

**AGENDA**  
**REDEVELOPMENT COMMISSION**  
**McCloskey Conference Room**  
**June 4, 2018**  
**5:00 p.m.**

- I. ROLL CALL**
- II. READING OF THE MINUTES –May 21, 2018**
- III. EXAMINATION OF CLAIMS –June 1, 2018 for \$1,610,089.61**
- IV. EXAMINATION OF PAYROLL REGISTERS–May 25, 2018 for \$29,056.15**
- V. REPORT OF OFFICERS AND COMMITTEES**
  - A. Director’s Report**
  - B. Legal Report**
  - C. Treasurer’s Report**
  - D. CTP Update Report**
- VI. NEW BUSINESS**
  - A. Resolution 18-37: Determination of No Excess Assessed Value in the Allocation Areas**
  - B. Resolution 18-38: To Grant Right of Entry to Morton Street Properties for Access at 621 N. Rogers Street**
- VII. BUSINESS/GENERAL DISCUSSION**
- VIII. ADJOURNMENT**

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).*

***THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA MET on Monday, May 21, 2018, at 5:00 p.m. in the Showers City Hall, McCloskey Conference Room, 401 North Morton Street, with Donald Griffin, Jr., presiding.***

**I. ROLL CALL**

Commissioners Present: Don Griffin, David Walter, Sue Sgambelluri, and Eric Sandweiss

Commissioners Absent: Mary Alice Rickert and Kelly Smith

Staff Present: Doris Sims, Director, Housing and Neighborhood Development

Others Present: Philippa Guthrie, Corporation Counsel, City Legal Department; Larry Allen, Assistant City Attorney, City Legal Department; Jeff Underwood, City of Bloomington Controller; Alex Crowley, Director, Economic & Sustainable Development; Ted Ferguson, Public Investment Corporation; Dee Burris, Public Investment Corporation; Steve Brehob, Smith Brehob and Associates, Inc.; Jim Murphy, CFC Properties; Paula McDevitt, Administrator, Parks & Recreation Department

**II. READING OF THE MINUTES** – David Walter made the following corrections:

- Under Resolution 18-27, an extra “n” needs to be deleted; and
- Change “There was not public comment” to “There was no comment from the public.”

Sue Sgambelluri made a motion to approve the May 7, 2018, minutes as corrected. David Walter seconded the motion. The board unanimously approved.

**III. EXAMINATION OF CLAIMS** – David Walter made a motion to approve the claim register for May 18, 2018, for \$265,587.91. Eric Sandweiss seconded the motion. The board unanimously approved.

**IV. EXAMINATION OF PAYROLL REGISTERS** – Sue Sgambelluri made a motion to approve the payroll register for May 11, 2018, for \$29,056.21. David Walter seconded the motion. The board unanimously approved.

**V. REPORT OF OFFICERS AND COMMITTEES**

A. Director’s Report. Doris Sims was available to answer questions.

B. Legal Report. Larry Allen reported that a special session of the Indiana General Assembly was held last week resulting in changes to the code governing redevelopment commissions. The changes state a redevelopment commissioner must present an annual report to City Council and all other governing bodies within the RDC’s allocation areas. The annual report must include long term plans for the TIF allocation areas, the impact on each taxing unit in the district, and a ‘budget’ for the commission with respect to the TIF allocation areas. The annual report shall be given in an RDC meeting.

Jeff Underwood reminded the commission that the RDC already files an annual report in the City Council’s office, as required by the statute. Underwood stated a section could be added to the annual report regarding long term use of TIF funds. One of the changes includes allowing the governing bodies within the allocation area to require a redevelopment commissioner to report to each taxing district in-person. The City along with the Redevelopment Association of Indiana are trying to clarify or correct the language

to account for the difference between a TIF plan and a budget and to allow RDC staff or the Treasurer to make the annual reports.

- C. Treasurer's Report. Jeff Underwood was available to answer questions.
- D. CTP Update. Alex Crowley reported that construction on the Trades District is going on, as seen with the closure of 10<sup>th</sup> Street. Work at the Dimension Mill is also moving along. Crowley encouraged the commissioners to take a tour of the Dimension Mill. Private tours are held every Friday from 12pm – 1pm.

## **VI. NEW BUSINESS**

- A. Resolution 18-32: Approval of Memorandum and Amended Project Agreement with Pedcor Investments. The RDC approved a project agreement with Pedcor Investments in Resolution 16-67. In Resolution 17-71, the RDC approved an amendment to the project agreement that documented changes to the project, including updating the date for commencement of construction and the construction timeline. Doris Sims stated the amendment in Resolution 18-32 is to include their equity investment partner as part of the agreement.

Don Griffin asked for public comment. There was no comment from the public.

Sue Sgambelluri made a motion to approve Resolution 18-32. Eric Sandweiss seconded the motion. The board unanimously approved.

- B. Resolution 18-33: Approving Funding for Payment of Property Taxes on 1730 South Walnut Street, 717 West Howe Street, and 627 North Morton Street. Jeff Underwood stated we received funds at closing, for the pro-rated taxes on the above properties. Underwood explained we will use the funds collected at closing and pay the taxes to the County.

Don Griffin asked for public comment. There was no comment from the public.

David Walter made a motion to approve Resolution 18-33. Sue Sgambelluri seconded the motion. The board unanimously agreed.

- C. Resolution 18-34: Approval of Agreement with CFC Properties, LLC, for Fireworks Display in the Trades District. Paula McDevitt reported that a generous financial offer was received from CFC to bring fireworks to Downtown Bloomington.

McDevitt explained that the City assembled a team to research the possibility of having fireworks Downtown. The team included representatives from CFC, the Mayor's Office, Public Works, BPD, Fire Department, ESD, City Legal, Parks & Recreation and Risk Management. The team brought in a fireworks expert to locate the best launch spot. The team and fireworks expert toured Downtown and decided the Trades District would be the best place for the launch. The recommendation from the contractor is to have a 300-foot radius cleared for the launch.

The Department of Public Works will close off the required streets which include the alley to the east of the Dimension Mill and Rogers Street between 10<sup>th</sup> and 11<sup>th</sup> Streets; the Fire Department will be present; BPD will bring additional patrol to the area; Parks & Recreation will be responsible for hiring outside security; the Mayor's Office and the City's Communications Director will assist with marketing for the event; City Legal will put together an agreement with CFC Properties.

Jim Murphy explained that the yearly fireworks normally held at the fairgrounds were cancelled this year because the Monroe County Fair will be taking place the week of July 4.

Murphy gave background information on the company who will perform the launch: Melrose Pyrotechnics. McDevitt stated the firework show will be held on July 3 and adjacent property owners will be notified. Viewing areas will not be provided.

Sue Sgambelluri asked if there are concerns from the surrounding businesses. McDevitt stated the RDC is the first step in the approval process and official notices have not been sent out yet.

Eric Sandweiss asked if there will be any pre-arranged viewing ground. McDevitt stated that viewing areas will not be provided. Sandweiss asked if we are covered as far as liability. McDevitt stated yes. Sandweiss asked if there are any concerns with having the event during the Monroe County Fair week. McDevitt stated they will notified of the event, however you will be able to see the fireworks from the fairgrounds so she does not anticipate any issues. The fireworks show will last 23-25 minutes and will begin at approximately 10:00 p.m.

David Walter asked how we will deal with traffic and congestion. McDevitt stated BPD will be assisting.

Don Griffin asked for public comment. One member of the public asked how far away you will be able to see the fireworks. Jim Murphy could not give an exact distance but stated they will be 350 feet in the air.

Sue Sgambelluri made a motion to approve Resolution 18-34. David Walter seconded the motion. The board unanimously approved.

- D.** Resolution 18-35: Approval of Agreement for the Construction of a Road within the Public Investment Corporation Development at 2700 West Tapp Road. Larry Allen distributed an amended version of Resolution 18-35. The substantial difference in the amended resolution and the one in the commission packet is it includes a draft agreement. Allen stated they are still negotiating some of the finer points. The amended resolution distributed gives staff permission to continue negotiations and gives the president of the RDC approval to sign any agreement reached. The RDC will approve the final site plan.

Sue Sgambelluri asked if this is an appropriate use of TIF funds. Allen stated yes.

Don Griffin asked for public comment. There was no comment from the public.

Sue Sgambelluri made a motion to approve Resolution 18-35. David Walter seconded the motion. The board unanimously approved.

- E.** Resolution 18-36: Approval of the First Amendment to the Project Agreement with Morton Street Properties, LLC. This resolution is regarding the closing on the Red Lot, as part of the Trades District. Originally the agreement stated the taxes would be pro-rated from the date of sale. However, Morton Street Properties is now willing to pay all of the taxes and the City will only be responsible for closing costs.

Don Griffin asked for public comment. There was no comment from the public.

Sue Sgambelluri made a motion to approve Resolution 18-36. David Walter seconded the motion. The board unanimously approved.

**VII. BUSINESS/GENERAL DISCUSSION**

Jeff Underwood stated IU health signed the purchase agreement, and once the agreement is received, we will make the first payment of \$1.5 million.

**VIII. ADJOURNMENT**

---

Donald Griffin, President

---

Mary Alice Rickert, Secretary

---

Date

**18-37**  
**RESOLUTION OF THE**  
**REDEVELOPMENT COMMISSION OF THE**  
**CITY OF BLOOMINGTON, INDIANA**

**DETERMINATION OF NO EXCESS ASSESSED VALUE IN THE**  
**ALLOCATION AREAS**

WHEREAS, the City of Bloomington currently has two allocation areas for purposes of capturing tax increment revenues pursuant to Indiana Code § 36-7-14-39 and Indiana Code § 36-7-14-39.3: (1) the Consolidated Allocation Area and (2) the North Kinser Road and Prow Road Allocation Area; and

WHEREAS, both the Consolidated Allocation Area and the North Kinser Road and Prow Road Allocation Area were created by the Redevelopment Commission of the City of Bloomington ("RDC") and the Common Council of the City of Bloomington ("Common Council") pursuant to Indiana Code 36-7-14; and

WHEREAS, the Consolidated Allocation Area was created by consolidating several new and existing allocation areas, including: (1) the Adams Crossing Allocation Area (as originally created in 1993 and as expanded in 2000 and 2009); (2) the Downtown Allocation Area (as originally created in 1985 and as expanded in 1990 and 2010); (3) the Tapp Road Allocation Area (as originally created in 1993 and as expanded in 2003); (4) the Thomson/Walnut-Winslow Allocation Area (as originally created in 1991 and as expanded in 1993 and 2002); (5) the Whitehall/West Third Street Allocation Area (as originally created in 1998 and as expanded in 2000); (6) the West 17th Street Allocation Area (as originally created in 2015); (7) the Seminary Allocation Area (as originally created in 2015); (8) the West Third Street Allocation Area (as originally created in 2015); (9) the Bloomfield Road Allocation Area (as originally created in 2015); (10) the Thomson/Walnut-Winslow Expansion #1 Allocation Area (as originally created in 2015); (11) the Thomson/Walnut-Winslow Expansion #2 Allocation Area (as originally created in 2015); (12) the Thomson/Walnut-Winslow Expansion #3 Allocation Area (as originally created in 2015); (13) the South Walnut Allocation Area (as originally created in 2015); (14) the Tapp Road Expansion #2 Allocation Area (as originally created in 2015); (15) the Tapp Road Expansion #3 Allocation Area (originally created in 2015); and (16) the Fullerton Pike Allocation Area (originally created in 2015); and

WHEREAS, pursuant to Indiana Code § 36-7-14-39(b)(4), the RDC is required to determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed

value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in Indiana Code § 36-7-14-39(b)(3), plus the amount necessary for the other purposes described in Indiana Code § 36-7-14-39(b)(3);

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

1. The Redevelopment Commission has determined:
  - a. there is no excess assessed value from the Consolidated Allocation Area or the North Kinser Road and Prow Road Allocation Area that may be allocated to the respective taxing units for budget year 2018 pursuant to Indiana Code § 36-7-14-39; and
  - b. all potential captured assessment (as defined in 50 Ind. Admin. Code 8-1-16) with respect to the Consolidated Allocation Area and the North Kinser Road and Prow Road Allocation Area in 2018 shall be captured assessment (as defined in 50 Ind. Admin. Code 8-1-16).
2. The County Auditor, the Common Council, the officers who are authorized to fix budgets, tax rates, and tax levies under Indiana Code § 6-1.1-17-5 for each of the other taxing units that is wholly or partially located within the Consolidated Allocation Area or the North Kinser Road and Prow Road Allocation Area shall be notified by sending Exhibit A via Certified Mail Return Receipt Requested or Hand Delivery with written confirmation of receipt. The Department of Local Government Finance shall be notified by sending Exhibit A or the information contained within Exhibit A electronically. Staff is asked to ensure these notices are provided by June 15, 2018, the deadline set in Indiana Code § 36-7-14-39(b)(4).

**BLOOMINGTON REDEVELOPMENT COMMISSION**

---

Donald Griffin, President

ATTEST:

---

Mary Alice Rickert, Secretary

---

Date

June 5, 2018

(VIA HAND DELIVERY or VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED)

[Address Block]

Re: City of Bloomington Redevelopment Commission

Dear [Officer Authorized to Fix Budgets, Tax Rates, and Tax Levies]:

The City of Bloomington currently has two allocation areas—(1) the Consolidated Allocation Area and (2) the North Kinser Road and Prow Road Allocation Area—for purposes of capturing tax increment revenues pursuant to Indiana Code Section 36-7-14-39 and Indiana Code Section 36-7-14-39.3.

The Consolidated Allocation Area was created in 2015 when sixteen allocation areas were consolidated into the Consolidated Allocation Area. These allocation areas are: (1) the Adams Crossing Allocation Area (as originally created in 1993 and as expanded in 2000 and 2009); (2) the Downtown Allocation Area (as originally created in 1985 and as expanded in 1990 and 2010); (3) the Tapp Road Allocation Area (as originally created in 1993 and as expanded in 2003); (4) the Thomson/Walnut-Winslow Allocation Area (as originally created in 1991 and as expanded in 1993 and 2002); (5) the Whitehall/West Third Street Allocation Area (as originally created in 1998 and as expanded in 2000); (6) the West 17th Street Allocation Area (as originally created in 2015); (7) the Seminary Allocation Area (as originally created in 2015); (8) the West Third Street Allocation Area (as originally created in 2015); (9) the Bloomfield Road Allocation Area (as originally created in 2015); (10) the Thomson/Walnut-Winslow Expansion #1 Allocation Area (as originally created in 2015); (11) the Thomson/Walnut-Winslow Expansion #2 Allocation Area (as originally created in 2015); (12) the Thomson/Walnut-Winslow Expansion #3 Allocation Area (as originally created in 2015); (13) the South Walnut Allocation Area (as originally created in 2015); (14) the Tapp Road Expansion #2 Allocation Area (as originally created in 2015); (15) the Tapp Road Expansion #3 Allocation Area (originally created in 2015); and (16) the Fullerton Pike Allocation Area (originally created in 2015).

This letter is to notify you, pursuant to Indiana Code § 36-7-14-39 and 50 Ind. Admin. Code 8-2-4, on behalf of the Commission, that the Commission has



determined that, for budget year 2018, the Commission will need to capture all of the incremental assessed value from the Consolidated Allocation Area and the North Kinser Road and Prow Road Allocation Area in order to generate sufficient TIF Revenues to meet the Commission 's outstanding debt service obligations, to pay for projects that are located in or directly serve or benefit the Consolidated Allocation Area and the North Kinser Road and Prow Road Allocation Area, and to meet other purposes permitted by Indiana Code § 36-7-14-39(b)(3).

Therefore, the Commission has determined that (a) there is no excess assessed value from the Consolidated Allocation Area or the North Kinser Road and Prow Road Allocation Area that may be allocated to the respective taxing units for budget year 2018 pursuant to Indiana Code 36-7-14-39(b), and (b) all potential captured assessment (as defined in 50 Ind. Admin. Code 8-1-16) with respect to the Consolidated Allocation Area and the North Kinser Road and Prow Road Allocation Area in 2018 shall be captured assessment (as defined in 5 Ind. Admin. Code 8-1-10).

Sincerely,

Donald Griffin  
President, Bloomington Redevelopment Commission

**18-38**  
**RESOLUTION**  
**OF THE**  
**REDEVELOPMENT COMMISSION**  
**OF THE**  
**CITY OF BLOOMINGTON, INDIANA**

**TO GRANT RIGHT OF ENTRY TO MORTON STREET PROPERTIES**  
**FOR ACCESS 621 N. ROGERS STREET**

- WHEREAS, the City of Bloomington established the Redevelopment Commission of the City of Bloomington (“RDC”), with the powers and authorities set forth in Indiana Code 36-7-14; and,
- WHEREAS, the RDC owns property at 621 North Rogers Street, which is south of West 11<sup>th</sup> Street, east of Bender Lumber, and north of the B-Line Trail (the “Property”); and
- WHEREAS, on July 13, 2015, the RDC approved Resolution 15-40, approving a Project Review and Approval Form regarding the solicitation of redevelopment proposals for the West Rogers Parcels; and
- WHEREAS, in Resolution 16-67, the RDC approved a Project Agreement with Pedcor Investments-2015-CXLIX, L.P. (“Pedcor Investments”) pursuant to which Pedcor Investments would pay the RDC Five Hundred Thousand Dollars (\$500,000) for the southern 1.9 acres of the West Rogers Parcels (“Southern Parcel”), and develop the Southern Parcel as a thirty-six unit multifamily affordable housing project; and
- WHEREAS, in Resolution 17-71, the RDC approved an Amendment to Project Agreement and in compliance with the amended Project Agreement, the parties closed on the purchase of the Southern Parcel on February 23, 2018; and
- WHEREAS, Pedcor Investments has begun construction on the Southern Parcel, and temporarily desires to relocate a construction trailer to RDC owned property to the north while it constructs its northern parking lot; and
- WHEREAS, Pedcor Investments requires a grant of Right of Entry upon the land owned by the RDC; and
- WHEREAS, the Parties wish to enter into the Right of Entry attached to this Resolution as Exhibit A, whereby the RDC will allow Pedcor Investments to enter and temporarily relocate the construction trailer on the Property, and such Right of Entry shall exist for four (4) months from the date of execution.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

1. The draft Agreement for Right of Entry in Exhibit A is approved.

2. The RDC authorizes Alex Crowley and Philippa Guthrie to agree to reasonable revisions, if any, requested by Pedcor Investments.
3. Donald Griffin is authorized to sign an agreed upon final Agreement for Right of Entry on behalf of the Redevelopment Commission.

BLOOMINGTON REDEVELOPMENT COMMISSION

---

Donald Griffin, President

ATTEST:

---

Mary Alice Rickert, Secretary

---

Date

## **RIGHT OF ENTRY AGREEMENT**

This Right of Entry Agreement ("Right of Entry") is entered into this \_\_\_\_\_ day of June, 2018 by and between the BLOOMINGTON REDEVELOPMENT COMMISSION (the "RDC") and PEDCOR INVESTMENTS-2015-CXLIX, L.P. ("Pedcor Investments").

### RECITALS

WHEREAS, the RDC owns property at 621 North Rogers Street, which is south of West 11th Street, east of Bender Lumber, and north of the B-Line Trail (the "RDC Property"); and

WHEREAS, Pedcor Investments owns the 1.9-acre lot immediately to the south of the Property ("Southern Parcel"); and

WHEREAS, Pedcor Investments has approached the city and requested access to temporarily relocate a construction trailer onto the RDC Property; and

WHEREAS, Pedcor Investments requires a grant of Right of Entry upon the RDC Property; and

WHEREAS, the Parties wish to enter into this Right of Entry whereby the RDC will allow Pedcor Investments to enter upon the RDC Property for the limited purpose of parking a construction trailer, and such Right of Entry shall exist for no more than four (4) months from the date of execution of this agreement, unless otherwise agreed to by the parties.

NOW, THEREFORE, the RDC grants a Right of Entry to Pedcor Investments upon and across the RDC Property as described above and portrayed in Exhibit A, and the Parties agree as follows:

### AGREEMENT

1. **Right of Entry.** The RDC hereby grants to Pedcor Investments, and its agents, employees, and successors in right the right to enter upon the RDC Property. The Right of Entry shall apply to any ingress and egress necessary for the temporary relocation of Pedcor Investments' construction trailer.
2. **Term.** This Right of Entry shall terminate upon the earlier of four (4) from the date of execution of this agreement or October 31, 2018, unless otherwise agreed to in writing by the parties.
3. **Restoration and Repair.** Pedcor Investments agrees to repair or cause to be repaired any and all damage to the RDC Property as a result of Pedcor Investments' use of the RDC Property and to restore the RDC Property to as good a condition as it was in prior to the Pedcor Investments' first entrance onto the RDC Property pursuant to this Right of Entry. The RDC does not waive its right to make claims for any damages incurred related to Pedcor Investments' use of the Property

- 4. Indemnity. Pedcor Investments agrees to indemnify, defend, and hold harmless the RDC, its officials, employees, agents, contractors, and subcontractors, in any action arising from incidental damage to the RDC Property, Pedcor Investments' access and use of the RDC Property, and any work Pedcor Investments performs or causes to be performed on the RDC Property, including but not limited to ordinary maintenance.

IN WITNESS WHEREOF, the undersigned has/have set his/her/their hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BLOOMINGTON REDEVELOPMENT COMMISSION    PEDCOR INVESTMENTS-2015-CXLIX, L.P.**

\_\_\_\_\_  
Donald Griffin, President

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MONROE    )

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Donald Griffin, who executed the above and foregoing instrument as his/her/their voluntary act and deed for the purposes therein stated.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_ County

Name Printed: \_\_\_\_\_

**EXHIBIT A**  
(Property Subject to Right of Entry)

