

TAB 7



City of Palmetto Agenda Item

Meeting Date

12/3/12

Presenter: Jeff Burton

Department: CRA

Title:
Brownfields Resolution

In order to follow through with the intention to create a Brownfields area in Palmetto, the City Commission must hold the second of two public hearings before passing a resolution to designate a portion of the CRA district as the "Palmetto Economic Enhancement District."

Procedure: * Conduct second public hearing as part of the City Commission meeting.
* Vote on proposed resolution 2012-39.

Budgeted Amount: \$0.00 **Budget Page No(s):** 0 **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): CRA **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:** FY 12

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A FS 163 2011-2015 CRA Plan

Potential Motion/Direction Requested: Motion to adopt resolution 2012-39, with exemptions requested by property owners:
Audrey Fedeles - 257 Melody Lane; Property ID #2799611807
Michael Fleming - 246 Palm Lane; Property ID #2799610957
Stephen Guzman - 1250 U.S. 301; Property ID #2582500134; #2582500159

Staff Contact: Jeff Burton CRA Director

Attachments: Proposed brownfields area map
Proposed resolution
Propert Owner Exemption Requests

RESOLUTION NO. 2012-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, DESIGNATING THE AREA FOR INCLUSION WITHIN THE PALMETTO COMMUNITY REDEVELOPMENT DISTRICT AS A BROWNFIELD AREA FOR THE PURPOSE OF ENVIRONMENTAL REMEDIATION, REHABILITATION AND ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION AS REQUIRED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided in Ch. 97-277, Laws of Florida, codified as Sections 376.77 - 376.85, Florida Statutes, as amended, which is known as the "Brownfield Redevelopment Act" (the Act) for the designation by resolution of certain lands as a "Brownfield Area", and for the corresponding provision of environmental remediation, rehabilitation, and economic redevelopment for such areas; and

WHEREAS, the City of Palmetto shall notify the Florida Department of Environmental Protection of its decision to designate a Brownfield Area for remediation, rehabilitation, and economic redevelopment including the required map, as set forth in the Act; and

WHEREAS, the entire Brownfield Area is located within the Palmetto Community Redevelopment Area; and

WHEREAS, the City of Palmetto has complied with the procedures set forth in Section 166.041, Florida Statutes (2012), including notice and public hearing(s) in accordance with Sections 376.80(1) and 166.041(3)(c)2, Florida Statutes (2012).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PALMETTO, FLORIDA:

Section 1. Recitals. The recitals set forth in the whereas clauses to this Resolution are hereby adopted as the legislative findings of the City Commission.

Section 2. Area and Conditions. The mapped area described in Exhibit "A", attached here to and incorporated herein by reference, is hereby designated as the Palmetto Economic Enhancement District and as a Brownfield Area for environmental remediation, rehabilitation, and economic redevelopment as set forth in the Act under the following terms and conditions:

- a. The City of Palmetto shall, as soon as practical, designate the entity or entities responsible for the remediation and rehabilitation of the Brownfield Area, or specific portions thereof pursuant to Section 376.80(3), Florida Statutes. The designation of a responsible entity shall not render the City of

Palmetto responsible for the costs and liabilities associated with site remediation, rehabilitation, economic redevelopment, or source removal, as those terms are denied in the Act unless the City of Palmetto specifically designates itself as a responsible person pursuant to said Section.

- b. The designation of such Brownfield Area by this Resolution does not render the City of Palmetto responsible for the costs and liabilities associated with site remediation, rehabilitation, economic development, or source removal, as those terms are denied in the Act unless the City of Palmetto specifically designates itself as a responsible person pursuant to Section 376.80(3), Florida Statutes (2012).
- c. Nothing in this Resolution shall be deemed to prohibit, limit, or amend the authority and power of the City of Palmetto, to designate any other property or properties as a Brownfield Site or Brownfield Area, or to modify, amend, or withdraw the designation as established herein.

Section 3. Clerk's Notification. In accordance with Section 376.80(1), Florida Statutes (2012), the City Clerk is hereby directed to notify the Florida Department of Environmental Protection of the City of Palmetto's designation of a Brownfield Area for rehabilitation for the purposes of Sections 376.77-376.85, Florida Statutes (2012).

Section 4. Advisory Committee. The CRA Advisory Board shall serve as the City Advisory Committee pursuant to Section 376.80(4), Florida Statutes (2012).

Section 5. Effective Date. The provisions of this Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ____ day of November, 2012.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk



PROPERTY ID:

2799611807

715 4th Street West
Palmetto, FL 34221
Ph (941) 723-4988 Fax (941) 723-4704

*Aledrey Fedeles
257 Melody Lane
Palmetto, FL 34221
722-0659*

*I want NO part
of this. Please remove
my NAME.*

Dear Property Owner,

The Palmetto Community Redevelopment Agency (CRA) was established in 1985 to spur growth and breathe new life into a special designated community redevelopment area in the city and our records indicate that you own property in that area. While our operating budget is funded mainly through "tax increment financing," the CRA has also obtained state and federal grants to help pay for infrastructure projects that are transforming our CRA district and enhancing the image of the entire city. *Thank you*

One outstanding opportunity to access state redevelopment incentives is through the Brownfield Redevelopment Program that is authorized by Florida statutes and administered by the Florida Department of Environmental Protection (DEP). Its goal is to assist in the redevelopment of properties that have a chance, or even a perception, of environmental issues existing as a result of a past uses, such as agriculture, automobile service, fuel points, manufacturing, or others. Because there are several such properties within the Palmetto CRA district, the Palmetto City Commission is considering designating the bulk of the CRA as the "**Palmetto Economic Enhancement District**" to give property owners the potential to be eligible for grants, tax credits, loan guarantees and other benefits that are not currently available. That potential eligibility would extend to all properties within the designated district, even those that had not been used for the purposes noted above. While this can be advantageous to you as a property owner, you may opt out by submitting a formal letter at any time requesting that your property not be included. If we do not receive a letter requesting that your property not be included, it will be our understanding that you, as the person who owns or controls the property, is requesting the designation and has agreed to rehabilitate and redevelop the brownfield sites at some point in the future. Under Florida law, the designation of a brownfield area and identification of a person responsible for brownfield site rehabilitation simply allows the person to negotiate a brownfield site rehabilitation agreement for redevelopment of the site. The first public hearing and reading of the proposed resolution for designation of the "**Palmetto Economic Enhancement District**" is scheduled to be held during the City Commission meeting on November 19, while the second public hearing and commission vote will be on December 3. Both meetings begin at 7:00 p.m.

On another note, as a property owner in the Palmetto Community Redevelopment district, you may be eligible for some of our commercial incentives or grants. In addition, we have a residential rehabilitation program in partnership with "Habitat for Humanity." information on these and other CRA programs can be found on the reverse of this letter and you may also visit our web site at www.palmettocra.org.

Finally, with incentives available for commercial redevelopment, we often receive inquiries about the availability of commercial property within the CRA district. If you have property for sale or lease, and would like us to share that information with interested parties who contact the CRA, please let us know, preferably through e-mail at rmarble@palmettofl.org. You may also call our office at 941 723-4988.

Sincerely,

A handwritten signature in black ink, appearing to be "Jeff Burton", written over a horizontal line.

Jeff Burton
CRA Director

To: The Community Redevelopment Agency

From: Michael Fleming

In reply to you, re letter received on 11/19/2012, concerning the redevelopment program. Due to the economical stress that all of us are under at this time, I must decline you, re offer of designation into the redevelopment enhancement program.

I do thank you for the offer, but no thank you, not at this time.

THANK YOU: Michael Fleming

246 Palm Ln. Palmetto, Fl. 34221

A handwritten signature in cursive script that reads "Michael Fleming".

PROPERTY ID: 2799610957

November 20, 2012

715 4th Street West
Palmetto, FL 34221

RE: Opting out of PCRA

Attention Jeff Burton,

As the owner of property located at 1250 U.S. 301, Palmetto, FL 34221, I respectfully submit this as my formal letter requesting to opt out of being included in the Brownfield Redevelopment Program and the incentives being offered.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Guzman', with a long horizontal flourish extending to the right.

Stephen Guzman

PARCEL ID:

2582500134

2582500159