



South Bend
Redevelopment Commission
 227 West Jefferson Boulevard, Room 1308, South Bend, IN

**SOUTH BEND REDEVELOPMENT COMMISSION
 SCHEDULED REGULAR MEETING**

July 27, 2023 – 9:30 am

<https://tinyurl.com/RedevelopmentCommission> or **BPW 13th Floor**

Presiding: Marcia Jones, President

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

1. ROLL CALL

Members Present:	Marcia Jones, President – IP Vivian Sallie, Secretary - IP David Relos, Commissioner – IP	IP = In Person V = Virtual
Members Absent:	Troy Warner, Vice-President Eli Wax, Commissioner Leslie Wesley, Commissioner Joseph Molnar, RDC Staff	
Legal Counsel:	Sandra Kennedy, Esq. Danielle Campbell, Asst. City Attorney	
Redevelopment Staff:	Mary Brazinsky Sears, Board Secretary	
Others Present:	Caleb Bauer Erik Glavich Kara Boyles Charlotte Brach Leslie Biek Jordan Gathers Denise Reidl Patrick McGuire Desmond Upchurch Dennis Jordan Dick Nussbaum Matt Barrett	DCI DCI Engineering Engineering Engineering VPA IT IT Resident SB Youth Hockey Resident Resident

2. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Thursday, July 13, 2023**

Upon a motion by Commissioner Relos, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, July 13, 2023.

3. Approval of Claims

- A. Claims Allowance 7.11.23
- B. Claims Allowance 7.24.23

Upon a motion by Secretary Sallie, seconded by Commissioner Relos, the motion carried unanimously, the Commission approved the claims allowances of July 11, 2023, and July 24, 2023.

4. Old Business

5. New Business

A. River West Development Area

1. **Resolution No. 3576 Rescinding Resolution No. 3573 and Voiding RDC to BPW Lafayette Large Lot Transfer**

Caleb Bauer Presented Resolution No. 3576 Rescinding Resolution No. 3573 and Voiding RDC to BPW Lafayette Large Lot Transfer. This resolution is rescinding the resolution from a few meetings back that would have transferred the lot at the corner of Lafayette and Sample to the Board of Public Works. This property was to be used as a low-income housing tax credit project, however, we ultimately chose to use an alternate property located on Lincoln Way West. The deed has not been recorded yet, so this lot will remain in the Redevelopment Commission's hands. Commission approval is requested.

President Jones asked if there has been any other interest in this lot.

Mr. Bauer noted that there has been some conversations about other lots in Ignition Park.

Upon a motion by Secretary Sallie, seconded by Commissioner Relos, the motion carried unanimously, the Commission approved Resolution No. 3576 Rescinding Resolution No. 3573 and Voiding RDC to BPW Lafayette Large Lot Transfer submitted on Thursday, July 27, 2023.

2. **First Amendment to Real Estate Purchase Agreement (Advantix)**

Caleb Bauer Presented First Amendment to Real Estate Purchase Agreement (Advantix). This amendment is to correct a scrivener's error in the agreement. Neither party noticed that there was an incorrect address as contact information.

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This agreement adds to the corrected information. Commission approval is requested.

Matt Barrett, resident, noted that the agreement says we desire to amend the agreement to provide for an extension of the closing date.

Mr. Bauer noted that we are not extending the closing date as part of this amendment.

Ms. Weiss noted that was an error from a previous First Amendment and that will be struck as there is not an extension of the closing date.

Ms. Weiss asked that the motion could include striking the language around the extension of the closing date so it should now read seller and buyer now desire to amend the agreement in order to provide corrected contact information.

Upon a motion by Secretary Sallie, seconded by Commissioner Relos, the motion carried unanimously, with the additional language to include striking the language around the extension of the closing date so it should now read seller and buyer now desire to amend the agreement in order to provide corrected contact information; the Commission approved First Amendment to Real Estate Purchase Agreement (Advantix) submitted on Thursday, July 27, 2023.

3. Development Agreement (South Bend Youth Hockey)

Erik Glavich Presented Development Agreement (South Bend Youth Hockey). The Ice Box Skating rink will be expanding to include a third rink as part of the expansion. The expansion will include new locker rooms, expanded lobby area and additional parking on the west side of the property with repaving of the current parking spaces. In addition, they will be upgrading the chiller system that creates ice for all rinks. The agreement is for \$2M in TIF funding to purchase the hardware for the chiller system and to upgrade the existing parking lots. The city has been working on this to sync with St. Joseph County Hotel/Motel Tax Board who is also providing \$2M for the project; their money would be distributed in two different phases of the project. The project total is approximately \$12M. The agreement states that the project spend a minimum of \$9M in non-Redevelopment Commission dollars. The reason the requirement is a little lower is that the project includes property owned by Lock Joint Lube to the north and they are planning to re-do some parking lots along Walnut Street. Commission approval is requested.

Dennis Jordan, SB Youth Hockey, stated the city has twenty-two hockey tournaments that come during the year, but we share ice with Compton arena. We could have twenty-six if we had more ice and room to expand. We have had 22,000 room nights, which is the second largest number of rooms except for Notre Dame football and helps fill the local restaurants. We have several programs in which we are working to get minorities an opportunity to skate. Dennis volunteers five days a week at McKinley Grade School. We had twenty kids skate for free and they basically have a scholarship until they are fourteen years old. They get equipment and league fees paid. This year there will be an

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additional twenty. During the summer months Heroes camp is run at the arena and they are completely full during the winter months. They could continue some core programs with more room and reach out to the Boys and Girls clubs in providing programs for them. We are in discussions of having a junior team (kids 16 to 21) that may play out of the arena which brings fans and additional opportunities. They would play in division three, division two hockey and possibly we could have a kid to play in division one.

President Jones asked when did the Ice Box start.

Mr. Jordan said the Ice Box started in 1974 and was ran by Steel Warehouse. The city of South Bend took it over for a while then South Bend youth hockey took it over and still runs the space. The space expanded in 1999 and Compton Arena came in about 2011.

Secretary Sallie commends the program in the outreach to low-income students. A few years ago, that was a concern.

Mr. Jordan stated that is one of the driving forces.

Matt Barrett, resident, also applauded the low-income initiatives. He states that as taxpayers we have to weigh the benefits against the cost of \$2M. What is the benefit to South Bend.

Mr. Jordan stated that it is an area that is in development right now but there isn't a lot of business there. Some new buildings are going up, which is positive. We think the expansion would bring in another 8,000 hotel rentals per year as people are coming into our city but also money being spent in the community at restaurants and shopping.

Mr. Barrett stated that St Joseph County gets a share how much of that cost is to the city. He is trying to quantify the benefit to the city. He believes it makes sense for there to be a quantification of the expected benefits to the city from all of this.

Mr. Bauer noted that the hotel/motel room nights is an estimate since there are times that there are unexpected decreases such in times of COVID. We think that 8,000 is the conservative estimate of the annual room nights if you break down the tournaments.

Mr. Barrett asked what is the revenue stream and the additional jobs that are created in restaurants.

Mr. Bauer stated that tracking and projecting out all the restaurant jobs that are created in South Bend is difficult. We could estimate the hotel/motel tax revenue and what that number of room nights would look like. He does not have the numbers in front of him but could follow-up.

Desmond Upchurch, resident asked about the new Mishawaka facility doing the

same thing.

Mr. Bauer noted that Mishawaka facility does not have ice hockey but will have other sports in that location.

Mr. Upchurch said if they did have ice hockey would that create a decrease in the area before a hockey tournament.

Mr. Bauer noted that if we had a completing hockey facility then yes you would have a potential decrease. At this point in time Mishawaka doesn't have secured funding to include hockey. Our region consist of Ice Box and the Compton Arena facilities.

Mr. Jordan noted that we have talked about having something in downtown South Bend but the minimum cost of two rental facilities is \$25M. You have to have at least two ice rinks to make it affordable to run a facility because you're compressors and chillers for an ice plant run 24 hours a day, 365 days per year. With lockers and concourse is \$30M. Mishawaka has looked at it but have never operated an ice rink. It is extremely cost prohibitive to them. Their rates per hour are the lowest in the state.

Commissioner Relos stated the area that the ice box is in is significantly economically depressed as it is an old truck transport that has been sitting empty for decades. It is a jewel to have an ice rink in that area.

Mr. Upchurch asked if it is possible to receive funds from St. Joseph County to help off-set cost.

Mr. Bauer noted that the hotel/motel tax board is a funding partner, and they collect taxes for the entire St. Joseph County. The agreement with the hotel/motel tax board is a separate MOU from the agreement that the city has. Any additional money from St. Joseph County is welcomed.

Upon a motion by Commissioner Relos, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Development Agreement (South Bend Youth Hockey) submitted on Thursday, July 27, 2023.

B. Redevelopment General Fund (Pokagon)

1. Budget Request (Digital Equity Funding)

Patrick McGuire Presented a Budget Request (Digital Equity Funding). This budget request is for digital equity funding for people to have access and resources and skills needed to get online and thrive. A huge part of this is internet access itself; with 20% of households having no internet access at all. Twelve percent of the population rely on phone internet access. That is insufficient for distance learning and applying for jobs. We look at two key issues. We are looking at helping people connect with home internet and focus on different programs through our Community School Corporation partnerships providing students and families with wi-fi in the home as well as promoting affordable connectivity programs with a federal subsidy. We are looking to

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promote shared community access for people who move frequently or are between multiple homes. Our greatest tool is to provide shared community access in South Bend with open wi-fi which is our shared public internet network which we hope you have seen throughout the city. We currently have 135 access points which are generally outdoors, but we do have some indoor sites especially in community centers as well as trusted community sites such as the fire stations, parks and in South Bend corridors such as Western Avenue, Lincolnway and Miami along transit routes. We have been targeting areas with lower incomes with lower rates of internet connectivity. In 2022 we expanded into those areas and Phase I has not been completed. The network has doubled in size. We have received 141 nominations for future sites where residents would like to see connectivity. In 2023 we are looking at moving into another phase of open wi-fi expansion. This budget request is for that phase. The request would help fund an expansion that would include both city locations and sites that residents nominated outside the inner city. This will be targeted at eleven sites which represent thirty resident areas. We are looking at our unhoused population, LaCasa and our immigrant population with transportation areas.

Secretary Sallie noted that most of the sites are in the River West TIF.

Mr. McGuire states that is correct in most cases. The sites will provide an immediate unlimited accessible connection for residents in communities and neighborhoods. This is a digital equity funding which is more broadly in which we will be investing in infrastructure that makes the sites possible. This also makes future technological projects possible on sites which improve connectivity. Specifically, Choice Light Dark Fiber, formerly known as Metro Net, is a form of connectivity that powers open wi-fi solutions.

Commissioner Relos asked if the city puts wi-fi in an area such as St. Adalbert's does it only cover St. Adalbert's and how do residents and neighbors learn about it. How far does it reach in that area.

Mr. McGuire noted that they have had meetings with the providers of service that know the space the best and we have been able to target and deploy technology in those areas. For instance, at St. Adalbert's that have a courtyard between the school and the church as well as the parking lots that are covered. We were able to orient the antennas and equipment specifically to reach those areas. LaCasa was hoping to reach some of the outdoor courtyard and parking lot space. We worked to cover the perimeter especially where people spent a lot of time. In some instances, the coverage can bleed into the neighborhoods, but it is not targeted to do that.

Commissioner Relos asked if private residents, then receive their coverage through the School Corporation programs for students and their households.

Denise Reidl noted that the wi-fi that is used is similar to your home access, maybe a little more powerful. When the city partners with places such as LaCasa or St. Adalbert's that funding looks like a grant. We grant the wireless access point to connectivity, and they have to agree that the spaces we are connecting

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are open to anyone. The access is meant to be open to anyone in these areas and it is meant to supplement the wi-fi to any participants or nearby residents.

Mr. McGuire noted that in the donation agreement we have set up a release that we require signage that is to be displayed stating we provide wi-fi. People are asking for more signage awareness in areas where we have wi-fi.

Commissioner Relos asked if there is a password to get onto the network.

Mr. McGuire stated for the free wi-fi there is not a password but there is a landing page that has disclaimers, terms and conditions that has to be refreshed every 24 hours.

Secretary Sallie asked if there are security issues.

Mr. McGuire stated that they do have some filtering on the network. There are guidelines and in them it is stated that security is not as strong as in home internet. We do state to do very private things on a private network. They can also use a VPN.

Mr. Barrett, resident asked what the cost would be to provide free wi-fi throughout the entire city.

Mr. McGuire stated that is something that we have explored. There are new types of technology that can be used to create a broad network that can reach a significant part of the city. We have created a private LTE network that works similar to your mobile and it is currently in the pilot phase. We are continuing to explore that with the private sector and figuring out where we can best fill the gaps in the community. It is a little beyond the horizon.

Ms. Reidl noted that to actually provide free service to the entire city would cost hundreds of millions of dollars.

Mr. Bauer noted that this requested funding would help lay limited fiber extensions in addition to the open wi-fi sites.

Upon a motion by Commissioner Relos, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Budget Request (Digital Equity Funding) submitted on Thursday, July 27, 2023.

C. River East Development Area

1. Seitz Park License Agreement (Wharf Partners LLC)

Caleb Bauer Presented Seitz Park License Agreement (Wharf Partners LLC). This agreement is to access a portion of the Redevelopment Commission owned property that comprises Seitz Pak for the construction of a public access patio that connects into the first floor at the Three-Twenty Cascade Building. The proposed patio would connect into the East Bank Trail. The primary purpose of the license agreement is for the southern portion of the patio. The developer would be responsible for ongoing maintenance of that patio. If the patio is no

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longer accessible to the public, the developer would lose access to the Redevelopment Commission property. There will be a restaurant connected to the patio, but members of the public can go there. Commission approval is requested.

Commissioner Relos asked if people could just go there and sit down.

Mr. Bauer stated there may be someone there to seat you to purchase a drink or something else.

Commissioner Relos asked is the project is coming along.

Mr. Bauer stated that there are some unexpected challenges with the project, but they are for the project to be finalized Summer 2024. The East Bank Trail is the city's responsibility but the connection up to the patio and the patio itself is the responsibility of the Wharf Partners.

Mr. Barrett asked if the contract was Wharf Partners as opposed to the restaurant itself.

Mr. Bauer stated that Wharf Partners would be funding and making these improvements and they are the property owner of both. The restaurant could change but they are a tenant of the property owner. There is no cost for seating to the city which makes it attractive for us. It will be a more attractive restaurant space along the Riverwalk which makes it a more vibrant place.

Mr. Barrett asked about alcohol in the park, which is prohibited.

Mr. Bauer noted that the seating on the patio would not be owned by Wharf Partners and not the park.

Mr. Barrett asked if they needed to be a paying customer to sit down.

Mr. Bauer noted that yes.

Mr. Barrett noted in the agreement the termination arrangement is six months and that seems to be a long time.

Mr. Bauer noted those terms give the restaurant time to adjust their operations and potentially re-negotiate their lease with the property. We do not want to be punitive against the tenant.

Upon a motion by Commissioner Relos, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Seitz Park License Agreement (Wharf Partners LLC) submitted on Thursday, July 27, 2023.

6. Progress Reports

A. Tax Abatement

1. Erik Glavich stated that at the Common Council meeting the Council approved the

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following:

- A resolution confirming mixed use development Real Property Tax Abatement for Five Corners, LLC. The petitioner will construct 108 residential apartments, four for-sale condo units, and approximately 5,000 square feet of retail space. The total private investment is \$31.5M. The abatement does not apply to the for-sale condo units. This is across from Trader Joe's.
- A resolution confirming Personal Property Tax Abatement for Crossroad Solar Enterprises, LLC. This abatement would apply to new equipment to be installed at 1901 N. Bendix Drive. The petitioner plans to purchase and install new construction line at \$1M. The investment is projected to quadruple the production of solar panels and enable the hiring of 15 new full-time employees (former felons).

B. Common Council

C. Other

1. Danielle Campbell Weiss, Assistant City Attorney stated that there is no legal strategy to share regarding the Commerce Center at this time. There was a hearing on Tuesday of this week regarding the motion to dismiss. Arguments were heard by both parties. The judge took it under advisement, and we will expect an order soon.

Commissioner Relos asked that Commerce Center is asking for the entire suit to be dismissed.

Ms. Weiss stated yes.

1. Mr. Barrett asked for an update on all projects that were to have filed their reports as of June 30, 2023, are those available.

Mr. Bauer stated some have been filed but not across the board. We have set a new standardization form and we are following up with those who have not filed.

7. Next Commission Meeting:

Thursday, August 10, 2023

8. Adjournment

Thursday, July 27, 2023, 10:31 a.m.

Troy Warner, Vice-President

Marcia Jones, President