



South Bend

# Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

## SOUTH BEND REDEVELOPMENT COMMISSION REGULAR MEETING

April 27, 2017

9:30 a.m.

Presiding: Marcia Jones, President

227 West Jefferson Boulevard

South Bend, Indiana

The meeting was called to order at 9:30 a.m.

### 1. ROLL CALL

Members Present:

Marcia Jones, President  
Don Inks, Secretary  
Gavin Ferlic, Commissioner  
Kintae Lark, Commissioner

Members Absent:

Dave Varner, Vice-President  
John Anella, Commissioner

Legal Counsel:

Benjamin Dougherty, Esq.

Redevelopment Staff:

David Relos, Associate  
Mary Brazinsky, Recording Secretary

Others Present:

Austin Gammage	DCI
James Mueller	DCI
Chris Dressel	DCI
Rich Estes	DCI
Mark Peterson	WNDU
Eric Watson	WNDU
Erin Blasko	South Bend Tribune
Conrad Damian	718 E Broadway
Aaron Perri	Venues Parks & Arts
Dan O'Connor	Innovation Technology
Mo Miller	Hayes Towers

**2. Approval of Minutes**

**A. Approval of Minutes of the Regular Meeting of Thursday, April 13, 2017**

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, April 13, 2017.

**3. Approval of Claims**

**A. Claims Submitted April 27, 2017**

	Claims submitted	Explanation of Project	Items added after Agenda Distributed
<b>REDEVELOPMENT COMMISSION</b>			
Redevelopment Commission Claims April 27, 2017 for ratified and approval			
<b>324 RIVER WEST DEVELOPMENT AREA</b>			
Abonmarche	23,880.00	Western Ave & Olive St Intersection Improvements	
Hull Associates, Inc.	12,542.42	General Consulting Groundwater & Monitoring Oliver Ind Pk/GW Assess Ign Pk	
Jones Petrie rafinski	530.00	Coveleski Utility Relocation	
DLZ Indiana LLC	3,950.00	SB Sample/Sheridan	
HRP Construction Co.	30,843.75	Berlin Place Site Development	
Abonmarche	1,000.00	Survey	
City of South Bend		Legal Services	18,875.00
<b>429 FUND RIVER EAST DEVELOPMENT TIE</b>			
Walsh & Kelly Inc.	425,397.72	East Bank Sewer Separation - Phase V	
<b>433 FUND SOUTH SIDE AREA #1</b>			
Faegre Baker Daniels	816.42	Legal Services	
<b>Total</b>	<b>498,960.31</b>		<b>18,875.00</b>
Total Of Both Columns	517,835.31		

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved the claims submitted on Thursday, April 27, 2017.

**4. Old Business**

None

**5. New Business**

**A. River West Development Area**

**1. Resolution No. 3391 (Disposition Offering Price: Burke Building)**

David Relos presented Resolution No. 3391 (Disposition Offering Price: Burke Building). This is the property at 1019 S. Michigan Street on the corner of Michigan and Garst, and includes three vacant lots at 913 – 1001 S. Michigan Street. The properties were transferred to the Redevelopment Commission from the UEA, which was approved approximately one month ago. Resolution No. 3391 sets the disposition offering price which is the average appraised value for these parcels.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3391 submitted on April 27, 2017.

**2. Approval of Bid Specifications (Burke Building)**

David Relos presented Approval of Bid Specifications (Burke Building at 1019 S. Michigan Street and three vacant lots at 913-1001 S. Michigan Street). The Bid Specifications outline the uses and development requirements that will be considered for this site.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Approval of Bid Specifications (Burke Building) submitted on April 27, 2017.

**3. Request to Advertise (Burke Building)**

David Relos presented Request to Advertise (Burke Building at 1019 S. Michigan Street and three vacant lots at 913-1001 S. Michigan Street). This disposition property will be advertised in both the South Bend Tribune and the Tri-County News on May 5 and May 12, 2017.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Request to Advertise (Burke Building) submitted on April 27, 2017.

**4. Resource Center Matching Funds**

Dan O'Connor presented Resource Center Matching Funds. The matching funds request will be dependent on the IDEC, who is preparing letters of support for the city's grant application which is due in June. The final amount of grant approval will come after the application is approved. The city hopes to attract many new businesses based on the new economic growth that will come from these new exciting projects, which it is expected will bring many high paying jobs to South Bend.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Resource Center Matching Funds submitted on April 27, 2017.

**5. First Amendment to Temporary Use and Management Agreement (DTSB)**

Aaron Perri presented the First Amendment to Temporary Use and Management Agreement (DTSB). This is to service City owned surface parking lots in downtown. The maintenance portion of the responsibility has been removed from the agreement. The Ambassador program with DTSB via their agreement with Block by Block was consolidated and the maintenance will be handled separately to make it more manageable and to save on fees.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved First Amendment to Temporary Use and Management Agreement (DTSB) submitted on April 27, 2017.

**6. Sixth Amendment to Operation Maintenance and Easement Agreement (Doubletree Hotel/AEP III Corp)**

Benjamin Dougherty presented the Sixth Amendment to Operation Maintenance and Easement Agreement. This relates to the sale of the Doubletree Hotel. Mr. Dougherty has been in touch with several legal counsels regarding this Amendment. This Amendment does give the Commission any maintenance or operational responsibilities. Currently ownership of the garage structure to the owner of the office building and the hotel side of the complex occurs in 2041. The Commission will own the parking garage structure but will have no maintenance obligations. In essence this changes the name of the current owner to the new owner.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Sixth Amendment to Operation Maintenance and Easement Agreement (Doubletree Hotel/AEP III Corp) submitted on April 27, 2017.

**7. Operation, Maintenance and Easement Agreement Estoppel**

Benjamin Dougherty presented the Operation, Maintenance and Easement Agreement Estoppel. The Estoppel Certificate enforces the agreement between the current owner and the seller of the property and all parties are continuing their obligations under it. It is requested that administrative staff be able to sign the Estoppel Agreement under Resolution No. 3373 adopted by the Commission January 12, 2017 when it is ready to be signed.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved that staff proceed with the Operation, Maintenance and Easement Agreement Estoppel under the Administration Act authorized by Resolution No. 3373 adopted on January 12, 2017, once Legal has approved the Estoppel's final form, submitted on April 27, 2017.

**8. Second Amendment to Construction, Easement, Restriction and Operating Agreement**

Benjamin Dougherty presented the Second Amendment to Construction, Easement, Restriction and Operating Agreement. This is for the walkway between Doubletree and Century Center. The Century Center and Hotel both have maintenance responsibilities. The Commission has no specific maintenance obligations but will continue to be a party to the Operating Agreement. This is in essence changes the current owner of the Hotel to the new owner.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved the Second Amendment to

Construction, Easement, Restriction and Operating Agreement submitted on April 27, 2017.

**9. Construction, Easement, Restriction and Operating Agreement Estoppel**

Benjamin Dougherty presented the Construction, Easement, Restriction and Operating Agreement Estoppel. The Estoppel Certificate enforces the agreement between the current owner and the seller of the property and all parties are continuing their obligations under it. It is requested that administrative staff be able to sign the Estoppel Agreement under Resolution No. 3373 adopted by the Commission January 12, 2017 when it is ready to be signed..

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**B. River East Development Area**

**1. Resolution No. 3390 (South Bend Eddy Street Major Moves)**

Benjamin Dougherty presented Resolution No. 3390 (South Bend Eddy Street Major Moves). The function of this Resolution is to update the Major Moves loan for the Eddy Street Commons and Triangle, which is a separate funding source that went into the project separate from the bond issuance in 2008. The original Resolution stated the Major Moves loan would be treated junior to the bond repayment so the bond owners could be sure to be paid first out of the TIF revenues generated by the project. This Resolution acknowledges that a second set of bonds will be issued, and the Major Moves payments will be junior to both sets of bond payments.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Resolution No. 3390 (South Bend Eddy Street Major Moves) submitted on April 27, 2017.

**2. Budget Request (Traffic Study)**

Rich Estes presented a budget request for a traffic study in the Eddy and Howard Street area. The budget request is \$15,000 to hire a third party consultant to perform a traffic study to better understand traffic flow and how Eddy Street Phase II could impact needs going forward.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Budget Request (Traffic Study) submitted on April 27, 2017.

**C. South Side Development Area**

**1. Budget Request (Public Works)**

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Rich Estes presented a budget request for Public Works projects on the southside. This is for two projects. The first is at the Erskine Basin by Martin's off Miami and Ireland. Major improvements will be done to help water drainage in the area and along the golf course where it backs up.

The second project is for the South Well Field improvements on Chippewa and west of Main St. This will be for optimization and distribution of water infrastructure in that area. The request is for \$2M.

Mr. Inks asked didn't we just do improvements in the Erskine area?

Mr. Estes replied that they underestimated the original need for expansion of the basin, and are re-evaluating the situation with McCormick Engineering to look at the watershed in the area. This will now integrate everything together.

Mr. Lark asked what about the neighborhoods in the area that were hit by the floods last year; will this help them? Mr. Relos answered that the Bowman Creek area is being studied to see how it can flow better.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Budget Request (Public Works) on April 27, 2017.

#### **D. Other**

##### **1. Contract Amendment for Environmental Services (Hull & Associates)**

Chris Dressel presented Contract Amendment for Environmental Services (Hull & Associates). This will be part of the ongoing work with Area A in Studebaker and Ignition Park. This will include indoor air and vapor testing. In addition to the installation of new monitoring wells on the city owned properties on the south side of the 700 block of W. Indiana Avenue, there will be additional ground water testing. This work will fulfill a requirement by IDEM.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the Contract Amendment for Environmental Services (Hull & Associates) submitted on April 27, 2017.

#### **6. Progress Reports**

- A. Tax Abatement
- B. Common Council
- C. Other

**7. Next Commission Meeting:**

Thursday, May 11, 2017, 9:30 a.m.

**8. Adjournment**

Thursday, April 27, 2017, 9:58 a.m.



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David Relos, Economic Resources

  

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Marcia I. Jones, President