

# **CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY**

**Monday July 11, 2022**

**8:00AM Portage**

**City Hall Conference Room 1**

The City of Portage Brownfield Redevelopment Authority meeting of July 11, 2022, was called to order by Chair Barker at 8:04am.

## **In Attendance**

Adam Herringa, Acting City Manager

Elliott Berlin, City Brownfield Attorney

Andrew Falkenberg, Deputy Assessor

Kelly Peterson, Director of Community Development

Biqi Zhao, Deputy Director of Planning and Zoning

## **Introductions**

Introduction of Authority members, staff, applicants, and members of the public in attendance at the meeting were conducted.

## **Roll Call**

Director Peterson called the roll: Chair Barker (yes); Vice Chair Alburtus (excused); Secretary/Treasurer Lenehan (yes); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (yes); Mr. Monroe (unexcused); Mr. Vomastek (excused); Mr. Campbell (yes).

## **Approval of Minutes**

Motion by Mr. Herberg to approve the BRA Meeting Minutes of May 4, 2022. The motion was seconded by Mr. Barker. Motion carried 6-0.

## **New Business**

Attorney Berlin provided a brief overview of the IPUSA Portage, LLC (801 E. Milham) Development Agreement, presented to the Authority for approval following the brownfield plan approval at the May 4, 2022, meeting. Mr. Galin inquired if there were any substantial changes to the project. The applicant's representative Joe Agostinelli confirmed there were none. Mr. Galin moved to approve the development agreement. Mr. Herberg seconded the motion. The Authority voted 6-0 to approve.

Mr. Greg Dobson, representing Tall Timbers Portage LLC (applicant) commenced a presentation on the Tall Timbers brownfield plan submitted to the Authority for review. He provided a brief project history of the collaboration between AVB and Hinman Co. to facilitate Tall Timbers at

3413 W. Centre Ave, which will be a residential-only phase of the existing Greenspire development. Mr. Dobson discussed that the residential project intends to address the City Council's goal of expanding housing availability in Portage, meet a broad range of demographic needs, offers a higher density development with walkable amenities that yields better land use, and will feature key elements including 10% workforce housing units, and LEED Certification that also support the City Council's strategic goals. He detailed some of the residential developments key features and infrastructure in relation to the brownfield application.

The Authority posed several questions about the adjacent state forest land, access management, utilities, green roofs on the top of external garages, property maintenance, site dewatering, and site history. Mr. Lewandowski inquired about the source of contamination. Mr. Dobson noted the presence of arsenic, iron, chromium, and lead and confirmed the source was unknown but could be related to a previous use (homes along W. Centre Ave) that were located as late as 1999. He advised the developer intended to obtain the limits of contamination and if possible, scoop and remove them from the site. Mr. Barker inquired about the accrued \$2.3 million in interest in relation to reimbursable activities. Mr. Dobson confirmed the accrued interest would be related to eligible expenses. Mr. Lenehan inquired about the completion date, which was confirmed by the applicant to be Summer 2024, with a phased approach to bringing the residential towers on line to make units available as expeditiously as possible. Project representative Rich MacDonald (Hinman Co.) discussed the involvement of the Michigan Economic Development Corporation (MEDC) from which the applicant will also be seeking approval of a state brownfield plan and advised that this is one of the first residential-only projects in non-core, non-urban areas in this region that MEDC has expressed a willingness to support.

Mr. Barker inquired about the analyses and impacts to the school millage revenue forgone versus the expected capture from the 180 residential units. Mr. Dobson advised the tax capture doesn't begin until after the 1<sup>st</sup> year. Mr. Galin advised that funding will be returned to the school district, as is standard, on a per pupil basis. Acting City Manager Herringa advised the Authority that the Administration is supporting this project as an exception to the City's current brownfield redevelopment incentive policy (which currently does not allow for residential projects) as it helps meet City goals, that the City is currently developing an updated policy to accommodate a broader set of needs, noting this project sets a high bar for future projects of this nature. He reminded the Authority that they are not only voting for the project, but also supporting an exception to the current policy in the recommendation to Council.

Mr. Galin inquired if it the Authority was within its rights to vote to approve a project outside of the City's current policy. Attorney Berlin confirmed that the current policy is in the process of being amended, but due to the timing of the applicant's state brownfield application timeline and the policy modifications currently underway, the Authority can be asked to make an exception. Mr. Herberg inquired about a potential date for the modified policy. Acting City Manager Herringa advised that it is anticipated a modified policy would be drafted and shared with the City Council this fall. Mr. Herberg wanted to confirm that there were no legal ramifications for violating or making an exception to the stated policy. Attorney Berlin advised that the City's policy is stricter than what the state brownfield law permits. He advised that as long as the

Authority is complying with the law, an exception to the current policy is effectively a temporary amendment to the policy. This is the same result that would occur if City Council moves to approve the project as an exception to the current City policy. Attorney Berlin advised that all brownfield applications are always discretionary to the Authority and Council. Mr. Herberg asked for confirmation that the Michigan state law currently allows brownfield plans for residential projects. Attorney Berlin confirmed that yes, residential projects are currently allowed within the state law.

Mr. Lewandowski made inquiries about the project's LEED certification components and inquired about use of Consumers Energy Rebates. Mr. Dobson described the focus on mechanical and electrical systems, as well as aspects like green roofs and electric charging stations, and confirmed that the applicant will complete the process for LEED Certification and will consider utilizing rebates where applicable. Mr. Lewandoski inquired about future planned phases. Mr. Dobson described a remaining parcel, known as Phase 8 (located on Parcel B in the proposed brownfield application), approved by the Council that is anticipated to have 120 residential units over 30,000 square feet of retail, and parking which may front W. Centre and create additional walkable, mixed-use amenities in a suburban environment. Attorney Berlin provided clarification to the Authority about Parcel A and Parcel B in the submitted brownfield plan, confirming that the current Development Agreement under review by the Authority only applies to Parcel A, which will be the site of Tall Timbers.

Mr. Lewandowski moved to approve the application for Tall Timbers as presented. Acting City Manager reminded the Authority to make a motion with the recommended language in the City's report, detailing that the application is approved as an exception to the current City policy. Mr. Lewandowki made a motion to approve the project using the recommended motion language which was to approve and recommend to City Council the Tall Timbers Portage LLC brownfield application as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, with a condition to execute a mutually agreed upon development or reimbursement agreement. Mr. Herberg seconded the motion. The Authority voted to approve 6-0.

The meeting was adjourned at 9:18am.



Respectfully submitted,

K. Peterson  
Director of Community Development