

GREG B. ANDERSON

Councilmember At-Large Group 4 Office (904) 630-1398 Fax (904) 630-2906 E-Mail: GAnderson@coj.net

OFFICE OF THE CITY COUNCIL

117 West Duval Street City Hall, Suite 425 Jacksonville, FL 32202

December 14, 2016 11:30 a.m. 117 W. Duval St., 1st Floor, City Hall Don Davis

AGENDA

12.14.2016 Special Committee on Hemming Park

- 1. Opening Remarks from Chairman Greg Anderson
- 2. Update from Subcommittee Chair John Crescimbeni
- 3. Discussion regarding proposed legislation
- 4. Update regarding Friends of Hemming Park

JOHN R. CRESCIMBENI Councilman, At-Large Group 2 Office (904) 630-1381 Fax (904) 630-2906 E-Mail: JRC@coj.net



117 West Duval Street City Hall, Suite 425 Jacksonville, FL 32202

TDD: (904) 630-1580

December 12, 2016

MEMORANDUM

TO:

The Honorable Greg Anderson

Chair, Special Committee on Heming Park

FROM:

The Honorable John R. Crescimbeni

At-Large, Group 2

SUBJECT:

Report from the Subcommittee of the Special Committee on Hemming Park

On July 15, 2016, Council President Boyer appointed a Special Committee to review the current status and future direction of Hemming Park. During the September 8, 2016 meeting of the Special Committee on Hemming Park, I was asked to chair a subcommittee (which included Councilman Scott Wilson) to review park boundaries, trespass regulations and park rules.

The subcommittee met on October 19, 2016, November 3, 2016, and November 16, 2016, and at each meeting solicited input from representatives of the Friends of Hemming Park, the Office of the Sheriff, various City Departments, citizens, other stakeholders and interested parties.

The subcommittee, which concluded its work at the meeting of November 16, 2016, offers the following recommendations;

- 1. The subcommittee proposes to amend Chapter 28, Part 8, (Trespass in Public Parks, Violation and Appeal), Ordinance Code, to provide clear direction to law enforcement concerning trespass and enforceability of park rules. Draft legislation to implement those amendments is attached.
- 2. The subcommittee proposes to modify the boundaries of Hemming Park to be coterminous with the sides of the streets which encircle the park. Draft legislation to modify those boundaries is attached.
- 3. The subcommittee approved proposed changes to the park rules for Hemming Park. Final approval of the proposed rule changes will follow the normal adoption process as prescribed by the Parks, Recreation and Community Services Department.

Because this memorandum is procedural in anticipation of Wednesday's meeting of the Special Committee on Hemming Park, please do not respond to the same.

ORDINANCE 2016-

AN ORDINANCE REGARDING TRESPASS IN PUBLIC PARKS; AMENDING PART 8 (TRESPASS IN PUBLIC PARKS; VIOLATION AND APPEAL), CHAPTER 28 (PARKS, RECREATION AND COMMUNITY SERVICES), ORDINANCE CODE, TO CLARIFY TRESPASS POWERS AND APPEALS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Chapter 28 (Parks, Recreation and Community Services), Part 8 (Trespass in Public Parks; Violation and Appeal), Ordinance Code. Part 8 (Trespass in Public Parks; Violation and Appeal), Chapter 28 (Parks, Recreation and Community Services), Ordinance Code, is hereby amended to read as follows:

CHAPTER 28. Parks, Recreation and Community Services.

* * *

PART 8. Trespass in Public Parks; Violation and Appeal.

Sec. 28.801. Issuance of trespass.

The Jacksonville Sheriff's Office, or <u>any</u> law enforcement officers <u>designated</u> by the Sheriff, referenced in Section 28.802(b), as may be amended from time to time, are authorized to enforce the park rules, <u>Jacksonville Ordinance Code and Florida Statutes</u> generally and are authorized to issue <u>notices of trespass after warnings</u> in accordance with this Chapter.

Sec. 28.802. <u>Trespass</u> Procedures.

(a) <u>Trespass for violation of Certain State Statute.</u> If a person is arrested based upon probable cause to believe that the

person has committed any of the offenses enumerated in F.S. (Weapons and Firearms), 749 (Sexual Battery), Chs. 790 796(Prostitution), and 800 (Lewdness; Indecent Exposure) or felony involving violence within a City park, beach, dock, marina or other recreational area or facility, Jacksonville Sheriff's Office shall exclude that person from all City parks, beaches, docks, marinas or other recreational areas or facilities for a period of one year. If a person is arrested based upon probable cause to believe that the person has committed any of the offenses enumerated in F.S. Ch. 806 (Arson and Criminal Mischief) within a City park, beach, dock, recreational facility, the marina or other area or Jacksonville Sheriff's Office shall exclude for a period of one year that person from the particular City park, beach, dock, marina or other recreational area or facility where the offense occurred. Every person excluded shall be provided a notice of trespass after warning upon arrest, in accordance with this Part.

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- Code and certain State Statutes not listed above. If a person is cited for violation of Park Rules, Jacksonville Ordinance Code and certain State Statutes not listed above, the Jacksonville Sheriff's Office may exclude for a period of one year that person from the particular City park, beach, dock, marina or other recreational area or facility where the offense occurred for a period of one year. Every person excluded shall be provided a notice of trespass after warning in accordance with this Part.
- (b) (c) The notice of trespass after warning shall be in writing recorded with a case number and a copy delivered to the

excluded person. The <u>notice of trespass after warning shall</u> specify the following:

- (1) The areas designated as public facilities by the Director and a list of the facility or facilities from which that person is excluded; and
- (2) Information concerning the right to appeal the exclusion to a hearing officer the appeals official.

Sec. 28.803. Appeal.

- (a) Appeal of trespass <u>after</u> warning. A person to whom a notice of trespass <u>after</u> warning is issued shall have a right to appeal as follows:
 - (1) Appeals shall be <u>filed with the Director to be assigned</u>
 to a hearing officer, which shall be a lawyer assigned
 by the Office of General Counsel.
 - (2) Copies of documents in the City's <u>or Sheriff's</u> control which are intended to be used at the hearing shall be made available, upon request, to the appellant.
 - (3) An appeal of a one-year trespass exclusion must be filed, in writing, within 30 calendar days following the date of arrest or notice of trespass after warning.
 - (4) Within five business days after the receipt of the appeal, or such longer period of time as agreed to by the appealantparties, the appeals official hearing officer shall hold a quasi-judicial hearing on an appeal and shall render a decision on the appeal at the conclusion of the hearing. The decision of the appeals official hearing officer shall be based solely on the criteria set forth in this Section.
 - (5) A one-year trespass exclusion shall take effect at 12:01

 a.m. on the calendar day following the date of arrest

 and, notwithstanding an appeal of the trespass exclusion,

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upon issuance of the notice of trespass after warning and shall remain in effect for one year thereafter unless the appeals official issues a contrary decision. If the hearing officer grants the appeal, the trespass shall immediately thereafter be dissolved concerning the facts underlying the dissolved trespass.

- (6) At the hearing on an appeal of a one-year trespass exclusion, the CitySheriff or his or her designated officer shall have the burden to show by a preponderance of the evidence that the appellant committed any of the offenses enumerated in Seetion 28.802 this Part, and that the conduct supporting the exclusion occurred within a City facility.
- (7) At the hearing on an appeal of a one-year trespass exclusion, a judgment of conviction for any of the offenses that formed the basis for the exclusion, as enumerated in Section 28.902(a), as may be amended from time to time,—shall be conclusive evidence that the described conduct occurred.
- (b) Review of decision of appeals officialhearing officer. decision of the appeals official hearing officer is subject to Court by petition for writ of review in the Circuit certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Circuit Court within 30 days after the appellant has received notice of the hearing officer's decision. Unless good cause exists to contest a petition for writ of certiorari, the City shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The City transmit the record to the court no later than five business days after receiving the order allowing certiorari.

Section 2. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

Office of General Counsel

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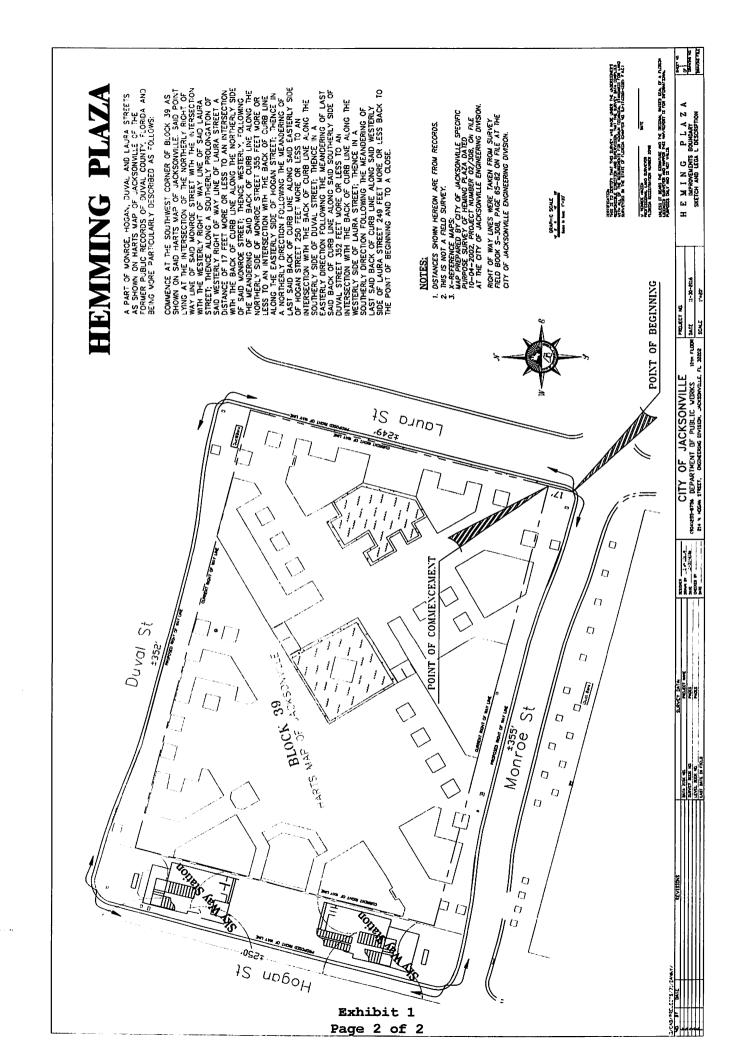
Legislation Prepared By: Margaret M. Sidman.

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HEMING PLAZA IMPROVEMENTS BOUNDARY:

A PART OF MONROE, HOGAN, DUVAL AND LAURA STREETS AS SHOWN ON HARTS MAP OF JACKSONVILLE OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 39 AS SHOWN ON SAID HARTS MAP OF JACKSONVILLE, SAID POINT LYING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SAID MONROE STREET WITH THE INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LAURA STREET: THENCE ALONG A SOUTHERLY PROLONGATION OF SAID WESTERLY RIGHT OF WAY LINE OF LAURA STREET A DISTANCE OF 17 FEET MORE OR LESS, TO AN INTERSECTION WITH THE BACK OF CURB LINE ALONG THE NORTHERLY SIDE OF SAID MONROE STREET; THENCE WESTERLY, FOLLOWING THE MEANDERING OF SAID BACK OF CURB LINE, ALONG THE NORTHERLY SIDE OF MONROE STREET. 355 FEET MORE OR LESS TO AN INTERSECTION WITH THE BACK OF CURB LINE ALONG THE EASTERLY SIDE OF HOGAN STREET; THENCE IN A NORTHERLY DIRECTION FOLLOWING THE MEANDERING OF LAST SAID BACK OF CURB LINE. ALONG SAID EASTERLY SIDE OF HOGAN STREET, 250 FEET MORE OR LESS TO AN INTERSECTION WITH THE BACK OF CURB LINE, ALONG THE SOUTHERLY SIDE OF DUVAL STREET; THENCE IN A EASTERLY DIRECTION, FOLLOWING THE MEANDERING OF LAST SAID BACK OF CURB LINE ALONG SAID SOUTHERLY SIDE OF DUVAL STREET, 352 FEET MORE OR LESS TO AN INTERSECTION WITH THE BACK OF CURB LINE ALONG THE WESTERLY SIDE OF LAURA STREET; THENCE IN A SOUTHERLY DIRECTION, FOLLOWING THE MEANDERING OF LAST SAID BACK OF CURB LINE ALONG SAID WESTERLY SIDE OF LAURA STREET, 249 FEET MORE OR LESS BACK TO THE POINT OF BEGINNING AND TO A CLOSE.





JACKSONVILLE TRANSPORTATION AUTHORITY



Scott L. McCaleb Chairman

Isaiah Rumlin Vice Chair

Kevin J. Holzendorf Secretary

Ari Jolly *Treasurer*

Greg EvansBoard Member

Jeanne Miller Board Member

Denise Wallace Board Member

Nathaniel P. Ford Sr. Chief Executive Officer December 8, 2016

The Honorable John Crescimbeni Vice President Jacksonville City Council 117 West Duval Street, Suite 425 Jacksonville, FL 32202

RE: Hemming Plaza Skyway Station

Dear Vice President Crescimbeni:

In response to the meeting held on November 10, 2016, regarding Hemming Plaza Skyway Station boundaries, we understand the Jacksonville City Council is considering introducing legislation clarifying the boundaries of Hemming Park. The new boundaries being proposed would expand the Park to include all of the surface area bounded by Laura, Duval, Hogan and Monroe Streets, including the sidewalks, and if need be, to "trespass" individuals from the Park if their behavior warrants this action.

The Jacksonville Transportation Authority (JTA) does not object to the City's proposed action regarding the expansion of the Park's boundaries provided that the expansion does not impact JTA's rights as set forth in the Irrevocable Permit and Hold Harmless Agreement executed between the City and the JTA on September 6, 1995, and recorded in Deed Book 8173, at page 767. JTA does not believe that the City's proposed action will impact these rights.

Furthermore, JTA is aware that individuals who may be trespassed by the City from the Park will not be able to access the JTA Skyway System at the Hemming Plaza Skyway Station. However, these individuals may access the JTA Skyway System at other Skyway stations and freely travel through the Hemming Plaza Skyway Station to get to their destination. The JTA is confident that the trespassed individual's right to free movement will not be impacted.

Sincerely,

Nathaniel P. Ford, Sr.

Chief Executive Officer

121 West Forsyth St Suite 200 Jacksonville, Ft 32202

Main: [904] 630-3181

www.jtafla.com

2016 OUTSTANDING PUBLIC TRANSPORTATION SYSTEM

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AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING Α PORTION OF Α RIGHT-OF-WAY BOUNDING HEMMING PARK IN COUNCIL DISTRICT 7, SUBJECT TO RESERVATION UNTO THE CITY JACKSONVILLE AND JEA OF AN ALL UTILITIES EASEMENT OVER THE CLOSED RIGHT-OF-WAY INGRESS AND EGRESS AND FOR ALL UTILITIES AND ALL RIGHTS GRANTED JTA UNDER THE PROVISIONS OF ITS IRREVOCABLE PERMIT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Special Committee on Hemming Park received information from the Jacksonville Sheriff's Office requesting definitive park boundaries to provide enforcement of park rules; and

WHEREAS, the Special Committee on Hemming Park agrees that the boundaries coterminous with the block bordered by Duval Street to the north, Laura Street to the east, Monroe Street to the south and Hogan Street to the west provide the greatest definition of Hemming Park; and

WHEREAS, the JTA possesses a permit for construction placement and maintenance of Automated Skyway express within the suggested boundaries pursuant to an Irrevocable permit and hold Harmless Agreement recorded in Book 8173, Page 767, Current Public Records Duval County; and

WHEREAS, JTA acknowledges that those individuals who receive a trespass after warning for Hemming Park will be unable to enter

or exit the Automated Skyway express at Hemming Plaza Station, although transportation through the Hemming Plaza Station will be permitted; now therefore

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BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Closure and Abandonment. A portion of right-of-way in Council District 7 bounding Hemming Park, a description of which is attached hereto as Exhibit 1 and incorporated herein by this reference, is hereby closed and abandoned and/or disclaimed as a right-of-way; provided, however, there is hereby reserved unto the City of Jacksonville and JEA an All Utilities Easement on, over, across, under, and through the closed right-of-way for ingress and egress and for all utilities, including but not limited to water, sewer, electric, and drainage, and for all rights granted JTA under the provisions of its irrevocable permit.

Section 2. Purpose. The closure is for the purpose of extending the boundaries of Hemming Park to include the abandoned right-of-way, which will extend the boundaries of the park to the back of the curb line providing a more visible boundary for the City-owned park, wit: to all of Block 39. Harts Map Jacksonville, Section 13, Township; South, Range 2 26 . East, including the rights of way for Duval, Hogan, Monroe, and Laura Streets. The City has no need, present or future, and the traveling public has no need for the lands described in Exhibit 1 as rightof-way, The City desires to and does hereby designate the lands described in Exhibit 1 as parklands as a part of Hemming Park. The repurposing of the lands in Exhibit 1 from right-of-way to parkland will not materially affect the right of convenient access to properties served by Duval, Laura, Monroe, and Hogan Streets.

Section 3. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

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| Salaries & Benefits Executive Director - - Marketing Director 4,375 4,375 - Event Director/Volunteer Coordinator (50/50) 1,459 1,459 - Ambassadors 7,107 7,678 (571) Total Salaries 12,941 13,512 (571) Payroll Taxes 1,068 1,111 (43) Health Insurance 800 945 (145) Dental Insurance 58 58 0 Life Insurance 39 39 (0) Disability Insurance 183 183 0 Cell Phone Stipend 150 113 37 Total Salaries & Benefits 15,239 15,961 (722) Outside Services 4 1,200 1,200 - Accounting 1,200 1,200 - Events 5 4,167 4,167 - Social Services 4,167 4,167 - - Cleaning - - - - Security (assumes in Dec JSO pro | | Projected November-16 | Actual November-16 | Variance |
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| Marketing - Advertising - Printing - Postage & Mailings - Licenses & Registration - | Supplies | 350 | 81 | |
| Advertising - Printing - Postage & Mailings - Licenses & Registration - | | | | • |
| Postage & Mailings Licenses & Registration - | | | | - |
| Postage & Mailings Licenses & Registration - | Printing | | | - |
| Licenses & Registration | | | | - |
| | · | | | - |
| | Total Park Operating Expenses | 5,955 | . 5,347 | 608 |

| Event Operating Expense | | | |
|---------------------------------|--------|----------|---------|
| Marketing | | | |
| Advertising | 1,125 | 1,059 | 66 |
| Printing | 775 | - | 775 |
| Postage & Mailings | | - | - |
| Licenses & Registration | 100 | - | 100 |
| Insurance | | | - |
| Equipment Rental | | | - |
| Total Event Operating Expenses | 2,000 | 1,059 | 941 |
| Office Operating Expenses | | | |
| Equipment Rental | 700 | 934 | (234) |
| Hardware | | | - |
| Software Licenses | 144 | 81 | 63 |
| Supplies | 100 | - | 100 |
| Internet | 100 | 296 | (196) |
| Telephone | 60 | - | 60 |
| Cleaning Supplies | 50 | - | 50 |
| Licenses & Registration | - | - | - |
| Payroll Service Fees | | 79 | (79) |
| Dues & Subscriptions | 35 | 43 | (8) |
| Bank Fees | | 24 | (24) |
| Meals & Entertainment | | | - |
| Total Office Operating Expenses | 1,189 | 1,457 | (268) |
| Total Expenses | 37,250 | 39,866 | (2,616) |
| Net Income | 4,417 | (39,866) | 2,616 |

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Weekly Security Stats

| Week Starting | Oct. 24th | Oct. 31st | Nov. 7th | Nov. 14th | Nov. 21st | Nov. 28th | Dec. 5th | Dec. 12th |
|-------------------------|-----------|-----------|----------|-----------|-----------|-----------|----------|-----------|
| Minor Park Offenses | 35 | 61 | 25 | 31 | 17 | 35 | 22 | |
| Illegal Drug Use | 1 | 1 | 0 | 0 | 2 | 4 | 0 | |
| Alcohol Violation | 2 | 18 | 3 | 5 | 10 | 10 | 6 | |
| Food Distribution | 0 | 2 | 1 | 3 | 6 | 0 | 0 | |
| Serious Offenses | 3 | 4 | 2 | 3 | 1 | 7 | 2 | |
| Calls To JSO | 1 | 2 | 2 | 1 | 0 | 2 | 3 | |
| Scheduled Events | 0 | 5 | 2 | 4 | 2 | 5 | 3 | |
| Request For Information | 1 | 2 | 3 | 0 | 4 | 8 | 0 | |



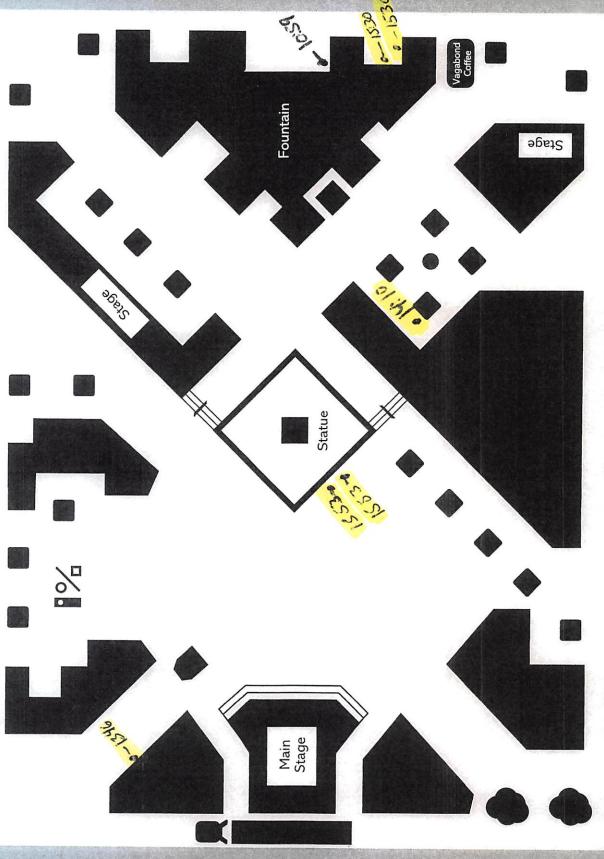
| Name: | |
|-------|--|
|-------|--|

DATE: _____ TO ____

DAILY ACTIVITY REPORT

| | | | WEATHE | RATING | (1 - 10 sc | ale) | |
|--|--------------|------------------------------|--------------------|---------------------|------------|----------------|--------------|
| | | | | | | | |
| | | SHIFT WORK | ĔD | | 8am-6pm M | on-Fri. 9am-6p | om Sat.&Sun. |
| SAFETY STATS | ENVIOLE. | ะ เมื่อวักเรา เมื่อวักเรา | XXIII | 4 F1 G O 17 (0) | 101001 | 6 97 Vi al | รี้จักและ |
| Minor Park Offense (sleeping, stage, bike etc.) | STATE ONLY | P-Edibliole) | CAMMENT | (1) 4 11 Hill (4) | AND TOTAL | P. 77. | C-UNTAIN P |
| Illegal Drug Use | | | | | | | |
| Alcohol Violation (Public Intoxication, posession) | | | | | | | |
| Food Distribution (With no Permit) | | | | | | | |
| · | | | | | | | |
| Serious Offense (Fighting, Agresive Behavior) | | | | | | | |
| Calls for JSO service | | | | - | | | |
| Medical (Seizures, Intoxication, Other | Province | | ing and the second | gen agail agus ag g | | | 0.44 |
| CONCIERGE STATS | PWITANIE | NATION OF | (Media) | ne andica | | SVA | 2000 |
| Number of Park visitors (Average) | | | | | | | |
| Programming attendance (Estimated) | ļ | | <u> </u> | | | | |
| Scheduled Events | | | | | | | |
| Requests for information | | | | | | | |
| POSITIVE HIGHLIGHTS: | | | | | | | |
| | | | | | | | |
| issues / remarks : | | | | | | | |
| | | | | | | | |
| | | | | | | | |
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| | | | | | | | |
| | | | | | | | |

Monroe St



Hogan St

Federal Courthouse

