

City of Jacksonville

117 W. Duval Street
Jacksonville, FL 32202



Meeting Minutes

Thursday, May 16, 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 - Excused

CM Ken Amaro, Alternate

Jon Michael Barker

Robert Birtalan

Lane Burnett

Representative Kiyon Michael

Mark Devereaux

Andrew Fraden

Marc Hardesty

Richard Hartley

Richard J. Redick

Jill Haskell - General Public Rep.

Jack Meeks, Ex-Officio

Adam Hoyles, Ex-Officio

Rebecca Bolton & Vanessa Galan, Legislative Assistants

Shannon MacGillis, Office of General Counsel

Dr. Gerard Pinto, Jacksonville University

Eamon Webb, Council Research

Jim Suber, Waterways Coordinator

Meeting Convened: 1:00 PM**Meeting Adjourned: 2:27 PM****1. Call To Order**

2.

- Present** 11 - Chair Jimmy Peluso, Vice Chair Mike Gay, Alternate Ken Amaro, Commissioner Lane Burnett, Commissioner Rep. Kiyon Michael, Commissioner Andrew Fraden, Commissioner Richard Hartley, Commissioner Jill Haskell, Commissioner Richard Redick, Commissioner Mark Devereaux, and Ex-Officio Adam Hoyles
- Excused** 5 - Council Member Tyrone Clark-Murray, Commissioner Jon Michael Barker, Commissioner Robert Birtalan, Commissioner Marc Hardesty, and Ex-Officio Jack Meeks

3. Pledge of Allegiance**4. Approval of Minutes****5. St. Johns River Status Report on Water Quality & Manatees**

Contact:
Dr. Gerard Pinto, JU

Dr. Pinto presented the State of the River Report. He explained that salinity remains high, due to less rainfall generally, and average temperatures are 10 to 12 degrees up from last month, with the overall average temperature being about 80 degrees. He noted that there had been one new watercraft-caused manatee death since the previous report and that conditions were currently sufficient for increased manatee migration.

Council Member Gay stated that he had seen five to seven manatees in the Broward River recently; he expressed concern that many boats travel quickly down Shad Creek and that these practices may endanger these manatees.

Council Member Amaro asked Dr. Pinto to explain the "parts per thousand" language that he was using, and Dr. Pinto explained that this metric measures the salinity of the river.

Commissioner Fraden stated that he sees manatees weekly in Pottsburg Creek. Dr. Pinto explained that Jacksonville University has a "manatee hotline" to alert the presence of manatees and that many people email him directly, which is also acceptable. Commissioner Fraden stated that he had discussed putting up temporary signage to alert boaters to the presence of manatees with Brian Burket of Parks, Recreation and Community Services; Mr. Burket clarified that these signs must be non-regulatory and temporary.

Commissioner Haskell asked what type of vessel killed the manatee that recently died; Dr. Pinto answered that he did not know and that this type of information was often not reported.

6. Public Comment

John Nooney spoke on 2024-0331 and noted the amount of money that was being transferred in this bill. He stated that certain bills related to waterways, including dredging projects, special district budgets, and a septic tank vulnerability assessment, were not going before the Jacksonville Waterways Commission, which does not pass a "gut check" of how things should be run. He advocated for a public park and kayak launch to be built on a FEMA repetitive-loss property on Pottsburg Creek.

7. Presentation for Mike Getchell

Contact:
CM Peluso & Captain Suber

8. New Business

[2024-0273](#) ORD Adopting a Small-Scale Amendmnt to the FLUM Series of the 2045 Comp Plan at 851 N Market St, btwn Market St N & Liberty St N - (4.48± Acres) - ROS to CGC - COJ (R.E. # 074384-0100 (Portion)) (Appl # L-5860-23C) (Dist. 7-Peluso) (Roberts) (LUZ) (JWC Apv) (Rezoning 2024-274)
4/9/24 CO Introduced: LUZ, JWC
4/16/24 LUZ Read 2nd & Rerefer
4/23/24 CO Read 2nd & Rerefer
5/14/24 CO PH Addn'tl 5/28/24
LUZ PH - 5/21/24, 6/18/24
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code - 5/14/24 & 5/28/24

Ed Lukacovic of the Planning and Development Department gave a presentation on the small-scale land use amendment. He outlined the timeline for public hearings on the bill. He stated that there are no wetlands on the affected property but that it went before JWC because of its proximity to Hogans Creek. He stated that it is divided into two parcels: the northern parcel being owned by Public Works and the southern parcel being the historic The Armory structure, built in 1916. The land use amendment would change the zoning of the property from recreation/open space (ROS) to community/general commercial (CGC). He stated that surrounding properties are mixed, as this property is in the Springfield neighborhood. The Armory building is designated as a historic structure, so this change must be reviewed by the Jacksonville Historic Preservation Commission.

Council Member Peluso noted that this project is in his district and that the Emerald Trail will also be running along Hogans Creek. He expressed support for this project and for other projects, including creek widening, that will ensure the success of the Emerald Trail in the Springfield neighborhood, but he added that there are always considerations for the JWC when dealing with development projects that will affect creeks and thus the St. Johns River.

[2024-0275](#) ORD Adopting a Small-Scale Amendmnt to the FLUM Series of the 2045 Comp Plan at 0 Pritchard Rd & 6453 Robinson Rd, btwn I-295 N & Pickettville Rd - (17.81± Acres) - LDR to LI - Shaw's Land Properties, LLC (R.E. # 003461-0020)

& 004339-0030) (Appl # L-5840-23C) (Dist. 10-Pittman) (Hinton) (LUZ) (PD Deny) (PC Apv) (JWC Apv)
(Rezoning 2024-276)
4/9/24 CO Introduced: LUZ, JWC
4/16/24 LUZ Read 2nd & Rerefer
4/23/24 CO Read 2nd & Rerefer
5/14/24 CO PH Addn'tl 5/28/24
LUZ PH - 5/21/24, 6/4/24
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code -
5/14/24 & 5/28/24

Ed Lukacovic of the Planning and Development Department gave a presentation on the small-scale land use amendment. He outlined the timeline for public hearings on the bill. He explained that the parcel includes Category II Wetlands which drain into Six Mile Creek, which drains into Ribault River. The land use amendment would change the zoning of the property from low-density residential (LDR) to light industrial (LI). The property directly sits on I-295, and the surrounding land uses are a mix of light industrial, low-density residential, and business parks. Although the property is designated low-density residential, much of the property falls within an "industrial situation compatibility zone" and is within the Kings-Soutel Community Redevelopment Area Zone.

Council Member Amaro asked why the applicant was requesting the zoning change. Mr. Lukacovic stated that the parcel is within the industrial situation compatibility zone, so the City has deemed the area suitable for industrial uses. Council Member Amaro asked what the current use of the property was, and Mr. Lukacovic answered that the property is vacant. He added that the property directly to the south of the applicant property was a transportation company, which had been deemed a legal non-conforming use that existed prior to the implementation of the zoning code. He stated that the Planning Department did not recommend approval on this application because of traffic concerns but that the Planning Commission and CRA Board did recommend approval.

Council Member Peluso stated that he had similar questions and asked Mike Herzberg to answer questions on behalf of the applicant. Mr. Herzberg explained that this property is not viable for residential uses, citing its proximity to I-295 and cross-docking facilities. He stated that the City's allowing of the originally non-conforming property to the south of this property to officially change to light industrial "casts the die" for this property as industrial, as now it is surrounded by industrial use and is not viable for residential uses. He added that the applicant is cognizant of the residential properties to the east of the applicant property and will implement appropriate barriers, among other measures, to comply with the code. Council Member Peluso expressed concern about the property's proximity to the creek, especially given that the property is on a flood zone, but stated that this concern would be better reserved for the Land Use & Zoning Committee.

Council Member Peluso asked why the Planning Department did not recommend approval on the application, and Mr. Lukacovic explained that their recommendation of denial was based on the potential impact of additional truck traffic on nearby residential properties.

Commissioner Devereaux asked for specific information on the "nature" of the nearby homes. Mr. Lukacovic stated that they appeared to be a mix of single-family homes and trailers. Mr. Herzberg added that there is a buffer of a lake to the south of the applicant property.

Council Member Gay asked about the property to the south that had been changed from legal, non-conforming to light industrial recently and stated that he believed it to be a fuel transport facility. Mr. Lukacovic confirmed that Council Member Gay was correct and added that the facility also does vehicle repairs and has been owned by the same family for a long time. Council Member Gay observed that it would be beneficial for the surrounding properties to not be zoned for residential uses.

Council Member Gay asked if the effect of the zoning change on the involved wetlands would be mitigated, and Mr. Lukacovic answered that it should not need to be mitigated. He explained that the applicant had received a silvicultural permit from the St. Johns River Water Management District for

the access road. He stated that the applicant may have to return to the SJRWMD for additional approval if the applicant decides to improve the property but that there was plenty of space to implement necessary mitigations. Council Member Gay expressed concern about potential development on the property affecting groundwater levels for the nearby residential properties; Mr. Lukacovic stated development on the dry areas included in the property may have indirect impacts on the groundwater levels but that this impact should be minimal as this development will require accompanying mitigation efforts. Council Member Gay stated that he would like to condition approval such that development of the property does not significantly affect the water table, and Mr. Herzberg stated that he would be open to the Land Use & Zoning Committee adding the completion of a study as a condition of approval for development on the property.

2024-0331 ORD Approp \$49,510,929.16, Consisting of \$25,228,130.61 from the Other Federal, State & Local Grants - American Rescue Plan Local Fiscal Recovery Fund - U.S. Dept of Treasury Acct & \$24,282,798.55 from Debt Management Fund Loan Proceeds to the 2023 Authorized Capital Projs, to Swap the Funding Sources btwn the Water Wastewater Fund Proj & the McCoy's Creek Greenway - Outfall Improvements Proj to Comply With American Rescue Plan Timing Requirements; Amend the 24-25 5-Yr CIP Appvd by Ord 2023-505-E to Reflect This Approp of Funds to the Projs; Prov for Oversight by the Engineering & Construction Mgmt Div of the Dept of Public Works (B.T. 24-083) (Dillard) (Req of Mayor) (JWC Apv)
4/23/24 CO Introduced: NCSPHS, F, JWC
5/6/24 NCSPHS Read 2nd & Rerefer
5/7/24 F Read 2nd & Rerefer
5/14/24 CO PH Read 2nd & Rerefer
5/20/24 NCSPHS Amend/Approve 7-0
5/21/24 F Amend/Approve 6-0
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 5/14/24

Steve Long of the Public Works Department explained the bill, which swaps funding sources for the project to shift American Rescue Plan funds from the Water-Wastewater System Fund (septic tank phase-out project) to the McCoy's Creek Greenway -- Outfall Improvements with Riverwalk CIP project to shift American Rescue Plan funds for immediate expenditure on a project currently under construction in order to comply with the deadlines of the American Rescue Plan Act.

Council Member Amaro asked Mr. Long to clarify funding amounts. Council Member Amaro summarized the bill as a case of "use it or lose it" regarding the ARP funds and that instead of losing the funds, the City was choosing to move them.

9. Old Business

a. St. Johns River Shoaling Task Force Update

Contact:
CM Gay

Council Member Gay stated that he had met with Congressman Aaron Bean's office to communicate the severity of the issue. He stated that they had not reached any conclusions but that it was important to maintain dialogue.

Brian Burket of the Parks, Recreation and Community Services Department provided an update on the markers that would alert those navigating the waterway of the shoal. He stated that the City was still waiting on Coast Guard approval for the permit to place these markers and that this permit should be received sometime the following week or possibly the week following Memorial Day. He stated that the contractor was ready to mobilize to quickly install the markers once the permit was approved.

Council Member Gay asked if it was possible to have extra patrol of the area for Memorial Day weekend if the permits were not approved by then. Captain Jim Suber, Waterways Coordinator, noted that representatives from Jacksonville Sheriff's Office were in attendance and could possibly answer this question. Kevin Kilcoin, Sergeant of the JSO Marine Unit, stated that he could meet with Council Member Gay to come up with a plan to deal with these concerns. Council Member Gay reiterated the safety hazard that the growing shoal presents. He asked Captain Suber whether it was mainly a low-tide issue, and Captain Suber answered that the shoal is an issue at all times. Council Member Gay acknowledged that JSO could not patrol the area at all times but stated that he wanted to develop a plan for Memorial Day weekend.

Council Member Peluso stated that he had a conversation with someone in the Jacksonville Coast Guard and that he had learned that all information regarding the approval of the permit was being handled in their Miami office. He stated that the result of the permit application should be received fairly imminently and that there was nothing more that anyone could do to speed up the application timeline. He thanked Council Member Gay for his work on the issue.

Commissioner Hoyles stated that Blount Island had "caught wind" of what the JWC was discussing regarding the proposed sediment study. He noted that JWC could ask Blount Island what their specification is for when their dredge management unit is full. Council Member Gay agreed that the JWC would like to see this specification but that this type of information is not often willingly shared by the military entities involved. He stated that whether the Army Corps of Engineers and Marines would allow access to their spoils sites was a consideration in developing the sediment study. Commissioner Hoyles posited that the JWC could ask whether the spoils site is full, and he added that he believes that the answer is either yes or very close to being yes. Council Member Gay agreed and compared the mitigation efforts of JEA and the Army Corps. He added that these types of conversations had been had in the Shoaling Task Force and that the City's concerns have been repeatedly made known to the Army Corps of Engineers.

Council Member Peluso stated that the Jacksonville Waterways Commission should consider drafting a formal letter to ask these questions and formally express these concerns.

Commissioner Devereaux expressed that he would like to see a Freedom of Information Act request regarding the state of the spoils site, noting that there had already been ample communication. Council

Member Peluso stated that he believes that the JWC should speak formally as a body to express these concerns without resorting to a FoIA request, which would likely end any voluntary communications with the Army Corps of Engineers. Commissioner Devereaux asked whether the mayor could sign off on the official letter as recommended by Council Member Peluso; Council Member Peluso stated that he would defer to Council Member Gay regarding specifics of how this situation would be handled. Council Member Gay explained that he had just initiated conversation with Congressman Bean's office and that he would like to continue with a diplomatic approach before resorting to approaches like FoIA requests.

b. River Accord Task Force Update

Contact:
CM Peluso

Council Member Peluso stated that he had spoken to the St. Johns River Water Management District regarding their contributions to the River Accord document. He stated that they would likely not be an official signatory of the document but would still provide input. He stated that the next River Accord Task Force meeting would be held on 5/23/2024 at 9:00 AM, which would lead directly into the 10:00 AM Derelict Vessel Task Force meeting.

He stated that he would like this River Accord to include more measurable goals than the original River Accord. He explained that he would also like to see this River Accord include policy recommendations to the state concerning regional issues that affect the river in Jacksonville, which is likely why entities like the SJRWMD would not be official signatories on the document. He encouraged commissioners to send in recommendations for the River Accord document.

c. Derelict Vessel Task Force Update

Contact:
CM Peluso & Commissioner Barker

Captain Suber stated that the Florida Fish and Wildlife Conservation Commission had provided a list of vessels pending to be removed. He stated that the Ordinance Code update had made great progress and thanked Shannon MacGillis of the Office of the General Counsel. Council Member Peluso thanked Ms. MacGillis and reiterated that the Derelict Vessel Task Force would meet on 5/23/2024 at 10:00 AM. He stated that he anticipated that the City would issue an RFP for the relevant services.

Council Member Gay stated he would like a representative from the Florida Department of Environmental Protection to give a presentation at the next meeting and answer questions. Council Member Peluso agreed that this was a good idea and asked Council Member Gay to provide him the desired scope for the presentation request.

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.

Minutes:

Eamon Webb

EWebb@coj.net

(904) 255-5140

Posted: 5/24/2024, 2:00 PM