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**JACKSONVILLE
WATERWAYS
COMMISSION**

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October 6, 2005

The monthly meeting of the Jacksonville Waterways Commission was called to order Thursday, October 6, 2005, at 9:10 a.m. in the City Council Chambers by the Chair, Council Member Lynette Self.

The minutes for the September 1, 2005 meeting of the Commission were approved.

Lynn Westbrook, Assistant Management Improvement Officer, Department of Public Works, provided the Commission with an update on Morven Lake. Morven Lake is a short body of water that ends at Stockton School in Ortega Forest from the Ortega River. The canal, formerly six feet deep and supportive of marine life and grass beds, is currently nearly completely silted in as a result of natural siltation over the years and construction projects in the area whose construction practices were poorly managed. Presently, the canal is non-navigable. In 2001, the Waterways Dredging Committee designated Morven Lake a high priority for restoration for the ecosystem. Affected property owners met with Council Member Corrigan and the Public Works Department to discuss the feasibility of approaching the City for a special assessment option to dredge Morven Lake. Special Assessments (per Ordinance 2005-157-E) entails the City initiating a dredge project for a portion of Morven Lake, and a portion of the construction costs for engineering and permitting (local bond money). Those property owners who would benefit from the dredging project would be assessed by the City for two-thirds of the construction costs. Construction costs are estimated to be \$100,000. The neighborhood has to be petitioned (to gauge the level of support for the project amongst property owners who would benefit from the project); the exact scope of the project has to be determined; the initiation of the neighborhood (special) assessment can then proceed.

In a reference to the status of Goodby's Creek marina, Waterways Coordinator Steve Nichols indicated that he was not sure of the opening date but that it was his understanding that the buoys and signs were supposed to be in place the following week. According to Alan Mosely, Director, Public Works Department, the signs and buoys were already in place and that completion of the marina project was expected to take two weeks, at which point the marina would be open for the community's use.

Lisa Rowe, Policy Director, Mayor's Office, updated the Commission on the Downtown Riverwalk Development component in Ordinance 2005-1044 (Autumn Bond funds). Ms. Rowe indicated that \$790,000 had been earmarked for the Northbank Riverwalk to extend the Riverwalk to Memorial Park. The City is contributing \$1,000,000 to the

JEA's Water and Sewer Expansion Authority's 10-year goal to phase-out septic tank systems in Duval County. Funds would also be available to assist homeowners, namely through payment plans, federal and state grants and low-interest loans, desiring to get off of the septic tank system and hook up with JEA's sewer system.

Dr. Gerard Pinto of Jacksonville University provided the Commission with monthly manatee update. No manatee deaths were reported for the month of September. In the last aerial flight, 50 manatees were seen in the river. The water temperature is still high and the algae are back.

Denise Ostertag, Chief, Recreation Activities, Parks & Recreation Department, discussed the park rules incorporated in proposed Ordinance 2005-917. The Commission's discussion focused on those park rules that related to boating issues. The proposed codification of the park rules came from a Council Recreation & Community Development subcommittee headed by Council Member Art Graham that studied the issue over a period of time. There had been rules pertaining to park activities on the books but they were rules that were unenforceable. The proposed legislation would codify the rules. An objective of the legislation was to get all parks and recreation rules into one ordinance in the Ordinance Code, rules that addressed such issues as vandalism, lascivious behavior, felonies and serious crimes around parks where children recreated, banning offenders for a year; to make the parks safer for the community.

Commissioner John Lowe indicated that he had problems with the proposed legislation, that the bill was vague on specifically who had the power to make arrests. In the boating section, Commissioner Lowe raised the issue of jurisdiction over the waters, that the bill assumes that Jacksonville has jurisdiction over the waterways, when the State of Florida has that jurisdiction. The proposed legislation gives the Director of Parks & Recreation, or his designee, too much authority over the waterways' usage. Commissioner Lowe recommended that the legislation either be amended or killed. Commissioner Bryan raised concerns about the rights of having weapons on board individuals' vessels and boat owners' rights to serve alcoholic beverages. Commissioner Bryan suggested that the proposed bill needed to be re-thought-out, re-written, that definitions were poorly written, egregious. Attorney William Crowe, Office of General Counsel, who drafted the bill in question addressed questions and issues that Commissioners had raised and agreed to review the bill. Commissioner Grey asked how can the regulations and rules be enforced? Steve Nichols said that specific guidelines were needed. The Chair, Council Member Self, said that the definitions in the bill were too vague, that clarifications were needed. Attorney Crowe and Council Member Self are going to meet in an attempt to resolve some of the issues raised. It was observed that any reference to anchorage in the St. Johns River was not the City's jurisdiction, that anchorage in the bill was not defined. Nor was deck. The City's jurisdiction to regulate waterways in the County was relegated to retention ponds. The Chair indicated that in addition to meeting with Attorney Crowe, she would go to the Council's Economic, Community & International Development Committee to address the concerns and issues raised by the Commissioners about the bill.

Brad Russell, P.E., Environmental Engineer, JEA Environmental Permitting & Regulatory Conformance, made a presentation on the Buckman WRF (Water Reclamation Facility) permit history. The presentation stemmed from a question that Commissioner Bryan had raised at the September meeting concerning the discharge of raw sewage into the river. Mr. Russell indicated that no permits allowed the discharge of such material into the river, that sewage had to be treated first. There is a bypass provision that, under extreme circumstances, under extreme acts of God, where enforcement can be circumvented (e.g., hurricanes like Katrina and Rita). The discharge of raw sewage is still prohibited. Mr. Russell reviewed the Buckman WRF

history. JEA took over the facility in 1997 and proceeded to make considerable investments and to commit considerable expenditures for the facility's improvement. JEA has brought violations down to zero. The facility has decreased the release of excessive nutrients into the river; the aim is to reduce by 50%. JEA is committed to an odor control system.

Commissioner Grey reported on the Run-Off & Water Quality Subcommittee. The subcommittee met in September to review the St. Johns River Water Management District and the City's work. There were the new cross-trained positions that the City has to review and inspect construction sites, to take steps in reducing and alleviating violations. There will be an October 21st seminar that the City will host, in conjunction with FCCJ, to address these issues.

Daniel Cronrath, Recreation Planner, Parks, Recreation & Entertainment Department, provided the Commission with a FIND update. Had good news to report on the results of this year's applications. \$1.2 million had been acquired from FIND for the next two years' projects. The City had sent a letter to FIND requesting increased funding for the Ortega River dredge project (a 75% FIND match in lieu of a %50 match). The request has been approved, meaning that \$175,000 is coming back to the City's coffers. The Chair, Council Member Self, indicated that FIND does not currently allow counties to purchase land with their (FIND) money. We need to discuss this with FIND, to raise the feasibility of acquiring lands to assure public access to waterways.

In Old Business, attention was directed to the September 21, 2005 e-mail from JSO Marine Unit Sgt. Suber to the Chair, C/M Self, regarding numbers on activities around the Cedar River, based on periodic JSO checks at Lighthouse Boat Ramp this past summer. E.g., deployments (23), man-hours expended on deployments (29.5), boating safety inspections (32), citations for wake zone violations (2), misc. arrests (2).

In an update on docking fees at Metropolitan Park, Steve Nichols reported that everything has worked out in a positive way. Five older ramp projects are nearing completion. Funds were being acquired from various sources to remove the derelict barge from the IntraCoastal Waterway. \$115,000 has to be contracted for the project.

Commissioner Bryan observed that he saw in the newspaper that the Florida Fish & Wildlife Commission had accepted the federal government's manatee zone guidelines.

Greg Radlinski, Office of General Counsel, was going to look into this.

The next meeting of the Jacksonville Waterways Commission is scheduled for November 10, 2005.

John J. Jackson
Council Research Division