

City of Jacksonville

1st Floor - Council Chamber
117 W. Duval Street



Meeting Minutes

Wednesday, January 15, 2020

9:30 AM

Council Chambers 1st Floor, City Hall

Jacksonville Waterways Commission

CM Al Ferraro, Chair

CM Ju'Coby Pittman, Vice Chair - Excused Absence

CM Matt Carlucci - Excused Late Arrival

CM Ron Salem, Pharm. D., Alternate

Garrett N. Barket

Robert Birtalan

Lindsey Brock

Matt Brockelman

Lane Burnett

Mark Devereaux

State Rep. Cord Byrd - Excused Absence

Jill D. Haskell

Raymond S. Pringle, Jr.

Marc Hardesty

Marshall Adkison, Ex-Officio

Adam Hoyles, Ex-Officio

Jessica Smith, Legislative Assistant

Susan Grandin, Asst. General Counsel

Dr. Quinton White, Jacksonville University

Dr. Gerard Pinto, Jacksonville University

Richard Distel, Research Assistant

Jim Suber, Waterways Coordinator

If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, such person will need a record of the proceedings, and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

RULE 4.505 DISRUPTION OF MEETING No member of the audience shall applaud nor make any noise or remarks that are audible to the Committee that would indicate approval or disapproval of anything being discussed. Any disregard of this rule may result in removal by the Sergeant at Arms.

REQUEST TO SPEAK:

1. Fill out a speaker card.
2. Sign it if you are going to speak.
3. Read the rules on the back of the card.
4. Place card in tray.

PARKING: If you park in the Library Garage (Entry on Duval St, W of Main St), Please see the Legislative Assistant for ticket validation.

Note: Our next scheduled meeting is Wednesday, February 12, 2020.

Meeting Convened: 9:35 AM

Meeting Adjourned: 12:56 PM

1. Approval - Jacksonville Waterways Commission Minutes for Decemeber 11, 2019

The minutes were approved for the December 11, 2019 Jacksonville Waterways Commission meeting.

APPROVE 9-0

2. St. Johns River Status Report on Water Quality and Manatees - Dr. White & Dr. Pinto

- Manatee Implementation Report 2019

Dr. White said that the unusual weather in January has led to warmer waters and a drought in the area. The impact of Hurricane Irma is beginning to lessen.

Dr. Pinto said that there have been 3 manatee deaths since the last meeting. Dr. Pinto said they have corrected the typos from the report which were identified by Commisioner Brock at the last meeting and the report is available to be approved by the Commission. The report was approved.

APPROVE 9-0

3. [2019-0882-E](#) ORD Approp \$50,000.00 in fund balance from Environmental Protection Trust Fund (The "FUND") to Prov funding to suppt Addtn'l depth dredging & Subseqnt remonal & disposal of contaminated soils from Millers Creek (The "Project"); Prov Waiver of Sec 111.755 (Environmental Protection Fund), Pt 7 (Environment & Conservation, Chapt 111 (Spec Rev & Trust Accts), ORD Code Auth Board to Utilize funds from The Fund for the Proj; Prov Waiver of Sec 360.602 (Uses of Fund), Pt 6 (Environmental Protection Fund), Chapt 360 (Environmental Protection Fund), Chapt 360 (Environmental Regulation), Ord Code, to auth the Board to Utilize funds from The Fund for The Project; Invoking Exception of Sec. 126.107(G) (Exemptions), Chapt 126 (Procurement Code), Ord Code to Direct Contract Millers Creek Special Dist for The Project; Apv funding Agreemt for Millers Creek Special Dist Eco Restoration btwn City of Jax & Millers Creek Special Dist for The Project; Oversight by Environmental Quality Div; Requiring Reprt. (B.T. 20-032)(McCain) (Req of Mayor)
 12/10/19 CO Introduced: NCSPHS, TEU, F, R, JWW
 1/6/20 NCSPHS Read 2nd & Rerefer
 1/6/20 TEU Read 2nd & Rerefer
 1/7/20 F Read 2nd & Rerefer
 1/7/20 R Read 2nd & Rerefer
 1/14/20 CO PH Read 2nd & Rerefered; NCSPHS, TEU, F, R, JWW
 1/15/20 JWW Approve 9-0
 1/21/20 NCSPHS Amend/Approve 6-0
 1/21/20 TEU Amend/Approve 6-0
 1/22/20 F Amend/Approve 7-0
 1/22/20 R Amend/Approve 7-0
 1/28/20 CO Amend/Approved 18-0
 Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

Speaker:

James Richardson, Administrator -
 Environmental Protection Board

James Richardson, Environmental Protection Board, explained that the legislation would appropriate money for a restoration along Millers Creek and this would remove contamination from the creek through dredging. The \$50,000 from the EPB will double the volume of contamination to be removed. Mr. Richardson also explained the importance of the waiver in order to use the Trust Fund for the removal and disposal of contaminated soil.

APPROVE

Aye: 9 - Ferraro, Barket, Birtalan, Brockelman, Haskell, Pringle, Burnett, Devereaux, and Hardesty

Excused: 3 - Pittman, Carlucci, and Byrd

Absent: 1 - Brock

4. [2019-0890-E](#) ORD Approp \$768,000.00 from Isle of Palms Dredging to Isle of Palms Dredge-Special Dist Match to Prov 12% match fund for Isle of Palms Dredging Proj; Prov funds carryover from Yr to Yr until funds are expended or lapse according to Agreemnt; Apv & Auth Fund Agreemnt for Isle of Palms Dredging Proj btwn Isle of Palms Spec. Dist & COJ; Invoking Exceptn to Sec 126.107(G), Ord Code; Oversight by Public Works Dept. (Johnson) (Introduced by CM Diamond)
 12/10/19 CO Introduced: NCSPHS,F, R, JWW
 1/6/20 NCSPHS Read 2nd & Rerefer
 1/7/20 F Read 2nd & Rerefer
 1/7/20 R Read 2nd & Rerefer
 1/14/20 CO PH Read 2nd & Rerefered;NCSPHS,F,R,JWW
 1/15/20 JWW Approve 9-0-1 (Abstain Brock)
 1/21/20 NCSPHS Amend/Approve 6-0
 1/22/20 F Amend/Approve 7-0
 1/22/20 R Amend/Approve 7-0
 1/28/20 CO Amend/Approved 18-0
 Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 –1/14/20

Speaker:

Paige Johnston, Attorney -
 Office of General Council

Paige Johnston, Office of General Counsel, explained the history of Isle of Palms which created a Special District in 2011 in order to undertake dredging maintenance for the canals in the subdivision. The City dredged the area in the early 2000s. This appropriation will be a 12% match of existing funding for Isle of Palms. Commissioner Brock abstained because a client of his would be bidding on the project.

APPROVE

Aye: 9 - Ferraro, Barket, Birtalan, Brockelman, Haskell, Pringle, Burnett, Devereaux, and Hardesty

Excused: 3 - Pittman, Carlucci, and Byrd

Abstain: 1 - Brock

5. [2019-0891-E](#) ORD Auth a Sovereignty Submerged Lands Fee Waived Lease Renewal (BOT File # 160739059) btwn the City of Jax & the Board of Trustees of the Internal Improvement Trust Fund of the State of FL. for the purpose of securing land for the Southbank Riverwalk & Floating Docks, for a 5-Yr. Term at no cost (McCain) (Req of Mayor)
12/10/19 CO Introduced: NCSPHS,F,R,JWW
1/6/20 NCSPHS Read 2nd & Rerefer
1/7/20 F Read 2nd & Rerefer
1/7/20 R Read 2nd & Rerefer
1/14/20 CO PH Read 2nd & Rerefered;NCSPHS, F, R, JWW
1/15/20 JWW Approve 10-0
1/21/20 NCSPHS Approve 6-0
1/22/20 F Approve 7-0
1/22/20 R Approve 7-0
1/28/20 CO Approved 18-0
Public Hearing Pursuant to Chapt 166, F.S. & CR 3.601 - 1/14/20

Speakers:

Robert Skalitzky, Chief of Natural & Marine Resources - Parks, Rec & Comm Services

Renee Hunter, Chief of Real Estate - Public Works

Renee Hunter, Public Works Real Estate Division, explained that this legislation is a renewal of a submerged land lease. Commissioner Devereaux asked if there could be a longer land lease than the 5 years.

APPROVE

Aye: 10 - Ferraro, Barket, Birtalan, Brockelman, Haskell, Pringle, Burnett, Devereaux, Hardesty, and Brock

Excused: 3 - Pittman, Carlucci, and Byrd

6. New Business

- Discussion of "The District" – Lori Boyer, CEO - Downtown Investment Authority (11:30 AM)

- Discussion of creating an "American Heritage River Funding" Subcommittee

Commissioner Devereaux discussed the idea of creating an "American Heritage River Funding" Committee. He looked into past minutes and found that in 1997 Mayor Delaney requested that the St. Johns River become a National Heritage River and during that time there was a task force created to work with the Federal government in order to increase tourism. Mr. Devereaux suggested restarting this committee in order to find possible areas of funding for the river.

7. Old Business

- Discussion of "Boater's Skip Day Resolution" – Commissioner Jill Haskell
APPROVE 10-0 (Voice Vote)
- Discussion of Proposed revisions to Sec. 327.4108, F.S.
(HB 417 and SB 606) – Councilmember DeFoor/Lisa Grubba

Motion Against Revisions to Sec. 327.4108, F.S.
(HB 417 and SB 606)
APPROVE 8-1 (Brockleman) (Voice Vote)

- Discussion of Ft. George Inlet - Brian Burket, Waterfront Project Manager
- Parks, Recreation, & Community Services
- Discussion of Floating Structure Ordinance - Lindsey Brock/Susan Grandin

Discussion of "Boater's Skip Day Resolution" – Commissioner Jill Haskell

Commissioner Haskell thanked Susan Grandin and Matt Brockelman on their help drafting a Boater Skip Day Resolution.

Discussion of Proposed revisions to Sec. 327.4108, F.S.

CM DeFoor gave an overview of the issues with the number of boats docking in Ortega River. She detailed that HB 417 and SB 6060 would just be adding the area onto already existing State Legislation prohibiting docking in defined areas. Lisa Grubba presented a PowerPoint which detailed the map of the Ortega River and the high number of boats docking in the area. The pictures showed congestion of boats of which many were broken down and dirty. These boats have caused at least \$50 to \$70 thousand in damages when they have crashed into docks. Ms. Grubba also highlighted that some of these boats don't have registration or even motors and discussed the need for enforcement of these derelict and sunken vessels. The Commission then discussed voting on the Revisions to Sec. 327.4108, F.S. Mr. Brockelman said the Commission should vote on the legislation because it would be the last time to send a message to the Florida legislature about this legislation while they are in session and before they move on to the budget process. CM DeFoor clarified that the State government controls the waterways. Commissioner Brock believed that this law will punish too many people by casting a large net that will impact law-abiding citizens. He also stressed that the State law cannot be enforced since there are no impoundment lots for these boats/vessels. Commissioner Barket stated that he does not support the legislation and thinks a better solution can be found on the local level. Commissioner Deveraux said this bill will cause a lot of litigation. Commissioner Hardesty felt this bill would lead to the land of unintended consequences and stressed that there isn't the enforcement needed for this bill to be effective. Chair Ferraro talked about the importance of having all State representatives at the next meeting.

There was a motion opposing revisions to Sec. 327.4108, F.S. which passed 8-1.

Discussion of Floating Structure Ordinance - Lindsey Brock/Susan Grandin

Commissioner Brock reported on floating structures and the proposed legislation which will cover the enforcement of floating structures in the waterways of Jacksonville.

8. Public Comment

Many boaters, residents and business owners spoke both for and against HB 417 and SB 606. Speaker cards are on file.

John Nooney spoke about the derelict vessels issue and that this work could be done in the Charter Revision Commission.

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.

Rollcall

- Present** 10 - Chair Al Ferraro, Commissioner Garrett Barket, Commissioner Robert Birtalan, Commissioner Matt Brockelman, Commissioner Jill Haskell, Commissioner Raymond Pringle, Commissioner Lane Burnett, Commissioner Mark Devereaux, Commissioner Marc Hardesty, and Commissioner Lindsey Brock
- Excused** 3 - Vice Chair Ju'Coby Pittman, Council Member Matt Carlucci, and Commissioner Cord Byrd

Minutes: Richard Distel, Council Research Division
rdistel@coj.net (904) 255-5140
Posted 2.6.20 10:00 a.m.