

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2022-47**

5 AN ORDINANCE APPROPRIATING \$1,200,000 FROM  
6 GENERAL FUND - GSD TO THE CODE ENFORCEMENT  
7 REVOLVING FUND TO PROCURE THE SERVICES OF PECE  
8 OF MIND ENVIRONMENTAL, INC., FOR DEMOLITION OF  
9 THE BERKMAN PLAZA II STRUCTURE LOCATED AT 500 E.  
10 BAY STREET, JACKSONVILLE, FLORIDA, AS INITIATED  
11 BY B.T. 22-046; PROVIDING FOR OVERSIGHT BY THE  
12 NEIGHBORHOODS DEPARTMENT, MUNICIPAL CODE  
13 COMPLIANCE DIVISION; REQUESTING EMERGENCY  
14 PASSAGE UPON INTRODUCTION; PROVIDING AN  
15 EFFECTIVE DATE.  
16

17 **WHEREAS**, in 2007 construction ceased on the partially-completed  
18 Berkman Plaza II structure located at 500 E. Bay Street and since  
19 that time the building has remained vacant; and

20 **WHEREAS**, in the fall of 2020, PB Riverfront Revitalization of  
21 Jacksonville, LLC, the prospective purchaser/developer (now owner)  
22 of the property (the "Developer"), applied to the City of Jacksonville  
23 for a demolition permit with the intent that the structure be  
24 demolished by implosion; and

25 **WHEREAS**, this application was denied for a variety of reasons  
26 including the potential for falling debris to disturb the federally-  
27 mandated soil cap on the City's Shipyards property located to the  
28 east, potentially exposing contaminated soils located on that  
29 property, in addition to concerns that falling debris could damage  
30 the Berkman Plaza I structure and surrounding property, Bay Street,  
31 and/or the Riverwalk; and

1           **WHEREAS**, in January 2021 the Developer applied for, and  
2 subsequently received in April 2021, a permit to conduct a mechanical  
3 demolition of the Berkman Plaza II structure, which involved removal  
4 of portions of the building in a "top-down" approach using an  
5 excavator with the intent to minimize the risk of falling debris and  
6 damage to neighboring properties and residents; and

7           **WHEREAS**, during the process of mechanical demolition the  
8 contractor, Pece of Mind Environmental, Inc. (the "Contractor"),  
9 identified structural deficiencies in the building that were  
10 exacerbated by the mechanical demolition process, causing at least  
11 one of the upper floors to "pancake" on the floor below, which  
12 required an emergency halt to all further mechanical demolition  
13 activities; and

14           **WHEREAS**, a certified structural engineer subsequently confirmed  
15 that years of neglect and exposure to the elements led to corrosion  
16 of rebar and tension supports in the building, rendering it unstable,  
17 and leaving demolition by implosion the most appropriate option to  
18 remove the structure; and

19           **WHEREAS**, the City of Jacksonville has since authorized  
20 demolition of the Berkman Plaza II structure via a "straight down"  
21 implosion and the Contractor has prepared the structure and  
22 surrounding property for the implosion demolition as described in an  
23 email to Dr. Charles Moreland dated January 6, 2022, attached hereto  
24 as **Exhibit 1**, which preparation included installation of protective  
25 barriers on and around the Berkman Plaza II property and taking  
26 certain measures that had the effect of further weakening the building  
27 so that it could be effectively imploded; and

28           **WHEREAS**, after repeated delays by the Developer to complete  
29 demolition of the unstable and weakened Berkman Plaza II structure,  
30 the City has recently been made aware of a dispute between the  
31 Developer and Contractor over payment for Contractor's services which

1 led to notification from the Contractor of its intent to de-mobilize  
2 and remove the protective barriers and structures installed around  
3 the building; and

4 **WHEREAS**, the City of Jacksonville considers the condition of the  
5 Berkman Plaza II structure to be an immediate threat to the life,  
6 safety and welfare of property and citizens located near and around  
7 the structure warranting an emergency appropriation of funds  
8 necessary to pay the costs for demolition of the building without  
9 further delay; now, therefore

10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Appropriation.** For the 2021-2022 fiscal year,  
12 within the City's budget, there are hereby appropriated the indicated  
13 sum(s) from the account(s) listed in subsection (a) to the account(s)  
14 listed in subsection (b):

15 (B.T. 22-046 is attached hereto as **Exhibit 2** and incorporated herein  
16 by this reference)

17 (a) Appropriated from:

18 See attached **Exhibit 2** \$1,200,000

19 (b) Appropriated to:

20 See attached **Exhibit 2** \$1,200,000

21 (c) **Explanation of Appropriation:**

22 The funding appropriated above represents \$1,200,000 in  
23 general fund dollars to the Code Enforcement Revolving Fund  
24 to procure the services of Pece of Mind Environmental, Inc.  
25 (the "Contractor") to complete demolition of the Berkman  
26 Plaza II structure.

27 **Section 2. Purpose.** The purpose of the appropriation in  
28 Section 1 is to provide funding for the City of Jacksonville to  
29 procure the services of Contractor to conduct an implosion demolition  
30 of the Berkman Plaza II structure located at 500 E. Bay Street,  
31 Jacksonville, Florida in accordance with the Berkman II Implosion &

1 Clean Up Scope, attached hereto as **Exhibit 3** and incorporated herein  
2 by this reference.

3 **Section 3. Oversight Department.** The Neighborhoods  
4 Department, Municipal Code Compliance Division, shall provide  
5 oversight for all expenditures authorized hereunder.

6 **Section 4. Requesting Emergency Passage Upon Introduction**  
7 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon  
8 introduction of this legislation is requested. The nature of the  
9 emergency is that the Berkman Plaza II structure is unstable and  
10 poses a threat to the life, safety and welfare of surrounding property  
11 and citizens. Retaining the Contractor immediately to promptly  
12 complete the demolition will avoid additional costs for de-  
13 mobilization/re-mobilization and ensures the protective barriers and  
14 measures installed in and around the Berkman Plaza II property will  
15 not be removed.

16 **Section 5. Effective Date.** This Ordinance shall become  
17 effective upon signature by the Mayor or upon becoming effective  
18 without the Mayor's signature.

19  
20 Form Approved:

21  
22           /s/ Mary E. Staffopoulos          

23 Office of General Counsel

24 Legislation prepared by: Mary E. Staffopoulos

25 GC-#1474009-v3-Berkman\_Emergency\_Demo\_Approp\_(BT22-046).docx