

# City of Jacksonville

117 W. Duval Street  
Jacksonville, FL 32202



## Meeting Minutes

Thursday, October 12, 2023

1:00 PM

Council Chamber  
1st Floor, City Hall

### Jacksonville Waterways Commission

*CM Jimmy Peluso, Chair*

*CM Mike Gay, Vice Chair*

*CM Tyrone Clark-Murray*

*CM Ken Amaro, Alternate*

*Jon Michael Barker - Excused Absence*

*Robert Birtalan - Excused Absence*

*Lane Burnett*

*Representative Kiyon Michael*

*Mark Devereaux - Late 1:05 p.m.*

*Andrew Fraden*

*Marc Hardesty*

*Richard Hartley - Excused Absence*

*Richard J. Redick*

*Jill Haskell - Absent*

*Marshall Adkison, Ex-Officio - Absent*

*Adam Hoyles, Ex-Officio*

*Barbara Ireland Hobson & Rebecca Bolton, Legislative Assistants*

*Rita Mairs, Office of General Counsel*

*Dr. Gerard Pinto, Jacksonville University*

*Jeff Clements, Chief of Research*

*Jim Suber, Waterways Coordinator*

**1. Meeting Convened: 1:00 P.M. Meeting Adjourned: 3:10 P.M.****2. Roll Call**

**Present** 10 - Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, Commissioner Tyrona Clark-Murray, Commissioner Richard Redick, Commissioner Kiyan Michael, Commissioner Mark Devereaux, Commissioner Lane Burnett, Commissioner Marc Hardesty, Chair Jimmy Peluso, and Vice Chair Mike Gay

**Excused** 3 - Commissioner Jon Michael Barker, Commissioner Robert Birtalan, and Commissioner Richard Hartley

**Absent** 2 - Ex-Officio Marshall Adkison, and Commissioner Jill Haskell

**3. Approval of Minutes**

Motion (Gay/2nd Clark-Murray): approve the minutes of the Waterways Commission meeting of September 14, 2023 as distributed - approved unanimously.

**4. Pledge of Allegiance****5. New Business**

**2023-0649** ORD Transmitting to the State of FL's Various Agencies for Review, a Proposed Large-Scale Revision to the FLUM Series of the 2045 Comp Plan, Including a Revision to the Development Areas Map, at 0 Coconut Palm Pkwy, 0 J. Turner Butler Blvd, 0 Kiwi Palm Ct, 4950 20 Mile Rd N, 0 & 14931 Philips Hwy, 0 Rosewater Ln, 0 San Pablo Rd & 6586 San Pablo Rd S, btwn I-295 & the Duval County/St. Johns County Line - (11,047.38± Acres) - AGR in the Rural Dev Area to MU in the Suburban Dev Area Subj to FLUE Site Specific Policy 4.3.23- Adding FLUE Site Specific Policy 4.3.23- BJD Timberlands, LLC & Estuary, LLC (R.E. # 167752-0200, 167755-0020, 167763-0020, 167764-0010, 167764-1100, 167769-0015, 167774-0000, 167775-0010, 167778-0320, 167876-0020, 167877-0000, 167886-0000, 167887-0000, 168158-0000, 168159-0000, 168160-0000 & 168177-0120) (Appl # L-5861-23A) (Dist. 11-Arias) (Parola) (LUZ) (JWC Apv)  
9/26/23 CO Introduced: LUZ, JWC  
10/3/23 LUZ Read 2nd & Rerefer  
10/10/23 CO Read 2nd & Rerefer  
LUZ PH - 11/7/23  
Public Hearing Pursuant to Sec 163.3184 (3), F.S. & Ch 650, Pt 4, Ord Code -10/24/23 & 11/14/23

Ed Lukacovic of the Planning and Development Department introduced representatives of the developer and the Planning Department in attendance to address this large scale land use map amendment proposal. He described the location of the property, the drainage basin in which it is located, and the current and proposed land use development potential. The proposal is for a very large- scale mixed-use development (over 11,000 acres) which would include over 1 million square feet of commercial uses and over 13,000 single family homes in the Nocatee area on the city's southeastern border with St. Johns County. The property contains over 7,100 acres of wetlands, some connected to Pablo Creek and Box Branch and others isolated throughout the site, and 3,000 acres of the site are in flood zones of various types. A majority of the site does not drain to any waterway. Paul Harden representing the Davis family, the long-time owners of the property, said that there are no current plans for development of the property, which will be a decades-long process. The developer has met with JEA, FDOT, and other agencies to identify the locations of future public facilities (power lines, roads, schools, etc.).

CM Raul Arias said this is a unique property available for a very large development over a course of many years, so the Multi-Use (MU) land use category is appropriate for this type of property. He noted that the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection and St. Johns River Water Management District will continue to regulate uses of the wetlands as they are developed. Mr. Harden noted that this ordinance is the first of many steps – the transmittal of the proposed map amendment to the state for initial review. Mr. Arias said he has been in close communication with the property owner about the development of this plan.

Commissioner Devereaux asked about the history of the Davis property and the amount of land that has been designated for permanent preservation and conservation use. He said he hoped that this property would be developed in the same way as Nocatee was developed, which has been very successful. Commissioner Fraden asked for clarification of the usable portion of the land. Mr. Lucacovic said about 4,000 acres of the 11,000 acres are identified as non-wetlands in the City's GIS system, but that is a rough estimate and the actual developable acreage will be determined as parcels are laid out and planned for development. Commissioner Redick asked about why this action is being proposed now since development is going to take many decades to accomplish. Mr. Harden said the MU land use amendment is being proposed because agencies like JEA and FDOT are planning their infrastructure for decades into the future and making those plans in conjunction with a single property owner simplifies the overall process. It also informs nearby area residents what future development plans may be. In response to a question from Mr. Redick about drainage and water flow from future development, Mr. Lucacovic said state law regulates the diversion of water and requires retention of stormwater onsite. CM Clark-Murray asked for an explanation of the MU land use category and Mr. Harden explained that it permits mixed commercial and residential uses but within the context of a large, planned development. It effectively replaces the Development of Regional Impact planning process abandoned by the state several years ago.

Commissioner Michael expressed concern about the potential impact of development on Pablo Creek. Mr. Harden said that Pablo Creek and Box Branch are both located in portions of the property that are planned for permanent conservation. Chairman Peluso asked how much of the 11,000 acres will go into conservation easements; Mr. Harden said likely one-half to two-thirds because that is typical of properties developed in that portion of the City.

Motion (Gay/2nd Clark-Murray): recommend approval of Ordinance 2023-649 – approved (8-1, Redick opposed)

**2023-0654** ORD Adopting a Small-Scale Amendmnt to the FLUM 2045 Comp Plan at 8533 Malaga Ave & 3700 Collins Rd, btwn Collins Rd & Carmona St - (3.94± Acres) - LDR to ROS - The Rudder Club of Jacksonville, Inc. (R.E. # 100396-0000 & 100397-0000) (Appl #L-5849-23C) (Dist. 14-Johnson) (Hinton) (LUZ) (JWC Apv)  
(Rezoning 2023-655)  
9/26/23 CO Introduced: LUZ, JWC  
10/3/23 LUZ Read 2nd & Rerefer  
10/10/23 CO Read 2nd & Rerefer  
LUZ PH - 11/7/23  
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code - 10/24/23 & 11/14/23

Mr. Lucacovic described the location of the property and said there are no wetlands on the site, which is on the bank of the St. Johns River south of NAS Jacksonville and surrounded by low density single-family residential. The Adaptation Action Area covers a portion of the property that would be impacted by a Category 3 hurricane. CM Clark-Murray asked Mike Herzburg, representing the developer, about the need for this land use change. He said it legitimizes the current recreational use of the land as a small marina and boat ramp that has existed since the 1950s.

Motion (Gay/2nd Clark-Murray): recommend approval of Ordinance 2023-654 – approved 9-0

## 6. Presentations

### **Florida Department of Environmental Protection**

Katie Craver, External Affairs Director for the Northeast District of FDEP, described what the agency is and what types of regulatory programs it operates, particularly as it relates to waterways. The three major functions of FDEP statewide are regulatory programs, land and recreation resources, and ecosystem restoration, which operate out of 6 district offices statewide. Ms. Craver provided contact information for various regulatory and compliance program managers in the Northeast Florida region and briefly described the functions of the various programs, which range from state parks to stormwater management and hazardous waste regulation to potable water permitting.

### **JEA - Consumptive Use Permit Presentation**

Laura Schepis, JEA External Affairs Officer, briefly described JEA's service area which includes some portions of Nassau, Clay and St. Johns Counties. JEA's water supply comes from wells tapping the Floridan Aquifer. Water consumption is governed by the state's 5 water management districts that issue consumptive use permits (CUPs) for the withdrawal of water from the aquifer. JEA's most recent CUP was issued in 2011 and extends to 2031, permitting the withdrawal of 142 million gallons of water per day. JEA's Integrated Water Resource Plan done in 2019-20 found that the utility needed to invest in reducing customer demand for water to maintain water supply sustainability. JEA's customer mix is 60% residential and 40% commercial. They offer several conservation programs, including home water conservation kits, incentives to purchase water-saving appliances, etc. Commercial conservation programs especially target restaurants because they are big water users.

In recent years JEA has begun installing water reuse systems in new growth areas and they now supply over 24 million gallons of reuse water per day. A near future goal is to take highly treated reclaimed water and begin returning it to the aquifer through recharge wells. State law requires that by 2029 wastewater treatment plants must eliminate surface discharge of effluent, so planning is underway for more water reuse and aquifer recharge.

Commissioner Fraden asked about a sewage spill into Pottsburg Creek last month and how JEA is regulated by regional or state agencies in that regard. Ms. Schepis said JEA is regulated by FDEP and the St. Johns River Water Management District with regard to sewage spills and responds as quickly as possible with all the resources needed for remediation. JEA took over the City's water and sewer system in 1997 and much of the system is old and in need of considerable upgrading. Commissioner Hoyles said the vast majority of the sewer system is gravity-operated so pump stations are located at the lowest points in the system which tend to be along water bodies. He asked about aquifer replenishment plans. Ms. Schepis said that JEA hopes to divert a large portion of the 60 million gallons of treated wastewater currently discharged into the river to aquifer replenishment.

Mr. Hoyles expressed surprise about the tremendous growth in the projected water demand curve. Representative Michael asked about saltwater intrusion into the water supply. Ms. Schepis said it has not been a problem in Jacksonville to date, and the water supply is being tested every day to identify problems such as saltwater intrusion. Wayne Young of JEA said that a potential saltwater intrusion problem on the Southside was averted by the installation of a new transmission pipe across the St. Johns River from the Northside to improve the water supply to the Southside.

### **USS Orleck - Upcoming Educational & Entertainment Series**

Bob Whitkop, Education Director for the USS Orleck, described the wide-ranging educational programs that will be offered to make the ship a destination attraction. They will cover areas from navigation to naval history, chemistry to engineering, and arts to geography. He reviewed the ticket prices and membership plans available. Mr. Whitkop invited input from the commissioners and the City about how the USS Orleck could improve its offerings and assist the City.

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

Dr. Gerry Pinto of the Jacksonville University Marine Science Research Institute said the salinity of the river can change very rapidly depending on heavy rainfall, as it did today after several inches of rain fell. Water levels have been running above normal because of the rainfall as well and rainfall may exceed the average annual rate by year's end.

Dr. Pinto said some toxic algae has been identified in Doctor's Lake but not in the main stem of the river. There has been 1 manatee death reported since last month, making 15 total for the year, of which 6 are from boat strikes. He announced the annual Environmental Symposium taking place at UNF tomorrow at the Adam Herbert University Center beginning at 8:30 a.m. There is also a WJCT online symposium on the State of the River Report on October 16th at 4:00 p.m.

### **8. Old Business**

#### **Sunshine Follow-up**

Rita Mairs of the Office of General Counsel said a question was raised at the last meeting about how long communications needed to be kept by commissioners under the state's Public Records Law, particularly electronic communications. According to the General Records Schedule GS1-SI for State and Local Government Agencies, there is no single retention period that applies to all electronic messages or communications. Retention periods are determined by the content and, nature, and purpose of records, and are set based on their legal, fiscal, administrative, and historical values, regardless of the format in which they reside or the method by which they are transmitted. The closest category of records that would most likely be associated with the commissioners are "Information Request Records", which consist of correspondence and supporting documentation accumulated in answering inquiries from the public. The retention period for these records is one year. If a commissioner has records that do not fit in this category, they would need to check with OGC to determine the retention period, which may be anywhere from 3-5 years, depending on the content of the record.

### **Subcommittee & Task Force Follow-up**

Meeting went into Recess

#### **Meeting Reconvened**

a. FIND Subcommittee

Meeting Date - October 25, 2023 1:00 p.m. - 3:00 p.m.

Members: Commissioner Barker, Commissioner Haskell, Commissioner Hartley,  
Commissioner Fraden, Commissioner Birtalan & Adam Hoyles, Ex-Officio

b. River Accord Task Force

Members: CM Peluso (Chair), Commissioner Barker, Commissioner Hartley,  
Commissioner Redick;, Adam Hoyles (Ex-Officio) & St. Johns Riverkeeper  
Lisa Rinaman

Meeting November 22nd, 1:00 p.m

c. St. Johns River Shoaling Task Force

Members: CM Gay (Chair), Commissioner Hardesty, Commissioner Devereaux,  
& Adam Hoyles (Ex-Officio)

Meeting October 25th, 10:00 a.m.

CM Gay said he has been getting inquiries from constituents about the possibility of establishing a no wake zone on Shad Creek to address erosion of the shoreline caused by the wake from high-speed boats. Capt. Suber said the Florida Fish and Wildlife Commission would need to permit a slow-speed zone for safety purposes. The Parks and Recreation Department has already posted signs for a 300-foot slow speed zone extending from the bridge in question but it's a difficult location and the solution to the erosion problem won't be easy. Capt. Suber said will meet with CM Gay to discuss this situation.

## 9. Public Comment

Brian Burkett of the Parks and Recreation Department said the Florida Inland Navigation District is having an outreach event tonight from 6 to 8 p.m. at the Doubletree Hotel on the Southbank downtown.

The Commission's next meeting will on November 16th.

## 10. 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 10.16.23 5:00 p.m.