

City of Jacksonville

117 W. Duval Street
Jacksonville, FL 32202



Meeting Minutes

Thursday, January 11, 2024

1:00 PM

Council Chamber
1st Floor, City Hall

Jacksonville Waterways Commission

CM Jimmy Peluso, Chair

CM Mike Gay, Vice Chair

CM Tyrona Clark-Murray

CM Ken Amaro, Alternate

Jon Michael Barker

Robert Birtalan

Lane Burnett

Representative Kiyon Michael - Excused Absence

Mark Devereaux - Late Arrival 1:05

Andrew Fraden

Marc Hardesty - Excused Absence

Richard Hartley - Excused Absence

Richard J. Redick

Jill Haskell - General Public Rep.

Jack Meeks, Ex-Officio

Adam Hoyles, Ex-Officio

Rebecca Bolton & Vanessa Galan, Legislative Assistants

Rita Mairs, Office of General Counsel

Dr. Gerard Pinto, Jacksonville University

Eamon Webb, Chief of Research

Jim Suber, Waterways Coordinator

Meeting Convened: 1:00 PM**Meeting Adjourned: 2:13 PM****1. Call To Order****2. Roll Call**

Present 7 - Commissioner Robert Birtalan, Ex-Officio Adam Hoyles, Commissioner Andrew Fraden, Commissioner Tyrona Clark-Murray, Commissioner Jill Haskell, Chair Jimmy Peluso, and Vice Chair Mike Gay

Excused 1 - Commissioner Richard Hartley

3. Pledge of Allegiance**4. Approval of Minutes**

CM Peluso shared that Shannon MacGillis will be the new representative for the Office of the General Counsel for the Commission.

The minutes from the previous meeting were approved.

Peggy Sidman, Council Director, explained the new voting machine technology to the Commission.

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

Contact:

Dr. Gerard Pinto, JU

Dr. Gerard Pinto gave a report on water quality in the St. Johns River system. The average temperature at the time of this report was around 57°F. Salinity levels were lower than usual as a result of high rainfall. Rainfall in January was already 1.6 inches above normal levels due to recent severe weather systems. There were no new algae blooms or new reports on manatee incidents since the last meeting.

Commissioner Barker asked Dr. Pinto about a spike in temperature at the JU sensor, and Dr. Pinto explained that this type of spike was most likely caused by an issue with the sensor.

6. Public Comment

John Nooney spoke about the importance of public access to waterways, noting that he was looking for a sponsor for a FEMA house on Pottsburg Creek and was looking forward to the introduction of zones along the Riverwalk where alcohol would be permitted.

7. New Business

[2023-0821](#) 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, at 0 Pecan Park Rd & 0 Arnold Rd, btwn Arnold Rd & JIA - (229.01± Acres) - AGR & PBF to LI - Subema, LLC (R.E. # 019583-0000 & 019606-0000 (Portion)) (Appl #

L-5872-23A) (Dist. 8-Gaffney, Jr.) (Parola) (LUZ) (PD & PC Apv) (JWC Apr w/Conds)

11/28/23 CO Introduced: LUZ, JWC

12/5/23 LUZ Read 2nd & Rerefer

12/12/23 CO Read 2nd & Rerefer

1/10/24 CO PH Addn'tl 1/23/24

LUZ PH - 1/17/24

Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code - 1/10/24 & 1/23/24

Ed Lukacovic of the Planning Department gave a presentation on bill 2023-0821, a large-scale land use amendment to a 229-acre property on the Northside of Jacksonville, changing the property from agricultural to light-industrial. Mr. Lukacovic explained that this large-scale land use amendment was brought before this commission because of the Category 3 wetlands on the property and because of Seaton Creek's running through the property. A solar farm is positioned to the north of the property. JIA owns land to the south of the property that it uses as possible runway space if the area ever experiences rapid growth to the point of needing another runway. The property to the north of this property is already zoned for light industrial. Mr. Lukacovic explained that this large-scale land use amendment would need to be approved by the State before any specific PUDs were filed.

CM Clark-Murray asked Michael Sittner, representing the applicant, how the developer plans to use the land once the large-scale land use amendment is completed. Mr. Sittner explained that because the state would need to approve the large-scale amendment, the developer could not discuss any specific plans at this time. Any specific PUD would need to go before the Council for approval. CM Clark-Murray also asked whether the proximity to the airport would limit what could be developed on this property; Mr. Sittner stated development would be limited by the proximity of the property to the airport but that JIA had already written a letter of no objection to the amendment, which had already been put on record.

Commissioner Deveraux asked whether the abutting property, owned but unused by JIA, would pose a problem 30 years down the road. Mr. Lukacovic explained that JIA has owned this property for longer than 30 years; it is a contingency plan for unlikely levels of growth. Commissioner Deveraux noted that the Northside could experience massive growth as did Mandarin several decades ago. CM Peluso clarified that the property owned by JIA abutted the property to the south and was not part of the property.

CM Gay asked whether the developer would need to build an egress over Seaton Creek, and Mr. Lukacovic stated that a road built over the creek would need to be designed and approved with a 100-year-storm in mind. Peter Ma, representing the applicant, stated that the developer will need to build a driveway over the creek but noted that many different departments within the City would need to approve this driveway once it was planned.

CM Gay noted that this bill would be the last chance the JWC would get to opine on this change; the developer could not explain specifics of their plans for the property before state-approval, but the Council would then be acting quasi-judicially on the specific plans, which would likely not be sent before JWC.

Commissioner Fraden asked whether single-family homes could currently be built on the property, and Mr. Lukacovic specified that they could be but that there is little demand for homes on a property abutting an airport runway. Commissioner Fraden asked how the wetlands on the property would affect development, and Mr. Lukacovic responded that the developer would have to mitigate any effect caused by building on wetlands but that all wetlands on the property were Category 3.

Ex-officio member Meeks stated to CM Peluso that he believed the JWC to be in an unideal position to weigh in on the amendment because of the lack of specifics regarding the developer's plans. CM Peluso agreed and stated that the JWC could condition approval of the amendment on returning to JWC after state approval. Rita Mairs, Office of the General Counsel, noted that this would be a quasi-judicial bill.

The quasi-judicial status of the bill would require that the JWC only act in an advisory capacity upon return of the matter and that CMs would not be able to weigh in on any quasi-judicial matter in which they would be involved. Jim Suber, Waterways Coordinator, noted that discussion could be limited to this specific land use amendment.

Commissioner Barker echoed the concern that it is difficult for the Commission to approve this land use amendment without knowing how the property will be developed because of this change. Mr. Sittner explained that approving a large-scale land use amendment to be approved by the state before any specific PUDs are filed is standard procedure; he also stated that development would need to receive variance exceptions due to building height restrictions.

Commissioner Birtalan noted that single-family homes could be built on the property as it was currently zoned, and anyone looking to build a single-family home on the property would need to get it approved as a quasi-judicial ordinance through LUZ, as this property was currently zoned as agricultural. He stated that it would be a bigger concern for homes to be abutting an airport runway than it would be for light industrial development to abut the runway.

CM Peluso confirmed with Ms. Mairs that the Commission was in the correct posture to approve the bill with the condition that it would return to the JWC, with the Commission acting in an advisory manner and with Council Members being unable to opine.

The bill was approved with the condition by the Commission.

2024-0030 ORD Approp \$11,424,000.00 in Grant Funds from the FL Dept of Environmental Protection (FDEP) to Provide Funding for the Northbank Riverwalk - Northbank Bulkhead Proj; Apv & Auth the Mayor, or Her Designee, & the Corp Sec to Execute & Deliver, for & on Behalf of the City an Agrmt btwn the City & FDEP Re the Proj; Amend the 24-28 5-Yr CIP Appvd by Ord 2023-505-E to Reflect this Approp of Funds; Prov for Oversight by the Dept of Public Works, Engineering & Construction Mgmt Div (B.T. 24-042) (Dillard) (Req of Mayor) (Co-Sponsor CM Clark-Murray) (JWC Apv)
1/10/24 CO Introduced: NCSPHS, F, JWC
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 1/23/24

Robin Smith, Chief of Engineering Construction Management, explained that the City had received this grant for the Northbank Bulkhead project.

2024-0033 ORD Approp \$2,500,000.00 from the Northbank Riverwalk - Northbank Bulkhead Proj to the Southbank Bulkhead Proj to Pay for Increased Construction Costs; Amend the 24-28 5-Yr CIP Appvd by ORD 2023-505-E to Transfer Funding to the Southbank Bulkhead Proj (B.T. 24-041) (Dillard) (Req of Mayor) (Co-Sponsor CM Clark-Murray) (JWC Apv)
1/10/24 CO Introduced: NCSPHS, F, JWC
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 1/23/24

Robin Smith, Chief of Engineering Construction Management, explained that this bill moved funds from the Northbank Bulkhead project to the Southbank Bulkhead project. Bill Delaney, Council Liaison of the administration, explained the importance of this project to the riverfront parks system.

CM Clark-Murray clarified with Mr. Smith that this bill would move grant funds from the Northbank Bulkhead project to the Southbank Bulkhead project. CM Gay asked whether this could potentially violate the grant agreement, and Mr. Smith responded that it would not. CM Gay asked why the City would not apply for both projects, and Mr. Smith responded that the City pursued the grant for the more expensive project, which is the Northbank Bulkhead project.

CM Peluso stated that these projects were very important for increasing public access to waterways.

Commissioner Barker asked whether the project would be in compliance with resiliency standards, and Mr. Smith responded that there was currently no standard but that the City had been working to achieve resiliency with this project, with the potential for the bulkheads to be raised two feet in the future.

8. Old Business

a. St. Johns River Shoaling Task Force Update

Contact:
CM Gay

CM Gay stated that he was setting up a meeting for the next week to discuss funding sources for the Jacksonville University study and to get all stakeholders who need to be involved in solving the shoaling issue on the same page.

b. River Accord Task Force Update

Contact:
CM Peluso

CM Peluso announced that there would be a River Accord Task Force meeting at 10 AM in the Lynwood Roberts room the next Friday, 1/19. The Task Force would be evaluating the success of the previous River Accord and discussing what the goals of a new River Accord would be.

CM Peluso noted that it might be useful to convene another task force to discuss policy on how derelict vessels are handled. Jim Suber, Waterways Coordinator, stated that laws were already on the books concerning derelict vessels, but law enforcement struggled with procedures detailing what to do in specific situations. Commissioner Barker expressed his interest in potentially chairing this task force. Rita Mairs, Office of the General Counsel, clarified that Jim Suber was technically "staff" on JWC which meant members of JWC could communicate with him about the task force in compliance with Sunshine Law.

Commissioner Burnett stated that the process of handling derelict vessels should be like a "recipe" for law enforcement. Captain Suber noted that a big issue in derelict vessel policy is the moving of vessels from "at-risk" status to "derelict" status. CM Peluso asked Captain Suber whether it would be possible to receive a briefing on derelict vessels at the next JWC meeting, and Captain Suber stated that he would work on it.

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.

Minutes:

Eamon Webb, EWebb@coj.net

(904) 255-5140

Posted: 1/12/24, 5:00 PM