

BROWNFIELD REDEVELOPMENT AUTHORITY

MINUTES

MARCH 16, 2000

The meeting was called to order by chair Robert Swartz, at 3:10 p.m., March 16, 2000.

Roll Call was taken by Doug Smith. All members were present, with the exception of Ken Wheeler.

A motion was made to excuse the absent member, Ken Wheeler. Motion was passed unanimously.

Leon Sowell moved to approve the minutes of February 2, 2000. This was seconded by Victor Lenivov.

Correction: One correction was made to the minutes, which was that Mr. Wilberding's name was spelled incorrectly.

Approval of the minutes: the minutes were approved unanimously.

Old Business:1. Review of the Bylaws:

The bylaws for the Brownfield Redevelopment Authority were reviewed by the Authority members. Suggested amendments were offered by Mr. Lenivov for Article II, sections 3,4,5,6 and 11. Amendments were offered for Article III, section 2 and 7.

Resolution 3.1:

Resolved; the Brownfield Redevelopment Authority adopt the bylaws, as amended. The motion was moved by Victor Lenivov and seconded by Leon Sowell.

Yeas: All.

Resolution 3.2:

Resolution: Resolved; that the Brownfield Redevelopment Authority approved the appointment of Doug Smith as the Secretary/Treasurer for the BRA. This was moved by Victor Lenivov and seconded by Leon Sowell.

Yeas: All.

2. Review of the Brownfield Development Plan for Grand/Sakwa Properties, Inc.:

Mark Jacobs, Attorney for Grand/Sakwa introduced Steve Grand, Principal with Grand/Sakwa and James Reed, Environmental Consultant. Mr. Jacobs reviewed the letter that he sent to the BRA in response to questions raised at the last meeting and a lengthy discussion ensued; focused on proposed allowable costs in the development plan. Some discussion centered on the allowable cost for demolition

and John Martin, Troy City Attorney, indicated that he would provide an opinion to the Authority regarding allowability of demolition costs in this Brownfield plan. In addition, Doug Smith indicated that he would research what other plans had been adopted in this state that have had demolition as an allowed cost. The opinion of Mark Jacobs, John Martin and Doug Smith, were that these are allowable costs, but at the request of Mr. Lenivov, the opinion and research would be conducted. This issue was also to be a factor in the motion and the subsequent approval would be subject to this opinion being in the affirmative.

Resolution 3-3:

It was moved by Arthur Cotsonika and seconded by Leon Sowell, that the Brownfield Redevelopment Authority approve the development plan for Grand/Sakwa and request City Council hold a hearing and recommend its approval subject to the City Attorney's opinion regarding the allowability of demolition costs in this development plan.

The vote on the resolution to adopt the development plan was moved by Leon Sowell and seconded by Gary Lepp.

Yeas: All

Resolution 3-4:

Bruce Wilberding revealed that his law firm had a contract with Gaia-tech, the environmental firm regarding the Grand/Sakwa property, but it was non-environmental issues. After a short discussion, it was the opinion of the board that this was not a conflict of interest and Bruce could participate fully in the vote and discussion.

Victor Lenivov moved and Arthur Cotsonika seconded that the firm's contract with Gaia-tech was not a conflict of interest and Bruce could participate fully in the vote and discussion.

The vote on the resolution to allow Bruce Wilberding to participate fully in the vote and discussion was moved and seconded.

Yeas: All

New Business:

Victor Lenivov asked that, on the next agenda, a revolving loan fund discussion be an item and Doug Smith indicated they would invite someone from the Department of Consumer and Industry Affairs to discuss that issue and other issues. In addition Victor Lenivov asked for models for resolutions for adopting Brownfield Plans and formats for future plans that could be provided to potential interested parties. Mr. Smith indicated that these would be available at the next meeting. The next meeting will be May 18, 2000 at 3:00pm.

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Adjournment was at 5:49 p.m. It was moved by Gary Lepp and seconded by Bruce Wilberding.

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Staff Assignments

1. Draft amended bylaws (John Martin)
2. Issue opinion on "demolition costs" (John Martin)
3. Research other plans that include demolition costs (Doug Smith)
4. Invite state representatives to discuss revolving loan fund (Doug Smith)
5. Provide formats for
 - a) resolutions of adopting of Brownfield Redevelopment options
 - b) Future BRA plans (Doug Smith)

Robert Swartz, Chairman

Doug Smith, Secretary and Treasurer