
MINUTES

BROWNFIELD ADVISORY BOARD

April 10, 2012

6:00 p.m.

HR TRAINING ROOM

22 South Beach Street
Ormond Beach, Florida

Mr. Richard Goss, Planning Director, City of Ormond Beach called the first meeting of the Brownfield Advisory Board because it is good to have an organizational meeting to appoint the officers and to review the Rules of Procedures; for those members that do not know much about the brownfield designation, it would give them an opportunity to learn more. Mr. Goss informed the Board that there will be an implosion and demolition of the hospital; he presumes the hospital will use the brownfield program down the road to help redevelop the property. Mr. Goss asked Meggan Znorowski to call roll for the record.

I. ROLL CALL

Members Present

William McMunn
Curtis Burkett
Pat Behnke
Patrick Opalewski
Ryck Hundredmark
Michael Sznajstajler
Thomas MacDonald

Staff Present

Richard Goss, Planning Director
Meggan Znorowski, Minutes Technician

Mr. Goss informed the Board that a chairperson and vice chairperson needed to be designated. Mr. Goss explained that he is essentially the secretary; he will be creating the agenda and placing the items on the agenda; the chairperson can call the meeting at anytime and call for items to be placed on the agenda; it is Mr. Goss's and Ms. Znorowski's job to staff it. Mr. Goss asked the Board to consider elections for chairperson and vice chair.

Mr. McMunn made the suggestion that the Board members give a brief background of themselves. Mr. McMunn introduced himself and gave his background.

Mr. Burkett introduced himself and gave his background.

Mr. McDonald introduced himself and gave his background.

Ms. Behnke introduced herself and gave her background.

Mr. Sznajstajler introduced himself and gave his background.

Mr. Hundredmark introduced himself and gave his background.

Mr. Opalewski introduced himself and gave his background.

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson

Mr. Opalewski nominated Mr. McMunn for Chairperson. Mr. Sznajstajler seconded the motion. Vote was called, and the motion unanimously approved.

Election of Vice Chairperson

Mr. McDonald nominated Mr. Opalewski for Vice Chairperson. Ms. Behnke seconded the motion. Vote was called, and the motion unanimously approved.

B. Review and Adoption of 2012 Rules and Procedures

Mr. McMunn stated the 2012 Rules and Procedures were included the Board's packet, and seemed pretty standard. Mr. McMunn stated the Board operates under the Sunshine Law; the Board members can say hello, that there is a meeting, and the items on the agenda, but the Board cannot discuss particular items on an agenda or items before the Board. Mr. McMunn asked if the 2012 Rules and Procedures were something that needed to be approved.

Mr. Goss responded yes, it will need to be approved; although Mr. Hundredmark had called him with regards to an issue with the Ordinance and how membership was made.

Mr. Hundredmark stated that Section No. 5, the residency requirements; in his case he was nominated to the Brownfield Advisory Board by a City Commission for a zone in

which he does not reside; Item No. 5 specifically states that a member who locates his permanent residence outside the zone from which he is appointed should be required to tender a resignation from the Board.

Mr. McMunn asked if the nominations were approved by the Commission, and doesn't that override the provision.

Mr. Goss stated it does, but the rules and procedures need to be modified to reflect that. Mr. Goss explained that he took the standard rules and modified them for the Brownfield Advisory Board, but missed the peculiar part about the Ordinance with regards to some members being outside of the specific zones.

Mr. McMunn stated he had no issue with it. Mr. McMunn asked if that made this Board the oddball in comparison to the Planning Board and other boards.

Mr. Goss stated no, just to this Board; this Board is the anomaly. Mr. Goss suggested that the Board go through the rules and procedures presented; if the Board agrees, Mr. Goss can make those changes based upon the Board's action, and the revised rules and procedures can be provided to the Board at the next meeting.

Mr. Burkett asked with regard to Section 4, how the attendance policy worked.

Mr. Goss responded that it is contained in the City Code of Ordinances, which lays out that you can miss three as unexcused and the Commission could, not will, act; once the meeting date has been set and a member cannot make it is let Staff know a week in advance that you cannot make it and Staff will count members in order to let the Chair know if there will be enough members for a quorum.

Ms. Behnke stated she reads Section 5 as that if the member moves out of the zone he resided in when he was appointed, not by the Commissioner of that zone.

Mr. Goss responded he understands, but the language is stock and it should be modified to accurately reflect the ordinances; the member is required to be a City resident; the modified rules and procedures will reflect where the members came from based upon the ordinance. Mr. Goss explained that he will do this by striking out what is not applicable and underline the additions so the Board will be able to clearly see the modifications.

Mr. McMunn stated he was nominated by the Mayor.

Mr. Sznajstajler stated he was the at large member.

Mr. Goss verified the zones from which the members were nominated: Mr. McMunn, Zone 2- Mayor; Mr. Burkett, Zone 3- appointed by the Commission for Zone 1; Mr. Opalewski, Zone 3- appointed by the Commissioner for Zone 3; Ms. Behnke, Zone 1- appointed by Commissioner for Zone 2; Mr. Hundredmark, Zone 2- appointed by the Commissioner for Zone 4; Mr. Sznajstajler, Zone 1- At-Large; Mr. MacDonald, Zone 2-

appointed by Ormond Main Street. Mr. Goss stated that three of the Board members are out of their zone; the rules and procedures need to reflect the ordinances accurately.

Mr. McMunn stated he didn't think that having members from a particular zone was that important for this Board.

Mr. Goss added that the Board is supposed to be representative of the two brownfield designated areas, the downtown and US1/airport/business park/Ormond Crossing area as opposed to citywide. Mr. Goss explained that the Brownfield Advisory Board is the board for both brownfield designated areas.

Mr. McMunn stated there was only a map of the US1 designated area.

Mr. Goss responded that he had provided two ordinances, one for US1 and the other for downtown which included maps; the ordinances should have included the maps.

Mr. McMunn stated there was confusion because there were small and large maps of each.

Mr. Goss responded that if the Board cannot read the maps, staff would provide larger color maps. Mr. Goss asked the Board if it was okay to send the maps by email.

The Board responded yes.

Mr. Goss asked if that was the best way to communicate with the Board.

The Board responded email was the best way to communicate.

Mr. McMunn suggested that if a response was required it should be followed up with a phone call if there has been no response.

Mr. Goss stated that when staff was putting the Brownfield areas together staff was attempting to do mixed use development for downtown which was an eligible activity in a brownfield and the applicants could get credits for that; the Form Based Code requires new development to move up and be more than one story which promotes affordable housing above retail or office space; at the same time include industrial areas along South Orchard to include the hospital because the hospital property would have the most to gain from the designation. Mr. Goss explained that when the designated areas were chosen, residential areas were avoided because there are no incentives for residential areas; however, there are some residential properties that have commercial land use designation, which those property owners opted to stay in because they saw an advantage.

Mr. McMunn asked if there were any particular areas that needed to be cleaned up or remediated and if the Texaco on Granada was a dirty site.

Mr. Goss responded that the site at Ridgewood Avenue and SR 40 has been cleaned, and other gas stations have had the old tanks removed and new underground double lined storage tanks put in. The vacant Shell meets the current standards for the tanks.

Mr. McMunn inquired as to the status of the Texaco on Nova Road and SR 40.

Mr. Goss responded that the tanks were replaced last year.

Mr. McMunn asked if there were any additional sites.

Mr. Goss responded that Randy's Auto and Cemex may be potential sites. Mr. Goss stated what is planned is to get a grant from the federal government to identify contaminated sites for the downtown and airport areas because of the southwest quadrant expansion; since that quadrant was a military installation, there could be some issues.

Mr. Sznajstajler stated that it was important to note that independent of the state program there are competitive grants that are awarded to local governments to divvy up however the local government chooses the individual property owners that want to have a free look at the environmental issues; \$200,000 for petroleum and \$200,000 for hazardous substances.

Mr. McMunn asked Mr. Sznajstajler to explain the tax credits.

Mr. Sznajstajler responded that there are two types of tax related credits under the brownfield program. Mr. Sznajstajler explained that one is the job bonus refund program, which is automatically available to eligible businesses locating in the brownfield area; businesses that locate to the brownfield area or expand because they are in a brownfield area are eligible to receive up to \$2,500 per job as a tax refund from the state for each job created over 90% of the median wage for the area or a qualified target industry job. Mr. Sznajstajler stated that the other is tax credits for Voluntary Cleanup Tax Credit (VCTC) which is for projects that enter into a cleanup agreement with the state which means that the property owner is committed to dealing with the environmental issues of the property; the VCTC is a yearly credit that is available that provides the property owner with up to 50% of their costs back for each year they spend in the cleanup in the form of a tax credit; it is the first and only tax credit in the State of Florida that is transferrable. Mr. Sznajstajler explained that if a church wanted to redevelop a property and they don't have tax liability, they could sell the tax credit on an open market. Mr. Sznajstajler stated that the key thing to remember with brownfields is it is actual or perceived environmental contamination. Mr. Sznajstajler stated that the cap had just been increased during the last legislative session from \$2,000,000 to \$5,000,000; the legislature recognized that this program has been working and the annual cap has been exhausted the past 4-5 years, which created a gap in the availability to fund it. Mr. Sznajstajler stated there is also a onetime 50% on solid waste removal, an additional 25% for any type of mixed use development, and once the property receives its completion letter the property owner would get an additional 25% of all of their costs back. Mr. Sznajstajler stated this is the first year with the \$5,000,000 allocation and when each year is exhausted it rolls over to the next year's allocation. Mr. Sznajstajler

explained that currently property owners are receiving letters stating that they are in line and that they will get their money, it will be as the funds become available.

Mr. McMunn asked how the tax credits are sold.

Mr. Sznajstajler responded that the tax credits are very easy to sell and they sell for approximately \$.85 on the dollar. Mr. Sznajstajler explained that they are sold through a broker. Mr. Sznajstajler stated that the VCTC tax credit is only valid for corporate income tax, and a lot of Florida corporations do not have a corporate income tax liability because of the exceptions that exist or the amount they have in tax credits far exceeds their normal tax output. Mr. Sznajstajler explained that there are a lot of businesses outside of Florida that have income tax liability and purchase those credits.

Mr. Goss added that it works like the housing tax credits.

Mr. Sznajstajler asked if those were transferrable.

Mr. Goss responded yes, they can be sold on the market; people use it to gather equity in a project when they have little equity, which improves the leveraging of investment on the project.

Mr. Sznajstajler stated there are a lot of non-profit corporations that have taken advantage of VCTC.

Mr. McMunn stated the \$2,500 job tax credit is a good incentive; you don't have to have a dirty site, and they can bring business in that qualifies. Mr. McMunn asked if there was a cap on the job tax credit.

Mr. Sznajstajler responded no, but there is a specific process and Enterprise Florida, the state's public/private partnership, takes the applicant through the entire process to get the brownfield area job bonus refund program. Mr. Sznajstajler stated he would bring some flyers to the meeting which would provide more detailed information. Mr. Sznajstajler explained that if the applicant meets certain criteria they enter into a job agreement in which the applicant agrees to hire the number of people they say they are going to hire within a set period of time and as those requirements are met, the state then pays out the job bonus refund based on the sales tax, ad valorem taxes, and income tax paid.

Mr. McMunn asked how the Rules of Procedure amendments need to be handled.

Mr. Goss requested the Board approve the Rules of Procedure subject to the amendment regarding residency requirements based upon the ordinances. Mr. Goss stated that if the Board did not like the changes presented in the Rules of Procedure then the Board can inform Mr. Goss of that at the next meeting.

Mr. McMunn stated he would entertain a motion regarding the Rules of Procedure.

Mr. Opalewski moved to approve the Rules of Procedure. Mr. Hundredmark seconded the motion.

After clarification, **Mr. Sznajstajler moved to approve the Rules of Procedure striking Section 5 and replaced with language reflecting the provisions contained in the ordinance that the board members be comprised of city residents and not from the zone from which they were appointed. Ms Behnke seconded the motion. Vote was called and the motion approved unanimously.**

III. OTHER BUSINESS

Brownfield Advisory Board Meeting Date

Mr. Goss asked for a date and time for the regular meeting of the Brownfield Advisory Board. Mr. Goss explained that it would be beneficial to set a standing monthly meeting which could be canceled if there was nothing to bring before the Board, unless the Chairman would like to call a meeting to further educate the Board; the cancellation of the meeting would be at the discretion of the Chairman.

Mr. Sznajstajler asked when the City Commission meetings were held.

Mr. Goss responded the first and third Tuesdays of the month.

It was the consensus of the Board that the second Tuesday of each month at 6:00 p.m. was acceptable in the Commission Chambers.

Olive Grove Sales Tax Refund Application

Mr. Goss stated he placed this item under "other business" because when he initially received this item, it was his understanding that this application had to go through the Brownfield Advisory Board. Mr. Goss explained after talking with Randy Hayes, City Attorney, City of Ormond Beach, Mr. Hayes was under the impression that under the statute, it did not require the Board's review. Mr. Goss explained that he wanted to include it so that the Board was aware of what is going on. Mr. Goss stated that based upon the ordinances, the Brownfield Advisory Board will be dealing with redevelopment and how the incentives cause the redevelopment to occur. Mr. Goss explained that the Olive Grove Sales Tax Refund Application didn't require the Board's review or approval, which is why it was provided under "other business". Mr. Goss stated it is worth knowing that this was an affordable housing project and they are requesting \$136,000 in sales tax retainment based on the sales tax paid on the materials for the project.

Ms. Behnke asked if that is the only refund they are entitled to, or they entitled to the job tax credit.

Mr. Goss replied that they employ several people, but doesn't know if they meet the QTI requirements. Mr. Goss stated that the applicant has only expressed the desire to apply for the sales tax refund.

Mr. Sznajstajler stated that there are only three incentives that are automatically available once the brownfield area is designated, two of which are: the sales tax credit on the building materials for mixed use projects that involve a redevelopment of an existing structure or building, the job bonus refund which would allow the applicant to use the sales tax paid in the development as part of the reimbursable tax.

Mr. Goss replied that the applicant actually provided a provision out of the statute for new construction. Mr. Goss stated he originally had the same question because in the application they are looking for a sales tax credit, but when he read the application from the Department of Revenue it said "redevelopment".

IV. MEMBER COMMENTS

Mr. Goss stated that he did not know the Board's experience or knowledge of the brownfield program so he provided the Board with a number of items that the Board could keep for reference such as the ordinances, 101 primer, Florida Statute 376, and information on the Florida Department of Environmental Protection's program. Mr. Goss explained that the FDEP's information regarding the annual reports show how successful the program has been.

Mr. McMunn stated he believes the Board is going to be more reactive than proactive; in other words the economic development people will be pushing potential credits and then the Board will respond.

Mr. Goss responded yes, or if there are contamination issues.

Mr. Sznajstajler stated that when there is a site rehabilitation agreement the applicant has to designate an advisory board that they would update on the rehabilitation of the property, which means the Board will automatically be designated for that purpose.

Mr. McMunn asked if the Board will be selecting additional or modifying existing brownfield designated areas.

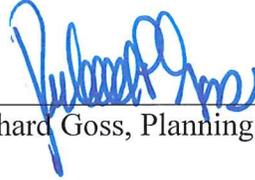
Mr. Goss responded that if the Board believes that the areas should be expanded, then the Board would direct Staff to move it forward to the City Commission.

Mr. Sznajstajler explained that there are two ways that brownfields can be designated, property owner initiated and local government initiated.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,



Richard Goss, Planning Director

ATTEST:



William McMunn, Chair

Minutes prepared by Meggan Znorowski.