

FORT HARRISON REUSE AUTHORITY BOARD MINUTES
Thursday April 16, 2009

The FHRA Board met in public session at 9120 Otis Avenue, FHRA conference room, Lawrence, IN at 5:30 PM.

FHRA Board Members Present

Ms. Ann Lathrop, President
Mr. Jeff Congdon, Secretary/Treasurer
Mr. Keith Mathews, Member
Mr. Jeff Coats, Member

FHRA Staff

Ms. Kris Butler, Executive Director
Ms. Jennifer Baker, Executive Assistant

Members of the Public

Dr. Bob Pychinka
Dave Colip
Phil Passen, Meyer Najem
Norman Taylor, Poindexter
Jim McNary, Poindexter
Jim Watts, YMCA
Sam Mishelow, Meyer Najem
Ms. April Sparks Pyatt, Ice Miller
Mr. Terry Hebert, Browning

A copy of the public agenda is attached.

Official Public Meeting was called to order at 5:35pm.

Ms. Lathrop called to order the public meeting.

The first item on the agenda was the approval of the minutes from the March 16th and April 6, 2009 board meetings. The minutes were approved by all members.

The second item was the fiscal update from the Treasurer. Mr. Congdon reviewed the budget for the members of the public. Mr. Congdon asked if there were any questions from the public. There were none.

The third item was the Executive Director's Report given by Ms. Butler. Ms. Butler stated that the FHRA is in discussion with Fifth Third Bank to obtain a line of credit in the amount of \$1,000,000 to sustain us for the next two years or at least until we can sell some land.

Ms. Butler also shared that the new roof has been installed by Horning Roofing. The new windows are planned to be installed this month by Roberts Glass. We will be paying for these repairs with TIF revenue. Ice Miller told us that improvements to our building can be paid for with TIF revenue because it meets that statute that describes the purposes of the Authority – to rehabilitate military base property.

FHRA is in discussion with Gersham, Crowley and Brown as a retail broker developer. An exclusive listing agreement has been submitted to the board. The committee to review this

agreement will consist of Mr. Congdon, Mr. Mathews & Ms. Butler. GBC would work on commission to sell about 26 acres for retail use.

Ms. Butler gave us a construction update. The ground breaking ceremony will be May 5th at 10:00. The invitations are going out.

The Series 2009 Revenue has been priced and sold. The project amount is \$10 million which went down slightly from the original amount. The debt service capacity went down from 150% to 147%. We are at a fixed rate of 4.57%.

Ms. Lathrop asked Ms. Butler about the progress of the purchase agreement from Tom Burns. She asked if earnest money has been delivered yet. Ms. Butler stated that we have not received it yet because the plans are still in front of the architectural review committee.

The next item on the agenda was new business. The first item was the vote to accept Poindexter's contract. This vote authorizes the acceptance of the Poindexter Excavating contract as the General Contractor for the first phase of infrastructure for Lawrence Village at the Fort. Poindexter's bid was the lowest and most responsive bid coming in at \$8,586,832.72. This amount is non-negotiable and fixed as per the public bid requirements. Ms. Lathrop asked for a motion to approve the contract pending legal review. Mr. Congdon made the motion. Mr. Mathews seconded. Motion passed.

The next item was to ratify the Meyer Najem contract. This vote authorizes the acceptance of Meyer Najem contract as the Owner's Technical Rep for the first phase of infrastructure for Lawrence Village at the Fort. The Board unanimously voted to accept Meyer Najem as the OTR at the April 6th board meeting pending legal review of the contract. Ice Miller has reviewed it and offered suggestions for improving it which have been incorporated into the final document. Ms. Lathrop asked for motion. Mr. Coats made the motion, Mr. Mathews seconded. Motion passed.

The next item on the agenda was an update on the VLB Legal Action. Mr. Congdon moved that the board proceed with legal action. Ms. Lathrop asked that we add in that if the legal fees exceed \$2,000 then Ms. Butler is to notify the Treasurer so that the board has awareness of the fees. Mr. Congdon motioned to approve. Mr. Mathews seconded. Motion passed.

The next item was the City of Lawrence and the purchase of 8 acres in Lawrence Park. The board approved starting negotiations of the proposal to buy the land.

The next item was the lease agreement discussion with the YMCA. At this time the YMCA is not prepared to sign the letter that will give us back the acreage needed. Mr. Watts stated that he believes the FHRA and the YMCA should be able to come to terms. The Notice to Proceed with construction is on hold until this agreement is settled upon.

The final item on the agenda was the update on the Skate Park. Ms. Butler told us that the contract has been awarded to Myers Construction Management who submitted the lowest and most responsive bid at \$317,300.

Ms. Lathrop asked if there were any other items to come before the board. There were none. She asked if there were comments from the public. A member of the public asked about the legal action against VLB and whether or not the FHRA could obtain the last 3 buildings as settlement and the answer was no. Ms. Pyatt stated that if VLB defaulted on the loan, the FHRA could seek liquidated damages not the physical property per the contract.

The second question was in regards to the proposed waste transfer station. The member of

the public asked if the FHRA had an opinion on that matter. Ms. Lathrop stated that the FHRA has no position on the issue.

No other questions were asked from the public.

Mr. Congdon made a motion to adjourn the meeting. Mr. Mathews seconded. Meeting adjourned at 6:05 pm.