



# OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

COMMUNITY INVESTMENT

NOVEMBER 13, 2023, 4:00 P.M.

Committee Members Present:

Rachel Tomas Morgan, Troy Warner, Henry Davis Jr., Eli Wax, Tomas Kurzhal\*, Kaine Kanczuzewski\*

Others Present:

Dawn Jones, Victoria Trujillo, Justin LePla, Bob Palmer

Presenters:

Erik Glavich, Director of Growth and Opportunity  
Vandna Patel, Dairy Queen Owner

Agenda:

Bill No. 23-64 — A Resolution Reaffirming the Grant of Real Property Tax Abatement Deductions and Waiver of Non-Compliance for 4836 West Western Avenue

Members marked with an asterisk (\*) are present digitally

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=376339>

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

**Bill No. 23-64 — A Resolution Reaffirming the Grant of Real Property Tax Abatement Deductions and Waiver of Non-Compliance for 4836 West Western Avenue**

Erik Glavich, Director of Growth and Opportunity, with offices on the fourteenth (14<sup>th</sup>) floor of the County-City building, advised that the petitioner, Nilkanth Properties, LLC, received a tax abatement in 2018 for a Dairy Queen. The seven (7) year abatement was conditional on a one-point-six (\$1,600,000) million-dollar investment and the retention of forty-five (45) new employees. Although the petitioner met the annual Form CF1 filing requirements, they failed to file Form 322 with the auditor's office, which is a common trend. The estimated tax refund totals twenty-one thousand, seven hundred and seventy (\$21,770) dollars.

Vandna Patel, Dairy Queen Owner, 4836 West Western Avenue, South Bend, Indiana, 46619, advised that she was unaware of the auditor's filing requirements until she received correspondence from Erik Glavich, which included additional information. The forms will be submitted on time moving forward.

Committee Chair Tomas Morgan requested questions from the Committee.

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Committee Member Wax asked if the auditor’s office was aware of the missing forms and what additional steps the administration took to rectify the issue.

Erik Glavich responded that he does not believe the auditor was aware that forms were pending, and that the process has been transferred from a third-party compliance company to in-house to ensure effectiveness. The administration was unaware that the auditor’s form was not filed, as it received Form CF1. A step-by-step email is now distributed to abatement recipients, and follow-ups via email and phone calls are completed. Internal record keeping is now completed on Monday.com, where all resolutions, forms, and other relevant documents are stored.

Committee Chair Tomas Morgan asked if it is the auditor’s responsibility to ensure all forms are filed and about the source of the refund monies.

Erik Glavich responded that all recipients are receptive to rectifying the issue and that it is their responsibility to meet the abatement requirements. It is understandable for forms to be missed due to the administration's lack of complete information. The revenue for refunds is transferred to the city from the county.

Committee Chair Tomas Morgan requested questions from the Council.

Councilmember Hamann asked the petitioner if she did not notice that their tax bill was not aligned to the abatement, and asked Erik Glavich if the previously mentioned checklist for recipients was implemented.

Vandna Patel responded that she noticed the tax amount due might be inaccurate but that she visited the administration two (2) years in a row and was advised that the final bill was provided by the auditor’s office.

Erik Glavich responded that the instructions provided to the recipient are the checklist. The correspondence will be shared with the Council.

Committee Chair Tomas Morgan asked if the public wished to speak in favor of or against Bill No. 23-64.

Clerk Jones advised that no one from the public wished to speak in favor of or against the bill.

Committee Vice Chair Warner motioned to forward Bill No. 23-64 to the Committee of the Whole with a favorable recommendation, which was seconded by Member Wax and carried by a vote of six (6) ayes.

Committee Chair Tomas Morgan– <i>Aye</i>	Committee Member Davis Jr.– <i>Aye</i>
Committee Vice Chair Warner– <i>Aye</i>	Citizen Member Kurzhal– <i>Aye</i>
Committee Member Wax– <i>Aye</i>	Citizen Member Kanczuzewski– <i>Aye</i>

With no further business, Committee Chair Rachel Tomas Morgan adjourned the Community Investment Committee meeting at 4:24 p.m.



Respectfully Submitted,

*Rachel Tomas Morgan*

Rachel Tomas Morgan, Committee Chair

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