



# City of Jacksonville Beach

11 North Third Street  
Jacksonville Beach, Florida

## Council Briefing Notice

### City Council

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Monday, April 11, 2022

5:30 PM

Via Video Conference

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City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

- A. Legislative Wrap-Up Report by Public Affairs Consultants
- B. CRA Quarterly Report and Update
- C. Micromobility
- D. Miscellaneous City Manager's Items
- E. Committee Assignment Report
- F. Future Briefing Topics

This Briefing will be conducted using video technology. The City is providing options for public attendance at the Briefing as listed below. The public is not invited to speak or present on any matter or topic at the Briefing.

Council Members in attendance may include:

Mayor: Christine Hoffman

|                  |                  |               |             |
|------------------|------------------|---------------|-------------|
| Council Members: | Georgette Dumont | Sandy Golding | Dan Janson  |
|                  | Fernando Meza    | Cory Nichols  | Chet Stokes |

*Please note: Council members in attendance at this meeting may vary, according to their schedules.*

*In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, no later than one business day before the meeting or by sending an email to [CityClerk@jaxbchfl.net](mailto:CityClerk@jaxbchfl.net).*

### **INSTRUCTIONS FOR VIEWING AND/OR LISTENING**

The following options are available to view and/or listen to the City Council Briefing:

1. **Hearing or speech impaired access.** Contact the agency using the Florida Relay Service at 1-800-955-8771 (TDD) or 1-800-955-8770 (voice).
2. **View and listen to a video of the briefing online.** Access the meeting by visiting the [YouTube Channel for the City of Jacksonville Beach](#).



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| CITY COUNCIL BRIEFING TOPIC |                                                                  |
|-----------------------------|------------------------------------------------------------------|
| TO:                         | Michael J. Staffopoulos, City Manager                            |
| FROM:                       | Heather Ireland, Director of Planning and Development Department |
| DATE:                       | April 11, 2022                                                   |
| SUBJECT:                    | CRA Quarterly Report and Update                                  |

### BACKGROUND

Pursuant to the CRA's Communications Strategy, staff will continue to provide quarterly updates to the City Council on CRA Board activities. This memo is the third quarterly report from staff. Below is a summary of CRA activities and projects since January 2022, broken down by District and includes staff and consultant assignments. This report also includes, at the request of City Council, a history of CRA activities over the last few years. Staff continues to encourage City Council members to watch the meetings, to review monthly CRA meeting agendas and review the detailed staff report prepared by the CRA Coordinator. Staff reports contain project specific updates and details. A copy of the March 2022 staff report is provided for your information.

### Downtown CRA District

- Staff provided the CRA with the results from the incentive survey with three recommended programs to begin with: Retail Enhancement Grant, Facade/Beautification Grant, and Expedited Permitting. The CRA directed staff to move forward with the incentives programs.
- Staff provided the CRA with the updated draft process and procedures for implementing the Art Master Plan via the Art Advisory Committee. The CRA provided feedback on the process/procedures and directed staff to move forward with issuing an application for the advisory committee, interviewing applicants, and providing the CRA with recommended committee members.
- Staff provided the CRA with a draft market analysis scope for a potential future P3 Development Project on the parking lot south of Latham Plaza. The CRA directed staff to move forward with finalizing the scope and selecting a consultant. Adequate funds exist in the current budget for the completion of a market analysis.
- The CRA discussed the concept plan for Latham Plaza and the Pier Entryway at a workshop. The CRA has directed staff to continue moving forward with both projects.

### Southend CRA District

- Staff provided the CRA with alternate locations for new sidewalk connections to South Beach Park. The CRA directed staff to move forward with the preferred selections and the Parks and Recreation staff will request a budget amendment to move forward with the project(s) when final costs are provided.
- The CRA approved staff moving forward with the disposition of six vacant lots on Horn Court and Sunshine Court for the development of six new single-family homes. The



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Finance Department has recommended that the properties be auctioned online. The CRA approved the MOU with the City. The approval of the MOU by the City Council is scheduled for a future City Council Agenda (April 18).

- The CRA discussed ideas for the development of a future passive park on city-owned vacant property located on the northwest and southwest corners of the intersection of Jacksonville Drive and South Beach Parkway. Parks and Recreation staff along with CRA staff will work on the next steps for this project and solicit feedback from City Council and the public/community.
- Sunshine Playground is scheduled to reopen on April 15, 2022.

#### Staff /Consultant Assignments

- Staff is working with The Southern Group to develop the details of each incentive program for the Downdown District.
- Staff published the application for the Art Advisory Committee and is in the process of scheduling interviews and will make a recommendation back to the CRA on members. Staff will continue working on developing processes and procedures to implement the Art Master Plan once the committee is in place.
- Staff selected a consultant and finalized the scope for the Market Analysis of the Latham Plaza parking lot and work is expected to be completed in four to six months.
- Staff is working with The Southern Group to update the Southend Plan and Southend CIP, and will bring this to the CRA at the April regular meeting.
- Staff is working with the Finance Department and the City Attorney on the disposition of the vacant lots in the Southend District.
- Staff is working with The Southern Group to develop marketing materials.
- Staff has been working with the Communications Manager on making weekly social media posts.
- Staff recently provided the CRA with an update on all Parks Department projects.

#### FINANCIAL IMPACT

None at this time.

#### COUNCIL DIRECTION REQUESTED

#### ATTACHMENTS

1. CRA Staff Report March 2022
2. CRA History Memo



## Community Redevelopment Agency, Jacksonville Beach

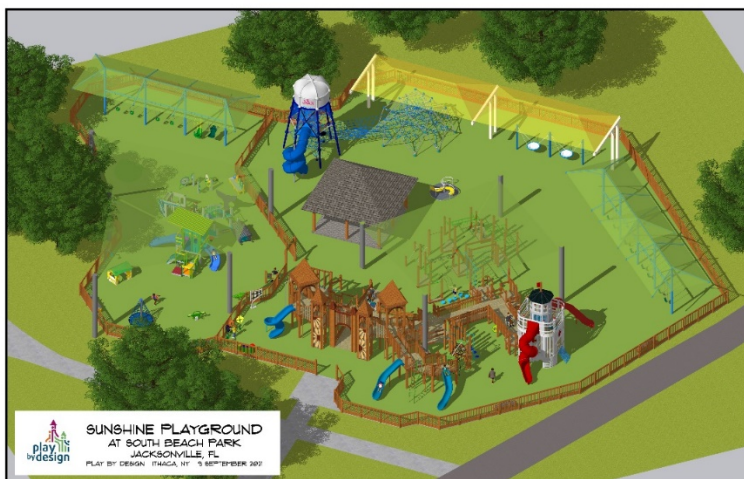
### Staff Report

March 2022

#### Parks and Recreation:

- Sunshine Park and Playground Replacement
  - Council approved August 2<sup>nd</sup>, 2021
  - Open house community meeting scheduled for September 17<sup>th</sup> and 18<sup>th</sup> to get feedback on playground design, as of Monday, 9-20-21, the feedback received thus far was 62 positive and 4 “negative”
  - Construction scheduled to begin late November or December.
  - Target grand opening in March/April 2022.
  - Staff Committee meetings underway to work out final design choices to bring to CRA board.
  - Demolition of current playground to begin on November 16, 2021
  - Playground is currently under construction
  - Playground anticipated completion date mid-April 2022
  - Grand Opening for playground is still planned for April 15, 2022
  - At this time, parks is still waiting on the arrival of the water tower slide. If this does not make it by the April 15<sup>th</sup> deadline, there is a backup plan in place for a ‘soft opening’.

Overall Playground Conceptual Design:



## Surfboard Benches for Playground Seating:



- Replace Shower Towers and Drinking Stations
  - Second drinking fountain delivered, but was damaged. Parks waiting on replacement fountain to arrive. All other fountains and shower towers completed.
  - Second drinking fountain will be installed at the completion of the playground.
- Median Plantings on South Beach Parkway and Jacksonville Drive
  - Irrigation issues have been resolved as of January 2022
  - Target plantings for spring 2022
- Roundabout at Beach and 1<sup>st</sup> Street
  - Still requires finishing coat to be applied
  - Original contractor left mid-project and parks was unable to contact. Parks has terminated the contract with the contractor, and is moving forward with a second contractor.
  - Expecting new contractor to begin work and complete the project in the next 2-3 weeks
  - New contractor scheduled to re-finish the structure with concrete
  - As of March 21, 2022, this work is now completed
- Latham Plaza (tile work and statue)
  - Both the loose tiles, as well as the statue are in need of repairs and maintenance
  - Parks is waiting until after the deck the chairs event to begin the project
  - Statue scheduled for sand blasting and painting late February/March 2022 (after the Donna weekend in February and before the Beaches Parade in April)
    - This work will be completed prior to the April 24<sup>th</sup> parade.

## Public Works Projects:

- WEBSITE FOR PW PROJECT MAP:
  - City of Jacksonville Beach website
  - Government ➡ Departments ➡ Public Works ➡ Const Proj/Road Closures then scroll down to “Upcoming Projects” and click the “detailed project website”

- [Project Schedule](#)

## Upcoming Projects:

### Ocean Terrace Drainage Improvements Project (Jacksonville Drive area)

- Engineer: JonesEdmunds Engineering
- Contractor: Callaway Contracting
- Tentative start date: March 2022
- Project maps coming soon

### COJB Redevelopment - Phase IIIC - Projects 4, 5 & 6

- [Detailed Project Website](#)
- [Public Works Feedback & Comments](#)

- Downtown Redevelopment Project- Phase 3B (2<sup>nd</sup> St. N. from Beach Blvd. to 6<sup>th</sup> Ave. N) will be designed and constructed at a future date (FY 2024)
- Phase 3C - Downtown Redevelopment Projects 4 & 5 – Design Engineering being completed by GAI. GAI website storybook update site for this project is soft released on City website. It will be pushed out for public consumption very soon. This will be part of the CRA (what we are doing) items that Jacob Board, Communications Manager, is pushing out to the public. Expected 60% deliverable should be delivered for PW comment before the end of February. **Construction is not anticipated to begin until 2023 with plans to last through 2025**

Phase 3C - Projects 4 & 5 consist of the reconstruction of the 26 city blocks east of SR A1A, from 5<sup>th</sup> Avenue South to 10<sup>th</sup> Avenue South. The work includes new stormwater conveyance system construction which will connect to the storm trunk line constructed as part of Phase 3C - Project 2.

The reconstruction will regrade the area to improve surface water flow, construct new sidewalks, driveways, lighting, add public parking and replace the existing water and sewer facilities which are coming to the end of their lifespan.



- 60% design plans were provided to PW at the end of February as expected. The various internal departments are reviewing those plans. Staff will provide updates to GAI to help determine the next design planning (for Projects 4 and 5) to work towards the 90% and 100% for project 4. There will be a Public Meeting scheduled very soon (prior to the April CRA Meeting). The design of project 4 will begin after Staff & GAI have reviewed comments, and Public Meeting input. Project 4 will be scoped from that information and project 5 will NOT be designed until project 4 is ready to bid.
- Phase 3C - Storm Drainage Project #3 and Southend Stormwater projects –Jones Edmunds (with Hanson Engineering) has provided 6 technical memorandums about the Central Basin drainage and the South Basin drainage. These memos comprise 228 pages of evaluations, data, observations and recommendations. A larger scale refined stormwater master plan design beginning after we provide direction.
  - These memos comprise 228 pages of evaluations, data, observations and recommendations. PW is reviewing these technical memo's internally. A review meeting will be held with JonesEdmunds upon review finality.
- Phase 3C Project 7 has been submitted to finance for inclusion in the upcoming CIP. This will be the north area of the Downtown Business District from 6<sup>th</sup> Ave. N to 9<sup>th</sup> Ave. North, between 3<sup>rd</sup> Street and beach ends.
- Dune Walkovers – The following are under construction...
  - 6<sup>th</sup> Avenue North\*
  - Latham Plaza (Between 1<sup>st</sup> & Four Points)\*
  - 1<sup>st</sup> Avenue South\*
  - 4<sup>th</sup> Avenue South\*
  - 11<sup>th</sup> Avenue South\*
  - 16<sup>th</sup> Avenue South ADA (Outside CRA)
  - 34<sup>th</sup> Avenue South (Outside CRA)

The next 8 walkovers for construction beginning Nov 2022 are assigned to Four Waters (and ATM) to get designs underway.

- Beach Outfalls – Four Waters (and ATM) is currently underway designing and DEP permitting. This will allow construction for this project to be completed over two years (or one if contractor can complete it) to be constructed November 2022 and November 2023.
- South Beach Parkway Road Improvements (Phase 3) – Ocean Terrace Drainage Improvements (Jax Drive) – Pre-construction meeting 1/19/22. Notice to Proceed will be issued March 1. Construction activities should begin mid-March. Timeline is 365 days construction. Public Works will be adding a section to the City website with active maps of this project soon.
  - Shop drawings and submittals are nearing completion and supplies are being delivered. Construction will start anytime. There is a construction interactive storymap on this project on the PW pages under construction projects as well.
- Reinforced Concrete Median Barrier Project on South Beach Parkway construction is completed.
  - Staff is working with Public Works to come up with solutions to make these barriers more visually appealing
- Stormwater/Road Improvements (America Ave.-Phase 2 of Jax Drive) – awaiting assignment to engineering firm for design.
- Stormwater Outfall Improvements – South Basin outfall ditch clearing project awaiting bid.

## Planning Department Projects:

- Dolphin Depot site (across from Margaritaville)
  - Trevato Development Group purchased the site
  - Development currently unnamed, but representatives of the developer stated it will be a “unique mix of hotel and residential project that does not exist in NE Florida”
- Azure Property (former Waterfall Property)
  - Change in ownership
  - Anticipate official building permit within 12 months
  - 24 units total, all ocean view
  - Units starting at \$1.5Million and go up to \$6 million
  - 2,000-6,000 square foot units
  - Renovating existing sales trailer
  - Currently under permit review, should begin vertical construction in the next 60-90 days
  - Of the 24 units planned, only 3 remain for sale.



- Southend “big box” empty store
  - Spirit Halloween now closed for season
  - At this time, no permanent tenant
- Marc Angelo Project (downtown)
  - Vertical construction to begin soon, all underground construction completed as of June 2021
  - Restaurants announced coming are:
    - Jekyll Brewing, leasing approximately 6000 sq ft of indoor space and 2000 sq ft of outdoor space
    - Oaxaca Club (Mexican Food)
    - Private event space
- Springhill Suites
  - Construction underway
- Oku Sushi
  - Corner of 1<sup>st</sup> Street and 4<sup>th</sup> Ave N
  - Close to final inspections, finalizing outside seating design

- Certificate of Occupancy issued November 2021, anticipate opening in the coming weeks
- Oku Sushi still not open at this time (January 2022)
- Oku Sushi officially open for business
  - Open Tuesday-Saturday, 5-10PM
- <https://www.o-kusushi.com/location/o-ku-jacksonville-beach/>



- Dick Mondell's
  - Burger restaurant based out of Gainesville, FL going to the former carwash location.
  - Walk-up and drive through service only
  - <https://www.dickmondells.com/> website for more information and menu
  - No anticipated opening date at this time
  - Finally planning for permits going on now, with staff anticipating receiving the permits in 30-60 days
- Charley's Cheesesteaks
  - Going into the former Krytal's location
  - <https://www.charleys.com/menu/> website for information and menu
  - No anticipated opening date at this time
  - Currently under renovation now, seeing delays due to supply issues

#### Development Projects in Downtown CRA



#### Staff Updates/FYI:

- FRA Awards 2022 Cycle: Staff is currently working internally to nominate several CRA projects for FRA Awards at the 2022 Annual Conference in Daytona Beach. These project nominations are still **tentative**, but at this time, are as follows:
  - Outstanding Rehabilitation/Renovation: Sunshine Playground/Park Project
  - Creative Partnerships/Programs: Creation and implementation of the Public Arts Advisory Committee
  - Cultural Enhancement: **IF** timing allows, staff would like to nominate the bike racks, hardscapes, and public art plans
  - Cap. Projects/Infrastructure: Staff will be discussing public works projects located in both the Downtown and Southend to determine which, if any, of the projects should be nominated for this category.
- Maintenance Plan
  - Staff working with PW and Parks to develop an annual maintenance plan. This will include: mulching, tree trimming, planting medians, grassy/landscaped areas, etc. frequency of these jobs, and costs associated
  - Staff met with parks for a quarterly update on the work being done so far, next steps, and anticipated completion dates.
  - Staff creating a spreadsheet of each maintenance item, each month of the year, with the ability to track the 'amount' of work done each month. Can also input links to PDF invoices in the spreadsheet so they will be easily accessed.

- Maintenance plan 'process' was started in April/may of 2021. Staff wants to work on this plan one calendar year, and be able to fine tune the frequency of the maintenance, and adjust budget accordingly
- Staff continuing to monitor the maintenance in the downtown by working with the parks department
- In the next few months, we will be reaching a full year of monitoring maintenance in the downtown and will be able to put together a comprehensive report on maintenance that includes frequency of maintenance activities and costs.
- Staff is currently working on an "Action Item" spreadsheet. This spreadsheet will help staff to track projects, which department or person(s) is responsible for project oversight, anticipated completion, etc. This document will become an attachment to the staff report, thus making it easier for board members to have an overview/recap of all CRA projects at a glance.
- Pier Update
  - Staff working with DixHite on status of pier entry way and process, more information to come to CRA
  - Anticipated completion date of pier summer 2022 (COJ Project)
  - DixHite to attend a March workshop, tentatively scheduled for March 16<sup>th</sup>, to discuss
  - Please note: Per an MOU with the City of Jacksonville in 2002, COJ will maintain the costs associated with the pier, but COJB **must** provide a minimum of 100 parking spots for pier use only. That is the intended use for the parking lot located directly in front of the pier.
- Downtown Hospitality Meetings
  - Mayor Hoffman organized this series of monthly meetings, and gives staff an opportunity to listen to the business community needs, and give updates when appropriate
  - No September meeting, meetings expected to occur in Oct or Nov, then be on hold until 2022
  - Staff attended the February 22 meeting and gave a brief update on the CRA, and invited attendees to participate in CRA Meetings for more updates, as well as follow our City Facebook page
- Horn Ct./Sunshine Lots
  - Finance finalizing the costs associated with maintenance and upkeep of the lots
  - City attorney set to start in October 2021, CFO wants to allow new attorney to write the interlocal agreement between the Jacksonville Beach CRA and City of Jacksonville Beach.
  - City attorney is working on the disposition methodology, as well as deed restrictions that will go along with the property once sold
  - City attorney is finalizing the interlocal agreement between the CRA and City of Jacksonville Beach
  - City attorney will attend February meeting to give recommendation to the board on disposition methods and process

- MOU review/approval set for the March 28<sup>th</sup> regular CRA meeting. The next step will be taking this item to council

- Incentive Survey Update

- Staff has completed the survey, and completed the post cards to be sent to all property owners.
- Post cards sent to business owners' week of 10/18/21, and staff along with board members distributed postcards to business owners/managers in the downtown.
- As of 11/4/2021, received 30 survey results
- Extended deadline through end of November to allow time for more results
- Staff will present final findings of this survey, as well as draft of the incentive package, during the January 2022 meeting
- Staff utilized the data received from survey results to create an item on the January 2022 agenda to review results and next steps
- CRA Board approved staff and the southern group to utilize the data collected to create an incentive package for consideration by the board

- Art Master Plan Committee Plans:

- Staff working to implement changes requested by the board to the application/process
- Staff met with legal in January of 2022 to make sure the process and creation of the advisory committee did not violate any state or local legal requirements
- Staff will work with the City Clerk to finalize the application for the committee and get the application out to the public. Staff will then select the best candidates to bring before the CRA for final selection approval
- Resolution 2022-01 for consideration at the February 28, 2022
- Staff will be reviewing applicants after the March 31<sup>st</sup> deadline, and will bring staff recommendations to the board in April 2022.

- DixHite Status Update:

- Wayfinding Signage Plan
  - Staff has requested scope and fees from DH on wayfinding signage plan bidding and construction observation services
  - The final proposal for wayfinding signage will be presented to CRA during Q1 2022
- Bicycle and Hardscapes
  - Staff waiting on final costs for bidding process, as well as construction observation costs
- As of 3/21/2022, staff has confirmed with the public works department they have all of the necessary documents from DixHite necessary to begin the RFP process. Per PW staff, the documents will go out for bids March 23, 2022. These documents will be up for 30 days.

- Code Enforcement/Violations

- Should there be a need to report a code enforcement violation, please follow this link to fill out the form to report the issues to our code enforcement officer:

<https://www.jacksonvillebeach.org/FormCenter/Planning-Development-6/Report-a-Code-Enforcement-Violation-57>

- This link will show the code enforcement page, with examples of typical violations:  
<https://www.jacksonvillebeach.org/FormCenter/Planning-Development-6/Report-a-Code-Enforcement-Violation-57>
- If you see an issue and have further questions or concerns, please reach out to Nikki Beavers in the planning department (code enforcement officer). 904-247-6284

- Irrigation and Planting in the Downtown:

- The repairs are ongoing, with plans to be complete prior to spring, to allow for time for new planting to occur

- Landscaping around the Community Center

- Will occur simultaneously with the sidewalk project at South Beach Park entrance.
- Sidewalk discussion for this project to be held at the February 28, 2022 meeting

- Upcoming Events:

- April 1-3: Springing the Blues (Latham Plaza)
- April 9: Canine Companions (Latham Plaza) 12PM-4PM, A fundraising event to support canine companions. All funds raised assist with providing service dogs to children and adults with disabilities
- April 10: 904 Popup Market (Latham Plaza) 11AM-7PM
- April 16: Easter Egg Hunt (Wingate Park) 10AM-11AM
- April 23: Sandcastle Contest (Beach in front of Joe's Crabshack) 9AM-11AM: Registration begins April 1<sup>st</sup>, no fee required. To register, contact the COJB Parks and Recreation department 904-247-6157
- April 24: Opening of the Beaches Parade (1<sup>st</sup> and 2<sup>nd</sup> Street between the municipal parking lot adjacent to Latham Plaza) 2PM-4PM
- April 30: Best Buddies Friendship Walk (Latham Plaza) 8AM-Noon: A fundraising walk for individuals with intellectual and developmental disabilities.

To access these events, on the COJB homepage, scroll down to the calendar and underneath click "view all events". Once selected, you will be on a page where you can select which calendars (events, council, etc) you wish to see. When you click on a date in the calendar, it will bring up information on any events or meetings occurring that day.

## Social Media Update:

As of February 17, 2022, staff has made two posts on the city facebook page.

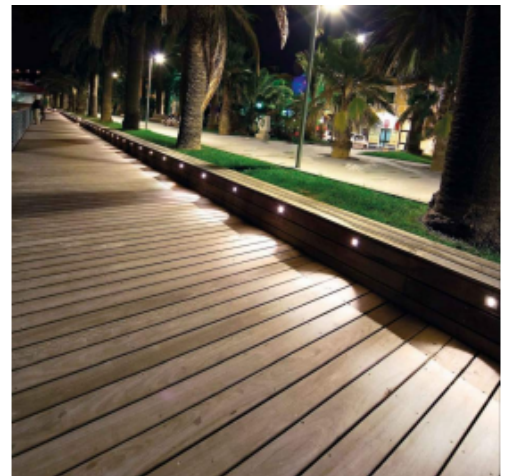
- The first post outlined what a CRA is, where our districts are, why/how they were created, etc. staff was able to answer questions from citizens and engage with the community

- The second post was a “coming soon” post regarding the bike racks. The engagement from the community was very positive.
- Each of the posts have the same logo in the corner that reflects it is a “CRA” specific post



- Beaches Lighting Update
  - Staff has met with Beaches Energy to get each other up to speed on the plan. After discussions, it was determined that the lighting styles would not change, since turtle lighting and police input was considered when these lights were chosen. Here are some examples of the types of lighting expected (please note these are examples, NOT the final lights chosen)

Example of Boardwalk Lighting:



Example of Granville Lighting: Featured from 2<sup>nd</sup> Street to 3<sup>rd</sup>, as it is NOT turtle friendly



Example of Mongoose Light pole: Will be LED and some Amber Bulb (close to Ocean) the shape of these lights

is in compliance with the COJB Turtle Ordinance





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| CITY COUNCIL AGENDA ITEM |                                       |
|--------------------------|---------------------------------------|
| TO:                      | City Council                          |
| FROM:                    | Taylor Mobbs, CRA Coordinator         |
| SUBJECT:                 | Community Redevelopment Agency Update |
|                          | 2019 - 2022                           |

### BACKGROUND

At a previous Briefing, City Council requested a history of CRA activities over the last couple of years. This memo covers the last three years of CRA activity. Below is a detailed summary of recent CRA activities and projects since April of 2021, broken down by District and includes specific staff and consultant assignments. Also included are a brief summary of 2020 and 2019.

### 2022 and 2021 CRA Accomplishments:

#### Downtown CRA District

- Formulation of Art Advisory Committee (Resolution 2022-01): The CRA approved the formation of a Public Art Advisory Committee to assist with the implementation of the downtown Art Master Plan.
- Extension/completion of the bicycle lane along 1<sup>st</sup> Street in the Downtown District (Resolution 2021-06): CRA and staff noticed the bike lane ended before the boundaries of the downtown district ended. Staff worked with PW to properly identify the portion of the street that is intended for bicycle use.
- Dune Walkover Replacements (Resolution 2021-12): There are 28 dune walkovers in the Downtown CRA district. Staff and CRA worked with PW to identify which walkovers to replace during FY21. CRA approved the initial replacement of 6 walkovers, strategically chosen to not have consecutive walkovers under construction at the same time.
- Repairs/renovations to Seawalk Pavilion (Resolution 2021-16 & 2022- \_\_\_\_): During FY21, it was noted the pavilion needed extensive repairs. CRA, staff, and the Parks and Recreation department worked with WTI General Services to identify improvements including: stucco and façade repair, roof replacement, as well as lighting protection. The CRA approved \$186,000.00 for the initial repairs. CRA requested staff and Parks work together to identify additional renovations to the pavilion. The board acknowledged in order to remain a desirable location for events, the pavilion needed significant improvements. Staff brought back a request for additional improvements to the stage area in March 2022. The CRA has not formally adopted the 2022 resolution for additional



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repairs at this time. The CRA unanimously agreed for parks to move forward with estimates on additional repairs during their March workshop, and will receive a formal resolution at their April/May regular meeting.

- Downtown Maintenance Plan: Staff has been working at the request of the board on an elevated maintenance plan for the downtown district. Staff requested a full calendar year to develop the program fully. This program includes: tree trimming, trash maintenance, sidewalk maintenance, lawn maintenance, mulch, planting, irrigation, pavers, bollards, etc. At this time, Parks staff is working on finalizing the irrigation system found in the medians throughout the downtown. Staff has identified a list of preferred plants for the downtown that will survive in the elements.
- Pier Entryway: Staff has reviewed the 90% complete documents with police and fire marshal and is working with DixHite to incorporate comments to the final version of the plans. The CRA provided their thoughts on the overall concept during their March 21, 2022 workshop.
  - Staff has reminded the board that COJB is limited on what can be done with the property, as there is an interlocal agreement between COJ and COJB stating COJ will own and maintain the pier, and COJB must provide 100 (minimum) parking spots for the pier.

#### Southend CRA District

- Disposition of Vacant Residential Lots: (Resolution 2022-02): CRA approved moving forward with the sale of six vacant lots in the Southend District for the private development of new single-family homes.
- Shade Shelters for Splash Pad: CRA appropriated \$60,753.00 for the replacement of the shade structures located above the splash pad (Resolution Number 2021-04)
- Basketball Courts: CRA appropriated \$131,460.00 (Resolution Number 2021-05) to cover the replacement of the basketball court, and build 2 new pickleball courts, landscaping, fencing, and sidewalk at South Beach Park.
- Sunshine Playground: The CRA appropriated a total of \$1,927,000.00 (Resolutions No. 2021-07 and 2021-15) for the reconstruction and renovations to Sunshine Playground. These improvements included; new playground equipment made of sustainable materials, new rubber flooring under playground, new toddler specific play area, pieces of play equipment that reflect landmarks in Jacksonville Beach, shade shelters, and more.
  - Staff and the CRA board also assisted in public outreach planning and execution including surveys, public open houses, and working with the design team to incorporate the public input to the final design



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- Road Delineators: It was noted that delineators in areas of the Southend District were aesthetically unpleasing, and not very safe for delineating the roadways. The CRA appropriated funding for the construction of concrete barriers in between the roadways (at the recommendation of the PW director).
  - CRA board has noted the finished concrete walls serve their safety purpose, but are still not up to the aesthetic standard the board envisioned. The board and staff are working with PW to determine the best method to make these concrete barriers look better
- Ocean Terrace Drainage Project: The CRA board approved a total of \$5,254,066.00 (Resolution 2021-13). This project stemmed from the City's 2010 Southend area infrastructure improvements that identified areas of localized flooding. In October of 2018, it was recommended the City proceed with design and construction of draining and roadway improvements in the Ocean Terrace neighborhood. The resulting Ocean Terrace Drainage Improvements project involve the installation of new stormwater inlets and mains, road reconstruction, curb and gutter, driveways, and a new 8-foot concrete path along the south right-of-way of Jacksonville Drive.
  - Bid No. 2021-09 was publicly advertised and three bids were received. The City's design engineering firm, Hanson Professional Services, evaluated the bids for conformance with the criteria set forth in the bid documents and recommended awarding the bid to Callaway Contracting Inc.
- Southend Plan Amendment/CIP Update: At the recommendation of staff, the CRA adopted resolution 2021-14, which formally directed staff to begin working with the Southern Group to amend the Southend CRA Plan.
  - The last amendment to this plan was in 2017 and this allowed for TIF funds to be spent maintaining projects funded by the CRA.

#### Staff Projects/Assignments

- Social Media: Staff has worked with Communications Manager on actively posting weekly CRA updates to the City Facebook page, as well as regularly updating the content on the City website. The Facebook content has received overall positive feedback. The posts have included information on what a "CRA" is, what CRA's can do for the community, shared accomplishments so far, as well as utilized the weekly CRA spotlight to highlight the Public Art Advisory Committee.
  - Staff is also planning to create a "Jax Beach CRA" Instagram account with the help of the communications manager. This page will focus on CRA projects going on in



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both districts, and offer quick snapshots and brief descriptions in order to capitalize on public engagement.

- Incentive Program: Staff created a postcard that was sent to all of the property owners in the downtown to ask for feedback regarding incentives. The survey was completed, and staff has worked with The Southern Group on developing two major incentive programs to offer in the downtown for FY23. Both of these programs were created with the feedback of the public in mind, in order to best utilize TIF funds to attract the types of businesses the citizens want to see.
  - Façade Grant Program
  - Retail Enhancement Program
- Market Analysis: Staff utilized the blanket contracts executed by Public Works to select GAI Consultants to provide staff with a scope and fee for the market analysis of the parking lot adjacent to Latham Plaza. Staff met via zoom with GAI staff and provided feedback to the initial scope, and staff received the final scope in March 2022. Staff will present this scope to the CRA in March 2022, and plan to begin the analysis immediately after. Estimated timeline to complete analysis is 4 months. Staff has also engaged with the City Attorney to begin the process of creating a P3 procurement policy for the City. Staff plans to have this document executed well before seeking out qualified developers, so there are minimal hold-ups on the City end. Once this is completed, staff will complete the following:
  - Present the findings to the CRA and City Council
  - Utilize the findings to create an RFQ to seek out a developer to partner with the CRA on this project
  - Utilize the data collected from this, in combination with the new incentives, to execute a marketing pamphlet to take to various conferences, networking engagements, etc. to attract businesses to the downtown district.
- FDOT Right-of-ways: Staff met with Jim Knight with FDOT to discuss the opportunity for the CRA to fund projects located in the FDOT ROW. CRA and staff noticed the JTB overpasses and areas surrounding are not in the best condition. As a 'gateway' into our City, CRA and staff would like to see improvements done in these areas. FDOT representative said this would be allowed, and discussed with staff the process and necessary documents to fill out. These overpasses will be one of the areas the art committee will potentially consider when planning for public murals.
- Art Committee Creation: At the request of the CRA board, staff created a set of operating procedures/guidelines for a Public Art Steering Committee. The intent of this committee is to assist the CRA in implementing the public art plan. The goal is to create a committee of art professionals to assist staff in creating the art master plan guidelines and objectives, identify key locations for various types of public art, assist staff with the "call for artists",



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assist in the review of proposed artists/art installations, and take back final recommendations to the CRA for approval. At this time:

- Staff has completed the draft operating procedures
  - Staff has finalized the application
  - The application was placed on the City website and Facebook page March 2022
  - Staff has received and began reviewing applicants
  - Staff will begin selecting candidates for interviews the first week of April 2022
  - Staff plans to take the recommended applicants to the CRA for approval at their April 2022 regular meeting.
- Street Banners: Staff had the old banners removed during the holidays, and holiday banners placed. After conversations with the contractor, it was determined that for the last several years many of the poles are damaged to the point where banners cannot be hung. This led to checking all of the light poles for damage, and banners for damage. Many of the banners were found to be tattered and faded.
  - Staff worked with Shark Signs and found: There should be 20 banners total in the downtown CRA district, currently there are only 12 banners suitable to be hung on poles.
  - There are 6 poles where the banner arms and hardware are completely missing.
  - Staff requested approval from the CRA to work with shark signs to obtain quotes for replacing the hardware, as well as updating all of the banners in the downtown district (banners will remain the same as before)
- FRA 2022 Annual Awards: Every year at the FRA Annual Conference, certain CRA's are given awards based on excellent projects, programs, plans, etc. Staff examined the awards categories and has been working on applications for the following projects:
  - Outstanding Renovation/Rehab: Sunshine Playground and South Beach Park
  - Cultural Enhancement: Art Master Plan Implementation and/or Hardscapes and Bike Racks in the Downtown District
  - Creative Partnerships: Art Master Plan Advisory Committee
  - Cap. Projects/Infrastructure: Staff is working with public works to determine which of the several infrastructure projects would best fit for this category
- Marketing Brochure: Staff is working with The Southern Group to create a template for a marketing pamphlet. The intent of this pamphlet is to utilize the assets of the community in order to attract additional businesses to the downtown district. At this time, the pamphlet will be focused on the downtown district only. This will include new businesses that have recently located to the area, large festivals, hotel occupancy rates, peak 'season' information, CRA incentives to assist in starting a business in the downtown, and more.



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#### 2020 CRA Accomplishments:

- Resolution 2020-01 appropriated \$28,132.00 for the provision of final design for a multipurpose bicycle and pedestrian path to be included in the design of the 2019 *Ocean Terrace Drainage Project* in the Southend District (Feb. 2020).
- Resolution 2020-02 appropriated \$40,260.00 for the purchase of a three-year service and monitoring agreement to enhance the reliability and performance of the video surveillance camera system in the Downtown District. (July 2020).
- Resolution 2020-04 appropriated \$8,672.00 for additional phase 1 design services of the *Ocean Terrace Drainage Project* (Sept. 2020).
- Resolution 2020-05 appropriated \$4,106.95 to fund the purchase and delivery of two portable metal soccer goals for use on the multi-purpose playing field located in South Beach Park in the Southend District (October 2020).
- The CRA approved moving forward with Downtown Delivery Parking Regulations.
- The CRA authorized an appraisal for the one CRA owned Southend District Lot.
- *DixHite* continued work for the CRA on the initial design and construction document production for the new Pier Entryway Plan.
- *Shepard, Smith, Kohlmyer, & Hand, P.A.* were authorized by the board to consolidate the Downtown Redevelopment Plan and its amendments. This consolidated report was presented to the CRA board at the August 24<sup>th</sup>, 2020 meeting.

#### 2019 CRA Accomplishments:

- Resolution 2019-01 appropriated \$196,680.66 for the provision of final design of the preferred option in the 2018 *Ocean Terrace Drainage Plan* in the Southend District (Jan 2019).
- Resolution 2019-02 appropriated \$1,545,424.05 for Stormwater Channel and Related Improvements, JTB to marsh Landing Parkway in the Southend District. (August 2019).
- RD Rezoning Amendments was considered and recommended for approval for the owner of the former pier cantina restaurants. The rezoning is to accommodate a five-story oceanfront Springhill Suites.



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| CITY COUNCIL BRIEFING TOPIC |                                       |
|-----------------------------|---------------------------------------|
| TO:                         | Michael J. Staffopoulos, City Manager |
| FROM:                       | Sandra R. Robinson, City Attorney     |
| DATE:                       | April 11, 2022                        |
| SUBJECT:                    | Micromobility                         |

#### BACKGROUND

At the February 28, 2022 City Council Briefing, the City Attorney presented options to the City Council to aid in the discussion and/or decision as to whether and/or how a commercial shared micromobility program could be implemented in the City. To further such discussion and/or decision, attached is a draft ordinance.

#### FINANCIAL IMPACT

None at this time.

#### COUNCIL DIRECTION REQUESTED

Given the recent action by City Council to establish an indefinite moratorium, should staff continue working towards a pilot program ordinance, or defer this item for a set period of time?

If working towards a pilot program, what other regulations would the City Council like to include in the ordinance?

If deferred for a set period of time, how long should that period be?

#### ATTACHMENTS

1. DRAFT Shared Micromobility Pilot Program Ordinance

**AN ORDINANCE**  
**ESTABLISHING SHARED MICROMOBILITY DEVICE**  
**PILOT PROGRAM, STANDARDS FOR SERVICE OPERATOR LICENSES**  
**AND PERMITS, AND REGULATIONS RELATED TO USE OF**  
**MICROMOBILITY DEVICES WITHIN THE JURISDICTIONAL**  
**BOUNDARIES OF JACKSONVILLE BEACH, FLORIDA**

**[Recitals to be incorporated]**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF**  
**JACKSONVILLE BEACH, FLORIDA:**

**Chapter - SHARED MICROMOBILITY PILOT PROGRAM**

**ARTICLE I - IN GENERAL**

**Section Purpose.**

Consistent with the City of Jacksonville Beach's goals of enhancing mobility, easing traffic congestion, and promoting sustainability, the purpose of this chapter is to create a limited-term pilot program to permit, regulate, and facilitate the use of shared micromobility devices within the jurisdictional boundaries of the city while ensuring the protection of public health and safety of its inhabitants, and enabling the city to recover its costs for overseeing and enforcing the operation and regulation of this shared micromobility device pilot program.

Any permit or license issued pursuant to this pilot program shall take effect on \_\_\_\_\_ and be of no further force or effect beyond \_\_\_\_\_, unless otherwise earlier extended or terminated by the city council.

**Section Powers; promulgate regulations.**

The city manager may promulgate additional rules and regulations provided they are consistent with this article and applicable state and federal law.

**Section Definitions.**

City shall mean the City of Jacksonville Beach, Florida.

City manager shall mean the city manager of City of Jacksonville Beach, Florida or his/her designee.

Deploy shall mean the initial daily staging of a shared micromobility device by an operator on designated areas of a city right-of-way.

Fleet size shall mean the total number of shared micromobility devices a shared micromobility service operator is authorized to deploy within the city.

Micromobility service operator or "operator" shall mean a company deploying shared micromobility devices within the city.

Shared micromobility device shall mean an individual electric scooter, electric bicycle, and electric skateboard, offered for use to the public by a shared micromobility service operator in exchange for a user or rental fee. A shared micromobility device, as provided by this chapter, shall not include a bicycle powered exclusively by human power or a gas-powered scooter.

Shared micromobility service. A company deploying shared micromobility devices within the city.

Public right-of-way shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, operated, or controlled by the city.

Rebalance shall mean moving shared micromobility devices from an area of low demand to an area of high demand, or to return to designated areas of deployment.

**[Definitions will be added as needed based on questions and comments]**

**ARTICLE II - SERVICE OPERATOR QUALIFICATIONS AND  
LICENSING REQUIREMENTS**

**DIVISION 1 - PROGRAM REQUIREMENTS**

**Section License required.**

A person may not operate, or cause to be operated, a shared micromobility service without first having obtained a pilot program license issued under this chapter.

**Section Application.**

(a) The person desiring to obtain a pilot program license shall make a written application in the form prescribed by the city manager, and must be the person who will own, control, or operate the proposed shared micromobility service.

(b) An application for a pilot program license must be accompanied by a non-refundable license fee of \$50,000.00, which the city may use to offset any cost related to the implementation of this pilot program or the enforcement of any provision of this chapter.

(c) The person who applies for the pilot program license shall be required to provide, at minimum, the following:

- (1) Documented proof that the applicant has operated a shared micromobility service in three municipalities that are comparable to or larger in population size than the city, with at least one of the municipalities being in the State of Florida.
- (2) The physical address within the city from which the shared micromobility service will operate and which serves as the applicant's operations center. If different from the operation center's physical address, the applicant shall also provide the physical address for its corporate headquarters.
- (3) Documented proof from a bonding or insurance company or bank authorized to do business in Florida that said institution has bound itself to provide the applicant with the payment, performance bond, or irrevocable letter of credit required by this chapter. The payment and performance bond or letter of credit shall be in the sum of \$50,000.00 and must list the micromobility service operator as principal and be payable to the city.

**Commented [SR1]:** A specific number included to prompt discussion and to inform as to the opportunity. Miami's annual license fee is \$50,000, Santa Monica charges \$20,000.

- (4) An agreement, in a form approved by the city attorney, to defend (at the applicant's sole cost and expense), indemnify, and hold harmless the city, its city council, individual councilors, agencies, agency members, boards, board members, commissions, commission members, committees, committee members, task forces, task force members, officers, officials, employees, representatives, volunteers, and agents from any and all claims, losses, damages, injuries, or liabilities which arise out of, or which are in any way related to, the city's issuance of a shared micromobility pilot program license; or decision to approve or deny a shared micromobility pilot program license; the process used by the city in making its decision to approve or deny a shared micromobility pilot program license; the operation and use of any shared micromobility device deployed by any micromobility service operator who has received a shared micromobility pilot program license; the classification by the micromobility service operator on any individuals or entities performing services for the operator as employees or contractors; or the alleged violation of any federal, state, or local law by the applicant or any of its officers, managers, employees, contractors or agents.
- (5) An agreement, in a form approved by the city attorney, to reimburse the city for all costs and expenses which it may be required to pay as a result of any legal challenge related to the city's approval of or activities conducted pursuant to the applicant's shared micromobility pilot program license. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.
- (6) An agreement, in a form approved by the city attorney, to accept the city's public rights-of-way in "as is" condition, and in the sole condition in which the city offers, or otherwise makes available, its public rights-of-way; and further agreeing that the city has not and will not make any expressed or implied representation or warranties concerning the condition of its public rights-of-way, including suitability for the purpose or use or intended use by the applicant or its customers.
- (7) An agreement, in a form approved by the city attorney, to obtain a release from its users, during their sign-up processes, either by

an affirmative signature or check-the-box option within an application process consenting to the city's release of any liability, which shall include language consistent with the following: For and in consideration of rental and use of the [micromobility device], rider, for himself or herself and on behalf of rider's heirs, executors, administrators and assigns, forever releases and relinquishes and discharges the City of Jacksonville Beach, Florida and its elected and appointed officials, officers, employees, agents, contractors, and volunteers (collectively, the "City") from any and all claims, demands, disputes, losses, liabilities, debts, liens, charges, penalties, proceedings, causes of action and damages including for personal injury, wrongful death, property damage, and injury to rider or to third parties (collectively, "Claims"), including unknown or unanticipated claims, which arise from or are related directly or indirectly to this agreement or the rental, maintenance, design, placement, use and/or operation of the Operator's equipment, including e-bikes, scooters, or the Operator's website, including any and all claims related to the sole or partial negligence of the City or any other party. Rider hereby expressly waives any claims against the City which rider does not know or suspect to exist in his or her favor at the time of renting an e-bike or scooter, and expressly waives rider's rights under any statutes that purport to preserve rider's unknown claims.

- (8) The applicant's plan to relocate the micromobility devices as required by the provisions of this chapter. The relocation plan must also include detail regarding the amount of time it will take applicant to remove all micromobility devices from circulation in the event of an emergency or severe weather watch or warning.
- (9) The applicant's maintenance plan for each type of micromobility device the applicant will operate in the city. The maintenance plan must also include: (i) description of the maintenance activities, frequency, and the location(s) for performance; (ii) frequency of device inspection for wear and tear, and stress-based damage; and (iii) description of battery charging, replacement, and recycling procedures.
- (10) An equity plan that provides for users without capable mobile devices to use micromobility devices, provide for payment

options for unbanked users, and that equitably deploys micromobility devices so as to promote their use in low-income and historically underserved communities, including offering adaptive micromobility devices that enable operation by individuals with disabilities. The equity plan must also document the timing and manner by which the applicant will target and implement marketing outreach to promote the use of micromobility devices, particularly in low-income and historically underserved communities.

**Section        Annual license required; non-transferable, fee non-refundable.**

(a) Each license issued pursuant to this chapter shall be valid for a period of one calendar year, and may be suspended or revoked by the city at any time prior to its expiration.

(b) A license must be renewed upon written application by the current license holder. Each renewal period will be subject to a 10% increase of the current license fee. Nothing herein contained shall be interpreted to require the city to renew a license or permit issued to a current licensee or permit holder.

(c) Nothing herein contained shall be interpreted to limit the City's right to give preference to the licensee or permit holder who has not had any violations under their license or permit, or to the licensee or permit holder who has implemented a program to incentivize users to return their device to an approved drop zone or parking facility at the end of their ride/use.

(d) A license issued pursuant to this chapter may be suspended or revoked by the city should a shared micromobility service operator fail to pay any tax, assessment, fee, or penalty due from the operator to the city.

(e) No license issued pursuant to this chapter shall be transferrable or assignable.

**Section        License fee.**

Each application for a license shall be accompanied by a non-refundable of \$50,000.00.

**Section        Motorized device fee.**

In addition to the non-refundable license fee set forth in §       , shared micromobility service operator shall remit to the city a fee in the amount of \$2.00

for each shared micromobility device for each day. The motorized device fee shall be calculated and billed monthly based on the number of devices authorized by the city of the current period. Payments shall be paid in full to the city by the shared mobility service operator within 30 calendar days of the date of invoice.

**Section Maximum number of operators.**

No more than three micromobility service operators shall be permitted to operate within the jurisdictional boundaries of the city at any one time.

**Section Maximum number of devices (by type).**

(a) A micromobility service operator may be permitted to operate different types of shared micromobility devices as component parts of the operator's fleet size. Each operator's fleet size shall be limited to a maximum number of devices.

(b) The city may allow a micromobility service operator to increase its fleet size upon the submission of usage data that demonstrates that each device in its fleet provides on average more than three rides per day.

(c) Nothing herein contained shall be interpreted to limit the city's right to require a micromobility service operator to reduce its fleet size, or to cease operations in the event that operator fails to timely rebalance or remove vehicles as required by this Chapter.

**DIVISION 2 - VENDOR/OPERATOR REQUIREMENTS**

**Section Education requirement.**

(a) An operator shall have the sole responsibility to educate persons using shared micromobility devices regarding riding etiquette, safety, and the rules, regulations, and laws applicable to operating and parking such devices.

(b) At minimum, an operator's user application or reservation process shall notify users:

- (1) Where each type of device may be legally ridden in accordance with applicable federal, state, and local laws and regulations.
- (2) In what locations and how to properly park each type of device.
- (3) Riding restrictions; including age, one person per device; riding under the influence.

- (4) How to report an accident, mechanical/operational problems, or other issue related to use/rental.
- (5) That users who are in violation of the provisions of this chapter or other applicable laws may be subject to additional penalties to those provided by this chapter.
- (6) That the devices are to be operated at the user's own risk and that the city has not made and does not make any representation or warranty regarding the condition of any city right-of-way or the suitability or safety of its use for the purposes of the user or any other purpose.
- (7) That users must at all times yield to a pedestrian and give an audible signal before overtaking and passing such pedestrian;
- (8) That unless required by federal or state law, the use of helmets is "strongly encouraged".

#### **Section Maintenance.**

- (a) An operator shall ensure that all devices in its fleet are in good working order, with operating front and rear lights, a horn or audible signal and safe to operate for a wide range of users in existing public rights-of-way.
- (b) Within two hours of notification that a device is not operable, an operator must remove the device from the public right-of-way.
- (c) An inoperable device must be repaired and in good working order before being returned to service.

#### **Section Technology requirements.**

- (a) Each micromobility device top motor-powered speed shall be limited to no greater than 15 miles per hour.
- (b) Each micromobility device must be equipped with active global positioning system (GPS), or comparable technology, for the primary purpose of tracking and controlling the device.
- (c) Each micromobility device must be equipped with technology commonly referred to as geofencing or capable of creating virtual geographic boundary enabling software to trigger a response when a device enters or leaves a particular area.
- (d) Each micromobility device must be equipped with technology capable of location-based speed regulation, deactivation, and parking restriction.

(e) Each micromobility device must be equipped with technology that can deactivate or reduce the device's motor speed to 1 mph in the following areas: [name prohibited areas, including sidewalks, if desirable] (The city will provide a map of prohibited riding locations to the operators, which must also be include in the operator's mobile app.)

Commented [SR2]: This is the place to name the destination locations that are off limits for micromobility device traffic,

(f) Each device must be equipped with technology that is capable of deactivating it outside of the approved hours of operation for a shared micromobility device in the city.

(g) An operator shall require every user to show or scan a photographic identification, which shows that the user is at least 18 years old.

(h) An operator shall require each user to take and upload a photograph of the place, position, and condition in which the user parked the micromobility device at the end of trip/ride.

#### Section Deployment, removal, and rebalancing.

(a) The city shall approve all deployment locations.

(b) Each type of device shall be rebalanced on a daily basis.

(c) A device that is staged in the same location for more than 48 hours, without being operated, shall be relocated by the operator within two hours of notification.

(d) A device that is parked or located in an area where parking or operation is prohibited shall be remotely disabled upon notification to the operator, and shall be removed and relocated by the operator within two hours of notification.

(e) A device that is inoperable, damaged, or does not comply with the provisions of this chapter, shall be removed within two hours of notification to the operator. For the purpose of this chapter, an inoperable or damaged device shall be defined as one that has one or more non-functioning features, including, but not limited to, gear selectors, pedals, bell, or lights, or is missing components, such as fenders, grips, or chain guards, as applicable to that device.

(f) Unless otherwise specified in this Chapter, an operator shall rebalance, remove, and relocate a device within two hours of receiving notification. Should the operator fail to timely comply within the time period herein prescribed, the city shall be authorized to remove, relocate, and store the device.

(g) An operator shall relocate the devices in the operator's fleet to a private facility within 24 hours after notification by the city of an emergency or severe weather event. Should the operator fail to timely comply with the time period herein prescribed, the city shall be authorized to remove, relocate, and store the micromobility devices.

(h) The city shall charge an operator a fee if the city removes, relocates, impounds, or stores a device pursuant to any provision of this chapter.

(i) An operator shall designate two local staff persons who will be responsible for fielding complaints, addressing technical difficulties, and coordinating the rebalancing, removal, and relocation of the devices offered by the operator.

**Section Insurance requirements; limitation of city liability.**

(a) To the fullest extent permitted by law, the city shall not assume any liability whatsoever with respect to implementing this shared micromobility pilot program, issuing or not issuing a license to operate, or otherwise approving or not approving the operation of any shared micromobility device within the jurisdictional boundaries of the city.

(b) As a condition to the issuance of any shared micromobility pilot program license or permit, the operator shall comply with the following requirements:

- (1) An operator shall not be self-insured.
- (2) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company or companies authorized to do business in Florida, who are rated A- (V) or better per A.M. Best's Key Rating Guide.
- (3) The insured provisions of the policy or policies must list the city, their officers, and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a motorized scooter.

(c) An operator shall maintain the following insurance coverages:

- (1) Commercial general liability with limits of \$2,000,000.00 per occurrence, \$5,000,000.00 policy aggregate affording coverage for claims resulting from bodily injury (including death) and property damage. The policy shall be written on a primary and noncontributory basis, and should insure against premises and operations, personal injury, and contingent and contractual exposures.
- (2) Automobile/motorcycle liability affording coverage on all motor vehicles/scooters used in connection with the operations or

activities contemplated under this article. The operator should furnish the city with a policy affording coverage on all owned autos and scooters, including coverage for hired and non-owned auto exposures, with a combined single limit for bodily injury (including death) and property damage of \$2,000,000.00 per accident.

(3) Workers compensation subject to the statutory limits of the State of Florida.

(d) The city retains the right to require additional insurance coverage in connection with the activities performed by the operator under this chapter as may be determined by the city manager, considering the size of the fleet and other liability insurance related factors.

(e) Failure to maintain required insurance coverage is cause for immediate cancellation of the license by the city manager.

(f) Any insurance policy required by this section must be on file with the \_\_\_\_\_, in a form acceptable to the city manager prior to the issuance of a license or permit under this chapter.

(g) Insurance required under this section must include a cancellation provision in which the insurance company is required to notify both the operator and city manager in writing not fewer than 30 days before cancelling any insurance policy or before making a reduction in coverage. An operator, upon receiving said notice from the insurer, shall file with the city, in a form acceptable to the city manager, any and all replacement insurance policies prior to the cancellation or reduction of the same.

(h) If any insurance policy issued to an operator is cancelled for any reason, the license issued pursuant to this chapter is automatically (by operation of the cancellation) suspended.

(i) In order to reinstate the license suspended due to insurance cancellation, the operator must provide a new policy of insurance and certificate to the city.

#### **Section \_\_\_\_\_ Performance bond requirements.**

(a) An operator shall submit to the city a payment and performance bond or, alternatively, an irrevocable letter of credit issued by a bank authorized to transact business in Florida, in a format as prescribed in F.S. § 255.05 and in a form acceptable to the city manager prior to the issuance of a license under this chapter.

(b) The payment and performance bond or irrevocable letter of credit shall be in the sum of \$50,000.00, and must list the operator as principal and be payable to the city.

(c) The payment and performance bond or irrevocable letter of credit must remain in effect for the duration of the license.

(d) Cancellation of the payment and performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and license. If the payment and performance bond or irrevocable letter of credit is cancelled, the license shall be suspended on the date of cancelation and the operator shall immediately cease operations until the operator provides the city manager, or his or her designee, with a payment and performance bond or irrevocable letter of credit that meets the requirements of this section.

#### **Section Indemnification.**

(a) An operator shall indemnify and hold harmless the city, its city council, individual councilors, agencies, agency members, boards, board members, commissions, commission members, committees, committee members, task forces, task force members, officers, officials, employees, representatives, volunteers, and agents from any and all claims, losses, damages, expenses, fines, penalties, amounts paid in compromise, settlement, or judgment, and defenses cost (including without limitation, actual, direct, out-of-pocket costs and expenses) for or related to any injuries, property damage, or liabilities or claims of any kind or nature, whether civil, criminal, administrative, or investigative which arise out of, or which are in any way related or connected to, the condition and features on any sidewalk, sidewalk area, bike lane or bike path, street, or other areas within the city on which a shared micromobility device is operated, and/or the city's issuance of a shared micromobility pilot program license; or decision to approve or deny a shared micromobility pilot program license; the process used by the city in making its decision to approve or deny a shared micromobility pilot program license; the operation and use of any shared micromobility device deployed by any micromobility service operator who has received a shared micromobility pilot program license; the classification by the micromobility service operator of any individuals or entities performing services for the operator as employees or contractors; or the alleged violation of any federal, state, or local law by the operator or any of its officers, managers, employees, contractors or agents.

(b) The indemnity required by this section shall apply to all claims and liability regardless of whether an insurance policy of the operator, are applicable thereto.

(c) The policy limits of any insurance of the operator shall not limit the indemnification obligations imposed on an operator by this section.

(d) An operator shall reimburse the city for all costs and expenses, including, but not limited to, attorney fees and costs, which it may be required to pay as a result of any legal challenge related to the city's approval of or activities conducted pursuant to the applicant's shared micromobility pilot program license. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

(e) An operator's obligation to indemnify, defend, and hold harmless as required by this section shall survive the revocation or expiration of a license issued pursuant to the provisions of this chapter.

#### **Section Data sharing, reports sharing.**

(a) An operator shall report real-time micromobility-data-specifications to the city each month on or before the day, or a format specified by the city, and which must include real-time status of each device in operational mode, under maintenance, or in non-operational mode.

(b) The city will create the template for the micromobility-data-specifications monthly report template, which must provide for the reporting of the following information:

- (1) Number of micromobility devices in circulation.
- (2) Number of daily, weekly, and monthly users.
- (3) Total number of miles traveled by users, daily, monthly, quarterly, and annually, delineated by each type of device, e.g. e-scooter and e-bicycles.
- (4) Average time each device is available for use.
- (5) Number of rides for each user each day.
- (6) Number of rides each day.
- (7) Duration of daily ride by user for each device.
- (8) Average daily duration of ride.
- (9) Summary of user comments and complaints, and resolution of each complaint.
- (10) Monthly summary of repairs for each device.
- (11) Total number accidents and type of injuries reported each month.

(12) Total number of devices deployed in the city each month.

(13) Total number of devices serviced each month.

(14) Total number of devices lost, stolen, missing, and vandalized each month.

(c) All reports and data provided will be considered a public record and available for the city to publish on a voluntary or by request basis.

(d) The city or a third-party vendor selected by the city may audit any data provided by the operator to ensure completeness and accuracy of the operator reports.

**Section                      Grounds for revocation, suspension or denial.**

(a) An operator's license or permit may be cancelled, revoked, suspended, or denied for one or more of the following:

(1) Operator making a false or misleading statement during the application process, or during the pilot program.

(2) Operator omitting material information during the application process.

(3) Operator failing or refusing to provide information requested or required by the city.

(4) Operating in a manner that endangers public health or safety.

(5) Operator failing to comply with any requirement imposed by the provisions of this chapter, or applicable federal, state, and local law.

(6) Operator's criminal conviction for an offense that is substantially related to the qualifications, functions, or duties of the shared micromobility business or profession, including, but not limited to, an offense involving violence, fraud, deceit, embezzlement, or any felony.

(7) Any other ground expressly provided in this chapter.

(8) Within the discretion of the city.

**Section                      Penalty; enforcement against operator.**

(a) Impoundment.

(b) Suspension.

(c) Revocation.

(d) Reimbursement to the city. If the city incurs any cost in addressing or abating any violation of this chapter, including any cost of repair or maintenance of any public property resulting from the use of motorized scooters, the shared micromobility service operator shall reimburse the city for the full cost within 30 days of receiving written notification from the city.

### ARTICLE III USER REGULATIONS

#### DIVISION 1- GENERAL PROVISIONS

**Section** No one under the age of 18 shall operate or use a shared micromobility device without the expressed documented consent of a parent or legal guardian.

**Section** A device user who causes injury to a person or damage to property shall immediately stop the device and:

- (1) Provide any injured person reasonable assistance.
- (2) Give the injured person or owner of damaged property the user's name, address, and phone number.
- (3) If the damaged property is unattended, leave a note or other writing with the user's name, address, and phone number. The user shall leave the note or other writing in a conspicuous place at the scene of the damage or securely attach the note or other writing to the damaged property.

#### DIVISION 2 - OPERATING RESTRICTIONS AND RIDING LIMITATIONS

**Section** A user shall ride a device in accordance with applicable federal, state and local laws.

**Section** A user shall not operate a device outside of the approved hours of operation for shared micromobility devices in the city.

**Section** A user shall not operate a device in excess of 15 mph or the maximum speed for the device as permitted by state law.

**Section** A user shall not operate a device while consuming alcohol or a controlled substance or while under the influence of alcohol or a controlled substance.

**Commented [SR3]:** An option to consider is to have a stand-alone ordinance addressing the actual operation of a device by a rider. In a separate ordinance you can also decide whether that set of regulations should apply to commercially-offered devices as well as personally-owned devices.

**Section** \_\_\_\_\_ A user shall not operate a device in a no-go zone or as otherwise expressly prohibited by this chapter or directional sign.

**DIVISION 3 - PARKING RESTRICTIONS.**

**Section** \_\_\_\_\_ A shared micromobility device must be upright while parked or deployed.

**Section** \_\_\_\_\_ A shared micromobility device must be parked on a sidewalk or other hard surface in a designated drop zone or a city-owned and approved location.

**Section** \_\_\_\_\_ A shared micromobility device must not be parked in a manner that would reduce the minimum clear width of a sidewalk to less than four feet.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked on a block that does not have sidewalks or where the sidewalk is at any point less than six feet wide.

**Section** \_\_\_\_\_ A shared micromobility device must be parked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.

**Section** \_\_\_\_\_ A shared micromobility device must not be parked in a manner that would restrict ingress to or egress to any building or structure.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked in a manner that would impede vehicular traffic.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked in a way that blocks:

- (1) Fire hydrants, call boxes, or other emergency facilities.
- (2) Public transportation facilities, including bus stops, bus stop benches or street seating, and parking pay stations.
- (3) Commercial Loading spaces or zones.
- (4) Passenger loading spaces or zones, or valet parking services areas.
- (5) Handicap or prohibited parking spaces or zones.
- (6) Building entryways.

(7) Driveways.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked in a manner that would impose a threat to public safety or security or create conditions which are a threat to public safety and security.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked on private property without the consent of the property owner.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked in a no-go zone or where parking is prohibited by directional sign.

**Section** \_\_\_\_\_ A shared micromobility device shall not be parked within a vehicular or bicycle travel lane.

**DIVISION 4 - VIOLATION; ENFORCEMENT.**

**Section** \_\_\_\_\_ A violation under this chapter occurs when a person commits an act prohibited by this chapter or fails to perform an act required by this chapter. Intent or culpable mental state is not required to show or otherwise prove a violation.

**Section** \_\_\_\_\_ Each violation constitutes a separate offense.

**Section** \_\_\_\_\_ A police officer or officer designated by the city manager may issue a citation for any violation of this ordinance.

**Commented [SR4]:** Relative to penalty, consider implementing a schedule of fees so that a person can pay a fine upon citation rather than appearing to state a case....