

**MINUTES OF SPECIAL MEETING
GARY REDEVELOPMENT COMMISSION
DECEMBER 11, 2020**

BE IT REMEMBERED THAT the Gary Redevelopment Commission met in a Special session in a virtual meeting in its offices at 504 Broadway, Suite 200, Gary, Indiana on Friday, December 11, 2020.

PRESENT:

**Eric E. Reaves, President
George A. Rogge, Vice-President
Adam Hall, Secretary
Jeremiah King, Member
Gwendolyn F. Sims, Member**

ABSENT

Glenn I. Johnson, Representative of School Corp.

ALSO PRESENT:

**Aj Bytnar, Director
Carrol Pirtle, Deputy Director
Gilbert King, Jr., Esq., Commission Attorney
Jeraldine Williams, Staff
Debera Backhus, Staff
Tai Atkins, Councilwoman
Linda Barnes-Caldwell, Councilwoman
William Garard Godwin, Councilman
Rodney Pol, Esq., Attorney for the City of Gary
Darnail Lyles, Esq., Attorney for Akyumen Industries Corp.
Aasim Saied, Akyumen Industries Corp.
Mustafa Saied, Akyumen Industries Corp.
Lisa D., Akyumen Industries Corporation
Onray, Akyumen Industries Corporation
Nova Carmichael
Deana
Jackson**

THE MEETING was called to order by Commissioner Reaves at 4:15 P. M.

ROLL CALL: Commissioner Reaves, Commissioner Rogge, Commissioner Hall, Commissioner King and Commissioner Sims were present. Mr. Johnson, School Board representative was absent.

CERTIFICATION OF RECORD of Executive Session, held Friday, December 11, 2020: Commissioner Reaves read into the record, “Statement of Executive Session. I hereby certify that nothing has been discussed in the Executive Session held immediately before this open meeting except those items specified and listed in the Notice”. Commissioner Rogge moved for approval of the Certificate of Record of the Executive Session. Commissioner Sims seconded. The vote showed:

Ayes – All

Nays – None

The motion was carried.

REQUEST for APPROVAL of RESOLUTION No. 7104, a resolution of the City of Gary Redevelopment Commission accepting the amended terms of the Purchase Agreement of Akyumen Industries Corporation:

Mr. Bytnar said this amendment is primarily the same to the previous Agreement, however, what’s been added is the details of the project and shifting up the requirements for the Development Agreement to be completed after the Closing. Commissioner Hall asked what is the purpose of extending the Development Agreement until after the Closing rather than prior to the Closing. Atty. King said because both of the Ivanhoe Garden Agreement and the Genesis Center Agreement are lumped together, as being total projects so it would be after the Closing as opposed to before the Closing. The financials are combined in the sense that the initial Agreement provided for \$150,000 to be put in an escrow account. Also, it is at the pleasure of the Board to vote on the agenda items in the sequence that they are presented. Commissioner Reaves asked for the vote on Resolution No. 7104. Commissioner King moved to vote on Resolution No. 7105

before the Board votes on Resolution No. 7104. Commissioner Hall seconded. The vote showed:

**Ayes – Commissioner King
Commissioner Hall
Commissioner Rogge
Commissioner Sims
Commissioner Reaves**

Nays – None

The motion was carried.

Commissioner Reaves said Resolution No. 7105 will be voted on first and then Resolution No. 7104 will be voted on second.

REQUEST for APPROVAL of RESOLUTION No. 7105, a resolution of the City of Gary Redevelopment Commission approving and authorizing the execution of an Agreement of Purchase and Sale for the Genesis Convention Center between the City of Gary Redevelopment Commission and Akyumen Industries Corporation: Mr. Bytnar said the Purchase Agreement for the Genesis Center negotiated by the executive team is that the basic perimeters of this is a straight sale of the Genesis Convention Center and all the property is listed under a single parcel for the sale price of \$2.5 Million Dollars. The term is for a Closing within 60-days. The purchaser has agreed to waive their due diligence and take the property as is, where is. Also, they have provided what they are committing to as far as investment in the property and the overall plan for it. Commissioner Hall said the documents that were given to the Board are different, and also the Board were not given financials. Commissioner Hall moved to table Res. No. 7105 until the next regular scheduled meeting of December 16, 2020. Commissioner King second. Atty. King, Jr. said there were some minor edits to the document so it would be consistent throughout, and the basic terms have not changed, and the \$100,000

liquidated damages was put into the document, and there was a statement that all the compliance involving the state, federal and municipal laws and regulations would be complied with. An addition, there was a change of the material of obligations under the Agreement, but we did that to make the document a little clearer with minor changes. Commissioner Reaves said he did not want to postpone or table the item, and that he wanted to move forward with it today. Commissioner King stated for the record “the financials were not provided to the Board for us to make a fair assessment of the quality of the company that we are voting to sale the Genesis Convention Center to. I would also like to let the record reflect “that those records were not given to us, the only person that received them was Eric Reaves, who is the President of this Board and a key advisor of the Mayor who suggested that that information wouldn’t change my vote either way, so that is why we were not provided the set of financials that we have been requesting since the premature conference at the Genesis Center with Akyumen Industries or Corporations.” The vote showed:

**Ayes – Commissioner Hall
Commissioner King**

**Nays – Commissioner Rogge
Commissioner Sims
Commissioner Reaves**

The motion was not carried for lack of vote.

Commissioner Rogge moved for approval of Resolution No. 7105. Commissioner Sims seconded. Commissioner Adams asked what is the status of the employees at the Genesis Center as far as their jobs. Commissioner Reaves said they will be offered jobs with Akyumen Industries and or the City, and they have already been notified of that. Commissioner King said that it would be

irresponsible for members on this Board to vote for a company's purchase of the Genesis. We don't know the quality of the company because we have not seen the financials from the company. Commissioner Rogge said he read the contract twice and he thinks it is a good contract and he made the motion for approval based on the contract. Commissioner Sims said she second the motion for approval because she did talk with the Attorney about the contract to make sure that the citizens of Gary are covered and we are not taking any losses via financial or assets. So she is comfortable with moving forward with the contract. The vote showed:

**Ayes – Commissioner Rogge
Commissioner Sims
Commissioner Reaves**

**Nays – Commissioner Hall
Commissioner King**

The motion was carried.

REQUEST for APPROVAL of RESOLUTION No. 7104, a resolution of the City of Gary Redevelopment Commission accepting the amended terms of the Purchase Agreement of Akyumen Industries Corporation: Commissioner Reaves said we have heard an overview by Mr. Bytnar. Commissioner Rogge moved for approval. Commissioner Sims seconded. The vote showed:

**Ayes – Commissioner Rogge
Commissioner Sims
Commissioner Reaves**

**Nays – Commissioner Hall
Commissioner King**

The motion was carried.

NEW BUSINESS Discussion: Mr. Bytnar said the next regular meeting will be on December 16, 2020, and the Board should have received the majority of their packet. If there are any changes or deletions they will be sent by Ms. Jeraldine Williams on Monday, December 14, 2020.

PUBLIC Comment(s) on agenda items only: Councilman Godman made comments and asked did Commissioners receive financial documents prior to taking a vote on a contract. Commissioner Reaves said he would discuss the matter and be transparent at a later time.

Councilwoman Adkins made comments and asked to be sent any written information regarding the contracts to the Council members; and any written communication that was sent to the employees of the Genesis Convention Center, prior to the Council's upcoming meeting. Also, she wanted information regarding the dates of the Commission meetings.

Atty. Darnail Lyles, attorney for Akyumen Industries Corp. thanked the Board for approving the Agreements with Akyumen Industries, and said it is a substantial step for the City to move ahead. He commended Commissioner Reaves for his effort throughout the process that started months ago, and he thanked Commissioner Reaves for vetting the financing. Also, he said Commissioner Reaves is the President of the Board and he did see the financing and maybe the Board members should rely on his acumen in determining the financing. Atty. Lyles said that he did agree that the Board should see the financial documents and that the Board should ask Commissioner Reaves to see the financial documents. Atty. Lyles said let's move on and make this happen for the citizens and for the benefit of the City.

Ms. Nova Carmichael, citizen, made comments and said that she would like the Board to give more information to the public, even though it is public record, it seems like it is hidden, as like these meetings. Also, she said a lot of the information is not out on the internet for the citizens to know what is going on.

Also, Councilman Godwin said he did see a little brief part of the contract and wanted to know in the next six months if there will be material changes to the structure of the Genesis Center building to accommodate the manufacturing. Commissioner Reaves answered questions by Councilman Godwin. Commissioner Reaves said yes there will be structural changes to the Genesis Convention Center, and the purchase prices of the Genesis Convention Center is \$2.5 Million Dollars. Also, Akyumen Industries will have to go before the Board of Zoning Appeals (BZA) for zoning. Councilman Godwin asked in the event that the City does not get the \$2.5 Million Dollars, and the building has been altered will there be sufficient funds that have been provided to cover the remediation of the changes. Commissioner Reaves said he did think by adding the manufacturing lines would add to the building, so if that would happen, we would get the building back in better shape that it was.

COMMISSIONERS' Comments: Commissioner Reaves said Akyumen Industries will invigorate Gary and regenerate this City. Also, he said he Council notification was sent information this morning because some of the documents were not ready until then.

Commissioner King said he did not want his vote to be interpreted as any ill will or wishing any type of non-success to Akyumen in the City. The City has historically entertained and has been criticized and has been the butt of jokes for things that have occurred today. We voted on a company purchasing the Genesis

Convention Center without knowing anything related to their finances. Commissioner King said for the record, “we have been asking for the finances since we learned about Akyument Industries and have not received them because it was said that they would not change our opinion either way. So, if that’s coming from a key advisor of the Mayor of the City, from the head of the department, I would encourage the public to fact check everything that comes from the Mayor’s Office, that comes from this administration because it is unfortunate that they withheld information for personal gain related to this deal. I think that the conference at the Genesis Center was premature, we were supposed to be invited to that and we were not invited to it and didn’t receive an invitation. I feel that this deal lacks integrity. Good luck to Akyumen also”.

Commissioner Rogge said he made the motion to approve Resolution No. 7105 because he read the contract a couple of times, and he thought the contract is great for the Genesis Center, which is great for the City of Gary, and that he did it upon the contract language.

Commissioner Hall said as Commissioner Reaves said some of the documents were not ready until today, and we did not get sufficient notice of the information. We did not have time to review it in order to make an inform decision; and just like the financials, which have not been provided yet, without complete information, it is impossible to make a fair judgement and my inclination in that case was to vote against it, despite that. He did wish Akyumen success in what they are doing, and he will be watching, but, he does not wish them ill will on the project because it will be good for Gary, if they succeed.

Commissioner Sims said she relayed heavily on Atty. King, Jr. and Atty. Lyles for putting together a contract. Attorneys write contracts, they read

contracts and in our previous Executive Session she was able to ask questions such as are our assets being protected as well about the finances being protected, and she was assured that they were. So, she was okay with approving the contracts and she wished Akyument great success.

Commissioner Reaves said he wanted to address the statement that someone said that this deal had implications of professional gain and corruption. He said as a member of this Board he takes umbrage to that, and it is far from that. This administration and this Board does not do anything for professional gain. It is done for each and every citizen and for that to come out of someone's mouth is ridiculous and it just has no place here, period.

SCHOOL BOARD REPRESENTATIVE'S Comments: Mr. Johnson was absent.

AGENDA Item(s) for next Board Meeting: Mr. Bytnar said there were no agenda items for the next meeting, and that Staff has already been provided some of the packet for December 16, 2020 meeting.

ADJOURNMENT: Commissioner Rogge moved to adjourn the meeting. Commissioner King seconded. The vote showed:

Ayes – All

Nays – None

The motion was carried.

Commissioner Reaves adjourned the meeting at 4:48 P. M.

By: _____
Eric E. Reaves, President

By: _____
Adam Hall, Secretary