

Pursuant to Public Act 228 of 2020 and Ingham County Health Department Emergency Order 2020-022, the BRA Board will conduct its November 24, 2020 meeting remotely. To access the remote meeting visit: <https://us02web.zoom.us/j/81449188788?pwd=RjhZV21ZczAvSVpLQWpaWDRnbWRldz09> and enter password 793223, or visit zoom.us (Meeting ID: 814 4918 8788)

**DELHI CHARTER TOWNSHIP BROWNFIELD REDEVELOPMENT AUTHORITY MEETING
Tuesday, November 24, 2020
Immediately Following DDA Board Meeting**

AGENDA

Call to Order

Roll Call

Protocol for Comments from the Public during Virtual Meetings

To ensure the integrity and productiveness of the BRA Board meeting while using virtual/web meetings, the following guidelines will be followed: 1. All participants except the Board will be kept on mute until such time that public comments are appropriate; 2. Comments shall be limited to 90 seconds; 3. To comment on an agenda item during that item, select the “raise hand” feature located on your Zoom screen. The moderator will announce you by name and then unmute you. You will have 90 seconds to speak only on that agenda item before being placed back on mute; 4. General Comments will be limited to the end of the meeting only. To make a general comment, select the “raise hand” feature located on your Zoom screen. The moderator will unmute you when it is your turn to comment. You will have 90 seconds to speak on any DDA related matter before being placed on mute again.

These guidelines are established to ensure virtual meetings run smoothly and without unnecessary interruption. Any participant found to be disruptive or using inappropriate language or material will be removed from the meeting immediately.

Set/Adjust Agenda

Approval of Minutes: Regular Meeting of October 27, 2020

Business

1. Adopt Resolution No. 2020-002: Adopting Fiscal Year 2021 Brownfield Budget
2. Adopt Resolution No. 2020-003: Affirming Prior Actions

Limited Comments

Please see “Protocol for Comments from the Public during Virtual Meetings” at beginning of the Agenda for instructions on how to make a general comment.

Adjournment

**DELHI CHARTER TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY BOARD
MINUTES OF REGULAR MEETING HELD ON OCTOBER 27, 2020**

The Brownfield Redevelopment Authority, pursuant to Public Act 228 of 2020 and Ingham County Health Department Emergency Order 2020-22, conducted its regular Tuesday, October 27, 2020 meeting remotely. Vice Chairperson Fauser called the meeting to order at 7:54 p.m.

MEMBERS PRESENT: Rick Brown, Rita Craig, Tim Fauser, John Hayhoe, Nanette Miller, Sally Rae

MEMBERS ABSENT: Harry Ammon, David Leighton, Steven L. Marvin

OTHERS PRESENT: C. Howard Haas, DDA Executive Director; Lori Underhill, DDA Deputy Director

Delhi Township IT Director, Tristan Knowlton, read the Protocol for Comments from the Public during Virtual Meetings to the audience.

SET/ADJUST AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES

Miller moved, Craig supported, to approve the regular meeting minutes of September 29, 2020.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin

MOTION CARRIED

PUBLIC HEARING

OPEN PUBLIC HEARING – FY 2021 BROWNFIELD BUDGET

Miller moved, Craig supported, to open the Public Hearing for the Fiscal Year 2021 Brownfield Budget.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin

MOTION CARRIED

The Public Hearing was opened at 7:59 p.m.

There were no comments from the public.

CLOSE PUBLIC HEARING – FY 2021 BROWNFIELD BUDGET

Miller moved, Craig supported, to close the Public Hearing for the Fiscal Year 2021 Brownfield Budget.

SUBJECT TO APPROVAL

**DELHI CHARTER TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY BOARD
MINUTES OF REGULAR MEETING HELD ON OCTOBER 27, 2020**

No changes have been made to the budget since the Budget Workshop held on September 8, 2020.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin

MOTION CARRIED

The Public Hearing was closed at 8:00 p.m.

BUSINESS

APPROVE FY 2021 BROWNFIELD BUDGET

Miller moved, Craig supported, to approve the Fiscal Year 2021 Brownfield Redevelopment Authority Budget and its subset, Local Brownfield Revolving Fund, and to submit it to the Township Board of Trustees for approval.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin,

MOTION CARRIED

ADOPT RESOLUTION NO. 2020-001: AMEND BROWNFIELD PLAN #8

Miller moved, Craig supported, to adopt Resolution No. 2020-001, a resolution recommending the amendment of Brownfield Plan #8.

Environmental Attorney Charles Barbieri, Foster, Swift, Collins & Smith, P.C., reviewed the history of Brownfield Plan #8, 2313 Cedar Street, for the Holt Branch of the Michigan State University Federal Credit Union, approved in 2018. A grant from the Michigan Department of Environment, Great Lakes and Energy (EGLE) was awarded to the Brownfield Redevelopment Authority and covered many of the tasks in the Plan. This will allow the original timeline of the Plan to be reduced from 33 years to 13 years, and to reduce the amount to be reimbursed to the developer. Following the adoption of this Resolution, the Township Board of Trustees will hold a Public Hearing on the proposed amendment and adopt the amendment at their December 1, 2020 regular meeting.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin,

MOTION CARRIED

Limited Comments

None.

SUBJECT TO APPROVAL

**DELHI CHARTER TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY BOARD
MINUTES OF REGULAR MEETING HELD ON OCTOBER 27, 2020**

ADJOURNMENT

Craig moved, Miller supported, to adjourn the meeting.

A Roll Call Vote was recorded as follows:

Ayes: Brown, Craig, Fauser, Hayhoe, Miller, Rae

Absent: Ammon, Leighton, Marvin,

MOTION CARRIED

The meeting was adjourned at 8:07 p.m.

Nanette Miller, Secretary

/lau

SUBJECT TO APPROVAL



**DELHI CHARTER TOWNSHIP
DOWNTOWN DEVELOPMENT AUTHORITY**

4410 HOLT ROAD, HOLT, MI 48842
TELEPHONE (517) 699-3866
FACSIMILE (517) 699-3878
www.delhidda.com

Date: November 18, 2020

To: Delhi Township Brownfield Redevelopment Authority Board

From: C. Howard Haas, Executive Director

Re: Adoption of Fiscal Year 2021 Budget

The Fiscal Year 2021 Budget for the Brownfield Redevelopment Authority and its subset, Local Brownfield Revolving Fund, has been prepared and its initial review took place at our regular September meeting. This budget was subsequently submitted to the Delhi Township Board of Trustees for a budget workshop held on September 8, 2020. A public hearing was held October 27th and the budget was submitted to the Township for approval. The Township approved the budget on November 17, 2020. Therefore, I offer the following recommended motion:

RECOMMENDED MOTION:

I move to adopt Resolution No. 2020-002, a resolution adopting the Fiscal Year ending December 31, 2021 Delhi Charter Township Brownfield Redevelopment Authority Budget and its subset, Local Brownfield Revolving Fund.

DELHI CHARTER TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY
RESOLUTION NO. 2020-002
ADOPTING THE FISCAL YEAR ENDING DECEMBER 31, 2021
BROWNFIELD REDEVELOPMENT AUTHORITY BUDGET AND ITS
SUBSET, LOCAL BROWNFIELD REVOLVING FUND

At a regular meeting of the Brownfield Redevelopment Authority Board of the Charter Township of Delhi, Ingham County, held remotely on Tuesday, November 27, 2020, at 7:30 p.m.

PRESENT:

ABSENT:

The following resolution was offered by _____ and supported by _____:

WHEREAS, Delhi Township Resolution No. 2001-167 established the Brownfield Redevelopment Authority pursuant to Act 381, Public Acts of Michigan, 1996; and

WHEREAS, the Uniform Budgeting and Accounting Act (Michigan Public Act 2 of 1968, as amended) requires, among other things:

- A. That the Authority shall prepare and approve a budget for the operation of the Authority
- B. That the responsibility for the budget be designated
- C. That the budget includes revenue (by source) and expenditures (by budgetary centers) for the most recently completed fiscal year, estimated revenues and expenditures for the current fiscal year, and estimated revenues and expenditures for the ensuing fiscal year; and
- D. That the budget include amounts of surplus or deficit that have accumulated from prior years, current year, and estimated surplus or deficits for the budget year; and
- E. That the Township pass a general appropriations act for all funds except trust or agency, internal service, enterprise, debt service, or capital project funds;

WHEREAS, the Brownfield Redevelopment Authority Director submitted its proposed budget on September 1, 2020 and discussed the Budget at the Township Budget Workshop held on September 8, 2020; and

WHEREAS, the Brownfield Redevelopment Authority Board made a motion at its regular meeting held October 27, 2020 to submit the 2021 proposed budget attached hereto as Exhibits A and B to the Township Board for approval; and

WHEREAS, the Delhi Charter Township Board of Trustees approved the FY 2021 Brownfield Redevelopment Authority Budget on November 17, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BROWNFIELD REDEVELOPMENT AUTHORITY BOARD OF THE CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, as follows:

1. The Brownfield Redevelopment Authority Board adopts the FY 2021 Brownfield Redevelopment

Authority Budget and its subset, Local Brownfield Revolving Fund, as itemized in the attached Exhibits A and B.

2. This approval is for an "Activity" budget, and approval is made based on the total of the line items in each budget activity.
3. This budget shall be finally adopted by the Brownfield Redevelopment Authority Board in accordance with the provisions of Michigan Public Act 2 of 1968, as amended, which requires an appropriations act adopting budgets for all Special Revenue Funds and requiring that responsibility for the budget be designated;
4. The following of accumulated surpluses is approved as outlined in Exhibits A and B:

<u>BROWNFIELD REDEVELOPMENT AUTHORITY</u>		
12-31-20	Fund Balance	\$ 36,700
2021	Projected Revenue	385,870
2021	Projected Expenditures	<u>(379,000)</u>
12-31-21	Projected Fund Balance	\$ 43,570

<u>LOCAL BROWNFIELD REVOLVING FUND</u>		
12-31-20	Projected Fund Balance	\$ 134,649
2021	Projected Revenue	0
2021	Projected Expenditures	<u>(35,270)</u>
12-31-21	Projected Fund Balance	\$ 99,379

5. The Township shall approve subsequent amendments to this budget made by the Brownfield Redevelopment Authority Board that make a net increase or decrease in 2021 Estimated Use of Fund Balance. All other amendments made by the Brownfield Redevelopment Authority Board and budget transfers made by the Authority's Director shall be promptly reported to the Township Accounting Department.

AYES:

NAYS:

ABSENT:

RESOLUTION DECLARED ADOPTED: 11/27/20

Nanette Miller, Brownfield Redevelopment Authority Secretary

BROWNFIELD FUND SUMMARY

	2019 Actual	2020 Budget	2020 Projected	2021 Budget	2022 Forecast	2023 Forecast
Revenues						
Taxes	<u>\$ 247,878</u>	<u>\$ 376,070</u>	<u>\$ 376,900</u>	<u>\$ 385,870</u>	<u>\$ 393,590</u>	<u>\$ 401,460</u>
Total Revenue	247,878	376,070	376,900	385,870	393,590	401,460
Expenditures						
Community and Economic Dev						
Brownfield-Administration	8,706	20,320	20,270	20,270	20,270	20,280
Remediation	<u>220,198</u>	<u>352,160</u>	<u>350,050</u>	<u>358,730</u>	<u>366,440</u>	<u>374,290</u>
Total Expenditures	228,904	372,480	370,320	379,000	386,710	394,570
Revenues over (under) expenditures	18,974	3,590	6,580	6,870	6,880	6,890
Fund Balance, Beginning	<u>11,146</u>	<u>30,120</u>	<u>30,120</u>	<u>36,700</u>	<u>43,570</u>	<u>50,450</u>
Fund Balance, Ending	<u>\$ 30,120</u>	<u>\$ 33,710</u>	<u>\$ 36,700</u>	<u>\$ 43,570</u>	<u>\$ 50,450</u>	<u>\$ 57,340</u>

LOCAL BROWNFIELD REVOLVING FUND SUMMARY

	2019 Actual	2020 Budget	2020 Projected	2021 Budget	2022 Forecast	2023 Forecast
Revenues						
Taxes	\$ 4,237	\$ -		\$ -		
Other Revenue	<u>55,129</u>	<u>390,000</u>	<u>390,000</u>			
Total Revenue	59,366	390,000	390,000	-	-	-
Expenditures						
Community and Economic Developmt						
Administration	13,469	50,330	35,270	15,270	10,270	10,270
Remediation	<u>98,596</u>	<u>380,000</u>	<u>380,000</u>	<u>20,000</u>	<u>10,000</u>	<u>10,000</u>
Total Expenditures	112,065	430,330	415,270	35,270	20,270	20,270
Revenues over (under) expenditures	(52,699)	(40,330)	(25,270)	(35,270)	(20,270)	(20,270)
Fund Balance, Beginning	<u>212,618</u>	<u>159,919</u>	<u>159,919</u>	<u>134,649</u>	<u>99,379</u>	<u>79,109</u>
Fund Balance, Ending	<u>\$ 159,919</u>	<u>\$ 119,589</u>	<u>\$ 134,649</u>	<u>\$ 99,379</u>	<u>\$ 79,109</u>	<u>\$ 58,839</u>



**DELHI CHARTER TOWNSHIP
BROWNFIELD REDEVELOPMENT AUTHORITY**

4410 HOLT ROAD, HOLT, MI 48842

TELEPHONE (517) 699-3866

FACSIMILE (517) 699-3878

www.delhidda.com

Date: November 19, 2020

To: Delhi Township BRA Board of Directors

From: C. Howard Haas, Executive Director

Re: Remote Meetings – Resolution Affirming Prior Actions

Attached please find Resolution No. 2020-003. Township legal counsel recommends that the BRA Board adopt this resolution which affirms the actions taken by the Board at remote meetings conducted between April and October of 2020. As you are all aware, the Michigan Supreme Court overturned the Governor's Executive Orders. One of the orders authorized the use of remote meetings for conducting official meetings of public bodies. Adopting the attached resolution will affirm that the actions taken remain in effect should there ever be a challenge as a result of the Michigan Supreme Court's decision. Therefore, I offer the following recommended motion:

RECOMMENDED MOTION:

I move to adopt Resolution No. 2020-003, a resolution affirming decisions made during telephone or video-conferencing Board meetings and other meetings held between April 1, 2020 and October 31, 2020.

**DELHI CHARTER TOWNSHIP BROWNFIELD REDEVELOPMENT AUTHORITY
INGHAM COUNTY, MICHIGAN
RESOLUTION AFFIRMING DECISIONS MADE DURING TELEPHONE OR
VIDEO-CONFERENCING FOR BROWNFIELD BOARD MEETINGS**

RESOLUTION No. 2020-003

A regular meeting of the Board (the "Board") of the Delhi Brownfield Redevelopment Authority was held remotely in the Township, on the 24th day of November, 2020, at 7:30 p.m.

Present:

Absent:

The following preamble and resolution were offered by _____ and supported by _____:

WHEREAS, on March 10, 2020, Governor Whitmer, acting under the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, PA 302, as amended (EPGA), MCL 10.31 et seq., declared a state of emergency across the State of Michigan as a result of the COVID-19 outbreak; and

WHEREAS, Governor Whitmer, in 2020, issued several Executive Orders to allow for remote meetings of public bodies. To the extent that the Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public, the Executive Orders temporarily suspended such requirement and gave local units of government, its councils, boards, commissions, committees, subcommittees, and authorities, the ability to use telephone or video-conferencing methods to conduct meetings and conduct public business during the COVID-19 emergency and the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and while ensuring the public has access to join the meetings; and

WHEREAS, to comply with the Governor's Executive Orders restricting in-person gatherings, the Brownfield Redevelopment Authority Board conducted public meetings via telephone or video-conferencing and authorized and approved Board actions per the following list of actions for the timeframe September 29, 2020 to October 27, 2020; and

WHEREAS, the Michigan Supreme Court issued an opinion in the case of *Midwest Inst of Health, PLLC v Governor of Michigan (In re Certified Questions from the United States Dist Court)* No 161492, ___ Mich ___, ___ NW2d ___ (Oct 2, 2020), holding that the Governor did not have the authority under the Emergency Management Act of 1976 (EMA), MCL 30.401 et seq., to declare a "state of emergency" or "state of disaster" based on COVID-19 after April 30, 2020.

THEREFORE, BE IT RESOLVED, that a physical quorum of Brownfield Redevelopment Authority Board is present; and

BE IT FURTHER RESOLVED THAT:

1. The Brownfield Redevelopment Authority Board affirms and ratifies all of the public body actions that were previously authorized and/or approved via telephone or video-

conferencing during the timeframe of September 29, 2020 to October 27, 2020, are ratified by the physical quorum of the Brownfield Redevelopment Authority Board without any change of each member's individual vote at the meetings.

2. Minutes of the following of the following Public Meetings are kept on file and available for review. This Resolution does not amend or change the actions of the prior Brownfield Redevelopment Authority Board Meetings.

September 29, 2020
October 27, 2020

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Ayes:

Nays:

Absent:

Resolution declared adopted.

Nanette Miller, Secretary

The undersigned duly qualified and acting Secretary of the Board of the Delhi Charter Township Brownfield Redevelopment Authority, Charter Township of Delhi, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a regular meeting held November 24, 2020, the original of which is a part of the Board's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

Nanette Miller, Secretary