



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

**SOUTH BEND REDEVELOPMENT COMMISSION
 SCHEDULED REGULAR MEETING**

December 14, 2023 – 9:30 am
<https://tinyurl.com/RedevelopmentCommission> or **BPW 13th Floor**

Presiding: Marcia Jones, President

The meeting was called to order at 9:35 a.m.

1. ROLL CALL

Members Present:	Marcia Jones, President – IP Troy Warner, Vice-President - IP Vivian Sallie, Secretary – IP Eli Wax, Commissioner - IP David Relos, Commissioner – IP	IP = In Person V = Virtual
Members Absent:	Leslie Wesley, Commissioner	
Legal Counsel:	Sandra Kennedy, Esq. Danielle Campbell, Asst. City Attorney	
Redevelopment Staff:	Mary Sears, Board Secretary Joseph Molnar, Property Manager	
Others Present:	Caleb Bauer Erik Glavich Tim Corcoran Sarah Schaefer Rosa Tomas Michael Divitia Amy Paul Elizabeth Maradik Zach Hurst Charlotte Brach Leslie Biek Matt Barrett David Elser John Belot Harlan Katrina Marquardt Jordan Smith	DCI DCI DCI DCI DCI DCI DCI DCI - Neighborhoods Engineering Engineering Engineering Resident Resident Resident Resident SB Tribune

2. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Monday, November 20, 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 Monday, November 20, 2023.

3. Approval of Claims

- A. Claims Allowance 11.21.23
- B. Claims Allowance 11.28.23
- C. Claims Allowance 12.5.23

Upon a motion by Vice-President Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved the claims allowances of November 21, November 28, and December 5, 2023.

4. Old Business

5. New Business

A. River West Development Area

1. Budget Request (Downtown Planning)

Caleb Bauer Presented a Budget Request (Downtown Planning). This budget request is for commencing a downtown master planning process. The city has not done a downtown master plan. It has been discussed for a number of years and we think now is the right time. We have seen a lot of new private investment. Moving into the future we have infrastructure needs as well as parking. We are taking a look at retail viability as we know that there are open retail spaces in the downtown area and what we can do to help improve the opportunities for retail to locate downtown and then housing needs. We have seen a lot of growth in rental apartment units in the downtown area and we believe there is significant capacity within the downtown area, but we would like to take a look at that with some additional analysis.

We have been in discussions with a pair of urban design firms, Urban Design Associates and Torti Gallas. We would also look for higher sub consultants with expertise in parking, retail, and housing. When developers are looking at making investments in an area, they will look at the neighborhood plan that exists for it, or in the case of downtown, look at the downtown plan and see what the vision for downtown is. That can generate new private investment.

Mr. Bauer highlighted some of the downtown projects such as the Liberty Tower Expansion, Real America's Diamond View, The Monreaux, University of Notre Dame's purchase of Tribune Building, PSCDA Expansion to facilitate expansion of Four Winds Field, Memorial Hospital expansion, Mixed-use project south of Memorial Hospital and the Lafayette Building redevelopment. These are some of

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the high points. We also look to the East Bank with several smaller developments which have elevated the East Bank neighborhood.

In February and March, we will be looking into stakeholder meetings with property owners, downtown residents. Public workshop sessions will take place in March and April. After that we will be drafting a plan and then come back around for feedback and adoption by the end of next year.

Vice-President Warner asked what areas the consultants are looking at.

Mr. Bauer answered that we would have the urban design consultants, which would lead the planning process and right now we are targeting three other areas, parking, retail, and housing for sub consulting analysis.

Commissioner Wax asked if the \$500k is for the primary consultants or does that amount cover everything.

Mr. Bauer notes that it covers all the consultations for the plan. If the total amount is not used, it will be returned to the RDC.

Commissioner Wax asked if this would incorporate traffic analysis as we are increasing the density of downtown. People are not going to come downtown for retail if it is faster to go out to Mishawaka since traffic has slowed in the area.

Mr. Bauer noted that the list of stakeholders that we have been developing in partnership with DTSB includes developers, it includes anchor institutions in the downtown area. It includes small businesses downtown and other organizations with vested interests in downtown such as DTSB and the Downtown Dining Association. We will also seek public involvement.

Commissioner Relos asked if the plan looks far out into the future.

Mr. Bauer stated that we look at this as a 15-to-20-year plan. There may be longer visions in this plan.

Commissioner Relos asked about parking garages and life expectancy.

Mr. Bauer stated that we would anticipate understanding the lifetime of those assets with the cost of replacement or what alternatives would be to reconstruct public parking facilities versus private investment in parking.

Commissioner Wax asked Mr. Bauer to elaborate on the relationship between the city comprehensive plan and this plan.

Mr. Bauer noted that every neighborhood plan that is adopted is an amendment to the city's comprehensive plan. When it goes before Council it does become part of the comprehensive plan and that plan is ongoing. The goal is to have these plans that reference each other and working in concert and seeking adoption from the Common Council around the same time.

Commissioner Wax asked how that is not redundant.

Mr. Bauer states that the comprehensive plan really looks at the entire city. There is a lot of statutory required parts to land use. The plan looks at zoning classifications throughout the entire city limits. They look at larger trends for the city and areas to focus on for city government. The downtown plan is a more honed plan that focuses on a more concrete plan. It could even be looking at what kind of streetscapes we are hoping to see on specific locations within the downtown area or where specific parking lots potentially can be redeveloped. It is more parcel by parcel versus a comprehensive plan which is a framework.

Secretary Sallie noted that Hall of Fame is not on the list and during city plan it was an important topic. What is the status of the HOF?

Mr. Bauer noted that the HOF building was purchased by JSK and is now privately owned. JSK has allowed the city and DTSB to use it for events such as tree lighting and Saturday morning exercise.

Commissioner Relos asked about timing on Memorial hospital's plans and parking.

Mr. Bauer stated we have been in conversation with them for over a year. We should have more information in February.

Matt Barrett, resident noticed the map extends over to the East Bank. How much of that area does it encompass?

Mr. Corcoran stated that we try to align the boundaries of the neighborhood plan differently and consider the downtown plan like the neighborhood plan but special. The boundaries are drawn like a puzzle fitting together and is aligned with the Northeast plan. The Howard Park plan we have actively been working on for the last five to seven years and the island are considered to be part of downtown. It is zoned downtown but does not fit into one district or the other.

Mr. Bauer stated that the sliver of the East Bank indicated was not part of the East Bank Village plan. The downtown plan will be contemplated more beyond the planning area in the East Bank due to the inner exchange of residential areas that are integrated together. We certainly see use in that area changing in the coming years, such as Oaklawn, Memorial and Epworth.

Mr. Barrett asked if that area is then zoned downtown.

Mr. Corcoran stated that it is not only zoned as downtown but it could be commercial zoning, industrial zoning, or center zoning.

Mr. Barrett asked in context of the LaSalle Street scaping project, followed by Colfax and those areas are not included it strikes me as areas you want to include as part of the downtown project.

Mr. Bauer stated that as in other planning processes we start with a draft planning area. We talk with the neighbors about whether this plan area makes sense or should there be an adjustment to the boundaries.

Commissioner Relos asked if the plan follows Niles.

Mr. Corcoran stated that the planning area has the back of a property or a leeway as the boundary. We look at the plan to see what has been done and we make sure that the two areas are seamlessly connected so we are not proposing a different plan.

Commissioner Wax asked if the river walk belt is a part of this plan.

Mr. Corcoran stated that yes, the public domain element, which is parks, plazas, streets, alleyways, all those things will be part of the planning process.

Vice-President Warner stated that this is a great idea, and he cannot believe we had not done this yet. He has talked to a lot of the businesses and stakeholders; they are all extremely excited.

President Jones asked what the start of the plan will be and how long will it take.

Mr. Bauer states that once the plan is adopted, we will develop an implementation matrix as part of the plan. On the plan there will be short term, mid-term, and long-term goals for the neighborhoods. We will then put timelines in place for what is realistic for the priorities. We will have more clarity on private investments within the downtown area.

Mr. Corcoran stated that we will apply for grant opportunities as they become available. Once the city thinks through what the plan should look like after having public engagement, grants can be effective; it is such a huge first step that it sets us apart from other projects that may be great ideas but there is no engagement. It is another way to secure funding from outside sources.

Upon a motion by Vice-President Warner, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Budget Request (Downtown Planning) submitted on Thursday, December 14, 2023.

2. Resolution No. 3585 (SB TIF EDC Forgivable Loan Monreaux Additional Appropriations RDC)

This item was opened up as a public hearing.
No one spoke in favor of Resolution No. 3585.
No one spoke against Resolution No. 3585.
The public portion was closed.

Erik Glavich Presented Resolution No. 3585 (SB TIF EDC Forgivable Loan Monreaux Additional Appropriations RDC). Mr. Glavich addressed both Resolution No. 3585 and Resolution No. 3586. These resolutions finalize the forgivable loan agreement with Delta Ventures Ltd and Monreaux, LLC for the Monreaux project.

In November 2023, the Redevelopment Commission adopted a development agreement with the entities providing authorization for the use of \$2.3M in TIF funds for the Monreaux project. On December 1st there was a public notice that the Economic Development Commission would hold a public hearing on December 11, 2023, to consider the steps for this project. The EDC approved both the project report and a resolution that approved the loan documents. They then recommended that the Common Council adopt the ordinance that would allow for the issuance of the note that funds the forgivable loan. On December 11, 2023, the Common Council adopted that ordinance and gave the go ahead for the Redevelopment Commission to consider Resolution No. 3585 and Resolution No. 3586 which finalizes the loan agreement. Resolution No. 3585 appropriates \$2.3M for the loan agreement and Resolution No. 3586 approves the loan agreement and acknowledges that the loan agreement is in place.

Mr. Bauer noted that as part of the loan agreement, the loan would be forgiven upon successful completion of the project within the timeline laid out by the development agreement, if it is not completed, then this would be a loan repayable to the Commission with a 5% interest rate.

Commissioner Relos asked if the state's deadline is earlier than the city development agreement.

Mr. Bauer stated that the states deadline is 24 months from January 1, 2024, so the developer will have to break ground in Spring 2024 and have the project completed by December 31, 2025. IHEDA can extend that deadline if there are legitimate delays. Our deadline states 36 months but it is fully anticipated that this will be completed before the 24 months.

Commissioner Wax noted that the loan agreement itself refers to section 5.1, but it is a typo and should read 4.1. 4.1A gives the events of default 4.1 but 4.1B states if there was an event of default under section 5.1. This is under the acceleration subsection.

Matt Barrett, resident, noted that there is also a guarantee by profit LLC for this agreement and he asks why the guarantee was not part of the record.

Ms. Campbell Weiss noted that it is not required to be part of the city's actual signing guarantee, but it could be part of the record. Delta Ventures is a non-profit. The Monreaux has entered into a guaranteed agreement in the event that Delta Ventures does not repay it then the Monreaux would be bound to repay in

the event of default.

Commissioner Relos asked if there was a separate agreement of guarantee between those entities.

Ms. Campbell Weiss stated yes, there is a guaranteed agreement that the Monreaux states that they are guaranteeing the loan in the event of default where the loan would have to be repaid. So, primarily, Delta Ventures, the non-profit, would be first responsible.

Commissioner Wax asked if there is a reason that acceleration is only for missing the completion deadline versus other defaults.

Ms. Campbell Weiss stated that it is tied to the development agreement and would trigger default should they miss the mandatory completion date.

Commissioner Wax noted in 4.1 just refers to 2.2J which says that they will provide evidence that completion by the mandatory project completion date. 4.1B talks about any default that lasts for 90 days and not cured but we would not be able to accelerate the note. If they stop working on the project or communicating, we do not have the ability to accelerate the note.

Mr. Bauer stated that the Commission has not sought to issue default until after failure to meet timelines. In the case of 300 E LaSalle project or Barehands; the timeline had passed and then the Commission opted to issue notices of default. We are operating under the assumption that in cases where it has come up that the developer was unable to meet the obligations versus a developer being actively in default prior to the completion of the timeline. We try to collaborate with the developer.

Commissioner Wax stated that the Commission is in the driver's seat on these agreements because we are giving money with expectations in return. We have a lot of leverage, and he thinks it would make more sense to give the city more options; we do not have to utilize all the options versus preemptively limiting our remedies. That is something to consider moving forward.

Upon a motion by Vice-President Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Resolution No. 3585 (SB TIF EDC Forgivable Loan Monreaux Additional Appropriations RDC) submitted on Thursday, December 14, 2023.

3. Resolution No. 3586 (Approving the loan agreement Delta Ventures (Monreaux Project))

Caleb Bauer Presented Resolution No. 3586 (Approving the loan agreement Delta Ventures Monreaux Project). See above information.

Upon a motion by Vice-President Warner, seconded by Secretary Sallie, a motion was made to amend the loan document on the Resolution No. 3585 (SB TIF EDC Forgivable Loan Monreaux Additional Appropriations RDC) on page 11 section 4.1B to fix the scriber error 5.1 to 4.1 submitted on Thursday, December 14, 2023.

Upon a motion by Vice-President Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Resolution No. 3586 (Approving the loan agreement Delta Ventures (Monreaux Project) as amended submitted on Thursday, December 14, 2023.

4. Fourth Amendment to Real Estate Purchase Agreement (Diamond View/Real America)

Erik Glavich Presented a Fourth Amendment to Real Estate Purchase Agreement (Diamond View/Real America). In 2021 RealAmerica and Redevelopment Commission entered into a purchase agreement for a LIHTC project as well as a market rate component. They were not successful in the first round of awards. In 2022 IHCD, the state delayed awarding because they wanted to update interest rate figures from the developers. The process was delayed so awarding was not received until a few months later. Staff has been working with RealAmerica daily to get this project across the finish line. The amendment before you extends the closing date to February 29, 2024, with construction beginning in 2024.

Commissioner Wax noted that the two-month extension to the deadline would be consistent with the 2-month delay.

Mr. Molnar stated yes. We have extended the closing date once. They are actively submitting plans to the city, and we are excited for this project.

Commissioner Wax asked if there is still interest and energy around this project.

Mr. Bauer stated that yes, there will be a development agreement and Resolution coming before the Commission for consideration on January 11, 2024, and then we will look to deploy an EDC statute, forgivable loan, similar to the Monreaux project. Due to the delay, RealAmerica has relooked at the project and the unit count has grown from 120 units to closer to 150 units.

Mr. Molnar stated that we will see a far greater investment amount than what they committed to in the initial purchase agreement, which was \$11M to \$12M.

Commissioner Relos asked if this was due to the developer doing their due diligence lining up contractors and getting all their costs.

Mr. Molnar states that they were getting environmental testing in which Macog helped them on the site which did push the closing a little. Items like that have taken a little more time than we were hoping.

Upon a motion by Commissioner Wax, seconded by Vice-President Warner, the motion carried unanimously, the Commission approved Fourth Amendment to Real Estate Purchase Agreement (Diamond View/Real America) submitted on Thursday, December 14, 2023.

5. Second Amendment (PNA)

Joseph Molnar Presented a Second Amendment (PNA). This agreement was made in 2021 in which the Redevelopment Commission approved the sale to Panaderia Y Supermercado. The grocer has a footprint in both South Bend and Elkhart. The city did not close on the property until Fall 2021. The developer will construct a new grocery store as well as two tenant spaces and invest \$1M on the site. The developer has been working with the city on design but have had delays in securing a contractor. We are asking to extend the deadline to begin construction May of 2024 with completion date extended to May of 2025.

Mr. Corcoran noted that they had a building design, but they could not get a surveyor. It took a while to get people to respond and the city has helped them along.

Commissioner Wax asked if we feel confident that the issues are resolved.

Mr. Bauer noted that they have had honest communication with the developer, and they are working in good faith.

Mr. Barrett asked what the actual closing date was.

Mr. Molnar stated September 2021.

Mr. Barrett states the document just referred to the purchase agreement date not the actual closing date.

Mr. Molnar commented that the amendment agreement states the deadline from closing of September 14, 2021.

Upon a motion by Commissioner Relos, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Second Amendment (PNA) submitted on Thursday, December 14, 2023.

B. Administrative

1. Resolution No. 3582 (2024 Meeting Schedule)

Mary Sears Presented Resolution No. 3582 (2024 Meeting Schedule). This resolution asks for Commission approval adopting the Redevelopment Commission schedule for 2024. Commission approval is requested.

Mr. Bauer noted that the only dates that are not standard would be the Monday prior to Thanksgiving and Christmas.

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Upon a motion by Commissioner Relos, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Resolution No. 3582 (2024 Meeting Schedule) submitted on Thursday, December 14, 2023.

2. **Resolution No. 3583 (Authorizing DCI Staff for Administrative Acts)**
Caleb Bauer Presented Resolution No. 3583 (Authorizing DCI Staff for Administrative Acts). This is an update to the previous agreement that authorizes DCI staff to perform administrative acts on behalf of the Commission. We have updated the names of the staff members. This agreement is for signing deeds, plats, and items such as that. The staff designated in the agreement are Caleb Bauer, Sarah Schaefer, Joe Molnar, and Erik Glavich. Commission approval is requested.

Upon a motion by Commissioner Wax, seconded by Commissioner Relos, the motion carried unanimously, the Commission approved Resolution No. 3583 (Authorizing DCI Staff for Administrative Acts) submitted on Thursday, December 14, 2023.

3. **Resolution No. 3584 (Staff Authority for Property Contracts Related Services)**
Caleb Bauer Presented Resolution No. 3584 (Staff Authority for Property Contracts Related Services). This is an update to the previous agreement that authorizes staff to enter into property contracts and related services such as appraisals, surveys, and things of that nature. The staff designated in this agreement are Caleb Bauer, Sarah Schaefer, Joe Molnar, and Erik Glavich. The number of appraisal caps has come close to the maximum amount allowed so that number has increased. Commission approval is requested.

Upon a motion by Commissioner Wax, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Resolution No. 3584 (Staff Authority for Property Contracts Related Services) submitted on Thursday, December 14, 2023.

C. Other

1. **Mortgage Release (Lewis Dorris)**
Elizabeth Maradik Presented a Mortgage Release (Lewis Dorris). This mortgage release is related to previous iterations of the home repair program that the city has offered. In the past clients were potentially eligible for part grant and part loans. The loan has been paid. The document before you is a release of the mortgage on this property. Commission approval is requested.

Matt Barrett, resident, asked if there is any reason that this document has to come before the commission. He did not think that the original loan agreement came before the commission.

Ms. Maradik stated that yes, the loans were approved and recorded by the commission and therefore must be released by the commission.

Upon a motion by Commissioner Relos, seconded by Secretary Sallie, the motion carried unanimously, the Commission approved Mortgage Release (Lewis Dorris) submitted on Thursday, December 14, 2023.

6. Progress Reports

A. Tax Abatement

- Erik Glavich stated that at the Common Council meeting the Council approved the following:
 - Common Council approved a designating resolution for the property located at 3607 South Main Street for purposes of a nine-year real property tax abatement for The Nexus Center. The obligations for the development agreement have been met by the Nexus Center. They have exceeded their private investment amount for their project. The owners have petitioned for a tax abatement for the final phase which involves two exceptionally large spaces. They will be putting in a commercial kitchen and additional space near the dock. It will be converted to an open space where they can have a stage and host events. This will come to Common Council January 2024.

B. Common Council

- Vice-President Warner recognized Eli Wax and thanked him for his service on both Common Council and the Redevelopment Commission. He stated that it was an honor and a privilege to serve with him.

C. Other

- Mr. Bauer stated that staff has been working with Mr. Gerard from Barehands. We will collaborate with him to walk through the property and determine a final amount of reimbursement.
- Mr. Molnar stated that the Lafayette building is moving forward. They have an architectural firm who has access to the building, and they have been in/out of the property.
- Mr. Bauer stated that staff has been in communication with neighbors in the Twyckenham Hills area regarding destroyed signage. The Department of Public Works has moved the masonry from the destroyed sign to a commission owned garage on Prairie. We will safeguard those and hope to have them reintegrated into new signage in the future.


7. Next Commission Meeting:

Thursday, January 11, 2024

8. Adjournment

Thursday, December 14, 2023, 10:37 a.m.


Vivian Sallie, Secretary


Marcia Jones, President

