

A regular meeting of the Leelanau County Brownfield Redevelopment Authority (LCBRA) was held on Tuesday, May 16, 2023 at the Leelanau County Government Center.

CALL TO ORDER

Meeting was called to order at 10:01 a.m. by Chairman who led the Pledge of Allegiance.

ROLL CALL

Members Present: D. Heinz, D. Allen (10:05 am), G. Allgaier, J. Arens, D. King, R. Foster
T. Eftaxiadis

Staff: T. Galla, Director

Public: T. Searles, L. Mawby, Zach Hillyer, J. Stimson

PUBLIC COMMENT – None

DIRECTOR COMMENTS

Galla noted a late agenda item for consideration, and mentioned a scholarship opportunity for the 2023 Brownfield Conference.

CONSIDERATION OF AGENDA

Motion by Eftaxiadis, seconded by Foster, to accept the agenda with the addition of an application from Centerville Township added as New Business #3 item. Motion carried 6-0.

CONFLICT OF INTEREST – None

CONSIDERATION OF APRIL 18, 2023 MINUTES

Motion by Foster, seconded by King, to approve the minutes as presented. Motion carried 6-0.

CONSENT AGENDA

- a. Fishbeck – EPA Assessment Grant
- b. Fishbeck – General Consulting and TIF Management

Motion by Foster, second by Eftaxiadis, to accept the consent agenda as presented. Motion carried 6-0.

OLD BUSINESS – None

NEW BUSINESS

Part I Application – Peninsula Housing – Consider approval and request for Work Orders.

Galla pointed out that she submitted a memo on page 10 of the packet with a recommendation. Larry Mawby was present to review the application and submitted the \$150 application fee. In the past, the LCBRA has waived fees for non-profits or reduced the fee. After hearing from Mawby, the LCBRA could accept the application and direct Fishbeck to work with Mawby to prepare the Work Order and have it come back to the LCBRA ~~you~~ at the next meeting for consideration. There is also an eligibility determination that has to be completed and submitted to EPA to make sure we can use the funds for this project.

(Deb Allen present)

Larry Mawby from Peninsula Housing stated they acquired the property at the end of December 2022 and had a Baseline Environmental Assessment (BEA) done. He would like to take down the buildings but to do that, he needs more assessment work. The BEA indicated arsenic and lead in the soils and lead paint in the house. They don't know about asbestos. Under the EPA grant, they are applying for assistance. He noted they are also applying

for two other grants from other agencies involved with planning and demolition work. They may also be interested in a plan for capture of TIF. He was not clear how the EPA funds could be used for the assessment and planning as this is the beginning of a long process on this site. Mawby asked for the LCBRA to consider this useful project. He also stated that as a non-profit who has to watch the dollars, he was also asking for consideration to waive the application fees, or discount the fees. They will be looking at submitting the Part II Application which does have a fee for other work.

Motion by Allgaier, seconded by Eftaxiadis, to accept the Part I application and waive the application fee of \$150 and request Director Galla and Fishbeck work with Peninsula Housing and bring back a Work Order in June for consideration.

Arens asked what the property was currently zoned and Mawby said Rural Residential, and there is an overlay district to support eight units of housing per acre. The township is in the process to amend the zoning ordinance. The current density is supposed to remain.

Heinz asked if a special land use permit was needed and Mawby replied, yes.

Eftaxiadis remarked that as related to eligibility determination from EPA for purpose of quantifying the property for use of the EPA grant funds, that should not be a problem because there is lead contamination on the property. There is also arsenic which, unlike the state, the EPA does consider arsenic to be a contamination to qualify. For purposes of TIF, if the property remains in the future as owned by a non-profit, then TIF will not work. However, you could make a portion of the development taxable. This way, there is some TIF generated and you can back calculate the eligible expenses, how much TIF you need and then determine how many parcels you end up with that would be taxable.

Mawby stated they are a community land trust (CLT), non-profit. However, property owned by a CLT is taxable. We do pay taxes on what we own because we get income from it. It would work fine for CLT to own property with TIF.

Heinz asked about the arsenic issues and if there will be well water or village water. Mawby said it will probably be a Type I water system that they will install. Arsenic is in all agricultural soils probably throughout the state. There are certain things you don't want to do on those grounds but you can pave it over, build buildings etc. Herman Park was part of this original farm. At the time the township zoned the property the way it is, there was an agreement between the township and the village to provide municipal services to the property. We have been talking with both the township and village. The township is supportive of it and the village is still talking about the sewer. We may be doing onsite sewer and water. It would be nice if it was all part of the village system. The Rural Readiness grant we are applying for, hopefully gives us the site planning we need. We are zoned for 80 units on that parcel. If we do onsite septic and a Type I well, we can fit 80 units on there. It might be more appropriate to annex property to the village. If that happened, we can't say what the density would be. There are pros and cons being annexed to the village. The township is okay with it being annexed and they still get their taxes.

Arens asked where the force main is for the sewer. Mawby said it is a gravity main and terminates at intersection of Herman and County Road 633. Sewer service is not that far away. Water terminates at corner of 4th and Elm St, right in front of the school.

Eftaxiadis requested that when Fishbeck does the assessment to make sure there are enough ground water samples.

On a voice vote, the Motion carried 7-0.

Brownfield 2023 Conference in Detroit

Members discussed attendance at the Brownfield conference in August in Detroit.

Motion by Allgaier, seconded by Foster, to have the following participants attend in whole, or in part, the 2023 Brownfield Conference in Detroit: T. Eftaxiadis, D. Allen and G. Allgaier, with possibility of Galla, and Foster

to attend if they have no conflicts. On a voice vote, the Motion Carried 7-0.

Centerville Application for Assessment Work

Galla reviewed the application and stated it was the result of the Supervisor coming to talk with Allen and herself about this site. They are not sure of contamination issues at this old dump site, if there are problems with the soils or any migration of contamination. As part of the EPA assessment grant, Galla has reached out to all townships and villages to ask for the location of the old dump sites. Some of them had more than one. The township would like to assess the property to determine their next steps, and if they can use it or sell it. It would require a Work Order to come back from Fishbeck for consideration next month.

Motion by Eftaxiadis, seconded by Allen, to accept the application from Centerville Township for assessment of suspected dump site and authorize Fishbeck to work with the township to determine the needs for assessment through the EPA assessment grant, and waive the application fee.

Motion carried 7-0.

FINANCIALS

Claims & Accounts

Motion by Foster, seconded by Arens, to approve Claims & Accounts in the amount of \$6,116.25. Motion carried 7 -0.

Post Audit, Budget Amendments, Transfers - None

CORRESPONDENCE/COMMUNICATION ITEMS - None

PUBLIC COMMENT

Mawby told members to keep up the good work.

DIRECTOR COMMENTS

Galla commented on the payment made to the state for the loan on the Leland site. This is the annual payment made to the state and they contacted Galla asking about the status. It was approved and mailed 2 months ago so they will have to track it down. She also had a discussion with our EPA representative yesterday, questioning our projects. In our application to the EPA and how we were scored, we had identified targeted and priority areas and Galla was informed the project in Leland Township was not in a priority area. Galla acknowledged that with the assistance of Fishbeck, the Work Program that was prepared for EPA after we received the grant award identified priority and non-priority sites throughout the county for our projects. There were a few other things she questioned. We need to be sure we are meeting all of our requirements.

Eftaxiadis asked what else was questioned and Galla stated she ~~was~~ questioned our eligibility determination wording. We used wording that EPA concurred with the state determination on the petroleum site and EPA does not want that wording when the state has to make the eligibility determination.

Galla stated we are doing fine, we just need to be mindful of those sites which may not be in our targeted, priority areas. You may even want to have the wording of the motions handled differently for those sites.

MEMBER / CHAIRPERSON COMMENTS

Heinz asked about open houses and follow-up. Galla replied there were two open houses with relatively small turnout but great questions were raised at each session. There was a gentleman who left early at one of the sessions and Galla contacted him later and pointed out other things we may be able to assist him with on his project. He reached back to Galla and was interested and will follow up in the future. Galla noted a few people contacted her on projects but they don't appear to be ready yet.

Heinz asked about the meetings Allen and Galla were doing with the townships. Galla replied that the Centerville

application today was the result of meeting with the Supervisor. Having these small meetings at the township level is working well. Allen added that they did one round of calling all the townships and will do another round of calling to set up some more discussions.

Eftaxiadis asked if the meetings were with the supervisors and Allen said yes.

Arens commented on the dump sites throughout the county and asked how information would be gathered. Galla emailed all township and village clerks and Supervisors and asked if they could help identify the old dump sites. Some of the information is anecdotal about being on the end of a road or on someone's farm. We also have old aerials that we can access but we need a starting point. It will be good to know where these dump sites are at, even if we don't use EPA funds on the sites.

Arens said it might be wise to bring these up at a county board meeting and see where those sites are actually located. Perhaps this is something Fishbeck can get involved in or use another data source. It seems like it should be a priority for us to check out these old dump sites.

Foster added that many farms had dump sites, things were sprayed and put on the ground and we would not do that today. Farms had dumps back in a corner of their property.

Mawby noted there are a significant amount of private dump sites in this county and most likely won't be identified. One of the nice things of doing conservation easements with the Leelanau Conservancy is those have to be identified and cleaned up before a conservation easement is done. There are lots of them.

Heinz commented on the Elmwood Township former dump that is a block away from where he lives. Before he purchased, he had to get paperwork on that site because of the monitoring wells there to determine where the plume was going. There are over 150 homesites now in that area.

Eftaxiadis asked if we have site inventory task listed in the EPA grant program and Searles replied it is not specifically set up in this grant because we already developed it. We are doing updates to the list.

Eftaxiadis noted that EGLE has databases where they have documented any suspected dump sites. He has not looked at those for the county, but could. We could also consider creating an assignment for Fishbeck to look into that. Also, by looking at state health department site and EGLE, we can look for inventory of either Type I community well or residential wells that have exceeded some contamination - primarily arsenic. Once we look at those and the area around through historical area photos, we would be able to see if there are any suspected dump sites. And, as part of a work task, we could try and find people that may have some information such as old timers, farmers, supervisors, etc.

Arens said in a former life in another area, he was very aware of a road commission that would take their various stuff to the end of a road and dump it off the back of the truck. This was a government entity doing this. Old timers will know of sites.

Eftaxiadis asked about creating some type of list as part of the outreach under the EPA grant. Galla replied that we have taken in some nominations of suspected sites and will turn those over to Fishbeck as we work on updating the inventory list. Eftaxiadis commented on the Act 307 inventory for suspected dump sites. Further discussion was held on potential sites and Galla noted the Super Fund site in Elmwood township. EPA will be cleaning that up for some time.

King requested we look at our policy on fees and determine what we are going to do with waiving fees, or not waiving fees. Galla said she can put that on the agenda for next month for consideration. Years ago, the schedule included language that the LCBRA would consider waiving fees and everyone asked to waive fees so that might not be the answer but the LCBRA can review it next month for potential changes.

ADJOURN - Meeting adjourned at 10:51 am.