



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE: 4/22/08

**SUBJECT:** EXPANDING ENVIRONMENTAL ADVISORY BOARD DUTIES TO SERVE AS BROWNFIELD ADVISORY COMMITTEE

**DEPARTMENT:** CITY MANAGER/Economic Development & Redevelopment

**RECOMMENDED MOTION:**

To adopt Ordinance No. 2008-14, amending Section 2-117 of the Code of Ordinances to designate the Environmental Advisory Board as the City's Brownfield Advisory Committee.

**SUMMARY:**

The City has the opportunity to participate in the Florida Department of Environmental Protection (FDEP) Brownfields Redevelopment Program. The Brownfields program is a redevelopment tool to help local communities increase the economic viability of properties that are underutilized or that have remained idle for years due to environmental contamination or the *perception* of such contamination. State tax credits, refund of state taxes for new job creation, sales tax credit on building materials and state loan guarantees are the primary benefits available for participants in this program. State Statutes requires the establishment of an Advisory Committee for the purpose of improving public participation and receiving public comment on rehabilitation and redevelopment of Brownfield sites and areas. The subject Ordinance confers upon the City's Environmental Advisory Board (EAB) the duties and responsibilities of the Brownfield Advisory Committee, as outlined in The Brownfields Redevelopment Act (Section 376.77 through 376.86, Florida Statutes). The EAB is reviewing this item at its April 16, 2008 meeting. Their recommendation will be provided subsequent to that meeting.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

Other  Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT  
CITY ATTORNEY  
CITY MANAGER

Donna J. Steinebach  
Margaret Roberts, City Attorney  
Approved Agenda Item For:

Date: 04-14-08  
Date: 4-15-08  
4/22/08

**COUNCIL ACTION:**  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Continued to Date Certain  Approved with Modification

Second Reading - 5/20/08

ORDINANCE NO. 2008-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA, AMENDING SECTION 2-117 OF THE CODE OF ORDINANCES, EXPANDING THE PURPOSE, DUTIES AND FUNCTIONS OF THE CITY'S ENVIRONMENTAL ADVISORY BOARD TO INCLUDE ACTING AS AN ADVISORY COMMITTEE TO ADDRESS REDEVELOPMENT OF BROWNFIELD AREAS AND BROWNFIELD SITES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in Ch. 97-277, Laws of Florida, codified as Sections 376.77 through 376.86, Florida Statutes, known as The Brownfields Redevelopment Act, for the designation by resolution of certain areas as brownfield sites or areas, and for the corresponding provision of environmental remediation, rehabilitation and economic development for such areas or sites; and

WHEREAS, the legislative intent behind the Brownfields Redevelopment Act includes the redevelopment and rehabilitation of abandoned or underused commercial and industrial areas, with incentives to "encourage responsible persons to voluntarily develop and implement cleanup plans without the use of taxpayer funds", pursuant to Section 376.78(3), Florida Statutes; and

WHEREAS, the City of Port Orange desires to take advantage of the Brownfields Redevelopment Act to redevelop and rehabilitate abandoned or underused commercial or industrial areas in the City and to allow responsible persons to develop and implement cleanup plans without the need to use local taxes when existing federal and state incentives are available for such action; and

WHEREAS, The Brownfields Redevelopment Act requires local governments, or persons responsible for rehabilitation and redevelopment of brownfield areas, to establish an "advisory committee or use an existing advisory committee" for the purpose of "improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area", including future land use (subject to Land Planning Agency action on all amendments to the future land use of the Comprehensive Plan), local employment opportunities, community safety, and environmental justice pursuant to Section 376.80(4), Florida Statutes; and

WHEREAS, The Environmental Advisory Board of the City of Port Orange was established pursuant to the City's Code of Ordinances, Part II, Chapter 2, Article III, Division 4, Sec. 2-116; and

WHEREAS, the purpose, duties, and functions of the Environmental Advisory Board under said Code of Ordinances, Part II, Chapter 2, Article III, Division 4, Sec. 2-117 include, among other matters, serving in an advisory capacity to the City Council on environmental matters, representing the community's interest and serving as a information resource in matters relating to the full and proper protection of the environment in the city, and serving as a conduit and liaison between the City Council and concerned citizens and environmental groups; and

WHEREAS, the City Council of the City of Port Orange, Florida, finds that it is in the best interest of the citizens of the City of Port Orange to expand the current purpose, duties and functions of the Environmental Advisory Board as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange hereby amends Section 2-117 of the City's Code of Ordinances by adding Section 2-117 (c) as follows:

(a): [Remains unchanged];

(b): [Remains unchanged];

(c): The environmental advisory board shall serve in an advisory capacity to the city council on brownfield agreements for redevelopment and rehabilitation. The purpose, duties and functions of the environmental advisory board shall include acting as the brownfield advisory committee for the City of Port Orange, addressing agreements relating to redevelopment and rehabilitation of those areas or sites determined by city council resolution to be a brownfield area or a brownfield site, by:

1. receiving notification from the Person Responsible for the Brownfield Site Rehabilitation (PRBSR) of that person's intent to rehabilitate and redevelop the site before actually executing the brownfield site rehabilitation agreement;
2. receiving and reviewing a copy of the draft plan for site rehabilitation from the PRBSR which should address those elements contained in Section 376.80(5), Florida Statutes;
3. holding public meetings providing for public participation and receiving public comment on the proposed rehabilitation and redevelopment of the brownfield site, including future land use, local employment opportunities, community safety, and environmental justice;
4. providing comment and recommendations to the city council regarding the draft plan for site rehabilitation, with the ultimate purpose of achieving an agreement between the PRBSR and the city on redevelopment of the brownfield site pursuant to Sec 376.80(5)(i), F. S.; and
5. receiving a copy of the final, executed brownfield site rehabilitation agreement from the PRBSR, and reviewing the findings in the site assessment report or the technical document containing the proposed course of action following site assessment.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. This ordinance shall become effective immediately upon adoption.

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MAYOR ALLEN GREEN

ATTEST:

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Kenneth W. Parker, City Manager

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

Passed and adopted on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

Reviewed and Approved: \_\_\_\_\_

  
City Attorney