

# City of Jacksonville

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



## Meeting Minutes

**Wednesday, May 10, 2023**

**9:00 AM**

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

### **Jacksonville Waterways Commission**

*CM Nick Howland, Chair*

*CM Randy DeFoor, Vice Chair - Excused Absence*

*CM LeAnna Cumber*

*CM Tyrona Clark-Murray, Alternate - Excused Late Arrival*

*Jon Michael Barker*

*Robert Birtalan - Excused Absence*

*Lane Burnett - Excused Absence*

*Representative Kiyan Michael - Excused Absence*

*Mark Devereaux*

*Andrew Fraden*

*Marc Hardesty*

*Richard Hartley*

*Richard J. Redick*

*General Public Rep. (Vacant)*

*Marshall Adkison, Ex-Officio - Excused Absence*

*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*

**Meeting Convened: 9:02 AM Meeting Adjourned: 10:34 AM**

**1. Call To Order**

**Present** 10 - Commissioner Jon Michael Barker, Chair Nick Howland, Commissioner LeAnna Cumber, Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, Commissioner Richard Hartley, Alternate Tyrona Clark-Murray, Commissioner Richard Redick, Commissioner Mark Devereaux, and Commissioner Marc Hardesty

**Excused** 5 - Vice Chair Randy DeFoor, Commissioner Robert Birtalan, Ex-Officio Marshall Adkison, Commissioner Kiyon Michael, and Commissioner Lane Burnett

**2. Roll Call**

**Attendance**

Barbara Hobson and Rebecca Bolton – Legislative Services Division; Rita Mairs – Office of General Counsel; Jeff Clements and Cory Armstrong – Council Research Division; Steve Cassada – Public Information Division; Jim Suber – City Dockmaster/Marinas and Waterways Consultant; Dr. Gerard Pinto – Jacksonville University Marine Science Research Institute

Chairman Howland called the meeting to order and the attendees introduced themselves for the record.

**3. Approval of Minutes - Jacksonville Waterways Commission for April 12, 2023**

The minutes of the April 12, 2023 Waterways Commission were approved unanimously as distributed.

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

Dr. Gerry Pinto of Jacksonville University's Marine Science Research Institute gave the monthly report. Salinity in the river is back to normal after some unusual patterns in the last couple of months. Water temperature up to 75 degrees and climbing. Water levels are normal although rainfall is running 1 inch below average for the year. The city is normally fairly dry at this time of year and is a little drier than usual on the Westside. Manatees have begun returning to local waters and there have been no new deaths since the last commission meeting, with a 3 total for the year. There will be a Manatee Task Force meeting on May 19th comprising local and state law enforcement agencies to assess manatee boating regulations and enforcement. There will also be a media day for the opening of boating season on May 24th to raise awareness among boaters of manatee safety. Some algae is being identified upstream in the river near the Shands Bridge and Doctors Lake, but thus far nothing toxic has been identified.

Commissioner Barker asked if anyone should be notified when citizens spot manatees. Dr. Pinto said citizen information is very useful and there's a manatee telephone hotline (904-745-7575) or email (gpinto@ju.edu) to report sightings. He said he will be flying next weekend for an aerial manatee count, but that only identifies about 60% of manatees in an area. It helps to have input from the public to identify those not seen from the air. Chairman Howland asked if citizens should report all manatee sightings or just those sick or injured. Dr. Pinto said reports of all manatees sighted are useful, along with details on their location, number sighted, their behavior, etc. Citizens can call the Florida Fish and Wildlife Conservation Commission's hotline to report injured manatees, or any injured wildlife. Commissioner Fraden said he is aware of a donation of manatee warning signs and asked if he could voluntarily post them where manatees are sighted. Captain Suber said he would have to check on what is allowable.

## **5. COJ Disabled Services/ADA Waterways Status Report - Upcoming Community Events**

Kara Tucker, Chief of the City's Disabled Services Division made a presentation on services her division provides to persons with disabilities. She noted that there will be a wheelchair repair clinic on May 12th, an emergency preparedness conference on May 26th, an ADA symposium on June 16th, and a disability expo on June 26. Ms. Tucker said she is working with Visit Jacksonville Inc. on publicizing access to Jacksonville's waterways for persons with disabilities.

## **6. New Business**

Chairman Howland said the Cesery Boulevard bridge speed zone regulatory signage ordinance recommended by the Waterways Commission was passed by City Council at its last meeting and the funding for the next edition of the State of the River Report is pending in Council now.

**2023-0271** ORD Apv the Harbour Waterway Dependent Special Dist Proposed FY 23-24 Budget Pursuant to Ord 2010-725-E & Sec 189.02, F.S. (Staffopoulos)  
(Introduced by CP Pursuant to Ord 2010-725-E) (JWC Apv)  
4/25/23 CO Introduced: NCSPHS, F, JWC  
5/1/23 NCSPHS Read 2nd & Rerefer  
5/2/23 F Read 2nd & Rerefer  
5/9/23 CO PH Read 2nd & Rerefer  
5/15/23 NCSPHS Approve 4-0-1 (Ferraro)  
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 5/9/23

Rita Mairs of the Office of General Counsel gave some background on the creation of the special district for dredging and waterway maintenance in the neighborhoods and reviewed the budget figures.

#### Public Participation

Stanley Pikes, District Manger for the special district, was available to answer questions. He said the district makes its dredge spoil site available to other districts for deposition of dredge spoils.

John Nooney said 3 other special district budgets were on the City Council agenda for approval last night. He believes the dredging districts are doing a good job and he is in support of this budget.

Motion – recommend approval of the FY23-24 budget for the Harbor Waterways Dependent Special District – approved unanimously.

#### Mayport Village Update

Commissioner Reddick gave an update on activities at Mayport Village. There is a dock under construction for the Oearch research vessel and it is nearing completion. Oearch should be a great economic generator for Mayport. An RFP for construction of docks for the shrimp boat fleet is underway. The Safe Harbor Seafood Company is for sale.

#### 7. Old Business

##### St. Johns River Shoaling

Chairman Howland said this is a long-standing issue for the Waterways Commission and he's looked back over previous meeting minutes to refresh his memory on the sequence of events. The Army Corps of Engineers (ACOE) said they would need to be asked to investigate the need for dredging to remove the shoal. There has been discussion of getting the Coast Guard to post warning signage, possibly with City funding. Commissioner Hardesty said the ACOE wants the City to fund its study at a cost of \$3 million which is not reasonable. The Shoaling Subcommittee approached Jacksonville University about doing the study instead and they made an interesting proposal to use specially made glass sediment grains and side-scan sonar equipment to investigate potential source material sites and deposition patterns. This would produce very useful information on the shoal and would pay to procure equipment that would be useful over a long term. It would be a great project for JU students and the cost would be a third of what the ACOE was asking.

Mr. Hardesty said he and Dr. Jeremy Stalker of JU met with Beth Payne, the Executive Director of the Northeast Florida Regional Council (NEFRC), to discuss potential funding options. Ms. Payne said the NEFRC working through the Military Installation Resilience Review process, a U.S. Department of Defense program that deals with protecting ship ingress/egress to military facilities and they are adding language to the resiliency grant process to see if this shoaling issue might qualify for funding. There's also a possibility that the City could apply for resilience vulnerability grants. U.S. Coast Guard cutters and U.S. Navy ships often moor in the back channel of Blount Island in the area where this shoal is developing when seeking protection during tropical storms. He recommends a 2-prong approach – federal grants combined with state/local funding.

Chairman Howland said a plan needs to be developed to mark the shoal for safety, find out where the material is coming from, and ultimately dredge it out. Commissioner Hardesty said the Cesery Bridge signage going up within 60 days of the recommendation from the Waterways Commission shows what can be done when a decision is made and action is taken. He's already seen several accidents and groundings on the shoal so there's a real need to do something quickly before a boater is injured or killed there. Chairman Howland said the Cesery Bridge signage was able to be approved quickly due to a state law that gives local municipalities the authority to post signage for bridges with restricted height and width that pose a safety issue, but the state law does not apply to the shoaling area in question.

Waterways Coordinator Jim Suber said temporary marker buoys were placed on the shoal but were dragged off by storms because they're anchored in a sandy bottom. The Parks and Recreation Department is going through a process to get permanent signage permitted but something needs to be done sooner on an emergency basis. Brian Burkett of the Parks and Recreation Department said he has talked to the City's marine contractor on retainer and gotten an estimate of \$53,000 for permitting and installing 20 buoys to mark the shoal. Buoys are not eligible for funding by the Florida Inland Navigation District, but FIND would pay for marking the navigable channel with permanent signage, although that would take several years to happen given the FIND grant process. He recommended requesting an allocation of \$60,000 for the project. Chairman Howland asked if marking the shoal is within the City's area of jurisdiction. Mr. Burkett said that is a big question. The City could voluntarily take responsibility for placing the buoys but then would probably be taking on perpetual responsibility for maintaining them. Captain Suber noted that there are actually 2 shoals in the area that would need be covered by these buoys. There is an ongoing question about whether there is a marked navigable channel in that area or not. Commissioner Hardesty said the ACOE charts of the navigable channel have changed over the years in that area. The City needs to get the warning buoys installed as soon as possible for safety, then get the ACOE to do its job and take care of the larger problem of removing the shoal.

Chairman Howland asked about the appropriate order of steps to be taken. Rita Mairs of the Office of General Counsel said the first step is to apply to Florida Fish and Wildlife for permits for the signs. Commissioner Devereaux asked if there is any opposition to the City going onto the nearby dredge spoil site to determine if that's the source of the material. Commissioner Hardesty said the site is under the jurisdiction of the Marine Corps and they ought to be willing to let the City do an examination of the site before there's a shoal-related accident. Commissioner Hoyles said he doesn't think the Corps would be resistant to the City accessing the site. Commissioner Reddick asked if it would be advisable to get sediment samples from the spoil site now before anything else gets deposited there to use as a baseline for the study. He said he sees silt coming out of the drainage pipes from the spoil site when there's

heavy rain. Mr. Hardesty said he thinks an independent study by JU makes more sense than trying to deal with the ACOE which has a vested interest in the result.

Commissioner Barker asked if the JU study could be done in phases, with the sediment deposition study using the glass beads done first to identify the source of the shoal material and, if it turns out that that the suspected spoil site is in fact the source, then use that fact as leverage to get further work done on dredging. Dr. Pinto said the plan was to do the sediment source study with the glass beads first to identify the source of the material and then use the sonar equipment to study material deposition rates and flow patterns. He estimated the deposition study could possibly be done for \$500,000. He said that when you look at testing material within the spoil site, it is inclusive of chemical analysis and once the particles leave the site a lot of the chemical properties that would be studied are gone.

Chairman Howland asked what work the City had done in the past about shoaling issues. Captain Suber said nothing really, other than they have marked some small shoals in the past and left them there. This instance is more complicated because it's in federal waters and requires multiple permitting processes. Commissioner Barker said what's important is to establish causality and an identifiable source of the material and then use that fact to get the responsible party to start remedying the problem. Chairman Howland said the 2 primary issues seem to be 1) finding funding and 2) determining causality and City responsibility. Dr. Pinto said he would discuss tweaks to the JU research proposal with Dr. Stalker as the commission discussed today.

Motion (Hardesty/2nd Redick) – ask City Council to find funding to post warning signage to mark the shoal for safety purposes.

Commissioner Reddick asked if the Waterways Commission has the authority to perform investigations. Rita Mairs said she will review Ordinance Code Chapter 95 that created the Waterways Commission but thinks it may be something that the Commission would ask City Council to do. Commissioner Fraden recommended marking the position of the buoys and tracking them as they are relocated to the shoal's perimeter to determine shoal growth. Brian Burkett said that would happen through the permitting process because each buoy has specific GPS coordinates and that would change and be tracked as the buoys are moved. There will be additional expense when buoys need to be moved in the future and he recommended locating the buoys slightly beyond the current edges of the shoal so they don't need to be moved too soon.

Commissioner Hardesty moved to withdraw his motion which was approved unanimously.

Motion (Hardesty/2nd Barker) – recommend that City Council move forward with legislation to install shoal warning signage from Clapboard Creek southeastward toward the main channel of the river.

Captain Suber clarified that the intent is that the signage would be for safety warning purposes, not regulatory, which was agreed by general consensus.

The Hardesty motion approved unanimously.

Chairman Howland asked JU representatives to come back to the next commission meeting with a phased approach to their proposed study.

Commissioner Hardesty asked if it would be appropriate to make a motion about funding for the JU study. Ms. Mairs said that might be premature until the cost of the phased approach is known. Mr. Hardesty suggested asking the Parks and Recreation Department to start identifying potential funding sources, both local and potential state or federal grants or appropriations. Commissioner Barker suggested that Dr. Pinto and Mr. Burkett coordinate before the next meeting about project costs by phase.

### **Cesery Bridge - Non Regulatory Signage**

Commissioner Fraden talked about non-regulatory warning signage on the University Boulevard and Atlantic Boulevard bridges warning boaters of the rowing clubs on the Arlington River and Pottsburg Creek and the regulatory slow speed zone just established at the Cesery Boulevard bridge. Commissioner Howland asked Ms. Mairs if this matter could be taken up again after being voted down at the previous commission meeting. Ms. Mairs said the Council Rules don't specifically apply to the Waterways Commission, which does not have adopted by-laws, but the commission has previously followed the spirit of those rules. The Council Rules provide that a legislative proposal that is defeated by the Council may not be reintroduced for a period of one year. She asked Mr. Fraden for clarification if he is making the same proposal that was voted down at the last commission meeting or if he is now addressing signage on different bridges, which would be a new proposal. Chairman Howland said his recollection is that is that the motion at the previous meeting was to post non-regulatory signage upriver and downriver from the Cesery Boulevard bridge. Mr. Fraden said his recollection was that the commission ran out of time at the last meeting and put off discussion of the non-regulatory signage to a future meeting, which is now. Brian Burkett said the regulatory signage bill for the Cesery bridge passed City Council two weeks ago and the funding has been moved to the proper expenditure account and his office is now entering into the permitting process.

Commissioner Hartley said he supported Mr. Fraden's motion because he understood the commission's action at the last meeting to be to separate the regulatory and non-regulatory signage into separate issues and to move the regulatory sign recommendation first, which the commission did. Mr. Burkett said FDOT approval will be needed to post signage on their bridges. He said the signs will be relatively inexpensive, but the bigger cost would be for installation if a barge is needed because the signs can't be attached working from the bridge deck.

Motion (Fraden/2nd Hardest ) – recommend that City Council identify funding to post informational signage at the Atlantic Boulevard (northbound on the Pottsburg Creek) and University Boulevard (north/eastbound on the Arlington River) bridges warning of rowing clubs and slow boat traffic ahead.

### **Public Participation**

Davis Bales of First Coast Rowing Club said he supported the idea of warning signage. A pre-existing channel marker in the area of the Cesery bridge was lost in a storm and needs to be replaced. The Oceanic marine contracting company is doing work on the Cesery Boulevard bridge and docks their barge at the First Coast Rowing Center facility. The company might be persuaded to contribute use of their barge to the sign posting effort.

The Fraden motion was approved unanimously.

### Ortega River Short-term Anchoring Issue

Brian Burkett said FWC, FDEP and ACOE signage permits have been received, and the Coast Guard permit application is still in process. The City has permission from FDOT to post signs on its bridge, but they are still waiting for permission from CSX Railroad to post signage on its bridge. The contractor is ready to go when permits are received. The decision could be made to post signs on the FDOT bridge as soon as the final Coast Guard permit is received and do the posting on the CSX bridge later once the railroad approves. Commissioner Barker said he would appreciate speeding up the posting of the signs, as it is already taking a long time to remove abandoned vessels once they are identified.

#### 8. Public Comment

John Nooney said he would be making another donation to the artificial reef trust fund. City Council designated National Tourism and Travel Week at its meeting yesterday. The Trails Community Development District annual report was submitted to City Council last night. He saw manatees last week in McCoy's Creek. Tourism is important.

#### 9. 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 5.15.23 4:00 p.m.