

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CITY COUNCIL SPECIAL COMMITTEE ON RESILIENCY**

**SUBCOMMITTEE ON INFRASTRUCTURE AND CONTINUED OPERATIONS**

**Virtual meeting via Zoom – no physical location**

**September 24, 2020**

**8:00 a.m.**

**Location:** Virtual meeting via Zoom – no physical location

**In attendance:** Subcommittee members Garrett Dennis and Randy DeFoor; Subject matter experts Lisa King, Joe Loretta, Angela DeMonbreun, Amanda Polematidis, Jim Robinson, Jim Seaton, Nikole Ward

**Also**: Special Committee members Matt Carlucci and Joyce Morgan; Citizen subject matter experts Mark Middlebrook, John Burr, John Sapora; Jeff Clements, Yvonne Mitchell – Council Research Division; Steve Cassada, Eric Grantham and Melanie Wilkes – Council Support Services; Cheryl Brown – Council Secretary/Director; Nick Primrose – Jaxport; Kristen Reed and Susan Kelly – Planning and Development Department; Kealey West and Susan Grandin – Office of General Counsel; Tommy Carter – Council Auditor’s Office; Hai Vu – JEA; Sean Lahav – Northeast Florida Regional Council; Susan Homrighouse – Ethics Office; Laura D’Alisera – Scenic Jacksonville

**Meeting Convened**: 8:03 a.m.

Chairman Dennis convened the meeting and a roll call of the attendees was taken.

Susan Grandin of the Office of General Counsel gave an update on the role of the citizen expert participants in relation to the Special Committee members and the delegation of tasks. She cautioned that citizen expert members can volunteer to gather and present information, but cannot be formally delegated tasks to complete by the official subcommittee members lest they then become subject to the conditions of the Government in the Sunshine Law requirements for holding noticed public meetings. The citizen experts can be fact-finders and information gatherers but cannot evaluate, rate, or make recommendations on the facts they find. They can make observations and suggestions as individuals but cannot make joint decisions or sift the information they have gathered to present some and withhold some.

Council Member DeFoor said that Planning and Development Director Bill Killingsworth has agreed that his department’s Adaptation Action Area recommendations will be vetted through the Infrastructure Subcommittee for a recommendation to the full Special Committee on Resiliency and ultimately to the City Council for legislative action. Kristen Reed of the Planning Department made a presentation on the Adaptation Action Area Working Group’s recommendations for amendments to the City’s Comprehensive Plan in 5 areas: 1) education and community outreach, 2) land development regulations and procedures, 3) economic and human resources, 4) inter-agency coordination, and 5) infrastructure.

Three recommendations were top priorities: 1) appoint a Chief Resilience Officer (approved in next year’s budget); 2) do a vulnerability assessment (the City and JEA are both doing this now); and 3) expand the AAA boundary from the current Coastal High Hazard Area (Category 1 storm surge) to the Category 3 storm surge area and the contiguous areas within the 500-year flood zone. The department has drafted Comprehensive Plan text amendments that have been reviewed and approved by the AAA Working Group; the department hopes that the Special Committee will now review the recommendations and sponsor the legislation to amend the Comp Plan. Ms. Reed reviewed the recommended Comp Plan changes, which include both reorganizations of existing language and addition of new language.

In response to a question from Council Member Carlucci about whether the recommendations include proposed standards for elevating important public facilities (i.e. hospitals and fire stations), Ms. Reed said they do not directly, but the proposed boundaries cover areas considered to be vulnerable through the year 2100 and address the need to do vulnerability analyses and to change development standards in the future as conditions change. These changes will be done, in part, based on comprehensive post-storm evaluations of flooding and storm surge. A technical advisory committee is recommended to review information and make recommendations for future regulatory changes. Coordination with local, regional and state agencies is recommended in a variety of areas. Several recommendations deal with economically distressed areas, equity and social justice. Ms. Reed showed the map of the recommended AAA boundary (storm surge zones 1, 2 and 3 and the contiguous 500-year flood zone). This area matches fairly closely with NOAA’s year 2100 six-foot sea level rise map.

In response to a question from Chairman Dennis about whether the City can require homeowners to purchase flood insurance, Ms. Reed said that FEMA requires it in special flood high hazard areas, but the City does no. What the City controls are development standards and stormwater regulations, not insurance. Council Member Carlucci said that, as an insurance agent, he sees many properties that have flood risk that are not located in the designated flood plain, so education of property owners is important. Mr. Dennis asked if the City could impose requirements on real estate transactions to inform buyers about potential risks. Ms. Reed said the City requires disclosures for properties located near airports, but failure by a seller to disclose doesn’t invalidate the transaction. She thought the same requirement might be possible for flood zones, but that would need to be investigated. John Burr noted that the NOAA sea level rise map for 2100 shows the Beaches to be extremely impacted by the 6 foot sea level rise. Ms. Reed said the impact could vary by type of storm event. Lisa King said that property owners are required to have flood insurance for properties located in a federally designated high hazard area and the price is fairly reasonable, but she understands that getting it voluntarily outside of the high hazard area is very expensive. Mr. Carlucci said that the cost for flood insurance outside of the high hazard zone depends on lots of factors.

Ms. King asked if the North East Florida Association of Realtors and Northeast Florida Builders Association had been involved in development of these recommendations because of how they will be impacted. Ms. Reed said the AAA Working Group had observers from the NEFBA, the Chamber of Commerce, and an attorney from the Rogers Towers law firm representing development interests. Ms. King said she likes the flood zone disclosure idea, which should be written and signed and not just verbal at the time of closing. While serving on the Planning Commission she heard lots of sad stories from people couldn’t develop property they bought who had been not informed or were misinformed during the purchase process. Renters are also very vulnerable and need to know about the importance of getting renters insurance.

Jim Seaton asked if Jaxport is doing a vulnerability assessment and if they were involved in the AAA study process. Ms. Reed said she did not know, but presumably they are interested in and thinking about resilience issues. Ms. Seaton asked if we are at the stage where heavy rainfall can be modeled, or if the 500 year flood plain captures that aspect. Ms. Reed did not know the answer to that. In response to a question from Mr. Seaton about what percentage of the City has not been flood mapped, Ms. Reed said she would have to consult with the Development Services Division of the Planning Department for that detail. Mark Middlebrook asked if the proposed maps are available to the public in high detail that could be overlaid with conservation lands. Ms. Reed said they are available from multiple sources (NOAA, NEFRC, the City).

Chairman Dennis asked for suggestions on how the subcommittee should proceed. He would like for the citizen experts to read and understand the recommendations and talk about them over the course of several meetings with the goal of ultimately drafting legislation for Council to consider. Ms. Grandin said the citizen experts can meet outside of the Sunshine Law, but shouldn’t agree as a group on formal recommendations. They can bring back numerous observations and thoughts and let the subcommittee make all decisions. Laura D’Alisera said her understanding was that the flood insurance requirement applied to properties with mortgages – without a mortgage, there’s no mechanism to require it. Council Member DeFoor said that, speaking as an attorney, there’s an obligation by a seller to disclose past incidents of flooding. FEMA is moving toward not issuing flood insurance on properties that have suffered multiple losses, so that will be a consideration in the future when people can’t get it for certain properties. Mr. Seaton said disclosure of flood potential to renters is an important issue and equity is an issue for low-income renters whose landlord may not have insurance. Mr. Dennis invited proposals for how the subcommittee could deal with equity issues. Amanda Polematides said a lot of the hospitals constructed lately are being extremely cautious in their design because their lifespan is so long – they’re building to very robust standards to be storm resistant for decades to come. She would like to know how many households and people are located in the new AAA boundaries in low, medium and high hazard scenarios. Affordable housing is a problem in Jacksonville, so where are climate refugees going to go if displaced from their current homes?

Mr. Dennis said the AAA working group recommendations are the foundation for developing an ordinance for Council to consider. He asked the citizen volunteers to please go through the recommendations and be ready to discuss the first 6 pages next time with Bill Killingsworth, then the next 6 pages at the meeting following with the hope of pulling together a draft ordinance for introduction by the end of the year. Mr. Seaton suggested that citizens submit written comments to be compiled and grouped by staff for more efficient discussion. Mr. Dennis asked that written comments be submitted by October 5th for staff to compile and send out by October 7th to the members and to Mr. Killingsworth.

Jim Robinson asked if there were any budget ordinance amendments on Tuesday night that impacted on resiliency issues; Mr. Dennis said there were not.

Council Member DeFoor reviewed the agenda for tomorrow’s Special Committee meeting – speakers will discuss 1) The Economic Value & Benefits of Nature-Based Solutions, 2) Conducting a Code Audit & Operationalizing Green Infrastructure Into Stormwater Plans, and 3) Funding & Finance Opportunities.

Next meeting – October 8th, 8:30 a.m.

**Meeting adjourned:** 9:33 a.m.

Minutes: Jeff Clements, Council Research Division

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