



**A G E N D A**  
**ORMOND BEACH BROWNFIELD**  
**ADVISORY BOARD**  
**Regular Meeting**

**February 11, 2014**

**6:00 PM**

City Hall  
Commission Chambers  
22 South Beach Street  
Ormond Beach, FL

- I. ROLL CALL**
- II. ADMINISTRATIVE ITEMS**
  - A. Election of Chairperson and Vice Chairperson**
  - B. Review and Adoption of 2014 Meeting Schedule**
  - C. Approval of the 2014 BAB Rules of procedures**
- III. APPROVAL OF THE MINUTES: January 8, 2013**
- IV. OTHER BUSINESS**
  - A. Florida Brownfields Redevelopment Program statutory changes**
- V. MEMBER COMMENTS**
- VI. ADJOURNMENT**

**BROWNFIELD ADVISORY BOARD MEETING DATES 2013**

<b>Meeting Date:</b>	<b>Public Hearing Ad due:</b>	<b>Packet assembly and mail out</b>
January 14, 2014	January 2, 2014	January 10, 2014
February 11, 2014	January 30, 2014	February 7, 2014
March 11, 2014	February 27, 2014	March 7, 2014
April 8, 2014	March 27, 2013	April 4, 2014
May 13, 2014	May 1, 2014	May 9, 2014
June 10, 2014	May 29, 2014	June 6, 2014
July 8, 2014	June 26, 2014	July 3, 2014
August 12, 2014	July 31, 2014	August 8, 2014
September 9, 2014	August 28, 2014	September 5, 2014
October 7, 2014	September 25, 2014	October 3, 2014
November 11, 2014	October 30, 2014	November 7, 2014
December 9, 2014	November 27, 2014	December 5, 2014

**RULES OF PROCEDURE  
OF THE  
BROWNFIELD ADVISORY BOARD  
FOR THE  
CITY OF ORMOND BEACH**

The Brownfield Advisory Board of the City of Ormond Beach, Florida shall be governed by the terms of the Code of Ordinances, and the Rules of Procedure set forth herein and adopted by the Board.

**SECTION 1. OFFICERS, MEMBERS AND DUTIES**

1.1 Chairman. A Chairman shall be elected by the Board, in accordance with Subsection 2-229 (d) of the City Code of Ordinances. The Chairman shall decide upon all points of order and procedure subject to these rules, unless otherwise directed by a majority of the Board in session at the time. The Chairman shall appoint any subcommittee found necessary to investigate matters before the Board. The Chairman shall sign all minutes of the Board and all pertinent correspondence.

1.2 Vice-Chairman. A Vice-Chairman shall be elected by the Board, in accordance with Section 2-229 (d) of the City Code of Ordinances. The Vice-Chairman shall serve as Acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

1.3 Secretary. The Secretary shall be the Director of Planning or the designee of the said Director. The Secretary shall keep all records, shall conduct all correspondence of the Board, shall cause to be given the required legal notice of each public hearing and shall generally take charge of the clerical work of the Board. The Secretary shall take, or cause to be taken, the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any questions, in dictating the names of members absent or failing to vote. The Secretary shall endeavor to present the final copy of the minutes to the Chairman for signature not later than five (5) days before the next regular meeting. The Secretary shall keep all records open to the public at all times during normal business hours (8:00 AM-5:00 PM), but shall in no event relinquish the original of any record to any person, unless such authority is granted by the Chairman of the Board.

1.4 Members. As required by Ordinance 2012-01 codified as Section 2-229 (b) of the City Code of Ordinances, the board shall consist of seven (7) members who shall be comprised of residents within or adjacent to a Brownfield area, businesses operating within a Brownfield Area, and other persons deemed appropriate by the City Commission in accordance with the residency requirements of Section 5 herein. Terms and conditions of appointment shall be governed by subsection 2-229 (c). Members shall provide the Secretary with their current home address and home and/or office telephone number, unless such information is made confidential by law. Such information shall be kept

current by the members. In the event that a member of the Board shall be unable to attend a regularly scheduled meeting, the member shall notify the Secretary of the member's expected absence no later than five (5) days before that meeting. The five (5) days notice of absence shall not apply to emergency absences beyond the member's control, nor to special meetings described in Subsection 2.2 below.

1.5 Viewing. The Board members shall make every effort to view any redeveloped site being considered by the Board for financial incentives related to the Brownfield designation. The Secretary shall provide each member with a map showing the subject site.

1.6 Schedule of Meetings. Pursuant to Subsection 2-229 (c) of the City Code of Ordinances, the Board members shall approve a yearly calendar of meetings at its inaugural meeting in January of each year. This schedule of meetings will establish timeframes for application submittal and staff review.

## **SECTION 2. MEETINGS**

2.1 Regular Meetings. Regular meetings of the Brownfield Advisory Board shall be held generally on the second Tuesday of each month, at 6 PM, in the City Hall Commission Chambers. If the Chambers are not available, an alternate location shall be noted on the agenda and in all related advertising and noticing. The time and place of the regular monthly meeting may be changed by affirmative vote of a majority of the Board.

2.2 Special Meetings. Special meetings of the Board may be called at any time by the Chairman, or at the direction of any three (3) members of the Board. At least seventy-two (72) hours advance notice of the time and place of special meetings shall be given by the Secretary or Chairman to each member of the Board.

2.3 Cancellation of Meetings. Whenever there is no business for the Board, or whenever so many members notify the Secretary of inability to attend that a quorum will not be available, the Chairman may dispense with the regular meeting by instructing the Secretary to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

2.4 Quorum. A quorum shall consist of four (4) members for the transaction of business.

2.5 Conduct of Meeting. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a. Roll Call
- b. Invocation
- c. Pledge of Allegiance
- d. Approval of the Minutes
- e. Public Hearings on applications
- f. Other Business and Discussion Items
- g. Member Comments
- h. Adjournment

2.6 Continued Meetings. The Board may continue a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for resuming such a meeting if the time and place of its resumption is stated at the time of continuance and is not thereafter changed.

2.7 Adjournment. Upon the conclusion of member comments, the meeting shall adjourn. New items other than those properly advertised and on the agenda shall not be heard by the Board.

### **SECTION 3. VOTING**

3.1 Vote. The affirmative vote of a majority of the members present and legally entitled to vote at any meeting shall be necessary to make any recommendation on any matter coming before the Board. The Chairman shall have one (1) vote on all issues voted upon by the Board.

3.2 Voting Conflict of Interest. No member of the Board shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure with the Secretary and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

Any member of the Board who, after written notice and public hearing, is found to have violated the provisions listed above, shall have the member's membership on the Board immediately terminated.

3.3 Abstention. All members of the Board shall vote in favor of, or in opposition to, all matters coming before the Board for vote, and such vote shall be recorded in the official records of the Board. However, no member shall vote upon any matter which would inure to the member's special private gain or loss; which the member knows would inure to the special private gain or loss of any principal by whom the member is retained or to the parent organization or subsidiary of a corporate principal by which the member is retained, other than an agency as defined in Florida Statutes, Section 112.312(2); or which the member knows would inure to the special private gain or loss of a relative or business associate of the member. Any member so required to abstain shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which the member is abstaining from voting and, within fifteen (15) days after the vote occurs, disclose the nature of the member's interest as a public record in a memorandum filed with the Secretary, who shall incorporate the memorandum in the minutes.

3.4 Policy. It shall be the policy of the Board to provide sufficient findings to ensure all applications before the Board have addressed the criteria described in section 376.80 (5) of the Brownfield Act. The information and application provided by the applicant shall be reviewed by the Planning staff with a recommendation to the Board along with appropriate information or evidence and testimony presented at the public hearing.

#### **SECTION 4. ATTENDANCE**

Attendance of the Brownfield Advisory Board members shall be subject to the standards contained in the Code of Ordinances, Chapter 2 Administration, Article VI Boards, Commissions, Committees and Other Agencies, Division 1. Generally, Section 2-202, Attendance of Members, as amended.

#### **SECTION 5. RESIDENCY REQUIREMENTS**

Members need not live in the same zone as the City Commissioner making the appointment. All Board members must be residents of the City of Ormond Beach. A member who, after appointment or selection to the Board, ceases to be a resident of the city shall promptly tender a resignation, which shall be effective immediately upon its tender. Failure to resign shall result in the person's membership on the Board being terminated by the City Commission. Upon request of the person involved and upon a showing of good cause, the City Commission may extend such time.

#### **SECTION 6. CONDUCT OF HEARINGS**

The applicant may appear in person or by agent or by attorney at the hearing. The order of procedure for each hearing shall be as follows:

6.1 The Chairman, the Chairman's designee, shall present a summary explanation of the application;

6.2 The staff shall present its analysis and recommendations regarding the application;

6.3 The applicant or the applicant's agent shall be afforded the opportunity to speak in behalf of the application;

6.4 Any Board member, with permission of the Chairman, may request additional staff input or question the application or his agent;

6.5 The Chairman shall direct persons wishing to speak in favor of, or in opposition to, the application shall be allowed to do so after signing in and stating their name and address - such presentation shall be made at the podium. The Chairman shall ensure that there is sufficient time allocated to the staff, applicant and public to provide comments and to address questions, comments and recommendations raised by the Board members in their discussion of the application;

6.6 In order to allow the meeting to proceed in an orderly fashion, the Board, by motion, may limit the time allowed for remarks concerning a specific agenda item to a maximum of thirty (30) minutes for City staff, the designated representative of the applicant and the designated representative of any organized group and to five (5) minutes for members of organizations and other individual speakers. Additional time shall be allowed to respond to questions from the Board. The Chairman may also direct speakers to limit their comments to issues which have not been previously stated;

6.7 Arguments between the parties shall not be permitted - all remarks shall be addressed to the Chair;

6.8 Where there is no opposition to an application, the Chairman, by consensus of the Board and upon confirmation that all Board members have read the staff report, may waive the staff analysis;

6.9 Members shall at all times speak directly into the microphones to facilitate the recording of the meetings; and

6.10 Copies of any and all letters, exhibits, or any information not otherwise provided prior to the meeting are required to be presented to the recording secretary for inclusion in the Board minutes.

## **SECTION 7. DECISIONS**

7.1 Time. Decisions by the Board shall be made in the form of a motion upon completion of the hearing.

7.2 Notification. The Secretary shall send a copy of the Board's recommendations to the City Commission and to the applicant within fifteen (15) days of the date of decision by the Board. A copy of the Board's recommendation shall be inserted in the applicant's file.

## **SECTION 8. AGENDA**

Each matter shall be placed upon the agenda of the Board by the Secretary. The order shall be set by the Chairman with emphasis placed on anticipated audience interest. There may be a cut-off date established by the Board after which no further matters shall be added to the agenda. The agenda of matters to be heard shall be mailed or delivered to each member of the Board at least five (5) days before the regular meeting.

#### **SECTION 9. RECONSIDERATION**

Once a motion has been adopted, the Board may reconsider that matter at the same meeting, provided a motion to reconsider is made by a member who voted with the prevailing side.

#### **SECTION 10. AMENDMENTS**

These Rules of Procedures may be amended or modified by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

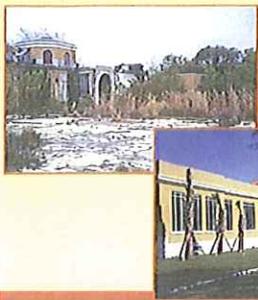
#### **SECTION 11. MOTIONS**

Every motion shall require an affirmative vote of the majority of the Board members present and voting. Prior to polling the board, the Chairman shall announce the movant and the second.

#### **SECTION 12. ROBERT'S RULES OF ORDER**

Any point of procedure not otherwise addressed by these Rules shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

**PRESENTED IN WRITING** at a regular meeting of the Board on February 11, 2014.

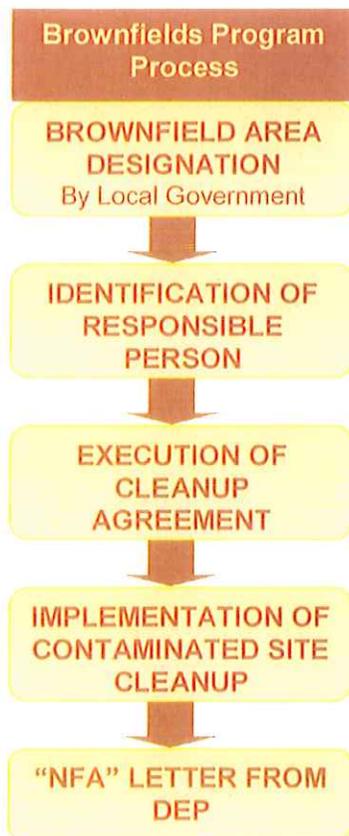


# FLORIDA BROWNFIELDS REDEVELOPMENT PROGRAM

TRANSFORMING COMMUNITIES

**Brownfield site** means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3), F.S.

**Brownfield area** means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency-designated brownfield pilot projects. 376.79(4), F.S.



## BROWNFIELD PROGRAM TERMS

**Responsible Person**—Person Responsible for Brownfield Site Rehabilitation or PRFBSR

**Agreement**—Brownfield Site Rehabilitation Agreement or BSRA

**NFA**—No Further Action (i.e., Site Rehabilitation Completion Order or SRCO)

## BROWNFIELDS PROGRAM BENEFITS

### Brownfield Area Designation

- Loan guarantees for primary lenders
  - ◆ Up to 50% on all sites
  - ◆ Up to 75% when end use is affordable housing or health care

*The following Brownfield Area benefits are available to sites with a BSRA or properties that abut a property with a BSRA.*

- Bonus refund for job creation—up to \$2,500 per job
- Sales tax refund on building materials for affordable housing
- Brownfield area benefits administered by Department of Economic Opportunity and Department of Revenue

### Brownfield Site Rehabilitation Agreement (BSRA)

- All benefits of Brownfield Area
- Regulatory framework for cleanup (Chapter 62-785, F.A.C.)
- Dedicated staff—expedited technical review
- Liability protection
- Tax credits
  - ◆ Florida corporate income tax
  - ◆ Credits may be transferred one time
- Brownfield Site Rehabilitation Agreement benefits administered by DEP

### Summary of Available Tax Credits

Tax Credit Type	Application Frequency	Maximum Credit for Costs Incurred after 6/30/06	
Site Rehabilitation	Annually	50%	\$500,000
No Further Action (i.e. SRCO)	Once	25%	\$500,000
Affordable housing, health care facility or healthcare provider	Once	25%	\$500,000
Solid Waste (Removal, Transport, and Disposal)	Once	50%	\$500,000