

# PLYMOUTH REDEVELOPMENT COMMISSION

April 19, 2022

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The Plymouth Redevelopment Commission met in regular session in the Council Chambers on the second floor of 124 North Michigan Street, Plymouth, Indiana on April 19, 2022 at 5:30 p.m.

President Mike Miley called the meeting to order for Commissioners Billy Ellinger, Nancy Felde, Dr. Tom Pedavoli and Craig Hopple who were present at the meeting. Commissioner Melissa Christiansen attended virtually. Other attendees included Mayor Senter, City Attorney Surrisi, Utility Superintendent Davidson and Clerk-Treasurer Gorski. The public was able to see and hear the meeting through Microsoft Teams.

Commissioners Felde and Hopple moved and seconded to approve the minutes of the last Regular Session meeting of March 15, 2022 as presented. The motion carried.

## TIF #1: U.S. 30 / Oak Road Economic Development Area

### **Hoham Drive Update**

City Attorney Surrisi stated that the INDOT quarterly meeting happened about a week and a half ago and everything is moving forward. He states that it does however sound like the letting date will be bumped back a month just due to the timeline of approvals. He states that it didn't seem like any party viewed that as a potential issue because the schedule for the rest of this year into the Spring will be allotted for utility relocation. He states that there wouldn't be many construction activities happening until next Spring anyhow. He also wished to state that the letting date being pushed back or not has not been finalized but he wants to assure that it wouldn't be too significant if it did happen.

Commissioner Felde states that the utility work is quite extensive and that it is causing a delay in and of itself. She states that if the contract is let will the contractor oversee the utilities work or do the utilities do their work and then the contractor takes over. She is curious on the process.

Surrisi states that the contractor is going to see all that and be made aware of it so there isn't going to be a situation where the contractor starts and ends up being at the mercy of the utilities waiting for them to finish up their work before they come in. He adds this also helps so there are no prolonged closures of access out there. He believes that the contractor is let in to all the utility processes as they are going on.

Felde asks if the bidder that is granted the job will have to sit and watch for a while. Surrisi agrees.

## TIF #2: East Jefferson / Central Business Economic Development Area

### **Real Property Leasehold Interest Donation/Transfer/Reletting Agreement – Rees Theatre**

City Attorney Surrisi states that the city has been working with the Rees Theatre for a while to help facilitate their ability to obtain an alcohol permit. He states that the City Council had approved of making a Riverfront District that was designated to the downtown area near the river. He states that the alcoholic beverage statutes allow for special allocation of additional liquor licenses within one of these districts over and above what is legally allowed for a city. He states that the caveat to that is that they are not like regular liquor licenses which are transferrable from location to location. He states that if you were to pick up your business and move it somewhere else that these are only available for that specific location within the Riverfront District. He adds that if that business were to be closed and they wanted to open up a new restaurant down the street that they would not be able to take that liquor license with them.

He states that when pursuing the license, the Rees Theatre found this alternative option of a Civic Center alcohol permit that associates them with a government entity. He adds that with those permits that there are no physical barrier limitations within the building where the bar area would have to be physically segregated from the rest of the seating area. He states that from finding that as an option that it was ideal for them compared to redesigning of the construction for the barrier and Surrisi went to work on how the city may be able to participate and help the Rees Theatre out with that and in order to qualify for the Civic Center permit their facility would have to be either owned or leased by a government entity. He states that the Rees would donate a lease hold interest in the Rees building to the Redevelopment Commission for the purposes



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to facilitate their application for this alcohol permit which in turn would then lease the building back to the Rees Theatre. He adds that they would be responsible for all of the operations and everything to do with the facility and provide the insurance and hold the harmless from any liability claims. He states that by doing this it would satisfy the qualifications of the Civic Center permit and allow them to move forward with that.

Randy Danielson with the Rees Theatre was here to present his case to the Redevelopment Commission. He states that they now have an opening date of October 1<sup>st</sup> but what they would like to do is to be able to serve their patrons in a fashion that speaks highly of the Rees Theatre itself. He states that they will do responsible dispensing of alcohol. He would like to assure the Redevelopment Commission that the alcohol permit that is being applied for is still being applied for under the Rees Theatre Incorporated so the city has no responsibilities with that. He states that the reason that they are here is because last Wednesday they met with Brian Stewart from the Indiana Alcohol and Tobacco Commission. He states that they came in and saw the physical structure and one of the windows to be dispensing alcohol through is open into the auditorium. He adds that it is open into the auditorium because of the 1940 aesthetics of the building and how they would want that experience to be. He states that is where the physical barrier came in because if they were to take this matter on themselves that they would have to build a six-foot wall that would block that aesthetic from the auditorium.

Commissioner Miley asked the Board if they all know what the layout of the Rees Theatre looks like.

Commissioner Felde states that she knows the basic layout but doesn't know where this layout is. She adds that it sounds like a window is a barrier in and of itself.

Commissioner Miley asks if it is an opening. Danielson agrees and states that it mimics the one that is in the front lobby.

Danielson states that there is now one in the front lobby and one to the auditorium. He states that when a performance would begin then someone can go to the lobby and get a drink at that point. He adds that there would even be a restriction in doing that. He states that in the State of Indiana that any time an alcoholic beverage is passed across a counter, that counter becomes a bar so they would not be able to do that at either window without designating even the lobby to be a 21 and older situation. He states that at that point then you would even be restricting the age limit of the people coming into the building.

Danielson states that this barrier wall would also take up another row of their seating and their seating limit currently is 225 and for them to lose another 12 seats from income would be another hardship for the Rees Theatre to be profitable. He adds that it also affects how they wish to serve their guests. He states that the odd thing about this all is that Brian Stewart told them that they can take the order at the window and hand it out the side door to the hallway. He states that it really doesn't make sense but some of these laws have been in the books since 1935 and he states that they are not about to change before October 1<sup>st</sup>. He states that this is one way for the community to have a performance center that can rival any community in the area. He wishes to state that everyone has worked really hard to get to this point with the Rees Theatre and that everyone will be proud of it once it opens. He adds that the appreciates the help and support that he received from the Redevelopment Commission early on and that it is not forgotten.

Surrisi states that they have already vetted the agreement through their representatives with Gibson Insurance and approved of it and thought all the language looked fine. He adds that Gibson did suggest one change that has since been added to the document that states, "The Rees shall also obtain liquor liability insurance coverage."

Miley asks Surrisi if this amendment is in the same paragraph where it mentions adding the city as an additional insurer. Surrisi agrees. Miley then asks the Rees's Insurance Representative if that would be a



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problem or not for the liquor liability policy to add the city as an additional insurer on that also. He states that he already ran this across with others and they approved it.

Miley asks when all of this said and done, who owns the Rees Theatre building. Surrisi states that Rees Theatre. He states so just in case something was to go wrong and they leave that the Redevelopment Commission isn't stuck with the building. He clarifies that it isn't like they wouldn't like it since all of the work is done, but he is talking about all the payment obligations so they do not come back on the city. Surrisi and Danielson assure Miley that it won't.

Felde asks what is being donated to the commission.

Surrisi states that a lease is being donated. He states that it is a lease hold interest in the building so they would become the primary leaser of the building and then they are turning around and leasing back that interest. He clarifies that all it is really is an on-paper method of qualifying for this liquor permit application. He adds that it has been reviewed by an attorney that specializes in liquor permit law Jeff McKean and the Alcoholic Beverage Commission who stated that this would satisfy their requirements to qualify to be an applicant. He adds that assuming this gets approved that they are going to notify Gibson Insurance that this is a leased facility of the Redevelopment Commission so that the address can be posted as places that are covered by a government entity.

Commissioner Hopple states that this is just providing an opportunity for the Rees Theatre to have this reception without any additional cost.

The Rees' Executive Director Dennis McKean states that with some quick calculation of losing just 12 seats is a potential revenue of \$25,000.00 a year. He adds that with limited space, \$25,000.00 is a lot. He also adds that the aesthetics of losing those seats and the aesthetics of the wall is significant.

Felde asks how that is compared to not have a liquor license as far as loss of income.

McKean states that the potential of income for that liquor license would cost them upwards of 55-57 thousand dollars a year.

Mayor Senter asks if McKean is related to the attorney. Danielson says no.

Commissioner Ellinger asks that without those walls to keep alcohol away from minors if anyone will be policing or overseeing the distribution of alcohol. He adds that with having younger kids in there if there will be a problem with underage drinking. He restates if there will be anyone looking out for that.

McKean states this it would be a citywide problem if they were to not do that. He states that in a discussion with Brian Stewart that even though they do not have to follow a lot of the rules that they will follow the rules.

Surrisi also states that anyone who has to serve alcohol there will also have to have a server's permit and gone through the education that is required to check IDs to the extent that it is necessary.

Felde states that her general problem with this is that to her the Redevelopment Commission's work that they help, oversee, and encourage in the town is not this. She states that this is out of their realm and wonders why the City of Plymouth can't take the lease and lease it back and why does the Redevelopment Commission have to be doing this. She adds that she does not see this as their work.

Surrisi states that there are two points to that and his first point is that it is within the realm of the type of things that they do. He states that the Rees Theatre is sort of an anchor building in TIF #2 and they have



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already been engaged with and supported the construction of. He adds that it is a HUB of the arts and development of the downtown to increase property values and draw more residents and more visitors so he sees that within the spirit of the type of things the Redevelopment Commission is trying to do.

Surrisi states that the rest of that is a fair point. He states that from doing his research on helping the Rees Theatre that he had landed on the Redevelopment Commission that had the easiest procedure to approve a lease. He states that other Boards have to have appraisals of the lease and public hearings and by using the Redevelopment Commission it allows the minimization of most procedural hurdles.

Felde states that she agrees that the Redevelopment Commission has done its part in encouraging the development and improving the community with such a resource but she believes that the city has done the same amount as the City Council. She states that this is a convenient way but she still stands that this isn't in the Redevelopment Commission's realm and it bothers her just to get a liquor license.

Hopple wants to state that he feels pretty comfortable with what is happening here and he appreciates everything that they are verbalizing to state that the city is not liable so he feels very comfortable about the whole thing.

Miley wants to also state that he feels comfortable since the city attorney had vetted this in protecting the city's interests.

Ellinger asks if this will be year by year. The Board agrees.

Surrisi adds that it is year by year but either party can cancel with a 120-day notice.

Felde asks when this one-year lease gets renewed.

Surrisi states that it gets renewed on the date it is approved yearly.

Felde asks if it will always be on the April agenda to renew.

Surrisi states that it won't be on the agenda but rather that it will automatically renew unless either party decides that they do not want to renew it and at any time they can vote to give notice on that.

Felde asks if the Rees Organization choice not to renew the lease, then would they fall back under a different status of their liquor license.

Surrisi agrees that they would no longer be eligible for the Civic Center permit and states that they would have to come up with a different solution.

Felde asks if they would then have to go through a process of shutting down the lease. She reclarifies if the Redevelopment Commission has to go through a process to shut down the donation lease.

Surrisi states that it would be their responsibility to let the Redevelopment Commission know and as for paperwork there would be none since it would just terminate.

The mayor wished to state that he appreciates that the Rees Team has been so steady over the last five years.

Miley agrees that the whole city has come so far with this and he would hate to see what harm would come to the Rees if this was not approved. He states that this is a pretty simple solution for as far as he is concerned.



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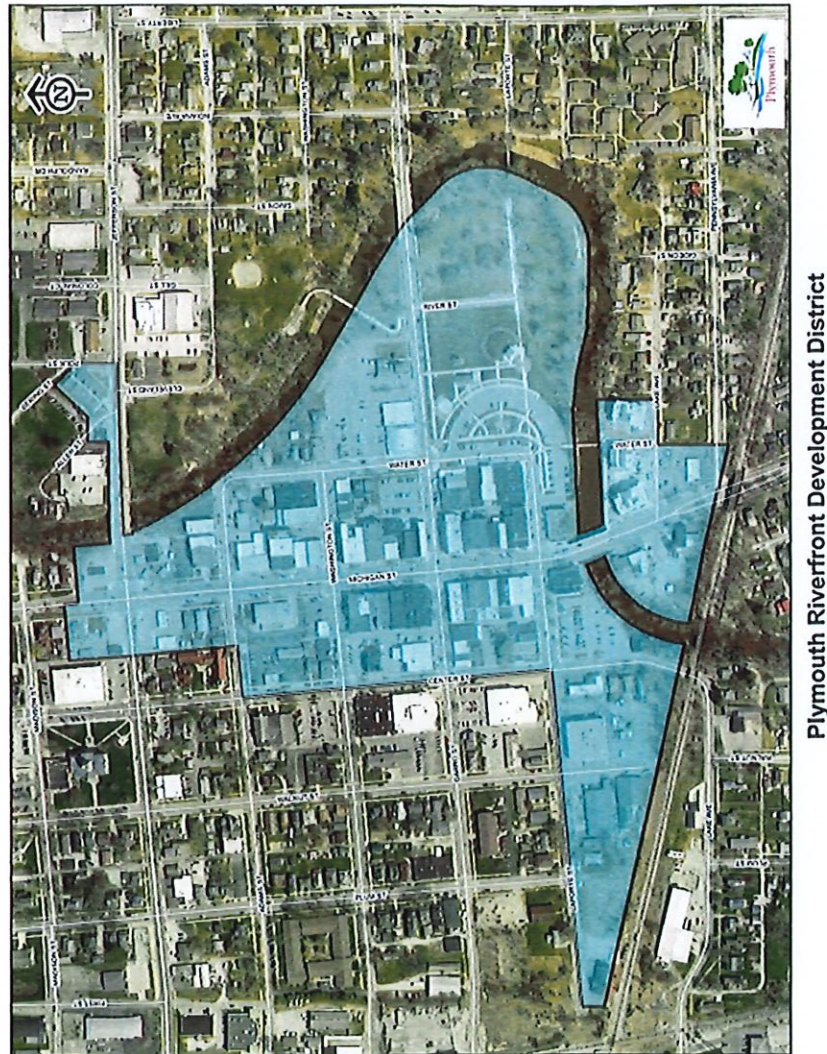
Danielson wished to state that this approach was pointed out by Brian Stewart as well as a Civic Center designation. He wished to clarify that it isn't as if they were looking for loopholes.

Surrisi explains that this method is used around other counties around the state to help facilitate an application.

Miley asks Danielson if an ABC representative suggested doing this as an option. Danielson agrees and states that he had pointed out the option to Surrisi. Miley asks for clarification. Danielson states that Brian Stewart pointed out the option to Mr. Surrisi.

Danielson states that the Rees Theatre Incorporated has a hearing on either May 3<sup>rd</sup> or 5<sup>th</sup> for the local board to approve the liquor license. He states that is still isn't secured if this were to be approved tonight.

Felde asks what the Riverfront District Map encompasses. Attached Map Below:



Felde asks if River Park Square fell under this ability to be a Civic Center facility since they do serve alcohol in the park for certain events.

Mayor Senter says that there is the Summer Sipping Fest there every June. He states that you pay and receive a wristband and you can not leave the fenced in area with alcohol.



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Miley clarifies that the organizers for that provide their own liquor liability as well. Mayor Senter agrees.

Miley asks if the city does any of those events themselves.

Surrisi states that they do not and that the organizers have to go through the Park Board themselves for approval. He states that they would also have to have whatever approvals that they will need for the ABC which is usually a form of temporary permit that is reviewed by both the Police Chief and the ABC people on how they are going to lay out their alcohol.

Surrisi states that for other events such as the mayor's month of music since it is not an organized event that people are allowed to have alcohol out in the park.

Mayor Senter states that it is unusual for a city or town to have that.

Felde asks that this lease of a Civic Center Facility is different then what happens in the Parks. Surrisi agrees. She adds that it does sound different since it isn't wristbands, space, and where the beverages are.

Surrisi states that the events in the park is either the organizer obtaining some form of temporary alcohol beverage permit for just that event or whoever is there dispensing the alcohol is the brewery for the Brewfest that has permission to go to festivals to dispense under their normal brewery or restaurant license. He states that each of those are their own separate legal licenser requirements.

Felde asks if the Executive Director of the Rees can decide what events and how liquor will be served.

McKean states that in much context like the park that they are not allowed to take alcohol out of the building just like they can't take it out of the fenced in area at the park.

Felde states that they will not be selling it then.

McKean states that it will all stay in the building so people may not walk out into the street with it.

Miley asks for clarity that the Redevelopment Commission is the one who can terminate the lease with 120-day notice. Surrisi states that either side can.

Miley states so if this group does not like the method of how they are handling their alcohol, then they terminate that arrangement with 120-day notice. Surrisi agrees.

Mayor Senter asks if they will have a set number of people there for security.

Danielson states that they have that built into their rental agreement that security will be required. He states that they will have it when they have their events but even private events will have security as well.

McKean states for safety and for the concern of alcohol.

Commissioners Hopple and Ellinger moved and seconded to approve the Real Property Leasehold Interest Donation/ Transfer/ Reletting Agreement as presented. The motion carried with Felde in disagreement.

### **River Park Square Phase Two Project**

City Attorney Surrisi states that the River Park Square Phase Two construction hasn't started yet but it should be starting soon. He states that the River Park Square Phase Two project and the East Laporte Street Footbridge Renovation project are both being overseen by Laporte Construction. He states that they are trying to time the construction of those together and they are hoping to get a lot of the work done on the



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bridge before the park. He states that they were delayed due to waiting on steel pieces for the bridge before they finalize that schedule in order to time the park schedule better with it so they can do that work. He states that when the street gets removed in the park project that they want to make sure they have most of the heavier work done on the bridge before they take the street out.

Surrisi does state that they were able to get the contract approved by INDOT. He states that they were able to get tree contractors in and take down around 11-12 trees along the river for the bridge project. He states that it was a big deal before the first of April since they are considered protected bat habitats around that time.

Surrisi states that the contractor did suggest and got approval from the Street Department to make a change along Garro Street near where the Veteran's Memorial Plaza will be to have an indent into the park to allow for a couple more parking spaces there. He states that the original area was designed to be asphalt where the parking spaces are but it will be changed to concrete.

He states that one thing the Parks Department is still evaluating that might result in some cost savings is the option to do the stonework on the pillars of the pavilion. He states that the contractor's showed some examples of past projects where they do a cast concrete on the pillars that looks like stone rather than the veneer stones. He adds that it was remarkable how an artist makes it look more dimensional than the actual veneer stones that they currently have. He adds that the Parks Department is still considered that.

### TIF #3: U.S. 30 / Pine Road Economic Development Area

Mayor Senter states that there will be a groundbreaking Thursday morning across Commerce Street from Pretzel's Inc.

Surrisi states that the Plymouth Molding Group is working with PIDCO to build a new facility for Plymouth Molding and they are currently located on Jim Neu Drive at the intersection of Jim Neu Drive and Walter Glaub Drive. He adds that they are across from Ben Tire. He states that they make plastic products that are primarily used for the RV industry.

Surrisi states that there are 18 jobs there now and this new construction is going to add an additional 8 jobs. He states that the city was in competition with surrounding counties originally but the city was able to keep them here in Plymouth.

Surrisi states that in other news A&M Roofing is investigating potentially constructing a new facility on the other side of Pioneer Drive and north of Jack Greenlee Drive.

Miley asks if there was an issue with Pretzel's Inc. involving emissions affecting the food and asks if Plymouth Molding would affect that.

Surrisi states that PIDCO has some convenience that buildings can't emit odors that would get into the taste of the pretzels.

### **Wastewater Solar Project**

Utility Superintendent Donnie Davidson was here to speak on the Wastewater Solar Project. He states that the project is not going quite as smoothly as they hoped. He states that they are still trying to work out some of the details on the required evaluation study agreement impact study with NIPSCO. He states that there seemed to be some confusion on whose responsibility it was to move forward with this but they were able to hammer out a \$5,000.00 fee that NIPSCO is going to charge them to evaluate their infrastructure and also the improvements that need to be made at the cities cost such as a new transformer, switch gears, and so on.

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He states that it is a little disappointing to him to go about a month and a half of nothing when they could have been moving forward with this project already. He states that there was also some information that was provided due to workloads by NIPSCO and the supply chain issue that could put the potential of the project getting moved back over a year. He states that they are investigating now to see if everything still qualifies because at their last informational meeting the construction portion of it will need to be completed by December. He states if that is the case that it puts them on a really tight timeline. He states that it is what it is and hopes to have better information at the next meeting.

## TIF #4: South Gateway / Western Downtown Economic Development Area

There were no updates at this time.

## TIF #5: Western Avenue Economic Development Area

There were no updates at this time.

## TIF #6: Plymouth/Goshen Trail Economic Development Area

### **Update on Centennial Crossings**

There were no updates at this time.

## TIF#7: Pretzel's Air Parcel

There were no updates at this time.

## Other Business:

Clerk-Treasurer Gorski administered the Oath of Office to Nancy Felde.

Commissioner Miley pulled the Old National 2022 Annual Certificate out of the Acceptance of Communications to allow for discussion.

City Attorney Surrisi explained that this was for the City Hall Renovation Project. He states that all this certification does is state that everything is still in good standing.

Commissioners Ellinger and Pedavoli moved and seconded to approve the Old National 2022 Annual Certificate as presented. The motion carried.

## Approval of Redevelopment Invoices

### **Check Register**

#### **Hoham Drive Grant – TIF 1**

Lochmueller Group LLC	Road Design/ Plans & Rule 5 Permit SWPPP	\$12,743.19
Lochmueller Group LLC	Road Design/ Plans & Rule 5 Permit SWPPP	\$7,547.61

## Acceptance of Communications

The following communications were provided to the Commissioners:

- 1993 TIF Trial Balance – March 2022 (TIF #1: U.S. 30 / Oak Road Economic Development Area)
- 2000 TIF Trial Balance – March 2022 (TIF #2: East Jefferson / Central Business EDA)
- 2005 TIF Trial Balance – March 2022 (TIF #3: U.S. 30 / Pine Road Economic Development Area)
- 2016 TIF Trial Balance – March 2022 (TIF #4 South Gateway / Western Downtown EDA)
- 2019 TIF Trial Balance – March 2022 (TIF #7 Pretzels Air Parcel)
- Rees Theatre Alcohol Permit Memo



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- Old National 2022 Annual Certificate

Commissioners Pedavoli and Ellinger moved and seconded to accept the communications as presented. The motion carried.

## Adjournment

The next meeting is scheduled for May 17, 2022 at 5:30 p.m. There being no further business to discuss the meeting was declared adjourned at 6:21 p.m. after a motion and second by Commissioners Hopple and Ellinger. The motion carried.

  
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Lynn M. Gorski  
Clerk-Treasurer