

# City of Jacksonville

117 W. Duval Street  
Jacksonville, FL 32202



## Agenda - JWC

**Thursday, April 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 - Excused*  
*Robert Birtalan*  
*Lane Burnett*  
*Representative Kiyon Michael - Excused*  
*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*

- 1. Call To Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
- 5. St. Johns River Status Report on Water Quality & Manatees**

Contact:  
Dr. Gerald Pinto, JU

- 6. Public Comment**
- 7. New Business**
- 8. Old Business**

**a. St. Johns River Shoaling Task Force Update**

Contact:  
CM Gay

**b. River Accord Task Force Update - Next Meeting, Friday, April 19, 2024, at 10 AM**

Contact:  
CM Peluso

**c. Derelict Vessel Task Force Update - Next Meeting, Monday, May 13, 2024, at 10:00 AM**

Contact:  
CM Peluso & Commissioner Barker

- 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.**

# City of Jacksonville

117 W. Duval Street  
Jacksonville, FL 32202



## Meeting Minutes

Thursday, March 14, 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 - Excused*

*Representative Kiyon Michael - Excused*

*Mark Devereaux - Excused*

*Andrew Fraden*

*Marc Hardesty - Excused*

*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, Research Assistant*

*Jim Suber, Waterways Coordinator*

Meeting Convened: 1:00 PM

Meeting Adjourned 2:06 PM

**1. Call To Order****2. Roll Call**

**Present** 11 - Chair Jimmy Peluso, Vice Chair Mike Gay, Commissioner Tyrone Clark-Murray, Commissioner Jon Michael Barker, Commissioner Robert Birtalan, Commissioner Andrew Fraden, Commissioner Richard Hartley, Commissioner Jill Haskell, Commissioner Richard Redick, Ex-Officio Jack Meeks, and Ex-Officio Adam Hoyles

**Excused** 4 - Commissioner Lane Burnett, Commissioner Rep. Kiyon Michael, Commissioner Marc Hardesty, and Commissioner Mark Devereaux

**3. Pledge of Allegiance****4. Approval of Minutes****5. Presentation by Teresa Eichner on AV system updates**

Teresa Eichner gave a presentation on how the buttons that allowed Commissioners to speak connected with the camera system. She requested that Commissioners not press the microphone button until they are ready to speak so that the camera could focus on the Commissioner currently speaking.

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

Contact:

Dr. Gerard Pinto, JU

There was no St. Johns River Quality Report at this meeting.

**7. Public Comment**

John Nooney stated that he needed a sponsor for his Pottsburg Creek Public Park idea. He stated that this park was low-hanging fruit. He also lamented the lack of public participation in the legislative process.

**8. New Business**

[2024-0207](#) ORD Approp \$500,000.00, Including \$250,000.00 in Grant Funds Awarded by the FL Dept of Environmental Protection, Office of Resilience & Coastal Protection, & \$250,000.00 from the City Resiliency Infrastructure Improvements Proj Fund for the City Match, for the Huguenot Memorial Park - Shoreline Enhancement 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 Parks, Recreation & Community Svcs Dept (B.T. 24-075) (Dillard) (Req of Mayor) (Co-Sponsor CM Clark-Murray) (JWC Apv)

3/12/24 CO Introduced: NCSPHS, F, JWC  
3/18/24 NCSPHS Read 2nd & Rerefer  
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 3/26/24

Jill Enz, Chief of Natural and Marine Resources, explained that this appropriation included grant funds from Florida Department of Environmental Protection and a City match to conduct a study on how to remedy shoreline loss at Huguenot Memorial Park. She noted that the shoreline had lost 40 feet as a result of erosion and that the main roadway in the area was in danger.

CM Clark-Murray asked whether the full appropriation amount would be used for the study, and Ms. Enz responded that it likely would. CM Clark-Murray asked about the expected start date for the study, and Ms. Enz stated that the study would need to go out to bid so it would likely not start up for three to six months after the bill's passage.

Commissioner Birtalan asked who would be conducting the study, and Ms. Enz stated that the project would go through the RFP process but that the contractor would need certain engineering expertise. CM Gay distinguished this study from the proposed JU study regarding the shoaling issue, as this study would require a competitive bid process and the JU study would be a direct contract. He stated that there are multiple contractors who could perform the work required by this study.

Commissioner Fraden asked for clarification regarding the purpose of the study; Ms. Enz stated that the study would seek to discover the cause of the shoreline loss and remedies for this problem.

CM Clark-Murray noted that this park is popular in the spring and summer, so this study was worth the time and money. She requested to be added as a co-sponsor.

Commissioner Hartley asked if it was possible whether the JWC could see the study after its completion, and Ms. Enz stated that she could present it to the JWC upon its completion.

[2024-0209](#) ORD Approp \$18,429,138.41, Including (1) \$11,554,138.41 from the Projs Titled McCoy's Creek Improvements/Pipe Removal, Kernan Blvd Widen - 4 Lanes DVD - JTB & McCormick, Hammond Blvd Wall, University Blvd & Jack Rd, San Jose Blvd - New, St. Johns Bluff Rd - New Sidewalk ES, St. Johns Bluff Rd - New Sidewalk WS, Biscayne Blvd Sidewalk - New & Emerald Trail - S-Line Connector to the Projs Titled McCoy's Creek Greenway - Outfall Improvements With Riverwalk, Park St Road Diet, McCoy's Creek Channel Improvements/Restoration, Ranch Rd - Duval to Tradeport - Sidewalks - Mobility DD, Armsdale Rd - Duval Road Improvements, Duval Road Improvements - btwn Airport Ctr & Main, & Emerald Trail Model Mile Proj to Pay for the Completion of the Projs, & (2) \$6,875,000 From the Authorized Capital Projs Fund to the JTA Transportation Projs Pay-As-You-Go Fund With Respect to the Shindler 103rd to Argyle Forest Proj, & Updating Prior Approps to Reflect Actuals; Amend the 24-28 5-Yr CIP Appvd by Ord 2023-505-E to Reflect This Approp of Funds to the CIP Projs; Prov for Oversight by the Engineering & Construction Mgmt Div of the Dept of Public Works (B.T.

24-065) (Dillard) (Req of Mayor) (Co-Sponsor CM Clark-Murray) (JWC Apv)  
3/12/24 CO Introduced: NCSPHS, F, TEU, JWC  
3/18/24 NCSPHS Read 2nd & Rerefer  
Public Hearing Pursuant to Ch 166, F.S. & C.R. 3.601 - 3/26/24

Steve Long, Operations Director for Public Works, stated that this bill took leftover money from previous years' projects and appropriated them to projects that would improve recreational access to McCoys Creek. He stated that this project would widen the access point to the creek and improve drainage in the area.

Commissioner Redick asked whether Public Works had worked with the Resiliency team on this project, and Mr. Long stated that Public Works had worked with the Resiliency team and has considered "natural" solutions across various projects, like planting trees, in solving infrastructure problems. CM Clark-Murray noted that drainage were big safety issues in the Riverside and Mixon Town and requested to be added as a co-sponsor.

### **Federal Grant Opportunity Presentation**

Brian Burket, Waterfront Project Manager, presented on a proposed City application to purchase land in partnership with NS Mayport that could be used as a new park. He stated that the City would receive additional points in its grant application by allowing public participation throughout the grant process.

He explained that this property mostly contained wetlands but that there were 5 acres of developable land. The previous owners had already installed electric water and sewers. This land was on Sherman Creek, and the proposed park could be used for passive access including kayaking, picnicking, and fishing. He added that there was also potential for a boat dock to be installed. The Navy would require access easement to the property, which would limit the property from being used for more active recreation.

Commissioner Fraden asked about the kayak launch, and Mr. Burket stated that there would ideally be easy access to this kayak launch.

### **Recognition by Captain Suber for Mike Getchell**

Captain Suber noted that Mike Getchell, Executive Director for Jacksonville Marine Transportation Exchange, Inc., was retiring. He stated that Mr. Getchell had been involved with the Harbor for a very long time and that he had been instrumental in coordinating communications between various public and private entities with interest in the river system over the past few decades. The Harbor Safety Committee will be formally recognizing Mr. Getchell in May.

CM Clark-Murray stated that she respected the work that Mr. Getchell had done over the past several decades and would like to be a co-introducer of a resolution recognizing his work.

Commissioner Birtalan noted that Mr. Getchell had overseen the biggest improvement in communication between public and private entities with interest in the river system in his lifetime. Commissioner Haskell noted that she had noticed over the decades that few people do the majority of the work to keep the system running and that Mr. Getchell was one of these few who provided a backbone for the entire waterways community.

## **9. Old Business**

### **a. St. Johns River Shoaling Task Force Update**

Contact:  
CM Gay

CM Gay noted that he had met with Mary Staffopoulos of the Office of the General Counsel and Kim Taylor of the Council Auditor's Office to receive guidance on pushing forward with a proposed Jacksonville University to determine whether sediment buildups in certain parts of the river were caused by dredging upstream.

He stated that before approving the JU study, the JWC and Council needed to outline the deliverables for the study, to specify which equipment is being purchased (as this equipment would be retained by the City after the study's completion), to ensure that the City had legal access to the segments of the river system being studied, and to ensure the Army Corps of Engineers' acceptance of the validity of the methodology of the study.

CM Gay asked Captain Suber to explain the communications that he had with the Army Corps of Engineers. Captain Suber explained that the Army Corps of Engineers does not feel like the sediment buildup is occurring as a result of their dredging operation; they had signaled their willingness to comply with a study that would need to be approved by Congress and would cost around \$3 million. However, this potential study is in a state of limbo, as it had not moved forward in the previous legislative session. Captain Suber expressed that the problem of shoaling was only getting worse, telling a story of a vessel that had recently gotten stranded on the shoal, and could likely not wait for this potential study.

CM Gay stated that the shoal has made it possible to "walk on water" in the river, agreeing with the assessment of the urgency of the situation. He asked whether the City had received a scope of work from the Army Corps of Engineers for this study, and Captain Suber stated that it had not. CM Gay added that, if the City does decide to move forward with the JU study, it first needs to get the Army Corps of Engineers to accept its methodology. Captain Suber stated that the Army Corps had been receptive to participating in a study; they were not willing to accept that they were responsible for the shoaling problem.

Commissioner Birtalan asked whether the City could allow JU to retain the equipment purchased for this study after its completion; he added that the City could require that a document showing how JU would incorporate this equipment into its curriculum as a deliverable for the project. Mary Staffopoulos of the Office of the General Counsel stated that the City could allow JU to retain this equipment but that the City would likely not have any control over the university's curriculum. She added that any curricular expense would be from the proposed study's expense.

Commissioner Barker stated that he believed the JWC was getting too "bogged down" in details. He stated that the City currently had two options: wait for the Army Corps and Congress to approve its study or to move forward with the proposed JU study. He agreed that the problem was urgent in nature and stated that the City might have to move the Army Corps forward by moving forward ourselves. CM Peluso agreed and added that the federal government may not be too motivated to move forward with a study until the problem affects commercial waters. He added that the City should get Congressmen Bean and Rutherford's offices to talk to the Shoaling Task Force but agreed that it seemed like the City's concerns were being sidelined by the Army Corps.

Commissioner Haskell asked whether the stranded vessel that Captain Suber referenced had caused any injury or property damage; Captain Suber stated that he was unsure whether this specific incident had

caused injury or property damage but that there had certainly been injury and property damage caused by the shoaling issue in the past. Commissioner Haskell asked whether there was a mechanism to designate the shoaling issue as a danger; Captain Suber stated that the City was working with the Coast Guard and a private contractor to install danger signs. These signs were going through the permitting process and needed to be approved by the Coast Guard; this approval could happen at any time.

Commissioner Fraden asked whether it was possible to put the Army Corps on notice for liability if it could be proven that the shoaling was caused by or was correlated with Army Corps dredging projects. Mary Staffopoulos of the General Counsel's Office answered that maritime law was not her specialty; she would research this issue.

Commissioner Barker emphasized that the City needed to speed up this process; he stated that the nature of many of Jacksonville's waterways was being upended by the shoaling issue. CM Peluso stated that the City could introduce a resolution recognizing the issue or send an official letter from the Council to Jacksonville's Congressional representatives. CM Gay stated that it had been difficult to coordinate meetings with the Congressional representatives' offices because of the dates of the legislative session; he had been trying to schedule this meeting to communicate to them the urgency of the issue so that the JU study could move forward.

**b. River Accord Task Force Update - Next Meeting, Friday, March 22, 2024, at 10:00 a.m.**

Contact:  
CM Peluso

CM Peluso stated that the next meeting of this task force was on 3/22/2024 at 10:00 AM in the Lynwood Roberts Room. He stated that he would like to have discussions with the administration to get its blessing on a potential new River Accord and that he would like to get this new River Accord written and passed by the Council before the conclusion of his term as Chair of JWC.

**c. Derelict Vessel Task Force Update**

Contact:  
CM Peluso & Commissioner Barker

Commissioner Barker reported that he had been working with Shannon MacGillis of the Office of the General Counsel to draft an ordinance regarding the "at-risk" vessel issue.

CM Peluso noted that the DIA and full Council had recently approved the legalization of specific open containers along the Riverwalk, stating that this will boost economic activity downtown. He also noted that the City had received a federal grant in the amount of \$147 million to be used for the Emerald Trail. He noted that the Emerald Trail was an ambitious project that would connect neighborhoods that had been split by the highway system in a natural way.

**10. Adjournment**

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Minutes:

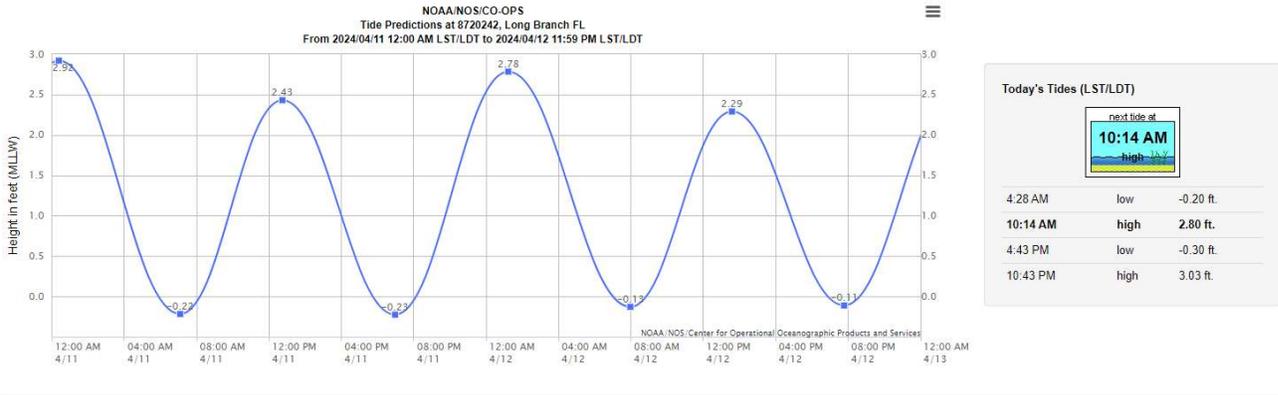
Eamon Webb

EWebb@coj.net

(904) 255-5140

Posted: 3/19/2024, 10:00 AM

SJR Water Quality 4/11/2024 **High Tide at 10:14; Low at 16:43; High 22:43** (Long Branch, FL)

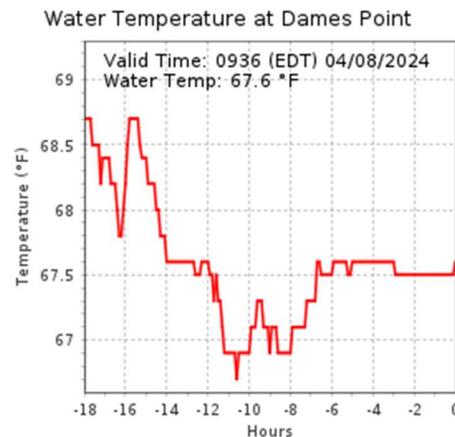
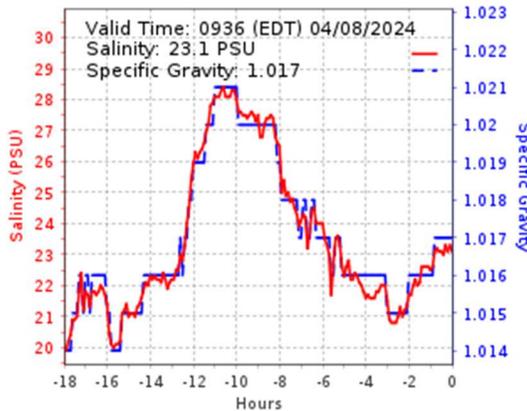
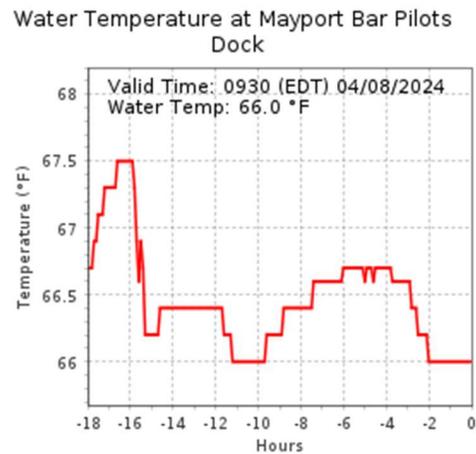
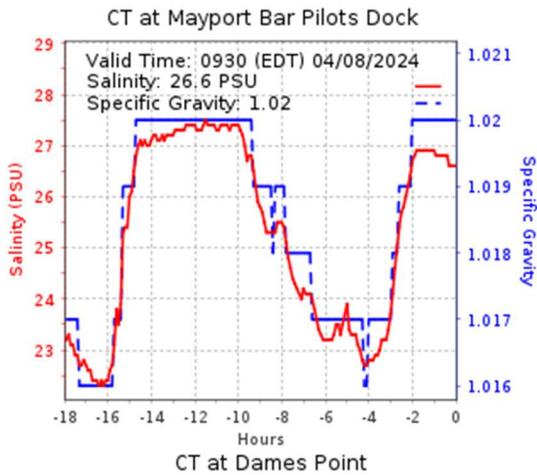


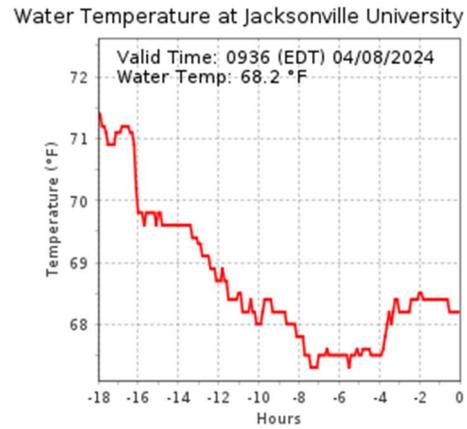
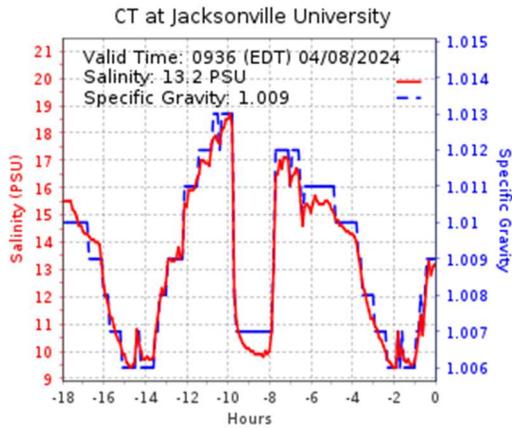
Time 09:24 4/8/2024

Salinity 03/6/2024	Station	Temp °F 03/6/2024
23-27	Mayport	66
23-28	Dames	67.5
10-17	JU	68
1-10	Buckman	70
5	Downtown	68

Temp. + ~2°F from last month; Salinity increased this month due to less rainfall.

Graphs below support data presented in the table above, fluctuations occurring on the tidal cycle.





**WATER LEVELS** – back down and close to normal again (last month +1-2’)

**RAINFALL** – currently above normal rainfall ~+0.5”.

Rainfall Inches 2024			Rainfall Inches 2024		Rainfall Inches 2024	
NOAA Online weather data			JAX INT		SJRWMD 2024	
Month	NOW data mean	Obs. Value	Obs. Jax INT	Departure	SJRWMD Obs.	Departure
Jan	2.69	4.02	4.02	0.74	3.24	0.55
Feb	2.92	2.44	2.44	-0.42	2.66	-0.332
Mar	3.43	5.69	5.69	2.4	3.21	-0.2
Apr	2.98		1.30	0.57		
May	3.56					
Jun	7.40					
Jul	6.77					
Aug	7.05					
Sep	7.38					
Oct	2.90					
Nov	2.09					
Dec	2.85					
	51.89	12.15	13.45	3.29	9.11	0.02

\*Partial month April

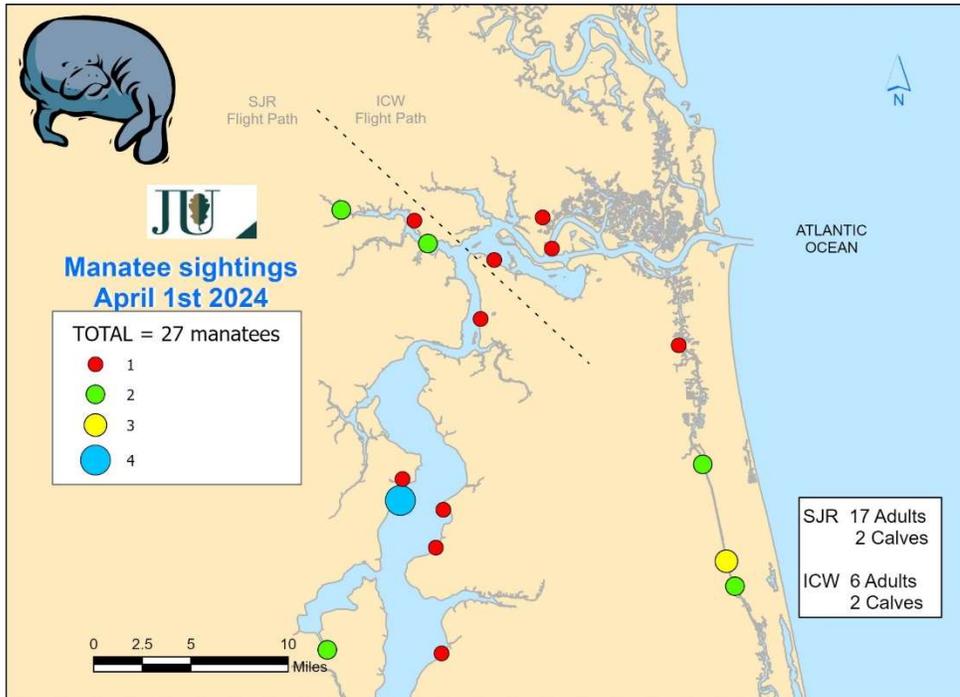
**HABs** – none to report

Drs Lake center 3/12 - mixed algae no dominant species

SJR Center Nr. Drs 3/12 09:43 AM Mandarin Point - mixed algae, no dominant species

Shands Bridge 3/12 11:27 AM – mixed algae no dominant species

**Aerial manatee sightings April 1<sup>st</sup>2024**



The information contained in this email and the manatee sighting maps are the results of aerial surveys conducted by Jacksonville University under an agreement with the Port of Jacksonville. The manatee sightings represent the known minimum number of animals and their location at the time of the flight. The numbers may be higher and the animals change locations frequently. The information is an indication of the number and the location of manatees and subject to change daily.

**MANATEE MORTALITY** – none to report in the area since last month.

2 Total, NO Watercraft deaths.

1 Cold Stress 1/20/2024 Durbin Creek, Jacksonville.

1 Not necropsied 1/20/2024 Atlantic Ocean, Neptune Beach.

In FLORIDA 22WC and 175 Total year to April

The water temperature is now good for manatees ( $\geq 68^{\circ}\text{F}$ ) manatees have increase in the area since last month and will continue to do so.

**Safe boating and manatee awareness day** press conference – May 17<sup>th</sup> 10 am.



**OFFICE OF THE CITY COUNCIL  
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425  
4<sup>TH</sup> FLOOR, CITY HALL  
JACKSONVILLE, FLORIDA 32202  
904-255-5137

**JACKSONVILLE WATERWAYS COMMISSION  
River Accord Task Force**

**Meeting Minutes**

**March 22<sup>nd</sup>, 2024 10:00 a.m.**

**Location:** Lynwood Roberts Room, 1<sup>st</sup> floor, City Hall

**In attendance:** Chairman Jimmy Peluso; Commissioner Richard Hartley; Commissioner Richard Redick; Commissioner Jon Michael Barker; Ex-Officio member Adam Hoyles; Lisa Rinaman, Riverkeeper; Kurt Wilson, JEA; Dr. Gerry Pinto, Jacksonville University

**Also:** Lori Burklew (virtual), St. Johns River Water Management District; Hai Vu, JEA

**Meeting Convened:** 10:00 a.m.

Chairman Peluso convened the meeting. He outlined the agenda; there would be two presentations (one from Lori Burklew of SJRWMD on the Water Supply Plan and one from Hai Vu of JEA on their wastewater system efforts) and then discussion about putting together a framework for a potential new River Accord document. He stated that he would like a new River Accord document to both include specific projects and policy recommendations for the State to implement, understanding the regional nature of the river system.

Lori Burklew, SJRWMD, gave a presentation on the 2023 North Florida Regional Water Supply Plan. She noted that the plan is statutorily obligated to ensure water supply and protection over a 20-year planning horizon. She noted that this plan is not regulatory in nature; the SJRWMD coordinates with agencies and

localities to meet its goals. The first plan was approved in 2017, and the plan is updated every five years as it is a multi-year process involving lengthy data collection.

The study that concluded in 2023 projected a 135 million gallons per day increase in groundwater demand from 2015 to 2045; this projected increase would present major issues for water supply, as existing groundwater would not be sufficient to meet this demand. The North Florida Regional Water Supply Plan (“NFRWSP”) identified 160 million gallons per day (“mgd”) of project options at a total cost of \$2.3 billion. She noted that district, state, federal, and private funds would all be necessary to meet this goal.

She explained that, of these projects, 87.9 mgd were water supply development projects (which involve projects not related to groundwater supply, like stormwater harvesting) that would cost \$892.5 million; 51.2 mgd were water resource development projects (which would involve projects like groundwater recharge and are typically proposed by large utilities such as JEA) that would cost \$1,149.2 million; and 19.1 mgd were water conservation projects (which can delay the need for more expensive development projects) that would cost \$61.6 million. Ms. Burklew noted that about 50% of the groundwater supply is used for irrigation and so conservation efforts could focus on making irrigation more efficient. She stated that the SJRWMD has worked with local governments to review their Ordinance Codes for such opportunities; one such opportunity is to provide for the building of homes to Florida Water Star standards, which saves irrigated water at a 40% rate. She also noted that SJRWMD was meeting with universities such as the University of Florida to evaluate various conservation methods.

Local governments must amend their Water Supply Facilities Work Plans by June 12, 2025, but Ms. Burklew stressed that the project is not regulatory in nature. She added that the SJRWMD wants to focus on regional thinking when discussing potential supply concerns, involving all stakeholders in these conversations; she also noted that conservation projects are of high priority.\

CM Peluso asked where a list of projects included in the NFRWSP could be located; Ms. Burklew answered that Appendix K on [northfloridawater.com](http://northfloridawater.com) would provide detailed information regarding these projects.

Lisa Rinaman, Riverkeeper, asked whether there were policies in place to ensure water quality; Ms. Burklew answered that she did not have information regarding specific policies but that there were monitoring requirements for water quality and that she could get Ms. Rinaman in touch with someone who had knowledge of these specifics. Ms. Rinaman also noted that the water plan for central Florida would affect water quality in the lower St. Johns River; she asked whether there were any protections in place to consider regional concerns. Ms. Burklew stated that the SJRWMD had conducted studies to demonstrate regional effects; Ms. Rinaman stated that these studies had demonstrated that water-level rise and saltwater intrusion would offset central Florida’s mitigation efforts. Ms. Burklew stated that she would provide contact information for the person who could speak on specifics of the study.

Hai Vu, Vice President of Water & Wastewater Systems for JEA, gave a presentation on JEA Wastewater System Updates. He explained that JEA provides water services to 372,000 customers and provides wastewater services to 293,000 customers. He showed a graph of the investments that JEA had made into the wastewater system since 2006; these investments have grown massively over the seventeen years that the graph showed, with a massive investment specifically in 2023, which included a new facility planned

for the Greenland area. Mr. Vu also demonstrated a graph that showed where JEA had done work in sewer main rehabilitation; he noted that this work had mostly been reactive and that it was a goal of JEA to be more proactive in this work.

Mr. Vu explained what JEA was doing regarding Sanitary Sewer Overflow (SSO) mitigation. He stated that JEA attempts to be in the top quartile of large utilities in minimizing SSOs and that JEA had been successful in this goal of 2023 – the cut-off for top quartile was 0.56 SSOs impacting waters of the US per 100 miles of pipe, and JEA 2023 number was 0.52. He explained that JEA conducts root cause analyses on each SSO incident, that JEA has increased its monitoring and cleaning efforts, that JEA is finalizing an assessment and plan to mitigate SSOs, and that JEA has made efforts to add generators and diesel back-up pumps to minimize SSOs in flood-prone areas.

Regarding total nitrogen discharge into the St. Johns River, JEA has helped efforts that have led to a steady decrease since 2001. JEA was well below the recommended cap on nitrogen discharge and had sold water quality credits to the City to help the City meet its obligations. CM Peluso asked about City efforts to reduce its nitrogen discharge, and Mr. Vu stated that he could only speak on JEA's efforts. Commissioner Redick asked why JEA had seen a slight uptick in total nitrogen discharge in 2023 from 2022, and Mr. Vu answered that cold winters can affect microorganisms in the water and that there had been a toxic hit to insects in the ecosystem, both of which could have affected this number. He added that there had been some issues at JEA's largest plant. He stated that JEA had discussed solutions to these problems with firms and that the problems were being addressed.

Mr. Vu discussed JEA's resiliency efforts; wastewater systems did well through Hurricanes Matthew and Irma, but SSOs were a large issue during these storms, specifically in Hurricane Matthew. He explained that these problems were likely a cause of lack of power and that JEA had attempted to correct these problems by installing back-up generators in flood-prone areas. He stated that SSO discharge was 80% less in Hurricane Irma than it was in Hurricane Matthew, demonstrating that these efforts had been successful.

Overall resiliency goals of JEA are to understand severe weather risks, identify vulnerabilities in the water and wastewater systems, update design standards, and develop a Resilience Plan. To develop a Resilience Plan, JEA had constructed a System Resiliency Framework, which considers a variety of risks that could affect the water and wastewater systems and prioritizes efforts to mitigate potential harms. Current efforts to mitigate harms include developing a Capital Improvement Plan for resilience projects updating JEA design standards for resilience, continuing to add generators and back-up pumps, converting overhead to underground electric services at vulnerable and critical pump stations, and continuing with staff training.

He concluded by saying that all of these efforts help JEA to understand its vulnerabilities so that it can mitigate harms to citizens and to the river system.

Dr. Gerry Pinto of Jacksonville University asked how specifically JEA planned to be more proactive rather than reactive in its mitigation efforts. Mr. Vu stated that JEA wanted to move from replacing pipes that were already failing to replacing pipes that were deemed likely to fail. Dr. Pinto asked about the procedure for determining pipes that are "likely to fail," and Mr. Vu answered that JEA could use historical data to search for predictors, such as material or surrounding vegetation, that would identify

likely-to-fail pipes. He noted that AI models could be consulted in these efforts. He stated that JEA also had people working directly in the field to identify pipes to be replaced. Dr. Pinto asked whether newly-installed septic tanks were being connected directly to the sewer system, and Mr. Vu confirmed that they were.

Ms. Rinaman noted that JEA's work to mitigate harm in Hurricanes Matthew and Irma was impressive; she noted that tributaries are sick with too much fecal coliform bacteria and asked whether the age of pipes is considered in JEA's evaluation in determining which pipes to replace. Mr. Vu answered that currently pipes are replaced if they are spewing; they are put on a list of potential replacements if they are leaking, but there is a backlog currently for replacement. He stated that JEA's ability to be more proactive in pipe replacement is still a goal and noted that JEA had been working with firms to reduce infiltration and inflow issues.

CM Peluso stated that the next meeting would be held on April 19<sup>th</sup> at 10:00 AM; he stated that he would submit and distribute a framework for a document to outline a potential new River Accord before the next JWC meeting on April 11<sup>th</sup>.

**Public Comment:**

John Nooney spoke on 2024-0178, stating that this bill should have gone before JWC as it disclaimed property in proximity to a creek. He stated that there is a FEMA repetitive-loss house on Pottsburg Creek that should have reverted to City control that would present an opportunity to increase public access to waterways, which is being crushed. He stated that current DIA and Resiliency efforts are insufficient for expanding public access to waterways.

**Meeting adjourned:** 11:10 a.m.

Minutes: Eamon Webb, Council Research Division  
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Posted 3/28 5:00 PM



## JACKSONVILLE CITY COUNCIL

### JACKSONVILLE WATERWAYS COMMISSION

#### DERELICT VESSEL TASK FORCE MEEETING MINUTES

April 3, 2024

Lynwood Roberts Room  
1<sup>st</sup> floor, City Hall

**Attendance:** Waterways Commissioners Jimmy Peluso (Chair), Mike Barker; Jim Suber - Waterways Coordinator; Terry Carr - Environmental Quality Division; Jeff Clements – City Council Research Division; Brooks Dame and Amber Lehman – Executive Council Assistants

**Meeting convened** 11:34 a.m.

Chairman Peluso convened the meeting and the attendees introduced themselves for the record.

Shannon MacGillis of the Office of General Counsel distributed her research on guidance regarding derelict and abandoned vessels and anchoring enforcement issues. She recommended repealing the existing Ordinance Code Chapter 388 – Boats and Waterways – and replacing it with a new revised, reorganized Chapter 388 consisting of 5 parts: 1) Findings, Legislative Intent, Definitions; 2) Floating Structures; 3) Anchoring Limitation Areas; 4) Abandoned Vessels; and 5) Derelict Vessels. She suggested a 3-phase process for adoption: 1) Task Force approval of the structure and concepts of the revision, which she will draft in compliance with the requirements of *Florida Statutes*; 2) Task Force review and revision of the initial draft; and 3) opportunity for public and mariner comment on the draft and finalization of the legislation. Chairman Peluso gave his approval for Ms. MacGillis to begin the drafting process based on the outline presented today.

Commissioner Barker said a fee and fine structure for violations of the chapter and guidance for law enforcement officers are 2 topics that need to be covered in the new chapter. He also suggested the need to consider possible mechanisms to effectively post vessels with notices, noting that there have been at least 3 instances where the owners of abandoned vessels have been determined to be deceased. Ms. MacGillis said the current code provisions have differing notice provisions for different situations and the chapter re-write gives the opportunity to clean that all up. She noted that any local regulations will have to adhere to the *Florida Statutes* requirements with regard to 45-day notice periods. There is some leeway to deal with a fine and fee structure at the local level. In some cases, boat owners have found that it is cheaper to violate the anchoring time limitation and pay a citation than it is to rent a boat slip, so that has to be taken into account. Lack of clarity about official Immunity is a major component that has been hindering enforcement actions; placing a notice on a vessel is considered “entering” the vessel. The proper state law provisions need to be incorporated in the Code to permit that to happen. Each section will have its own notice provisions to reflect state law on the particular topic.

Ms. MacGillis said there are no enforcement procedures for abandoned or derelict vessels in our Code but there are in state law, and they will be imported into our Code. She will make the procedures as clear as possible and specifically reference state immunity provisions so that protection is clear to enforcement officers.

Captain Suber said Ordinance Chapter 615 – Docking – contains the City’s docking regulations and asked if they would be included in the new chapter. Ms. MacGillis said they would, as that seems like a logical location in the boating chapter. Capt. Suber cited the example of man living in a truck at a marina with his boat illegally docked. The boat is not derelict or abandoned and so is not covered by ordinances governing those conditions, but a mechanism is needed to tow a scofflaw boat for violating an ordinance. There currently is no real remedy if the owner just takes the citation and continues to violate the law. He believes the ordinance needs a towing provision and then the City will have to hire a towing company and a storage yard to store boats that are towed away. Ms. MacGillis said there should be a way to address that situation but recommended not making the chapter regulations overly case specific. She suggested adopting general regulations to deal with situations that are likely to happen. She said there might be a need to add a sixth section to her proposed chapter outline to include docking regulations and enforcement. She will need to research trespass regulations and constitutional notice requirements to make those regulations enforceable. Capt. Suber said Chapter Ordinance Code Chapter 615 also covers water taxi and commercial vehicle docking so that subject should be carried over to the new chapter.

Chairman Peluso asked about the process of hiring a towing contract and what that might cost. Capt. Suber suggested checking with the two major boat towing companies in town and asking them for prices and how they would handle towing requests (based on location, size of boat, distance towed, where they would tow to for storage, etc.). Capt. Suber agreed to research towing issues with the companies to get a basic understanding of their operations. Ms. MacGillis said there are *Florida Statute* regulations on vessel towing that need to be considered and incorporated. She thought the City would probably need to do a competitive procurement and suggested considering the example of how the Sheriff’s Office tows vehicles since that system has been litigated and successfully defended. She will use that model for the first draft of the new chapter. Capt. Suber talked about the need for clarity on what happens to a vessel after it’s been impounded for the required time, for instance, can it be junked or sold? Ms. MacGillis said state law has different rules for each type of situation so each part of the chapter will need to address the specific rules required by law. Capt. Suber said it’s important to follow state law, but the Florida Fish and Wildlife Conservation Commission (FWC) realizes there is a “Catch-22” situation that impedes enforcement of regulations and there are discussions planned at an upcoming FWC meeting on that topic. Ms. MacGillis said that meeting would be an opportunity to get the ball rolling on suggesting desirable changes to the *Florida Statutes* or FWC regulations.

Ms. MacGillis said she intends to have a draft of the chapter re-write ready in 30 days and could circulate it to appropriate regulatory and enforcement agencies for review and comment.

Terry Carr with the Environmental Quality Division said if a vessel is seized by the City and has fuel or other hazardous materials onboard, then the City would probably have the liability to remove that and protect the environment. Capt. Suber said that is why the City would hire a contractor to do the job since they have the expertise and equipment to do the job properly and the City would then put a lien on the vessel. Referring to a comment earlier in the meeting, Mr. Carr said it’s very unlikely that any of these seized vessels would ever be suitable to be used as artificial reef material. Capt. Suber said the cost to make a vessel reef-worthy is astronomical due to the environmental regulations.

Ms. MacGillis said the bill drafting process needs to take into account the various regulations and procedures of the enforcement agencies involved (FWC, JSO, etc.) so our Code chapter needs to coordinate with those authorities. Gaby Young, the General Counsel attorney assigned to the Sheriff’s Office, will review the draft

Chairman Peluso thanked Ms. MacGillis for her great work to date on this issue.

The next Task Force meeting will be scheduled for May 13<sup>th</sup> at 10:00 a.m.

**Meeting adjourned** 12:15 p.m.

Jeff Clements – Council Research Division

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Posted 4.3.24 5:00 p.m.