

**HIGHLAND REDEVELOPMENT COMMISSION  
STUDY SESSION MINUTES  
MONDAY, AUGUST 6, 2018**

Members of the Highland Redevelopment Commission ("RC", "Commission") met on Monday, August 6, 2018 in the Council Chamber of the Municipal Building located at 3333 Ridge Road, Highland, Indiana. President Bernie Zemen called the meeting to order at 7:00 p.m. Minutes were prepared by Kathy DeGuilio-Fox, Redevelopment Director.

**Roll Call:** Commissioners present were Mark Herak, Dan Vassar and Bernie Zemen. Commissioners Michael Griffin and Steve Wagner were absent with notice. A quorum was attained.

**Additional Officials Present:** Pat Krull, School Town of Highland Commissioner and Kathy DeGuilio-Fox, Redevelopment Director.

*Also Present:* Susan Murovic, Board of Zoning Appeals; Larry Kondrat, Board of Waterworks; Ed Dobrowski, IT Consultant; Maria, Ignacio and Isis Curiel, Maria's Buena Cocina; Mark Schocke, DG Law; Dr. David & Emily Foreit, Focused Pain Relief; George Georgeff, McColly Real Estate Broker and Carrie Napoleon, Post Tribune were also present.

**General Substance of the Discussion**

**Review of Public Meeting Agenda:** In preparation for the Redevelopment Commission plenary meeting scheduled to follow the August 6, 2018 Study Session, the agenda was reviewed. Director DeGuilio-Fox gave a brief overview of the agenda items.

**Maria's Bueno Cocina:** Director DeGuilio-Fox directed the Commissioner's attention to correspondence in their packet, dated August 3, 2018, from Attorney Mark Schocke and advised that the letter was three-fold in nature with requests as follows. First, a formal withdrawal of the previous request from Maria and Ignacio Curiel for a forgivable loan of \$25,000 was presented. Second, on behalf of his clients, Attorney Schocke asked that the Commissioners grant to the Curiel's a month-to-month lease extension (current lease agreement expires August 31, 2018) for a period of no more than three months, through November 2018, if necessary. And finally, a request was included in the August 3, 2018 correspondence asking that the Commissioners transfer ownership of the restaurant equipment currently located in Maria's Buena Cocina to Maria and Ignacio Curiel. Commissioners were advised that a separate motion and voice vote would be needed for both the second and third request when it is time to address them during the plenary business meeting.

**Bult Oil Property:** Ms. DeGuilio-Fox directed the Commissioners attention to the McColly Real Estate Brokerage Agreement included in their packets. She reminded them that this had been discussed previously. The Commissioners were informed that the party interested in purchasing the former Bult Oil property would like to submit an offer to purchase, however, the brokerage agreement must be approved prior to the submission of an offer. George Georgeff, broker for the prospect, commented on the agreement. Ms. DeGuilio-Fox also advised the Commissioners that she has a meeting scheduled for Wednesday, August 8, 2018 to discuss the property with an EPA Chicago Office representative. It is the desire of the EPA to pursue a Phase I & Phase II study to determine the level of remediation previously accomplished at the property and whether it is adequate to develop a commercial business with a food service component. An update will be provided at a future meeting.

**2813 - 2815 Jewett – Building Repair:** Ms. DeGuilio-Fox advised that to date she has not received all of the roof repair estimates that were requested. However, as soon as all five have been received she will report the results to the Commissioners so they may make a decision in regard to the repair of the flat and shingled roofs of the property located at 2813 and 2815 Jewett. She reported that she is meeting with the owner, and a manager, of Great Lakes Roofing on Tuesday, August 7, 2018 to discuss and receive their proposal. Ms. DeGuilio-Fox also commented that since the need for roof repairs was discovered, problems with the air conditioning unit were reported, as well. Repair of the air conditioner has been completed however installing an additional unit was suggested by Siemer Heating & Cooling, the company completing repairs on July 20, 2018.

There being no further discussion, the August 6, 2018 Study Session of the Highland Redevelopment Commission adjourned at 7:29 p.m.

**HIGHLAND REDEVELOPMENT COMMISSION  
SPECIAL PUBLIC MEETING MINUTES  
MONDAY, AUGUST 6, 2018**

The Highland Redevelopment Commission ("Commission", "RC") met in a Public Meeting on August 6, 2018 in the Council Chambers of the Municipal Building located at 3333 Ridge Road, Highland, Indiana. President Zemen called the meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance. Taking minutes for the meeting was Director Kathy DeGuilio-Fox.

**Roll Call:** Present on roll call were Redevelopment Commissioners Mark Herak, Dan Vassar, and Bernie Zemen. Commissioners Michael Griffin and Steve Wagner was absent with notice. A quorum was attained.

**Additional Officials Present:** Pat Krull, School Town of Highland Commissioner and Kathy DeGuilio-Fox, Redevelopment Director were present.

*Also present:* Susan Murovic, Board of Zoning Appeals; Larry Kondrat, Board of Waterworks; Ed Dabrowski, IT Consultant; Maria, Ignacio and Isis Curiel, Maria's Buena Cocina; Mark Schocke, DG Law, attorney for Maria's Buena Cocina; Dr. David & Emily Foreit, Focused Pain Relief; George Georgeff, McColly Real Estate Broker and Carrie Napolean, Post Tribune were also present.

**Minutes of the Previous Meetings:** Commissioner Mark Herak made a motion to approve the minutes of the Study Session and Public meeting of July 16, 2018 and the Study Session of July 23, 2018. Commissioner Dan Vassar seconded the motion. Upon a roll call vote, the motion passed. The minutes were approved by a vote of three affirmatives and no negatives.

**Special Orders:** None

**Public Comment:** Larry Kondrat commented about the property located at the Southeast corner of Duluth & Kennedy Ave. He advised that the owners had informed him that the Town was not cooperating with their efforts to renovate the façade of the building. Reportedly, the owners want to open a cupcake shop at the location but have received only "push-back" from the Town. Discussion ensued. Ms. DeGuilio-Fox is familiar with the new owners of the property, as is Building Commissioner and Chief Inspector, Ken Mika. Both have spoken to the property owners in the past. Ms. DeGuilio-Fox will follow up on Mr. Kondrat's comments.

**Communications:** Correspondence dated August 3, 2018 was received from Attorney Mark Schocke regarding Maria's Buena Cocina. The correspondence from Attorney Schocke was three-fold in nature with requests as follows: 1. To withdraw the previous request for a \$25,000 forgivable loan, 2. To request a month-to-month lease extension for a term of three months, September thru November 2018, and 3. To request that ownership of the restaurant equipment currently located within Maria's Buena Cocina restaurant be transferred to Maria & Ignacio Curiel at the end of their lease. Notice to withdraw the request for a \$25,000 forgivable loan was acknowledged. Requests 2 and 3 will be addressed later in the meeting under New Business.

**Unfinished Business and General Orders:** None

**New Business:**

1. **Maria's Buena Cocina:** The Commissioners were advised that to approve, or not approve, request #2 regarding a month-to-month lease extension would require a motion, second and voice vote. A motion to approve a month-to-month lease extension for up to three (3) months (September through November 2018) was made by Commissioner Mark Herak. Commissioner Dan Vassar seconded the motion. Upon a roll call vote the motion passed. Request # 2 was approved by a vote of three affirmatives and no negatives.

The Commissioners were advised that to approve, or not approve, request #3 regarding the transference of equipment from the Town of Highland to the Curiel's would require a motion, second and voice vote. A motion to approve request #3 to transfer ownership of the restaurant equipment currently located within Maria's Buena Cocina Restaurant, as long as it stays in Highland, was made by Commissioner Herak. Commissioner Vassar seconded the motion. Upon a roll call vote the motion passed. Request # 3 was approved by a vote of three affirmatives and no negatives.

2. **McColly Real Estate Brokerage Agreement:** Having previously discussed the brokerage agreement, the Commissioners determined they were ready to approve the document. Commissioner Herak moved to approve the McColly Real Estate Brokerage Agreement submitted by George Georgeff, broker for the interested prospect Hoddypeak Holdings, LLC. Commissioner Vassar seconded the motion to approve. Upon a roll call vote the motion passed. The Brokerage Agreement was approved as submitted by a vote of three affirmatives and no negatives.

**Action to Pay Accounts Payable Vouchers:** None

**Business from the Commissioners:** None

**Next Meeting:** The next full Study Session will be held on September 3, 2018 at 7:00 p.m. The next Public Meeting will be convened on August 20, 2018 at 7:30 p.m. A Study Session at 7:00 p.m. will precede the public meeting and reconvene following the public meeting, if deemed necessary. The next meeting of the Highland Main Street will be Thursday, September 6, 2018 at 6:30 p.m. in the Upper Conference room of the Town Hall.

**Adjournment:** There being no further business of the Highland Redevelopment Commission, Commissioner Vassar made a motion to adjourn the meeting. Commissioner Herak seconded the motion. Upon a voice vote, the motion passed. The August 6, 2018 public meeting of the Highland Redevelopment Commission was adjourned at 7:46 p.m.

Respectfully submitted by Kathy DeGuilio-Fox, Recording Secretary

**BROKERAGE AGREEMENT  
FOR SALE BY OWNER**



**THIS AGREEMENT** is entered into by and between Town of Highland  
George Georgeff, as "Owner", and McColly Real Estate as "Broker", through its "Agent",  
George Georgeff.

**RECITALS:**

- A. Owner is the owner of Property at 2605 Condit St. Highland, IN 46322.
- B. Owner represents the Property is not currently listed for sale with any licensed Broker.
- C. Agent has a Client, Hoddypeak Holdings LLC, to whom he/she would like to show the property.
- D. If Owner sells the Property to Agent's Client, Owner agrees to pay Broker a brokerage fee equal to \$295 plus 2.500 % of the sale price of the Property.

Accordingly, the parties agree as follows:

- 1. **Brokerage Fee:** If Owner enters into a contract to sell the Property to Agent's Client at any time within one year (365 days) from the date of Owner's signing this Agreement, Owner shall pay the brokerage fee to the Broker when title to, or an interest in, the property is transferred to the Buyer named above.

This Agreement does not authorize Agent to show the Property to any prospective Buyers other than Agent's Client, nor obligate Owner to pay Broker, except in connection with sale of the Property to Agent's Client.

- 2. **Buyer Agency:** Owner acknowledges that the Agent represents the prospective Buyer with respect to the Property. As the Agent of the Buyer, the Agent has the duty to act on behalf of the Buyer, and will not be acting on behalf of Owner. Agent owes duties of trust, loyalty, confidentiality, accounting and disclosure to the Buyer. However, Agent must deal honestly with a Seller. All representations made by Agent are made as the Agent of the Buyer. By signing this Agreement, Owner acknowledges that this agency relationship has been previously orally disclosed to Owner and that payment of the compensation described above does not create any agency relationship between Owner and Agent or Broker.
- 3. **Disclosure of Information:** By execution hereof, Owner authorizes Broker to disseminate information on the price and terms of sale to the Multiple Listing Service of the Greater Northwest Indiana Association of REALTORS® and the Multiple Listing Service of Northern Illinois.

OWNER

*[Handwritten Signature]*  
8-6-18

**Town of Highland**

McCOLLY REAL ESTATE

By: *[Handwritten Signature]*  
George Georgeff

Date: 6-18-2018

Manager: *[Handwritten Signature]*

Date: 6/18/2018