

## UNFINISHED BUSINESS

2006-0707

Approval of the Proposed Brownfield Redevelopment Plan for the Hamlin Adams Brownfield Project, Parcel Numbers 15-29-101-022 and 15-29-101-023; Hamlin Adams Properties, LLC, Applicant

**Attachments:** Agenda Summary.pdf; 11-21-06 Strobl & Sharp Air Quality Letter.pdf; 11-20-06 STS Air Monitoring Letter.pdf; 11-21-06 Revised Brownfield Redevelopment Plan.pdf; 111506 Resolution.pdf; 11-09-06 Assessing Memo.pdf; 111506 Agenda Summary.pdf; Public Hearing N

**Mr. Derek Delacourt**, Deputy Director of Planning, noted that Mr. Anderson, the City's Environmental Consultant, provided a letter outlining the City's request for a base line air quality sampling to be done as part of the project as well as a written assertion by the applicant agreeing to that testing. He then discussed the changes to the proposed Brownfield Redevelopment Plan (BRP) resulting from the previous discussion before Council:

- Any issues regarding decisions as to the repayment of interest through tax capture, the revolving fund or the ability of Council to collect 75% of the total Tax Increment Financing (TIF) available will be determined after the initial site investigation to determine the estimated cost of remediation and prior to entering into the Reimbursement Agreement.

- The last sentence of Section 3.12, which referenced any use of revolving fund dollars for the monitoring and maintenance of this specific site, was stricken from the BRP.

**Mr. Delacourt** further noted that the administration had asked that the City negotiate the ability to collect \$75,000 annually as an administrative fee. He acknowledged that this issue had not previously been discussed or considered but requested that it be included in the negotiations of the Reimbursement Agreement. He estimated that a draft Reimbursement Agreement would likely be ready for review by the City Attorney within six to eight months.

**Mr. Hooper** indicated that he was in agreement with all of the changes described by Mr. Delacourt and requested that a seventh condition be added to the resolution before Council requiring that the BRP state that the City will not approve capture of TIF for the repayment of interest.

**Mr. Delacourt** explained to Council that if they were to adopt the resolution with Mr. Hooper's seventh condition the entire BRP would have to be revised to indicate that the City is not willing to consider interest as an eligible activity for reimbursement at any time. He stressed that, unless the BRP were amended, this action would completely eliminate the option to negotiate the issue of interest.

**Mr. John Anderson**, the City's Environmental Consultant, assured Council that the air quality testing he requested would adequately meet the needs of the City and its residents.

**Mr. Yalamanchi** requested a change in the BRP that would clarify that a percentage of annual incremental taxes can either be retained by all taxing jurisdictions or deposited into a revolving fund, or a combination of both of those options.

**City Attorney John Staran** assured Council that the BRP language would be modified to reflect Mr. Yalamanchi's request.

**A motion was made by Hooper, seconded by Raschke, that this matter be Adopted by Resolution.**

Resolved that the Rochester Hills City Council hereby Approves the Brownfield Redevelopment Plan for the Hamlin/Adams Brownfield Project, City File No. 03-013, based on the Plan dated received by the Planning Department on September 11, 2006, as revised November 21, 2006, with the following findings and subject to the following conditions:

Findings:

1. The submitted Plan meets the requirements for a Brownfield Redevelopment Plan under State Act 381 and the City of Rochester Hills.
2. The subject parcels are the site of a former landfill/dump and a source of known contamination within the City.
3. If implemented, the Plan provides a reasonable course of action for the remediation of a known contaminated site.
4. If implemented, the amount, pay back period, and use of tax increment financing (TIF) is reasonable for the eligible activities proposed.

Conditions:

1. That all 381 Work Plans for the site are required to be reviewed and accepted by the City's Brownfield Redevelopment Authority prior to submittal to the Department of Environmental Quality (DEQ).
2. That the applicant and City Council enter into a Reimbursement Agreement prior to the utilization of TIF captured for eligible activities.
3. That a cap regarding the life of the Plan be determined and imposed by City Council and identified in a Reimbursement Agreement to be entered into between the applicant and City Council prior to the utilization of any TIF captured for eligible activities.
4. That if the extent of Due Care activities related to the subject site is altered or revised due to a change to the proposed development plans or proposed use of the site, the applicant shall submit an amended BRA Plan to the Brownfield Redevelopment Authority.
5. That additional air quality testing, as identified in STS Consultants letter dated November 20, 2006, be included in the initial 381 Work Plan prior to submittal to the State.
6. That additional language be added to the Brownfield Redevelopment Plan to indicate that the City reserves the right to make a determination regarding capture of an administration fee of up to \$75,000 per year prior to entering into a Reimbursement Agreement. Revised language is to be reviewed and approved by Staff prior to submittal of the Plan to the DEQ.
7. That the language in the Plan be revised to indicate that the City does not approve the capture of TIF for the repayment of interest for eligible activities, to be reviewed and approved by Staff prior to submission to the DEQ.

The motion carried by the following vote:

**Aye:** Duistermars, Holder, Hooper, Raschke, Rosen and Yalamanchi

**Nay:** Ambrozaitis