

City of Jacksonville

117 W. Duval Street
Jacksonville, FL 32202



Meeting Minutes

Thursday, November 14, 2024

2:00 PM

Council Chamber,
1st Floor, City Hall

Jacksonville Waterways Commission

CM Mike Gay, Chair

CM Ken Amaro, Vice Chair - Early Departure

CM Jimmy Peluso - Early Departure

CM Tyrona Clark-Murray, Alternate

Jon Michael Barker

Robert Birtalan

Lane Burnett

Representative Kiyan Michael - Late Arrival

Mark Devereaux

Andrew Fraden

Marc Hardesty

Richard Hartley

Richard J. Redick - Excused

Jill Haskell - General Public Rep - Late Arrival

Jack Meeks, Ex-Officio

Adam Hoyles, Ex-Officio

Rebecca Bolton, Legislative Assistant

Shannon MacGillis, Office of General Counsel

Dr. Gerard Pinto, Jacksonville University

Colleen Hampsey, Council Research

Jim Suber, Waterways Coordinator

Meeting Convened: 2:00 PM**Meeting Adjourned: 3:42 PM****1. Call To Order****2. Roll Call**

Present 13 - Chair Mike Gay, Vice Chair Ken Amaro, Council Member Jimmy Peluso, Commissioner Jon Michael Barker, Commissioner Robert Birtalan, Commissioner Lane Burnett, Commissioner Rep. Kiyon Michael, Commissioner Andrew Fraden, Commissioner Richard Hartley, Commissioner Jill Haskell, Commissioner Marc Hardesty, Commissioner Mark Devereaux, and Ex-Officio Adam Hoyles

Excused 1 - Commissioner Richard Redick

Absent 1 - Ex-Officio Jack Meeks

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

The minutes of the October meeting of the Waterways Commission were approved unanimously via a voice vote.

5. Harbour Waterways Special District Presentation

The presentation was postponed to the next commission meeting.

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

Dr. Gerry Pinto said that most manatees have left the area as the colder weather approaches, with just 4 being spotted in last week's aerial survey flight. Water levels in the river are slightly higher than normal because of rain and northeasterly winds. There will be especially high tides tomorrow, perhaps 2 feet higher than normal. Rainfall is 12 inches above normal for the year as we head into the typically dry winter season. There were some algae toxins noted in the river last month but that is now gone. The presence of microcystis algae was detected this month but no toxins present. There was 1 manatee death reported since the last commission meeting, which was attributable to a watercraft, making a total of 5 deaths for the year in Jacksonville, 2 of which were watercraft related. Commissioner Peluso asked when the last toxic algae bloom occurred. Dr. Pinto said last month in Doctor's Lake, but the level is coming down and there have not been any toxic blooms serious enough to cause fish kills and the like for the last several years.

7. Public Comment

John Nooney said he attended today's DIA meeting to hear about the plans for the former Ford on Bay property on the river. Public access to waterways is the worst it's ever been. He advocated for a FIND project to acquire his home on Pottsburg Creek for use as a water access point.

Brian Burket of the Department of Parks, Recreation and Community Services said the department is in the process of updating the Huguenot Park 10-year management plan. On November 19th at 6 p.m. there will be a public meeting at the Oceanway Community Center for comment on the plan, which is available for review on the department's website.

8. New Business

[2024-0785](#) ORD Adopting a Small-Scale Amendmnt to the FLUM Series of the 2045 Comp Plan at 0 Beach Blvd, btwn Palm Ln & Grove Park Blvd - (0.09± Acres) - LDR to CGC - Modwelling, LLC (R.E. # 136291-0000(Portion)) (Appl # L-5959-24C) (Dist. 4-Carrico) (Roberts) (LUZ) (JWC Apv) (PD & PC Apv) (Rezoning 2024-786)
10/8/24 CO Introduced: LUZ, JWC
10/15/24 LUZ Read 2nd & Rerefer
10/22/24 CO Read 2nd & Rerefer
11/12/24 CO PH Addnt'l 11/26/24
LUZ PH - 11/19/24
Public Hearing Pursuant to Sec 163.3187, F.S. & Ch 650, Pt 4, Ord Code - 11/12/24 & 11/26/24

Ed Lucacovic of the Planning and Development Department described the proposed amendment and the development being proposed. The application will be in the LUZ Committee for action next Tuesday and was heard by the Planning Commission last week. The proposal is to go from Low Density Residential to Community General Commercial use. The tiny parcel (0.9 acres) is proposed to be connected to an adjacent commercial lot for development. A portion of the parcel is in the AE flood zone and is a Category 2 wetland. Commissioner Barker asked about the need for the rezoning of the lot; Mr. Lucacovic said it resulted from the establishment of a setback line 300 feet from the waterway some years ago that did not follow property lines and left this tiny isolated parcel. Commissioner Redick asked if the wetland on the property would stay; Mr. Lucacovic it would. Commissioner Devereux asked if the wetland would need to be filled to make the property useable and if the Planning Department had reviewed that. Mr. Lucacovic said they had not reviewed that. He said the larger southern parcel to which this parcel would be attached does not need to come before the Waterways Commission, only this tiny tip. Commissioner Peluso recalled a proposal discussed at an earlier commission meeting about changing the Coastal High Hazard zone; Mr. Lucacovic said that is underway, but this application was filed before that change was filed so that can't be considered in this application. Anes Dracic, the developer, said his plan is to develop 32 multi-family units and he doesn't need to use the whole parcel but just needs a small portion to meet setback requirements from the creek. Commissioner Amaro asked about the mitigation of flood potential at the site. Mr. Dracic said they will install a bulkhead behind the building and the pre-development engineering study will determine if other actions need to be taken. They will have to mitigate for the destruction of 1,200 square feet of wetlands (0.009 acres). Chairman Gay said it doesn't seem right that the Commission only gets to review this tiny parcel of a larger overall development but that is the rule for now until the new Coastal High Hazard zone is adopted. Commissioner Hardesty asked if the Planning Commission had approved this change; Chairman Gay said it did.

Motion (Peluso/2nd Amaro) – recommend approval of the 2024-785 future land use map amendment – approved unanimously via a voice vote.

9. Old Business

a. Task Force Updates

Abandoned and Derelict Vessels and Floating Structures Regulation and Remediation

Shannon MacGillis of the Office of General Counsel said her mandate from the Waterways Commission was to “fill the fillable holes” in the waterways regulatory scheme (Ordinance Code Chapter 388) with a minimal amount of new legislation. She said the chapter has 4 parts that are currently jumbled with mixed topics and she recommends division and reorganization of the chapter into 5 parts covering discrete topics for simplicity and clarity. Each part would have its own findings, conclusions, notice requirements, application formulas for various situations, time frames for remedy, citation requirements, penalties and remedies, etc. applicable to the specific topic of the part. Part 1 would cover general findings and legislative intent and chapter-wide topics. Part 2 would cover floating structures; the biggest change would deal with posting notice of violations. Part 3 would cover derelict vessels, at-risk public nuisance vessels, and interference with public navigation. It would set up an administrative hearing mechanism (the Environmental Protection Board) for the taking of specified classes of vessels as an alternative to using the state process. Part 4 would cover anchoring limitation areas within the context of the state’s regulations in this area, so is little changed from the existing language except for notices of violation and procedures. Part 5 would cover abandoned vessels. The re-write would also amend portions of Chapter 360 – Environmental Regulation - regarding the powers of the Environmental Protection Board and Chapter 28 – Parks, Recreation and Community Services - regarding trespass procedures.

Ms. MacGillis said that she has been consulting with the Environmental Protection Board, the Sheriff’s Office, the State Attorney’s Office and the Parks and Recreation Department on this bill. She will be sharing the draft with the Council Auditor’s Office upon completion for their review before it goes to council members to introduce.

Motion (Peluso/2nd Barker) – direct Ms. MacGillis to draft legislation as outlined in her presentation –

Commissioner Devereux asked who would make the call on enforcement of the ordinance – the City or the state? Ms. MacGillis said it would give the JSO the option to enforce under either the local ordinance or the state law. Commissioner Devereux asked about who would have the authority to take immediate action in an emergency or dangerous situation – who would actually tow a vessel from a problematic spot? Ms. MacGillis said the City would need to have a standing form approved contract with private entities to be on-call so that a full a contract review process is not needed for each instance, but it would depend on where a vessel is located and what agency has jurisdiction over that location – local, state or federal agencies. Commissioner Hartley asked what the commission is being asked to vote on by this motion. Carla Lopera of the General Counsel’s Office said the motion is to request the OGC to draft legislation as just described for council members to introduce. Commissioner Hartley said he is leery of voting on something the commission hasn’t seen yet.

Commissioner Haskell asked about City Waterways Coordinator Jim Suber's role in the process of getting vessels removed; she thinks he knows the most about the waterways of anyone in the city and should be involved in making those decisions. Ms. MacGillis said the ordinance gives Captain Suber more tools with which to do his job. Captain Suber said his job is to be a facilitator and coordinator of the process as he is not the enforcement agent; that's the responsibility of the JSO, Florida Fish and Wildlife Conservation Commission (FWC), and the U.S. Coast Guard. He said the current ordinance hinders what JSO is authorized to do by way of enforcement, and the re-write described by Ms. MacGillis helps overcome those limitations and empowers them to do more.

Commissioner Barker said there is a draft of the ordinance Ms. MacGillis has described and the Waterways Commission will see it when it has been prepared by the OGC and reviewed internally by the City. He said it will give JSO a clear, enforceable package of powers to take action when necessary. Ms. MacGillis offered to go over the legislation line-by-line with any commission member or City Council member. Commissioner Fraden asked Suber if he is agreeable to the ordinance; he said he is. Fraden asked about how to classify a vessel that is in the water and then gets thrown up on land by tropical storm. MacGillis said legislation often cannot cover every possible scenario.

Commissioner Peluso said the Waterways Commission has a great advantage in having the power to initiate legislation which many other commissions don't have. Commissioner Hardesty said a vote today will allow legislation to be fully drafted for a subsequent review by the Waterways Commission to make final comments before introduction. Commissioner Michael said she is impressed with the draft ordinance and asked about the role of the Environmental Protection Board. Ms. MacGillis said the EPB exists in the same Code Title as Chapter 388 and would be the local administrative body as authorized by the Florida Statutes. Commissioner Barker said we don't need to create another enforcement entity since the EPB already exists. Captain Suber said there is no intent to preclude or bypass the FWC, the ordinance is just intended to close some gaps and maximize what everyone can do in their authorized role. Chairman Gay said this will clarify everyone's roles and provide a real-time mechanism to deal with problems as they occur without the current delays and confusion over authority and roles. He will ask the Council President to refer the legislation back to the Waterways Commission for final review after it is introduced.

The motion was approved unanimously via a voice vote.

In response to a question from Ms. Lopera, Chairman Gay said he would like to be the bill introducer with the other council members on the commission invited to be co-introducers.

b. FIND Subcommittee - Proposed New Projects Presentation

Commissioner Barker introduced Brian Burket of the Parks and Recreation Department to discuss the subcommittee's proposals for Florida Inland Navigation District (FIND) grant projects for 2025. Mr. Burket said the City needs to be cognizant of balancing applications for design grants and construction grants so projects keep flowing from one phase to the next. The FIND board recently decided to increase its contributions for next year, so Jacksonville's allocation will be increasing from \$2.3M to \$2.7M for next year. He discussed the 3 proposed projects. 1) Pottsburg Creek boat ramp reconstruction (ramp, bulkhead, parking lot) - the site was going to be raised by 6 inches to deal with the flooding issue and the department is working with the new owner of the adjacent property who is going to build a fish camp restaurant. They are raising their site by 2 feet and the City needs another \$600,000 to raise its property to up the same 2 feet so the elevations match. The additional FIND funding will help make that happen. 2) Seiden Park design work for development on Heckscher Drive just east of I-295 - the project would provide a kayak launch, scenic overlook, trail and parking for a passive park. The department will explore possibilities to promote the nearby Timucuan Preserve with an informational kiosk in the park. 3) Hopkins Creek kayak launch in Neptune Beach – the launch would be part of a larger bridge replacement project by Neptune Beach; the budget would include \$110,000 from FIND which Neptune Beach will match, with no COJ match required. Jacksonville has a history of cooperating with its municipal governments on FIND projects, unlike some other counties. The department is seeking the Waterways Commission's approval of the list for development of the ordinance for introduction to City Council, further Waterways Commission review, then final Council approval and submission of the grant application to FIND in the spring.

Commissioner Fraden said the 2 feet elevation of the Pottsburg Creek boat ramp is definitely better than the 6 inches originally proposed. Commissioner Haskell asked if the \$110,000 for the Hopkins Creek project is the full cost; Mr. Burket said that represents FIND's half of the cost and Neptune Beach will provide the other half for a total of \$220,000.

Motion (Peluso/2nd Hartley) – approve the proposed FIND list as presented – approved unanimously via a voice vote.

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 11.15.24 1:45 p.m.