

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

**APPROVED MEETING MINUTES**  
**Thursday, May 2, 2019**

**Board Present:** Jeremy McCallion – Chair, Trevor Woollatt – Vice-Chair, Matt Naud - Secretary/Treasurer, Sybil Kolon, James Harless, Joe Meyers

**Board Absent:** Jason Morgan (Excused), Allison Krueger (Excused) Todd Campbell (Excused)

**Staff:** Nathan Voght

**In Attendance:** Bill Kinley/Tyler Kinley – Praxis Properties, LLC, Dan Cassidy – SME, Ann Ottenhoff and Keith Gadway – Quantum Environmental, Reynold Lowe – 2 W. Michigan Ave./Materials Unlimited, Marlene Chockley – Northfield Township Supervisor, Fred Beal – Kingsley Condominiums, LLC, Mary Hoeh – AKT Peerless, Doug Winters – Ypsilanti Township Attorney, Larry Doe – Ypsilanti Township Treasurer.

**Handouts:** None

**1. Call to Order**

Chair McCallion called the meeting to order at 8:58 a.m.

**2. Public Comment**

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

**3. Approval of Agenda**

Staff noted the proposed revised agenda, adding Business Item #8, 1150 Midway Environmental Assessment Grant Application from Ypsilanti Township. J. Meyers moved to approve the revised agenda (2<sup>nd</sup> M. Naud), and the motion passed unanimously.

**4. Approval of April 4, 2019 Meeting Minutes**

Corrections to the word “Type” in #4, approval of minutes, and remove “although this is ideal..” from Business Item #3 as it’s an opinion.

J. Meyers moved to approve the minutes as corrected (2<sup>nd</sup> J. Harless), and the motion passed unanimously.

**5. Board Member Conflict of Interest Disclosure**

J. McCallion declared a conflict on Business item #5 and #8 and J. Harless declared a conflict on Business Items #4 and #7.

**6. Business**

**1. 2 W. Michigan Ave. Environmental Assessment Amended Application, Praxis Properties – Action**

Staff summarized the original approval in March for \$9,060 for Phase I and II environmental assessments, and the Board’s revision to the policy in April to allow up to \$15,000 for any

application, and more, on a case by case basis. Praxis representatives are here as well as Quantum Environmental representatives, and the owner of 2 W. Michigan. Staff asked Quantum Environmental representatives to provide additional pertinent information. N. Voght pulled up soil testing figures from the Phase II report up on the screen, and the Board discussed.

J. McCallion asked the owner what activities are still taking place there, and Mr. Lowe indicated furniture stripping is still occurring using Methylene Chloride.

The Board asked for clarification on the staff recommendation for Praxis Properties. J. Meyers stated the staff report recommends increasing the award from \$9,060 to \$15,000.

J. Meyers moved to approve an increase in the environmental assessment grant to 100% of the costs, up to \$15,000 for Praxis Properties, LLC (2<sup>nd</sup> J. Harless), and the motion passed unanimously.

2. 2 W. Michigan, Owner Environmental Assessment Grant Application – Action

A separate assessment grant application was submitted by the owner, Reynold Lowe, who is in attendance at the meeting today. The request is for \$5,940 for additional indoor air testing. This work was already completed in April, and the results were included in Figure 3 of the draft Phase II investigation reviewed on the screen by the Board.

J. Harless expressed concern about awarding grant funds to a potential Liabile Party.

N. Voght asked about the Phase I, which included an interview with the owner that waste Methylene Chloride was/is being poured down the drain. The Quantum representative indicated solid waste is being collected and disposed of and confirmed that the report reflected the owner indicating waste product was put down the drain. J. Harless stated this may be a RCRA violation.

J. Harless moved to deny the environmental assessment application for \$5,940 (2<sup>nd</sup> T. Woollatt), and the motion passed unanimously.

3. 2025 E. Clark Rd. Environmental Assessment Grant Application, Ypsilanti Township – Action

Staff provided background on this project, which is funded by HUD CDBG through the Office of Community & Economic Development. OCED is responsible for environmental review and clearance, and this process requires Phase I, hazardous materials survey and mitigation for any facility using CDBG funding. The proposal includes Lead, Asbestos and Radon testing, and associated clearance reports, should any mitigation be required. The proposal does not include any mitigation costs.

J. Harless indicated that clearance is part of mitigation, not assessment, so in his opinion this work is not eligible under Act 381. So, the costs for asbestos and lead clearance must also be backed out of any grant award.

The Board asked if an Ypsilanti Township representative was here. N. Voght indicated two officials will be coming at 10 a.m. for the Skatepark Phase II work. He stated the new maximum grant amount would be \$20,886, if all clearance costs are removed, in addition to any scope associated with Radon. The Board discussed the amount, which exceeds the \$15,000 maximum. The Board is inclined to exceed the maximum in this case, as it's a Local Unit requesting the grant, and the project is funded through the County.

J. Harless moved to approve 100% of the \$20,886 costs for environmental assessment work for 2025 E. Clark Road, Ypsilanti Township Community Center (2<sup>nd</sup> S. Kolon), and the motion passed unanimously.

4. 309 North Ashley Brownfield Plan – Action

J. Harless removed himself from the meeting table due to a conflict with this item.

N. Voght referred to the proposed Brownfield Plan and provided a project summary. Dan Cassidy from SME and Tom Fitzsimmons, the developer, are both here to answer any questions.

J. Meyers moved to approve the Brownfield Plan, contingent on Ann Arbor City Council approval, (2<sup>nd</sup> M. Naud), and the motion passed unanimously, with J. Harless abstaining from the vote.

5. Kingsley Condominiums Eligible Activity Approval – Action

J. Harless rejoined the meeting table. J. McCallion handed control of the meeting to T. Woollatt, Vice-Chair, and removed himself from the meeting table. N. Voght reminded the Board of this project, including 51 condominiums at 221 Felch in the City of Ann Arbor, approved in 2016. The project is almost complete. A picture from January is provided in the staff report.

The Brownfield Plan includes over \$6 million in possible Eligible Activities, but the City capped maximum reimbursement at \$4 million. Capture started last year, and there is currently \$181,271.08 in TIF funds in the project account ready to be reimbursed.

The owner has submitted \$4.3 million in actual Eligible Activities. Staff worked with Dan Wells of AKT Peerless and Fred Beal, of Kingsley Condominiums on the documentation. Staff is recommending approval of \$4 million in Eligible Activities.

M. Naud moved to approve \$4 million in Eligible Activities and authorize reimbursement of \$181,271.08 to the developer (2<sup>nd</sup> J. Harless), and the motion passed unanimously, with J. McCallion abstaining from the vote.

6. 9101 Main Street, Northfield Township Environmental Assessment Grant Application – Action

J. McCallion sat back at the meeting table and resumed control of the meeting from the Vice-Chair. N. Voght provided project background. This is another community center project funded through County OCED using HUD CDBG funding. Similar to the Ypsilanti Township project, environmental clearance includes a Phase I. Since it was constructed in 1994, lead and asbestos and radon testing is not required.

Marlene Chockley, Northfield Township Supervisor, is here to answer any questions.

J. Meyers moved to approved the environmental assessment grant to perform a Phase I for \$2,500 for 9101 Main Street to Northfield Township (2<sup>nd</sup> J. Harless), and the motion passed unanimously.

7. 309 North Ashley Environmental Assessment Grant Application – Action

J. Harless removed himself from the meeting table. N. Voght explained the application for \$14,400 in additional soil characterization. Dan Cassidy, from SME, indicated that the project team believes the MDEQ (now EGLE) will request this additional soil work. T. Woollatt asked if this was petroleum exempt. M. Naud asked why the BRA would pay these costs if they can be reimbursed as part of the Brownfield Plan.

Dan Cassidy explained the lengthy process of working with the city on the development and eligible activities to be included in the Brownfield Plan. Ultimately, the decision was to not seek any non-environmental eligible activities. J. Meyers stated that the City decision to not support non-environmental does not involve the County.

The Board further discussed the fact that this project already received a \$10,000 award last year for similar soil work. This doesn't disqualify the application based on the policy, but is a factor to consider.

J. Meyers moved to deny the environmental assessment grant application for 309 North Ashley (2<sup>nd</sup> S. Kolon), and the motion passed unanimously with J. Harless abstaining from the vote.

8. 1150 Midway Rd. (Skatepark) Environmental Assessment Grant Application, Ypsilanti Township – Action

J. Harless sat back at the meeting table. J. McCallion handed over control of the meeting to Vice-Chair T. Woollatt and removed himself from the table.

Staff explained that Ypsilanti Charter Township previously was granted Phase I funding, and due to historical concerns about above-ground fuel storage, would like to do soil sampling around the old foundation. AKT Peerless has provided a proposal for this additional work for \$5,570, and an additional charge to the Phase I work for \$715. The total additional request is for \$6,200. Mary Hoeh from AKT Peerless is in attendance to answer questions.

J. Meyers moved to approve the additional \$6,285 for 1150 Midway Rd. for environmental assessment grant funding for Phase II (2<sup>nd</sup> M. Naud), and the motion passed unanimously, with J. McCallion abstaining from the vote.

9. Updated Environmental Assessment Grant Application – Information Only

Staff included the updated application, based on the updated policy approved in April by the Board. Staff asked the Board to provide any feedback or comment.

## **7. Other Business**

J. Harless asked for clarification on whether the Board would accept second applications for the same property. It was mentioned by a Board member during discussion of the 309 North Ashley application agenda item. The Board has allowed multiple applications for other properties. In this case, there were other factors with 309 that led to the decision to not support it.

The Board discussed next steps for 2 W. Michigan, and felt that the MDEQ (EGLE) and County Public Health should be notified immediately. Staff will contact Public Health to determine who will follow up with EGLE.

## **8. Public Comment:**

None.

## **9. Adjournment:**

J. Harless moved to adjourn the meeting at 10:29 a.m. (2<sup>nd</sup> M. Naud), and the motion passed unanimously.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the June 6, 2019 Meeting.