



**AGENDA REPORT**  
**January 22, 2019**

**Affirmation of Merritt Island Redevelopment Agency Brownfield Assessment  
Program. District 2**

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**SUBJECT:**

Affirmation of Merritt Island Redevelopment Agency Brownfield Assessment Program.

**FISCAL IMPACT:**

Grant funding

**DEPT/OFFICE:**

County Commissioner

**REQUESTED ACTION:**

Request BOCC affirm establishment of a MIRA Brownfield Assessment Program is within the authority of the existing 2013 CRA plan.

**SUMMARY EXPLANATION and BACKGROUND:**

- MIRA desires to create a Brownfields Assessment Program whereby property owners within the MIRA Community Redevelopment Area (CRA) could apply to MIRA for assistance in funding environmental assessment activities, which includes evaluating whether or not contamination is present and the extent of that contamination.
- Environmental assessment, followed by clean-up, reduces slum and blight by allowing redevelopment, which increases the tax base, creates jobs, and cleans up the environment – in some cases, reducing contamination that may be leaching into the Indian River Lagoon.
- MIRA believes the Brownfield Assessment Program is a not a new CRA program requiring an amendment to its 2013 CRA plan, but a financing tool that will allow MIRA to accomplish the goals and objectives already in its current 2013 CRA Plan. MIRA is seeking BOCC affirmation of this important goal.
- Section 163.340, Florida Statutes defines a blighted area, in part, as an area where there are a substantial number of deteriorated structures, in which conditions endanger life and property, including unsafe or unsanitary conditions. Environmental issues on properties often make the properties hazardous and unsafe, and contribute to blight within MIRA. The financial hurdles involved in clean-up of such properties means developers may overlook these parcels for redevelopment.
- The U.S. EPA enacted the Brownfields Utilization, Investment and Local

Development (BUILD) Act on March 23, 2018. The BUILD Act reauthorized the EPA to provide grant funding to conduct environmental assessments and remediation for properties that are perceived or actually have environmental contamination. These sites are often called "Brownfields." The grants are awarded for a variety of purposes including assessment, clean-up and loans..

- MIRA desires to apply for one or more US EPA BUILD Assessment grant(s) as solicitations open up. The US EPA Assessment Grants are tools by which MIRA could encourage developers with environmental issues to resolve the issues and then successfully redevelop the property, adding to the tax base. In general, assessment activities include the process of evaluating whether or not contamination is present and the extent of that contamination prior to clean up. Grant funds may be used to do Phase I and Phase II environmental assessments to assess environmental issues on blighted sites, within the terms of whichever grant MIRA is awarded.

**CLERK TO THE BOARD INSTRUCTIONS:**

\* Provide a Copy of the Resolution to D2, MIRA, and CAO

**ATTACHMENTS:**

**Description**

- ▯ **MIRA Resolution Brownfield**



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January 23, 2019

**M E M O R A N D U M**

TO: Commissioner Bryan Lober, District 2

RE: Item F.1., Resolution Affirming Merritt Island Redevelopment Agency (MIRA) Brownfield Assessment Program

The Board of County Commissioners, in regular session on January 22, 2019, adopted Resolution No. 19-007, affirming that the Merritt Island Redevelopment Agency (MIRA) has authority to establish a MIRA Brownfield Assessment Program pursuant to MIRA's existing 2013 Community Redevelopment Plan. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: County Attorney  
MIRA Director

**RESOLUTION NO. 19 -007**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
AFFIRMING THAT THE MERRITT ISLAND REDEVELOPMENT  
AGENCY (MIRA) HAS AUTHORITY TO ESTABLISH A MIRA  
BROWNFIELD ASSESSMENT PROGRAM PURSUANT TO MIRA'S  
EXISTING 2013 COMMUNITY REDEVELOPMENT PLAN;  
PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, the U.S. Environmental Protection Agency's Brownfields Program is designed to award grants that serve as a foundation to empower communities and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields; and

**WHEREAS**, a brownfield is real property where its expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant; and

**WHEREAS**, in accordance with Chapter 163, Florida Statutes, the Brevard County Board of County Commissioners has adopted previous Resolutions, including Resolution 2006-165, finding the existence of certain slum or blighted areas within the boundaries of the Merritt Island Community Redevelopment Area (MIRA) that include hazardous and unsafe conditions in need of rehabilitation, conservation or redevelopment for the betterment of public health, safety, and the welfare of the residents and citizens of Brevard County; and

**WHEREAS**, there continues to exist hazardous and unsafe conditions in the form of one or more brownfields within the Merritt Island Community Redevelopment Area for which rehabilitation and redevelopment is being hampered by the perception of or actual hazardous conditions; and

**WHEREAS**, in accordance with Section 163.36, Florida Statutes, on August 19, 2014, the Brevard County Board of County Commissioners expressly approved an amended 2013 Merritt Island Redevelopment Plan;

**WHEREAS**, the Merritt Island Redevelopment Agency is bound to carry out the goals and objectives in the 2013 Merritt Island Redevelopment Plan; and

**WHEREAS**, the 2013 Merritt Island Redevelopment Plan includes various goals and objectives that would be furthered by a MIRA initiative to establish a MIRA Brownfield Assessment Grant Program which includes applying for various U.S. Environmental Protection Agency (EPA) Brownfields assessment grants;

**NOW, THEREFORE, BE IT RESOLVED** by the Brevard County Board of County Commissioners:

Section 1. The recitals above are true and correct and incorporated by reference.

Section 2. In accordance with section 163.360(2)(b), Florida Statutes, the 2013 Merritt Island Redevelopment Plan, approved by the Board of County Commissioners on August 19, 2014, includes sufficiently complete goals and objectives to support the MIRA's redevelopment initiative to create a MIRA Brownfields Assessment Program, for which funding would be based on MIRA's ability to apply and be awarded a U.S. Environmental Protection Agency Brownfield Assessment grant. The specific support in the CRA plan is as follows:

- a. MIRA's Executive Summary discusses the MIRA Plan's Purpose which includes a commitment to encourage and provide incentives for appropriate economic development by the private sector or through public-private partnerships. The US EPA Grant program offers MIRA an opportunity to kick-start a public-private partnership to facilitate environmental clean-up of qualifying properties within MIRA's boundaries.
- b. MIRA has an objective of creating programs for development, financial, or other economic incentives in order to facilitate new investment opportunities under Table 2-2, Slum and Blight, Goal II, Preventing the Future Occurrence of Slum and Blight. If MIRA application(s) for EPA grant(s) are successful, a MIRA Brownfield Assessment Program will directly support this existing CRA goal by cleaning up environmentally problematic sites, allowing them to be redeveloped into a productive part of the tax base.
- c. MIRA has an objective of improving the tax base by providing appropriate incentives to encourage the location or expansion of development and business in the Redevelopment Area under Table 2-2, Economic Development, Goal I, Establish an identifiable character and an economic vitality for the Redevelopment Area. Creating a Brownfield Assessment Program, based on federal grant funding, will directly support this existing CRA goal by removing some of the financial hurdles involved with cleaning up environmental issues as part of a redevelopment.
- d. MIRA's general funding sources are discussed in Chapter 8 and include the potential resource of winning grants from State and Federal Funding Sources, that when leveraged within CRA districts, may get be evaluated with extra points for being used to fund economic development and redevelopment projects.
- e. MIRA's recommended projects for the Cone Road Sub-Area includes a project of investigating a brownfield designation for this sub-area.
- f. MIRA's recommended projects for the Barge Canal Sub-Area includes a project of considering a brownfield designation for this sub-area.

Section 3. Pursuant to Section 163.362(4), Florida Statutes, publically-funded capital projects undertaken within the community redevelopment area must be specifically identified in the CRA plan. This applies to capital projects that will be owned by the local government, as opposed to real property under private ownership. MIRA's initiative to win an EPA grant, and then establish a Brownfields Assessment Program, may not be applied to a publically owned property without amending its CRA plan to identify such capital projects as a specific redevelopment project.

Section 4. Section 163.360(2)(a), Florida Statutes requires CRA plans to conform with the County's comprehensive plan. Eligibility for any real property to participate in the MIRA Brownfield Assessment Program will include a requirement that the property owner receive a statement from the Brevard County Planning & Zoning Department that the specific environmental clean-up and redevelopment of the private parcel is consistent with the Brevard County comprehensive plan and use codes.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 6. This Resolution is effective immediately upon adoption. A certified copy of this Resolution shall be delivered to the Merritt Island Redevelopment Agency, Brevard County, Florida.

**DONE AND ADOPTED** in regular session by the Brevard County Board of County Commissioners, this 22 day of January, 2019.

ATTEST:

By: \_\_\_\_\_

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_

Kristine Isnardi, Chair

As approved by the Board on: 1/22/19

Reviewed for legal form and content:

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