

City of Jacksonville

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



Meeting Minutes

Wednesday, April 12, 2023

9:00 AM

Council Chambers 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

Representative Kiyan Michael-Excused Absence

Mark Devereaux-Absent

Andrew Fraden

Marc Hardesty

Richard Hartley

Richard J. Redick

General Public Rep. (Vacant)

Marshall Adkison, Ex-Officio-Absent

Adam Hoyles, Ex-Officio

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

1. Meeting Convened: 9:01 A.M. Meeting Adjourned: 9:45 A.M.**2. Call To Order****3. Roll Call**

Present 11 - Commissioner Jon Michael Barker, Chair Nick Howland, Vice Chair Randy DeFoor, Commissioner Robert Birtalan, Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, Commissioner Richard Hartley, Alternate Tyrone Clark-Murray, Commissioner Richard Redick, Commissioner Lane Burnett, and Commissioner Marc Hardesty

Excused 2 - Commissioner LeAnna Cumber, and Commissioner Kiyon Michael

Absent 2 - Ex-Officio Marshall Adkison, and Commissioner Mark Devereaux

Also: Barbara Hobson and Rebecca Bolton – Legislative Services Division; Rita Mairs – Office of General Counsel; Jeff Clements – Council Research Division; Eric Grantham and Rhonda Patrick – Public Information Division; Jim Suber – City Dockmaster/Marinas and Waterways Consultant; Dr. Gerard Pinto – Jacksonville University Marine Science Research Institute

4. Approval of Minutes

The minutes of the March 22, 2023 Waterways Commission were amended at the Chair's request to reflect that John Nooney did not get to make public comment because the meeting ran long and had a fixed adjournment time and that Mr. Nooney subsequently made a contribution to the artificial reef fund. The minutes were approved unanimously as amended.

5. St. Johns River Status Report on Water Quality & Manatees

Dr. Gerry Pinto of Jacksonville University's Marine Science Research Institute gave the monthly report. The water level in the St. Johns River is running a little higher than normal. The river's salinity readings have been interesting in recent weeks, showing lower salinity at the mouth than further upriver which is unusual. The cause is more rain falling nearer the coast than inland and therefore more dilution than usual near the river's mouth. Area rainfall is at a slight deficit for the year. There has been no change in manatee deaths since last month, with 3 recorded for the year. There have been a couple of reports of algae being seen in Doctor's Lake and in the main stem of the river in that area, but no serious algae bloom at this point.

Adam Hoyles asked about the condition of the manatees in Indian River Lagoon and the FWC's feeding program. Dr. Pinto said fewer manatees are being rescued this year suffering from starvation than was the case last year, but the situation is still dire. There is some evidence that grass beds are regrowing somewhat both in the Indian River and in our area and there is hope that the beds will recover somewhat during the summer growing season.

6. New Business

2023-0216 ORD-MC Approp \$65,000.00 From a Special Council Contingency Acct to Provide Funding for Regulatory Signage; Amend Sec 614.132 (Regulations on Operation of Boats), Ch 614 (Public Order & Safety), Ord Code, to Estab the Boating-restricted Area in the Arlington River Around the Cesery Bridge; Prov for Design & Implementation; Prov for Oversight; Prov for Codification Instructions (Mairs) (Introduced by CMs Howland & Morgan) (JWC Apv)
3/28/23 CO Introduced: NCSPHS, R, F, JWC
4/3/23 NCSPHS Read 2nd & Rerefer
4/3/23 R Read 2nd & Rerefer
4/4/23 F Read 2nd & Rerefer
4/11/23 CO PH Read 2nd & Rerefer
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 4/11/23

The bill results from the Waterways Commission's recommendation at its last meeting to the City Council for speed regulatory signage on the Arlington River. Chairman Howland noted that there were 10 speakers on this bill in the Public Comment period at last night's City Council meeting, all in favor of passage. The bill will be in the NCSPHS, Rules and Finance Committees next week for debate and action. The \$65,000 amount of the appropriation is an estimate of costs and the actual cost won't be known until bids are received, which can't happen until this appropriation bill is passed. Council Member DeFoor thanked everyone for moving this issue forward and anticipates City Council approval in 2 weeks.

Public Participation

John Nooney said he will be making another donation to the artificial reef trust fund. He supports passage of this bill. Ordinance 2023-215 regarding the extension of a City grant to the Jacksonville Historical Society for renovation of a historic building impacts Hogan's Creek. There is far too little public access to Jacksonville's waterways.

Motion: The Waterways Commission supports passage of Ordinance 2023-216 – approved 9-2 (Commissioners Barker and Hardesty opposed).

Commissioner Hardesty asked to abstain from the vote but was informed by Rita Mairs of the Office of General Counsel that he could not abstain unless he had a conflict of interest that prohibited him from voting, and that the Council Rules provide that failure to vote will be recorded as a vote in the affirmative. Mr. Hardesty said he wasn't in attendance at the last commission meeting due to out-of-town travel and did not hear the debate so felt unprepared to cast a vote, but voted in the negative since he could not abstain.

7. Old Business

Artificial Reef Subcommittee

Chairman Howland noted that Commissioners Barker and Hartley are the subcommittee. Mr. Hartley said that former Waterways Commissioner Jill Haskell is still interested in serving on the subcommittee, if possible, despite her resignation from the Commission. Chairman Howland asked Ms. Mairs if Ms. Haskell's resignation had become effective since she had not yet been replaced and, if it had not, if she was therefore eligible to serve on the subcommittee. The Chairman said he will confer further with Ms. Mairs to see if there is a way Ms. Haskell can be appointed to the subcommittee.

Shoaling Subcommittee

Commissioner Hardesty said the subcommittee did not have a meeting because of a noticing issue. He said that everyone on the commission seems to be in favor of Dr. Jeremy Stalker's study proposal made at the last meeting, so perhaps there isn't a need to have another subcommittee meeting if there is a consensus of the group to support the proposal. Mr. Hardesty asked if the Waterways Commission could take up that issue today if it's not on the published agenda. The Chair posed that question to Ms. Mairs who said that the item would need to be properly noticed on the agenda in order to be discussed so that the public has opportunity to observe the debate and participate. Chairman Howland said the proposal will be placed on the commission agenda for discussion next month.

Council Member DeFoor asked if the Waterways Commission's intent is to propose that the City pay for the study. Commissioner Hardesty said he understood that Congressman Rutherford is looking for a potential federal funding source. This proposal is much less expensive and will be less time-consuming than having the Army Corps of Engineers do a study. It will be a win-win for the City and for Jacksonville University and its students to purchase the needed equipment, do the study, and better understand Jacksonville's waterways. This is a chance to make real progress on this shoaling issue after a lot of discussion. Mr. Hardesty said there needs to be warning signage on this shoal because it's every bit as dangerous to boaters as the Arlington River situation discussed earlier. Council Member DeFoor said a grant writer needs to be identified - either JU or the Northeast Florida Regional Council - to get a grant written and submitted. She said she would be happy to facilitate connections with the Northeast Florida Regional Council if need be. The City will act as a conduit for the grant expenditure when that time comes.

Arlington River Non-Regulatory Warning Signage

Commissioner Fraden asked when it would be appropriate for him to propose a motion regarding the posting of non-regulatory warning signage on the Arlington River as discussed at the last meeting. Chairman Howland said he will put that item on the agenda for the next commission meeting.

Ortega River Mooring Regulation

Council Member DeFoor said she understood that there were enforcement issues with the Ortega River short term boat mooring regulatory ordinance that may need resolution. Commissioner Barker said there's apparently not a clear process for what to do with boats that are confiscated for violation of the ordinance – there don't seem to be procedures for where they are taken, who disposes of them, and where the funding to move them will come from. Ms. DeFoor said she hopes that signage and education will help solve the problem. Jill Enz of the Parks, Recreation and Community Services Department said that 3 signage permits are pending with the Army Corps of Engineers, CSX Railroad, and the Florida Fish and Wildlife Conservation Commission. Jim Suber said once the signs are erected, if they don't achieve the desired purpose then we need to have a law enforcement process in place. When the City gets to the point of removing boats for violating the ordinance (remove, but not damage or destroy), there needs to be a process for a contractor to remove it from the water and store it somewhere out of the water at the owner's expense for as long as the law allows. It is currently unclear what happens if the end of the storage period is reached and the vessel isn't retrieved by its owner.

Captain Suber said there are 8 derelict vessel cases currently being worked, one of which is in the process of being declared a "nuisance vessel" and is being handled by the State Attorney's office. Terry Carr of the Environmental Quality Division urged caution about the idea of using these confiscated vessels as artificial reefs, since they're generally not good candidates for that use. Commissioner Barker said there are several applicable laws and there needs to be clarity about the end of the process for law enforcement so they can take clear action to resolve the problem. Captain Suber said the City has the derelict vessel enforcement process down pat and it works, albeit slowly. There needs to be a similar process for the short-term mooring nuisance vessel process.

Chairman Howland listed 3 agenda items for the next Waterways Commission meeting: the JU shoaling study proposal, nuisance vessel enforcement process, and Arlington River non-regulatory signage.

8. Public Comment

John Nooney said that pending Ordinance 2023-215 regarding a City grant extension for 6 months for the Jacksonville Historical Society to renovate a historic building impacts on Hogan's Creek. Where can you launch a kayak or paddleboard on that creek? Nowhere – there is no public access. He said he has written to the Northeast Florida Regional Council about Pottsburg Creek. There is a lot next door to his home on the creek that was purchased using FEMA funds that could be turned into a park.

Chairman Howland reported that there is legislation pending before City Council to appropriate funds for the next edition of the State of the River report produced by Jacksonville University.

Commissioner Reddick said there will be a resiliency conference on April 21st at the Gulliford Community Center in Mayport to inform the community about how resiliency plays into Mayport redevelopment. Waterway Commission members are welcome to attend the event.

9. Adjournment

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Jeff Clements - Council Research Division

jeffc@coj.net 904-255-5137

Posted 4.14.23 4:00 p.m.