

**Washtenaw County
Brownfield Redevelopment Authority (WCBRA)**
200 N. Main, Lower Level Conference Room

**APPROVED MEETING MINUTES
Thursday, January 10, 2019**

Board Present: James Harless-Chair, Jeremy McCallion-Vice Chair, Trevor Woollatt-Secretary/Treasurer, Matt Naud, Todd Campbell, Joe Meyers, Allison Krueger, Sybil Kolon

Board Absent: Jason Morgan (New BOC Representative to the WCBRA)

Staff: Nathan Voght

In Attendance: Jennifer Van Volkinburg – McKinley

Handouts: Lien Waivers and other proof of payment information for Packard Square, provided by McKinley. Current WCBRA By-Laws.

1. Call to Order

Chair Harless called the meeting to order at 9:00 a.m.

2. Public Comment

J. Harless asked if there was any public comment, and there was none.

J. Harless requested to add an agenda item between #4 and #5 to discuss LBRF language within Brownfield Plans, which would allow the WCBRA more flexibility to utilize LBRF funding on a brownfield property after a Brownfield Plan was adopted. He also requested to add to future agendas an "Approval of Agenda" business item at the beginning of the meeting.

Edwin Peart, Washtenaw County Deputy Clerk, joined the meeting and took the Oath of Office from the one new WCBRA board member, Sybil Kolon, and the two re-appointed Board members, J. Meyers and J. Harless.

3. Approval of December 6, 2018 Meeting Minutes

Staff will add that control of the meeting was handed over to the Secretary, T. Woollatt, in Business item #1, and that control was handed back to the Chair, J. Harless at the beginning of Business Item #4. T. Woollatt moved to approve the minutes as amended (2nd M. Naud), and the motion passed unanimously.

4. Board Member Conflict of Interest Disclosure

J. McCallion stated he has a conflict on business item #2 on today's agenda.

5. Business

1. Election of Officers - Action

N. Voght explained the process of electing Board officers, pursuant to the By-Laws. The current officers were elected in January 2018, so new elections are necessary. There was discussion on limitations to the number of years someone can hold a position, and the terms.

T. Woollatt nominated J. McCallion as the new Board Chair. No other nominations for Chair were made.

M. Naud nominated T. Woollatt as Vice-Chair. No other nominations for Vice-Chair were made.

J. McCallion nominated M. Naud for the Secretary/Treasurer officer position. No other nominations for Secretary/Treasurer were made.

The new Officers are elected by acclamation.

2. Packard Square Eligible Activity Approval – Action

J. McCallion took over control of the meeting as new Chairman of the WCBRA, and then handed control over to the Vice-Chair, T. Woollatt.

N. Voght described the \$1,281,912.95 in brownfield non-environmental eligible activities submitted for approval by McKinley, and pointed out that their representative, Jennifer Van Volkinburg, is in attendance to answer any questions. N. Voght described this submittal includes excavation, grading, fill, water, sewer, and stormwater management costs from D & V Excavating only. The County was able to fund a small portion of the Site Demolition through the MDEQ grant for approximately \$47,000, and used D & V to conduct the work. The reason the County used D & V, is that this contractor had already been hired by the developer to do the remaining Site Demolition activities, and was already on site. These costs do not include the work and payment done funded by the grant.

The Board discussed whether the actual cost of the underground detention system of \$381,528 could be fully reimbursed, or if the MEDC cost limitation on the Urban Stormwater Management System of \$325,000 was the maximum.

At the time this Brownfield Plan Amendment was passed, in 2013, only the cost difference between a traditional detention system and an “Urban” stormwater management system (underground detention) could be reimbursed, under MEDC’s policy at the time. Under current MEDC policy and Act 381, the full cost is reimbursable.

Some board members argued the full cost could be supported today, even though it exceeded the \$325,000 cost cap approved in the 2013 Act 381 Work Plan. Staff has interpreted that we need to enforce and administer the approvals in effect of the Work Plan(s) at the time of adoption of the Brownfield Plan and Work Plan(s). Staff is open to other interpretations of how these costs could be approved, but is concerned about taking action that might be perceived as not properly administering state approvals. Our program has a very good reputation among state brownfield staff, and we would not want to do anything to change that.

It was suggested that this issue can be revisited once all brownfield costs for Packard Square have been submitted. Potentially, approved Contingency eligible costs (\$362,751) can be used to make up the difference between the \$325,000 MEDC-approved cost, and the \$381,458 actual cost. Consistent with previous applications of Contingency, it would only be used if all actual Non-Environmental costs exceed the maximum in the approved Work Plan, and then Contingency could be applied for overages. The Board will reconsider this issue once all costs have been submitted for review.

J. Meyers moved to approve the requested \$1,281,912.95 in Eligible Brownfield Activities for the Packard Square brownfield redevelopment project, (2nd J. Harless), and the motion passed unanimously, with J. McCallion abstaining as the company he works for previously worked for the developer on this project.

3. Downriver Community Conference Dues – Action

J. McCallion took back control of the meeting from the Vice-Chair. He asked for staff information on this item. Washtenaw County has been a member of the DCC for about 10 years. N. Voght referred to his staff report, where the DCC has created a new “associate membership” level for those communities that are only Brownfield Consortium members. This is to close a funding gap that the DCC Board can no longer fill. The Board discussed the proposed membership level for 2018-2019 of \$3,000, which is what the Board previously communicated to the DCC as a level that is fundable. However, the DCC has adopted a membership fee structure for 2019-2020 that would cost the BRA \$31,000, which is more than the Board is willing to pay. J. Harless indicated he attended the DCC meeting yesterday and informed that Chair the County would likely have to leave the DCC at a \$31,000 dues level. He was encouraged to propose other fee structure options that are more workable. J. Harless indicated perhaps there could be a small fee we pay for each approved application.

Staff will continue to talk to the DCC, and bring options back to the WCBRA for further discussion.

J. Harless moved to approve the \$3,000 invoice for DCC Associate Membership Dues for the 2018-2019 year (2nd T. Woollatt), and the motion passed unanimously.

4. Review of By-Laws – Information

N. Voght passed out a hard copy of the By-Laws, which were approved by the BOC in November, which included revisions to the Conflict of Interest and Attendance sections.

T. Woollatt indicated he had talked to Derek Delacourt in the City about the question of whether municipal representatives serving on the WCBRA have a conflict in voting for business in their jurisdiction. He indicated that Mr. Delacourt believes that there is no inherent conflict, since Cities are established as a public purpose. However, a decision to recuse oneself is ultimately up to each member.

The Board asked staff for an update on the issue of board members needing to become temporary employees to serve. Staff did not have any more information. There are on-going discussions about the issue. Staff indicated that a By-Law amendment to more narrowly define board positions may be a way to exempt Board members from the issue, and County Corporation Counsel is reviewing this question.

4.5. LBRF Brownfield Plan Language – Discussion

J. Harless requested this item be added to the agenda. He stated that he proposes some language in a couple of Brownfield Plans now being developed to be submitted soon, which would allow the WCBRA to expend LBRF funds on a site after Brownfield Plan approval. It would give the WCBRA flexibility in case of a site that would need LBRF funding, to allow the WCBRA to administratively amend the Plan, or simply utilize funds at their discretion. He believes Act 381 provides this authorization, and it would not be prohibited.

Staff pulled up on the computer the sample language that J. Harless had proposed:

The Authority has established a Local Site Remediation Revolving Fund (LBRF) in accordance with Act.381. Funds from the LBRF may be used, at the sole discretion of the Authority, to finance or reimburse eligible activities described in this Brownfield Plan or eligible activities subsequently approved, solely for LBRF funding, by administrative action of the Authority to be conducted on the eligible property described in this Brownfield Plan.

Staff would like to research this question further, whether eligible activities can be added administratively to a Brownfield Plan, provided the overall TIF reimbursement is not changed, and the additional activity would be fully funded with LBRF.

J. Meyers left the meeting at 10:05 a.m.

5. Review Combined BF Application for City/County – Discussion

Staff explained that the County has had two Brownfield Plan applications – one for projects in the City of Ann Arbor, and another for projects outside the City. The reason has been that the City has its own separate application fee, and requirement for proforma financial review. However, the majority of both applications are identical. Staff presented proposed edits to create one application. The Board added additional edits. Staff stated he would get the proposed application to the City staff for review, and then bring a final draft back next month for final approval.

6. December 2018 Financial Report – Information

N. Voght referred to the report, and that with next month's report, all the data will be updated for 2019. No action is required, although the approved agenda indicates there is.

6. Other Business

The Board asked about the status of the banner design. Staff indicated he has not engaged a graphic designer yet. A Board member suggested Bidlack Design in Ann Arbor.

7. Public Comment: There was no public comment.

8. Adjournment:

M. Naud moved to adjourn the meeting at 10:43 a.m. (2nd T. Woollatt), and the motion passed unanimously.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the February 7, 2019 Meeting.