

City of Jacksonville, Florida
ENVIRONMENTAL PROTECTION BOARD
Monday, April 8, 2013
5:00 p.m.

Meeting Summary

Members Present

Steven T. Jenkins, Chair
Michelle Tappouni, Vice Chair
Bobby L. Baker, P.E.
Tony C. Bellamy, P.E.
Gary Bowers, M.D.
Lucinda Sonnenberg, Ph.D.
Michelle L. Mahoney, P.E.

Members Not Present

Nick Howland

Staff/ Resources Present

Karen Bowling, CAO
Cleveland Ferguson III, Dep CAO
Terrance L. Ashanta-Barker, Neighborhoods Department Director
Jim Robinson, Public Works Department Director
Scott Trebatoski Acting EQD Chief
James Richardson, EPB Administrator
Ruby Tucker, Executive Secretary I
Cherry Shaw, OGC
Steve Pace, Environmental Engineering Manager Senior
Dana Brown, Environmental Enforcement Administrator
Richard Robinson, P.E., Environmental Engineering Manager

Visitors

Jay Worley, JEA
Scott Shine, Interested Citizen
Christi Veleta, Interested Citizen
Barbara Broward, Interested Citizen
Tim Gibbons, Florida Times-Union

Call to Order

Chair Steven Jenkins called the regular meeting of the Environmental Protection Board (EPB) to order at 5:00 p.m.

Chairman's Remarks

Chair Jenkins changed the order of the Agenda and proceeded to Presentations.

Presentation(s)

Terrance Ashanta-Barker, Neighborhoods Department Director, announced the resignation of Vince Seibold as Division Chief and in his absence, Scott Trebatoski is the Interim Chief. He then introduced Karen Bowling, Chief Administrative Officer, Cleveland

Ferguson III, Deputy Chief Administrative Officer and Jim Robinson, Director of Public Works to discuss the proposed Phase II Reorganization.

Proposed Phase II Reorganization

Karen Bowling thanked the Board for the work done on behalf of the citizens of Jacksonville and shared that because of questions regarding the proposed Phase II Reorganization, staff from the Office of the Mayor have asked to be placed on the agenda to discuss the proposal. She shared background information regarding the priorities of the Phase I Reorganization which was in July 2011 when the city was faced with significant budget cuts. The goal of Phase II, in anticipation of additional budget cuts, was to review the Departments by working with the Division Chief's and Department Directors on what opportunities exist for more efficiencies.

Cleveland Ferguson III, distributed copies of the whitepaper distributed to Council and an organization chart visualizing the Operations Reform Proposal contained in Ordinance 2013-209. He then led the board through the proposed changes summarized below:

Operations of the City consist of three sections - Employee Services, Citizens Services and Intra Governmental Services. Employee Services has no changes. Citizen Services changes are summarized as:

Parks, Recreation & Preservation:

- Name Change
- All Division merge into one - JaxParks
- Transfers contract compliance for Public Service Grants (PSG) and other grants to Intra-Government Services (IGS)

Neighborhoods

- EQD and Mosquito Control transfer to Public Works
- Special Services is repealed in the Code
- Behavioral & Human Services and Senior Services officially transfer to Neighborhoods

Planning

- Development Services and Community Planning merge into one division
- All divisions are renamed

Public Works

- Engineering and two new Division: Environmental and Infrastructure, report to new Director of Operations
- Real Estate is moved to Office of the Director

The Infrastructure Division is focused more on the maintenance of the Public Buildings and the Right-of-Way-Grounds Maintenance therefore the metrics being developed will align with this section. The Environmental Division is focused on EQD, Solid Waste and Mosquito and metrics will be developed to improve the efficiency and effectiveness of the way the City Government discharges its responsibilities and also assist the Public Works Department to help contractors meet environmental obligations on the front end rather than the back

end of projects. As it relates to the EPB, there is no interference from the Director anticipated and the changes should not have any impact on their duties or functions of the EPB.

Intra-Governmental Services

- Equal Business Opportunity (EBO) /Jacksonville Small & Emerging Business Office (JSEB) transfers back to IGS
- Administrative Services Division (ASD) is now repealed in the Code

A lengthy discussion ensued with questions from the EPB to the CAO, and Deputy CAO as well as the Public Works Director. Questions and concerns centered around how the process will work regarding citations issued to public works by EQD for non-compliance, what is the proper posture if the Board has questions or makes a request for information, how do the changes impact staff's responsibilities to the Board and the changes in the qualifications and credentials for the new Chief which does not include an environmental background.

Concerns were also shared by the board about information and performance indicators already measured by EQD and what additional information would be developed or sought. Also, concerns of how the new structure might impact grant funding contracts with FDEP or the Federal government were raised and whether there were any concerns or questions raised to determine if the proposal might jeopardize either the contracts and/or the local agreement the City has with FDEP and EPA.

Mr. Ferguson shared that regardless of who staff reports too; the changes will have no effect on how staff discharges their responsibilities. In terms of strengthening compliance at the front end, the education and integration of services will help ameliorate the need for any non-compliance issues in the future. The qualifications for the position of the new chief have not been downgraded. The contracts and grant funding has been reviewed and approved by the Mayor's Budget Review Committee and there are no concerns. He closed by stating that the Mayor's staff is committed to an open dialogue with the Board, and that he or Karen Bowling may be contacted with any specific or additional questions and concerns.

Approval of March Board Minutes

Chair Jenkins entertained a motion to approve the meeting summary of the March Board Meeting, which was properly seconded and approved by the body.

Approval of March Committee Minutes

Chair Jenkins entertained a motion to approve the meeting summaries for both the Water Committee and the Air and Odor Committee for the month of March. The motions were properly seconded and approved by the body.

Consent Agenda

- National Retail Properties, LP... Camping World RV Sales (WP-12-30) - for construction or modification of wastewater collection/transmission systems without a permit; failure to comply with design standards; failure to post required information; failure to provide operator maintenance – settlement fee \$6,400.

- YES Communities, Inc. d/b/a Crystal Springs Estates and YES Communities Companies LLC (WP-12-32) -for failure to maintain; unlawful discharge; failure to comply with sewerage design standards; failure to post required information; failure to notify EQD of a release or discharge of wastewater – settlement fee \$6,400.
- Rosa L. Wilcox and Moncrief Center, LLC (WP-12-04) - for failure to maintain; unlawful discharge of sewage or other untreated waste or wastewater; failure to have an OMR Agreement meeting requirements; failure to post required information; failure to secure; failure to provide operation maintenance - There is no settlement fee, due to a demonstrated inability to pay.

Dana Brown, Environmental Enforcement Administrator requested that the following consent order - YES Communities, Inc. d/b/a Crystal Springs Estates - be removed from the Consent Agenda at this time. It will be brought forward for consideration at a later meeting.

Chair Jenkins entertained a motion to approve National Retail Properties, LP and Rosa L. Wilcox and Moncrief Center, excluding Yes Communities, Inc., which was properly seconded and approved by the body.

Ms. Brown also asked for consideration of one add on item. She asked that the compliance plan in the consent order be extended to May 1, 2013 for San Miguel Management LP acting as agent for CH B Caroline Square, LLC the order was previously approved by the Board and the consent order will be modified to extend the deadline. Board Member Bobby L. Baker disclosed a conflict of interest under the Consent Agenda for San Miguel Management, LP. A Memorandum of Voting Conflict form was completed by Mr. Baker.

Chair Jenkins entertained a motion to approve the San Miguel Management, LP consent order, which was properly seconded and approved with Mr. Baker abstaining.

Legislative Update

Dana Brown shared the following:

She, Chair Jenkins and Program Administrator James Richardson attended the Florida Association of Counties Legislative Day in Tallahassee April 4, 2013. Proposed budget cuts in the Senate will impact the Title V Air Program this year. Proposed budget cuts in both the House and Senate will impact the Tanks Compliance Verification Program reducing funding from 7 million the local programs received last year to 5.9 million this year.

Program Administrator Report

EPB Administrator James Richardson shared the following:

- The State of the River Report funding request (2013-138) was approved by the Jacksonville City Council.
- The Jacksonville Harbor Deepening Project will release their final draft report May 6, 2013 for review and comments. A conference call for the public was held last week.
- EPB Members Tony Bellamy, Michelle Mahoney and Meaghan Atkinson, CSX served as judges for the Earth Day Poster Contest.

Department Report

Scott Trebatoski, Acting Interim Chief of the Environmental Quality Division, stated that he will be working out of two offices and can be reached at 255-7101 or 255-7371, if the Board has any questions or concerns.

Rule Making Hearing

Chair Jenkins suspended the Board Meeting at 6:12 p.m. in order to conduct the Rulemaking Hearing for JEPB Rule 4.

Mr. Jenkins reconvened the Board Meeting at approximately 6:28 p.m.

Old Business

- Open Variances – None.
- Riverside Duck Pond Maintenance – Will provide an update at the May Board meeting
- Tree Hill Geothermal Project – A presentation will be made at the June Board Meeting.
- Environmental Protection Fund – Chair Jenkins will prepare and distribute a letter with a questionnaire for the board and ask that it be returned to staff.
- Health Zone Study – Mr. Richardson has met with representatives from potential Hospitals from St. Vincent's, Shands University, etc. regarding the study.

New Business

- Member Resignation - Board Member Michelle Mahoney, Professional Engineer field will be resigning from the EPB. Any recommendations from the Board should be forwarded to James Richardson at Jrichard@coj.net.
- Earth Day Poster Contest – Mr. Richardson thanked Michelle Mahoney and Tony Bellamy for serving as judges for the poster contest, along with Meaghan Atkinson from CSX. Over 1,400 entries were submitted from public, private, catholic and home schools, along with community organizations and community centers. He then read the proposed winners in each category and showed the posters. He asked that the board approve the list. A motion to approve was properly seconded and approved by the body.
- EPB Award Updates - Board Member Michelle Tappouni provided an update regarding the EPB Awards. The Subcommittee has revised the criteria for the EPB Environmental Awards categories, the Christi P. Veleta and Charles E. Bennett awards. The award winner's ceremony will be held at the Environmental Symposium and the award recipients will also be acknowledged at the Mayor's Environmental Luncheon. The Board establishes a new award in partnership with the Duval County School System – the EPB-DCPS Environmental Champion award.
- Michelle Tappouni mentioned that a request was made at the Steering Committee to have Cherry Shaw, OGC research whether conflicts of interest exist for the Board and provide the results of the research at the April Board meeting. Cherry Shaw, OGC stated through research and consulting with the attorneys who wrote the ordinance it was found to be legal and the conflict of interest is not under the purview of the Board. She also pointed the board to Chapter 73 Ordinance Code and the powers of the EPB and stated that reorganization of government was not under their purview. Chair Jenkins expressed dissatisfaction with the response and

clarified that the request was not to get involved with evaluating whether the Board had standing on the reorganization issue. The question was whether conflicts of interest exist for the Board, the Departments and/or Division in current structure and also potential conflicts that will exist under the new structure. During the discussion, Mr. Richardson was asked to distribute information presented previously to Ms. Tappouni. There was further discussion on the issue with no board action taken at the time.

Comments from the Public

None.

Item(s) referred to Committees

None

Next Board Meeting Date

Monday, May 13, 2013

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:19 p.m.

Respectfully Submitted

Ruby Tucker, Executive Secretary I
Environmental Protection Board