

**Air Odor Noise Committee**

Lucinda Sonnenberg, Ph.D. – Chair  
Amy Fu, P.E.  
Nick Howland  
Mobeen Rathore, M.D.

**Education & Public Outreach**

Steven Jenkins  
Michelle Tappouni  
Lucinda Sonnenberg, Ph.D.  
Tony Bellamy, P.E.

**Water Committee**

Bobby L. Baker, P.E. – Chair  
Steven Jenkins  
Tony C. Bellamy, P.E.  
Roi Dagan, M.D.

**Michelle Tappouni – Chairman**  
**Nick Howland – Vice Chairman**  
**Lucinda Sonnenberg, Ph.D., Steven Jenkins,**  
**Roi Dagan, M.D., Tony C. Bellamy, P.E.**  
**Bobby L. Baker, P.E., Mobeen Rathore, M.D., Amy Fu, P.E.**

**City of Jacksonville, Florida**  
**ENVIRONMENTAL PROTECTION BOARD**  
**Monday, July 13, 2015**  
**5:00 p.m.**  
**Public Hearing- JEPB Rule 4**  
**Unity Plaza**

**Members Present**

Michelle Tappouni, Chair  
Bobby L. Baker, P.E.  
Mobeen Rathore, M.D.  
Roi Dagan, M.D.

Lucinda Sonnenberg, Ph.D.  
Amy Y. Fu, P.E.  
Tony C. Bellamy, P.E.

**Members Not Present**

Nick Howland, Vice Chair  
Steven T. Jenkins

**Staff/ Resources Present**

James Richardson, EPB Administrator  
Jody Brooks, OGC  
Steve Pace, P.E., EQD Air Branch Manager  
Tree Kilbourn, EQD Enforcement

**Visitors**

Jen Jones, Unity Plaza  
Paul Steinbrecher, JEA  
Lisa Rinaman  
Alex Coley, Hallmark Partners  
Steve Diebenow

**Call to Order**

Chair Michelle Tappouni called the Public Hearing of the Environmental Protection Board (EPB) to order at 5:13 p.m.

Chair Tappouni read a statement which provided an outline of how the hearing would proceed: presentation by staff, presentation by petitioner, comments from public, board discussion and clarification, board action and procedural summary.

**Certification of Public Notice**

James Richardson, EPB Administrator, certified that the public notice required by Florida law appeared in the Financial News & Daily Record.

**Presentation by Staff**

James Richardson, EPB Administrator shared that the Petitioner is seeking the addition of language to JEPB Rule 4 which will add a new Land Class E which will be for public spaces managed by nonprofit entities.

**Presentation by Applicant**

Steve Diebenow, on behalf of Unity Plaza, distributed copies of a Unity Plaza Site Plan diagram and stated for public concerts to be held at Unity Plaza, the noise levels will likely exceed the allowable 60 dB(A) during daytime hours and 55 dB(A) during nighttime hours (Sound from a Class C land use to a Class B land use). After several meetings and discussions with OGC, EQD staff, and Councilman Warren Jones concerning noise pollution standards, Unity Plaza proposed seeking the addition of language to JEPB Rule 4 which will add a new Land Class E and a permit to be issued. The proposed noise levels are not to exceed 75 dBA at the complainant's property line. This proposal was modeled after other similar public parks which allow an 80 dBA standard.

**Staff discussion of Petitioner Request**

Staff inquired whether the events will be held on weekends or weekdays during business hours, the type of equipment to be used, and how to ensure that the residents in the apartment buildings know that they will be exposed to the noise levels. Mr. Diebenow shared that live concerts will not be held, only amplified music. The proposed language allows that the permit is revocable by EQD when EQD has documented two (2) permit violations within any 30-day period. Further, each resident will receive a monthly schedule of events and this information will also be placed in the resident's newsletter.

**Comments from Public**

None.

**Staff Rebuttal/Clarification to Public Comment**

Steve Pace, P.E., Air Branch Manager of the Environmental Quality Division, shared the permit is indeed revocable if violations are noted. For further protection of residents, a revision was included in the proposed language which adds a section (f) which states that Class A or Class B Land Uses adjacent to any established Class E Land Use must approve of the permit and if they rescind or otherwise withdraw a previously signed approval of the Class E Land Use, there shall be a hearing held before the EPB for a determination of whether the Class E Land Use designation should be revoked. Revocation under this paragraph shall only occur if the EPB determines the manner in which the Class E Land Use is being conducted is materially different than what was originally proposed or approved. Such action would be based on evidence submitted by staff, the Class E Land Use property representative, any adjacent Class A or Class B property owner or such other evidence the EPB deems relevant.

In response to questions, Mr. Pace informed the Board that each venue may differ and each will come before the Board on a case by case basis. He also shared that during the permitting process the Board can place conditions in the permit (what the permit is authorizing).

Several questions ensued concerning the Class A or Class B property, noise level boundaries, measurements, new developments, penalties, non-profit loses designation, permit withdrawals, permit conditions, etc.

**Petitioner Rebuttal/Clarification**

None

**Board Questions/Clarification**

The Board requested clarification regarding the public space language. The suggested language for public space will be defined as any lands owned by the City of Jacksonville or subject to an easement for the benefit of public use.

After further discussion by the Board, the petitioner and EQD staff, Jody Brooks, EPB Counsel, clarified the modifications of the proposed language presented to the Board which:

- added 4.201 sub paragraph (f) new classification and modified language to include public spaces
- added a definition in section 4.101 the new (jj) which defines what public space is
- section numbers in draft 4.216 and 4.217 that were at the end of the rule fits best right after the 4.201 classification (d) – (e) and (f)
- the new 4.207 sub paragraph (d) the word *may* will be change to shall and the word *through* to upon
- 4.207 also includes a new sub paragraph (f).

#### **Board Vote**

A motion was made to adopt the rule with the changes listed by OGC (Dagan), the motion was properly seconded (Fu) and unanimously approved by the body.

#### **Procedural Summary**

EPB Counsel Jody Brooks stated that a redline of the rule and a final rule will be prepared for the Chairman to execute with the changes discussed. The rule will then go to the Council Secretary and will become effective 20 days after filing.

#### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

Respectfully Submitted

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Ruby Tucker, Executive Assistant to EQD Chief