

MINUTES
BROWNFIELD ADVISORY BOARD

January 14, 2020

6:00 p.m.

City Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Mary Anne Connors
Fred Heyne
Kenneth Kimble
Josh Pringle
Michael Sznajstajler
Thomas MacDonald, Chair

Staff Present

Steven Spraker, Planning Director
Becky Weedo, Senior Planner
Marcella Miller, Recording Technician
Randy Hayes, City Attorney

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice-Chair

Ms. Connors moved to appoint Thomas MacDonald as Chairperson. Mr. Pringle seconded the motion.

Mr. MacDonald nominated Michael Sznajstajler as Vice-Chair. Mr. Pringle seconded the motion.

Following the motion, it was decided to combine the nomination and election for both Chairperson and Vice-Chairperson.

Mr. Pringle moved to appoint Thomas MacDonald as Chairperson, and Michael Sznajstajler as Vice Chair. Mr. Heyne seconded the motion. Vote was called, and the motion unanimously approved.

B. Approval of the 2020 BFAB Calendar

Mr. Pringle moved to approve the 2020 BFAB Calendar. Mr. Sznajstajler seconded the motion. Vote was called, and the motion unanimously approved.

C. Approval of the 2020 BFAB Rules of Procedures

Ms. Connors moved to approve the 2020 Brownfield Advisory Board Rules of Procedures. Mr. Heyne seconded the motion. Vote was called, and the motion unanimously approved.

III. APPROVAL OF THE MINUTES

A. March 12, 2019 Minutes

Mr. Pringle moved to approve the March 12, 2019 Minutes. Mr. Sznajstajler seconded the motion. Vote was called, and the minutes were approved.

IV. OTHER BUSINESS AND DISCUSSION ITEMS

- A.** Ms. Becky Weedo, Senior Planner, explained the grant status report included in the board packets. The grant was recently closed out December 30, 2019. A total of \$43,779.00 was expensed for Hazardous Substance assessments and \$72,829.00 for Petroleum Product assessments for a total of \$116,608.00. A grant balance of \$283,391.00 was not used. She continued with explanation of the five properties that take advantage of grant funding.

Ms. Weedo expounded on one of the projects located at 1535 N. U.S. Highway 1, that formerly operated as a retail gas station and convenience store and had Phase I and Phase II Environmental Site Assessments conducted. Based on the results from the Phase II ESA, a Site Rehabilitation Completion Report was prepared and submitted to DEP, with recommendations for the Department for consideration and approval of a Site Rehabilitation Completion Order with conditions to be issued. Ms. Weedo added that the Department responded by requiring an updated professional survey and a minimum of two offsite monitoring wells be installed. Concurrently the department agreed to properly abandon 15 of the 20 onsite wells and funded the activities.

Ms. Weedo stated that in 2019, groundwater sampling activities were conducted in the remaining wells. In December 2019, FDEP requested that additional monitoring wells be installed within the area of the former tank pit and to continue monitoring the groundwater for approximately one year to confirm natural attenuation. Ms. Weedo commented it was to make sure that the flume had not expanded. She added that the property owner continues to work with FDEP to achieve a SRCO with conditions with site order closure documents prepared to redevelop the property into a Dunkin Donuts. Ms. Weedo continued that the project currently has approved building permits for building and signage demolition, site work, and construction of a new building.

Mr. Pringle asked Mr. Spraker if the regrading has commenced on the project and asked if there was a completion date on the project. Mr. Spraker replied yes that the regrading has commenced but was unsure of the completion date of the project.

Ms. Weedo reviewed another project on 1561 N. U.S. Highway 1 which formerly operated as a retail gas station, Wendy's fast food restaurant and truck stop. In August 2011, petroleum impacted soils were excavated and the USTs were property

removed and disposed of. Periodic soil sampling events confirmed that no additional petroleum impacted soils were encountered onsite. She continued that the City of Ormond Beach received a Notice of Intent letter on July 8, 2019 documenting the property owner's status request for a Site Rehabilitation Completion Order (SRCO) with conditions to FDEP. In August 2019, the FDEP received Declaration of Restrictive Covenant (DRC) documents. She added that on September 23, 2019, the Department submitted an approval SRCO with Conditions letter to the property owner. There was a sale for this property on November 18, 2019 to Southern Star Restaurant Management, Inc. in the amount of \$560,000.00. Ms. Weedo concluded that there have been no development or redevelopment discussions with City Staff on this property.

Ms. Weedo stated that in September 2017, a Phase I ESA was conducted on the undeveloped property at 1175 N. U.S. Highway 1. She explained that based on results from the site reconnaissance and historical records search, no further assessment was recommended for the site. The Phase I ESA was conducted in anticipation of a property/land transaction. Ms. Weedo added that even though a transfer of property never occurred, the property owner was able to take advantage of Phase I ESA grant funding as part of the due diligence.

Ms. Weedo expounded on the property located at 385 Old Kings Road. It is a residential property that abuts Central Park. When the property was initially listed for sale, the City considered the purchase of the property and had a Phase I ESA conducted to determine if there might be environmental hazards on the property. Ms. Weedo added that Phase II testing was recommended. A City Commission workshop was held on February 19, 2019 to discuss the potential purchase of the property for the expansion of Central Park. The City Commission directed staff to proceed with purchasing the property. She continued that a Phase II Site Eligibility Determination Form was submitted and approved by EPA to conduct the Phase II ESA activities at 385 Old Kings Road, however the City deferred the activities until final acquisition of the property. Ms. Weedo concluded that the sale of the property was suspended due to issues with the legal ownership of the parcel.

Ms. Weedo stated that the property located at 1141 North U.S. Highway 1 is a non-conforming mobile home site. A site reconnaissance and a geophysical investigation were conducted in September 2019. Due to the results from the site reconnaissance, further assessment activities were recommended for the site. She continued that the Phase I ESA was conducted in anticipation of a private property/land transaction. Ms. Weedo concluded since the grant funding for the site work ended on September 30, 2019, no further assessments were made.

Ms. Weedo asked if anyone on the board had any questions about any of the projects.

Ms. Weedo concluded that since the Brownfields Grant has been closed out, there have been questions about the continuation of the Brownfield Advisory Board. She summarized by adding that City of Ormond Beach Brownfield Advisory Board was created on January 17, 2012 for the purpose of improving public participation regarding rehabilitation and redevelopment of designated Brownfield areas. She

stated that even though the grant has been closed, the Advisory Board still serves a purpose. She continued with an example regarding how property owners in designated Brownfield areas can apply for voluntary clean-up tax credits which require the property owner to enter into a Brownfield Site Rehabilitation Agreement (BSRA). In that case the BFAB would need to be notified of the intent of a property owner to rehabilitate and redevelop the site before executing the BSRA, and provide a copy of the draft plan for site rehabilitation which addresses elements required by the Florida Statutes. Ms. Weedo added that it includes disclosing potential reuse of the property as well as site rehabilitation activities, if any, to be performed. The BFAB would then review any proposed redevelopment agreements prepared and provide comments, if appropriate, to the City Commission. The BFAB must receive a copy of the executed Brownfield Site Rehabilitation Agreement. She continued that the site assessment report or the technical document containing the proposed course of action following the site assessment to the department or the local pollution control program is presented at a BFAB public meeting. After reviewing the statutory provisions, the City of Ormond Beach Legal Department recommended that the Brownfield Advisory Board be maintained to continue the administrative functions including Brownfield site rehabilitation review and monitoring. Ms. Weedo concluded that most other jurisdictions maintain their Brownfield Advisory Boards in case of future opportunities since the designated Brownfield areas still exist.

Ms. Connors asked Attorney Hayes about the BFAB with the level of activity in the program being nominal, if the City Commission can handle the Brownfield or if it is a statutory provision for the BFAB to exist. Attorney Hayes replied that it is a statutory requirement that the obligation be performed by a body or entity, and that another framework other than this Board is possible, but in order to do so the Commission will have to go back and modify the structure for it to occur. It is simpler to maintain the current, and as business comes in it will route to the BFAB, and if no business then there will be no meeting.

Mr. Pringle asked if the monthly meeting needs to be advertised and held or if the meetings can take place quarterly. Attorney Hayes answered that the meetings can be modified to once a quarter or as needed. He continued that the rules can be modified. Mr. Pringle asked if the board needs to take a vote on amending the rules. Attorney Hayes replied that if it is the pleasure of the board to make a motion to amend the rules this evening they could do so.

Mr. Sznajstajler stated that his concern is that it is a requirement of entering into a Brownfield agreement that they meet with the party. He continued that they would need to be in the program before the end of the year in order to take advantage of the incentives and benefits. Mr. Sznajstajler added that if they met quarterly and did not have the ability to meet outside of that quarterly framework someone might lose the opportunity to get into the program if there was not a scheduled meeting. Attorney Hayes suggested meeting a minimum of once a quarter, and more frequently if business requires. He continued that it could also be left more general, to meet on the call of business through the Planning Department as determined with meetings scheduled as the need arises. Ms. Weedo commented that in the Rules of Procedures, it states generally, monthly, the second Tuesday of each month. She stated that when there is not any business cancellation notices are sent out. Mr. Pringle stated that he appreciates how diligent City staff is about the notifications, but that he travels three

to four weeks out of the month and blocks the meetings out in advance. He explained it would be helpful if he did not have to pre-block the BFAB meeting dates in his calendar, and if he only had to block dates once a quarter or on an as needed basis. Attorney Hayes asked about the possibility of meeting a minimum of once a quarter, and more frequently as business requires. As long as there is a quorum when traveling prohibits attendance it is okay. Mr. MacDonald concurred.

Mr. MacDonald asked Ms. Weedo if there was any business for the Brownfield in the next three months. Ms. Weedo answered that there was nothing that she was aware of. Mr. Sznajstajler commented that it is usually the last quarter of the year when activity comes in for Brownfield, due to the requirement being to be in the program before the year end. He added that at the current time everyone is focusing on submitted tax applications, doing due diligence, and that towards the end of the year when transactions close that is when the boards meet.

Mr. Pringle asked about meeting quarterly, with an additional meeting in the last quarter. Mr. Sznajstajler commented that he liked the idea of meeting quarterly and as needed.

Mr. MacDonald asked for a motion.

Mr. Pringle motioned to amend the current 2020 BFAB meeting schedule to reflect a once per quarter meeting, and on an as needed basis. Ms. Connors seconded the motion. Vote was called, and the motion unanimously approved.

Attorney Hayes reviewed the written rules and commented that the BFAB would then meet once per quarter generally on the second Tuesday of the month at 6:00 p.m. He continued that will be modified to provide that regular meetings with the BFAB shall be held at least once quarterly on the second Tuesday of the first month of the quarter times appropriate, and on an as needed basis on the call of the Chairperson. He continued explaining that way as business comes in then it can be conferred with the Chairman and he can call a meeting.

Mr. Pringle modified his motion to amend the current 2020 BFAB meeting schedule to meet the first month of each quarter, generally on the second Tuesday of the month at 6:00 p.m., and on an as needed basis. Vote was called, and the motion unanimously approved.

V. MEMBER COMMENTS

There were no comments.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Becky Weedo, Senior Planner

ATTEST:

Thomas MacDonald, Chair

Minutes prepared by Marcella Miller

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