowing the developer to lease the space to a craft brewer to open a brewery and associated tap room.

**Policy Impact Area:** Revision to economic development agreement

**Fiscal Impact:** None to City; would permit the developer to lease the space for productive use.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2018-268

**Introducer/Sponsor(s):** Council Member R. Brown

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 24, 2018

**Type of Action:** Appropriation

**Bill Summary:** The bill appropriates \$274,644.00 from the Duval County Job Opportunity Bank to the Kids Hope Alliance to fund the Mayor's Youth Pathways Academy; provides for a carryover of funds into the 2018-2019 Fiscal Year; waives inconsistent provisions of Chapter 180 (Duval County Job Opportunity Bank) and Section 111.630 (Duval County Job Opportunity Bank), *Ordinance Code*, to fund the Mayor's Youth Pathways Academy; authorizes additional part-time hours; provides carryover language; and provides for oversight by the Kids Hope Alliance.

**Background Information:** The Mayor's Youth Pathway Academy is a new program that provides a continuum of services to Jacksonville youth that participate in the Mayor's Summer Jobs Program. The academy offers a six-module curriculum that combines summer job experience and skilled-focused training to enhance the youth's career readiness. Also, it bridges post-secondary education career opportunities in the Science, Technology, Engineering and Math (STEM) and targeted industries. The program and its six modules will be held at each regional library. It requires the authorization of an additional 1,040 part-time hours.

The Duval County Job Opportunity Bank was established for the purpose of providing grants and other forms of financial assistance to increase job opportunities for job skills advancement and to provide customized skills training for new and incumbent workers employed by City employers. The Duval County Job Opportunity Board is nonexistent; therefore, Chapter 180 needs to be waived to allow funds to be used for the Mayor's Youth Pathway Academy. The Kids Hope Alliance will provide oversight of the program.

**Policy Impact Area:** Mayor's Youth Pathways Academy

**Fiscal Impact:** The appropriation of \$274,644.00 from the Duval County Job Opportunity Bank to Kids Hope Alliance

**Analyst:** Mitchell

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**Bill Type and Number:** Ordinance 2018-269

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

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 26, 2018

**Type of Action:** Adopting findings regarding Property Appraiser's budget

**Bill Summary:** The bill acknowledges receipt of the Property Appraiser's FY18-19 budget request to the Florida Department of Revenue (FDOR) and adopts Council findings and conclusions for transmittal to the FDOR to inform its consideration of the Property Appraiser's budget.

**Background Information:** State law requires each county property appraiser's budget to be submitted to the Florida Department of Revenue (FDOR) by June 1st each year for approval by the start of the state's fiscal year on July 1st. The disparity between the state's July-June fiscal year and the City's October-September year means that the Property Appraiser's budget goes to the state for approval before the Mayor has presented his proposed budget to the City Council on or before July 15th, and that the Finance Committee's scrutiny of the budget takes place after the FDOR has already approved the Property Appraiser's budget at the state level. In the FY14 and FY15 budget cycles the City Council objected to certain aspects of the Property Appraiser's budget and found that the only available avenue is to appeal the budget to the FDOR and ultimately to the Governor and Cabinet. This process is more cumbersome and difficult than having input into the FDOR's review process in June. This bill is intended to provide earlier City input into the FDOR's review and approval process.

**Policy Impact Area:** Property Appraiser's budget adoption process

**Fiscal Impact:** The Property Appraiser's proposed FY18-19 budget shows a 5.7% increase in overall revenue and expenditures resulting largely from a combination of an increase of 3.9% in salaries, an 11.2% increase in employer-provided benefits and a 13.3% increase in other operating expenses. The proposed contribution from the General Fund increases by \$444,176 (4.6%) from FY18 to FY19, with a transfer of \$123,559 from Property Appraiser fund balance.

**Analyst:** Clements

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**Bill Type and Number:** Ordinance 2018-270

**Introducer/Sponsor(s):** Introduced by Council President Brosche

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 25, 2018

**Type of Action:** *Ordinance Code* amendment

**Bill Summary:** This bill amends two portions of the Procurement Code: Section 126.102, Chapter 126 to define “division” as “procurement division” and Chapter 126 Part 3 to place selected vendors for legal services, bond counsel and supplemental outside services on the Professional Service Evaluation Committee (PSEC) agenda. This bill also creates a new Section 126.317, Part 3, Chapter 126 *Ordinance Code* to place the selected City Council Independent Auditor on the PSEC agenda for informational purposes.

**Background Information:** The purpose of this legislation is to modify the Procurement Code as it pertains to professional service contracts. For legal, financial services and additional supplementary outside services related to Building Inspection Division work, the public notice or advertisement as well as receipt of responses shall be handled by the Procurement Division. Once awarded by the applicable agency, the agency shall notify the Chief of Procurement so that the Chief can include the awarding of the service on the next PSEC agenda for informational purposes. For bond counsel, once City Council has approved the selection of bond counsel, the agency shall notify the Chief so that the Chief can include the awarding of the service on the next PSEC agenda for informational purposes.

The new Section of the Procurement Code for professional services contracts states that the annual independent audit will be performed by an accountant or an accounting firm selected by City Council. The public notice or advertisement as well as receipts of responses shall be handled by the Division. Once awarded by City Council, the Council Auditor’s Office shall notify the Chief so that the Chief can include the awarding of the service on the next PSEC agenda for informational purposes.

**Policy Impact Area:** Procurement Code

**Fiscal Impact:** No direct cost to the City

**Analyst:** Hampsey

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**Bill Type and Number:** Ordinance 2018-271

**Introducer/Sponsor(s):** Introduced by Council Member Becton

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 25, 2018

**Type of Action:** *Ordinance Code* amendment

**Bill Summary:** This bill amends Section 654.111, Chapter 654 *Ordinance Code* to include two new subsections: subsection "o" will require a minimum roadway width of 24 feet for residential subdivisions in certain zoning districts, subsection "p" will require a phased acceptance of roadways in residential developments in a multi-step process (after eighty percent of the lots in the residential subdivision have been completed) as outlined by the Public Works Department to prevent road damage.

This bill also amends Section 654.115 Chapter 654, *Ordinance Code* to require commercial developments which front collector or higher functionally classified roads to provide for vehicular interconnectivity through parking lots and service roads and require interconnectivity compliance for existing developments.

**Background Information:** The purpose of this legislation is to adjust design standards for subdivision roadways in residential subdivisions that are adjacent to lots that are of a size allowed in a Residential Low Density – 60 zoning district or smaller, and lots of that size or smaller within a Planned Unit Development District. By creating a multi-step process for residential road developments based on lot completion, road damage from construction vehicles will be minimized as will the inconvenience (caused by road work) for residents. The change in design standards for commercial developments will reduce traffic congestion and reduce safety hazards for drivers.

**Policy Impact Area:** Roadway design in subdivisions

**Fiscal Impact:** No cost to the City

**Analyst:** Hampsey

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**Bill Type and Number:** Ordinance 2018-272

**Sponsor:** Council President, per Ordinance 2014-700-E

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 27, 2018

**Type of Action:** Special District Budget Approval

**Bill Summary:** The ordinance approves the Millers Creek Dependent Special District proposed Fiscal Year 2018/2019 budget, per Ordinance 2014-700-E and Section 189.02, *Florida Statutes*.

**Background Information:** The City of Jacksonville established the Millers Creek Dependent District, per Ordinance 2014-700-E, to enable continued access to the St. Johns River for property owners that abut Millers Creek. Florida Statutes provide that the City Council may create dependent special districts for the purpose of delivering essential services to specific areas within the City. The system of canals located in Millers Creek requires continuous maintenance in order to remain navigable and sanitary. The City is unable to provide the human and financial resources required to properly maintain the system of canals. A dependent special district financed by property owners adjacent to the canal system is an appropriate, efficient and effective vehicle to insure that the canals are properly maintained. The dependent special district's creation provides a mechanism to collect monies from all property owners that benefit from properly maintained canals and ensures that the funds collected are spent by a government entity that is accountable to the people that it serves. Millers Creek is located in Council District 5.

**Policy Impact:** Dependent Special Districts/Canal Maintenance

**Fiscal Impact:** Minimal; the legislation approves the special dependent district's proposed budget for FY 2018/2019.

**Analyst:** Jackson

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**Bill Type and Number:** Ordinance 2018-273

**Sponsor:** Council Member Love:

**Date of Introduction:** April 24, 2018

**Committee(s) of Reference:** F; R; NCSPHS

**Date of Analysis:** April 27, 2018

**Type of Action:** Appropriation; Procurement Directive

**Bill Summary:** The ordinance appropriates \$31,232.60 from the Tree Protection and Related Expenses Trust Fund (Ordinance Fund – 15F) for a tree planting plan in the Avondale neighborhood, in Council District 14; procurement directive utilizing the continuing contract of Davey Tree Service; provides for the Public Works Department to oversee the project.

**Background Information:** The purpose of the appropriation is to provide funding for a tree planting plan in the Avondale neighborhood (more particularly Avondale Avenue, Belvedere Avenue, Challen Avenue, Hollywood Avenue, Oak Street, Edgewood Avenue, and Windsor Place Native Park). The plan provides replacement plantings for trees previously removed due to natural decline or storm damage in City rights-of-way, as well as tree plantings in new viable planting areas on City right-of-way. The support of individual homeowners, who will have a tree planting in the right-of-way in front of their residence, has been obtained, and the Public Works Department has collaborated with JEA to form a plan that takes into account the precautions that must be considered when planting under, or in close proximity, to power lines. The Public Works Department will be following the guidelines for street tree planting in a right-of-way grass strip, so as to minimize conflicts with physical improvements and to ensure that safe traffic visibility is maintained. Trees to be planted include: Swamp Chestnut Oak, Live Oak, Crape Myrtle, Eagleston Holly, Chickasaw Plum, Natchez, Saucer Magnolia, Logleaf Pine and Logleaf Pine.

**Policy Impact:** Tree Protection and Related Expenses Trust Fund

**Fiscal Impact:** The ordinance appropriates \$31,232.60

**Analyst:** Jackson



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**Bill Type and Number:** Resolution 2018-275

**Introducer/Sponsor(s):** Council Members Brosche, Boyer, Carter, Newby and Becton

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 26, 2018

**Type of Action:** Expression of Council recommendations

**Bill Summary:** The bill expresses the City Council's recommendations to the North Florida Transportation Planning Organization (TPO) for its top priority transportation projects for federal funding for FY2018-19.

**Background Information:** The North Florida Transportation Planning Organization (TPO) is the independent regional transportation planning agency for Duval, Clay, Nassau and St. Johns counties. It is responsible for producing three work products: 1. Unified Planning Work Program (UPWP) detailing the TPO's annual budget and planning activities; 2. Transportation Improvement Program (TIP) listing the funding and staging of improvements for roadways, transit, air and seaports, bicyclists, pedestrians and the transportation disadvantaged over a five-year period; and 3. Long Range Transportation Plan (LRTP) with a 20+ year time horizon based on current needs and forecasted future growth which lists the multi-modal transportation projects that are needed and can be funded in that timeframe.

Each year the City submits a list of its top priority transportation projects to be considered by the TPO along with the projects submitted by the other participating counties in the development of the regional 5-year transportation work program. The City is submitting a list of 22 total projects – 18 roadway capacity improvement projects (7 of which are already funded for construction), 3 bicycle/pedestrian safety projects connected to roadway resurfacing projects, and the on-going Timucuan Trail multi-use path to be funded via the statewide Sun Trails Project.

**Policy Impact Area:** Transportation improvements

**Fiscal Impact:** No immediate impact; the recommended projects will be prioritized along with other projects from the region for eventual funding by the Florida Department of Transportation.

**Analyst:** Clements

## CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY

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**Bill Type and Number:** Resolution 2018-281

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

**Date of Introduction:** April 24, 2018

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

**Date of Analysis:** April 26, 2018

**Type of Action:** Appointment Confirmation

**Bill Summary:** This bill confirms the Mayor's appointment of Joann Manning, as a member of the Jacksonville Human Rights Commission, replacing Walette M. Stanford for a first term ending December 31, 2019.

**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 11 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. Manning received a bachelor's degree in business administration from Edward Waters College and is the Executive Director of *Wayman Community Development Corporation*. She has served on a number of community organizations including Girls, Inc., the Mayor's Commission on the Status of Women, and the Board of Directors for Hope Haven Children's Hospital. Ms. Manning resides within Council District #4.

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

**Fiscal Impact:** Anticipated to be minimal

**Analyst:** Shoup

# CITY COUNCIL RESEARCH DIVISION

## LEGISLATIVE SUMMARY

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**Bill Type and Number:** Resolution 2018-282

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

**Date of Introduction:** April 24, 2018

**Committee(s) of Reference:**

**Date of Analysis:** April 26, 2018

**Type of Action:** Request for Attorney General's opinion

**Bill Summary:** The bill requests an opinion from the Florida Attorney General about whether the City of Jacksonville may regulate the sale of nicotine products and nicotine dispensing devices as set forth in Sec. 877.112, *Florida Statutes*.

**Background Information:** Section 877.112, *F.S.* regulates products and practices commonly known as "e-cigarettes" and "vaping". It defines "nicotine dispensing device" as any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. It also defines "nicotine product" as any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means, except for tobacco products regulated under Chapter 569, *F.S.* This bill asks for an opinion on whether the regulation of the sale of vaping devices is preempted to the state or whether Jacksonville can enact laws to regulate the sale, but not the consumption, of nicotine dispensing devices and products, excluding tobacco products.

**Policy Impact Area:** Nicotine product regulation

**Fiscal Impact:** None

**Analyst:** Clements