

Chairperson Ferrera asked for their hoped for starting date, and Mr. Aragona replied they hoped to start the project in 2004.

Ms. White asked if they had ever built on a contaminated property before? Mr. Aragona replied that they had. Last year they completed a 100,000 square foot Farmer Jack anchored shopping center in the City of Monroe. He mentioned that project was similar in size and scope to the one they were proposing tonight. The project in Monroe was literally built on an old dump and had a number of environmental problems associated with it. He said they gone through that entire process and so were not as afraid of it as they were the first time.

Ms. White asked if they were full as far as tenants were concerned? Mr. Aragona responded that they were not announcing it generally or signing leases yet. They wanted to get past a couple more steps with the City before they got to that point, but said they had a number of interested parties.

Chairperson Ferrera asked if there was anything Staff or Ms. Ferrari wanted to add, and was told not at this time. Since there was no public comment to be heard, he said he would entertain a motion.

MOTION by Mr. Hooper, seconded by Ms. White, in the matter of City File No. 98-047.2 (Holiday Village Brownfield), the Brownfield Redevelopment Authority **APPROVES the BROWNFIELD REDEVELOPMENT PLAN** based on the plan dated received by the Planning Department on August 26, 2003, with the following finding:

FINDING

1. That the submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.

Ayes: All
Nays: None
Absent: Robbins

MOTION CARRIED

4b. **NEW BUSINESS:**
Hamlin/Adams Brownfield Redevelopment, File No. 03-013

Location: The site is at the northeast corner of the intersection of Hamlin and Adams Roads, identified as Parcel Numbers 15-29-101-022 and 15-29-101-023, zoned Single Family Residential (R-2)
Request: Single Business Tax Credit (SBT) and Tax Increment Financing (TIF)
Applicant: Frank Aragona Trust and Tienken Properties LLC
37020 Garfield, Suite T-1
Clinton Twp., Michigan 48036

Chairperson Ferrera asked Mr. Delacourt to give the Board any information from Staff at this time.

Mr. Delacourt said this project showed from one extreme to the other as it was as complicated as any you might see in the City that doesn't involve an enormous amount of property. It is the site of a former landfill and the City is well aware of the contamination on the property. Previously the Department of Environmental Quality (DEQ) had spent millions of dollars attempting to clean the site, but still had to close it up prior to finishing the job. Through their investigation they identified additional contamination well above residential criteria. The site obviously qualifies as a facility.

The applicants are looking at about 19 million dollars in eligible investment and a request for three and a half million dollars in TIF to be paid back over an eight or nine year period. The Brownfield Plan is based on a proposed development that the site is not

zoned or master planned for. Staff has had discussions with the developer, and Mr. Delacourt was sure they could go into great detail about the problems with the zoning district generating enough tax increase to pay back the environmental costs associated with it. Not only that, but there are general problems in putting residential over a contaminated site. They are here asking for both TIF financing and an SBT Credit.

Staff has reviewed the Brownfield Plan, and has found that the Plan itself as submitted, if the conditions attached to it were to be approved, would be acceptable as a Brownfield Plan by the City of Rochester Hills. It also meets the requirements of Act 381. City Staff has recommended that administrative costs of 10 percent be put into the Plan. This would amount to about \$50,000 per year to be paid into the City's Revolving Fund, and would probably extend the pay back period by one year.

The City Assessor has reviewed the Plan and has some minor adjustments he would recommend making to some of the numbers. It is nothing that would change the overall look of the Plan or have any major impact on what the Directors have before them. Staff recommends that these conditions be addressed, reviewed and approved by Staff. If the Board recommends the Plan for approval these conditions should be taken care of prior to the Plan appearing before City Council.

Any zoning issues should be addressed by the Planning Commission and City Council before Final Approval. Mr. Delacourt said it had been a question of which direction to take with the project first. Staff recommended the Applicant start with the Brownfield Board, to put it on record, look at some of the contamination on the site, and determine what a Brownfield Plan would take. This information would go along with any request for rezoning. He explained this is a chance for the Board to voice its opinion on the Plan as well.

Before turning over the meeting to the Applicants, Chairperson Ferrera wanted to clarify that the Board has no authority, no say other than as citizens of the community over the zoning issue on this matter. He advised that the purpose of the Board was to deal with the Brownfield Redevelopment Plan, and told the Applicants and the Board that he would like to stick to that issue. He then asked the Applicants to make their presentation on the development, and more specifically about their Brownfield Redevelopment Plan.

Mr. Kashat began by referencing a drawing of the site, pointing out the east parcel that was historically used as a landfill. He explained the fill consisted of contaminated materials that at one time contained drums and other buried hazardous materials. The DEQ did a response action there to remove the materials, however because the costs were escalating on the project their initial response action was limited to just removing the drums. The contaminated soils remained on the site, as well as other materials that may be encroaching beyond the fenced area.

Mr. Karas asked what was his source of information, and was told by Mr. Kashat it was from State reports. Mr. Karas asked if that State file would be available to the Board? Mr. Delacourt told him that City Staff had the report because the DEQ worked with the City during their clean up efforts. Mr. Kashat said one of the challenges of developing this property was that the DEQ left a lien of close to four million dollars on the property to cover the cost of their removal actions.

Mr. Kashat went on to explain that some other light industrial/commercial activity occurred on the parcels. He said there are no real indications of landfilling or drum burial on the other portions of the site; however historically there was a lot of land scarring from surface removal, as if they were taking off the top six inches of soil. They have some concerns that there could be pockets of drums buried in other areas.

After the DEQ completed their removal actions, other parties did some additional investigation on the parcels to show that the levels there were close to residential. Since then things have remained on hold. The State talked about doing some additional investigation, and the last time they were out there was about a year ago. They did some borings but there has been nothing else planned for clean up.

Because of the investigative work done, the Applicants felt there was enough previous data to provide some reliable numbers. They have been able to put together a pretty good picture that the levels of contamination across the site are well above residential. They have also been able to start estimating costs to meet a residential standard if the Community goal is for it to remain residential. Mr. Kashat told the Board that in the Brownfield Plan they have provided a range of estimated costs. They are looking at three and a half million dollars in terms of a TIF, which is geared more toward commercial development of the site, with the clean up to a commercial standard and investigation to a commercial standard.

Mr. Linton explained there is another cost estimate, which was for unrestricted use. This would entail the complete removal of everything from the site that was above the residential standard, and being able to put anything back on it such as playgrounds and residential development. This cost is estimated at five million dollars.

Mr. Kashat said you could see their interest in moving this site toward a commercial use. It becomes easier in terms of management for reuse, and clean up costs of the site as well. He felt the Brownfield Plan presented an extensive investigation, which is necessary to refine that three and a half million-dollar number. To arrive at that figure they had to make some assumptions. They want to do an investigation, with an estimated cost of between one hundred and one hundred forty thousand dollars for a complete testing of the entire site. Hopefully this will allow them to take that three and a half million-dollar figure down as far as one million dollars. In that case the TIF they are looking at would be for one million instead of three and a half million dollars. The investigative work will give them that information, so the investigation costs are part of the TIF as well. The investigation will focus on levels of contamination at the surface of the fill area, and an area of PCB contamination in the northern central area. There is evidence of suspected buried drums in two areas of the parcel. They want to put in some additional monitoring wells around the property to evaluate groundwater contamination and migration as well. The proposed investigation was generally outlined in another drawing brought by the Applicants. Mr. Kashat referenced the squares that represented the number of surface samples they want to do over the fill area. They want to remove the levels of contamination in the fill area that are above a commercial or industrial standard, those that present an unreasonable risk to the site or occupants. Those places do exist there now in a small area, not over the entire landfill area. They want to do surface sampling to show that the levels of contamination at the surface, or direct contact, are acceptable. Ultimately the goal will be to pave over this area, and remove only the contamination that presents a threat to human health. The question was raised earlier in the meeting about longer term monitoring, and although it was not now part of the plan it very well could be part of the long-term plan to do ground water monitoring. It would depend upon the results of the investigation that they want to complete.

Mr. Kashat indicated areas of the property where they wanted to do soil borings to define the extent of PCB contamination or possible drum disposal. There were also areas where he indicated monitoring wells would be installed to evaluate ground water. He pointed out a striped area where they wanted to do a geophysical survey to make sure there are no further areas of buried drums. There have been a number of test pits dug to make sure that is not the case, but a geophysical survey has not been done. He explained it was basically a big metal detector that would take over the entire area. If there is evidence of metal anomalies they will go in with backhoes and begin to evaluate the potential for buried drums there as well.

Mr. Karas asked the depth of the buried drums. Mr. Kashat responded that they were fairly near the surface, from four feet to six feet.

Chairperson Ferrera restated that the three and a half million dollars they identified in costs was to take it to commercial standards, and it would be a lot more to take it to residential standards. He asked if he was correct that the investigative costs could not be recouped through TIF if they did them now. Mr. Kashat explained that the reason they were here now and had included those costs as part of the plan was because they want to get the plan approved. Then when they do the investigation it is eligible for reimbursement.

Chairperson Ferrera asked if they went out and did it on their own without plan approval they could not apply for reimbursement, and was told he was correct. Also the time they spend now reviewing all the data is not eligible as part of a TIF. Chairperson Ferrera asked if this property was also made up of three parcels like the Tienken Road property. He wanted to know if they found through their investigation that the east parcel qualifies as a facility but the other properties don't, would the law still allow them to combine the properties? Mr. Linton said that the Brownfield Redevelopment Act has a provision that says you can include adjacent and contiguous properties in your Brownfield Plan if they contribute to the overall value of the project, and that certainly would be the case here.

Chairperson Ferrera stated that without the corner piece the property would have a lot less value. He then asked where the City property was located in relation to the Hamlin/Adams site? Mr. Delacourt told him it directly abutted this property to the east. Chairperson Ferrera asked about the situation with the City property, and if there was evidence or concern about contamination there?

Mr. Delacourt stated the DEQ has monitoring wells on the City's piece and has been reviewing the results with the City. So far he did not believe that they had detected any off-site contamination, or if they had it was at very low levels. But it is of concern to the City because it is close to the Clinton River and close to a City Park. Mr. Stevenson reiterated that the Clinton River is very near that property and asked if the DEQ did any testing for contamination migrating to the river? Mr. Delacourt responded that the test wells on the City's piece were located between the Applicant's piece and the river, and so far they have not shown any real concern with contamination on the park site. Mr. Linton added that the DEQ's concern with ground water emanating from this site would be if it exceeded the levels they have established as safe for entry into surface water. They are monitoring to assure contamination that would be hazardous to surface water is not getting there. So far they have not identified an issue with that.

Mr. Stevenson wanted clarification of what they meant when they said there was no contamination at the surface. He asked what the definition of the surface was, two feet, three feet? Mr. Linton replied that generally surface levels were described in distance above sea level, especially when you are doing monitoring wells. The ground surface at the location of a monitoring well would be surveyed to the hundredths of a foot at so many feet above sea level. Then they would calculate where the ground water is under that to give the distance.

Mr. Stevenson asked if there are PCB's or PCT's in the soil but it is not in the ground water, at what depth is it okay to have these contaminates? Mr. Linton responded that the depth was not so much an issue, but what will leach or follow rain water into the ground water. The DEQ has two ways to calculate that. As a rule of thumb you can use 20 times the standard that would be allowed in the ground water, and that is generally what is used. Or you can do an actual test and see how the soils leach. Mr. Kashat added there was also a third part to that in terms of direct contact with the soils at the surface. If there is contamination right at the surface they define the surface as zero to six inches, which is considered a direct contact hazard. In a case where that same level of contamination is a hazard to people, it calls for cap and cover, so that it no longer presents a direct contact hazard. At the point where concentrations are above a direct contact hazard level, and possibly above a volatile emission of soil to ambient air level, a different standard needs to be looked at. Typically when there is contamination above a certain standard a six-inch cap is done. This means you have covered over the issue and eliminated the hazard. Part of the solution on this site would be to do a cap and cover over areas that are above an acceptable standard.

Chairperson Ferrera stated that the biggest matter for the Board is the TIF, and he wanted to be clear on what will happen if they approve the Plan and all the other steps are taken to create the TIF. The monies that this property would generate in property taxes will go to pay the eligible activities, which include the investigation, the environmental due care, and additional construction costs. These costs will be presented by the Developer at the appropriate time and then paid by the City. Chairperson Ferrera asked if his understanding was correct, and Mr. Delacourt said that it was. Chairperson Ferrera asked

which body in the City would actually control the process? Ms. Ferrari replied that the Developer will pay all these costs up front, and the taxpayer at the site, either the Developer or a new purchaser or tenant, the payer of both real and personal property taxes, will generate tax dollars. The Finance Director will cut a check for the Developer each year in the amount of the increment that is generated that year on that site until they are paid back in full

Chairperson Ferrera clarified that the first thing that will happen is that the City will have to establish a separate tax zone for this property, so that any money from property taxes is captured and does not go into the General Fund. Mr. Dawson stated that was correct. Chairperson Ferrera asked if that included all the school and County taxes as well? Ms. Ferrari said if you decide to negotiate with the Developer to capture funds to the Revolving Loan Fund up front, which is that 10% per year Mr. Delacourt mentioned earlier, your tax table would get a bit more complicated. This is because you can't capture school taxes to be deposited into the Local Revolving Fund. Although it is a little more complicated, it is definitely doable. State education tax and local school operating taxes would not be captured.

Chairperson Ferrera stated that earlier it was mentioned that personal property tax would also be captured, so any renters with personal property would pay into the fund. The development goes on for a year or two and bills are presented in a format established by the City, which the City will pay regularly. Does the City pay the Developer, or does it pay the bills directly? Mr. Dawson said the Developer would pay these bills in advance. As the capture comes in over time the City will have an amount of money to draw down. Ms. Ferrari said the Developer would provide invoices or receipts to the City.

Mr. Kashat stated that at the end of the project they would readjust the tax tables to cover the amount of expenses that are eligible to be reimbursed. Chairperson Ferrera asked if they would come only one time to the City for payment, or would it be monthly or quarterly? Ms. Ferrari stated that the Developer would be done with the project in a year or so, much sooner than the life of the plan. Mr. Dawson explained there would be an account to pay reimbursement money. They would investigate the expenditures to be sure they qualified, that they met the Plan requirements and that they are eligible costs. Chairperson Ferrera asked who would be responsible to review this? Mr. Linton stated it was really an accounting exercise. As an accounting practice you would need back up showing what the work was for.

Chairperson Ferrera wanted to know how the City would audit this; how they would know what they were paying was an appropriate cost? Ms. Ferrari said the Developer would provide documentation that they had paid for eligible activities. A document will be prepared called a Work Plan if they are collecting school taxes, and she believed they were. That Work Plan will have more detailed information about what the eligible activities and their costs are. When the invoices come in the City would look at them and compare them to be sure they were in line with what is in the Work Plan. By statute they are not obligated to sign a Redevelopment Agreement because there are no MEGA-related activities here. However it is an option you can choose.

Chairperson Ferrera wanted to clarify what oversight the City needed to perform to be sure what is presented by the Developer is appropriate. Mr. Delacourt replied that the City would require whatever is needed to verify that the monies it is paying out are for eligible activities. Specifically what that documentation will be will depend on each invoice that is presented, what it comes with and what it looks like. He felt very comfortable that the City would not reimburse for something that it can't verify.

Mr. Karas offered if these invoices were not coming daily, they would come in at the end of the completed project to support their claim for three and a half million dollars. It is not a monthly check that the City would have to write. The reimbursement comes from the increased value, and the invoices will have to support and prove the expenses. Mr. Stevenson said the issue they were talking about was accountability, and who is responsible for seeing that it was correct. Mr. Derek answered that City Staff would be responsible.

Mr. Linton added that since they were asking for school tax money the Work Plan would have to go to the Department of Environmental Quality and be approved by them. If they don't think that something is a reasonable cost they will come back at them. Mr. Dawson added that the DEQ has experts who make estimates of what is a reasonable cost.

Chairperson Ferrera explained he did not mean to question their integrity, but this is new to the Board and he felt it was important that the City was doing all that it should be. Mr. Dawson explained that any time there are school funds involved there is increased State scrutiny. Mr. Linton said that he had worked with the State up until a year ago, and that they examined all these things in great detail. Mr. Delacourt added that this was part of the reason they asked for the ten per cent administrative costs. They are asking for \$50,000 to help pay to administer the project throughout its entire course.

Chairperson Ferrera stated that if the Developer spent three and a half million dollars to remediate and clean the property to commercial standards, obviously in a year or two the City would not have three and a half million dollars. He asked if he was correct that the Developer finances that cost, and every year the City pays a portion of that amount based on the amount of taxes that come in. He was told that was right. Chairperson Ferrera said it would be in Mr. Aragona's benefit to get the property developed quickly, the building occupied, and to generate a lot of tax dollars. Then he would recoup that money more quickly. He then asked the Board if they had further questions.

Mr. Walterhouse asked if any repayment would be at the point when there is substantial completion, and was told that was correct. He said then the numbers that they were looking at, when it reaches that taxable value is when the City would begin the reimbursement.

Mr. Dawson gave an example that 2003 is the current year tax roll, which would become the base year they establish the Plan as a Brownfield. By the 2004 assessment year whatever value is there December 31st, if it is greater than the 2003 value, the difference is captured. If you look at the chart, it shows a small amount the first year because there may be no capture. In 2004 or 2005 they may be 80 percent or fully done, you capture whatever is there. You pay out, less the 10 % you hold back, and the rest you capture to pay towards the costs.

Mr. Karas asked if the only source of funds for reimbursement was the increased tax value for that parcel, and Mr. Dawson said that was correct, it relied solely on the tax capture, however long it would take.

Chairperson Ferrera asked if it was correct that if the plan was based on three and a half million dollars but the costs are only two and half million, once the property has generated those two and a half million dollars that's the end of the TIF? Mr. Dawson said unless the City wants to capture funds for the ensuing five years to establish a Revolving Fund. The developer would not get the money but the City would. Mr. Linton explained they could establish a local Site Remediation Revolving Fund to finance other Brownfield projects.

Chairperson Ferrera asked Mr. Aragona to describe the project. Mr. Aragona said they were working to develop a mixed-use development with retail and office. Along Hamlin Road there would be single users like drugstores, theme restaurants, and the like. Behind that there are two buildings with retail on the first floor and office on the second. The type of offices they are envisioning in this first building are those that deal directly with the public, such as mortgage companies, chiropractors, and medical services. The second floor of the second building would be more of a pure office use. In the plan they have provided a great buffer against the residential. They are not building over the excavated area because they are afraid it will not hold footings, or that the cost involved in trying to put footings in that area would be prohibitive. Plus they could cap the area more easily if there were not buildings in the way. The type of project they are envisioning has a lifestyle, downtown kind of feel with a second story look. Even the buildings without a true second story will have a façade-like second story, to give them more of a "downtown" feel. They felt residential would not work on this site. The costs involved could not be recouped with residential development, and even if a residential level clean up was done they are concerned there would still be that "taint" there with consumers

being concerned about residual contamination on the property. Even if it is completely cleaned up, from a marketing sense they will not be able to convince people that it is totally safe. Like power lines, there is no empirical evidence to suggest that they are a health hazard, but there is a common belief out there that they are. As developers they just can't get past that.

Mr. Stevenson suggested that the Board should not be concerned with infrastructure problems such as are the roads getting in and out of the facility and adequate parking. Chairperson Ferrera responded that a Director should not keep quiet on something he wanted to say, but that part of the project is not our role. The Board's role is approving a Brownfield Development Plan, and the SBT and TIF that go with it. It doesn't mean that the Developer is locked into a site plan, which will be deferred to the Planning and Engineering Departments as well as City Council.

Mr. Karas asked if this were part of the SmartZone being worked on with Oakland University? Mr. Delacourt responded that it was not within the defined boundaries of the SmartZone, although it did abut portions of it. Mr. Karas asked if there was a possibility it might be included? Mr. Delacourt responded not for the foreseeable future.

Mr. Dawson said the SmartZone boundaries overlapped those of the Land Development Finance Authority (LDFA), and added that neither of these could capture school taxes.

Mr. Delacourt asked the Applicants if, based on their discussion tonight, they had any opinion or thought about the City requiring them to submit a Reimbursement Agreement as an additional piece prior to action by Council? Because they are the first big plan the City has done, having that additional piece would give the Board a run-through of exactly how the repayment will work. Mr. Delacourt said he had seen such agreements approved in the past; and he could provide them with an example. Basically it is a series of conditions on when bills will be submitted, how the City will be paid back, and what information is required on the submittal of invoices to be paid.

Mr. Linton said it was up to the Developers whether they wanted to provide that Agreement. Mr. Aragona stated it would not be a problem, that they did it for the City of Monroe. Mr. Delacourt said it was a simple document that can be amended if needed, and he thought that after hearing the discussion tonight it would be a good idea. He suggested including the submission and approval of a Reimbursement Agreement by the Brownfield Redevelopment Authority prior to review and action by City Council as a condition. Mr. Delacourt said the Agreement should come back to the BRA for review and approval at a future meeting.

Ms. Ferrari said the BRA did not technically approve the Reimbursement Agreement because it was an agreement between the City and the Developer. Basically the BRA would make a recommendation that the City Council approve it. Although it was not an approval, the Board should review it.

Chairperson Ferrera asked Mr. Delacourt if there was a need to talk about after repayment is made and the Revolving Fund at this point? Mr. Delacourt said they were working now on a condition to address that point.

Chairperson Ferrera asked the applicant the total acreage of the parcels on the site? He was told it was a little over 22 acres. He questioned why that did not match with the Staff Report, and referenced the Site Description that stated the "site consists of two parcels approximately 28 acres in size." After some discussion it was confirmed that this was the correct site description. Chairperson Ferrera said he would be more comfortable if the maps the Applicant had put in their plan reflected the current conditions, because although the maps had a very recent date the roads depicted had changed. He wondered if it would be appropriate to ask the Applicant to correct the documents. Mr. Delacourt said the Assessor had asked for minor changes to the Legal Description, and although those things were not required, the Board could certainly ask for them.

Chairperson Ferrera asked Mr. Dawson if there was anything more he wanted to add to the discussion? Mr. Dawson said that if they wanted to do a five-year fund he could run

the tax tables. Mr. Delacourt said they were putting the language for that in as a condition. Mr. Dawson said one of the comments he had was that typically when you do your cost estimate you do it on the costs, and a lot of time the assessed value is not half of that actual cost. Cost doesn't necessarily equate to market value, especially in commercial development. Typically it is a little bit less, and that is why we said there would be some minor tweaking to our estimate of what the market value of that project would be. The estimate will be slightly less, so instead of a seven year recapture, it might be eight years. He felt it was a minor issue.

Chairperson Ferrera stated that theoretically it could be 30 years if they only develop one or two buildings on the property. It could take a lot longer than seven years. Mr. Linton said it be related to how fast the development is phased in.

Mr. Delacourt said he would recommend the inclusion of one more condition, "All available tax increment revenue be deposited into the City's Local Site Remediation Revolving Fund for a period of five years after the Developer is reimbursed for all eligible activities approved as part of this plan."

Mr. Linton asked if they wanted him to revise the Plan to say that, or have it as part of the motion? Chairperson Ferrera said it would be included as a condition of the motion.

Mr. Dawson asked if the lien on the property was a point that needed to be clarified? Mr. Delacourt answered that is a situation between the current owner of the property and the State. He said action will have to be taken to remove that lien from the property before they can do anything with it. He didn't feel the plan would have to be conditioned on it. Mr. Kashat said that from the Developer's perspective, unless they are assured that lien can be removed the project is not viable.

Mr. Hooper questioned that in the last condition they talked about "after five years," and wanted an explanation of what they were given five years to do.

Mr. Dawson said that it starts at the point in time after the Developer is paid back. You have five years you can capture the tax increment and put it into the Site Remediation Fund to be used for other qualified projects in the community. These could be City landfills, or someone could come in and be funded up front for costs.

Chairperson Ferrera wanted clarification on the meaning of the phrase "all available tax incremental revenue." Mr. Dawson explained it meant from the base value in the year before it starts, then the City captures the current value. Chairperson Ferrera said the base value right now was a couple of thousand dollars. Mr. Dawson suggested they use \$10,000. Chairperson Ferrera hypothesized if the base value after development is \$200,000 in taxes, would the entire \$200,000 for five years, minus the \$10,000 be captured? Ms. Ferrari stated except for the State Education and School Operating Taxes.

Mr. Hooper asked if that would happen in years eleven through sixteen? Mr. Dawson added we pay them off in years seven to twelve, which would be the highest values of the property, to pay this capture. He explained the purposes the money could be used for were restricted to site remediation and qualification. Chairperson Ferrera clarified that it could not go into the General Fund, or be used to pave roads.

Mr. Hooper questioned why the time frame was five years rather than three, ten or twenty? Ms. Ferrari stated it was written in the Statute. Mr. Delacourt said that it was *up to* five years, five being the maximum that was allowed. Until the Developer was paid off the City would get the 10 per cent, after that it would get 100 per cent minus State Education Tax and School Operating Taxes.

Chairperson Ferrera asked if anyone had more questions? Hearing none he suggested he was ready to hear a motion.

MOTION by Mr. Karas, seconded by Mr. Walterhouse, in the matter of City File No. 03-013, Hamlin/Adams Brownfield, the Brownfield Redevelopment Authority
APPROVES the BROWNFIELD REDEVELOPMENT PLAN based on the Plan

dated received by the Planning Department on September 3, 2003, with the following findings and subject to the following conditions:

FINDINGS

1. The submitted plan meets the requirements for a Brownfield Plan under State Act 381 and the City of Rochester Hills.
2. The subject parcels are a site of a former landfill 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 Incremental Financing is reasonable for the eligible activities proposed.

CONDITIONS

1. That the proposed site receives the appropriate rezoning and/or approval(s) by applicable City boards and commissions prior to review and approval of the BRA Plan by City Council.
2. That an administration fee of not less than 10 % be included in the Plan to be deposited into the Local Site Remediation Revolving Fund to be reviewed and approved by City Staff prior to review of the Plan by City Council.
3. That prior to action by City Council, the Applicant revises the Plan based on figures provided by the City Assessor.
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. Submission and approval of a Reimbursement Agreement prior to submittal to City Council for approval of the Brownfield Redevelopment Plan.
6. All available Tax Incremental Revenue be deposited into the City's Local Site Remediation Revolving Fund for a period of five years after the Developer is reimbursed for all eligible activities approved as part of the Brownfield Redevelopment Plan. This plan is to be reviewed and approved by Staff.

Ayes: All
Nays: None
Absent: Robbins

MOTION CARRIED

ANY OTHER BUSINESS:

Chairperson Ferrera asked if there was any other business, or anything that Mr. Delacourt would like to tell the Board? Hearing nothing, he asked Ms. Ferrari, who responded that the Board had done a good job. Mr. Karas asked if the Board would get monthly feedback on the projects. Mr. Delacourt said that he would give that information at the meetings, and the Applicants would have to come back in front of the Board for the Reimbursement Agreement, the Work Plan, and other documents related to the site. In that way the Board will know when it is going forward, as well as hear the feedback when it goes before Planning Commission and City Council as they move ahead with