

KALAMAZOO COUNTY
BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES (revised)

MEETING DATE: Thursday, May 27, 2010
PLACE OF MEETING: County Administration Building

Present were: Clare Annen, Robert Barnard, Ruth Blake, Leroy Crabtree, Marc Hatton, Ken Peregón, Julie Rogers, Anne Summerfield, Matthew VanDyk, Thell Woods
Excused: Larry Baumgart
Kalamazoo Township: George Cochran
Staff Support: David Artley, Jeff Hawkins (consultant), Lotta Jarnefelt
Absent: Representatives from Augusta and Comstock
Citizens: John Taylor, County Commissioner; Jack Urban, County Commissioner; Connie Ferguson, Kalamazoo Environmental Council
Recording Secretary: Lori Pyatt

1. CALL TO ORDER

Chairperson Rogers called the meeting to order at 4:02

2. APPROVAL OF MINUTES

A motion to approve the April 2010 Minutes as presented was made by Mr. Peregón, supported by Mr. Crabtree and was unanimously approved.

3. CITIZENS COMMENTS

There were no comments made.

4. CONSENT CALENDAR

Invoice #26245: Total \$520.00; Work order #19 (Bill Group D)
This would be split evenly between the Petroleum Grant and the Hazardous Substances Grant. Activities include: communications and meetings with client; budget reconciliation activities and drafted quarterly reports for grants.

A motion to approve invoice #26245 totaling \$520.00 was made by Mr. Barnard, supported by Ms. Blake and was unanimously approved.

5. ACTION CALENDAR

A. The Board considered a request to the County & Community Resource Committee--and subsequently the County Board of Commissioners--for \$125,000 from the Economic Development Fund, for the purpose of carrying on the work of the BRA until the TIF from the current BRA Plans (Parts 1 and 2) were collected in sufficient amounts to allow the assessment work to continue.

A motion to approve the request was made by Mr. VanDyk, supported by Mr. Annen and was unanimously approved.

Discussions on the usage limitations and goals of these dollars would occur in committees meetings. If the County Board approved the request, that action would 'unfreeze' these funds since they were not going toward regular EDC requests. The source of the funds was the unallocated fund balance for the EDC. Mr. Artley stated he would find out what the amount was in that fund.

- B. The group considered the following resolution: "That no matter be brought before the County & Community Resource Committee on behalf of the BRA unless there has been prior consultation and direction from on of the following, as appropriate under the circumstances: 9i) the full BRA Board if time permits, (ii) the Executive Committee if the matter requires action sooner than the next scheduled BRA Board meeting, or (iii) the Chair of the BRA in emergency situations."

A motion to pass the resolution as written was made by Mr. VanDyk, and supported Mr. Barnard.

Lengthy discussion ensued on the wording of the motion (i.e.: adding verbiage vs. allowing it to be broader in scope, and whether the motion would restrict or ensure good communication.) Staff mentioned that there may be unexpected situations when the resolution, if approved, would not be able to be followed—in those instances staff would have to make a judgment call.

The motion was passed unanimously as written.

6. STAFF REPORTS

A. Davis Creek – 2805 East Cork

The Board had approved a work order for further methane monitoring. Templates, sampling schedules and meetings with MDNRE were being planned. BTU testing had issues that needed to be examined. Things were happening, but there was nothing concrete to report on.

B. Midlink – (INSERT ADDRESS!!!)

Mr. Artley thanked Mr. Crabtree for attending various meetings.

- Midlink had hired a new law firm (the lead was John Byl, and it looked like things were moving again. A two-hour meeting was held.
- Since that meeting, Midlink had been given a copy of the 381 Work Plan Draft, and the lawyers were given the Development Agreement (as revised in March '09), a copy of the Brownfield Plan and charts in the back of the Brownfield Plan. (Midlink was clear that the plans they had were not the final version.)
- The next 6 to 8 weeks would see:

- a more filled-out 381 work plan
 - a developer's agreement with some changes
 - a Brownfield Plan with potential changes
- Midlink claimed to have 600K in expenses that meet the definition of eligible activities, some or all of which would fit through the loophole in the law that allow school tax to be collected without a 381 plan. This issue would be researched.
- Midlink would like to discuss:
 - the intent of the BRA to collect TIF
 - capture of interest when invoice payments are delayed.
 - environmental insurance premiums as an eligible activity
 - their desire to divide the property into six parcels for Michigan Business Tax Credits (this would have zero effect on collection of TIF).
- (Seneca had broken ground, and the tenant hoped to move in by the end of the year.)
- Before the Brownfield Plan could be opened, the following would need to occur:
 - a specific timeline for collection would need to be outlined (Discussion ensued regarding adding to the Plan the words "x dollars or x years, whichever occurs first")
 - the BRA would have to approve the plan
 - Comstock Township Board would have to agree
 - a public hearing would have to be held with the County Board
 - any amendments would have to be approved by the County Board
- Mr. Hatton stated that the movement was a very positive sign, but he was bothered that BRA legal council was not involved in the discussions. He had other concerns regarding the interest and school tax issues, and was comfortable with delaying capture. Hoped that the BRA was cautious and methodical moving forward. Mr. Artley and Mr. VanDyk agreed.
- Mr. Hawkins noted that the work plan was developed under different premises than currently existed.
- Mr. Artley added that change and application fees, and costs for legal review would need to be visited later.

C. By-laws – A report will be on the June agenda. Corporate council had the documents, and after they gave their recommendations, it would come back to the BRA.

D. Budget - Reconciliation

Mr. Artley explained the document, "Brownfield Assessment Grant: Total Expenditures as of 5/25/2010" and the assumptions that went into the budget. He noted that, subtracting the \$39K approved the previous month

and some minor costs that had not been recorded, reflected the balance on Mr. Hawkins' budget sheets. The County's balance sheet reflected the same, but the line items were assigned differently.

Between the two grants, there was \$16K that would need to be expended, and the Board would need to begin considering and approving projects soon. It was clarified that the funds would be expended out of the hazardous substances grant, not out of the petroleum fund, which was nearing zero.

E. EPA Grants –

Mr. Artley stated that their particular grant applications went to the panel in the southern region, and that one of the reviewers was from HUD. After his analysis of grant recipients, it appeared that the recipients were ones who had not received grants before and many had a social justice focus.

F. The next meeting will be June 17th, instead of the fourth Thursday. Mr. Artley would look into changing the date on the website.

G. Other:

i.) A Brownfield tour may be scheduled for August or September.

ii.) Concerns about member attendance were discussed – Staff will track it for the Boards and the Sub-committees for 3 months and bring it back to the Sub-committees and the Boards for further review. Additionally, a regular line item will appear in all future agendas entitled, "Excused absences" – if there are any, by simple procedural vote they will be recorded. The tracking and the agenda add applies to both Boards.

7. COMMITTEE REPORTS

A. Executive Committee – Next meeting would be Wednesday, June 9th at 7:30am in 207B; Midlink and a more formal attendance policy would be looked at.

B. Project/Finance Committee - Two meetings would be held at 4pm on June 7th and 10th in order to accommodate schedules.

C. PR/Media Committee – The next meeting date would need to be determined. Chairperson Rogers noted that there had been media coverage on brownfields and was bringing awareness to citizens.

8. BOARD MEMBERS COMMENTS

-Mr. Crabtree and Ms. Rogers stated they would have to call in to the Executive Committee meeting.

-Mr. Hatton thanked those who attending May's Brownfield Workshop. The dialogue was well received.

-Mr. VanDyk thanked Mr. Artley for helping the Midlink project advance.

-Ms. Rogers commented that Mr. Artley and Ms. Jarnefelt for their hard work.

Ms. Blake and Mr. Woods concurred.

9. ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Crabtree, supported by Ms. Summerfield, and was unanimously approved at 5:14pm.

Next meeting: Thursday, June 17, 2010.

Respectfully submitted: LP