

The Florida Times-Union

Monday

APRIL 24, 2017

\$2

CHANGES
COME AS
HIGH SCHOOL
PRACTICE
OPENS

Sports, C-1



“GROUCHO
MARX” OF
SALESMEN
WAS
LONGTIME
FIXTURE

Metro, B-1



TRUMP HEADS INTO TOUGH
WEEK WITH BUDGET AND
HEALTH CARE BATTLES

Nation, A-9

THE VOTE TODAY

Jacksonville City Council votes today on historic employee pension bail out

By Nate Monroe, Christopher Hong and David Bauerlein
The Times-Union

The City Council that sits down Monday to take a final vote on Mayor Lenny Curry's high-stakes pension reform plan is a kinder and gentler group than the skeptical, hands-on legislators who routinely put Curry's predecessor through the wringer.

Council members have largely avoided going public with their concerns about Curry's plans — preferring private meetings with his team — even as some of those same members routinely aired withering criticism of former Mayor Alvin Brown, who struggled with pension reform for years. Those members said there is a simple explanation for this discrepancy: Curry's top administrators have earned their trust in a way Brown's finance team never did.

But political observers and critics — including veterans of past pension reform discussions — said less noble reasons are also in play.

“People can make the claim that (Curry) is a CPA and has these great skills, but I think the more obvious one is partisanship,” said Michael Binder, a University of North Florida

political science professor who conducts polling on local issues.

“When Alvin was putting this out, there was a lot of, ‘Well, what-ifs.’ There was a lot more specific focus on the dollar amounts,” Binder said. “That’s not here in this set of discussions.”

Brown, a Democrat, had to face a majority Republican council. The GOP still holds the edge on the council and many of them supported Curry's campaign to oust Brown from office.

Curry's office did not respond to a request for an interview.

The mayor's path to victory through the council has been remarkably smooth.

Despite its complexity, large cost and some unanswered questions, the labyrinth of bills that make up Curry's reform package has moved through the council in less than a month and with limited public criticism. In some cases, the administration still refuses to release some of its internal calculations around the mayor's reform plans.

Curry's reform plan would be the city's largest ever financial transaction and cost taxpayers billions more than the status quo, while providing near-term

PENSION continues on A-7



Mayor Lenny Curry has proposed a sweeping set of reforms that seek to pay down Jacksonville's staggering \$2.86 billion pension debt and forever overhaul the employee retirement system.

CURRENT PENSION DEFICIT **\$2.86 billion**

ADDED COST FOR PAYING OF PENSION DEBT **\$4.5 billion***

COST TO WIN UNION SUPPORT **\$234 million in pay over 3 years**

TIME SPAN OF PLAN **43 years**

NUMBER OF EMPLOYEES AFFECTED **8,500 employees**

COUNCIL VOTES NEEDED TO PASS** **10 votes**

VOTER SUPPORT FOR TAX REFERENDUM **65 percent**

SALES TAX REVENUE 2031-2060 **\$9.1 billion**

*City pays less through 2030 but more from 2031 to 2049 for net increase of \$4.5 billion

**Assumes all 19 council members are voting

Source: City of Jacksonville, pension plan actuarial reports

Settlement on housing suit hits a snag

Councilman says proposal is ‘riddled with problems’

By Christopher Hong
christopher.hong@jacksonville.com

A proposed settlement to a housing discrimination lawsuit brought against City Hall by the Justice Department and a local nonprofit remains in limbo as it struggles to earn approval from the City Council.

The city reached the proposed settlement earlier this year to avoid a trial over its 2015 decision to block the nonprofit, Ability Housing, from building an apartment complex for residents with disabilities in Springfield.

Ability Housing, the Justice Department and a statewide disability advocacy group then sued the city. While the city and the plaintiffs all agreed to the settlement, the council must approve it before its finalized.

The settlement was introduced to the council in January and has since faced an uphill battle.

Several council members say they are concerned about the zoning law changes made by the settlement, which has led to the bill being stuck in several committees it must clear before it receive a final vote by the full council.

The settlement also faces opposition from the same group of Springfield residents who have long fought Ability Housing's project.

Springfield businessman Jack Meeks, who spearheaded the neighborhood opposition campaign against the project, has now enlisted the help of Paul Harden, an attorney

“We’re going to do our job. I think the most realistic attitude is, let’s just make sure the code that has been changed does what it’s supposed to do and doesn’t have unintended consequences.”

Councilman Danny Becton, on the proposed settlement

and lobbyist with remarkable influence over council members.

The months-long delay forced the city to extend an April 30 deadline to approve the settlement. Ability Housing agreed to push the date back a month but will take the case to trial if the new deadline is missed, said Tom Ingram, the group's attorney.

Under the settlement, the city would pay nearly \$2 million in penalties, legal fees and a grant that would pay for a supportive housing facility for people with disabilities. The city would also be forced to change its zoning laws, including a special overlay for Springfield that was used to block Ability Housing's project.

SETTLEMENT continues on A-7

Jury selection begins today for Brown's fraud trial

By Steve Patterson
steve.patterson@jacksonville.com

Jury selection for former U.S. Rep. Corrine Brown's fraud trial is scheduled to start Monday in a room built for big moments.

Courtroom 13A is the Jacksonville federal courthouse's ceremonial court, bigger than others and able to handle 39 prospective jurors who were pre-screened for obvious hardships that might keep them from serving.

U.S. Magistrate James Klindt and attorneys from opposing sides have booked Monday and Tuesday for deeper questioning to get a 12-person jury and alternates.

On Wednesday, the jury is supposed to hear opening statements about charges accusing Brown, a 12-term congress-



Former U.S. Rep. Corrine Brown talks to reporters outside Jacksonville's federal courthouse after a hearing in early April. (Bob Self/Florida Times-Union)

woman, of mail and wire fraud, conspiracy and tax crimes.

Most of Brown's 22-count indictment involves claims she asked supporters to donate to a sham charity, One Door for Education, then received part of the money for her own use.

The indictment said One Door, a self-described

scholarship fund, took in \$800,000 in donations between 2008 and 2012, but spent just \$1,200 on two scholarships.

The indictment described tens of thousands of dollars being moved incrementally from One Door's bank account into Brown's accounts. Her former chief of staff, Ronnie Simmons, and One

Door president Carla Wiley have both taken guilty pleas.

Brown has insisted she wasn't part of any One Door scheme, but prosecutors have detailed witnesses and records they plan to present in a trial expected to last roughly two to three weeks.

To get their jury, attorneys will ask potential picks about any relationship to Brown, or attorneys or investigators who worked the case. They'll ask whether people have ever been law enforcement officers or been investigated by law enforcement and other questions meant to flag people who are too biased to hear the case.

Once a jury is picked, the case will move to U.S. District Judge Timothy Corrigan's courtroom. Steve Patterson: (904) 359-4263

Giraffe's baby bump boosts zoo's upkeep, conservation

By Mary Esch
Associated Press

April the giraffe has brought a bundle to a tiny zoo in rural upstate New York, thanks to a YouTube video livestream of her pregnancy and birth of an incredibly cute calf that has riveted viewers around the world.

Owners of the for-profit Animal Adventure Park won't say exactly how much they've pulled in from all April-related ventures, but internet marketing experts conservatively estimate the haul in the

hundreds of thousands of dollars.

The money will be used for zoo upkeep, wildlife conservation in Africa, and a favorite cause of the zoo's founders — local children with unexpected medical expenses.

“The monies are going to allow the park to continue to grow and improve,” said Jordan Patch, who started the 20-acre zoo with his wife four years ago in Harpursville, about 130 miles northwest of New York City. “But also the money

GIRAFFE continues on A-9

Weather
Partly sunny
Forecast on A-2

79 Today's high

58 Tuesday morning's low

Tuesday morning's low



Follow us on Facebook
facebook.com/FLTimesUnion/



Twitter
@jaxdotcom

Classified C-8 Life D
Comics D-2,3 Legals C-7
Crosswords D-2,6 Metro B
Editorials A-8 Obituaries B-5

COPYRIGHT 2017
NO. 114
152ND YEAR
4 SECTIONS
32 PAGES



SETTLEMENT

Continued from A-1

The special overlay prohibits any new boarding houses and other specialized living facilities from opening in the 1-square mile area of Historic Springfield. The rule was passed in 2000, in part to curb the “disproportionately large number” of rooming houses and other special housing arrangements that were in the neighborhood.

Ability Housing announced in 2013 its plans to convert an existing 12-unit apartment complex on Cottage Avenue into a housing facility for homeless residents, many who were expected to be veterans with mental illnesses or drug addictions.

Meeks and other Springfield residents cried foul, saying the facility wasn't allowed under the neighborhood's overlay and said the facility would bring problem tenants into the area.

The city decided that group's project wasn't allowed under Springfield's overlay because it would provide services to its residents that were a “cut above” normal housing arrangements.

The settlement would force the city to change the special overlay to remove prohibitions on certain housing facilities that serve residents with disabilities.

“This makes it very clear in the zoning code about discrimination being prohibited and the rights of the disabled to live in any neighborhood they choose are protected by the city,” Ingram said.

In a meeting about the settlement earlier this month, it became clear there's a wide disagreement about what exactly would be allowed to happen under the new rules.

If the settlement is approved, residents with disabilities could request changes to their property that would allow them to “use and enjoy” it but may not be allowed under zoning rules. Those requests, which all cities are required to consider under federal law, would be reviewed and approved by a person in the planning department. The requests must be directly tied to a person's disability and cannot fundamentally change the nature of the city's zoning code, according to the proposed rule.

City attorney Jason Teal said that reasonable accommodations are limited to people with disabilities and only apply to residential property. He said the Justice Department recommended the changes to protect the city from further litigation.

“Right now, federal law says you've got to consider these requests, but you have no process that tells you how. That's going to get you in trouble,” Teal said.

Settlement opponents say the language is vague and would open the door for intrusive housing and other facilities to move into residential neighborhoods. Worse, they say, decisions would be made by a single person, possibly without the knowledge of neighboring residents until late in the decision making process.

Council members also said the language is too vague.

In the meeting, Councilman John Crescimbeni called the settlement “gobbledygook” and accused the city's attorney of “dancing around his questions.” He also employed his trademark abrasiveness on Ingram, questioning the nature of his pro bono legal work for Ability Housing.

“My problem with this is it's hammered out by two lawyers whose primary objective is, one wants to get paid, the other is trying to avoid the city incurring unnecessary expenses of furthering the lawsuit,” Crescimbeni said. “I think this needs to be workshopped by the parties and neighborhoods. This is riddled with problems.”

Councilman Danny Becton, who has kept the bill from clearing his Land Use and Zoning committee, said in an interview he was “uncomfortable” after reading the bill and wants to improve it in a series of meetings next month.

While Becton said he believes opponents would like to see the settlement stay in committee until the deadline expires, he has every intention of letting the council vote on in by the May 31 deadline.

“We're going to do our job,” Becton said. “I think the most realistic attitude is, let's just make sure the code that has been changed does what it's supposed to do and doesn't have unintended consequences.”



A humpback whale bears injuries and wounds consistent with vessel strikes. A new study in the journal Marine Mammal Science said whale ship strikes might be more common than previously suspected, saying almost 15 percent of humpback whales are injured by ship strikes. (Skyler Suhrer/Whale and Dolphin Conservation via AP)

Whale, boat collisions likely more common

By Patrick Whittle
Associated Press

PORTLAND, MAINE | A group of marine scientists says collisions of whales and boats off of the New England coast may be more common than previously thought.

The scientists focused on the humpback whale population in the southern Gulf of Maine, a body of water off of Massachusetts, New Hampshire and Maine. They found that almost 15 percent of the whales, which come to New England to feed every spring, had injuries or scarring consistent with at least one vessel strike.

The researchers, who published their findings in the March issue of the journal Marine Mammal Science, said the work shows the occurrence of such strikes is most likely underestimated. They also said their own figure is likely low because it does not account for whales killed in ship strikes.

“Vessel strikes are a significant risk to both whales and to boaters,” said Alex Hill, the lead author of the study, who is a scientist with conservation group Whale and Dolphin Conservation, in Plymouth, Mass. “Long term studies can help us figure out if our outreach programs to boaters are effective, what kind of management actions are



The ability of ship strikes to negatively impact whale populations is a source of some debate. (Lauren Kante/Whale and Dolphin Conservation via AP)

needed and help to assess the health of the population.”

Other scientists have also studied whether ship strikes have the ability to negatively affect whale populations and the subject is a source of some debate.

A 2014 study of 171 blue whales in the eastern North Pacific that appeared in PLOS ONE stated that modifications to shipping lanes could “reduce the likelihood of collisions with vessels.” But a study that appeared in Marine Mammal Science that same year said mitigating ship strikes would have a minimal impact on the blue whales.

Off Alaska, 25 of 108 reported whale collisions

that occurred between 1978 and 2011 resulted in the animal's death, according to a 2012 report in the Journal of Marine Biology.

For the Gulf of Maine study, the authors reviewed more than 200,000 photos of 624 individual humpback whales over a nine-year period to evaluate them for injuries and trauma, the conservation group said. The group is recommending that marine managers develop a strategy for vessels that transit near whales to minimize collisions.

Dave Wiley, a research coordinator for Stellwagen Bank National Marine Sanctuary, said the paper could indeed inform regulations for federal manag-

ers. Wiley, who was not involved in the study, said it was “troublesome” to see the rate of strikes so high.

Scott Kraus, chief scientist for marine mammals at the New England Aquarium, was slightly more skeptical. Kraus, who was also not involved in the study, said the level of ship strikes could be overestimated in the paper because of the way the authors interpret scars and markings on humpback whales. However, Kraus said the findings are still valid.

“There are a lot of whales getting hit by small vessels and there may very well need to be some management actions around high-density whale areas,” he said.

PENSION

Continued from A-1

financial relief. Issues with lower financial and practical stakes sometimes face a more twisted and uncertain path than the mayor's proposal has.

Even now, council members have spent months picking apart a proposed settlement to a housing discrimination lawsuit brought by the Department of Justice rooted in a neighborhood's opposition against a housing complex for people with disabilities.

And council members have already spent about two months on their version of a popularity contest: Who will be the next council president?

A special council committee unanimously backed Curry's plan Thursday. The full council is expected to OK the legislation Monday.

“Nobody is responding saying they need more time. I pushed it with the auditors,” said Council President Lori Boyer. “If every council member is of that mind and if the auditors are of that mind, then extending the time period is of no value if everyone feels like they've made their decision.”

PAST EFFORTS

The Times-Union successfully sued Brown's administration after it emerged with a pension-reform plan in 2013 that was illegally negotiated with the city's public-safety unions behind closed doors. The council rejected that first reform package, saying it did not go far enough in cutting benefits for current employees and in having a long-range plan for reducing the pension

debt.

His administration subsequently opened the process up significantly on his second try at reform. He established a community task force that produced reams of records and brought in outside experts to help shape the contours of a 2015 reform law highly celebrated at the time. The law adopted a theme of shared sacrifice: Pain from taxpayers and employees would help solve the city's pension problems.

Curry's reform plan completely reverses that dynamic. He wants to restore older and more costly benefits to current police officers and firefighters, and — rather than accelerating the pay down of the city's pension debt, as the 2015 law called for — he wants to defer the bulk of those payments far into the future. That will gain near-term financial relief for the city, but increase the total cost of paying off the pension debt by \$4.5 billion or more.

Curry's plan to defer payment on the pension debt centers around a special half-cent sales tax that voters approved last summer.

The sales tax would not start until the Better Jacksonville Plan's tax ends around 2030 and it would be dedicated solely to paying off the pension debt.

The city would gain financial relief in the near term by shifting a big chunk of pension costs to the years after the new sales tax starts.

It's not clear when the pension debt would be paid off.

Curry's administration has said it believes the debt will be fully paid by 2051-53, but the financial projections it released to the

council don't show that. An actuary with the Police and Fire Pension Fund — which is the most financially troubled of the city's three pension funds — shows its debt paid by 2058.

Council members have signed onto Curry's plans, but there has been little public discussion about why reversing major tenants of the 2015 law would be wise. They also seem unbothered over the uncertainty about when the pension debt will be paid.

“This is not a golden egg. Nobody is saying this is solving every problem that Jacksonville has,” Boyer said. “It does not.”

“But it does provide a permanent, dedicated funding source that we had no other way to do ... I think there's tremendous value in having the dedicated source.”

Curry has defended his approach by arguing the status quo — making yearly pension payments that are projected to reach \$360 million next year — is not sustainable and would require drastic cuts or a tax increase, which he does not support. He said establishing the future sales tax as a dedicated funding source for pension debt ensures it will be paid.

His plan would also enroll future employees into 401(k)-style retirement accounts with city contributions that range as high as 25 percent of pay for police officers and firefighters. Although such accounts reduce risk to taxpayers, it's not clear the annual cost in a normal year would be less than the pension benefits created for public-safety workers in the 2015 law.

‘HALF BAKED FINANCIAL PLANS’

Some council members

have raised deeper concerns.

“Why are we giving away the house to buy a car?” Councilman Matt Schellenberg wrote in a series of text messages to a Curry administration official.

“This mayor wants to scrap \$1.5 (billion) in savings from the 2015 plan at a cost of \$4 (billion) just to save a few million each year in his term! ...We need growth from city hall, not MORE debt, MORE expenses and nothing to show for it in return.”

Schellenberg said those were comments residents had sent him and he was passing them along to the administration so they knew what was being discussed at the constituent level.

Schellenberg did not bring up those comments during public workshops. The Times-Union obtained his text messages through a public records request.

When asked if he still had any concerns about the pension plan, Schellenberg replied, “As an elected official, I always have concerns. What I was shown, I hope is fulfilled.”

He added, “I think that in my opinion, my hard questions were all answered.”

Schellenberg, who was a constant thorn to Brown's pension reform plan, said he expressed his concerns about Curry's legislation in private because it isn't his job to “embarrass” anyone. He said he afforded Curry that courtesy because he trusts him and his team more than the Brown administration.

“Council members had various issues that bothered them, but they're willing to give this administration wide berth to see how it works,” Schellenberg said. “I think that's so im-

portant, the trust factor. In two years, they've given us a great reason to trust them and that we're all on the ship together.”

Boyer said trust is a major factor this time around.

“There is a greater sense that we have people on board whose financial responses we can rely upon,” she said. “There has been a really strong effort to build relationships with council members among the staff.”

OTHER EXPLANATIONS

Former Councilman Stephen Joost was a Republican who was one of the biggest advocates of Brown's pension reform efforts. After watching his colleagues question every number and assumption baked into Brown's ideas, he was bewildered to watch the same people “bend over backwards” to approve a new plan that costs more money and includes some of the same concepts members were gravely concerned about years ago.

“If I told you what goes through my head, you wouldn't be able to print it,” Joost said.

Jacksonville attorney Tad Delegal, who served on a 2014 pension reform task force, said the reams of information compiled by the task force is “night and day” compared to what City Council has in hand for its vote on Curry's pension reform.

“I think there is such a level of pension fatigue that everyone wants it to be over with and the mayor has promised this is the last time that we'll ever have to deal with it,” Delegal said. “They're trusting the mayor at his word and they've seen enough to convince themselves this is financially acceptable.”

Joost said he believed

many factors were behind the council's stark change in attitude, including partisan politics, fatigue over pension reform and a higher trust in the Curry administration, which he said is “more competent” than the previous mayor.

He also said Brown lacked momentum going into his pension reform push during his final year in office. By then, Brown was facing a serious Republican contender in a mayoral race in Curry, and Joost said he had completely lost the trust of a council that already earned some major wins against him.

“He just allowed the council to criticize him ruthlessly,” Joost said. “And he never fought back. I don't know why.”

Curry, who is fiercely competitive, seems to relish the perception he does not brook dissent.

He has reacted harshly when critics have raised questions about his plans, calling them out-of-touch elites or “cronies.”

When Joost and Bill Bishop, also a former member of the City Council, raised concerns about Curry's plans in local media last year, Curry's political consultant issued a statement calling them “desperate to seem relevant.”

Earlier this month, Curry twice tweeted a quote frequently attributed to actor Will Smith: “If you're absent during my struggle, don't expect to be present during my success.”

“You can muscle people around, especially when your coattails got them into office ... but you can only push them so far,” said Binder, the political science professor. “And what happens when that time expires? That's the real issue.”