**Washtenaw County**
**Brownfield Redevelopment Authority (WCBRA)**
Meeting held in-person at 200 N. Main, downtown Ann Arbor
Lower Level LARGE Conference Room

**APPROVED MEETING MINUTES**
**Monday, September 11, 2023, 10:00 a.m.**

**Board Present:** Christy Maier, Sam Baushke – Secretary James Harless, Allison Krueger – Chair, Colleen O'Toole – Vice Chair, Katie Jones, Jen Cornell

**Board Absent:** Trevor Woollatt, Justin Hodge

**Staff:** Nathan Voght – OCED

**Joining the Meeting:** Jill Ferrari – 220 N. Park, Ken Garber, Bret Stuntz – SME, Via Zoom, Tim Loughrin – Robertson Bros, Via Zoom, Bill Godfrey – Maple Oaks, Via Zoom.

**Handouts:**

**1. Call to Order**

Chair Krueger called the meeting to order at 10:02 a.m.

**2. Public Comment**

Ken Garber spoke about the 303 Detroit St Brownfield Plan amendment, recently approved by the City of Ann Arbor, and on the Authority's agenda today. Mr. Garber was concerned about the lack of justification and back-up for the additional Eligible Activities' costs. He stated the developer provided no cost information to the City, and felt like the process has lacked transparency. He is not supportive of the Plan Amendment.

**3. Approval of Agenda**

J. Harless moved to approve the Agenda, moving Business Item #5, to #1, as the developer has to make it to Bay City by 1 p.m. (2nd C. O'Toole), and the motion passed unanimously.

**4. Approval of July 11th, 2023 Meeting Minutes**

C. O'Toole moved to approve the July 11th minutes as presented (2nd J. Harless), and the motion passed unanimously.

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

None declared.

**6. Business**

1. <u>220 N. Park LBRF Grant/Loan Agreement and Collateral Assignment of Reimbursement Agreement – Action</u>

   N. Voght introduced Jill Ferrari, from Renovare Homes, again to the Authority. He updated the Authority on the status of the development; that all required contracts and agreements are essentially ready for signatures, and funds can be disbursed to the Title Company, in order to efficiently pay monthly construction draws.

Mr. Voght reminded the Board that, although they previously authorized staff to approve LBRF Grant/Loan Eligible Activities as part of the monthly draw process, enough time had passed, and the agreements further amended, with change in lenders, he wanted the Board to have a final review of the LBRF Grant/Loan. In addition, the Board is seeing the Collateral Assignment Agreement for the first time.

Ms. Ferrari was in the audience to answer any questions.

J. Harless moved to approve the LBRF Grant/Loan Agreement and Collateral Assignment of Reimbursement Agreement as presented, (2nd J. Cornell), and the motion passed unanimously.

2. Village of Ann Arbor Act 381 Work Plan – Action

Staff referred to the Work Plan, provided with a link in the Board Packet. J. Harless asked about EGLE and MEDC review of the draft Work Plan. He stated that often minor changes may be required after formal State Agency review.

Staff referred to the staff report with the packet, where an updated Eligible Activity Table is provided, based on EGLE's feedback on the Work Plan. EGLE preferred to have soft costs added to each Activity, rather than separated out as a lump sum.

J. Harless moved to approve the Work Plan as presented, with any minor modifications required by State Agencies (2nd C. Maier), and the motion passed unanimously.

3. Village of Ann Arbor Reimbursement Agreement – Action

Staff referred to the draft agreement in the packet, which has some modifications from the usual template, as described in the Staff Report for the meeting.

J. Harless expressed some concern with the change from 24 to 48 months for Eligible Activity expiration, and suggested 36 months. He then listed various other typos in Section 11, e. and f., Section 17 and Section 17 d, and Section 30 c.

C. O'Toole moved to approve the Reimbursement Agreement with the noted revisions (2nd J. Harless), and the motion passed unanimously.

4. 303 Detroit, 312-314 N. Fifth Brownfield Plan Amendment – Action

Staff stated the developer came several months ago as an informational item, to explain why a Plan Amendment is being requested. The Board asked Bret Stuntz, with SME, the environmental consultant for the project, to comment. Mr. Stuntz explained the sub-surface cobble encountered that prevented driving of piles, and required additional full excavation down 10 additional feet to remove the cobble that prevented driving of the piles. This significantly increased costs due to delays and additional excavation.

The Amendment increases Eligible Activities about $600,000, which also increases 3 mills SET capture and LBRF capture.

J. Harless moved to approve the Brownfield Plan Amendment (2nd C. Maier), and the motion passed unanimously.

5. Maple Oaks Eligible Activity Approval and Reimbursement – Action

N. Voght explained the additional costs being requested by the developer, and updated the Board on project status. The southern phase is constructed, but the City of Saline still has outstanding engineering issues, so only the first 50% of the $105,800 in Local Only "Look Back" expenses will be reimbursed upon approval by the city. He referred to his staff report, and the concern being continuing to capture when the northern phase is in question. Staff recommends the Board approve the $31,728.44 requested, refund the project fund balance of $31,131.61, and capture Local Only in Summer 2023, as the only potential additional reimbursement that is clear at this moment is the first 50% of the Look Back expenses, which would be $52,900.

J. Harless mentioned that perhaps a very small amount of capture could be taken in Winter 2023, just to maintain continual capture on the project, to allow future reimbursement of additional Eligible Activities, if the developer constructs the northern phase. N. Voght stated that we will have to revisit the situation after winter taxes are paid and make a decision.

J. Cornell moved to approve the $31,728.44 of additional Eligible Activities, (2nd J. Harless), and the motion passed unanimously.

6. July-August 2023 Financial Report – Information

Staff referred to the Financial Report, which includes all Summer 2023 TIF Distributions from the City of Ann Arbor, withholding for 3 Mills SET invoice coming soon from the State, and developer reimbursements of remaining balances.

C. O'Toole moved to approve the Financial Report with noted transactions (2nd J. Harless), and the motion passed unanimously.

**7. Other Business**

The Board discussed the need to further discuss insurance requirements of contracts, and Maple Oaks in the future. Also, LBRF account cash flow projections in relation to the Main Street Park Alliance.

**8. Public Comment:**

Ken Garber spoke again about the Detroit Street Brownfield Plan Amendment and the City's approval of it. He states there's a process problem, where Council is relying on the developer to provide the info. Why is the increase in costs also adding to Contingency? What is the status of the geo-thermal wells?

**9. Adjournment:**

J. Harless moved to adjourn the meeting at 11:19 a.m. (2nd S. Baushke), and the motion passed unanimously.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the October 17, 2023 meeting, held at 200 N. Main, lower level large conference room, downtown Ann Arbor.