

**SOUTH BEND REDEVELOPMENT COMMISSION
REGULAR MEETING**

March 10, 2016

9:30 a.m.

Presiding: Marcia Jones, President

227 West Jefferson Boulevard

South Bend, Indiana

The meeting was called to order at 9:31 a.m.

1. ROLL CALL

Members Present:

Marcia Jones, President
Don Inks, Secretary
Gavin Ferlic
John Anella

Members Absent:

David Varner, Vice President
Greg Downes

Legal Counsel:

Benjamin Dougherty, Esq.

Redevelopment Staff:

David Relos, Associate II
Tracy Oehler, Recording Secretary

Others Present:

Scott Ford, Executive Director
Brian Pawlowski, Assistant Executive Director
John March, Associate
Roger Nawrot, Assistant City Engineer
David Rafinski
Conrad Damian
Erin Blasko

2. APPROVAL OF MINUTES

A. Approval of Minutes of the Regular Meeting of Thursday, February 22, 2016

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the Minutes of the Regular Meeting of Thursday, February 22, 2016.

B. Approval of Minutes of the Special Meeting of Wednesday, March 2, 2016

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the Minutes of the Special Meeting of Wednesday, March 2, 2016.

3. APPROVAL OF CLAIMS

A. Claims Submitted March 10, 2016

324 Fund River West Development Area

South Bend Tribune	78.76	Notice to Bidders – Advanced Center for Cancer Care Equipment Purchase
US Bank	198,500.00	Debt Service Payment Lease Rental Rev Refunding Bonds, Series 2013 Century Center
Indiana Department of Environmental South Bend Tribune	487.50	Remediation Agreement
RealAmerica	78.02	Nello Corporation Equipment Purchase
Hull & Associates Inc.	30,726.00	LaSalle Apartments
Kolata Enterprises	4,295.76	Oliver Industrial Park & Ignition Park
Weaver Boos Consultants	2,002.50	Professional Services
DLZ	3,427.00	Ivy Tower
	27,210.00	Engineering

422 Fund West Washington Development TIF

Lehman & Lehman	4,231.25	City Cemetery Master Plan
-----------------	----------	---------------------------

429 Fund River East Development Area

Abonmarche	950.00	Colfax & Hill Drainage Improvements
------------	--------	-------------------------------------

430 Fund South Side TIF Area No. 1

Policemen's Federal Credit Union	26,418.91	Payoff Mortgage of parcel No. 6 Sandra J. Case 3814 S. Michigan St.
St. Joseph's County Treasurer	383.84	Payoff Taxes on Parcel No. 6 Sandra J. Case 3814 S. Michigan St.
Sandra J. Case	45,697.25	Purchase of Parcel No. 6 Sandra J. Case 3814 S. Michigan St.
EB Entertainment LP	1,150.00	Payment for Temporary Right-of-Way Parcel No. 5 XB Entertainment LP 225 Chippewa Ave.

\$345,636.79

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the claims submitted March 10, 2016.

4. OLD BUSINESS

None.

5. NEW BUSINESS

A. River West Development Area

- (1) Approval of Resolution No. 3331 Approving the Transfer of Temporary Right-of-Way for Use in Connection with the Smart Streets Project (South Bend Board of Public Works)**

Mr. Nawrot stated the temporary right-of-way is on Main Street and the back side of the Morris Performing Arts Center to ensure the semi-trucks are not driving over the sidewalks.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved Resolution No. 3331 approving the transfer of temporary right-of-way to the South Bend Board of Public Works for use in connection with the Smart Streets Project.

President Jones requested Items 5.A.(2), 5.A.(3), and 5.A.(4) be considered simultaneously as they pertain to the disposition of property at 122 S. Michigan Street.

Mr. Relos stated this is the site of South Bend Chocolate Café (SBCC), which the Commission entered into a Lease and Development of Real Property with in December 1997. The lease term is for 20 years with two five-year consecutive irrevocable options to renew. The building was in need of significant improvements, which SBCC made and per Section 3.07 of the Lease, retains ownership rights of the improvements and would be compensated the difference between fair market value of the property in 1997 versus a future current appraised value. SBCC desires to remain at its downtown location and to become the owner of the space it occupies. This would also eliminate the Commission's potential liability.

(2) Approval of Resolution No. 3330 Establishing the Offering Price of Property (122 S. Michigan Street)

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved Resolution No. 3330 establishing the offering price of property located at 122 S. Michigan Street.

(3) Approval of Bid Specifications and Design Considerations for Property (122 S. Michigan Street)

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the bid specifications and design considerations for property located at 122 S. Michigan Street.

(4) Authorization to Publish the Notice of Intended Disposition of Property with Publication Dates of March 18, 2016 and March 25, 2016 for Property (122 S. Michigan Street)

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the authorization to publish the Notice of Intended Disposition

of Property with publication dates of March 18, 2016 and March 25, 2016 for property located at 122 S. Michigan Street.

(5) Approval of Certificate of Completion and First Amendment to Agreement for Sale of Land for Private Development (River Race Townhomes LLC) and Approval of First Amendment to Agreement for Sale of Land for Private Development (East Bank South Bend Development LLC)

Mr. Relos stated on October 15, 2010, the Commission approved the final site plan with East Bank South Bend Development LLC (East Bank), for the construction of six townhomes on the old Rink site at the corner of Colfax and Sycamore. These townhomes were constructed and a Certificate of Completion was issued on April 24, 2012.

On April 10, 2012, the Commission approved the final site plan with River Race Townhomes LLC (River Race), for the construction of ten townhomes on the old Troeger site at the corner of Jefferson and Niles. The Agreement for Sale for this site, entered into on June 28, 2011, called for Certificates of Occupancy to be received within three years from this June date. During the timeframe between June 2011 and April 2012, a Combined Sewer Overflow project was being planned along Niles north of Jefferson, which delayed site planning. Since the project construction was completed within the three year period and Certificates of Occupancy were issued November 2015, staff request the approval of the Certificate of Completion for this site.

Additionally, when the Agreements for Sale for both sites were drafted, they contained language stating no tax abatements would be sought for the property. It is deemed the no tax abatements pledge was for the projects approved and not for future developments that may or may not occur as there is no deed restrictions of this type that run with the land. To encourage future development at these two sites, it is recommended to amend the Agreements for Sale to clarify that no tax abatements would be sought for the previously approved projects, and future tax abatement requests could be sought for the remaining subdivided parcels.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the Certificate of Completion and First Amendment to Agreement for Sale of Land for Private Development with River Race Townhomes LLC and approved the First Amendment to Agreement for Sale of Land for Private Development with East Bank South Bend Development LLC.

(6) Approval of Budget Increase for the Hall of Fame Site

Mr. Pawlowski stated on July 13, 2015, a budget of \$700,000 was established in connection with a new development at the former Hall of Fame site. As the plans for the project have progressed, there is a need for additional design work regarding

utility relocation in connection with the overall site plan. Jones Petrie Rafinski has provided a quote of \$118,000, which a portion of will be allocated against the current development agreement. Staff is requesting an increase to the original budget in an amount not-to-exceed \$90,000.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic the motion carried 3-0 (Vice President Varner and Commissioner Downes absent), the Commission approved the budget increase for the Hall of Fame Site in an amount not-to-exceed \$90,000.

6. PROGRESS REPORTS

Mr. Pawlowski announced the City and Jones Petrie Rafinski (JPR) have been in negotiations regarding the Schillings building. JPR is wanting to expand and will be putting a substantial investment into the building including the corner facing the Four Winds Stadium. Staff will have additional information at the next Redevelopment Commission meeting.

7. NEXT COMMISSION MEETING

Thursday, March 24, 2016, at 9:30 a.m.

8. ADJOURNMENT

The meeting was adjourned at 9:47 a.m.

Aaron Kobb, Director of Economic Resources

Marcia I. Jones, President