

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
Thursday, April 11, 2024, 9:00 a.m.

Board Present: Allison Krueger – Chair, Colleen O'Toole – Vice Chair, Sam Baushke – Secretary, Christy Maier, James Harless, Trevor Woollatt, Justin Hodge, Katie Jones

Board Absent: Jenn Cornell

Staff: Nathan Voght – OCED

Joining the Meeting: On Zoom, Bonnie Wessler – City of Ypsilanti DPW Director, Jill Ferrari, Shannon Morgan with Renovare for Dorsey Estates, and Sam Mariuz and Scott Wasielewski, with AKT Peerless for Dorsey Estates, and Jeremy McCallion, with AKT Peerless, for Grandview Commons.

Handouts: None

1. Call to Order

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

2. Public Comment

None.

3. Approval of Agenda

C. O'Toole moved to approve the Agenda (2nd J. Harless), and the motion passed unanimously.

4. Approval of February 8th, 2024 Meeting Minutes

J. Harless moved to approve the February 8th, 2024 minutes, correcting the typo on business item #2 on page 2 (2nd C. Maier), and the motion passed unanimously.

5. Board Member Conflict of Interest Disclosure

T. Woollatt declared a conflict with Business Item #3, the Dorsey Estates Brownfield Plan Amendment.

6. Business

1. 14 W. Forest Phase II Environmental Assessment Grant Application – Action

Staff referred to the application in the packet.

J. Harless stated that he has concerns about the application, that we are a “redevelopment” Authority, and this site is not proposed for redevelopment. Also, the City is a Liable Party for the contamination, and they are the applicant.

Bonnie Wessler, the City of Ypsilanti DPW Director, was on Zoom and stated that the City is determining whether the site can be re-used, which may include re-arranging buildings and new buildings. She further stated that an old building from 1887 is being assessed for indoor air issues.

Staff stated that the Authority has awarded assessment funding to Liable Parties in the past, and it's allowed, with the Authority reserving the right for cost recovery. Further, this is not a private developer, but a municipal partner.

C. O'Toole asked why the City being a Liable Party is an issue, to which J. Harless responded assessment funds should not be used to benefit a Liable Party.

J. Hodge moved to approve the Assessment Grant application for 14 W. Forest (2nd C. Maier), and the motion passed on a 5 to 3 vote, with members J. Harless, T. Woollatt, and C. O'Toole voting in opposition to the motion.

2. Grandview Commons Eligible Activities Submittal #3 – Action

Staff updated the Board on the request, and total activities approved to-date. J. Harless cited the section of the Reimbursement Agreement that states all activities to be approved shall not have occurred more than 24 months in the past. Some of the activities submitted are older.

J. McCallion, with AKT Peerless, the environmental consultant on the project, stated that some costs indeed occurred more than 24 months from the date this submittal was sent to staff, on March 8, 2024.

J. Harless moved to approve all the eligible activities submitted that occurred after March 8th, 2022, as specified in the Reimbursement Agreement, (2nd T. Woollatt), and the motion passed unanimously.

3. Dorsey Estates Brownfield Plan Amendment – Action

Due to his previously declared conflict of interest, T. Woollatt removed himself from the Board table, and sat in the back of the room.

Staff updated the Board on the project status, and reminded the Board of the previous Brownfield Plan, the LBRF funding awarded to the project, and the ARPA funding provided by Washtenaw County.

J. Ferrari, with Renovare, was in attendance and provided an update from the Board on the project, and the reason for the Plan Amendment.

J. Harless stated he has many questions, and having only received the Plan recently, has not had time to examine things more closely in order to know what to ask at this time. He made a motion to Table the item.

Staff suggested that there would be benefit to discussing what questions Mr. Harless had right now, so that the entire Board would be involved and be able to understand the concerns.

J. Harless withdrew his motion to Table the item.

The Board discussed various aspects of the project, including why is there a substantial increase in environmental costs, why is excavation and fill listed as tonnage vs cubic yards, why is the density difference between excavation and fill a factor of 1.5, are legal expenses eligible for

reimbursement, why is VSR sampling being done, what contaminants are driving the need for removal, etc.

Jill Ferrari and Scott Wasielewski provided explanations for some of the questions, and there was further discussion on how to deal with the questions that remain, to be sure the Plan Amendment is proper.

Staff requested that a sub-committee be formed to dive deeper into these questions with the development team, develop a final draft of the Plan, and administratively approve it, so it can be moved on to Ypsilanti City Council, planned for May 14th.

J. Hodge moved to conditionally approve the Amendment #1 for the Renovare Ypsilanti Homes, LLC project, Dorsey Estates, subject to final review and approval by a Sub-Committee of Board members J. Harless, K. Jones, and A. Krueger, and subject to Ypsilanti City Council approval (2nd C. O'Toole), and the motion passed unanimously.

T. Woollatt rejoined the Board table.

4. February-March 2024 Financial Report – Action

Staff explained the transactions requested on the Report, which include all 2023 Administrative capture, LBRF transactions, and developer reimbursements.

J. Harless moved to approve the Financial report, with all noted transactions (2nd K. Jones), and the motion passed unanimously.

5. 2023 Interest Approval – Action

Staff referred to the Interest calculation in the packet, for three projects that are still generating Interest on unreimbursed Eligible Activities.

C. O'Toole moved to approve 2023 Interest, as shown on the bottom of the Financial Report (2nd T. Woollatt), and the motion passed unanimously.

7. Other Business

The Dorsey Estates Brownfield Plan Amendment sub-committee agreed to meet next Tuesday, April 16th to discuss the Amendment.

There was no other business.

8. Public Comment:

Jeremy McCallion, with AKT Peerless, representing Grandview Commons, asked for clarification on the previous decision to limit approval of Eligible Activities for the project to after March 8, 2022. He pointed out that the Reimbursement Agreement specifically excludes Due Care Activities from this limitation. This was intentional, as it was known then that Due Care activities would be on-going and may exceed the 24-month limitation.

The Board agreed with the reading of the Agreement by Mr. McCallion, and J. Harless moved to revoke the earlier motion to limit approval to activities that occurred after March 8th, 2022, (2nd S. Baushke), and the motion passed unanimously.

T. Woollatt moved to approve the Eligible Activities submittal #3, as submitted, (2nd J. Harless), and the motion passed unanimously.

9. Adjournment:

J. Harless moved to adjourn the meeting at 10:48 a.m. (2nd T. Woollatt), and the motion passed unanimously.

These minutes were approved by the Washtenaw County Brownfield Redevelopment Authority at the May 9, 2024 meeting, held at 200 N. Main, lower level large conference room, downtown Ann Arbor.