

**OFFICE OF THE CITY COUNCIL**

117 WEST DUVAL STREET, SUITE 425

4TH FLOOR, CITY HALL

JACKSONVILLE, FLORIDA 32202

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**SPECIAL COMMITTEE ON SAFE AND HEALTHY NEIGHBORHOODS**

**MEETING MINUTES**

**City Council Chamber, 1st floor, City Hall**

 **March 28, 2018**

**1:00 p.m.**

**Location:** City Council Chamber, City Hall – St. James Building, 117 West Duval Street

**In attendance:** Council Members Reggie Brown (Chair), Anne Brosche, Bill Gulliford, Katrina Brown, Sam Newby (arr. 1:03), Garrett Dennis (arr. 1:19, dep. 1:49), Lori Boyer (arr. 1:50)

**Also**: Paige Johnston and Sondra Fetner – Office of General Counsel; Tommy Carter – Council Auditor’s Office; Adri Maguire Segui – Legislative Services; Jeff Clements – Council Research Division; Eric Fuller and Jeff Foster – Solid Waste Division

**Meeting Convened**: 1:01 p.m.

Chairman Reggie Brown called the meeting to order, and the attendees introduced themselves for the record. He introduced the topic for the day – ash site remediation.

Eric Fuller of the Public Works Department’s Solid Waste Division made a PowerPoint presentation on ash site remediation, giving historical perspective on the incineration of garbage and the disposal of the ash in the early- to mid-20th century. The incinerators were located at 5th and Cleveland Streets, Forest and Margaret Streets and on Clydo Road near St. Augustine Road on the Southside. The primary disposal sites were Brown’s Dump (Moncrief Road), Lonnie Miller Park (Moncrief Road), and Gold Merit and Pope Place (off New Kings Road). Ash site assessment began in the 1980s and sites were identified and boundaries established by the early 2000s. Remediation of the identified sites has been ongoing since the early 2000s. The City entered into a consent decree with the U.S. EPA that requires remediation of contamination in the top 2 feet of soil on the sites, annotation of contamination on property records in the Property Appraiser’s system, creation of a geographic information system displaying the sites, annual notification for all properties within the sites, and a review process before any construction takes place on the identified parcels.

In response to a question from Council Member Gulliford, Mr. Fuller explained the process by which parcels are “tagged” as being within the identified contamination zone as required by the U.S. EPA. Mr. Gulliford said that property owners face a substantial detriment to their property values as a result of being tagged, even if the property has been cleaned up. Sondra Fetner of the General Counsel’s Office explained that informal conversations could be held with the EPA about removing the tags from properties outside the consent decree boundaries, but cautioned that a formal request to reopen the consent decree to address that issue could bring other issues into play, which may be to the City’s detriment. She explained the effort by some Springfield residents to remove the contamination tags from properties located outside the consent decree area that were remediated because ash was identified on them, which ended in a negotiated agreement to remove the tags from those lots. Council Member Katrina Brown urged the City to reopen negotiations with EPA over the consent decree to get the tags removed from lots outside the boundary. Council Member Gulliford asked what might be the negative consequences of reopening the consent decree with EPA. He suggested that the time might be ripe to attempt to make a change given the current political environment with regard to the EPA. Chairman Brown asked Ms. Fetner to explore the issue with EPA and report back in 30 days.

Mr. Fuller said that the next phase of the cleanup project is to award a contract for 5th and Cleveland Phase 7 (75 residential parcels, 51 other parcels). Priority is given to cleaning up residential properties first, then other types. Upon completion of Phase 7, the overall ash remediation project will be 95% complete (based on number of identified contaminated parcels, not total acreage or volume of soil removed). Cleanup of Lonnie Miller Park will follow Phase 7 and construction should begin in 2018. He noted that cleanup only occurs on properties where the owner gives permission, and some owners have refused permission to the City for access to test or remediate. The chairman asked Mr. Fuller to determine if contamination in any way affects the expansion of the Medical Examiner’s Office and report back in 30 days. In response to a question from Council Member Dennis about cleanup of water bodies, Mr. Fuller said that the consent decree requires stabilized creek banks to prevent soil erosion, and that testing has determined that ash is not susceptible to leaching of contaminants, so that should not be spreading contamination. Water bodies and wetlands will be cleaned up after commercial properties are remediated. Chairman Brown asked Mr. Fuller for timelines for expected completion of the projects currently under contract or in the contracting process.

Mr. Fuller distinguished between properties covered by the EPA consent decree (5th and Cleveland incinerator, Forest Street incinerator, Brown’s Dump, Lonnie Miller Park) and properties covered by the Florida Department of Environmental Protection decree (Southside Incinerator, Gold Merit and Pope Place).

Council Member K. Brown suggested that the City needs an overall environmental remediation plan for the entire city (ash remediation, other types of contamination, other identified dump sites, but not including septic tanks), a timeframe for how long that plan would take to complete, and an action plan and funding sources to accomplish the work expeditiously. She’s concerned that the current efforts are very piecemeal and don’t cover the full scope of all environmental needs citywide. Mr. Fuller was asked to report back in 30 days about how such a plan would be developed and to bring back the plan within 60 days. Chairman Brown urged the development of an aggressive cleanup plan that would take no more than 5 years to complete citywide. He asked Mr. Fuller to include in his report the impact on property values of tagging properties for potential contamination. He is concerned that the tagging process devalues lots and hurts the economic prosperity of the area.

Council Member Gulliford asked why 100% of the funding for remediation is coming out of the General Fund rather than from the solid waste enterprise fund, since the cleanup of contamination could be considered a form of waste site closure. He asked the Office of General Counsel to research the potential use of solid waste utility funds for this purpose. Council Member Boyer said that a rational nexus would have to be drawn between fees being paid by current solid waste customers for disposal in current landfills and the potential use of funds for old dumpsites used decades ago. The Chairman asked Mr. Fuller for a list of all the landfills/dump sites for which the City has some responsibility, either because it was a city-operated site or because the City directed waste to a privately run facility. Mr. Fuller said there will likely be costs in excess of the $9 million currently listed in the City’s CIP to reach 100% completion of the ash remediation project. Chairman Brown expressed dissatisfaction with the time it is taking England-Thims and Miller to engineer the remediation projects and suggested hiring additional engineers to get the work done more quickly. Mr. Fuller said that the primary problems are lack of City funding and an inability to obtain access rights from some property owners, not a delay in the engineering process. Council Member Boyer said that her impression is that the steps involved in designing and engineering the projects and transmitting the plans back and forth with the FDEP and U.S. EPA to get approvals at multiple points in the process is what takes so long.

Teresa Eichner of the Budget Office reported that the 2018-23 CIP is being developed now and will have better figures for the remediation process going forward. The Finance Committee will be notified of what projects in the CIP have been moved forward or backward in the 5-year plan. She explained that projects are examined annually to match the funding authorization with the actual spend rate so as not to authorize funding in excess of what can reasonably be spent year by year. Council Member Boyer explained the balancing act that takes place in CIP planning to set spending priorities year by year as needs in various areas ebb and flow, within the amount of overall available funding for capital projects in the City budget. She noted that once the lots are cleaned up, they can be used safely for most purposes; they are not permanent wastelands. Ms. Boyer also asked that Deputy General Counsel Peggy Sidman report at the next meeting on the results of her research into eligible uses of the Special Law Enforcement Trust Fund that may play a role in helping to produce safe and heathy neighborhoods.

The next meeting is Wednesday, April 11, 2018, at 1:00 p.m., in the Council Chambers.

April 11th Meeting Upcoming Topics

* JSO discussion of security cameras

April 25th Meeting Upcoming Topics

* Bryan Mosier – progress report on condition of properties identified in Districts 4 and 8.

There being no further business, the meeting was adjourned at 2:27 p.m.

\* The written minutes for this meeting are an overview of the discussion. For verbatim comments, the audio version may be retrieved from the Office of Legislative Services.

Minutes: Jeff Clements, Council Research

 03.29.18 Posted 5:00 p.m.

Tapes: Special Committee on Safe and Healthy Neighborhoods meeting – LSD – 03.28.18

Handouts: Special Committee on Safe and Healthy Neighborhoods meeting – 03.28.18