

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-47-E**

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.

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation prepared by: Mary E. Staffopoulos

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