

**Brownfield Redevelopment Authority  
MINUTES  
City Commission Room of the Municipal Building  
151 Martin Street, Birmingham, Michigan**

**Wednesday, June 22, 2018  
8:30 a.m.**

1. Chairperson Beth Gotthelf welcomed everyone and convened the meeting at 8:30 a.m.

Members Present: Chairperson Beth Gotthelf  
Harry Awdey  
Dani Torcolacci  
Wendy Zabriskie

Member Absent: Robert Runco

Also Present: Jane Awdish, Beier Howlett

Administration: Jana Ecker, Planning Director  
Mark Gerber, Finance Director  
Jeffrey Haynes, Beier Howlett, City Attorney  
Carole Salutes, Recording Secretary  
Joseph Valentine, City Manager

The Brownfield Authority members welcomed Mr. Awdey and introduced themselves to him.

2. Approval of July 12, 2017 Minutes

**Motion by Ms. Torcolacci  
Seconded by Chairperson Gotthelf to approve the July 12, 2017 minutes as presented.**

**Voice**

**Vote: Yeas, 3  
Nays, 0  
Abstain: 1 (Zabriskie)  
Absent, 1**

**Motion carried, 3-0.**

3. Discussion of Collateral Assignment for 856 N. Old Woodward Ave.

Request for consent of the City to assignment of the developer's reimbursements from the tax increment financing for this parcel to Chemical Bank.

Ms. Zabriskie recused herself from this discussion because her law firm and she personally are involved in the financing of the project to be discussed.

Ms. Ecker advised that the City Attorney has reviewed the agreement, and provided a letter recommending approval by the City of the requested assignment.

Mr. Haynes gave an overview of the request. He advised that Mr. Frank Simon, the developer, contacted him about the proposed assignment of the Reimbursement Agreement proceeds to his bank and asked that the City consent to it. Under the Reimbursement Agreement the developer could assign his rights to the reimbursement to his bank without the City's consent; however he wanted the City's consent.

Mr. Haynes said that he then inserted that the City doesn't waive any rights against Mr. Simon by virtue of its consent. With those changes, the document was acceptable to him.

Chairperson Gotthelf indicated that she looked at it as well, and thought that it was very comprehensive.

**Motion by Ms. Torcolacci**

**Seconded by Mr. Awdey to recommend that the City Commission approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward Ave. to Chemical Bank.**

**Voice**

**Vote: Yeas, 3  
Nays, 0  
Recused, 1 (Zabriskie)  
Absent, 1 (Runco)**

**Motion carried, 3-0.**

4. Project Updates

Ms. Ecker informed the Authority members about new developments that are coming through:

- N. Old Woodward Ave., Peabody development;
- 469-479 S. Old Woodward Ave., Former Mountain King and Talmer Bank site that has some environmental contamination. They are requesting a rezoning to D-5, Community Impact Study, and Preliminary Site Plan Review which would allow them to go up in height if approved.
- NW corner of Woodward Ave. and Maple Rd., Hilton site. A five-story, mixed-use building is proposed.

5. Request to meet **in closed session** under section 8 (h) of the Open Meetings Act MCL 15.268 (h) to consider material exempt from disclosure under section 13 (l) (g) of the Freedom of Information Act, MCL 15.243 (l) (g) information subject to the attorney-client privilege.

**Motion by Mr. Awdey**

**Seconded by Ms. Zabriskie to meet in closed session at 8:47 a.m.**

**Rollcall**

**Vote: Yeas, 4  
Nays, 0  
Absent, 1 (Runco)**

**Motion carried, 4-0.**

**The closed session ended at 9:16 a.m.**

**Motion by Ms. Zabriskie**

**Seconded by Ms. Torcolacci that this Authority recommend to the City Commission to authorize Counsel to re-open the bankruptcy case of 2400 Lincoln, LLC to address the legal issue of whether that entity has standing to make a claim for reimbursement under our Reimbursement Agreement.**

**Rollcall**

**Vote: Yeas, 4  
Nays, 0  
Absent, 1 (Runco)**

**Motion carried, 4-0.**

6. Open to the public for items not on the Agenda (no public available)

7. Adjournment

No further business being evident, the board passed a motion to adjourn at 9:20 a.m.

Respectfully submitted,

Carole Salutes  
Recording Secretary