



JACKSONVILLE CITY COUNCIL

**TRUE COMMISSION
LEGISLATIVE TRACKING COMMITTEE MEETING MINUTES
December 16, 2011
12:00p.m.**

**City Council Conference Room B
Suite 425, City Hall
117 W. Duval Street**

Attendance: Committee Members Joe Andrews (Chair), Tom Martin, Greg Radlinski

Excused: Diane Brown

Guest: Kristina Nelson – Office of General Counsel

The meeting was called to order at 12:01 p.m. by Chairman Andrews.

The committee reviewed the following new bill introductions:

2011-750 (deauthorizing previous appropriation of \$3 million for JSO/FSCJ police firing range project): the group asked for information on where the \$1 million of interest earnings was generated and what account that interest will be returned to.

2011-779 and -780 (designating brownfield areas on Salisbury Road and Dames Point Road, respectively): Kristina Nelson, environmental attorney in the Office of General Counsel, explained the purpose and designation criteria for brownfields pursuant to state and federal law. The intent of the statutes is two-fold: 1) to deal with cleanup of actual contamination, and 2) to encourage redevelopment of previously developed or underutilized property so as to attract development away from undeveloped “greenfield” sites. There are criteria about what constitutes a brownfield, but there is some measure of discretion left up to the City’s judgment, particularly with regard to what properties are perceived to be potentially contaminated, which is one of the allowable criteria.

Commissioner Andrews objected to the ability of the City to revoke a brownfield designation if the applicant doesn’t subsequently enter into a Brownfield Site Rehabilitation Agreement with the FDEP. If a site is contaminated enough (or perceived to be contaminated enough) to be designated, then that designation ought to be permanent and not revocable based on a developer changing their mind about proceeding with a project. Ms. Nelson explained that the designation is part of a much longer development process that requires considerable due diligence study and site testing, and developers are not likely to undertake that potentially long and costly process without some assurance from the start that they will be protected from excessive liability should a serious problem be identified. Without that assurance, these sites will simply sit unused and be a blight on the surrounding community, which is what the brownfield law was intended to rectify.

Commissioner Radlinski noted that the City is complying with the federal and state laws and procedures and if an applicant meets the criteria, a brownfield designation is practically required. The City would have no defensible grounds to refuse the designation if all legal requirements are met. He suggested that

any changes to the brownfield program need to come at the federal and/or state level and are beyond the capability of the City Council. Mr. Radlinski also noted that the entire downtown Jacksonville area has been designated a brownfield based on its status as a federal Enterprise Zone and Empowerment Zone. That designation was made without any finding of actual or perceived contamination on any particular lot, but on the general grounds that 200 years of human activity in the downtown area have probably created some contamination somewhere, and the desirable redevelopment and reuse of downtown properties requires some degree of protection to developers from environmental liability.

2011-756 (appropriation of Banking Fund borrowing to pay off remaining debt on 800Mhz radio system): the commissioners asked for information on the payback period for the original radio system being replaced and the expected lifespan and payback period for the new system now being constructed.

2011-759 (declaration of surplus property): the commissioners asked for additional information on the current balance in the Recreation Lands Acquisition Account and whether the proceeds of the eventual sale of this surplus parcel would be deposited in that account.

There being no further business, the meeting was adjourned at 1:05 p.m.

Jeff Clements, Chief
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630-1405

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12:00 p.m.