

A regular meeting of the Leelanau County Brownfield Redevelopment Authority (LCBRA) was held on Tuesday, February 27, 2024 at the Leelanau County Government Center.

CALL TO ORDER

Meeting was called to order at 10:00 am by Vice Chairman Foster who led the Pledge of Allegiance.

ROLL CALL

Members Present: G. Allgaier, D. King, D. Allen, R. Foster, T. Eftaxiadis

Members absent: J. Arens, D. Heinz
(Prior Notice)

Staff: G. Myer, Planning Director, J. Herman, Planning Secretary

Public: T. Searles, S. Mitchell

PUBLIC COMMENT- None.

DIRECTOR COMMENTS

Myer looked into the request of whether officers needed to take a separate oath and said that everyone takes the same oath and only once, when they are appointed to a board. Myer said that Heinz requested there be updates on each brownfield project so she suggested they remove them out of the consent agenda, so that Searles can provide updates. Lastly, Myer said that Jon Stimson of HomeStretch was working on obtaining property from Betsey Price which fell through because they were not willing to separate the amount of acres Stimson needed.

CONSIDERATION OF AGENDA

Motion by Allen, seconded by Allgaier, to move the two items from the “Consent Agenda” to “Old Business” “Item’s A & B” for further discussion. Motion carried 5-0.

CONFLICT OF INTEREST – None.

CONSIDERATION OF JANUARY 16, 2024 MINUTES

Myer said staff will be making some corrections regarding Fishbeck work order #7 and Work order #8.

Motion by Allgaier, seconded by King, to approve the minutes as amended. Motion carried 5-0.

CONSENT AGENDA

Fishbeck - General Consulting and TIF Management
Fishbeck - EPA Assessment Grant

OLD BUSINESS

Searles gave an update on general consulting and tax increment tracking management and annual reporting. She said that general services are non-project related work. In this month, there was an invoice for consideration that involved discussions with the Board Chair regarding account balances related to active brownfield plans and general brownfield consulting services. For the tax increment tracking, the winter tax statements have gone out to local taxing jurisdictions for the active brownfield plans. As the checks are received, they are sent to Fishbeck for review for and updating the tracking sheets. The two project invoices for consideration are Invoice #433689 for \$1,107.00 for general consulting services and Invoice #433691 for \$1,080.50 for tax increment tracking services.

Motion by Allgaier, seconded by Eftaxiadis, to approve Fishbeck's Invoice #433691 Tax Increment Tracking and Annual Reporting (W.O. #2-GES, Amendment No. 1) in the amount of \$1,080.50. Motion carried 5-0

Motion by Allen, seconded by Allgaier, to approve Fishbeck's Invoice ~~#443689~~ #433689 General Environmental Services (W.O. #2-GES, Amendment No. 1) in the amount of \$1,107.00. Motion carried 5-0.

Searles moved on to the EPA grant invoices and said that the Quality Assurance Project Plan (QAPP) was completed and approved by the EPA in May 2023. They have since updated the program director change, laboratory certifications, Quality Assurance documents, and standard operating procedures. The Annual Update will be submitted by Myer to the EPA prior to the May, 8, 2024 deadline.

Searles reviewed the Community Outreach and Programmatic update and said that was to prepare meeting materials and updates. The invoice for consideration is Invoice #433692 for \$985.00.

Motion by Allgaier, seconded by Allen, to approve Fishbeck's Invoice #433692 for Community Outreach and Programmatic Project No: 230505- W.O. #2, Amendment No. 1 in the amount of \$985.00. Motion carried 5-0.

Searles briefly mentioned Bluebird, saying that last month when the memos were prepared, they were awaiting signatures on the reimbursement agreement and that document has since been signed with a notary present.

Searles said the Centerville Township had requested a Phase I Environmental Site Assessment for the former dump site. They found that most of the dumping occurred off the project site and it was determined that there was no additional support for further assessment.

Searles reported that current grant fundings for the Peninsula Housing project on Herman Rd. are complete. They did a hazardous materials inspection of an asbestos survey. She said Peninsula Housing may be seeking support from the BRA in considering a brownfield plan.

Searles gave a brief update on the four Land Bank parcels that were acquired through tax foreclosure. She said that they intend to sell to HomeStretch for needed affordable housing developments. The sites are 4795 S. Manor Dr, Lot 33 Blue Ridge, Lot 269 Cherry Home Shores and Lot 3 Omena Bay Resort. There is not much information known regarding the previous operations or environmental conditions of the sites. The financial lending institution is not finalized yet, Huntington Bank has additional requirements beyond the ASTM requirements.

Motion by Allen, seconded by King, to approve payment on the four Land Bank parcels evaluation that was completed related to Invoice #433686 in the amount of \$3,326.00. Motion carried 5-0.

Searles gave an update on the Empire Downtown Revitalization which is the former Empire lumberyard. They are completing a Phase I to understand the historical context of the properties. They have completed field work for the hazardous materials inspection and are awaiting analytical data. There was due care planning to review previous environmental data on the site and understanding if a Phase II is needed, but it is still yet to be determined and will have more information next month.

Motion by Allen, seconded by Allgaier, to approve Fishbeck's Invoice #433690 Empire Downtown Revitalization- Former Empire Lumberyard- Six Parcels Project No: 232213- W.O. #7 in the amount of \$2727.50. Motion carried 5-0.

Searles said the last project is the former Empire Schoolhouse Restoration Project submitted by Joe and Elizabeth Van Esley and approved by the BRA. The site consists of two parcels, one parcel is where the school is and the other is adjacent where they plan to put a Direct Charge (DC) fast charging station. There are minimal restoration plans on the structure itself and plans for retail operations. There was a previous environmental assessment done which found mercury contamination in the septic tank and asbestos and lead have been identified in the structure. The BRA has approved due care planning activities and a brownfield plan evaluation. They need to first determine if there will be sufficient tax increment generated by the redevelopment to determine if that is an appropriate tool.

Motion by King, seconded by Allen, to approve Fishbeck's Invoice #433693 for the former Empire Schoolhouse Restoration Project No: 240201- W.O. #8 in the amount of \$900.50. Motion carried 5-0.

King noted that the Discovery Center may be looking for brownfield funding based on an article he read in the newspaper. Allen and Myer will reach out to Elmwood Township Supervisor, Jeff Shaw.

Approval of Policies and Procedures

Myer said in last month's meeting, the BRA amended the policy on the TIF Collection and Disbursal and Heinz suggested they do the same for the Policies and Procedures document so it can read 'Under no circumstances will TIF reimbursement to the developer be made from the Delinquent Tax Revolving Fund.' Myer said Heinz questioned the process on collecting TIF once the tax bills are released. Searles explained the process and the BRA determined they can amend the document, if need be, after more clarification.

Motion by Allen, seconded by King, to approve Policies and Procedures as amended. Motion carried 5-0.

NEW BUSINESS

Discussion- 1% fee due upon signing the Reimbursement Agreement

Myer said she provided a handout this morning and highlighted "C" for discussion today. Myer said that it is her understanding that the fee has not been collected in the recent past. Searles thought this was originally done when it was set up years ago but has not been executed recently. She said there is an administration fee upfront so she isn't sure what this 1% fee is. Searles said if the BRA moves forward, they would want to evaluate what the appropriate uses are. Several communities have application fees but she wasn't sure if they have a separate reimbursement fee. Eftaxiadis said some BRA's have fees when it

comes to generating the redevelopment agreement. He continued, saying that they are asking the developer to pay a percentage amount that would not be finally approved until after the Board of Commissioners (BOC) approves the brownfield plan and if the project involves school TIF, then the developer agreement is required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to be part of a 381-work plan. Eftaxiadis suggested they table this discussion until Heinz returns. King asked about the history and asked that Myer bring back information for next month.

Appointment of BRA Director

Allen said that the BOC officially appointed Myer as the Planning Director. This board needs to formally appoint her as the Brownfield Redevelopment Authority Director.

Motion by Allgaier, seconded by Eftaxiadis, to appoint Myer as the Brownfield Redevelopment Authority Director. Motion carried 5-0.

Appointment of Authorized agent to submit EPA requests on ASAP.gov

Motion by Allen, seconded by Eftaxiadis, to appoint Myer as the authorized agent to submit EPA request on ASAP.gov. Motion carried 5-0.

Myer has already been working with Allen on the process for submittals. Myer will also look at additional brownfield training and workshops.

Fishbeck Work Order: Work Order #1 – Quality Assurance Project Plan (QAPP)

Searles said she touched on this in the previous update. This is to create an annual update for 2024 and 2025 that Fishbeck is working on this but they did not have a budget.

Motion by Eftaxiadis, seconded by Allgaier, to approve Fishbeck's Work Order #1, Amendment No. 1- Quality Assurance Project Plan as presented. Motion carried 5-0.

Fishbeck Invoice #433685- QAPP Quarterly Update

Motion by Eftaxiadis, seconded by Allgaier, to approve Fishbeck's Invoice in the amount of \$486.48 for preparing and submitting the QAPP Quarterly Update as presented. Motion carried 5-0.

Fishbeck Work Order: Work Order #6, Amendment No. 1- Eligibility and Phase I ESAs

Searles said this is for the four LBA parcels and as mentioned earlier there may be some involvement with Huntington Bank. Fishbeck has been in communication with Stimson and he said that financing has not been secured but is presumed that Huntington Bank will be involved at some point in the redevelopment. This amendment is requesting an additional \$4,000.00 primarily to meet Huntington Bank's requirements of performing a formal environmental lien search, threatened and endangered species review, review of wetland maps, and formal vapor encroachment screening. It is estimated to take an additional two to three weeks to complete.

Eftaxiadis brought up the certainty of a financial institution that may be involved and that the additional requirements may not be grant eligible. He is not in support of the amendment until there are clear requests from the applicant or bank on the required items and determinations from EPA that they are grant eligible. Searles will seek clarification. Allen suggested they table this to get clarification and a formal request.

FINANCIALS

Claims & Accounts - \$10,126.50

*Motion by Allgaier, seconded by King, to approve Claims & Accounts in the amount of \$10,126.50.
Motion carried 5-0.*

Post Audit, Budget Amendments, Transfers- None.

CORRESPONDENCE/COMMUNICATION ITEMS - None.

PUBLIC COMMENT- None.

DIRECTOR COMMENTS- None.

MEMBER / CHAIRPERSON COMMENTS

Allen brought up the amended board rules regarding public comment and will have Myer check into the BRA's bylaws. Eftaxiadis suggested that if they do not have a lot of items to discuss then they should consider consolidating their items to reduce the number of meetings. Searles said there is timing, sequencing, work orders, eligibility and sampling that can be problematic but Fishbeck will comply with what the board chooses. Foster mentioned that most members are on the LBA prior to the BRA meetings.

ADJOURN

Meeting adjourned at 11:14 AM.