



South Bend

Redevelopment Commission

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

SOUTH BEND REDEVELOPMENT COMMISSION REGULAR MEETING

September 14, 2017

9:30 a.m.

Presiding: Marcia Jones, President

227 West Jefferson Boulevard
South Bend, Indiana

The meeting was called to order at 9:36 a.m.

1. ROLL CALL

Members Present:

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

Members Absent:

Dave Varner, Vice-President

Legal Counsel:

Benjamin Dougherty, Esq.

Redevelopment Staff:

David Relos, Associate
Mary Brazinsky, Recording Secretary

Others Present:

James Mueller DCI
Dan Buckenmeyer DCI
Angelina Billo DCI
Elizabeth Leonard Inks DCI
Rich Estes DCI
Bryan Glendening IngenAE
Oliver Davis SBCC
Ginny Garner-Kupsa 55212 Sundown Road
Richard Collins 55478 Moss Road
Marty Wolfson 809 Park Avenue
Sue Kesin 4022 Kennedy
Marie Clark 24333 Ardmore Trail
Kathy Enders 23037 Grove Street

2. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of Thursday, August 24, 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, August 24, 2017.

3. Approval of Claims

A. Claims Submitted September 14, 2017

	Claims submitted	Explanation of Project	Items added after Agenda Distributed
REDEVELOPMENT COMMISSION			
Redevelopment Commission Claims Sept 14, 2017 for approval			
<u>324 RIVER WEST DEVELOPMENT AREA</u>			
US Bank	196,500.00	Refunding Bonds, Series 2013 Century Center Project	
Hull & Associates	7,632.39	GW Assessment & Remedy Evaluation Ignition Pk.	
IDEM	93.75	Remediation	
Botkin & Hall, LLP	283.40	Assessor Meijer's - Portage Rd	
Tri County News	57.39	Legal Notice	
Kolata Enterprises LLC	562.50	Professional Services	
C & E Excavating, Inc.	103,872.05	Olive Street Metronet Conduit	
<u>429 FUND RIVER EAST DEVELOPMENT TIF</u>			
Abonmarche Consultants of Inc.	18,925.56	Perley Primary Center Safe Routes to School Const.	
SmithGroup JJR	7,640.00	SB Riverfront Pks and Trails Master Plan	
Total	335,567.04		

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved the claims submitted on Thursday, September 14, 2017.

4. Old Business

5. New Business

A. River West Development Area

1. First Amendment to Economic Development Agreement (Norres North America Inc)

Ms. Billo presented First Amendment to Economic Development Agreement (Norres North America Inc). On July 28, 2014 the Commission and Norres North America Inc. entered in to an Economic Development Agreement and an Equipment Lease Agreement, where the Commission acquired and leased certain equipment to Norres North America.

The Agreement, in part, called for a total investment of \$1,866,000 in South Bend for capital improvements to the production and warehouse facility. This investment is also projected to create 6 new jobs during 2014 and a minimum of 25 new jobs by 2018. Today's action is to execute the First Amendment to Economic Development Agreement.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved the First Amendment to Economic Development Agreement (Norres North America Inc.) submitted on September 14, 2017.

2. First Amendment to Equipment Lease Agreement (Norres North America Inc)

Ms. Billo presented the First Amendment to Equipment Lease Agreement (Norres North America Inc). The First Amendment to Equipment Lease Agreement details the equipment list as set forth in the Exhibit A of the Development Agreement and in Schedule A of the Equipment Lease Agreement. Also the term "2018" for creating 25 new jobs is replaced by the term "2020".

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the First Amendment to Equipment Lease Agreement (Norres North America Inc) submitted on Thursday, September 14, 2017.

3. First Amendment to Economic Development Agreement (Noble Americas)

Ms. Billo presented the First Amendment to Economic Development Agreement (Noble Americas). On July 17, 2014 the Commission and Noble Americas South Bend Ethanol LLC entered in to an Economic Development Memorandum of Understanding and an Equipment Lease Agreement, where the Commission acquired and leased certain equipment to Noble Americas South Bend Ethanol. The Agreement, in part, called for a total investment of \$31,175,000 by 2018. They have invested \$81.5 Million. This investment was also projected to generate 50 new jobs and they have 70 people employed today. Today's action is to execute the First Amendment to Economic Development Agreement.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the First Amendment to Economic Development Agreement (Noble Americas) submitted on Thursday, September 14, 2017.

4. First Amendment to Equipment Lease Agreement (Noble Americas)

Ms. Billo presented the First Amendment to Equipment Lease Agreement (Noble Americas). The First Amendment to Equipment Lease Agreement details the equipment list as set forth in the Exhibit A of the Development Agreement and in the Schedule A of the Equipment Lease Agreement.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the First Amendment to Equipment Lease Agreement (Noble Americas) submitted on Thursday,

5. Fourth Amendment to Development Agreement (Patel Hotel at HOF)

Mr. Estes presented the Fourth Amendment to Development Agreement (Patel Hotel at HOF). Mr. Estes presented a budget increase for the final phase of the Marriott Hotel project, which came in with a bid that exceeded the remaining amount as approved in the Development Agreement for this project. The developer, Anant Patel, agreed to pay for the overage amount via a direct reimbursement to the City. This final phase covers work including pavement, landscaping, sidewalk, and other general site improvements that the project required to be completed.

A budget increase in the amount of \$151,064.19 is requested, which is to be reimbursed by the developer within 10 days of the approval of this Amendment.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Fourth Amendment to Development Agreement (Patel Hotel at HOF) submitted on Thursday, September 14, 2017.

6. Real Estate Purchase Agreement (Fat Daddy's)

Mr. Relos presented the Real Estate Purchase Agreement (Fat Daddy's). This Real Estate Purchase Agreement (Agreement) is for what is commonly known as the Fat Daddy's block, in the 500 block of S. Michigan St. This property was recently taken through the disposition process, with bids due July 27, 2017. One bid was received, from Commonwealth Development Corp. that met the minimum offering price of \$45,000. On August 10 the Commission accepted Commonwealth's bid amount and authorized staff to proceed with an Agreement.

DCI Staff and the City Attorney have been working with Commonwealth on this Agreement, which will attempt to save these building's historic facades via a Commission commitment of up to \$1.7m to stabilize, brace, and repair the east and north facades, followed by the clearing of the structures behind. Commonwealth will then tie in to these two facades and build a new senior housing four story structure behind. The Agreement includes a purchase price of \$45,000; is contingent on the awarding (the end of February) and placement of State low income housing tax credits; the writing and coordination of bid specs for the façade and demo work; City approval of the new building; mutually acceptable façade preservation agreement; bids coming in on budget and within completion time line; and Commonwealth building completion within three years. Commission approval of this Real Estate Purchase Agreement is requested.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the Real Estate Purchase Agreement (Fat Daddy's) submitted on Thursday, September 14, 2017.

B. Administration

1. Resolution No. 3401 (Setting Public Hearing for TIF Revenues)

Ms. Leonard Inks presented Resolution No. 3401 (Setting Public Hearing for TIF Revenues). This sets the public hearing for October 12, 2017 to appropriate the TIF funds for 2018. Commission approval is requested.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved Resolution No. 3401 (Setting Public Hearing for TIF Revenues) submitted on Thursday, September 14, 2017.

C. Ratifications

1. License Agreement For Temporary Use of Redevelopment Commission Property (Hall of Fame Gridiron)

Mr. Relos presented the Temporary Use Agreement of Redevelopment Commission Property for the Hall of Fame Gridiron. This Ratification is for the use of the Gridiron by the University of Notre Dame. Commission approval is requested.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the License Agreement For Temporary Use Redevelopment Commission Property (Hall of Fame Gridiron) submitted on Thursday, September 14, 2017.

6. Progress Reports

A. Tax Abatement

1. Common Council

Resolution No. 4666-17

Mr. Ferlic noted that Resolution No. 4666-17 was approved by the Common Council on Monday, September 11, 2017 with a vote 7 – 0.

Mr. Oliver Davis, a South Bend Common Council member, presented Resolution No. 4666-17 to the South Bend Redevelopment Commission for reading. This Resolution is addressed to the City of South Bend Redevelopment Commission regarding its use of River West TIF funding in the amount of \$25m, to help finance the relocation of the South-Shore Line, and with respect to the people who live in the Ardmore neighborhood. Mr. Davis stated that members of the Ardmore community are present today, along with Dr. James Mueller. Mr. Davis stated that while writing the Resolution he enlisted the help of Jeff Rea, to ensure that it was both pro transit and pro neighborhood with a faster way to get to Chicago, at the same time respecting the homes and the routing that we need to look at.

Mr. Mueller stated we came together on the language of this Resolution. This is a 50 year decision, and we want to make sure we look into all the answers before we have to go through 80 properties to take this commute down to 90 minutes. The 90 minute commute is a priority for the region, it gets it down to a Chicago commuter market. We think this will have huge economic impacts. One of the things that was added late to the Resolution was trying to get a sense of what those economic impacts are. This will go through Federal funds, which means it will go through the National Environmental Acts process, an environmental process. During this you have to prove that doing this is more important than not doing it at all. Even though it's called the Environmental Protection Act, it's really about human impact, noise and economic impact. If you look at the studies, they're thick. If you have input now is the time because they put it all in the appendix.

Mr. Oliver Davis states that Council has weighed in, the neighbors have weighed in. There has to be some funds to be put out for studies. The re-routing of the tracks that preserves the Ardmore neighborhoods to the maximum feasible way, and that's what we are looking at in terms of re-routing and having input regarding that. If a property is caused a great burden (this was proposed by both Jeff Rea and Jo Broden), that the property be available in the federal assistance relocation programs. Also requested is the City of South Bend to work hard to make sure the TIF funds spent be returned within a 5 year period.

Resolution No. 4666-17 has been received and presented to the Redevelopment Commission on Thursday, September 14, 2017.

B. Other

7. Next Commission Meeting:

Thursday, September 28, 2017, 9:30 a.m.

8. Adjournment

Thursday, September 14, 2017, 9:56 a.m.

David Relos, Economic Resources

Marcia I. Jones, President