



Detroit Brownfield Redevelopment Authority
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**DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY
REGULAR BOARD OF DIRECTORS MEETING
WEDNESDAY, FEBRUARY 8, 2017
4:00 PM**

BOARD MEMBERS PRESENT: Maggie DeSantis
Evette Griffie
Pamela McClain
Derrick Sanders
Stephanie Washington
Donele Wilkins

BOARD MEMBERS ABSENT: Mia Grillier
Raymond Scott
Matt Walters

OTHERS PRESENT: Jennifer Kanalos (DEGC/DBRA)
Brian Vosburg (DEGC/DBRA)
Glen Long (DEGC/DBRA)
Elizabeth Brinson (DEGC/DBRA)
Ngozi Nwaesei (Lewis & Munday)
Anne Jamieson (ECT)



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MINUTES OF THE DETROIT BROWNFIELD
REDEVELOPMENT AUTHORITY REGULAR MEETING
WEDNESDAY, FEBRUARY 8, 2017
DETROIT ECONOMIC GROWTH CORPORATION
500 GRISWOLD SUITE 2200 DETROIT, MI - 4:00PM

CALL TO ORDER

Vice Chairperson Maggie DeSantis called the meeting to order at 4:11 PM.

GENERAL

Approval of Minutes

Ms. DeSantis called for a motion approving the minutes of December 14, 2016 as presented. The Board took the following action:

On a motion by Mr. Sanders, seconded by Ms. McClain, DBRA Resolution Code 17-02-02-212 was unanimously approved.

Acceptance of the November 2016 Treasurer's Report

Ms. Brinson presented the November 2016 DBRA Treasurer's Report and Ms. Brinson and Mr. Long answered various questions board members presented.

Ms. DeSantis called for a motion accepting the November 2016 Treasurer's Report.

On a motion by Ms. Wilkins, seconded by Mr. Sanders, DBRA Resolution Code 17-02-03-158 was unanimously approved.

Acceptance of the December 2016 Treasurer's Report

Ms. Brinson presented the December 2016 DBRA Treasurer's Report and Ms. Brinson and Mr. Long answered various questions board members presented.

Ms. DeSantis called for a motion accepting the December 2016 Treasurer's Report.

On a motion by Ms. Griffie, seconded by Mr. Sanders, DBRA Resolution Code 17-02-03-159 was unanimously approved.

ADMINISTRATIVE

DBRA FOIA Procedures

Ms. Navin presented the proposed DBRA FOIA Procedures policy. Ms. Navin explained that similar policies were being presented to the boards of all public authorities that the DEGC has a contract with. The policy is required by state law. If approved, a written summary of the policy in lay terms will be posted on the DBRA website and a copy emailed to the board. Ms. Navin answered various questions board members presented.

Ms. DeSantis called for a motion approving the DBRA FOIA Procedures policy.

On a motion by Ms. Griffie, seconded by Ms. Washington, DBRA Resolution Code 17-02-01-178 was unanimously approved.

PROJECTS

Packard Administration Building Brownfield Redevelopment Plan

Mr. Vosburg presented the history of the project and the assignment agreement before the board. Mr. Vosburg noted the new memorandum handed out to the board which explains that Arte Express Detroit, LLC, the original named development entity, has transferred all of its interest in the eligible property and project to Arte Express Detroit 1, LLC and the resolution and assignment agreement names this new entity.

On December 14, 2016, the Detroit Brownfield Redevelopment Authority (the "DBRA") Board of Directors recommended approval to City Council of the Brownfield Plan for the Packard Administration Building Redevelopment Project (the "Plan") which was subsequently approved by Detroit City Council on January 31, 2017. A requirement for Tax Increment Financing reimbursement pursuant to the Plan is that a Reimbursement Agreement (the "Agreement") be entered into between the DBRA and Arte Express Detroit 1, LLC (the "Developer"). The Agreement has been prepared between the DBRA and the Developer and is presented to the DBRA for review and approval.

Ms. DeSantis called for a motion approving the Reimbursement Agreement for the Packard Administration Building Brownfield Redevelopment Plan.

On a motion by Mr. Sanders, seconded by Ms. Griffie, DBRA Resolution Code 17-02-242-03, was unanimously approved.

Gardenview Estates Sector II Brownfield Redevelopment Plan

Mr. Vosburg presented the background of the Gardenview Estates Sector II Brownfield Redevelopment Plan (the "Plan") and staff's efforts to research and terminate the Plan. The termination resolution before the board due to the fact that the development failed to occur. The DBRA is authorized to recommend termination of the Plans to Council per Section 16(8)(b) of Act 381 of 1996. Terminating the Plans would relieve staff and the City Finance Department from significant administrative burdens for reporting and accounting. Termination would also allow a future development to apply for a new Brownfield Plan for the parcel(s).

Mr. Vosburg stated that he previously worked on the Gardenvue Estates project while an employee of the Detroit Housing Commission (DHC), however this work does not present a conflict of interest because he worked on a different sector, Sector I (rental housing) of the project, the DHC is in agreement with the termination of the Brownfield Plan, and his work at the DHC ended over 2 years ago.

Mr. Vosburg explained that the resolution before the board is asking the board to approve publication of intent to terminate the Plans by City Council in a newspapers of general circulation, recommend termination of the Plans to City Council, and authorizes the DBRA to terminate the Reimbursement Agreement as well as any other agreements or contracts between the DBRA and the developer upon termination of the Plan by City Council.

Board members presented various questions and comments regarding the proposed termination.

Ms. DeSantis called for a motion approving the publication of the recommendation to terminate in a newspaper of general circulation, recommend termination of the Plans to City Council, and approve the termination of the Reimbursement Agreement as well as any other contracts or agreements for the Plan upon approval of the termination by the City of Detroit.

On a motion by Mr. Sanders, seconded by Ms. Griffie, DBRA Resolution Code 17-02-183-04 was unanimously approved.

Fox Creek I Brownfield Redevelopment Plan

Mr. Vosburg presented the background of the Fox Creek I Brownfield Redevelopment Plan (the "Plan") and staff's efforts to research and terminate the Plan. The termination resolution before the board due to the fact that the development failed to occur. The DBRA is authorized to recommend termination of the Plans to Council per Section 16(8)(b) of Act 381 of 1996. Terminating the Plans would relieve staff and the City Finance Department from significant administrative burdens for reporting and accounting. Termination would also allow a future development to apply for a new Brownfield Plan for the parcel(s).

Mr. Vosburg explained that the resolution before the board is asking the board to approve publication of intent to terminate the Plans by City Council in a newspapers of general circulation, recommend termination of the Plans to City Council, and authorizes the DBRA to terminate the Reimbursement Agreement as well as any other agreements or contracts between the DBRA and the developer upon termination of the Plan by City Council.

Board members presented various questions and comments regarding the proposed termination.

Ms. DeSantis called for a motion approving the publication of the recommendation to terminate in a newspaper of general circulation, recommend termination of the Plans to City Council, and approve the termination of the Reimbursement Agreement as well as

any other contracts or agreements for the Plan upon approval of the termination by the City of Detroit.

On a motion by Ms. Griffie, seconded by Ms. McClain, DBRA Resolution Code 17-02-127-04 was unanimously approved.

ADMINISTRATIVE

Detroit/Wayne County Port Authority / DBRA EPA Revolving Loan Fund

Mr. Vosburg presented the background of the Detroit/Wayne County Port Authority / DBRA Revolving Loan Fund (the "EPA RLF") grant as well as the Vernor Apartment & Hotel project proposal which desires to use the EPA RLF funds.

Board members presented various questions and comments regarding the EPA RLF and proposed use of the funds.

Ms. DeSantis called for a motion recommending and supporting the use of the EPA RLF grant for the Vernor Apartment & Hotel project.

On a motion by Ms. Griffie, seconded by Ms. McClain, DBRA Resolution Code 17-02-01-179 was unanimously approved.

OTHER

Ms. Kanalos informed the Board that amendments to Act 381 of 1996 were signed into law by the Governor on January 3, 2017. The amendments will take effect April 3, 2017. Ms. Kanalos stated that the amendments were requested by a broad coalition of State officials and consultants as well as Brownfield Redevelopment Authorities which included DBRA staff. A presentation will be given at a future board meeting regarding the amendments as well as pending new legislation such as the reintroduced Transformative Redevelopment Area amendment.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, Ms. DeSantis called for a motion approving the adjournment of the meeting. On a motion by Ms. McClain, seconded by Ms. Griffie, the board agreed unanimously to adjourn the meeting at 4:56 PM.



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CODE DBRA 17-02-02-212

APPROVAL OF MINUTES DECEMBER 14, 2016

RESOLVED, that the minutes of the regular meeting of December 14, 2017 are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such minutes, are hereby in all respects ratified and approved as actions of the Detroit Brownfield Redevelopment Authority.

February 8, 2017



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DBRA 17-02-03-158

ACCEPTANCE OF TREASURER'S REPORT FOR NOVEMBER 2016

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period November 1 through November 30, 2016, as presented at this meeting is hereby in all respects accepted as actions of the Detroit Brownfield Redevelopment Authority.

February 8, 2017



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DBRA 17-02-03-159

ACCEPTANCE OF TREASURER'S REPORT FOR DECEMBER 2016

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period December 1 through December 31, 2016, as presented at this meeting is hereby in all respects accepted as actions of the Detroit Brownfield Redevelopment Authority.

February 8, 2017



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CODE DBRA 17-02-01-178

FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

WHEREAS, pursuant to 2015 amendments to Michigan's Freedom of Information Act (MCL 15.231 et seq.) ("FOIA"), the DBRA is required to establish procedures and guidelines to implement FOIA (the "Guidelines") and a written public summary of the Guidelines written in a way to be easily understood by the public; and

WHEREAS, staff and counsel have prepared proposed Guidelines which comport to the requirements of FOIA and describe the manner in which the DBRA will comply with FOIA, including but not limited to the acceptance of and response to FOIA requests, fee calculations, deposit requirements, and appeals and challenges; and

WHEREAS, the Board of Directors has reviewed proposed Guidelines attached hereto as **Exhibit A**, has determined that the proposed Guidelines are consistent with the requirements of FOIA and with the intents and purposes of the DBRA.

NOW, THEREFORE, BE IT RESOLVED that the DBRA Board of Directors hereby approves and adopts the Guidelines in the substantial form attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the DBRA Board of Directors hereby authorizes staff and counsel to prepare the written public summary of the Guidelines as required by FOIA.

BE IT FURTHER RESOLVED that the DBRA Board of Directors hereby authorizes any two of its Officers or any two of its Authorized Agents or one Officer and any one Authorized Agent to take any other actions and execute any documents necessary or appropriate to implement the provisions and intent of this resolution.

BE IT FINALLY RESOLVED that all of the acts and transactions of any Officer or Authorized Agent of the DBRA, in the name and on behalf of the DBRA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

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CODE DBRA 17-02-242-03

**PACKARD ADMINISTRATION BUILDING BROWNFIELD REDEVELOPMENT PLAN:
REIMBURSEMENT AGREEMENT**

WHEREAS, on December 14, 2016, the Detroit Brownfield Redevelopment Authority (the "DBRA") Board of Directors adopted a resolution recommending approval by the Detroit City Council of the Brownfield Plan (the "Plan") for a project captioned the Packard Administration Building (the "Project"); and

WHEREAS, on January 31, 2017, the Detroit City Council approved the Plan; and

WHEREAS, a condition to reimbursing the developer for eligible activities under the Plan is that a Reimbursement Agreement (the "Agreement") be entered into between the DBRA and Arte Express Detroit, LLC as developer of the Project; and

WHEREAS, the Agreement has been drafted, approved as to form by DBRA legal counsel; and

WHEREAS, the Board of Directors desires to approve the Agreement and authorize its execution and delivery on behalf of the DBRA; and

NOW THEREFORE, BE IT RESOLVED, by the DBRA Board of Directors as follows:

1. The Agreement, in substantially the form attached to this Resolution as Exhibit A, is hereby approved, with such necessary or desirable modifications additions, deletions or completions as are approved by DBRA legal counsel and the Officers or designated Authorized Agents of the DBRA executing the Agreement.
2. Any two Officers or designated Authorized Agents or one Officer and one designated Authorized Agent of the DBRA are authorized and directed to execute and deliver the Agreement.
3. All resolutions or parts of resolutions or other proceedings in conflict herewith shall be and the same hereby are repealed insofar as such conflict arises.
4. This Resolution shall take effect immediately upon its adoption.

BE IT FINALLY RESOLVED that all of the acts and transactions of any officer or authorized agent of the DBRA, in the name and on behalf of the DBRA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

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CODE DBRA 17-02-183-04

GARDENVIEW ESTATES SECTOR II BROWNFIELD PLAN: RECOMMENDATION TO TERMINATE PLAN

WHEREAS, on October 15, 2009, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") Board of Directors approved the Gardenview Estates Sector II Brownfield Plan (the "Plan") for Gardenview Development Company, LLC. (the "Developer") and recommended its approval to the Detroit City Council; and

WHEREAS, on November 20, 2009 the Detroit City Council approved the Plan; and

WHEREAS, on November 24, 2009 the Mayor of the City of Detroit approved the Plan; and

WHEREAS, on May 19, 2010 the Reimbursement Agreement was entered into for the Plan; and

WHEREAS, Section 16(8)(b) of Act 381 of 1996, as amended, permits a governing body to terminate a brownfield plan or plan amendment if the project for which eligible activities identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 5 years following the date of the resolution approving the brownfield plan or plan amendment; and

WHEREAS, the DBRA has determined that the project identified in the Plan failed to occur within 5 years of the City Council's approval of the Plan; and

WHEREAS, the DBRA has notified the Developer of its intent to terminate the Plan via Certified Mail on January 23, 2017 and the Developer received the mailing (attached as Exhibit A); and

WHEREAS, the DBRA Board of Directors desires to terminate the Plan.

NOW THEREFORE, BE IT RESOLVED, that the DBRA Board of Directors hereby authorizes the publication of a public notice in a newspaper of general circulation providing notification to the public of its recommendation to terminate the Plan; and

BE IT FURTHER RESOLVED, that the DBRA Board of Directors hereby recommends termination of the Plan to the Detroit City Council; and

BE IT FURTHER RESOLVED, that the DBRA Board of Directors hereby authorizes the termination of the Reimbursement Agreement as well as any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan upon termination of the Plan by the City of Detroit; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

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CODE DBRA 17-02-127-04

FOX CREEK I BROWNFIELD PLAN: RECOMMENDATION TO TERMINATE PLAN

WHEREAS, on October 18, 2006, the City of Detroit Brownfield Redevelopment Authority (the "DBRA") Board of Directors approved the Gardenvue Estates Sector II Brownfield Plan (the "Plan") for Gardenvue Development Company, LLC. (the "Developer") and recommended its approval to the Detroit City Council; and

WHEREAS, on November 17, 2006 the Detroit City Council approved the Plan; and

WHEREAS, on December 5, 2006 the Reimbursement Agreement was entered into for the Plan; and

WHEREAS, Section 16(8)(b) of Act 381 of 1996, as amended, permits a governing body to terminate a brownfield plan or plan amendment if the project for which eligible activities identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 5 years following the date of the resolution approving the brownfield plan or plan amendment; and

WHEREAS, the DBRA has determined that the project identified in the Plan failed to occur within 5 years of the City Council's approval of the Plan; and

WHEREAS, the DBRA has notified the Developer of its intent to terminate the Plan via Certified Mail on January 26, 2017 sent to the last two known addresses for the Developer (attached as Exhibit A); and

WHEREAS, the DBRA Board of Directors desires to terminate the Plan.

NOW THEREFORE, BE IT RESOLVED, that the DBRA Board of Directors hereby authorizes the publication of a public notice in a newspaper of general circulation providing notification to the public of its recommendation to terminate the Plan; and

BE IT FURTHER RESOLVED, that the DBRA Board of Directors hereby recommends termination of the Plan to the Detroit City Council; and

BE IT FURTHER RESOLVED, that the DBRA Board of Directors hereby authorizes the termination of the Reimbursement Agreement as well as any other agreements or contracts between the Developer and the DBRA that were executed in conjunction with the Plan upon termination of the Plan by the City of Detroit; and

BE IT FINALLY RESOLVED that any two Officers, or any one of the Officers and any one of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute any and all documents, contracts, or other papers necessary to implement the provisions and intent of this resolution on behalf of the DBRA.

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CODE DBRA 17-02-01-179

**RECOMENDATION OF VERNOR APARTMENT & HOTEL PROJECT FOR THE
DETROIT/WAYNE COUNTY PORT AUTHORITY AND DETROIT BROWNFIELD
REDEVELOPMENT AUTHORITY EPA REVOLVING LOAN FUND PROGRAM**

WHEREAS, the DBRA was created pursuant to Act 381 of the Public Acts of Michigan of 1996 ("Act 381") for the purpose of facilitating the implementation of brownfield plans and promoting the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted or functionally obsolete property within the City of Detroit; and

WHEREAS, the Detroit/Wayne County Port Authority ("DWCPA") was created pursuant to Act 234 of the Public Acts of Michigan of 1925 ("Port Districts Act") and established as a governmental entity in 1978 under the Act 639 of 1978 MCLA 120.101 *et. seq.* ("Michigan Hertel-Law-T. Stopczynski Port Authority Act") for the purpose of improving and enhancing port facilities in Wayne County and Detroit, including the remediation of contamination; and

WHEREAS, the DBRA and DWCPA joined in a Coalition (the "Coalition") and successfully received an EPA Revolving Loan Fund (the "RLF") grant of \$820,000.00 and advertised the availability of the funds and acceptance of applications for the funds; and

WHEREAS, Coalition staff has reviewed the submitted applications and selected and interviewed a finalist for the use of the funds; and

WHEREAS, the Coalition staff recommend the use of the EPA RLF funds for the Vernor Apartments & Hotel project being developed by Broder & Sachse Real Estate Services with terms to be negotiated and finalized by Coalition and DWCPA staff as well as the DWCPA Board of Directors;

NOW THEREFORE BE IT RESOLVED, that Board of Directors of the City of Detroit Brownfield Redevelopment Authority does hereby recommend and support the use of the U.S. Environmental Protection Agency Revolving Loan Fund grant for the Vernor Apartments & Hotel project.

BE IT FINALLY RESOLVED that any Officer, or any of the Authorized Agents of the DBRA, shall hereafter have the authority to negotiate and execute a letter of support and/or recommendation to implement the provisions and intent of this resolution on behalf of the DBRA.

February 8, 2017