

**MINUTES  
BROWNFIELD ADVISORY BOARD**

February 11, 2014

6:00 P.M.

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

**I. ROLL CALL**

Members present were: Pat Behnke, Ryck Hundredmark, Thomas MacDonald, William McMunn, Patrick Opalewski and Michael Sznajstajler. Excused was Curtis Burkett.

Others present were Planning Director Ric Goss, City Attorney Randy Hayes and Recording Secretary Shá Moss.

**II. ADMINISTRATIVE ITEMS**

**A. Election of Chairperson and Vice Chairperson**

Chairman McMunn called for nominations for Chair.

**Mr. Sznajstajler nominated Mr. McMunn for Chair, seconded by Ms. Behnke. The motion passed unanimously. Mr. McMunn accepted the nomination.**

Chairman McMunn called for nominations for Vice-Chair.

**Mr. Sznajstajler nominated Mr. Opalewski for Vice-Chair, seconded by Mr. Hundredmark. The motion passed unanimously. Mr. Opalewski accepted the nomination.**

**B. Review and Adoption of 2014 Meeting Schedule**

Chairman McMunn asked whether anyone had any conflicts with the current meeting date and time. Mr. MacDonald stated he would not be available on July

8, 2014. The Board decided to continue the current meeting time and date. Staff will advise the Board in advance of upcoming meetings.

**Mr. Hundredmark moved, seconded by Mr. Opalewski that the meetings continue at the same time and date, as advised by staff. The motion passed unanimously.**

#### **C. Approval of the 2014 Brownfield Advisory Board Rules of Procedure**

Chairman McMunn asked what the rule was for absences, wherein Mr. Goss stated that if a board member has 3 consecutive unexcused absences, they could be removed from the board.

Mrs. Behnke asked whether the Board would recite the Pledge of Allegiance and the invocation.

City Attorney Randy Hayes stated that the Pledge of Allegiance and invocation were used at the City Commission meetings and many other City board meetings.

**Mr. Opalewski moved, seconded by Mr. Hundredmark that the board accepts the Rules of Procedure and will recite the Pledge of Allegiance and the invocation. The motion passed unanimously.**

### **III. APPROVAL OF MINUTES: January 8, 2013**

**Mr. MacDonald moved, seconded by Mr. Opalewski to accept the minutes of the January 8, 2013, meeting. The motion passed unanimously.**

### **IV. OTHER BUSINESS**

#### **A. Florida Brownfields Redevelopment Program statutory changes**

Mr. Sznajstajler gave a presentation.

Mr. Sznajstajler stated he was the President of the Florida Brownfield Association promoting the redevelopment and use of the Brownfield program incentives throughout Florida. He noted there were a few legislative changes made in Tallahassee. Prior to the 2013 legislative changes, there was a list of incentives that were automatically available to the Brownfield area. The 2013 legislative changes now make the incentives available only to those properties that have a Brownfield cleanup agreement in place, which is a contract between

the redeveloper and the State to investigate the environmental issues at the site and move forward with the cleanup if necessary and any properties that abut those properties. Mr. Sznajstajler stated currently there are no sites in Ormond Beach that are available for the economic incentives.

Chairman McMunn asked if after an assessment has been done, do you need to do the cleanup in order to receive the incentive or could you enter into an agreement just to get the incentives?

Mr. Sznajstajler stated you need to have the cleanup agreement first then do the assessment. If the results show there is nothing to cleanup, then you are done and eligible for the incentives. The incentives would be there once you have the cleanup agreement. He stated in the past, as soon as a Brownfield area was designated, the incentives were available.

Chairman McMunn asked about the two Brownfield zone and where they were.

Mr. Goss stated one area was the downtown area, which was expanded and the other area was the airport.

Mr. Sznajstajler stated as long as you perform the assessment in the same calendar year, it doesn't matter if the work was done before or after the agreement was entered into.

Mr. Sznajstajler stated there was some pending legislation, House Bill 325 and Senate Bill 586, which clarifies the designated Brownfield process; and adds an extra layer of liability protection to someone who voluntarily agrees to cleanup a site. Therefore it is limited to a lawsuit to compel you to do the cleanup which you already agreed to do. It does not protect anyone from suing you for property damage or bodily injury claims.

Mr. Sznajstajler stated in 2013, the EAP awarded \$4.4 million in cleanup grant monies to local government throughout Florida. Deland received \$400,000 assessment; Edgewater, New Smyrna and Oak Hill received \$600,000 to be divided as well as Flagler County, Palm Coast and Bunnell also received \$600,000. The grant allows the government to create an inventory of properties where you have the due diligence already done. It's an upfront cost for the developer that they are not going to recoup if the issues are bad and they cannot use the property. The annual report provides the sites that have been designated. There are 356 areas throughout Florida, 191 sites with cleanup agreements and DEP has closed 70. There are over 40,000 jobs in Brownfield areas and \$1.8 million in capital investments. Locally there are 4 Brownfield areas in Daytona Beach, 1 or 2 in Deland and 1 in New Smyrna.

Chairman McMunn asked whether the City was going to do an assessment at the airport

Mr. Goss stated they were going to do an assessment and was working with Economic Development Director Joe Mannarino to get someone to do the assessment. There are procurement issues and it has to go out for bid. The City will also do one for US Highway 1.

Chairman McMunn asked about the old hospital site.

Mr. Goss stated the site was going before the Planning Board for a land use change. Half of the property was designated for Professional Office and the other Institutional and they want to change it all to Professional Office to permit residential development. The hospital property probably is not a property that would require a Brownfield Agreement.

Mr. Goss hopes to have the Board meet more this year to discuss the EPA Grant and proposed sites for along the US 1 North corridor and hospital for assessments.

**V. MEMBER COMMENTS**

None

**VI. ADJOURNMENT** - meeting adjourned at 6:30 p.m.

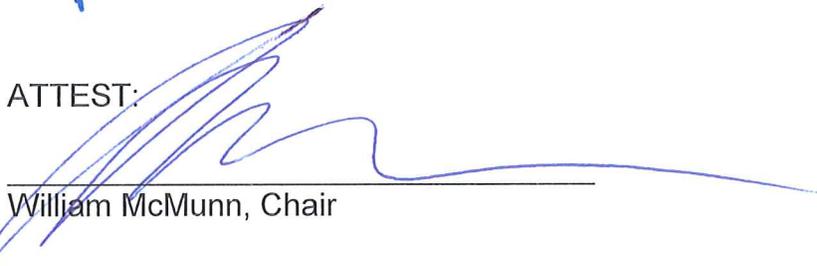
Respectfully Submitted:



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Ric Goss

ATTEST:



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William McMunn, Chair

Prepared by:



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Shá Moss