

City of Jacksonville

117 W Duval St
Jacksonville, FL 32202



Meeting Minutes

Tuesday, September 17, 2019

2:00 PM

Council Chambers 1st Floor, City Hall

Rules Committee

Joyce Morgan, Chair
Rory Diamond, Vice Chair
Michael Boylan
Matt Carlucci
Randy DeFoor
Brenda Priestly Jackson
Sam Newby

Legislative Assistant: Ladayija Nichols
Legislative Assistant: Juliette Williams
Legislative Assistant: Staci Lopez
Deputy General Counsel: Peggy Sidman
Research Asst.: Colleen Hampsey
Administration: Rachel Lockhart
Council Auditor's Office: Trista Carraher

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, such person will need a record of the proceedings, and for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Meeting Convened: 2:00 PM Meeting Adjourned: 4:30 PM

NOTE: The next regular meeting will be held Tuesday, October 1, 2019.

Item/File No.	Title History
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1. [2019-0330](#) ORD-MC Creating New Pt 1 (Small Quantity Marijuana Possession), Chapt 606 (Drugs), Ord Code, to Create a Civil Citation Prog for possession of less than 20 grams of Marijuana or Marijuana Drug Paraphernalia in alternative to Criminal Prosecution. (Johnston) (Introduced by CM Dennis)
5/15/2019 CO Introduced: NCSPHS,R
5/20/2019 NCSPHS Read 2nd & Rerefer
5/21/2019 R Read 2nd & Rerefer
5/28/2019 CO PH Read 2nd & Rereferred; NCSPHS,R
8/19/2019 NCSPHS Sub/Approve 2-5 (CM's White,Carlucci, Diamond, Gaffney, Newby)
8/20/2019 R Sub/Approve 3-4 (CM's Diamond, Defoor,Carlucci,Newby)
8/27/2019 CO Rereferred 11-8; NCSPHS, R (CM's Becton, Bowman, Ferraro, Freeman, Newby, Salem, White & Wilson)
9/5/2019 NCSPHS Meeting Cancelled/Defer
9/16/2019 NCSPHS Sub/Approve 2-5 (CM's White,Carlucci, Diamond, Gaffney, Newby)
9/17/2019 R Sub/Approve 2-5 (CM's Diamond,Boylan,Carlucci, DeFoor, Newby)
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 - 5/28/19

SUB/APPROVE

As substituted:

- **Updates the terms to refer to cannabis (rather than marijuana) and includes a definition consistent with changes in state law which took effect on July 1, 2019**
- **Ties the fine structure for the civil citation to Chapter 609 fine schedule (Code Enforcement) rather than a separate fine schedule**
- **Specifies that fine revenue will be deposited into the Duval County Alcohol and Other Drug Abuse Trust Fund**

CM Dennis was in attendance to speak about this bill, noting that hemp is now legal in Florida and there are no state approved test kits which differentiate between cannabis and hemp. CM Dennis also spoke about the negative and long term consequences which occur when an individual has a criminal record. Public Defender Cofer was present and said that a criminal record, even for possession of small amounts of cannabis, can prevent individuals from finding/retaining employment and bar them from federal student loans and grants. CM Diamond said he would support the bill only if the Sheriff was in agreement. CM Diamond also asked about the effect on federal grants if civil citations could be given for the possession of small amounts of cannabis. When asked by CM Dennis to report back on any issues with federal grants, Brian Hughes, CAO, said he would find out how other cities with this kind of cannabis policy have been impacted. CM Boylan expressed concerns about marijuana and impaired driving, as many of the arrests for possession occur when vehicles are pulled over by law enforcement for some other infraction. Mr. Cofer said that if this bill passes, law enforcement's discretion would not diminished and that they still would have the

full authority to make arrests for DUI, if applicable.

Speakers:

Brian Hughes, Chief Administrative Officer - Executive Office of the Mayor
Charles Cofer, Public Defender - Fourth Judicial Circuit of Florida

Aye: 2 - Morgan and Priestly Jackson

Nay: 5 - Diamond, Boylan, Carlucci, DeFoor and Newby

2. [2019-0595](#) RESO Expressing Council's Opposition for Local Bill J-1 to be Considered by Duval County Legislative Delegation, which Amends Chapter 92-341, F.S. & Sec 13.01, Charter of the City of Jax Estab that Members of the Duval County School Board be Appointed by the Mayor of the City of Jax; Directing Distribution of Reso Copies. (Sidman) (Introduced by CM Carlucci)(Co-Sponsored by CM's Dennis, Morgan, Boylan & Hazouri)
8/13/2019 CO Introduced:R
8/20/2019 R Read 2nd and Rerefer
8/27/2019 CO Read 2nd and Rerefer;R

DEFER

CM Carlucci offered a substitute for this bill and requested it be deferred to provide more time for discussion. CM Boylan asked for his name to be removed as a co-sponsor. CM Dennis expressed his support for CM Carlucci's bill and commented on the J-1 bill, which proposes an elected school superintendent. CM Dennis also said that if the Florida Legislature decides to offer the elected school superintendent policy to the voters through referendum, then maybe the electorate should also decide whether all of the heads of local government agencies should be elected positions as well.

Speaker:

Jordan Elsbury, Director of Intergovernmental Affairs - Executive Office of the Mayor

3. [2019-0619](#) ORD Approp \$14,450.54 from the Tree Protection & Related Trust Fund, to provide funding to the P.W. Dept., Mowing & Landscape Maint. Div, for a watering trailer to water trees planted on public propty; waiving the requiremtns of Sec 111.760 (Tree Protection & Related Expenses Trust Fund), Ord Code, that limits the annual amt approp from the trust fund to a max of 25% of the amt budgeted in that yr for tree maint activities in the P.W. Dept; Auth the Mayor/his Designee & the Corp Secretary to Execute the Contract to purchase the Watering Trailer; Appointing the Dept of P.W. to Oversee Purchase. (Grandin) (Introduced by CM Salem)
8/27/2019 CO Introduced: TEU, F, R
9/5/2019 TEU Meeting Cancelled/Read 2nd Rerefer
9/6/2019 F Read 2nd and Rerefer
9/6/2019 R Read 2nd and Rerefer
9/10/19 CO Read 2nd and Rerefer; TEU, F, R
9/16/2019 TEU Approve 6-0
9/17/2019 F Approve 7-0
9/17/2019 R Approve 7-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 9/10/19

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

4. [2019-0627](#) RESO Conf Appt of Ingrid I. Bethel to the Civil Service Board for a 1st full 3-yr term that exp 6/30/22, replacing Ellye Smith Aull. (Sidman)(Req of Civil Service Board)
8/27/2019 CO Introduced: R
9/6/2019 R Read 2nd and Rerefer
9/10/2019 CO Read 2nd and Refefer; R
9/17/2019 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

5. [2019-0628](#) RESO Appt Gezil Andrews as Member of Jax-Duval County Council on Elder Affairs, replacing Carol D'Onofrio as Council Dist 11 Rep for First Full Term exp 6/30/21. (Distel)(Introduced by CM Becton)
8/27/2019 CO Introduced: R
9/6/2019 R Read 2nd and Rerefer
9/10/2019 R Read 2nd and Rerefer; R
9/17/2019 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

6. [2019-0629](#) RESO Appt Ronald V. Swanson as Member of the 2019 Charter Revision Commission, replacing Scott Shine as School Board Dist 2. (Sidman) (Introduced by CP Wilson)
8/27/2019 CO Introduced: R
9/6/2019 R Read 2nd and Rerefer
9/10/2019 CO Read 2nd and Refefer; R
9/17/2019 R Approve 7-0

APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

7. [2019-0653](#) RESO Supporting Adoption of City of Jax Complete Streets Policy. (West) (Introduced by CM Newby) (Co-Sponsored by CM Cumber)
9/10/2019 CO Introduced: TEU, R
9/16/2019 TEU Read 2nd & Rerefer
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

8. [2019-0654](#) RESO Appt Jessica Matthews as City Council Chief of Legislative Services Pursuant to Sec 11.104, Ord Code; Requesting One Cycle Emergency. (Sidman) (Introduced by Personnel Committee) (Co-Sponsored by CM Newby)
9/10/2019 CO Introduced:R
9/17/2019 R Emergency/Approve 7-0

EMERGENCY/APPROVE

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

9. [2019-0655](#) RESO Commending the young men from Robert E. Lee High School in the EVAC Movement for their Leadership & Justice Advocacy. (Hampsey) (Introduced by CM Freeman)(Co-Sponsored by CM's DeFoor, Morgan, Diamond, Newby, Jackson)
9/10/2019 CO Introduced: R
9/17/2019 R Amend/Approve 7-0

AMEND/APPROVE

CM Freeman was in attendance to speak about this resolution, which commends high school teacher Amy Donofrio and the youth in the EVAC movement. The floor amendment did not make substantive changes, but adjusts some of the language as requested by Ms. Donofrio.

CMs Boylan, Priestly Jackson, Morgan, Diamond and Newby asked to be added as co-sponsors.

Incorporate technical changes to the languages as requested by the bill sponsor and leader of the EVAC group

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

10. [2019-0656](#) RESO Conf Appt of Monty Selim, as a member of the Renew Arlington CRA Advisory Board, as a Planning Field Rep, filling a seat formerly held by Stephen A. Berry, for a partial term ending 12/31/19, followed by a first full term ending 12/31/2023. (Distel)(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

11. [2019-0657](#) RESO Honoring & Commending JSO's Lt Frederick Dash, Sgt Jason Bailey & Ofc Taime Viner for their rescue of a motorist from a submerged vehicle. (Clements)(Introduced by CM Freeman)(Co-Sponsored by CM's Morgan & DeFoor)
9/10/2019 CO Introduced: R
9/17/2019 R Approve 7-0

APPROVE

CMs Morgan and DeFoor asked to be added as co-sponsors.

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

12. [2019-0658](#) RESO Honoring & Commemorating the Life & Accomplishments of Alvin "Pete" Carpenter. (Clements)(Introduced by CMs Boylan & Hazouri)
(Co-Sponsored by CM's DeFoor, Morgan & Carlucci)
9/10/2019 CO Introduced: R
9/17/2019 R Approve 7-0

APPROVE**CMs Morgan and Carlucci asked to be added as co-sponsors.**

Aye: 7 - Morgan, Diamond, Boylan, Carlucci, DeFoor, Priestly Jackson and Newby

13. [2019-0659](#) RESO Conf Appt of Shelly Grant as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

14. [2019-0660](#) RESO Conf Appt of Larry Cook as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

15. [2019-0661](#) RESO Conf Appt of Shamika Baker Wright as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21.
(Distel) (Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

16. [2019-0662](#) RESO Conf Appt of Ellen Glasser as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

17. [2019-0663](#) RESO Conf Appt of Brandon Griggs as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

18. [2019-0664](#) RESO Conf Appt of Vicki Waytowich as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

19. [2019-0665](#) RESO Conf Appt of Timothy Sloan as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

20. [2019-0666](#) RESO Conf Appt of Camille Burban as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

21. [2019-0667](#) RESO Conf Appt of William Gentry as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

22. [2019-0668](#) RESO Conf Appt of Sabrina Edwards as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

23. [2019-0669](#) RESO Conf Appt of Phyllis Hall as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

24. [2019-0670](#) RESO Conf Appt of Ronnie King as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

25. [2019-0671](#) RESO Conf Appt of Frank Denton as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

26. [2019-0672](#) RESO Conf Appt of Donna Webb as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

27. [2019-0673](#) RESO Conf Appt of Linda Joseph as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

28. [2019-0674](#) RESO Conf Appt of Richard Danford as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

29. [2019-0675](#) RESO Conf Appt of Tom Geismar as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

30. [2019-0676](#) RESO Conf Appt of Constance Hall as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

31. [2019-0677](#) RESO Conf Appt of Josh Cockrell as a member of the Safety and Crime Reduction Commission for an initial term ending 6/30/21. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

32. [2019-0678](#) RESO Conf Appt of Mark Griffin as Chair of the Safety and Crime Reduction Commission for an initial term ending 6/30/20. (Distel)
(Introduced by CP Wilson)
9/10/2019 CO Introduced: R
9/17/2019 R Read 2nd & Rerefer

READ 2ND & REREFER

*******Note: Items may be added at the discretion of the Chair.*******

Attendance

Council Members Dennis, Freeman and White

Also: Peggy Sidman- Office of General Counsel; Rachel Lockhart – Mayor’s Office; Colleen Hampsey – Council Research; Kyle Billy and Trista Carraher – Council Auditor’s Office; Juliette Williams and Ladayija Nichols – Legislative Services

ROLL CALL

Present: 7 - Chair Joyce Morgan, Vice Chair Rory Diamond, Council Member Michael Boylan, Council Member Matt Carlucci, Council Member Randy DeFoor, Council Member Brenda Priestly Jackson and Council Member Sam Newby

Minutes: Colleen Hampsey, Council Research

CHampsey@coj.net

Posted 9.19.19 5:00 pm

Further Discussion

After the agenda business was complete there was further discussion about Council Rules and Ordinance 2019-566 (which pertains to JEA pension plans):

Per memorandum from CP Wilson, the Rules Committee has been charged with reviewing various Council Rules. CM Diamond presented background on the potential conflict between Rules 4.602 (voting is required and if council members refrain from voting, it will be counted in the affirmative) and 4.605 (proxy votes are prohibited). There was discussion about who/how the affirmative vote would be registered if proxy voting is prohibited, as someone would actually have to press the vote button. It was proposed that Legislative Services staff could do the vote, but not all committee members agreed with that course of action. More discussion on these Rules, and selected others, will be forthcoming.

There was also discussion about 2019-566 which seeks to provide JEA employees a buy up provision whereby JEA will purchase service credits (years of service for retirement purposes) for employees, which would only be effective in the event of a Recapitalization Event. Several CMs spoke about the possible sale of JEA and the effects on the city. This bill is not up in front of the Rules Committee, but CM Morgan wanted to discuss it anyways. While such a discussion about a bill not in front of the committee is unusual, it is permissible.

Sherry Hall, JEA, said that this bill will provide comfort to JEA employees who may face uncertainty over the possible sale of JEA. Kyle Billy, Council Auditor, explained JEA's retirement benefits and any changes this ordinance would bring. Mr. Billy said that one concern associated with a Recapitalization Event would be that the City would be responsible for any and all pension benefits for JEA employees and pensioners.

CM Priestly Jackson cautioned that good decisions aren't made out of fear, noting that this matter needs to be referred to the Rules Committee for a deeper discussion. Valerie Gutierrez, Business Manager of IBEW 2358, said that IBEW has negotiated this pension package with JEA and urges its passage because of the security it will provide to JEA employees regarding the future of their pensions, and that this pension provision is a part of the collective bargaining agreement that will be coming to the City Council shortly for ratification. CM Priestly Jackson asked why if this matter was collectively bargained is it coming to Council as a bill separate from the collective bargaining agreement ratification bill. Sherry Hall said it is because all changes to the pension plan must be adopted by separate legislation in addition to being in the CBA.