

# City of Jacksonville

*1st Floor - Council Chamber  
117 W. Duval Street*



## Meeting Minutes

**Wednesday, March 22, 2023**

**9:00 AM**

**Council Chamber, 1st Floor, City Hall**

### **Jacksonville Waterways Commission**

*CM Nick Howland, Chair*

*CM Randy DeFoor, Vice Chair*

*CM LeAnna Cumber - Excused Absence*

*CM Tyrona Clark-Murray, Alternate*

*Jon Michael Barker*

*Robert Birtalan*

*Lane Burnett - Excused Absence*

*Representative Kiyon Michael - Excused Absence*

*Mark Devereaux - Absent*

*Andrew Fraden*

*Marc Hardesty - Excused Absence*

*Richard Hartley*

*Richard J. Redick*

*General Public Rep. (Vacant)*

*Marshall Adkison, Ex-Officio - Absent*

*Adam Hoyles, Ex-Officio - Late Arrival*

*Barbara Ireland Hobson, Legislative Assistant*

*Rita Mairs, Office of General Counsel*

*Dr. Gerard Pinto, Jacksonville University*

*Jeff Clements, Chief of Research*

*Jim Suber, Waterways Coordinator*

**Meeting Convened: 9:02 AM Meeting Adjourned: 11:00 AM**

- Present** 9 - Chair Nick Howland, Vice Chair Randy DeFoor, Commissioner Robert Birtalan, Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, Commissioner Richard Hartley, Alternate Tyrona Clark-Murray, Commissioner Richard Redick, and Jon Michael Barker
- Excused** 4 - Commissioner LeAnna Cumber, Commissioner Kiyon Michael, Marc Hardesty, and Lane Burnett
- Absent** 2 - Ex-Officio Marshall Adkison, and Commissioner Mark Devereaux

### **1. Call To Order**

Chairman Howland convened the meeting and the attendees introduced themselves for the record. Council Member Clark-Murray attended the meeting as the alternate member to ensure a quorum.

### **3. Approval of Minutes**

The minutes of the February Waterways Commission were approved unanimously as distributed.

### **4. St Johns River Status Report on Water Quality & Manatees**

Dr. Gerry Pinto from Jacksonville University's Marine Science Research Institute gave the monthly St. Johns River and manatee update. Salinity in the river remains high, which is normal for this time of year given the low rainfall. The water temperature is still cold for manatees; there have been 3 manatee deaths so far this year, all suspected to be from cold stress. The manatees will begin returning in April as the water warms.

Dr. Jeremy Stalker from Jacksonville University's Marine Science Research Institute made a presentation on his proposal for performing a study on the growing shoal at the mouth of Clapboard Creek near Blount Island. He described the complex tidal flows in the area of the channel behind Blount Island near the creek mouth. The aim of the study would be to identify the nature and source of the material causing the shoaling by analyzing the shoal's sediment composition, water flow patterns in the creek and river, and the physical form of the shoal. Side-scan sonar would be used to analyze the depth and form of the river bottom and the shoal. An Acoustic Doppler Current Profiler (ADCP) would investigate water velocity and flow patterns in the area. Staff would build a baseline profile of conditions in the area and then run tests on a monthly basis to observe changes. They would particularly sample before and after tropical storm events to determine the impact of those storms on the siltation process. A hypothesis about where the shoal material might be originating (a nearby dredge spoil disposal site is one candidate) can be tested by depositing specially made glass ultraviolet-reactive tracer sediment grains in the suspected source and then testing to see if they are eventually deposited at the shoal site.

Dr. Stalker said this type of study would typically take 18 months to complete, could be done in 12 months to produce some basic results, and could be extended to 24 months to produce a more comprehensive database. The glass tracer sediment grains need to be ordered from the manufacturer in England, which will take some time. A longer study period means more data and better long-term results. The cost of the study as proposed would be \$800,000 to \$1.2 million, which includes the purchase of the side-scan sonar and ADCP equipment by JU. That equipment can be put to many other uses in addition to its use for this study, including locating items dumped or lost in the river, examining bridge pilings for evidence of scouring activity, etc. The project would be a partnership between the City and JU with lots of future potential benefits. JU students would be hired and trained to operate the equipment to work on the project and provide the data collection and a master's thesis will likely result from a graduate student involved in the work.

Chairman Howland noted that a Shoaling Subcommittee exists and said he will refer this report to them for review. Commissioner Birtalan asked if this project would this be a new venture for JU. Dr. Stalker said it would be new for JU, but he has used this technology before in other places and it's tried and tested technology. In response to a question from Council Member DeFoor about whether this equipment and methodology could this be used to study shoaling conditions in the Ft. George Inlet, Dr. Stalker said it certainly could. There are lots of places where sediment transport studies would be useful in Jacksonville's waterways.

## 5. New Business

[2023-0116](#) ORD Transmitting to the State of FL's Various Agencies for Review, A Proposed Large-Scale Revision to the FLUM Series of the 2030 Comp Plan at 0 Roosevelt Blvd, 4811 & 4837 Collins, btwn Roosevelt Blvd & Ortega Bluff Pkwy - (127.95± Acres) - LI, MDR & RPI to MDR & RPI - Edward L. Toney & Joan M. Toney, as Co-Trustees of the Joan M. Toney Revocable Trust Dated 7/28/17, & Jemset LLC - (R.E. # 098422-0000, 099140-0000, 099140-0020, 099151-0000 (Portion) & 105562-0010) (Appl # L-5778-22A) (Dist. 14 - DeFoor) (Fogarty) (LUZ) (JWC Apv)  
2/28/23 CO Introduced: LUZ, JWC  
3/7/23 LUZ Read 2nd & Rerefer  
3/14/23 CO Read 2nd & Rerefer  
LUZ PH - 4/4/23  
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code - 3/28/23 & 4/11/23

Ed Lukacovic of the Planning Department presented information on the large-scale land use amendment application for transmission to the state for review. The property is on Roosevelt Boulevard at Collins Road. There are 24 acres of mostly Category 3 wetlands with a small amount (0.43 acres) of Category 2 wetlands on the 128-acre parcel. The proposed land use is medium-density residential and Residential, Professional and Institutional (RPI), removing the light industrial use currently allowed. Chairman Howland asked what protections would be put in place for the wetlands and creek if the property were to be improved. Mr. Lukacovic described the St. Johns River Water Management District permitting process and City regulations. Council Member Clark-Murray asked about previous applications for changes to the land use of this piece of property; Mr. Lukacovic said he had no knowledge of previous applications. Hayden Phillips representing the property owner said there is no current plan for the property but it would likely be for residential and office use. The proposal is to downzone the property to remove the light industrial category. The owner has no plans for development near the Class 2 wetlands on the north end because the site is so inaccessible. Mr. Phillips said they've been in communication with the U.S. Navy about a purchase of development rights agreement so as not to develop a portion of the property that is in the NAS Jacksonville aircraft accident potential zone. Council Member DeFoor expressed reservations about the proposed single access point to such a large parcel of property.

#### Public participation

John Nooney thanked the Chair for allowing public participation before action is taken and thanked the committee for asking good questions of the developer.

[2023-0146](#) ORD re the Estab of Hogpen Creek Dependent Special Dist in Accordance with Sec 189.02, F.S.; Incorporating Recitals; Adopting a Charter for the "Hogpen Creek Dependent Special District" for the Limited Purpose of Dredging & Maintaining Navigable Waterway Access to the Intracoastal Waterway; Estab the Dependent Nature of the Dist; Estab the Purpose, Powers, Functions & Duties; Estab a Geographic Boundary for the Dist; Acknowledging the Authority to Create the Dependent Special Dist; Recognizing the Best Alternative; Estab a 7 Member Board of Supervisors to be Originally Appointed by the City Council with All 7 Initial Terms Exp on 5/18/27, & All 7 Supervisors Being Elected by the Qualified Electors of the Dist Beginning with the 2027 General Election; Prov Add'l Requirements; Identifying the Method of Financing; Recognizing the Consistency with the Comp Plan (Bowles) (Introduced by CM Diamond) (JWC Apv)  
2/28/23 CO Introduced: NCSPHS, R, F, JWC  
3/6/23 NCSPHS Read 2nd & Rerefer  
3/6/23 R Read 2nd & Rerefer  
3/7/23 F Read 2nd & Rerefer  
3/14/23 CO PH Read 2nd & Rerefer  
3/20/23 NCSPHS Approve 5-0  
3/20/23 R Approve 5-0  
3/21/23 F Approve 6-0  
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601- 3/14/23

Trisha Bowles of the General Counsel's Office gave a brief description of the purpose of the bill to create a special district for dredging. Chairman Howland noted that the bill was approved unanimously in both City Council committees to which it was referred this week.

#### Public participation

John Nooney thanked the Chair for allowing public participation before action is taken and expressed support for the bill.

### **JWC Arlington River Speed Zone Subcommittee Report**

Chairman Howland said the subcommittee met on March 8th and recommended the establishment of a restricted speed zone around the Cesery Boulevard bridge over the Arlington River.

Motion: recommend to City Council that legislation be approved to establish a restricted speed zone around the Cesery Boulevard bridge.

Rita Mairs of the General Counsel's Office said the subcommittee also discussed non-regulatory signage and asked if the Waterways Commission wanted to include that in the motion as well. She said there was consensus at the meeting about erecting both kinds of signage, but the motion only included the regulatory speed zone signage. Commissioner Hartley said the subcommittee's vote was 2-0 with one abstention. Ms. Mairs said it was 2-0 with one not voting, which pursuant to the City Council Rules is counted as voting in the affirmative. Chairman Howland said this has been a very contentious issue and from his perspective this recommended zone places a very small restriction on boaters to ensure safety for everyone on the river. Commissioner Fraden said he abstained from the vote in the subcommittee because he wasn't comfortable with the proposal at the time. He understood that the speed zone could not be established just because there is a rowing club nearby but could be done for safety reasons if there had been an accident at the site. He's reviewed the accident report for the personal watercraft accident that occurred in the area and said that report contains conflicting information and raises a number of questions. He believes that installing new pilings in the river for the signage adds to the danger rather than subtracting from it. He strongly favors non-regulatory warning signage on all the bridges in that area instead.

Commissioner Hartley advocated for regulatory signage to prevent the accident that will surely happen in the future if nothing is done. Council Member Clark-Murray asked if this signage would have been proposed if the accident had not happened. Commissioner Hartley said it would because this issue has been discussed for over a year and is needed to address a dangerous situation. Chairman Howland quoted from the state statute about local governments' ability to establish restricted speed zones for bridges meeting certain criteria. Ex officio Commissioner Hoyles said he thinks the rowing club has adequately made its case about the need for the restriction and he supports the legislation. Council Member DeFoor said there are restricted speed zones in waterways in her district and they exist for a legitimate reason to protect everyone's safety, including boaters.

Commissioner Fraden said he would like to see the non-regulatory warning signage installed immediately while the restricted speed signage will take much longer to get permitted. Commissioner Birtalan said this issue has been discussed for a long time and has become very emotionally charged on both sides. It appears the subcommittee finally reached a satisfactory compromise, and he supports that motion. Commissioner Barker asked if posting both kinds of signage is possible – non-regulatory now and the regulatory later when the permitting process is completed. Brian Burkett of the Parks, Recreation and Community Services Department said all signage requires some level of permitting. He would submit permit applications for both types of signs simultaneously and said that non-regulatory sign permits might be done a little quicker, but not much. The department will need to hire a contractor to post the signs in either event. Commissioner Hartley said Council Member Morgan, in whose district the bridge is located, attended the meeting and was in full support of the subcommittee's motion being proposed. Commissioner Fraden said the non-regulatory signage will be very beneficial for the rowing clubs in the area to warn boaters of their presence.

### Public Comment

Asi Yavari said this issue is not just about protecting rowers - there are other non-motorized users of the river that would be protected as well. She supports the motion. There have been other accidents in the area, they just weren't reported officially. The need for protective action has been apparent for a long time.

Elizabeth Bernardo said Jacksonville has great waterways but her family doesn't kayak on the Arlington River because of the potential for danger there. The City has the power to protect the general public safety and has done so across the city, just not these particular bridges, and that needs to be rectified.

Dorota Peirsztel representing First Coast Rowing said recreational boaters aren't being overly burdened by the proposed restriction which protects everyone's safety. The two rowing clubs with their slow-moving boats present a unique danger that needs to be recognized.

Davis Bales representing First Coast Rowing said the narrow, low bridge with restricted visibility should have been signed years ago for public safety. The objections proposed against the erection of the signage don't seem sensible to him. There are lots of users of all kinds in a congested and dangerous area who need to be protected.

Joe Lawhon said the rowing clubs brought this problem on themselves by locating their boathouses where they did. Putting more poles in the river adds to the danger. His father is in real estate and said boaters buying houses on waterways want to know how long it takes to get from the property to open water, so slow speed zones do impact real estate values. The Waterways Commission needs to hold public hearings in the evening when boaters can come and give their side of the story.

AJ Alenduff suggested expanding the restricted speed zone because there is so much drinking and boating on the weekends that lead to accidents. His wife is involved in dragon boat racing and that activity needs flat water, and there are only a few places on smaller rivers that have that kind of water and they need protection.

Tom Anderson said he has spoken with people involved in responding to the Arlington River accident that has been cited and it definitely happened at the Cesery bridge, despite what the accident report says. The biggest users of that waterway are rowers, kayakers, and crabbers, with motorboaters far less. The rowing clubs have been there for years and are not newcomers.

Council Member DeFoor said she feels that speed restrictions would improve, not depress, property values because slow speed zones are quieter and therefore better for adjacent residents.

The motion passed 8-0.

## **6. Old Business**

**Bridgeport Coal Ash Barge Incident -  
Update on Meeting Between the Army Corp of Engineers, the Coast Guard and the River  
Pilots**

Commissioner Birtalan said he met with representatives of the St. Johns River Bar Pilots, US Army Corps of Engineers, the Coast Guard and Jaxport. The Coast Guard said the jetties are properly marked and charted so nothing more needs to be done from their perspective. The Army Corps of Engineers said they require a finding of justifiable need from the Coast Guard before they could get involved in a project involving the jetties. They report that there's a deep scour hole at the end of the jetties (80 feet deep) that would require a huge anchor chain to moor a warning buoy which would probably be impractical. Installing lighting at the end of the jetties would require an expensive electrical installation. The Bar Pilots said there's no problem with big ships with professional pilots entering the channel, but it is problematic for amateur boaters or those without experience and knowledge in the area.

Mr. Birtalan said there is a Private Aids to Navigation program under which a party may apply to the Coast Guard for permission to design and install warning mechanisms themselves. He also said he learned that the 2024 Congressional Army Corps of Engineers appropriation bill contains a project for jetties renovations (raising the height in response to sea level rise), and that seems like a great opportunity to get something done. He believes there are lots of people buying and operating big, expensive boats who would benefit from additional safety measures at the jetties to help them protect their investments. Ex officio Commissioner Hoyles asked if the Coast Guard would oppose the voluntary proposal because they don't think it's necessary. Mr. Birtalan said that at the meeting he attended, the Coast Guard representatives indicated they would not be opposed.

Commissioner Fraden returned to the subject of non-regulatory signage on the Arlington River to warn boaters of the presence of rowers.

Motion (Fraden): the Waterways Commission recommends installation of non-regulatory signage on the University Boulevard bridge eastbound side and Atlantic Boulevard bridge northbound side to warn power boaters of rowers in the area.

Commissioner Barker asked if the posting of non-regulatory signs would in any way negatively impact on the regulatory signage effort. Brian Burkett said he didn't think so, but he will consult with the City's waterways engineering consultant about that.



#### Public participation

Asi Yovari said don't let the non-regulatory signage impact on the regulatory signs already approved – be sure what the commission has already approved gets done.

Davis Bales of First Coast Rowing Club said all they ever wanted was signage on the Cesery Boulevard bridge, so don't let additional proposals gum up the works like happened when the University Boulevard bridge was added in to the previous proposal. Warn boaters of the danger of the 90-degree turn near the Cesery bridge.

Tom Anderson expressed concern that the non-regulatory signage might be seen by City Council as a less restrictive option and that they might choose option in place of regulatory signs.

Commissioner Birtalan asked that the non-regulatory sign motion be withdrawn until after City Council acts on the regulatory sign proposal so as not to confuse anything. Mr. Fraden said he did not intend for his motion to be combined with the previous motion on regulatory signs.

The Fraden motion failed by a vote of 3-5.

#### 7. Public Comment

None due to the mandatory meeting end time of 11:00 a.m.

#### 8. Adjournment

**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.**

Jeff Clements - Council Research Division  
jeffc@coj.net 904-255-5137  
Posted 3.28.23 3:00 p.m.