

City of Jacksonville

117 W Duval St
Jacksonville, FL 32202



Meeting Minutes

Monday, December 2, 2019

2:00 PM

Council Chambers 1st Floor, City Hall

Transportation, Energy & Utilities Committee

Terrance Freeman, Chair
Ron Salem, Pharm. D., Vice Chair
Danny Becton
Aaron Bowman
LeAnna Cumber
Garrett Dennis
Al Ferraro

Legislative Assistant: Ladayija Nichols
Legislative Assistant: Sharonda Davis
General Counsel: Paige Johnston
Research Assistant: Anthony Baltiero
Council Auditor's Office: Phillip Peterson
Administration: Rachel Lockhart
Planning Dept.: Laurie Santana

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: 2:00pm

Meeting Adjourned: 3:21pm

NOTE: The next regular meeting will be held Monday, January 6, 2019.

Chairman Freeman led the Pledge of Allegiance.

Item/File No.

Title History

1. [2019-0462](#) ORD-MC Amend Chapt 656 (Zoning Code), Ord Code; Amend Pt 6 (Off-Street Parking, On-Street Parking & Loading Regs), Subpart A (Off-Street Parking, On-Street Parking & Loading for Motor Vehicles), Sec 656.607 (Design Standards for Off-Street, On-Street Parking & Loading Facilities); & Amend Pt 12 (Landscape & Tree Protection Regs), Subpart C (Landscaping Requirements), Secs 656.1203 (Definitions), 656.1209 (Applicability), 656.1210 (Landscaping Requirements Related to Comp Plan Policies), 656.1214 (Vehicular Use Area Interior Landscaping), 656.1215 (Perimeter Landscaping), 656.1216 (Buffer Standards Relating to Uncomplementary Land Uses & Zoning) & 656.1222 (Buffer Requirements for Residential Subdivisions), Ord Code, to Create Standardized Buffers based on Differing Adjacent Uses; Providing for Directive to Codifiers; Providing for Enforcement Dates. (Grandin) (Introduced by CM Boyer) (Co-Sponsored by CM Ferraro, Crescimbeni)
6/25/2019 CO Introduced: TEU,LUZ
7/15/2019 TEU Read 2nd & Rerefer
7/16/2019 LUZ Read 2nd & Rerefer
7/23/2019 CO Read 2nd & Rereferred; TEU, LUZ
9/5/2019 TEU Meeting Cancelled/Defer
LUZ PH - 8/20/19, 9/9/19, 10/1/19, 11/5/19, 12/3/19, 2/19/20
Public Hearing Pursuant to Sec 166.041(3)(a), F.S. & CR 3.601 - 8/13/19

DEFER

At the request of
CM Ferraro

2. [2019-0555](#) ORD Auth the Approp of \$1,725,422.19 in funding from the City's General Fund, General Svc. Dist. Fund Balance, in order to provide funding for the repayment by the City of funds received from the State of FL Dept of Environmental Protection, Pursuant to that certain land & water conservation Fund Agreement No.12-00182 btwn the City & the State of FL ("Grant Agreement"), to allow for the future dev of Metropolitan Park; Apv & Auth Mayor & Corp Sec to Exec any Grant Agreeemt termination docs & othr agreemts as req by law.
(B.T. 19-112)(Lotzia)(Req of Mayor)
8/13/2019 CO Introduced: NCSPHS, TEU, F
8/19/2019 NCSPHS Read 2nd & Rerefer
8/19/2019 TEU Read 2nd & Rerefer
8/20/2019 F Read 2nd and Rerefer
8/27/2019 CO PH Read 2nd and Rerefered; NCSPHS,TEU,F
9/5/2019 NCSPHS Meeting Cancelled/Defer
9/5/2019 TEU Meeting Cancelled/Defer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 8/27/19

DEFER

At request of the
Administration

3. [2019-0556](#) ORD Estab the "Bay Street Innovation Corridor"; Req City Depts & Approp Independent Authorities to estab policies & procedures to streamline the adoption & implementation of New technologies within the Corridor & to consider adding advanced technologies when repairs or maint of public r/w's or facilities take place within the Corridor. (Sidman)
(Introduced by CM Bowman)
8/13/2019 CO Introduced: TEU
8/19/2019 TEU Read 2nd & Rerefer
8/27/2019 CO PH Read 2nd and Rerefered;TEU
9/5/2019 TEU Meeting Cancelled
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 8/27/19

DEFER

At the request of
CM Bowman

4. [2019-0693](#) ORD-MC Regarding JEA; Amend Sec 21.07 (Fiscal & Budgetary Functions), Article 21 (JEA), City Charter, to create a New Subsection M to provide for a sharing of dividends to JEA customers based on JEA's change in net position. (Sidman)(Introduced by CM Dennis)
9/24/2019 CO Introduced: TEU, F, R
9/30/2019 TEU Read 2nd & Rerefer
10/1/2019 F Read 2nd and Rerefer
10/1/2019 R Read 2nd and Rerefer
10/8/2019 CO PH Addnl Read 2nd and Rerefered;TEU,F,R
Public Hearing Pursuant to Chapt 166, F.S.& to Sec. 21.11, City Charter & CR 3.601 – 10/8/19 & 11/12/19

DEFER

Pursuant to
Section 21.11
City Charter
Public Hearing

5. [2019-0725](#) ORD-MC Amend Sec 120.203 (Contributions: Refund of Contributions), Pt.2(Gen Employees Retirement Plan), Chapt. 120 (Gen Employees & Corrections Officers Pension Plans & all Employees Defined Contribution Retirement Plans), Ord Code, to provide for payment of JEA's unfunded actuarial accrued liability upon JEA recapitalization event; Making amendment contingent upon recapitalization event for a sunset date . (Sidman) (Introduced by CM Carlucci)
10/8/2019 CO Introduced: TEU, F, R
10/14/2019 TEU Read 2nd & Rerefer
10/15/2019 F Read 2nd & Rerefer
10/15/2019 R Read 2nd & Rerefer
10/22/2019 CO PH Read 2nd and Rerefered;TEU,F,R
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 -10/22/19

DEFER

At the request of
CM Carlucci

6. [2019-0770](#) ORD MC- Amend Chapt. 711 (City Rights-of-Way) Pt.4 (Commun. Facilities in City Rights-of-Way), Sec. 711.403 (Definitions), Sec. 711.404 (Registration for Placing, Maintaining or Collocating Commun. Facilities in City Rights-of-Way), Sec. 711.406 (Appeals), Sec. 711.412 (Perf. Bond for Constrn.. & Maint.), Sec. 711.413 (Surety Fund), Sec. 711.417 (Enforcement of Permit Obligations; Suspension & Revocation of Permit), Sec. 711.418 (Addn'l Registration Terms & Permit Conds.) Sec. 711.427 (Registration for Placing, Maintaining or Collocating Commun. Facilities in City Rights-of-Way Assoc. w/Collocation of Small Wireless Facilities or Small Wireless Sole purpose new utility poles), Sec. 711.429 (Permit Application), Sec. 711.432 (Objective Design Standards), Sec. 711.437 (Permit Required; Exceptions), Sec. 711.438 (Objective Design Standards), in order to comply with the provisions & requirements contained in Sec. 337.401.F.S.;providing for codification instructions (Teal) (Introduced by CP Wilson)
10/22/2019 CO Introduced: NCSPHS & TEU(added on 11/12/19), LUZ
11/5/2019 LUZ Read 2nd & Rerefer
11/12/2019 CO PH Read 2nd and Rerefered; NCSPHS, TEU, LUZ
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 -11/12/19

DEFER

At the request of
CM Becton

7. [2019-0807](#) ORD Closing & Abandoning Jax Heights Unopened & Unimproved r/w, at request of KB Home Jax, LLC; Prov. Approval Subj. to Cond(s) (McCain) (Req of Mayor) (Dist.12-CM White)
11/12/2019 CO Introduced: TEU
11/18/2019 TEU Read 2nd & Rerefer
11/26/2019 CO PH Read 2nd & Rereferred;TEU
12/2/2019 TEU PH Approve 7-0
TEU PH Pursuant to Sec 336.10, F.S.-12/2/19
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 -11/26/19

PUBLIC HEARING
Open and Close

Renee Hunter, Real Estate Officer, described the right-of-way abandonment request by the owner of the property on both sides of the right-of-way.

APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

8. [2019-0812](#) ORD Approp \$95,000.00 from NW Jax Economic Dev Reserves to the NW Jax Economic Dev Subsidies & Contributions to allow the City to partner w/JTA to fund a grant for a Pilot Transportation Prog Apvd by Ord. 2019-245-E "Full Service Grocery Store Imprvmnt Prog" ("The Program") for 1-yr. Apv & Auth Mayor or his designee & Corp Sec to Exec & Deliver for & on behalf of the City, Funding Agmnt btwn the COJ & JTA for Pilot Transportation Prog.; Oversight by OED. (B.T. 20-024) (McCain) (Req of Mayor) (Co-Sponsored by CM Dennis, Carlucci, Newby, Gaffney, White, Morgan & Salem)
11/12/2019 CO Introduced: NCSPHS, TEU, F
11/18/2019 NCSPHS Read 2nd & Rerefer
11/18/2019 TEU Read 2nd & Rerefer
11/19/2019 F Read 2nd & Rerefer
11/26/2019 CO PH Read 2nd & Rereferred;NCSPHS,TEU,F
12/02/2019 NCSPHS Amend/Approve 7-0
12/02/2019 TEU Amend/Approve 7-0
12/03/2019 F Amend/Approve 7-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601-11/26/19

AMEND/APPROVE

In response to a request from Council Member Becton, Economic Development Director Kirk Wendland described how the JTA's existing Northside Ready Ride program will be expanded to deal with grocery store trips. The City's funds will pay for the entire ride subsidy (no cost to the rider) and for promotional costs. Mr. Becton felt that expanded JTA routes and stops with smaller vehicles would better serve the needs of more people. Mr. Wendland noted that this is a one-year trial to see if it can be successful. If it is successful then maybe the stores that benefit from the shoppers would be interested in participating financially. Mr. Becton urged OED not to be afraid to make changes in less than one full year of operation based on observed results.

In response to a question from Council Member Ferraro, Jessica Shepler of the JTA described how the Ready Ride door-to-door service took over for Community Shuttles that weren't highly used; the new system is more convenient for riders. The grocery ride system will operate on-demand from Monday through Saturday. Bookings will be done on a separate phone line so riders can be tracked specifically for this program. In response to a question from Council Member Dennis about whether JTA will get a share of the \$85,000 as a management fee, Ms. Shepler said they would not; this is an add-on to the existing contract. She said the cost is \$18 per one-way trip, \$36 round trip.

Council Member Dennis offered an amendment to require JTA to make a progress report to the TEU Committee in 6 months – the amendment was approved and the two amendments were rolled together.

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

AMENDMENT

1. Pg. 1, line 6 and pg. 2, line 6: insert “the” before “Northwest”
2. Pg. 1, lines 6 and 8 and pg. 2, lines 7 and 8: insert “Fund” after “Development”
3. Pg. 1, line 20: insert “the” before “pilot”
4. Require that JTA provide TEU a status update on the program after 6 months
5. Attach revised Exhibit 2 (funding agreement) to:
 - clarify the program start and end dates (2/1/20-1/31/21)
 - include the scope of services for the program
 - clarify the reporting requirements
 - remove reference to Ch. 118 and include reference to guidelines established in 2019-768
 - include a financial true-up at the end of the agreement

Council Member Salem asked to be added as a co-sponsor.

9. [2019-0813](#) ORD Approp \$200,000 from Mobile Markets Prog/Reserves to Subsidies & Contributions to Private Orgs., to Regional Food Bank of NE FL, Inc. D/B/A Feeding NE FL (“The Company”) for Purpose of Providing Money Market Prog. Grant to company in the up-to amnt. of \$200,000 to provide funding for the purchase of a towing vehicle, trailer & related equipment. As necessary for Operation of a Mobile Food Market for NE Jax; provid.for carryover of funds from yr to yr until funds are expended or lapse according to the Agmnt; Apv & Auth Mayor & Corp Sec to Exec & Deliver Mobile Mrkt Prog Agmnt btwn COJ & the Company; Apv & Auth the Mayor, or his designee, & Corp. Sec. to execute & deliver that a certain Mobile Market Prog. Agreemnt. btwn the City & the Company; Auth Apv. of Technical Amendmnts by the Exec Director of OED; Oversight by OED; (B.T. 20-31) (Sawyer) (Req of Mayor)(Co-Sponsored by CM Dennis, Morgan, Newby, White, Carlucci, Diamond, Pittman & Salem)
11/12/2019 CO Introduced: NCSPHS, TEU, F
11/18/2019 NCSPHS Read 2nd & Rerefer
11/18/2019 TEU Read 2nd & Rerefer
11/19/2019 F Read 2nd & Rerefer
11/26/2019 CO PH Read 2nd & Rereferred; NCSPHS, TEU, F
12/02/2019 NCSPHS Amend/Approve 5-0-1 (Abstain- CM R.Gaffney)
12/02/2019 TEU Amend/Approve 7-0
12/03/2019 F Amend/Approve 7-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601-11/26/19

AMEND/APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

AMENDMENT

- 1. Attach revised Exhibit 1 to attach signed BT**
- 2. Attach revised Exhibit 2 to attach corrected project summary**
- 3. Place revised agreement on file to correct scrivener's errors**

10. [2019-0835](#) ORD Closing & Abandoning &/or Disclaiming an Unopened & Unimproved Portion of the Oak St R/W at Req of DIA, Req One Cycle Emerg Passage. (Dist 7-Gaffney) (Sawyer) (Req of DIA)
11/26/2019 CO Introduced: TEU
12/02/2019 TEU PH Emergency/Approve 7-0
TEU PH Pursuant to Sec 336.10 F.S. – 12/2/19
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –12/10/19

PUBLIC HEARING

Open and Close

EMERGENCY

APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

11. [2019-0843](#) ORD MC-Amend COJ Addressing & St. Naming Policy Purs. to Chapt 745 to replace term, "Out of Sequence" w/"Nonconforming St. Addresses; Creating Grandfathering & Criteria for Correcting Nonconforming St., Addresses; Creating Procedures to correct Nonconforming St. Addresses; Prov. review of certain addressing issues by 911 Emerg Addressing Advisory Comm; Prov procedural flow chart for correcting Nonconforming St. Addresses; placing revised policy on file w/Leg. Svcs. & Planning & Dev Dept; Amend Chapt 745 (Addressing & St Naming Regulations) Pt 1. General Provisions, Ord Code; Repeal Sec 745.223 (Criteria for Identifying Out of Sequence Address); Amend Sec 745.101 (Applicability), Ord Code to Create new Definition for "Nonconforming St. Addresses"; Amend Sec 745.109 (911 Emerg Addressing Advisory Committee), Ord Code to Eliminate review of certain addressing issues by 911 Emerg Addressing Advisory Committee & Prov Appeals of Admin decisions by Addressing staff of Planning & Dev Dept; Amend Pt 2 (Addressing & St Naming Deficiencies) Subpt C. (Out-of-Sequence Address #'s), Sec 745.221 (Identification of Out-of-Sequence Address #'s), Sec 745.222 (Re-assigning Out-of-Sequence Address), & Subpt D. (Administration), Sec 745.231 (Procedures to Notify propty owners & occpnts of duplicate St names & Out of Sequence Address), Ord Code to Replace term, "Out-of-Sequence" w/"Non-conforming St. Addresses").(Pollock)(Req of Mayor)
11/26/19 CO Introduced: NCSPHS, TEU
12/02/2019 NCSPHS Read 2nd & Rerefer
12/02/2019 TEU Read 2nd & Rerefer
TEU PH Pursuant to Chapt 745 Ord Cod -1/6/20
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

READ 2ND
& REREFER

12. [2019-0844](#) RESO Auth Economic Dev Agreeemt with Eagle LNG Partners, LLC ("Company") supporting Constrctn of New Liquefied Natural Gas Export Facility at 1632 Zoo Pkwy lin the City("Project"),Auth Recapture Enhanced Value (Rev) Grant of \$23,000,000; Auth Apvl of Tech Amend by Exec Dir of OED; Prov Oversight by OED; Prov deadline for Company to Execute Agreeemt; Affirming Proj compliance w/Public Investment Policy adopt by ORD 2016-382-E, as Amended; 2-Reading passage Pursuant to Council Rule 3.305. (Sawyer) (Req of Mayor)
11/26/2019 CO Introduced: TEU, F
12/02/2019 TEU Amend/Approve 7-0
12/03/2019 F Amend/Approve 7-0

AMEND/APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

AMENDMENT

Place revised Economic Development Agreement on file to:

- Strike references to retaining the 8 existing jobs throughout agreement
- Revise definition of permanent jobs to only include the 12 new jobs
- Revise the default provisions to
 - Strike the provision on retaining the 8 existing jobs;
 - Require the creation of at least 10 new jobs by December 31, 2023 or the REV Grant will terminate; and
 - Add a provision that for each year that the 12 new jobs are not retained, the Company will be ineligible for the following year's installment of the REV Grant
- Correct scrivener's errors

13. [2019-0845](#) ORD Closing & Abandoning &/or disclaiming unopened & unimproved R/W in Plat Book 6, pg 29, for Corner Lot Development Group, LLC; Prov Apvl subj to conditions. (Dist 2 – Ferraro) (McCain) (Req of Mayor)
11/26/2019 CO Introduced: TEU
12/02/2019 TEU Read 2nd & Rerefer
TEU PH Pursuant to Sec 336.10, F.S. – 1/6/20
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

READ 2ND
& REREFER

14. [2019-0846](#) ORD Closing & Abandoning &/or disclaiming unopened & unimproved r/w in Jax. Heights at Req of Corner Lot Development Group, LLC; Subj to Reservtn unto JEA of 15-ft Easemt over N. 15 ft of closed r/w; Prov Apvl subj to conditions (Dist- 9 Dennis) (McCain) (Req of Mayor)
11/26/2019 CO Introduced: TEU
12/02/2019 TEU Read 2nd & Rerefer
TEU PH Pursuant to Sec 336.10, F.S. – 1/6/20
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

READ 2ND
& REREFER

15. [2019-0848](#) ORD Approp \$1,600,000.00 from 2 Countywide Projs., Roadway Sign Stripe & Signal Proj & Countywide Intersec. Imprvmts Proj, to 2 new specific projs., the Pearl St. & 44th St Intersec. Imprvmnt. Proj & University Blvd. & Jack Rd Proj., Amend 2020-2024 5-Yr CIP apvd. by ORD 2019-505-E, to reduce funding for the projs. Entitled "Roadway Sign Stripe & Signal" & "Countywide Intersection IMP & Bridge Rehab-Intersections" & prov. Funding for the projs. Entitled "Pearl St. -44th St. Intersection" & University Blvd.-University Blvd & Jack Rd. Intersection IMP:' (B.T. 20-025) (McCain) (Req of Mayor)
11/26/2019 CO Introduced: TEU, F
12/02/2019 TEU Read 2nd & Rerefer
12/03/2019 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

READ 2ND
& REREFER

16. [2019-0849](#) ORD Approp \$22,500.00 in Grant Funding from U.S. Dept of Transportation by way of Pass-thru from FL Dept of Transportation, w/no local match, to Estab JSO Smart Motorcycle Prog. (B.T. 20-028) (McCain) (Req of Sheriff)
11/26/2019 CO Introduced: NCSPHS, TEU, F
12/02/2019 NCSPHS Read 2nd & Rerefer
12/02/2019 TEU Read 2nd & Rerefer
12/03/2019 F Read 2nd & Rerefer
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

READ 2ND
& REREFER

17. [2019-0864](#) RESO Strongly Opposing the Passage of House Bill 653 which would prohibit Municipal Electric Utilities from using specified revenues to Finance General Governmental Functions: Directing Legislative Svcs. to circulate the Reso to the FL. Legislature; Requesting Emergency Passage Upon Introduction (Johnston)(Introduced by CM Carlucci) (Co-Sponsored by CM Ferraro, Freeman, & Dennis)
11/26/2019 CO Introduced: TEU, F, R
12/02/2019 TEU Emergency/Amend/Approve 7-0
12/03/2019 F Emergency/Amend/Approve 7-0
12/3/2019 R Emergency/Amend/Approve 7-0

EMERGENCY

AMEND/APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

AMENDMENT

- 1. Clarify language concerning JEA assessments**
- 2. Revise emergency language to one-cycle**

Concern:

If House Bill 653 became law and it is determined to apply to Jacksonville, JEA would no longer be allowed to contribute to the City General Fund from the electric system. Under the current agreement, this would create a hole in the budget of approximately \$94 million per year. It could impact the current fiscal year as its effective date is July 1, 2020.

Council Members Freeman and Dennis asked to be added as co-sponsors.

18. [2019-0870](#) ORD Approp \$850,000 from the NW Jax Economic Dev. Fund-Supermarket Incentive Prog. to Subsidies & Contributions to Private Orgs. to Winn-Dixie Stores, Inc. for purpose of prov. a \$850,000 full svc. Grocery Store Improvemnts. Prog. Grant in connection w/the renovation of an existing, soon to be vacated, 28,000sq.ft. Grocery Store at 5210 Norwood Ave., to be leased to company or its affiliate to serve as a full-service Grocery Store; Apv & Auth Execution of Docs. By Mayor/his Designee/Corp. Secretary; Auth Apv of technical amdnts. by the Exec. Director of OED; Oversight by OED; Affirm Projs. Compliance w/the full service Grocery Store Improvement Prog. criteria apvd. & adopted by ORD.2019-245-E;Req 1 Cycle Emer.Passage (B.T. 20-034)(Sawyer)(Req of Mayor)(Co-Sponsored by CM's R.Gaffney, Diamond, Carlucci ,Newby,Dennis, Bowman, Salem, Freeman & Ferraro) 11/26/2019 CO Introduced:NCSPHS,TEU,F 12/02/2019 NCSPHS Emergency/Amend/Apporove 7-0 12/02/2019 TEU Emergency/Amend(NCSPHS)/Approve 7-0 12/03/2019 F Emergency/Amend/Approve 7-0 Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 – 12/10/19

EMERGENCY

NCSPHS AMEND/APPROVE

Aye: 7 - Freeman, Salem, Becton, Bowman, Cumber, Dennis and Ferraro

In response to a question from Council Member Ferraro about the project and the clawback provision, Economic Development Director Kirk Wendland gave an overview of the Publix leaving the shopping center and Winn-Dixie coming in and the participation of the City's Supermarket Incentive Program which can provide up to 40% of overall project cost up to \$850,000. The clawback is a rebate of 20% of the grant per year for every year short of 5 years of occupancy. Winn-Dixie will start work in January and hopes to occupy by the end of March 2020. Council Member Becton asked about the funding source for the incentive, which is \$3 million from the Northwest Jacksonville Economic Development Fund (NWJEDF) for food desert remedies; if the current pending bills all pass, there would be about \$1 million left in the fund. Mr. Becton asked if there were any waiver of NWJEDF rules. Mr. Wendland said there were not, because the OED interpreted the removal of the funds from NWJEDF to create a new fund as a waiver of those rules. The new fund is about dealing with food deserts, not creating jobs or tax base, which is the usual function of the NWJEDF. In response to a question from Mr. Becton about whether the City is dealing with the root problems that caused the old stores to leave, Mr. Wendland said that stores leave for a variety of reasons as part of an overall corporate business model. This program helps alleviate their capital costs and therefore their debt service and improves cash flow, but there has to be a viable market for stores to stay long-term. Mr. Becton said that stores close because they can't make enough money in a location, so without fundamental changes in the surrounding area market they're fated to leave again.

Council Member Cumber said she is not excited about giving subsidies to multi-billion dollar companies to change their fundamental business considerations. She asked if the loan documents specify what level of service and products (i.e. fresh fruits and vegetables) the store is required to carry. Mr. Wendland said there is a requirement to be a "full service grocery store" which requires more than a convenience store level of products and read from the description of items that must be carried in a "full service" store. He said he doesn't know how to practically enforce product line and service level requirements. Ms. Cumber advocated for something more than just staying open for 5 years as the store's measure of success, suggesting that perhaps customer surveys could be done at Winn-Dixie's expense or some other measure could be devised.

Council Member Dennis asked to be added as a co-sponsor and said this bill is being more heavily scrutinized for some reason than the \$23 million incentive for a liquified natural gas plant coming up later in the meeting. Mr. Dennis said he doesn't want to send City inspectors to scrutinize how Winn Dixie runs its business and said he thinks Publix is not leaving the Gateway Center because it didn't make money; he believes there were other considerations involved. Council Member Bowman asked about the customer count at the store and said the City should not be in the business of subsidizing retail operations; they either make money or they shut down. He hopes the City can find other ways to support Winn Dixie and help make them successful. In response to question about how much is left in the NWJEDF, Mr. Wendland said about \$5 million aside from food desert program and septic tank fund. Mr. Bowman asked to be added as a co-sponsor. In response to a question from Council Member Salem, Mr. Wendland read the definition of "full service" grocer from the agreement. He acknowledged the need to verify that "full service" is being sustained over time.

Chairman Freeman said the neighborhood is desperate for this to happen and thanked Council Member Gaffney and the OED for putting this deal together. He agrees that multi-billion dollar companies shouldn't need subsidies, but something has to be done for a neighborhood in need. Council Member Gaffney said that Publix was promised by the Gateway Center management that they would build multi-family housing at the site and that never happened. Publix is not interested in committing to another long-term lease there given their profit margin and the relationship deteriorating between the two companies. He said the community can't afford for the anchor tenant of the shopping center to close or we'll lose the small businesses still there. Council Member Cumber said strings should definitely be attached to City incentives to protect taxpayers and asked if there is anything in the loan documents to protect the City in the case of another Winn-Dixie bankruptcy. Mr. Wendland said he didn't know where the City would fall in the line of creditors should that happen. Ms. Cumber asked that that be researched before final approval.

Mr. Freeman asked if the City could require a guarantor on this loan as it has done with other businesses. Council Member Carlucci said he supports this bill and the other pending food desert bills. Sometimes subsidies are needed to make things happen to protect the general public health and welfare of the community. Council Member Ferraro said the first role of government is to protect its citizens and this community needs help with its food sources, but taxpayer dollars need to be protected. The root causes of the problem need to be addressed before any permanent improvement can be made, and he wants to schedule a noticed meeting to talk about what else can be done to improve the neighborhood to ensure success beyond the lifeline of this grant. Council Member Becton said he has spent nearly 4 decades in the grocery business and knows that this deal won't solve the overall problem. Products expire and fresh foods spoil when the turnover is not fast enough; stores will go where they can make money and leave when they don't make enough. This short-term subsidy is not the answer to the problem. Council Member Dennis said oversight of City dollars is needed, but the issue is bigger than just a store – it's the future of the other businesses in the shopping center and the surrounding neighborhood as well.

NCSPHS AMENDMENT

- 1. Attach revised Exhibit 1 to attach signed BT**
- 2. Include waiver of requirement established in Ord. 2019-245-E that a grocery store be located within or immediately adjacent to a food desert**

Council Members Bowman, Salem, Freeman and Ferraro asked to be added as co-sponsors.

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

Attendance: Council Members Terrance Freeman (Chair), Danny Becton, Aaron Bowman, LeAnna Cumber, Garrett Dennis, Al Ferraro, Ron Salem

Also: Council Member Matt Carlucci and Reggie Gaffney; Jeff Clements – Council Research Division; Paige Johnston – Office of General Counsel; Jordan Elsbury – Mayor’s Office; Phillip Peterson – Council Auditor’s Office; Ladayija Nichols, Crystal Shemwell and Sharonda Davis – Legislative Services Division; Kirk Wendland, Paul Crawford and Ed Randolph – Office of Economic Development; John Pappas – Public Works Department; Jessica Shepler – JTA; Laurie Santana – Planning and Development Department; Melanie Wilkes – Council Staff Services

NOTE: Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days notification to process; last minute requests will be accepted; but may not be possible to fulfill. Please contact Disabled Services Division at: V 904-255-5466, TTY-904-255-5476, or email your request to KaraT@coj.net.

Rollcall

Present: 7 - Chair Terrance Freeman, Vice Chair Ron Salem, Council Member Danny Becton, Council Member Aaron Bowman, Council Member LeAnna Cumber, Council Member Garrett Dennis and Council Member Al Ferraro

Jeff Clements - Council Research Division
jeffc@coj.net 904-255-5137
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