



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

COMMUNITY INVESTMENT

JUNE 24, 2024 3:00 P.M.

Committee Members Present:

Troy Warner, Rachel Tomas Morgan, Ophelia Gooden-Rodgers, Sherry Bolden-Simpson, Kaine Kanczuzewski, Thomas Gryp*

Committee Members Absent:

None

Others Present:

Bianca L. Tirado, Elivet Quijada-Navarro, Matthew Neal, Bob Palmer

Presenter(s):

Mark Bemenderfer

Agenda:

Bill No. 24-20 — Reconfirming Resolution Commerce Center Development, LLC

Members marked with an asterisk (*) are in virtual attendance.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=382880>

Committee Chair Troy Warner called to order the Community Investment Committee meeting at 4:00 p.m.

Bill No. 24-20 — Reconfirming Resolution Commerce Center Development, LLC

Committee Member Sherry Bolden-Simpson presented for Bill No. 24-20. Bill No. 24-20 changes the designation period of the original tax abatement from four (4) years to five (5) years. Councilmember Bolden-Simpson stated that the 401 East Colfax Avenue project was affected by the COVID-19 pandemic. Committee Member Bolden-Simpson noted that projects are assessed well before the date the assessor releases their report. The assessor stated that the 401 East Colfax Avenue project was at thirty-eight percent (38%) completion on January 1, 2021, but based that statement on an assessment conducted in June of 2020. The assessor stated that the 401 East Colfax Avenue project was at one hundred percent (100%) completion on January 1, 2022, but based that statement on an assessment conducted in March of 2021. The original designation period ended on January 23, 2021. Committee Member Bolden-Simpson stated that the 401 East Colfax Avenue project has had a positive impact on South Bend (grocery store, pharmacy, small business incubators, apartments, etc.).

INTEGRITY | SERVICE | ACCESSIBILITY

Elivet Quijada-Navarro
DEPUTY/ DIRECTOR OF POLICY

Matthew Neal
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbendin.gov



Sandra Kennedy, Corporation Council, with offices on the 12th floor of the County-City Building, spoke regarding the Administration's opinion of Bill No. 24-20. Sandra Kenny stated that the Bill only has one (1) Tax ID number, and it is not for this building. Sandra Kennedy stated that if the Council intended to pass this resolution they would need to first (1st) re-write the resolution. The City already has given an extension on this property. Sandra Kennedy stated that the owner of the property has six (6) properties that they have not payed taxes on, which means they do not qualify for this resolution. Sandra Kennedy stated that the utilities for the building have not been payed, meaning in sixty (60) days if the bill is not payed the water for all one hundred and forty four (144) housing units will be shut off.

Committee Chair Warner opened the public hearing.

Li Yin, 687 South 28th Street, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Velvet Canada, with offices located at 401 East Colfax Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Jonathan Wolter, 300 East Lasalle Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Richard Nussbaum, 225 South Sunnyside Avenue, South Bend IN 46615, spoke in opposition to Bill No. 24-20.

Mary Allen O'Connell, 129 W North Shore Drive, South Bend IN 46613, spoke in opposition to Bill No. 24-20.

Committee Chair Warner requested a rebuttal from the petitioner.

Attorney Lyle Hardman, DMTM Inc, 205 West Jefferson Boulevard, Suite 300, South Bend IN 46601, stated the Memorandum of Agreement (MOA) has nothing that would allow any other property violations to be considered.

Committee Chair Warner closed the public hearing on Bill No. 24-20.

Citizen Member Kaine Kanczuzewski stated that the MOA states that any tax dilquancy within St. Joesph County will violate this agreement.

Committee Member Rachel Tomas Morgan asked how much money Dave Matthews receive from American Rescue Plan for this property or any other property. Committee Member Tomas Morgan asked Sandra Kennedy why the City levied a ~~tax~~ ^{law} suit against Dave Matthews.

Sandra Kennedy answered that by the date of the lawsuit was issued there was not a grocery store, as required by the MOA.

Attorney Lyle Hardman answered that other properties received money but does not know the dollar amount.

Citizen Member Thomas Gryp asked what percent of this property is owned by Dave Matthews.

Attorney Lyle Hardman answered about seventy percent (70%).



Committee Member Bolden-Simpson stated that the litigation will continue regardless of the decision of the Council.

Councilmember Lee stated that he does not have any ill-will toward David Matthews, and is in favor of developments. Councilmember Lee stated that when entering agreements with developers the Council needs to hold developers accountable.

Dave Matthews, 215 E Colfax Ave, South Bend IN 46617, stated that the property taxes will not be able to be payed.

Committee Member Tomas Morgan stated that the current lawsuit prevents her from supporting this Bill. She also stated that there where other acts of good will that Dave Matthews could have used, but he did not. Committee Member Tomas Morgan met with David Matthews and he could not guarantee if Bill No. 24-20 the grocery store could remain open in six (6) months, nor could he guarentee that a year from now he would not be in a similar situation. Councilmember Tomas Morgan stated that there has been a lack of trust between the City and David Matthews.

Committee Chair Warner stated that there has been a pattern of poor businesses practices by Dave Matthews. Committee Chair Warner stated that Dave Matthews should not be rewarded for not paying taxes.

Committee Member Bolden-Simpson motioned to send Bill No. 24-20 to the Full Council with a favorable recommendation, which was was not seconded.

Committee Member Tomas Morgan motioned to send Bill No. 24-20 to the Full Council with an unfavorable recommendation, which was seconded by Citizen Member Kanczuzewski, and carried by a vote of five (5) ayes, and one (1) nay.

Committee Chair Troy Warner - <i>Aye</i>	Committee Vice Chair Rachel Tomas Morgan – <i>Aye</i>
Committee Member Ophelia Gooden-Rodgers - <i>Aye</i>	Committee Member Sherry Bolden-Simpson – <i>Nay</i>
Committee Member Kaine Kanczuzewski - <i>Aye</i>	Committee Member Thomas Gryp - <i>Aye</i>

With no further business, Committee Chair Troy Warner adjourned the Community Investment Committee meeting at 4:27 p.m.

Respectfully Submitted,

Troy Warner, Committee Chair

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible