



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
BROWNFIELD REDEVELOPMENT AUTHORITY
February 21, 2019 8AM

1. CALL MEETING TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES FROM DECEMBER 19, 2018
4. PUBLIC REMARKS
5. NEW BUSINESS
 - A. Elevation at Okemos Pointe brownfield transfer
 - B. 2019 meeting schedule
6. OLD BUSINESS
 - A. Village of Okemos grant/loan request update
7. PUBLIC REMARKS
8. ADJOURNMENT

Individuals with disabilities requiring auxiliary aids or services should contact:
Principal Planner Peter Menser, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4576 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

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CHARTER TOWNSHIP OF MERIDIAN
BROWNFIELD REDEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES

DRAFT

December 19, 2018
5151 Marsh Road, Okemos, MI 48864-1198
517-853-4560, Town Hall Room, 8:00 A.M.

PRESENT: Chairperson John Scott-Craig, Jade Sims, Jeff Theuer, Ned Jackson, Township Manager Frank Walsh, Joyce Van Coevering, John Matuszak
ABSENT: None
STAFF: Director of Community Planning & Development Mark Kieselbach, Economic Development Director Chris Buck, Principal Planner Peter Menser
OTHER: Township wetland consultant representatives Dave Van Haaren and Dawn Van Hulst from Triterra

1. **Call meeting to order**

Vice-Chair Scott-Craig called the regular meeting to order at 8:00 a.m.

2. **Approval of Agenda**

Director Van Coevering moved to approve the agenda as written.

Supported by Director Jackson.

VOICE VOTE: Motion carried unanimously.

3. **Approval of Minutes**

Director Jackson moved to approve the meeting minutes of September 26, 2018 as written.

Supported by Director Sims.

VOICE VOTE: Motion carried unanimously.

4. **Public Remarks** – None

5. **New Business**

A. Okemos Village grant/loan request

Principal Planner Menser outlined the staff memo and resolution included in the BRA Board meeting packet. Okemos Village developer representative Eric Helzer from Advanced Redevelopment Solutions provided an overview of the project and grant/loan request, including the environmental issues that need to be addressed as part of the development. Michigan Department of Environmental Quality (MDEQ) brownfield coordinator Janet Michaluk explained in detail the MDEQ grant/loan program. BRA Board discussion included the following:

- Overview of the different sections of the project area and identified contamination.
- Shortfall in funding identified by developer, brownfield funding to fill financing gap for spending on eligible activities only.
- Difference between use of brownfield tax increment financing (TIF) for environmental cleanup activities and use of Downtown Development Authority (DDA) TIF funds for infrastructure projects such as parking garage, road work, and utilities.
- Explanation that grant and loan funding will be released to Township for paying back eligible costs expended by developer.

- Review of methods to secure loan by Developer, which could include a bond, certificate of deposit, or letter of credit.
- The grant/loan has been reviewed by the Township's brownfield consultant, who found no issues or potential challenges from the BRA passing the resolution supporting the grant/loan request.
- No payment due on the loan for the first five years of the project.

Director Matuszak moved to approve the resolution of support for the grant and loan request from Village of Okemos, LLC.

Supported by Director Van Coevering.

Director Matuszak offered an amendment to his motion to include the phrase "as established by the Chair of the BRA" to item 3 in the resolution. Township brownfield consultant Dave Van Haaren suggested also adding the phrase "and upon MTBRA approval" to that same item. Director Van Coevering accepted both friendly amendments.

ROLL CALL VOTE: Yeas: 7
 Nays: 0

MOTION APPROVED UNANIMOUSLY

Director Sims inquired about the safety of the current Douglas J building in terms of air quality. She also inquired about the adjacent Masonic Temple building. Eric Helzer from Advanced Redevelopment Solutions noted that testing is occurring regularly in both buildings and that the testing has found no contamination to date.

7. **Old Business**

A. Elevation at Okemos Pointe brownfield transfer update

Principal Planner Menser provided a brief overview of the potential transfer of the brownfield for the Elevation from Ingham County to Meridian Township. The property owner is currently in negotiations with the County on the details of the transfer and hopes to have a conclusion on the request soon. If the County agrees to the transfer the Meridian BRA would provide a recommendation prior to the Township Board considering the request.

8. **Public Remarks** – None

9. **Adjournment**

Director Sims moved to adjourn the meeting at 9:11 a.m.

Supported by Director Van Coevering.

VOICE VOTE: Motion carried unanimously.

Respectfully Submitted,

Peter Menser
Principal Planner



To: Brownfield Redevelopment Authority
From: Peter Menser, Principal Planner
Date: February 14, 2019
Re: Elevation at Okemos Pointe brownfield transfer

The Elevation mixed use project located on the west side of Jolly Oak Road near the Okemos Road/Jolly Road intersection was approved for construction in 2017. As approved, the project consists of 394 dwelling units on 37 acres. Phase 1 of the project (8 buildings) has been completed. The property owner is currently in the process of amending the approved MUPUD to reflect desired changes to the project.

In late 2016 the Township Board granted local approval of a brownfield plan for the project, subject to final approval by the Ingham County Board of Commissioners. The 12 year brownfield plan was capped at \$3,891,103, of which the projected costs of developer eligible activities (including contingency) was limited to \$3,504,759. The maximum capture into the County BRA Local Site Remediation Revolving Fund (LSRRF) was \$86,344. The LSRRF capture will continue to be collected by Ingham County if the brownfield is transferred to Meridian Township.

The property owner for the Elevation project has approached the Meridian Township BRA about transferring the current brownfield from Ingham County to Meridian Township. With the creation of the Meridian BRA, and a new brownfield plan request planned for the property, there may be efficiencies for both the Township and property owner that the current and potential new brownfield plan be administered by the Township.

At its meeting on February 8, 2019 the Ingham County BRA passed a motion to recommend approval of the brownfield transfer. The transfer will next be sent to the Ingham County Board of Commissioners, which should occur at its meeting on March 12, 2019.

A resolution is attached to recommend approval of the brownfield transfer. The resolution authorizes the BRA chairperson to sign the attached transfer agreement. Once a recommendation is made by the BRA, the requested transfer will be scheduled for a future Township Board meeting.

- **Motion to adopt the attached resolutions approving the transfer of the Elevation at Okemos Pointe brownfield from Ingham County to Meridian Township**

Attachments

1. Resolution approving transfer of brownfield
2. Transfer Agreement

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**CHARTER TOWNSHIP OF MERIDIAN
BROWNFIELD REDEVELOPMENT AUTHORITY**

RESOLUTION APPROVING TRANSFER OF REIMBURSEMENT AGREEMENT

At a meeting of the Charter Township of Meridian Brownfield Redevelopment Authority (“MTBRA”) held at held at the Meridian Municipal Building, 5151 Marsh Road, Okemos, Michigan 48864 on February 21, 2019 at 8:00 a.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Ingham County (“County”) recommended approval of the November 1, 2016 Brownfield Plan for the Elevation at Okemos Pointe (“Plan”) to redevelop deteriorating and contaminated properties in the Charter Township of Meridian (“Township”); and

WHEREAS, on December 13, 2016 the County adopted Resolution No. 16-520 approving the Plan; and

WHEREAS, the Plan is currently the only County brownfield project within the Township; and

WHEREAS, in 2017 subsequent to the adoption and approval of the Plan, the Township formed the MTBRA; and

WHEREAS, the Ingham County Brownfield Redevelopment Authority (“ICBRA”) entered into a Brownfield Reimbursement Agreement with Okemos Pointe, LLC consistent with the Plan (“Reimbursement Agreement”); and

WHEREAS, the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, (the “Act”) authorizes the ICBRA and the MTBRA, to make and enter into contracts necessary or incidental to the exercise of their powers and the performance of their duties and may do all other things necessary or convenient to achieve their objectives and purposes (MCL 125.2657); and

WHEREAS, the Intergovernmental Transfers of Functions and Responsibilities Act, PA 8 of 1967 (Ex. Sess.), as amended, authorizes the ICBRA and the MTBRA to transfer functions and responsibilities to one another (MCL 124.532); and

WHEREAS, administration of the Plan and Reimbursement Agreement by the MTBRA is in the mutual interests of the County, the Township, the ICBRA, and the MTBRA.

NOW, THEREFORE, BE IT RESOLVED by the MTBRA Board that:

1. It accepts the relinquishment, delegation and assignment of all the duties and rights of the ICBRA with respect to the Plan and the transfer of the Reimbursement Agreement; and

2. It approves and authorizes the Brownfield Reimbursement Transfer Agreement (“Transfer Agreement”) with the ICBRA; and
3. It authorizes the BRA Chair John Scott-Craig to execute the Transfer Agreement and any other documents or papers necessary to carry out the intent of the Parties; and
4. It accepts the transfer of all tax increment revenues captured under the Plan before the effective date of the Transfer Agreement; and
5. All resolutions or parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

The undersigned Chairperson of the Meridian Township Brownfield Redevelopment Authority Board hereby certifies this to be a true and complete copy of Resolution No. _____, duly adopted at a duly-scheduled meeting of said Board held on the 21st day of February 2019.

MTBRA Board Chairperson

BROWNFIELD REIMBURSEMENT TRANSFER AGREEMENT

This Brownfield Reimbursement Transfer Agreement (the “Agreement”) is entered into by and between the Meridian Township Brownfield Redevelopment Authority, a public body corporate, whose address is 5151 Marsh Rd., Okemos MI 48864 (“MTBRA”), and Ingham County Brownfield Redevelopment Authority, a public body corporate, whose address is _____ (“ICBRA”).

RECITALS:

WHEREAS, Ingham County (“County”) created the ICBRA in September 2001 pursuant to the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, (the “Act”); and

WHEREAS, the County recommended approval of the November 1, 2016 Brownfield Plan for the Elevation at Okemos Pointe (“Plan”) to redevelop deteriorating and contaminated properties in the Charter Township of Meridian (“Township”); and

WHEREAS, on December 13, 2016 the County adopted Resolution No. 16-520 approving the Plan; and

WHEREAS, the Plan is currently the only County brownfield project within the Township; and

WHEREAS, in 2017 subsequent to the adoption and approval of the Plan, the Township formed the MTBRA; and

WHEREAS, the ICBRA entered into a Brownfield Reimbursement Agreement with Okemos Pointe, LLC consistent with the Plan (“Reimbursement Agreement”); and

WHEREAS, the ICBRA and the MTBRA, may make and enter into contracts necessary or incidental to the exercise of their powers and the performance of their duties and may do all other things necessary or convenient to achieve their objectives and purposes (MCL 125.2657); and

WHEREAS, the Intergovernmental Transfers of Functions and Responsibilities Act, PA 8 of 1967 (Ex. Sess.), as amended, authorizes the ICBRA and the MTBRA to transfer functions and responsibilities to one another (MCL 124.532); and

WHEREAS, the Parties agree that administration of the Plan and Reimbursement Agreement by the MTBRA is in the mutual interests of the County, the Township, the ICBRA, and the MTBRA;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. **Definitions.** Unless otherwise specifically indicated in this Agreement, the words and phrases used in this Agreement shall have the definitions attributed to them in the Act.

2. **ICBRA Relinquishment and Assignment.** Only with respect to the Plan in Meridian Township and the Reimbursement Agreement, and as authorized under MCL 125.2657, MCL 124.532, and Paragraph 20 of the Reimbursement Agreement, the ICBRA relinquishes all authority and powers granted to the ICBRA under the Act with respect to the Plan and the Reimbursement Agreement. The ICBRA assigns the Reimbursement Agreement and delegates all duties and assigns all rights, except as set forth in Paragraph 4 below, to the MTBRA under the Act with respect to the Plan and Reimbursement Agreement.
3. **MTBRA Acceptance.** The MTBRA accepts the relinquishment, delegation and assignment of all the duties and rights of the ICBRA under the Act with respect to the Plan and Reimbursement Agreement, except as set forth in Paragraph 4 below. The MTBRA will implement and administer the Plan and the Reimbursement Agreement and exercise the powers of the Authority under the Act with respect to the Plan.
4. **Plan Local Site Remediation Revolving Fund (LSRRF).** The Plan includes capture of incremental local taxes to fund a Local Site Remediation Revolving Fund, which captured amounts are estimated at \$85,344, but shall not exceed 2.5% of the eligible activity amount reimbursed to the Developer. Notwithstanding any Plan amendment, the MTBRA specifically agrees that the actual captured tax increment revenues to fund the LSRRF under the Plan as originally adopted shall be deposited in the County LSRRF. The MTBRA has no right to those LSRRF funds arising out of or in connection with the Plan.
5. **Transfer of Existing Capture.** All tax increment revenues captured under the Plan before the effective date of this Agreement shall be transferred to the Township and the MTBRA. The tax increment revenue amounts received by the MTBRA from the ICBRA shall be held and used as required by the Plan and the Brownfield Reimbursement Agreement.
6. **Miscellaneous.**
 - a. Interpretation. This is the entire agreement between the parties as to its subject. It shall not be amended or modified except in writing signed by the parties.
 - b. Waiver. No delay on the part of any party hereto in the exercise of any right or remedy shall operate as a waiver of such right or any other right; a waiver on any one occasion shall not be construed as a bar to or waiver of any subsequent breach of the same or any other provision of this Agreement on a future occasion.
 - c. Severability. In case any one or more of the provisions contained in this Agreement or any document, instrument or agreement required hereunder should be declared invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein or therein shall not in any way be affected or impaired thereby.
 - d. Governing Law. This Agreement and the rights and obligations of the parties under this Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Michigan.

- e. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be deemed to be an original, but all such counterparts taken together shall constitute but one and the same agreement.

The parties hereby assent and enter into this Agreement by the signatures of their authorized representatives, effective as of the date fully executed by the parties.

MERIDIAN TOWNSHIP BROWNFIELD
REDEVELOPMENT AUTHORITY, a public body
corporate

Dated: _____

By: John Scott-Craig
Its: Chair

INGHAM COUNTY BROWNFIELD REDEVELOPMENT
AUTHORITY, a public body corporate

Dated: _____

By:
Its: Chair

INGHAM COUNTY, a Michigan political subdivision

Dated: _____

By: Bryan Crenshaw
Its: Chairperson, County Board of
Commissioners

By the signature of its authorized agent below, Okemos Pointe, LLC consents to the assignment of the Reimbursement Agreement as set forth in this Agreement.

Dated: _____

By:
Its: Manager / Authorized Agent

APPROVED AS TO FORM, FOR COUNTY OF INGHAM
COHL, STOKER & TOSKEY, P.C.

By: _____
Timothy M. Perrone



To: Brownfield Redevelopment Authority
From: Peter Menser, Principal Planner
Date: February 15, 2019
Re: 2019 Meeting Schedule

Following is the list of proposed Brownfield Redevelopment Authority meeting dates for 2019. One regular meeting is scheduled on the third Thursday of each month. If it is determined that a meeting scheduled for any particular month is unnecessary the BRA can simply cancel the meeting.

PROPOSED 2019 MEETING CALENDAR

February 21

March 21

April 18

May 16

June 20

July 18

August 15

September 19

October 17

November 21

December 19

A resolution is provided to adopt the above meeting schedule.

- **Motion to adopt the resolution approving the 2019 MTBRA Meeting Schedule.**

Attachment

1. Resolution to approve 2019 MTBRA Meeting Schedule.

**Brownfield Redevelopment Authority Meeting Dates
2019 Meeting Schedule**

RESOLUTION

At a regular meeting of the Brownfield Redevelopment Authority of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 21st day of February, 2019 at 8:00 a.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Public Act 267 of the Public Acts of 1976 requires the publication of the meeting schedule of every municipal board at least once a year; and

WHEREAS, the Brownfield Redevelopment Authority desires to announce the time, date, and place of all regular meetings of the Authority, pursuant to the provisions of Act 267 of the Public Act of 1976.

NOW, THEREFORE, BE IT RESOLVED BY THE BROWNFIELD REDEVELOPMENT AUTHORITY OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN as follows:

1. The Brownfield Redevelopment Authority will meet for regular meetings on certain Thursdays, February through December in 2019 in the Town Hall Room of the Meridian Municipal Building, 5151 Marsh Road, Okemos, MI 48864, 517.853.4560.

2. The specific dates for meetings are as follows:

February 21

March 21

April 18

May 16

June 20

July 18

August 15

September 19

October 17

November 21

December 19

