

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, April 13, 2015 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation (Peggy Garnaat/Southside Christian Church) and Pledge to the Flag were given.

**ROLL CALL**

**COUNCILMEMBERS:**

Present:	Tim Scott	1 <sup>st</sup> District, (President)
	Henry Davis, Jr.	2 <sup>nd</sup> District
	Valerie Schey	3 <sup>rd</sup> District
	Dr. Fred Ferlic	4 <sup>th</sup> District
	Oliver J. Davis	6 <sup>th</sup> District
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

**Excused Absence:**

Dr. David Varner	5 <sup>th</sup> District
Derek Dieter	At-Large, (Vice-President)

**OTHERS PRESENT:**

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice I. Talboom	Deputy
Kareemah Fowler	Chief Deputy

**REPORT FROM THE SUB-COMMITTEE ON MINUTES**

Councilmember White made a motion that the minutes of the March 23<sup>rd</sup>, 2015, meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

**SPECIAL BUSINESS**

Council President Tim Scott announced that Bill No. 14-15 the initiative on the homeless and Resolution 15-13 regarding property taxes have both been continued.

15-20      A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA RECOGNIZING THE MANY CONTRIBUTIONS OF THE INDIANA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS AND OFFICIALLY DESIGNATING APRIL 2015 AS WORLD LANDSCAPE ARCHITECTURE MONTH IN SOUTH BEND INDIANA



RESOLUTION NO. \_\_\_\_\_



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA,  
RECOGNIZING THE MANY CONTRIBUTIONS OF THE INDIANA CHAPTER OF THE  
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS AND OFFICIALLY DESIGNATING  
APRIL 2015 AS  
WORLD LANDSCAPE ARCHITECTURE MONTH IN SOUTH BEND, INDIANA**

*Whereas*, the Common Council of the City of South Bend, Indiana recognizes that April 2015 is “World Landscape Architecture Month” (WLAM), which is a month-long opportunity to celebrate landscape architecture and designed public spaces which complements our natural environment throughout the world; and

*Whereas*, 49 Chapters of the American Society of Licensed Architects, (ASLA), which was founded in 1899, will be collaborating with landscape architects and/or organizations in foreign countries by connecting with its 72 student chapters, 15,000 members & other organizations by Skype & other forms of social media throughout World Landscape Architecture Month, formerly known as National Landscape Architecture Month; and

*Whereas*, Indiana has been a very strong and noted leader in this area with both Ball State University and Purdue University celebrating their 50<sup>th</sup> anniversaries of their Landscape Architecture programs; and

*Whereas*, locally, landscape architects have made a tremendous impact on the City of South Bend, with some examples including George Kessler’s vision of linking the City’s park system with tree-lined boulevards. and special places like Leeper Park, Eddy Street Commons, and the Riverside Trail; and

*Whereas*, the Common Council further recognizes that the Indiana Chapter of the American Society of Landscape Architects works daily to “advance landscape architecture through advocacy, communication, education and fellowship” with the following map depicting just some of the chapters throughout the United States participating in this year’s world-wide activities:



*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows.*

Section I. On behalf of all of the residents of the City of South Bend, Indiana, the Common Council formally designates April 2015 as “World Landscape Architecture Month” in our city and recognizes the Indiana Chapter of the American Society of Landscape Architects and their dedicated members, professional and student chapters for their commitment to the highest of ethical standards, stewardship, planning, design and sustainability.

Section II. The Common Council believes that World Landscape Architecture Month provides an opportunity for residents to participate in local Earth Day activities on April 25<sup>th</sup>; to celebrate the birthday of Frederick Law Olmsted on April 27<sup>th</sup>, the founder of the landscape architecture profession in North America; and to experience countless contributions made by landscape architects throughout our rich and vibrant community; and should be celebrated each April hereafter.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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Tim Scott, 1<sup>st</sup> District

Oliver J. Davis, 6<sup>th</sup> District

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Henry Davis, Jr., 2<sup>nd</sup> District

Derek D. Dieter, At Large

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Valerie Schey, 3<sup>rd</sup> District

Gavin Ferlic, At Large

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Dr. Fred Ferlic, 4<sup>th</sup> District

Karen L. White, At Large

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Dr. David Varner, 5<sup>th</sup> District  
Attorney

Kathleen Cekanski Farrand, Council

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*Misc:*

*Approved this \_\_\_\_ day of April, 2015.*

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Office of the City Clerk

Pete Buttigieg, Mayor of South Bend

Councilmember Dr. Fred Ferlic along with Council President Scott presented Resolution 15-20 to the full Council.

Jonathan, 1862 N. Adams St., South Bend – Representing the Indiana Chapter of the American Society of Landscape Architects. He thanked the council and gave a brief background about Landscape Architects. They have historically sought to solve the most oppressing issues such as climate change, energy efficiency, storm water management, and environmental justice. They advocate for transportation, planning and design, water and storm water management, community development, and small business growth development. He thanked the council on behalf of all the Landscape Architects.

Councilmember Oliver Davis – Congratulations to Jonathan for all the hard work over the last few years, especially with the cemetery. Thank you for your eye that you bring to the arena. I thank you for your ability to paint the picture for us and awakening us to the treasures we have here. Thank you.

Councilmember Schey – Thank you Jonathan, I know the importance of public space & design, as it impacts our daily lives. I appreciate your commitment to that.

Councilmember White – Thank you for sharing your talent and gifts to help move our city forward. Thank you for your commitment to hearing our citizens and reporting what you know. I sincerely appreciate all your support

Councilmember Dr. Ferlic – Thank you for your past commitments and future commitments to South Bend 150. Thank you.

Councilmember Henry Davis, Jr. – Thank you for your commitment and talent. I look forward to working with you and soaring into our future.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dr. Fred Ferlic requested a motion to adopt by acclamation for Resolution 15-20. So moved by Councilmember White. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

15-21            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND INDIANA ENTHUSIASTICALLY ENDORSING THE  
RECYCLED GLASS MOSAIC PROJECT FOR THE EAST RACE AT  
THE COLFAX UNDERPASS PROPOSED BY LOCAL PUBLIC  
ARTIST CHRIS STACKOWICZ



RESOLUTION NO. \_\_\_\_\_



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, ENTHUSIASTICALLY ENDORSING THE RECYCLED GLASS MOSAIC  
PROJECT FOR THE EAST RACE AT THE COLFAX UNDERPASS PROPOSED BY  
LOCAL  
PUBLIC ARTIST CHRIS STACKOWICZ**

*Whereas*, the South Bend Common Council recognizes that in 2014, a very successful *Spring Forward: A Community Beautification Initiative* took place where artists, business owners and volunteers collaborated together, under the leadership of local public artist Christopher Stackowicz, and painted window and door replacements for many vacant or abandoned buildings located throughout the city to limit blight and help deter crime and vandalism; and

*Whereas*, the Council further recognizes the five-year project which Chris Stackowicz launched in artfully redoing the main entrances into the City of South Bend, with the 933 bridge project being one of the most popular murals developed by Chris in 2013 which involved 963 volunteers who planned the entire project so that the salt buildup from the wintry seasons would be addressed; treated and sealed the bridge walls; and then painted the wonderful mural which features the best of our city's architecture; and

*Whereas*, the 2015 Recycled Glass Mosaic Project proposed by Chris Stackowicz for the East Race at the Colfax Underpass will involve Chris working with many volunteer organizations, local businesses and local craft-persons on the installation of a 2,400 square foot recycled glass mosaic which will utilize thousands of blue, green, brown, amber, orange, clear and white glass from recycled bottles along with "bits of tinted, stained and mirrored glass from various manufacturers being added as accents"; and

*Whereas*, this year's project will depict an image of a "rolling water scene of abstracted waves...interspersed with saffron ribbons as gates or check-points...as if the raceway was being used for competition..." which will compliment the South Bend 150 celebration with installation planned beginning Friday, May 22<sup>nd</sup> and being finished by Monday, May 25, 2015 at sunset.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. On behalf of the residents of the City of South Bend, the South Bend Common Council is proud to publicly commend, honor, and enthusiastically endorse and publicly support the **2015 Recycled Glass Mosaic Project proposed by Chris Stackowicz for the East Race at the Colfax Underpass.**

Section II. The Common Council sincerely thanks Chris Stackowicz for his artistic visions in helping to beautify the City of South Bend through his many large-scale community beautification projects by a very talented, well-known and respected premiere artist, who has earned numerous awards including the *New York Times* Distinguished Teacher of the Year Award, Javitts Fellow, and is a Michiana 40 Under 40 recipient - just to name a few.

Section III. The Common Council wishes to publicly thank Chris for his image and project design of this unique community-wide art beautification project; and would also like to thank Samatha Stackowicz for her Art Administrative Assistance; Project Coordinator Joel Barrett; the many local businesses such as Action Glass, AM General, Café Navarre, Corby's Emporium, Fiddler's Hearth, Harmon Auto Glass, LaSalle Grill, Pella-Granger, and the Solid Waste Management District of St. Joseph County for materials collection; the many private and

2015 Recycled Glass Mosaic Project Resolution  
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public agencies involved in the planning process; and the public relations activities planned and coordinated so that the analysis of the foundation and materials can be conducted, followed by surface and glass preparation, power-washing and the many, many hours of volunteer labor from individuals, neighborhood association volunteers, school and college students and the many other organizations who have volunteered their time and talent, who will be have the opportunity for light refreshments donated by the generosity of Dunkin Donuts, Jimmy Johns, Starbucks, Bruno's, Chocolate Café, Fiddler's Hearth, El Paraiso, Brew Werks.

Section IV. The South Bend Common Council urges all individuals who wish to be a part of this exciting **Recycle Glass Mosaic Project** to complete a volunteer form which will be made available beginning April 14<sup>th</sup> through May 20<sup>th</sup>.

Section V. Thanks to the dedication, caring attitude, vision, talent and commitment of special people like Chris Stackowicz, and the many volunteers, businesses and organizations he recruits and engages to be a part of these innovative artistic community-wide projects, the City of South Bend, Indiana, will continue to flourish for generations to come.

Section VI. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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Dr. Fred Ferlic, 4<sup>th</sup> District Council Member

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Gavin Ferlic, Council Member At Large

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Karen L. White, Council Member At Large

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Tim Scott, 1<sup>st</sup> District Council Member

*Attest:*  
  
*2015.*

*Approved this \_\_\_\_\_ day of April ,*

\_\_\_\_\_  
John Voorde, City Clerk  
Indiana

\_\_\_\_\_  
Pete Buttigieg, Mayor of the City of South Bend,

Councilmember Dr. Ferlic presented Resolution 15-21 to the full Council. He recognized Chris Stackowicz, as he is responsible for a number of community improvement initiatives including the decreasing of vandalism with new doors and windows program. He is over the glass mosaic project for east race and has over 1,000 volunteers to date.

Christopher Stackowicz, 51308 Gilroy Court, Granger – We will be creating a glass mosaic on approximately 2,400 sq. ft., using recycled glass and tile that will stretch under East Race underpass. So far we will be installing it with over 1,000 volunteers. There will be waves and ribbons as part of the South Bend 150 celebration.

Councilmember Dr. Ferlic – Requested those that want to participate to fill out a form. He thanked his co-sponsors Gavin Ferlic and Tim Scott.

Councilmember White – Thank you for your wonderful work, I do plan on volunteering.

Councilmember Mr. Ferlic – I love everything that you’ve done to beautify our city. Thank you.

Councilmember Oliver Davis – You are doing wonderful work to beautify our city. Thank you for bringing your artistic eye.

Council President Scott – Thank you Chris, I look forward to this project. This is going to be beautiful.

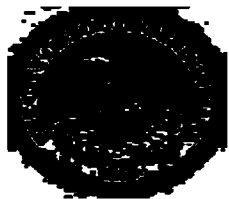
Councilmember Schey – Thank you Chris, I appreciate everything that you’ve done.

Councilmember Henry Davis, Jr. – I always say yes to art.

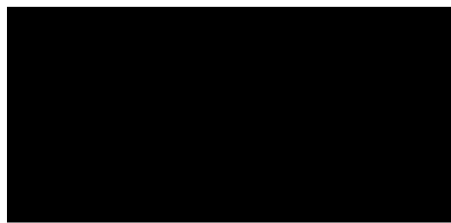
This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Oliver Davis made a motion to adopt by acclamation for Resolution 15-21. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

15-26                    A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND INDIANA RECOGNIZING THAT THE MONTH OF  
APRIL IS NATIONAL CHILD ABUSE PREVENTION MONTH



RESOLUTION NO. \_\_\_\_\_



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA,  
RECOGNIZING THAT THE MONTH OF APRIL IS NATIONAL CHILD ABUSE  
PREVENTION MONTH**

*Whereas*, the Common Council of the City of South Bend, Indiana recognizes that the Children’s Bureau, within the U.S. Department of Health and Human Services, funds the National Child Abuse Prevention Month initiative each April, with the first such declaration being made by a Presidential Proclamation in 1983; and

*Whereas*, the public should be aware that there are many resources which address child abuse prevention which are aimed to protect children from risk of abuse; to strengthen and support families; to help manage stress; to prevent child sexual abuse, to making healthy connections with family members – just to name a few; and

*Whereas*, the Common Council further recognizes that the Administration for Children and Families is a Division of the Department of Health & Human Services which promotes the economic and social well-being of families, children, individuals and communities; and

*Whereas*, many communities throughout the nation are creating “Pinwheel Gardens” where their communities use the symbol of a pinwheel to show that it is every ones responsibility to ensure that every single child should have the opportunity to grow up in a healthy and safe environment; and

*Whereas*, there are many public and private agencies diligently working hard to end child abuse with the 24-hour Child Abuse and Neglect Hotline being 1.800.800.5556; and

*Whereas*, in 2005, the Indiana Department of Child Services (DCS) was created as a “standalone agency charged with administering Indiana’s child protection and IV-D child support systems” in the hope of helping to protect “children and strengthen families through services that focus on family support and preservation.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. On behalf of all of the residents of the City of South Bend, Indiana, the Common Council formally recognizes that the month of April 2015 is National Child Abuse Prevention Month, which stresses the importance of families and communities working together to prevent child abuse.

Section II. The Common Council urges all residents of the City of South Bend, Indiana, to become informed and proactive by participating in public and private programs aimed at ending all forms of child abuse.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

<hr/> Tim Scott, 1 <sup>st</sup> District	<hr/> Oliver J. Davis, 6 <sup>th</sup> District
<hr/> Henry Davis, Jr., 2 <sup>nd</sup> District	<hr/> Derek D. Dieter, At Large
<hr/> Valerie Schey, 3 <sup>rd</sup> District	<hr/> Gavin Ferlic, At Large
<hr/> Dr. Fred Ferlic, 4 <sup>th</sup> District	<hr/> Karen L. White, At Large
<hr/> Dr. David Varner, 5 <sup>th</sup> District Attorney	<hr/> Kathleen Cekanski Farrand, Council

<i>Attest:</i>  2015.	<i>Approved this ____ day of April,</i>
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<hr/> Office of the City Clerk	<hr/> Pete Buttigieg, Mayor of South Bend
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Councilmember Henry Davis, Jr. presented Resolution 15-26 to the full Council. Councilmember Henry Davis, Jr. welcomed those involved to join him at the podium. He acknowledged there was a similar bill in the past where they mourned a young child, but obviously this is still an issue. He gave recognition to those that work with children and the advocates that help to prevent and raise awareness to child abuse. Councilmember Henry recently spoke to a school teacher, who could tell if a child is being abused by their test scores. He reiterated the root of poverty and abusive households that can lead to prisons and crime of young children

Councilmember White – I would like to say to all of the social workers, case managers, and supervisors I sincerely appreciate all the hard work that you do, as it's not an easy task. Any nation that does not take care of its youth or elderly is a nation on the decline. It doesn't stop at your jobs, you take it home, and it's a tough job. We are grateful that you have walked into this profession. We are grateful for the work that you do on behalf of our children.

Councilmember Mr. Ferlic – I concur with Councilmember White. Thank you for all the hard work that you do for our community.

Councilmember Oliver Davis – It is an honor and a pleasure to honor you all tonight. As a social worker, myself, I work with many of you, working with children is not just a job; it's a calling. It's through the work that you do that makes our city stronger; one child at a time, one family at a time. It teaches you to see life through a different eye. Tonight we want to say thank you.

Councilmember Dr. Ferlic – Thank you very much. You are truly the unsung heroes of the defenseless. It is because of you that we have protocols for emergency rooms, for those that are being abused can be taken out of that environment. Thank you for calling it to our attention. Thank you for all the good you have done from the public health stand point.

Councilmember Schey – Thank you is probably not enough to say. It is really humbling to think of what your days must be like. Truly from the bottom of my heart I am so grateful for all that you do.

Council President Scott – I cannot add any more than what they have said other than that we are truly thankful.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

Those wishing to speak in favor:

Teresa Zornig, Department of Child Services, Saint Joseph County – DCS of St. Joseph County thanks the Common Council for honoring the month of April as the National Child Abuse Prevention month. We would like to thank the stakeholders, those in the community, along with our service workers that make a positive impact on a child's life. You as a citizen can lend a hand, offer an ear to hear, or volunteer for organizations that support families in our community.

Jennifer Pickering, 52159 Arrowhead Circle, Granger – Over the last two to three years, we have had an annual partnership to celebrate child abuse prevention in the month of April to celebrate children. This year we will celebrate with the Cubs on Saturday, May 2<sup>nd</sup>. There will be a garden that will be planted for those in care. This will be a public venue with information on how to get involved with this cause. The information will be left at the County Court house for those wishing to participate.

There being no one present wishing to speak to the Council in opposition to this bill, Councilmember Oliver made a motion to adopt by acclamation for bill 15-26. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.



ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE CHIEF OF STAFF – BRIAN PAWLOWSKI

**REPORTS OF CITY OFFICES**

There were no reports from City Office at this time

**RESOLVE INTO THE COMMITTEE OF THE WHOLE**

At 7:30 p.m. Councilmember Mr. Ferlic made a motion to resolve into the Committee of the Whole. Councilmember Oliver seconded the motion which carried by a voice vote of seven (7) ayes. Councilmember White, Chairperson, presiding.

Councilmember White, explained the procedures to be followed for tonight's meeting in accordance with Article 1, Section 2-11 of the South Bend Municipal Code.

Councilmember White stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

**PUBLIC HEARINGS**

06-15 PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3408 ARDMORE TRAIL, AND THE VACANT PARCEL WEST OF AND ADJACENT TO 3408 ARDMORE TRAIL SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember White requested a motion to accept the substitute version of bill 06-15. So moved by Councilmember Gavin Ferlic. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

Councilmember Oliver Davis Chairperson, Zoning & Annexation Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

Matthew Chappuies, Offices on the 11<sup>th</sup> floor of this building – This is for a Career Academy on Ardmore Trail. This site was formerly a Target Store and a thrift store. The petitioner is requesting a zoning change from CB (Community Business) to SF2 (Single Family and Two-family) district. The site is being down zoned because the school is not permitted in CB zones. Matthew displayed a PowerPoint presentation that showed the view and location, the school has a driveway aligned with Curtis Street. It is a 9.9 acre site, 83,000 sq. ft. vacant retail building. The proposed building would total 103,000 sq. ft. Site improvements would include gymnasium, and a playground to the west, a loading dock and trash closure, cueing lanes, reduced parking area, parking area screening by existing and future landscaping. Area Plan Commission sends this to the full council with a favorable recommendation

Petitioner: Mike Danch, Danch Harner & Associates, 1643 Commerce Drive, South Bend – Representing the Career Academy, what we are asking for is a down zoning to build a charter school, for an elementary school of 2,000 sq. ft. There will be a gymnasium added, along with office space. There will be a playground area, along with some additional landscaping to the parking as well. We ask for your favorable approval. We are expecting between 550-600 students, and looking to spend between \$8 to \$11 million dollars to bring the school up to code, along with the renovations that are added.

Councilmember Oliver Davis – For the record I know that we have schools in South Bend that don't want their playgrounds to be utilized by the neighborhood. What are your thoughts for off hours use for the playground? Petitioner responded that can be made available for the neighborhood that is there. I am familiar with that neighborhood, as I grew up there and there is not a lot in that area for young children. I will make sure they are aware of that, to have that available to the neighborhood.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

Jerry Niezgodski, 1113 N. Elliot St., South Bend – This is a part of our neighborhood association, I have some questions regarding the roof is rumored to cost from \$550,000 to a \$1 million dollars alone. If the petitioner can address that? I agree with Councilman Davis on making the playground available for use. Other housing structures have them but the management in Beacon Heights for some reason took it away. We are excited about this coming to the neighborhood we hope this works out well for them.

Rebuttal: Mike Danch – As part of the renovation the roof will be a major structure. The renovation is where the office space is along with the classroom area.

Councilmember Oliver – Is there something that we can put in writing regarding the playground, as the neighborhood is in need of the playground? I just don't want to get in a situation later where there is backlash. Council Attorney Cekanski-Farrand Kathy stated that we can send a letter with the certified meeting minutes to the petitioner. That request goes out of the scope for the zoning request. As the Chairperson of Zoning & Annexation Committee you can send a letter along with any other Councilmembers to the petitioner with that request copied to Mr. Danch. Mike Danch replied when we do the site plan we can put some notes on there to make it an open recreation area.

Councilmember Karen White – I would like to add this would be a great opportunity to extend the invitation to the management of Beacon Heights to have a conversation with them around this issue and another issue. Councilmember Oliver Davis if you can work on that? Maybe working around the children, they will respond positively. Councilmember Oliver Davis responded I agree, and I can work on that.

There being no one present wishing to speak to the Council in opposition to this bill, Councilmember Gavin Ferlic made a motion to send substitute bill 6-15 for favorable recommendation to the full Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

13-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20 OF THE SOUTH BEND MUNICIPAL CODE BY DELETING ARTICLE 13, SECTIONS 20-130 THROUGH 20-135 ADDRESSING MOPED REGULATIONS AND AMENDING CHAPTER 2, ARTICLE 19, SECTION 2-213 ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

Councilmember White Chairperson, Health & Public Safety Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

Petitioner: Tim Scott, 711 Forest Ave, South Bend – A quick report, we took an old moped ordinance that wasn't deemed to become a state law and made it into a local law.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council in favor or in opposition to this bill, Councilmember Gavin Ferlic made a motion to send bill 13-15 for favorable recommendation to the full Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

14-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 12 ENTITLED COLLABORATIVE PILOT INITIATIVE ON HOMELESSNESS

Councilmember White requested a motion for bill 14-15 to be continued indefinitely. So moved by Councilmember Schey. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

17-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CONFIRMING COMPLIANCE WITH IC 36-1-12-1 ET. SEQ, AND RENDERING FINAL APPROVAL OF A GUARANTEED ENERGY SAVINGS CONTRACT RELATING TO CENTURY CENTER, APPROPRIATING MONIES FROM CENTURY CENTER CAPITAL IMPROVEMENT FUND (#671) ESTABLISHING A NEW FUND (#672) TO BE KNOWN AS THE CENTURY CENTER ENERGY CONSERVATION DEBT SERVICE FUND, AND TAKING ALL OTHER ACTION IN CONNECTION THEREWITH

Councilmember White requested a motion to accept the substitute version of bill 17-15. So moved by Councilmember Oliver Davis. Councilmember Dr. Fred. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

Councilmember Dr. Ferlic Chairperson, PARC Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

Petitioner: Therese Dorau, Director of Sustainability with Offices on the 13<sup>th</sup> floor – We are here to discuss the ordinance along with the financing. We are excited to use innovative financing model to fund significant capital improvements to this center piece in our community with little to no expense to the taxpayers. Therese introduced her team Greg Downes who will explain the project scope and benefits, Michael Schmidt who will highlight the energy service agreement, and John Murphy who will discuss the financing structure and financing terms requested. After that I will be happy to facilitate any questions that you may have.

Greg Downes, 101 N. Michigan St., South Bend – President of the Century Center Board of Managers. Almost two years ago, Chicago was kind enough to send their facility manager from McCormick's Place in Chicago to help our staff walk through the facility, Century Center building and create a (30) thirty-year comprehensive plan. The scope of this project will accomplish about 20% of that (30) thirty-year plan. This includes all the work that will need to be done anyway over the next five (5) or fifteen (15) years; the stuff that we have to do, but don't like to do. The total cost of the project is a little over \$4.8 million dollars, we are going to avoid about \$6.3 million dollars in capital cost over the next fifteen (15) years. This is a win-win for the city because the project is so energy efficient and has qualified for an energy conservation bond which means we will be under 1% interest rate on this project. We will be able to save a guaranteed estimated amount of \$1.6 million dollars in energy savings over the next (15) fifteen-years. It starts at \$83,000 a year in savings, and goes up every year. Those savings are guaranteed financially in the scope of the project. Any year we don't meet those savings Ameresco will make up the difference financially. This passed unanimously by the Century Board. The funds to do the project will be provided by the Century Center with a down payment of \$750,000 plus another \$50,000 for escrow, which will not come out of the city budget but the capital funding from the Century's Center budget from 2014 and 2015. With our sales efforts at Century Center we are doing our best to effect the vitality in downtown South Bend. We are looking to in the future to replace a green roof, along with adding additional solar panels over the next few years. We are looking to replace all lighting fixtures to LED bulbs to make us more energy efficient and more competitive moving forward.

Michael Schmidt, Assistant City Attorney 1200 County City Building, South Bend – It was my responsibility to negotiate the energy savings agreement with Ameresco. The contract itself is just under \$5 million dollars, the upfront fees to the city of South Bend is limited to 10% and the rest of the payment program is based upon completion of work by Ameresco (sub-contractors). The terms of the agreement is fifteen-years (15) with the necessary protections to the city for termination and out causes, and the improvements which covers the roofing, the lighting, HVAC, and ceiling tiles. The first year's savings is estimated to be \$450,000; each year that savings will go up. The ongoing expense will be a monetary verification by Ameresco of the systems installed to check the functionality along with the energy savings guaranteed to the city of South

Bend. That expense will be \$5,696 each year, which will go up by \$150 to \$200 a year over the (15) fifteen-year period; a minimal expense compared to the cost savings for the ongoing years that have been guaranteed.

John Murphy, City Controller with offices on the 12<sup>th</sup> floor – The city finance and administration team is supportive of this process. We were able to qualify with the state for an interest rate under 1% and are very grateful for that. The first payment will come in 2018. We are pleased with how this contract is coming together. We are happy to take any questions.

Councilmember Oliver Davis – You stated that you had to go before the state can you clarify that regarding the interest rates? Petitioner Murphy responded we had to qualify for a QEC program and submit an application for the bond. So Ameresco, along with Therese were able to work on that application and qualify the city for that.

Councilmember Dr. Ferlic- You stated this covers (5) five-years of a (30) thirty-year project of 20%, in which you anticipated to be \$4.8 million. So you anticipated over the next 20-25 years over \$25 million expense. I think you've done a great job by the way, but it seems all projects are fast forwarded. The petitioner Murphy responded I don't think we can anticipate the way they do the bonds. We have to see how it goes in the next 5-10 years. It is hard to predict what we are going to do. Councilmember Dr. Ferlic replied I just want to know how you came up with the 20%. Petitioner Downs responded it is 20% of the work in that (30) thirty-year plan. The important point is that the first time in years we will be getting ahead of capital improvements, reducing maintenance and labor costs making us more competitive. Councilmember Dr. Ferlic responded I commend you for doing great work. Thank you.

Councilmember Valerie Schey – I asked my questions earlier as they related to the finances. Thank you.

Councilmember Henry Davis, Jr. – Thank you. Given all of the companies involved will the WBE/MBE program requirements be satisfied for the jobs that will be available for construction? Petitioner Therese responded that we have not had that conversation yet. Councilmember Davis responded that the law has been in place for two to three years now. Petitioner Therese responded there was a small number of companies in this area and most are multi-national that do this work. I can make a point in a conversation with Ameresco for their hiring WBE and MBE contractors. Councilmember Henry Davis responded I'm not coming down on you, as we have been having this conversation for years. I would like to see on paper that the conversation occurred and that these groups are hired. Petitioner Therese responded I will be more than happy to document our efforts for that. Councilmember Henry Davis, Jr. responded thank you as you are the first to engage in that conversation.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Oliver Davis made a motion for favorable recommendation to full Council for substitute bill 17-15. Councilmember Dr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

#### **RISE AND REPORT**

Councilmember White requested a motion to rise and report to full Council. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

ATTEST:

ATTEST:

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John Voorde, City Clerk

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Karen L. White, Chairperson  
Committee of the Whole

**REGULAR MEETING RECONVENED**

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 8:03 p.m. Council President Tim Scott, presided with seven (7) members present.

**BILLS - THIRD READING**

06-15            THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3908 ARDMORE TRAIL AND THE VACANT PARCEL WEST OF AND ADJACENT TO 3408 ARDMORE TRAIL, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

This bill had third reading. Council Attorney Kathy requested a motion to amend as it was in the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

Councilmember Mr. Ferlic made a motion to accept bill 06-15 as amended. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of seven (7) ayes.

13-15            THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20 OF THE SOUTH BEND MUNICIPAL CODE BY DELETING ARTICLE 13, SECTIONS 20-130 THROUGH 20-135 ADDRESSING MOPED REGULATIONS AND AMENDING CHAPTER 2, ARTICLE 19, SECTION 2-213 ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

This bill had third reading. Councilmember Oliver Davis made a move for passage of bill 13-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of seven (7) ayes.

17-15            THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CONFIRMING COMPLIANCE WITH IC 36-1-12-1 ET. SEQ, AND RENDERING FINAL APPROVAL OF A GUARANTEED ENERGY SAVINGS CONTRACT RELATING TO CENTURY CENTER, APPROPRIATING MONIES FROM CENTURY CENTER CAPITAL IMPROVEMENT FUND (#671) ESTABLISHING A NEW FUND (#672) TO BE KNOWN AS THE CENTURY CENTER ENERGY CONSERVATION DEBT SERVICE FUND, AND TAKING ALL OTHER ACTION IN CONNECTION THEREWITH

This bill had third reading. Council Attorney Kathy Cekanski-Farrand requested a motion to amend as it was in the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

Councilmember Mr. Ferlic made a move for passage of bill 17-15. Councilmember White seconded the motion which carried. The bill passed by a roll call vote of seven (7) ayes.

**RESOLUTIONS**

15-17            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 609 LASALLE STREET, SOUTH BEND, INDIANA 46617

Councilmember Oliver Davis Chairperson, Zoning & Annexation Committee, reported that they met this afternoon on this bill and sends it to the full Council with no recommendation.

Mark Lyons, 125 S. Lafayette Blvd., South Bend – This is a special exception request to allow for an off street parking lot to the former carwash site across the street. This comes with a unanimous favorable recommendation

Petitioner: William Lamie, 929 Lincoln Way East, South Bend – I’m representing St. Joseph Parrish, I’ve been working with them on a (5) five-year master plan. They are land-locked with 3.3 acres and are in need of additional space for recreation: gymnasium, additional classrooms, and playground space. They recognize that if additional land or parcels are available they should aggressively go after them. I would like to point out three parcels that would give them 5.3 acres to expand the gymnasium along with outdoor play areas. The numbers that we got will help justify the numbers to accommodate for parking needed to be available.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

Councilmember Gavin Ferlic – I would like to make a disclosure about that property, my company has a property interest. I could not imagine that would impact myself financially. Council Attorney Kathy responded you can participate in the vote.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Schey made a motion to adopt 15-17. Councilmember White seconded the motion which carried by a voice vote of seven (7) ayes.

15-22            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PLEDGING IT’S INTEREST IN THE DEVELOPMENTS PROPOSED BY THE POKAGON BAND OF POTAWATOMI INDIANS AND RECOGNIZING OUR STRATEGIC AND VITAL PARTNERSHIP WITH INDIANA’S ONLY FEDERALLY-RECOGNIZED TRIBE IN THE STATE

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA,  
PLEDGING ITS INTEREST IN THE DEVELOPMENTS PROPOSED BY THE  
POKAGON BAND OF POTAWATOMI INDIANS AND RECOGNIZING OUR STRATEGIC  
AND  
VITAL PARTNERSHIP WITH INDIANA’S ONLY FEDERALLY-RECOGNIZED TRIBE IN  
THE STATE**

*Whereas*, the Common Council of the City of South Bend, Indiana recognizes that on January 14, 2013, the Common Council adopted Resolution No. 4228-13 which approved a petition of the Area Board of Zoning Appeals (ABZA) for the property located at 3733 Locust Street, South Bend, Indiana; after it received a unanimous favorable recommendation on the request from the ABZA; and

*Whereas*, the 2013 petition requested a Special Exception for the Locust Street property to permit “a government facility; Indiana Tribal Government Office for the Pokagon Band of Potawatomi Indians, a federally recognized Native American Tribe with a service area in the State of Indiana”; and

*Whereas*, the Common Council further recognizes that the Pokagon Band of Potawatomi Indians is the only federally-recognized Indiana tribe; and further notes that the Locust Street property in South Bend provides needed administrative services to area Tribal citizens, with testimony at the ABZA meeting noting that “we do have a high concentration of Pokagon citizens in the South Bend area, northern Indiana, about 500 so we think that our data would show that we

would probably triple that... serving 60 to 90 citizens a month in our building. Some of the services we would provide are tutoring for our young students. Enrollment into our programs, our education programs, housing, financial empowerment and social service”; and

*Whereas*, the Pokagon Band of Potawatomi Indians has made “enormous strides...to further economic development, to develop tribal infrastructure and resources, and to improve healthcare, housing, education, and elder services to its citizens...[and] has made it a priority to develop language and cultural programs for its citizens to fully engage the Pokagon community in the cultural heritage and traditional life ways of the Pokagon people ...which benefit the Indian and non-Indian communities alike”; and

*Whereas*, the Common Council further notes that the Pokagon Band’s recognition of the “importance of maintaining a strong, self-sustaining government and strategic partnerships with state and local governments” has only continued to grow over the years which has resulted in sustained collaboration and positive involvement.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows.*

Section I. The South Bend Common Council is proud to recognize that the Pokagon Band of Potawatomi Indians has a ten-county service delivery area with four (4) counties in southwestern Michigan and six (6) counties, namely St. Joseph, LaPorte, Elkhart, Starke, Marshall, and Kosciusko in Indiana which includes much of their ancestral and historical lands with the largest population concentrations remaining in the vicinity of the “traditional villages in the St. Joseph River Valley, near the towns of Dowagiac and Hartford, Michigan and South Bend, Indiana.

Section II. The Common Council recognizes considerable potential benefit to the City from a proposed tribal village and related developments near Rum Village in the 6<sup>th</sup> Councilmanic District in South Bend. The Pokagon Band’s vision includes housing units, healthcare service areas, tribal government facilities, hotel, apartments, meeting and conference facilities, a gaming facility and parking garage; while potentially creating an estimated 1,400 construction jobs and 2,000 permanent jobs which would represent an increase in jobs in St. Joseph County by 2.9%.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

_____	_____
Tim Scott, 1 <sup>st</sup> District	Oliver J. Davis, 6 <sup>th</sup> District
_____	_____
Henry Davis, Jr., 2 <sup>nd</sup> District	Derek D. Dieter, At Large
_____	_____
Valerie Schey, 3 <sup>rd</sup> District	Gavin Ferlic, At Large
_____	_____
Dr. Fred Ferlic, 4 <sup>th</sup> District	Karen L. White, At Large
_____	_____
Dr. David Varner, 5 <sup>th</sup> District Attorney	Kathleen Cekanski Farrand, Council

<i>Misc:</i>	<i>Approved this ____ day of April, 2015.</i>
_____	_____

Office of the City Clerk	Pete Buttigieg, Mayor of South Bend
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Councilmember White Chairperson, Community Relations Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

Presenter: Councilmember Oliver Davis, 1801 Nash St. South Bend – The popular businesses that I represent in the 6<sup>th</sup> District are willing to leave the light on to welcome new businesses and companies that bring in jobs and new living spaces. Recently at a 6<sup>th</sup> District meeting the residents stated that we should do something to welcome our new neighbors of the Potawatomi Indians. Councilmember Oliver Davis presented Resolution 15-22, whereas... One of the key topics was we need to have more conference facilities, and have a friendly and welcoming attitude. That is what we are here to present to you tonight.

Councilmember Henry Davis, Jr. – This resolution can you explain the mission?  
Councilmember Oliver responded one of the concerns in the meeting was there are negative views towards the Potawatomi Indians, which may lead them to consider other areas to host their place. Our neighbors wanted to show them that we welcome them. This is separate from the cities negotiations, and the administration. When you look at the proposed situation as it relates to jobs, this can have a ripple effect towards new business on State Road 23 quarter with continued development. When it comes to tribal land, the issues of what we can and cannot do is up to their own government. Those are things that we would be looking at in government on how we work together.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

Those wishing to speak in favor of this bill:

Jesse Davis – P.O. Box 10205, South Bend – I am in favor in welcoming them here. Our Mayor stated that we welcome everybody. The big elephant in the room is it's about the Casino. This will create jobs. There are concerns about crime, well we already have that here. I think people are concerned because they will not have control over what they will be doing. We need to promote people being here.

Sherry Richmond, 1015 S. Gladstone Ave., South Bend – Citizens should be for putting a Casino in South Bend since it will create over 2,000 jobs. Anytime we have homelessness because there are no jobs is not a good look for our city. It will help Americans achieve the American dream. They say South Bend represents the 21<sup>st</sup> Century, but I can't tell. We should have more for our city, so young professionals don't leave. Charity starts at home and we should keep our money in our city. Keep a positive mind on building a casino in South Bend, it can bring huge funds to our city.

Samuel Brown, 222 E. Navarre St., South Bend – I am in favor of welcoming the Potawatomi Indians. They have a solid track record from Buffalo. I would like for the council to pass this. I am for anything that will make our city a better place. We have had enough failure in our city. All I ask is that we use the facts to make this decision.

Tammy Chin, 2630 Prairie Ave., South Bend – I would like to welcome the Casino, as it will be a great opportunity for employment. The qualifications will be a high school diploma, proving a great source for employment for our residents, as many are working on their GED and don't have the means to go to college.

Jerry Niezgodski, 113 N. Elliot, South Bend – I would like to speak in favor on welcoming the Potawatomi Indians to South Bend. I would like to point out the Town and Country Shopping center, and the University Park Mall where South Bend had the opportunity to host those but said no to both. This is going to happen somewhere, why not here. They have a fantastic record of giving back to the community and are very hospitable. I hope when the time comes the same attitude prevails then.



Those wishing to speak in opposition of this bill:

Barbara Jewel, 1821 Gartner Ave., South Bend – I am against the Casino not the Potawatomi Tribe. We will not have taxes coming in to the community as they don't pay taxes. The money will stay there. There will be a loss of revenue. Most jobs will be Indian jobs. I think this supports a vice that doesn't need to be supported as is. There are two other Casino's close by so it will be oversaturation in one area.

Keith Bujorzack, 205 N. Hill St. South Bend – This particular item was rushed before this body. It will reduce tourism and money towards our community, and decrease public safety in that community. I don't have anything negative towards this group and all for moving walls between ethnic groups. I think we need to review both the pros and the cons before we have a gambling Casino.

Jake Kachka, 19489 Green Acre, South Bend – With all due respect to Councilmember Davis, I don't think those that are opposed to the Casino are opposed to the Potawatomi Band. I too, would like to leave the light on and welcome them. In terms of a Casino, I think it will have a negative impact on our community. It will create jobs, but I also think there will be job loss. In Atlantic City there was a total job loss of 142 after a few years. A Casino is a one-stop shop with no incentive for them to visit our downtown areas, as all entertainment would be at the Casino. This all seems rushed and we need to have a broader conversation, as it will impact surrounding communities as well. This is an industry that we don't want in our community, we need to review the facts before moving forward.

Joseph Michal Jr., 3010 S Locust Road – I don't have a problem with the tribe, I have a problem with the Casino. The city tore up our roads and never fixed them, and didn't finish the sidewalks they started. My pond is now gone, the street is now crooked, and they messed up the underground. The city has tried to raise my taxes. I don't want a Casino as this will be in my front yard. I almost got hit walking my son to the bus due to no traffic lights. I want you to knock on the doors of those on South Locust Road and see what they have to say.

Judith Overmyer, 3447 S. Locus Road – I have lived there 40 years or more. In terms of crime, there are very few crimes in our area. The jobs that will be brought will be at poverty level and will not get free daycare that the natives will supply. The amount of money that will be taken out of the community from our own citizens stays with them, as they do not pay taxes. Some of the other Casino's area will take away from the other Casinos of \$1.4 billion. The Casino lights will be in my backyard. It will decrease the value of my property.

Rebuttal: Councilmember Oliver Davis – I appreciate those who spoke in favor and those against. We live in a community that are benefited by our Universities that don't pay taxes in the city of South Bend, they help the city greatly and benefit from them as they are one of our key employers. The argument that they don't pay taxes is void when we have Universities here that don't pay taxes. Many of those institutions donate to our city, of course we want them to do more. We can look at crime rates, but we have to be a city that is welcome to all types of businesses. I recognize that there are challenges, and we can work along with helping them. The Prairie Apartments was rumored to cause additional crime, but it has not. With the move of Potawatomi Band, it will help with our structure and infrastructure on State Road 23. Let's welcome them and leave the lights on for them.

Councilmember Gavin Ferlic – I just want to clarify that the city Council is not approving or denying anything. This is simply a positive welcome to the Potawatomi Band. We appreciate all

the feedback, there is a public forum tomorrow at the Century Center if you would like to weigh in on the discussion.

Councilmember Dr. Ferlic – This is strictly a non-binding resolution. We know there has to be a discussion on this, we anticipate a lot of citizen’s involvement, and this is a long way from anything occurring. Let’s just welcome them, and we’ll have the discussion as time goes on.

Councilmember Henry Davis, Jr. – That’s what I was trying to establish earlier but it was misconstrued. There are things that may be out of our hands, but those conversations need to happen on the 14<sup>th</sup> floor. These concerns need to be addressed with the Mayor, and may or may not come down to the Council for approval.

Councilmember Schey – Thank you Councilmember Davis for sharing this Resolution. I share your enthusiasm towards welcoming the Potawatomi. On my ten (10) years on council we have welcomed other companies in the past, but none have brought nearly as many as over 2,000 jobs which this community desperately needs. A blackjack dealer can potentially make up to \$60,000 per year, which would be great for those without an advanced degree. I do understand the statement that those jobs would go to their residents, however, if 500 jobs go to their residents it still leaves over 1,500 jobs. In terms of crime when those don’t have employment turn to crime. I welcome the Potawatomi Tribe along with the developments that would come along with that.

Councilmember Schey made a motion to adopt 15-22. Councilmember White seconded the motion which carried by a voice vote of seven (7) ayes.

15-23            A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND INDIANA COMMONLY KNOWN AS 1015 OAK STREET, 1042 OAK STREET, 1107 OAK STREET AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR SOUTH BEND MUTUAL HOMES, LP

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

**1015 Oak Street; 1042 Oak Street; 1107 Oak Street**

AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR

**South Bend Mutual Homes, LP**

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Residentially Distressed Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as **1015 Oak Street; 1042 Oak Street; 1107 Oak Street**, South Bend, Indiana, and which is more particularly described as follows:

1) 1015 Oak Street, South Bend, IN

Parcel ID: 18-1033-1461

Legal Description: Lot Numbered seventeen (17) as shown in the recorded Plat of William Miller's Addition to the City of South Bend, excepting therefrom that part taken for Sherman Avenue in St. Joseph County, Indiana.

2) 1042 Oak Street, South Bend, IN

Parcel ID: 18-1033-1444, 18-1033-1442, 18-1033-1443

Parcel I: A part of lot numbered eleven (11) as shown on the recorded Plat of William Miller's Addition to the City of South Bend, described as follows, viz: Beginning at the westerly corner of said lot running thence North 39.5° East with the southeasterly line of Oak Street 60 feet; thence southeasterly 38.45 feet to a point 53 feet from the easterly line of LaPorte Avenue; thence South 39.5° West parallel with Oak Street 53 feet; thence North 37.5° West with the easterly line of LaPorte Avenue 36 feet to the place of the beginning. (18-1033-1442)

Parcel II: A part of lot numbered eleven (11) as shown on the recorded Plat of William Miller's Addition to the City of South Bend, described as beginning at the southwest corner of said Lot 11; thence North 27°7' West of the easterly line of LaPorte Avenue 13.13 feet to an angle in said street; thence North 37.5° West on said line of said Avenue 31.65 feet; thence northeasterly parallel with Oak Street 53 feet; thence southeasterly 30.6 feet to a point in the east line of said Lot 11, 56 feet north of the southeast corner of said Lot; thence South 56 feet to said southeast corner; thence west 27.39 feet to the place of beginning. (18-1033-1443)

56 feet on Oak Street, 76 feet north and south along east line Lot 11, William Miller's Addition, according to the recorded Plat thereof, St. Joseph County, Indiana records. (18-1033-1444)

3) 1107 Oak Street

Parcel ID: 18-1033-1430

Ex 76 feet SW end of Lots 52 and 53, Birner PL Add, according to the recorded plat thereof, St. Joseph County, Indiana records

be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for a residentially distressed area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

- A. The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or

- B. Any dwellings in the area are not permanently occupied and are:
  - i. the subject of an order issued under IC 36-7-9; or
  - ii. evidencing significant building deficiencies; or
- C. Parcels of property in the area:
  - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
  - ii. are owned by a unit of local government; or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E. A significant number of dwelling units within the area are:
  - i. the subject of an order issued under IC 36-7-9; or
  - ii. evidencing significant building deficiencies; or
- F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or
- G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

**SECTION III.** The Common Council also hereby determines and finds the following:

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

**SECTION IV.** The Common Council hereby confirms its Declaratory Resolution designating the area described herein as a Residentially Distressed Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to five (5) calendar years from the date of adoption of the Declaratory Resolution by the Common Council as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

**SECTION V.** The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12.1 et seq.

**SECTION VI.** This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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Member of the Common Council

Presenter: Brock Zeeb, Department of Community Investment, Offices on the 14<sup>th</sup> floor – We are adding the three properties that were missed in the original tax abatement. We will be adding the three properties as a 24 home Co-Op on the West Washington TIF. The new projected taxes created are \$84,324, estimated taxes to be abated over the five (5) year period are \$24,350, and total taxes to be paid over the five (5) year period are \$59,974. I will answer any questions that you may have.

Petitioner: Ann Mannix, 724 W. Washington, South Bend – For the five (5) year tax abatement, she brought hand-outs for the Council. Only thing I want to highlight is this is affordable housing where all cost, will be under \$600 and seventeen (17) units will be less than \$500. Thank you for your support.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Gavin Ferlic made a motion to adopt 15-23. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

15-24            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3230 SOUTH BEND AVENUE, SOUTH BEND, INDIANA 46635 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (4) FOUR-YEAR REAL PROPERTY TAX ABATEMENT FOR RAINBOW RASCALS SOUTH BEND LLC

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN  
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

**3230 South Bend Avenue**

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A  
(4) FOUR-YEAR REAL PROPERTY TAX ABATEMENT FOR

**Rainbow Rascals South Bend LLC**

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WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 3230 South Bend Avenue, South Bend, IN 46635 and which is more particularly described as:

Pt of SW 1/4 SE 1/4 Sec 29-38-3e; Ex Part Sold NW Side & Adj to IN 23

and which has Key Numbers 002-2019-041103 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of four (4) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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Member of the Common Council

Presenter: Brock Zeeb, Department of Community Investment, Offices on the 14<sup>th</sup> floor – Before you is a four-year (4) tax abatement for Rainbow Rascals. It is expected investment of \$1.2 million, projected taxes created are \$116,335, estimated taxes to be abated over the four (4) year period are \$63,612, and total taxes to be paid over the four (4) year period are \$96,523. I will answer any questions that you may have.

Petitioner: John C. Hitchcock, 1732 Crooks Road, Detroit, Michigan – I appreciate this opportunity to be here. We operate with quality, safe, affordable, and serious academic component readying children for kindergarten for over thirty (30) years. We have several locations in the state of Indiana. We plan on starting construction within the next few weeks and finishing the project hopefully in early November. We appreciate the consideration.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Schey made a motion to adopt 15-24. Councilmember Oliver seconded the motion which carried by a voice vote of seven (7) ayes.

15-25            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND INDIANA COMMONLY KNOWN AS 1702 S. ROBINSON STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR BAMAR PLASTICS, INC.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

**1702 S. Robinson St., South Bend, IN 46613**

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR

**Bamar Plastics, Inc.**

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WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1702 S. Robinson St., South Bend, IN 46613 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the

boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

**SECTION II.** The Common Council hereby determines and finds that the proposed new manufacturing equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

**SECTION III.** The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

**SECTION IV.** The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

**SECTION V.** The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

**SECTION VI.** The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

**SECTION VII.** This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

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Member of the Common Council



Councilmember Gavin Ferlic, Chairperson, Community Investment Committee met this afternoon and send bill 15-25 to the full Council favorably.

Presenter: Brock Zeeb, Department of Community Investment, Offices on the 14<sup>th</sup> floor – Before you is a proposed personal property tax abatement for Bamar Plastics. The new projected taxes created are \$30,883, estimated taxes to be abated over the five (5) year period are \$14,156, and total taxes to be paid over the five (5) year period are \$16,727. I will answer any questions that you may have.

Petitioner: Jim McVay, 1702 S. Robinson, South Bend – Bamar is a small company that has been in business since 1978. As we continue to recover from the down turn we are looking to get a new cooling tower, and molding press. If we don't make these improvements we can lose the jobs that we do have and lose the business for new projects coming up.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Gavin Ferlic made a motion to adopt 15-25. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

15-13            A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VOICING CONCERNS OVER MANY OF THE ASSESSMENTS OF LAND IN THE CITY AND SEEKING AMICABLE SOLUTIONS OF THESE CONCERNS WHICH ARE IN THE BEST INTERESTS OF THE TAXPAYERS

Council Attorney Kathy requested a motion to continue bill 15-13 to April 27<sup>th</sup>. So moved by Councilmember Oliver Davis. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

**BILLS - FIRST READING**

**BILL NO.**

18-15            FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS WITHIN CHAPTER 20, ARTICLE 13 OF THE SOUTH BEND MUNICIPAL CODE BY AMENDING AND ESTABLISHING CITY-WIDE REGULATIONS BANNING THE USE OF ALL HAND-HELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING, AND AMENDING CHAPTER 2, ARTICLE 19, SECTION 2-213 ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the Health and Public Safety for April 27<sup>th</sup>. So moved by Councilmember Oliver Davis. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

19-15            FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR THE ESTABLISHMENT OF A SOUTH BEND MUNICIPAL ID CARD PROGRAM

This bill had first reading. Councilmember Mr. Ferlic made a motion to refer this bill to Health & Public Safety, and Community Relations Committee to be continued. Councilmember Schey seconded the motion. Councilmember Henry Davis Jr. interjected so they can put a date on the motion for this bill to keep it on the agenda for next meeting.

Motion was corrected to refer this bill to Health & Public Safety, and Community Relations Committee for April 27<sup>th</sup>. So moved by Councilmember Oliver Davis. Councilmember Henry Davis, Jr. seconded the motion which carried by a voice vote of seven (7) ayes.

20-15            FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE  
FOR PROPERTY LOCATED AT 605 NORTH HICKORY ROAD, SOUTH  
BEND, INDIANA, COUNCILMANIC DISTRICT 4 IN THE CITY OF  
SOUTH BEND, INDIANA

This bill had first reading. Councilmember Schey made a motion to refer this bill be sent to Area Plan. Councilmember Oliver Davis seconded the motion which carried by a voice vote of seven (7) ayes.

21-15            FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE  
AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED  
AT 2212 MISHAWAKA AVE, COUNCILMANIC DISTRICT NO. 3 IN  
THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill be sent to Area Plan. Councilmember Valerie Schey seconded the motion which carried by a voice vote of seven (7) ayes.

**UNFINISHED BUSINESS**

Councilmember Henry Davis have we heard from the patio situation with the Mayor? Council President Tim Scott responded we have not heard back from the prosecuting attorney in Terre Haute.

**NEW BUSINESS**

There was no new business to come before the Council at this time.

**PRIVILEGE OF THE FLOOR**

Jesse Davis – P.O. Box 10205, South Bend – Councilmember Henry just asked the question that I was going to ask. I hope you all had a good Easter holiday, and have a goodnight.

Samuel Brown – 222 E. Navarre St., South Bend – We have an important election coming up in May. The people in the inner city would like to know if there will be anything set up for the inner city for a debate. I know there was a debate at IUSB but there are more residents out there. We have a responsibility to the tax payers to set something up so we can get the information needed.

**ADJOURNMENT**

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 9:17 p.m.

ATTEST:

ATTEST:

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John Voorde, City Clerk

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Tim Scott, President