

The Pendleton Redevelopment Commission (RDC) met August 30, 2018 at 6:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order at 6:00pm. Commission Members present were President Chad Wolfe, Craig Campbell, Steve Davis, Jessica Bastin and Bill Hutton. A quorum was established with four of five voting members present. Representing the Town were Town Manager Tim McClintick, Town Attorney Alex Intermill and Planning Clerk Kate Edwards.

Others in attendance were Town Council President Bob Jones, Town Council Member Chet Babb, and JoAnn and Doug Owens of 115 Warwick Way Pendleton.

MINUTES

**MOTIONED BY JESSICA BASTIN, SECONDED BY CRAIG CAMPBELL,
THE APPROVAL OF JUNE 28, 2018 MEETING MINUTES.
MOTION CARRIED.**

OLD BUSINESS

- None

NEW BUSINESS

- **Community Hospital Anderson Sports and Wellness Center – Review of Development Agreement**
 - Intermil advised the Commission before them was Exhibit 1 of the Resolution. The Resolution is asking the RDC to approve and authorize Chad Wolfe as President of the RDC to sign substantively the same Development Agreement that is attached as Exhibit 1. So the substance of your discussion and consideration is what is in Exhibit 1. After many back and fourths between attorneys, the Town and Klipsch-Card we believe this is a final version but want the RDC to weigh in and be comfortable with the terms of the agreement
 - The agreement contemplates the 25 acres of real property in Falls Pointe that will be sold to Klipsch-Card at a discounted rate following a statutory process we will go through.
 - Also \$1,000,000 in cash from the Town to help with construction and development costs and then deferred payments over 15 years that will be roughly \$8,000 per month and those payments will start when the Wellness Center opens. That also goes towards those payments to help off-set the development costs, but also, since this is a membership driven business model, it also helps bridge the gap for them as they get things up and running which is anticipated to be by third quarter 2019.
 - An important aspect of this Agreement is the Covenant Not to Appeal the real property taxes for the project. There is a separate Covenant that is

attached to the Development Agreement that will also be executed by all parties that states Klipsch-Card, the developer and their successors, won't appeal any sort of assessment that would throw off property taxes less than \$285,000. That amount is important because that is what the Town is anticipating they need to make the debt service payments on the bond that will be issued for this project. Talking with Umbaugh, we are very comfortable that that is a conservative number and will cover the debt service. So if they get assessed and their real property taxes are more than \$285,000 then they could appeal to get it down to a level that is at \$285,000 or the town must take the excess in real property taxes, which is just for the Wellness Center project (150,000 square foot facility and the real estate that it sits on) and not for future developments or improvements.

- The Redevelopment Authority met last week on the Development Agreement and looked at a prior version of this Agreement and requested a change to the Miscellaneous Terms Section XIX item f. regarding Defaults. The RDA requested that this section mirror both sides exactly, which is reasonable and common. The document before the RDC reflected that change.

Following the summary review of the Agreement, Wolfe asked for any questions or discussion.

- Campbell asked about the front page Section 2 who the President of the Commission would be. Intermil advised it is Chad Wolfe. Campbell pointed out its reference to she and her. Intermil will correct those references on this non-signature page.
- Wolfe added that the uses of the excess land must come back in front of the RDC for approval. Intermil indicated that was correct.
- Intermil indicated that nothing in this Agreement blesses or gets them out of any of the zoning and variance pieces.
- Campbell shared that this sounds like it has been a long road to get here and asked if the Town was okay with this. Intermil indicated that it has been, but over the past two week it has been just over a couple of sentences on timing, on closing, the bonds and how all of this comes together because on the Developer side, as they are getting lender financing and they are out shopping this deal to lenders and part of their pitch is the money coming from the Town etc.

MOTIONED BY JESSICA BASTIN, SECONDED BY STEVE DAVIS, TO APPROVE RESOLUTION 2018-01 WITH NOTED GENDER CHANGE. MOTION CARRIED.

Wolfe moved on to the second component, now that they have the Development Agreement which is what will hold the Developer in line and make sure they don't go

outside of the scope that has been agreed upon. Turned the floor back over to McClintick and Intermil.

- **Community Hospital Anderson Sports and Wellness Center – Discussion in regard to rezoning of property from Industrial to Planned Business**
 - McClintick advised as they were reviewing the type of use and the variances and things they would have to get when going through Industrial instead of Planned Business, staff decided and Alex agreed that it would be a better fit if it was changed to Planned Business. Planned Business has guidelines similar to the Town's Design Guidelines. There would be fewer meetings but they would still go in front of the RDC to present what they wanted to get approved and then in front of the Plan Commission for the final okay. This would clean it up and place it in a more appropriate zoning. Intermil added that it also applies to the future development as well and make the property more nimble for what might go on the 25 acres in the future.
 - Intermil added that this came about because Klipsch-Card would have to submit an Application for Use Variance if it remained Industrial. Also any future development, for example a doctor's office, would then also require a Use Variance. So it makes better sense to re-zone this project's 25 acres to Planned Business. McClintick added that the remainder of the Falls Pointe Park would remain Industrial. Campbell asked if this could hurt us in any way and Intermil said it could not.

MOTIONED BY JESSICA BASTIN, SECONDED BY CRAIG CAMPBELL, TO APPROVE THE PROPOSED CHANGE IN ZONING. MOTION CARRIED.

In a desire to clarify the process to the public audience, Intermil stated that this vote by the RDC was approving the moving forward with the re-zone. Now the Plan Commission will initiate that process and there will be a Public Hearing about it. It will go to the Town Council for approval. But we wanted to make sure that the RDC did not have any concerns or issues taking it out of their authority and putting it on the Plan Commission.

The next meeting is scheduled for September 27, 2018.

Meeting adjourned at 6:22pm.

Kate Edwards
Planning Clerk
Town of Pendleton