

MINUTES
BROWNFIELD ADVISORY BOARD

August 9, 2016

6:00 p.m.

City Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

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

Staff Present

Richard Goss, Planning Director
Melanie Nagel, Recording Technician
Randy Hayes, City Attorney

II. APPROVAL OF THE MINUTES

A. July 12, 2016 Minutes

Mr. Opalewski moved to approve the July 12, 2016 Minutes. Mr. Sznajstajler seconded the motion. Vote was called, and the minutes were unanimously approved.

III. ACTION ITEM

A. EPA Work Program– Ric Goss, Planning Director

Mr. Goss, City Planning Director, asked the Board if they had any comments or revisions to the Work Program that was brought to the Board at the July meeting. There being none, Mr. McMunn called for a motion to approve the EPA Work Program.

Mr. Opalewski moved to approve the EPA Work Program. Mr. Sznajstajler seconded the motion. Vote was called, and the motion unanimously approved.

IV. DISCUSSION ITEM

A. Draft Civic Engagement Plan – Ric Goss, Planning Director

Mr. Goss, City Planning Director, stated that the Civic Engagement Plan is required as part of the EPA grant. A copy has been sent to Cardno for their review and changes, and Mr. Goss will review it with the Board. This document lays out the responsibilities and how to involve the community in the Brownfield Assessment Program.

Mr. Goss explained that Section A lays out how the Advisory Board would work with the community, and identifies some of the organizations that the Board would be actively participating with. Under Section B, Structure and Responsibilities, Mr. Goss explained who the stakeholders and affected citizens are, the role the Board plays, and essentially the Consulting Team, which is Cardno.

Mr. Goss stated that he tried to anticipate questions that someone might ask about the program, and tried to answer those questions and explain what the process is. Mr. Goss provided information about who pays for the services, how properties are identified and documented, and provided web sites with additional information.

Mr. Goss stated that free services are available to the owners and/or purchasers of a Brownfield property, and they can both take advantage of this program. There will be public meetings and project kick-off meetings. They will be held in City Commission Chambers, and possibly some meetings somewhere along US Highway 1.

Mr. Goss stated that if we would get more nominations than the resources that are available, then the sites will be prioritized based on Tier 1 and Tier 2 Criteria. Community meetings will be published in three local newspapers, all reports and pertinent information will be available for public review at the Ormond Beach Planning Department and the Ormond Beach Library, and contact information has been listed.

Ms. Behnke asked if there are more people apply than what there are funds available, how will it be decided who gets the funds. Mr. Goss responded that the Tier 1 Criteria will be used as a guide on how to proceed, followed by Tier 2 Criteria.

Mr. Sznajstajler stated that the plan looks great, but inquired about a project that is being submitted to use the funds, what formal approval process does Mr. Goss envision. Mr. Goss stated that when someone nominates a property, it will be brought before the Board first. Mr. Goss will do a report as to which ones fit the criteria, which ones would be at Tier 1 or Tier 2, and then would give a recommendation that the Board would act on. Once the Board acts on the recommendation, then Mr. Goss would have Cardno prepare whatever reports are needed. Mr. Sznajstajler asked if the Board would be approving who gets to move on for further action. Mr. Goss stated absolutely.

Ms. Behnke asked if reports that are done will include the history of the property and what issues have been found in the past. Mr. Goss replied that if there is anything with regard to the site on the FDEP mapping site, that information will be provided to the Board.

Mr. Burkett asked that since the grant fund money is limited, once someone starts to go through the process, are they limited as to a particular site, on how much money is available to them. Mr. Goss stated that he isn't sure what the cap is, but the money is split between petroleum and hazardous waste, and estimates have been done on what an environmental assessment would cost. EPA doesn't hold anyone to those numbers, since costs could vary according to the sites.

Mr. Burkett asked if someone were to go through Phase I, find they have contamination, and they want to move forward to Phase II, could they possibly find themselves half way through the process, and then not have grant money available for them to continue? Mr. Goss stated if there is a huge number of people who take advantage of this grant, then yes. There is enough money that a site could get through Level I, Level II, and then cleanup, if we just have two or three properties.

Mr. Sznajstajler stated that he is concerned that if someone submits an application for a site, and they are probably under contract already, it has to come before the Board for review before they can implement Phase I. Most of these fields have 30 days to do the due diligence, so the Board could be hindering projects from being able to utilize the grant, because of the approval process. Mr. Sznajstajler asked if there is a way for this group to meet, beyond the regular meetings if there is a situation that requires it.

Mr. Randy Hayes, City Attorney, stated that a special meeting could be called by the Chairman, if need be, with a 3-day minimal notice. Mr. Goss stated that the Chairman could be contacted, and we could get a notice into the newspaper announcing the special meeting.

Mr. McMunn asked if someone comes in to use this grant money, and no one else has come forward, will this one project have to wait to see if other projects come forward for consideration. Mr. Goss stated that Planning staff will not delay an individual nomination in order to see if additional properties are nominated. Special meetings will be requested should the due diligence period not coincide with the regular meeting schedule.

Mr. Sznajstajler added that once a site is selected into the program, maybe this Board could agree that they wouldn't have to meet again to move the project into Phase II, if the result of Phase I is to move ahead into Phase II. Mr. Goss stated that when the first property is brought in for Phase I, the Board could make that recommendation as part of their approval, to move it directly into Phase II.

Mr. Burkett stated that since we are trying to get other people/groups involved, would it be any advantage to include maps which identify the areas that are being discussed. Mr. Goss stated that he could include maps in the presentation.

Mr. McMunn asked if it was correct that we could use this money anywhere in the City. Mr. Goss stated that there are certain areas that are being targeted, but yes, the projects could be anywhere in the City.

Mr. Burkett asked for a clarification of Item #6, on Page 6 of the Engagement Plan. The question asks if the property has already been identified where contamination exists. Is there already a list that tells if a property is contaminated or not? Mr. Goss stated that a property could be listed on FEP's web site as a low priority, or it may not be. Mr. Goss will revise that item.

Mr. Sznajstajler stated that when the City conducts the Phase I and Phase II portions, the City will now have a whole list of Phase I & II properties, so if someone five years from now is interested in a site, and comes to City Hall, they can see what was done and found for that site.

Mr. Goss stated that there will be several places where people can go to look up a site that they are interested in and see if there are any outstanding issues. They can check the EPA ACRES site, the FDEP site, and the City will have the information on file.

Mr. Burkett stated that the Engagement Plan will encourage people to come into the City so that Planning can assist them with the process. Mr. Burkett also stated that the Work Plan was really well crafted, and put together with clear graphics, that is easy to understand.

Mr. McMunn suggested that the Commercial Section of the Board of Realtors be added to the list of organizations that will be active participants. Mr. Goss stated that he can add them to the list.

Mr. McMunn asked what would stop someone from using this money to get a couple of borings done. Mr. Sznajstajler stated that EPA wouldn't approve it, since someone can't do the Phase II step, if they haven't completed Phase I. EPA does not review Phase I, but they will review the Work Plan for Phase II, and that is why Mr. Sznajstajler stated earlier that this Board should not be the barrier between Phase I and II, since it has to go to EPA anyway.

Mr. Goss will make updates to the Engagement Plan based on tonight's discussion. If any Board member thinks of anything they would like to see included in the document, they should contact him. Next month the Board will act on it.

V. MEMBER COMMENTS.

There were none.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 6:29 p.m.

At 6:31 p.m. Chairman McMunn reconvened the meeting for further discussion.

Mr. McMunn stated that a property owner, who wants to sell, could be concerned about the process of Phase I, and then something being found and they have to move forward to clean up their site. Mr. Goss stated that this is one of EPA's most popular

programs, and is well used in Florida. The program may be a problem for some people, but won't be a problem for other people.

Mr. McMunn asked about the apartment project going in where the old hospital used to be. Mr. Goss stated that the developer has gotten a permit for two buildings and a clubhouse. Mr. McMunn asked if they would be using this Brownfield program on the site. Mr. Goss stated that the developers already did Phase I on the property and did not have any issues.

Ms. Behnke stated that the objective of this program is to identify properties that can be re-developed. If property doesn't have any potential for being developed, then there would be no point in the Board approving it going forward, unless there is a purchaser for the land.

Mr. Sznajstajler stated that the environmental is a barrier to redevelopment oftentimes, and we want to encourage people who want to investigate a site, regardless of whether they have a specific plan, because that plan may not be coming forward because people are afraid of what is there at the site.

Ms. Behnke stated that someone may have no intentions of doing anything with their land, but they just want to find out what is there.

Mr. Burkett stated that usually someone will be at a level of making a transaction and want to do something with their property. This is free money, and even if it is used to identify for the future, if someone knows they have a clean Phase I property, that can go a long way in marketing to get people interested.

Mr. Goss stated that there are a number of properties along the US 1 corridor for sale, and this program should really help get the properties assessed. To get these properties cleaned up would be a "touchdown."

There being no further comments, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Richard Goss, Planning Director

ATTEST:



William McMunn, Chair

Minutes prepared by Melanie Nagel