

*Karin
5/23*

REPORT OF SUB-COMMITTEE ON MINUTES

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE

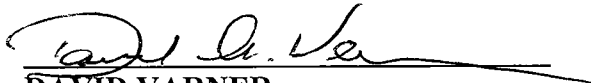
May 23, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:



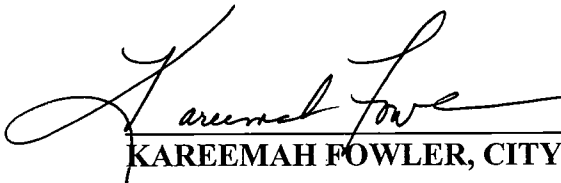
TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: June 13, 2016

ATTEST:



KAREEMAH FOWLER, CITY CLERK

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, May 23rd, 2016 at 7:00 p.m. The meeting was called to order by Council Vice President Oliver Davis and the Invocation was given by Imam Mohammed Sirajuddin of the The Islamic Society of Michiana and Pledge to the Flag was given.

ROLL CALL

COUNCIL MEMBERS:

PRESENT:

Regina Williams-Preston	2 nd District
Randy Kelly	3 rd District
Josephine Broden	4 th District
Dr. David Varner	5 th District
Oliver J. Davis	6 th District, Vice President
John Voorde	At-Large
Gavin Ferlic	At-Large, Chairperson Committee of the Whole
Karen L. White	At-Large

ABSENT:

Tim Scott	1st District, President
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OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
Adriana Rodriguez	Legal Research Assistant
Kareemah Fowler	City Clerk
Jennifer Coffman	Chief Deputy Clerk
Alkeyna Aldridge	Deputy Clerk
Joseph Molnar	Clerk Executive Assistant

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic made a motion that the minutes of the May 9th meeting of the Council be accepted and placed on file. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

16-52

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY HONORING THE SISTERS OF THE HOLY CROSS ON THE 175TH ANNIVERSARY AND THANKING PAST AND PRESENT SISTERS FOR THEIR DEDICATED LEADERSHIP TO A VARIETY OF MINISTRIES

Councilmembers Jo M. Broden and Regina Williams-Preston read the resolution in full.

The Councilmembers thanked the Holy Cross Congregation for their past work and for the work they are yet to do.

No one from the public spoke either in favor of or opposition to the bill.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-52 by acclamation.

Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Karen White made a motion to suspend the rules to hear Bill 16-53.

Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

Bill 16-53

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA
PUBLICLY HONORING THOMAS "TD" DAVIS
FOR WINNING THE 2016 INTERNATIONAL
POWERLIFTING FEDERATION'S SUPER
HEAVYWEIGHT JUNIOR DIVISION WORLD
CHAMPIONSHIP IN SOUTH AFRICA

Councilmember Oliver Davis invited Thomas Davis to come to the podium as well as his family. He read the resolution in full. James Mueller, Chief of Staff of the Mayor's Office, read a letter from the Mayor congratulating Mr. Davis on his achievement. Councilmember Davis invited the public to speak in favor of the bill.

Jesse Davis, P.O. Box 10205 South Bend IN, congratulated Thomas Davis on his achievement. He has been a great role model for the people who go to the gym and is a great inspiration to anyone he has been around. He is the true definition of a "gentle giant".

Diane Davis Perry, aunt to Thomas Davis, expressed her pride in Mr. Davis and how he is such a class act.

John Perri, jail commander at the Elkhart County Sheriff's Department, Thomas Davis is an officer at the jail. Both he and his brother are shining examples of what we want as correction officers. He has a calming effect with the inmates and it has nothing to do with his size. They teach the inmates what its like to be a man in today's world.

Thomas Davis thanked everyone for their kind words. He added it wasn't the Junior Division he won because he was bumped up. It was an honor to represent the City. Mr. Davis stated to Councilmember Randy Kelly that his father, Roland Kelly, was a big part of his life and a mentor. He stated this is not the end and we are going to win again next year.

The Councilmembers all expressed their gratitude and thanks towards Mr. Davis for representing the City as well he does.

Councilmember Dr. David Varner made a motion to adopt Bill 16-53 by acclamation.

Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:32 p.m. Councilmember Dr. David Varner made a motion to resolve into the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes. Councilmember Gavin Ferlic, Chairperson, presiding.

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

PUBLIC HEARINGS

20-16

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 2724 LINCOLNWAY WEST,
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember Karen White made a motion to continue Bill 20-16 to June 27th. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

21-16

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 803 WEST WASHINGTON STREET,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember Dr. David Varner made motion to continue Bill 21-16 to June 13th. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of eight (8) ayes.

22-16

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE AND REQUESTING A
SPECIAL EXCEPTION FOR PROPERTY LOCATED AT
6100 NIMTZ PARKWAY, COUNCILMANIC DISTRICT
NO. 1 IN THE CITY OF SOUTH BEND

Councilmember Oliver Davis, Chair of the Zoning and Annexation Committee, reported that they met and send this bill forward with a favorable recommendation.

Matthew Chappuies, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter for this bill. This petition is for a rezoning of property at the north of the Blackthorn Golf Course. The petitioner is seeking a special exception as a part of the petition to maintain the use of the golf course that would be rezoned Community Business District. The site consists of two (2) lots and the petitioner is planning to construct a six (6) story hotel with approximately one hundred and twenty (120) guest rooms. The staff are working on written commitments to limit uses on the site that would be consistent with the rest of the Blackthorn Corporate Office Park. This bill comes from the Area Plan Commission with a favorable recommendation subject to the written commitments.

Brian McMorrow, Abonmarche Consultants 750 Lincolnway East South Bend on behalf of Acquisition Group, served as the petitioner for this bill. The hotel and parking lot will be designed a little more efficiently than originally thought and that is why the special exception is needed because we only need about half of the acres we are requesting to rezone. The special exception is to allow golf to continue even though it will be zoned Community Business.

Councilmember Oliver Davis asked if they have decided on a brand for the hotel.

Mr. McMorrow responded no but it will be a marquee name that people will recognize. When this approval is granted that is when those decisions will be made.

No one from the public spoke either in favor of or opposition to the bill.

Councilmember Dr. David Varner made a motion to send Bill 22-16 to the full Council favorably subject to the written commitments. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

23-16

PUBLIC HEARING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING VARIOUS SECTIONS

CHAPTER 17, ARTICLE 10 OF THE SOUTH BEND
MUNICIPAL CODE TO INCLUDE NEW RULES AND
REGULATIONS FOR ASSESSMENT OF
INSTALLATION CHARGES

Councilmember Regina Williams-Preston made a motion to continue Bill 22-16 to June 27th. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

RISE AND REPORT

Councilmember Oliver Davis made a motion to rise and report to full Council. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

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 7:38 p.m. Council Vice President Oliver Davis presided with eight (8) members present

BILLS – THIRD READING

22-16

THIRD HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE AND REQUESTING A
SPECIAL EXCEPTION FOR PROPERTY LOCATED AT
6100 NIMTZ PARKWAY, COUNCILMANIC DISTRICT
NO. 1 IN THE CITY OF SOUTH BEND

Councilmember Gavin Ferlic made a motion to pass Bill 22-16 subject to the written commitments. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

RESOLUTIONS

16-47

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING
CERTAIN AREAS WITHIN THE CITY OF SOUTH
BEND, INDIANA, COMMONLY KNOWN AS 1915
BENDIX DRIVE, SOUTH BEND, IN 46628 AS AN
ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A TWO (2) YEAR VACANT BUILDING
TAX ABATEMENT FOR APPLETREE ASSOCIATES,
LP

Councilmember Gavin Ferlic, Chair of the Community Investment Committee, reported they met and send this bill forward with a favorable recommendation.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the building, served as the presenter for this bill. This is a confirming resolution for a vacant tax abatement for Appletree Associates. The total investment is \$315,000 and the total taxes abated are \$39,188. The project will create a total of three (3) new jobs.

Tony Davy, 17300 Woodhurst Granger IN, served as the petitioner of this bill. This property has been vacant since 2008. They are putting a new roof in and a new sprinkler system, this abatement would go a long way in helping that investment.

There were no questions from the Council.

No one from the public spoke either in favor of or opposition to the bill.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-47. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of eight (8) ayes.

16-50

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A WAIVER OF NONCOMPLIANCE FOR LATE-FILED DEDUCTION APPLICATION (FORM 322/RE) AND COMPLIANCE WITH STATEMENT OF BENEFITS (FORM CF-1) BY RUN-FASTER-RUN LLC FOR CERTAIN REAL PROPERTY KNOWN AS LOT 5 OF THE COVELESKI MINOR SUBDIVISION AND LOCATED AT 525 S. LAFAYETTE BOULEVARD DESIGNATED AS AN ECONOMIC REVITALIZATION AREA UNDER RESOLUTION 4387-14

Councilmember Gavin Ferlic, Chair of the Community Investment Committee, reported they met and send this bill forward with a favorable recommendation.

Aaron Kobb, Community Investment with offices on the 14th Floor, served as the presenter of this bill. The tax abatement referenced in this resolution was adopted on September 22nd 2014. The original private investment and jobs numbers have both been met and exceeded.

Anne Fischesser, attorney with Faegre Baker Daniels 202 S. Michigan Street, served as the petitioner for this bill. The request is for a waiver of non-compliance in regards to the tax abatement regarding the filing of the application for deduction. The application was to be filed thirty (30) days after receipt of the notice of assessment. The company, Run-Faster-Run, has stated that to the best of their knowledge they never received the notice of assessment and did not think it was that unusual as property was owned by the City as of March 1st 2015. When they received the tax bill they immediately filed the application for deduction and also paid the tax bill and are now requesting a waiver of non-compliance so the tax abatement can be effective for the 2015 tax year. The original commitment was for one \$1,000,000 and Run-Faster-Run spent over \$2,500,000 on the project. Originally it was only three (3) jobs pledged but sixteen (16) jobs now are present.

Joe Hart, 501 West South Street and President of South Bend Cubs, confirmed they did not receive the paperwork for this and once we got the tax bill we paid everything and then began this process.

There were no questions from the Council.

No one from the public spoke either in favor of or opposition to the bill.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-47. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

BILLS FIRST READING

16-53

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE, CHAPTER 21, ARTICLE 6, SECTION 21-06.03(f)(12)(A) OF THE SOUTH BEND MUNICIPAL CODE TO ASSURE SIDEWALK ACCESSIBILITY FOR PERSONS WITH DISABILITIES NEAR SIDEWALK CAFES

Councilmember Regina Williams-Preston made a motion to strike Bill 16-53. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

16-49 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2319 LINCOLNWAY WEST

16-51 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 700 WEST IRELAND ROAD.

Councilmember Gavin Ferlic made a motion to send bills 16-49 and 16-51 to the Zoning and Annexation Committee for June 13th. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

NEW BUSINESS

Councilmember Karen White announced at 6:00 p.m. tomorrow at the Charles Black Center there will be a meeting to receive information regarding the EPA investigation into LaSalle Park and the work forthcoming. Also, there will be an open budget meeting with the City Administration on June 7th at 4:30 p.m. in the informal Council meeting room. In the past, Councilmembers have submitted their budget priorities to the Administration. Information will be posted on the website but currently the links on the EPA site are not working.

Councilmember Randy Kelly announced the Mom's Against Violence Remembrance and Awareness Walk is this Saturday at 9:30 a.m. at Robinson Community Learning Center and will walk over to Pearly School.

PRIVILEGE OF THE FLOOR

Jesse Davis, P.O. Box 10205 South Bend IN, stated he has submitted multiple privilege of the floors requests and has not heard anything back. There are some very important questions he has and does a lot of research before submitting these. He submitted new requests to the City Clerk's Office which includes all prior requests outstanding.

Samuel Brown, 222 East Navarre Street, there needs to be more street crime units in the police. They are understaffed and underfunded even though they do such a great job. As it is getting warmer there will be more crime like always and these units need our support.

Elder Dennis Plump, 302 South Chicago Street, stated the Council needs to care more about all of their residents. We need equality for all people no matter of color or sex. It is a sad thing that at some of these Council Meetings there is no equality and some people are treated differently because of who they know or what demographic area they live in. Its easy to see the millions of dollars spent in the Smart Streets project but the inner city population has to accept the low standards of improvement. We just want our equal share of the pie. We are tired of the crime and the bones thrown to our community. We are going to hold this elected body accountable for their actions and that includes the mayor.

Marvin Creighton, 305 South Lake Street, reiterated Mr. Plum's sentiments. Everyone knows about all the killings and shootings going on in the neighborhoods. Code Enforcement has not done a good job keeping our neighborhoods clean. We need to take care of the drug problem in this City as well. We need more police protection as well and need to do better.

Jason Baniki Critchlow, 3822 West Ford Street, stated last year we raised fines for the tall grass ordinance. Now here on some of these vacant lots we have grass that is knee high already. There was this plan to tear down a thousand houses in a thousand days but there was no plan on what to deal with the properties now that they are empty. These high fines are not changing the behavior

of these people. We need to get with Code Enforcement to decide how we are going to cut this grass.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:02 p.m.

