

MINUTES

ANDERSON REDEVELOPMENT COMMISSION

February 8, 2022

PUBLIC MEETING

5:00 p.m.
Via Zoom Conferencing

MEMBERS PRESENT

Richard Symmes, President
Kenneth Davenport, Secretary
David Eicks
Perry Washington

STAFF PRESENT

Greg Winkler, ED Director
Karen Soetenga, ED Dept
Mike Austin, Commission Attorney

OTHERS PRESENT

Doug Whitham, City Controller
Neal McKee, Water Department
Matt House, City Engineer
Ken de la Bastide, Herald Bulletin
Hilary Tyler, Light and Power
Kim Townsend, AHA Director
Kellie Kelly, Citizen
Fay Dansby, Citizen

OPEN PUBLIC MEETING

ROLL CALL AND DECLARATION OF QUORUM

Mr. Symmes, at 5:00 pm., established a quorum with three (3) members present.

MINUTES

Mr. Davenport moved to approve the January 11, 2022 minutes as presented. Mr. Eicks seconded. A roll call vote was taken.

Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes

Motion passed unanimously; 3 yes, 0 no.

FINANCIALS / INVOICES

Commission members reviewed financials and invoices.

Mr. Eicks moved to approve the invoices in the amount of \$1,319,578.78. Mr. Davenport seconded. A roll call vote was taken.

Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes

Motion passed unanimously; 3 yes, 0 no.

Mr. Washington joined the meeting.

BUSINESS

2022-2023 Mowing Contract - ARC owned properties

Mr. Winkler briefed members on the need to secure mowing services for ARC owned property for the 2022-2023 season. Mr. Winkler stated Select Lawn Services and Eric Apple have provided a great service and have always been responsive and good to work with. Mr. Austin stated the contract does not need to go out for bid because it does not meet the maximum threshold. Brief discussion followed.

Mr. Eicks made a motion to approve an extension of the mowing contract with Select Lawn Services to include the 2022-2023 season and Mr. Davenport seconded.

A roll call vote was taken.

Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes
Mr. Washington, yes

Motion passed unanimously; 4 yes, 0 no.

2022 Farming Lease - ARC owned property at Exit 226

Mr. Austin informed members of the need to get new appraisals for the lease of 60 tillable acres at Exit 226 owned by the Commission. Mr. Austin stated Bruce Land Farms has been contracted up until this year to farm the land at \$226.00 per acre but the contract has expired. New appraisals will need to be acquired and then the lease of the land will need to go out for a formal bid.

Mr. Eicks made a motion to have new appraisals done to determine the market rate of tillable acreage and a bid package prepared for ARC's 60 acres at Exit 226 and Mr. Davenport seconded.

A roll call vote was taken.

Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes
Mr. Washington, yes

Motion passed unanimously; 4 yes, 0 no.

Brief discussion followed.

Water Department Hydrogeological Test Well Project Phase III Request

Mr. McKee informed members of a request for funds for the third phase of a production/test well project. Mr. McKee stated the first drill test provided good formation and the next step is to install a production/test pump well to find out what the capacity is. The request for funding for the test well and monitoring is \$129,811.00.

Mr. Eicks asked if the amount would be sufficient for the entire process. Mr. McKee stated there is a slim possibility it could go over. This is phase 3 and if there is sufficient formation there, next step is drilling the wells and having the well houses constructed.

Mr. Washington asked what areas will be supplied by the pump and what amount of water is needed. Mr. McKee stated the Lafayette plant supplies the entire City. The City is estimating it will supply an additional 2M gallons per day in capacity.

Mr. Davenport made a motion to approve Phase 3 of the Hydrogeological test well project in the amount of \$129,811.00 and Mr. Washington seconded. A roll call vote was taken.
Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes
Mr. Washington, yes
Motion passed unanimously; 4 yes, 0 no.

Change Orders for MLK Project

Mr. House informed members the paperwork sent out prior to the last meeting had an email stating the project was over by \$48,000 and after researching found they hit some soft areas in the paving that incurred additional cost but as time went on the project ended up being \$92,000 under budget.

Mr. House stated the change order for tree trimming was needed so the paving didn't ruin the trees. The increase in the maintenance of traffic was due to Scatterfield Road being under construction at the same time and the City asked E & B paving to hold off till the end of year so there would not be two thoroughfares blocked at the same time. All maintenance signs were pulled off site and replaced when project resumed. Brief discussion followed.

Mr. Washington asked who agreed to the change order. Mr. House stated the former engineer, Chuck Leser would have agreed. Mr. Washington stated it should have come back to the Commission, and he is not willing to pay for non value added expense. Brief discussion followed.

Mr. Whitham asked if this kind of negotiation and change order is customary in this type of work. Mr. House answered yes. Brief discussion followed. Mr. Eicks stated it was a change order approved by himself and the City Engineer in order to control traffic and not cause gridlock in the City because so much paving was going on around the City. Discussion followed.

Mr. Davenport made a motion to approve the change orders as presented and Mr. Eicks seconded. A roll call vote was taken.

Mr. Symmes, yes
Mr. Davenport, yes
Mr. Eicks, yes
Mr. Washington, no
Motion passed; 3 yes, 1 no.

Traffic Modernization Project Update

Mr. House informed members bids for the Traffic Modernization project came back non awardable according to INDOT's guidelines. The funds will be shifted to another project since the project may be delayed as late as 2025.

Mr. Washington asked how the bid request was published. Mr. House stated INDOT does the bidding and contract work and bidding is done through their system. Large contractors watch their bid site. Brief discussion followed.

Mr. Washington asked what project the funds would be shifted to. Mr. House stated the funds would go to another project in the Madison County Council of Government's district.

MISCELLANEOUS

Mr. Austin, Commission attorney, informed the public of his advice to the Commission regarding the P.R. Bingham Agreement. Mr. Austin stated the Commission has much sympathy for the Bingham Square Apartment tenants and they were the reason the Commission provided the assistance in the first place. It is commonly known P. R. Bingham is trying to sell the West 16th Street Apartment complex and the Madison Square Complex just north of Community Hospital. Mr. Austin stated there is support for P. R. Bingham to sell the West 16th street complex as long as the Commission gets paid as part of the sale and as long as there is a qualified buyer. P. R. Bingham is required to obtain the Commission's authorization before the sale of the West 16th Street complex. Mr. Austin stated discussing details of the P. R. Bingham issue and having citizen input at a public meeting is not helpful in that if the work is not done or bonds not

paid there could be litigation. Mr. Austin stated if the Commission files suit any public statements made by the Commission could be used against them in court. The Commission wants Bingham to be successful in finding a reputable buyer which would give the tenants a fresh start with a new landlord. The more it is discussed in public or the press the less likely Bingham will find a suitable buyer. Mr. Austin stated for these reasons his advice is for the Commission not to accept questions or comments about the P.R. Bingham matter or at least in a very limited way.

Mr. Washington stated the situation was explained well and there still are issues surfacing every day. Mr. Washington encouraged issues to be brought to those responsible at the City: Todd Fisher in the Municipal Development Department.

Mr. Symmes stated he feels it's best not to talk in public about the matter, the demand letter has been sent with no response and three potential buyers may have been identified.

Ms. Dansby, citizen asked how the Commission determines a qualified buyer. Mr. Austin stated that is up to the Commission as under the contract with P.R. Bingham they cannot sell without the Commission's approval so the Commission will be able to review the buyer's background and credentials and determine whether the buyer will be a good fit. Ms. Dansby asked if the Commission could make public how they are defining a qualified buyer. Mr. Symmes stated they would have to bring a bonified offer along with money down to tell us they are buying in good faith. As long as the Commission's bond is paid off, nothing more can be done. Brief discussion followed. Mr. Symmes stated the Commission can take a look at what qualified buyer would mean.

Ms. Kelley, citizen, stated she has listened to past meetings regarding past contract issues and there is a lack of confidence and trust in ARC's investments. Bingham is one more indicator of a process that needs to be more transparent and involve more stakeholders. Ms. Kelley asked moving forward when investors come to the ARC again for rehabilitation dollars, what the approach is going to be so this does not happen again. Mr. Symmes stated the Commission has done 36 projects which have provided excellent results but the Commission did get stung on the P.R. Bingham project. Brief discussion followed.

Ms. Townsend, Director Anderson Housing Authority, informed members she needed clarification regarding the Anderson Housing Authority's fund balance for the Lincolnshire Apartment project. AHA's understanding was that the funds available would be in the amount of \$770,000 and Ms. Phillips, Controller's office, stated the ARC resolution stated \$700,000. Ms. Townsend stated she had a Board meeting on Friday for which she needed an update. Mr. Whitham stated he would try quickly to get an answer. Brief discussion followed.

Ms. Townsend informed the Commission that Mr. de la Bastide comes to AHA Board meetings. Ms. Townsend stated she was not calling the paper to give them information; they have to report on the plight of the residents at the meeting and if there is press it is because a reporter is present at the public meetings.

Ms. King, Anderson property owner, stated a petition requesting the Marsh building be made available to The Queens and the 765 project who are providing food and vaccinations to citizens near Nichol and Raible Avenue has 450 signatures.

Mr. Symmes stated he knows the group does good work but did not feel the Commission's insurance would cover such activity without a lease and the organization showing proof of insurance. Brief discussion followed. Mr. Winkler stated he had a conversation with Jean Poole, believed to be their representative, concerning the request. Brief discussion followed.

Ms. Dansby asked if the Commissioners are involved in the decision. Mr. Winkler stated the ARC owns the property so ultimately they would make the decision with the Mayor's support.

Mr. Brown, citizen, asked if the use of the Marsh building by The Queens could be placed on next month's agenda. Mr. Symmes stated he did not think it would be ready for next month's agenda. Discussion followed. Mr. Eicks stated the building was purchased and investment made in order to secure a grocery store. Brief discussion followed. Mr. Eicks stated Mr. Austin could inform as to the requirements needed in order for The Queens to use the building and it most likely would include putting it out for a RFP. Mr. Winkler stated when The Queens first approached the City there were additional recommendations made. Brief discussion followed.

Meeting was adjourned at 5:59pm.

