

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 27, 2015 at 7:00 p.m. The meeting was called to order by Council Vice-President Derek Dieter and the Invocation and Pledge to the Flag were given.

ROLL CALL**COUNCILMEMBERS:**

Present:	Henry Davis, Jr.	2 nd District
	Valerie Schey	3 rd District
	Dr. Fred Ferlic	4 th District
	Oliver J. Davis	6 th District
	Dr. David Varner	5 th District
	Derek Dieter	At-Large, (Vice-President)
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

Absent:	Tim Scott	1 st District, (President)
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OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

City Clerk John Voorde, reported no committee minutes due to missing signatures will approve them at next meeting.

SPECIAL BUSINESS

Council Vice-President Dieter reported applications are being taking for the Human Rights Commission which are due Monday, May 11th in the Clerk's Office.

Council Vice-President Dieter requested a motion to change the second monthly meeting in May to Tuesday, May 26th. So moved by Councilmember Oliver Davis. Motion seconded by Councilmember Henry Davis which carried by a voice vote of eight (8) ayes.

Council Vice-President Dieter reported bill 19-15 will be continued indefinitely for the establishment of new Municipal Id Cards and bill 18-15 will be continued to May 26th with the location to be posted once determined.

REPORTS OF CITY OFFICES-MAYOR PETE BUTTIGIEG

Mayor Pete gave an update on two items job creation outlook and economic investment numbers. Since New Year's Day the number of economic opportunities that the administration has worked on has led to the announcement of 531 jobs with 148 expected to be online this year. Mayor Pete reported on the investment numbers, that the ratio for public versus private dollars has improved. The ratio to aim for in investment dollars is 5:1 (for every public dollar they spend, they expect to get \$5 in private investments). The city is at a 21:1 ratio, so \$2.92 million have been committed by the city and \$63.2 million in private investment committed. Since last meeting South Bend celebrated the ground breaking for the LaSalle Hotel. In addition the College Football Hall of Fame will be redeveloped as a part of the Hotel and their Corporate Head Quarters. In Public safety news they had the fourth call-in for the violence intervention and have had a 35-40% reduction, since sales strategies was initiated. The Mayor asked for feedback on the vehicle Armadillo initiative where they will park in front of troubled property areas, where Officers will do a knock and talk around the neighborhood. We are hoping to see more Cops, Coffee, and Conversation events for more positive interactions with Officers. The

Westside Main Streets Corridor programs has begun. We are at the peak time for the City's celebration of South Bend. We are looking to be at 90% in fundraising for the event from private dollars. We are looking for volunteers to pull off this event. Happy to take any questions from Councilmembers.

Councilmember Dr. Ferlic – Can you explain to the public about the Committee of 26 with the CSO project and the importance of that project; so our water and sewer rates can be affordable over a 20-30 year period. Mayor Pete responded the city is under a federal mandate to make upgrades to our waste water infrastructure. The estimated price tag stands of over \$600 million, there is no funding that comes with that mandate, we are looking to engage professional help, and to engage concerned citizens. The second will be negotiations with legislation so we get the attention that we deserve on these improvements.

Councilmember Schey – I'm curious with the work being done on Lincoln Way West, they are reworking signals in two spots, what will it look like when it is done? Mayor Pete responded the idea is to simplify traffic flow. Any time where we feel that a signal is not being justified we will make the adjustments from traffic lights to stop signs to correlate with traffic flow. Councilmember Schey combatted so the signal changes will not be round-a-bouts? Mayor Pete stated no, those will be sign change adjustments, from traffic lights to stop signs.

Councilmember Henry Davis – When you mentioned the problem properties with the Armadillo on private parties, how did we graduate from code enforcement to putting an Armadillo out front? We use to cite a private property two or three times before a code hearing, then for a different citation or abatement notice. Are we still doing the enforcement tools prior to using the Armadillo or is that a replacement for scaring people off? Mayor Pete responded that law enforcement and code enforcement are related but separate. The Armadillo is along the lines of law enforcement, where neighbors have called the police about it. We are looking for both of those to work parallel to each other. Councilmember Davis responded so are we getting people removed from their homes if they are not abiding by the law? With my experience we've had problem properties, where people were asked to be evicted, so are we now substituting one for the other? Mayor Pete stated we are not substituting one for the other rather we are using them to coincide with each other. Councilmember Davis stated there is confusion on my part on why we are using the Armadillo's if we are still using the code enforcements? Mayor Peter replied the Armadillo responds to different calls in terms of law enforcement such as drug activity. Councilmember Davis asked for clarification on the \$2.92 million city investment and a breakdown of city dollars. Mayor Pete gave a few examples of building investments from tax benefits. Councilmember Davis wanted specific numbers and the return in taxes. Mayor Pete referred him to DCI and that there is a process to ensure the level of abatements are appropriate. Councilmember Davis' final question, have we gotten anything back concerning your Chief of Staff with what happened last summer? Are you concerned about that? Mayor Pete replied I don't know, and I'm sure they are doing their job, and they will get that done.

Councilmember Dr. Ferlic – Isn't the purpose of the Armadillo to put in front of drug houses and not code enforcement, (which is what I thought) for illegal activity? Mayor Pete responded that would be the typical uses. Councilmember Dr. Ferlic stated I just wanted to clarify that it's not for code enforcement but for drug houses and illegal activity.

Councilmember Oliver Davis – I have a question regarding Lafayette on LaSalle for traffic coming in, is there any talks about putting a signal to make a left turn? As there have been issues of concerns there. Mayor Pete responded he will look into that and get back to him.

Council Vice-President Dieter – I have two questions, is it the building department or code department in charge of temporary signs and right away? Mayor Pete responded I believe it is the building department but I will have to get back to you on that. Councilmember Dieter's next question in regards to the city policy in the employee handbook does that apply to every city employee? Mayor Pete replied, yes but with stipulations to law enforcement or anyone covered by collective bargaining, it's not going to apply. Councilmember Dieter stated other than police and fire and their unions, every other city employee should adhere to the same employee handbook? Mayor Pete stated that's the idea. Councilmember Dieter asked, so if people have complaints who do we refer to legal or HR? Mayor Pete responded you would refer them to HR.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:22 p.m. Council Vice-President Derek Dieter requested a motion to resolve into the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of eight (8) 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

18-15 PUBLIC HEARING 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

Bill No. _____

Ordinance No. _____

AN ORDINANCE 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

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council passed Ordinance No. 9946-09 on July 27, 2009 which created local public safety regulations banning the use of hand-held mobile telephones, mobile communication devices and telecommunication devices in school zones. Those regulations were based on the "public safety interests of helping to protect our school children, our school crossing guards, and the motoring public in our community".

At the March 23, 2015 Common Council meeting local high school students presented information and data on the State of Indiana's statewide program "Drive Now, Text L8r" campaign.

Currently there are fourteen (14) states which ban the use of hand-held devices while driving. The Indiana General Assembly has not taken legislative action on prohibiting the use of all handheld devices while driving. In light of the growing public safety concerns which is resulting in a higher amount of deaths due to distracted drivers, especially among our young people, it is believed that a city-wide ban would be in the best interests of our residents and visitors to our city.

This ordinance would also update the penalty provisions for the violations in the Schedule of Ordinance and Code Violations set forth in Section 2-213 of the *South Bend Municipal Code*.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows
:

Section 1. The current language codified into Section 20-130 of Chapter 20, Article 13 of the *South Bend Municipal Code* is deleted and hereby amended to read in its entirety as follows:

ARTICLE 13. CITY-WIDE REGULATIONS BANNING THE USE OF ALL HAND-HELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

Sec. 20-130 Definitions.

As used in this Article:

Ordinance Banning Use of All Electronic Communication Devices While Driving

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(a) *Electronic Communication Devices* mean any electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into a motor vehicle.

(b) *Motor vehicle* means a vehicle that is self-propelled, and as further defined as set forth in *Indiana Code* § 9-13-2-105.¹

(c) *Street or highway* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter or right, for the purpose of vehicular traffic.²

Section II. The current language codified into Section 20-131 of Chapter 20, Article 13 of the *South Bend Municipal Code* is deleted and hereby amended to read in its entirety as follows:

Sec. 20-131 Use of Hand-Held Electronic Communication Devices While Driving Prohibited.

A person may not operate a motor vehicle on any street or highway in the city while using a hand-held electronic communication device.

Section III. The current language codified into Section 20-132 of Chapter 20, Article 13 of the *South Bend Municipal Code* is deleted and hereby amended to read in its entirety as follows:

Sec. 20-132 Limited Exceptions.

This Article shall not apply to:

(a) A law enforcement officer or operator of an emergency vehicle while performing his or her official duties;

(b) A driver of a motor vehicle, who is driving along, who is using a electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;

(c) A driver of a motor vehicle who is using an electronic communication device in hands-free or voice-operated mode;

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(a) A driver of a motor vehicle using an electronic communication device while parked on the shoulder of a street or highway;

(b) A driver of a motor vehicle using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;

(c) A driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or

(d) A driver of a motor vehicle using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant such as a fleet management system, dispatching device, citizens band radio, or music play, for a purpose that is not otherwise prohibited by this Article.

¹ On January 1, 2015, Public Law 221-2014, § 12 took effect which defined motor vehicle as a vehicle that is self-propelled which does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device; and contains numerous cross-references to Title 9 of the *Indiana Code* addressing motor vehicle. See also *South Bend Municipal Code* Section 20-2(a) (16).

² This definition is also set forth in *South Bend Municipal Code* Section 20-2(a) (43).

Section IV. The current language codified into Section 20-133³ of Chapter 20, Article 13 of the *South Bend Municipal Code* entitled Violations and Penalties and codified into Section 20-134⁴ of Chapter 20, Article 13 of the *South Bend Municipal Code* entitled Deposit of Fine Monies Into Police Department Training Fund is re-affirmed.

Section V. Chapter 20, Article 13 of the *South Bend Municipal Code* is further amended by the addition of new Section 20-135, which is currently reserved, which shall read in its entirety as follows:

Sec. 20-135 Street Signage.

The City of South Bend shall post street signage on all main arterial streets leading into the City, and at other locations which the Board of Public Works determine necessary, which gives notice of the ban addressed in this Article.

Section VI. The chart set forth in Chapter 2, Article 19, Section 2-213 of the *South Bend Municipal Code* shall be amended in part to read as follows:

20-133	Use of Hand-Held Mobile Telephone & Other Devices While Driving in School Zones <u>Electronic Communication Device While Driving</u>	75.00/125.00/250.00
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Ordinance Banning Use of All Electronic Communication Devices While Driving

³ *South Bend Municipal Code* Section 20-133 calls for fines of \$75 for the 1st violation, \$125 for the 2nd violation and \$250 for each subsequent violation, and if there is an accident in a School Crossing Zoning the fine is automatically \$250.

⁴ *South Bend Municipal Code* Section 20-134 calls for fines to be deposited into Fund # 220.
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Section VII. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section VIII. This ordinance shall be in full force and effect on July 1, 2015, and from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Henry Davis, Jr., 3rd District Council Member
South Bend Common Council

Attest:

Office of the City Clerk

presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the ____ day of _____, 2015, at _____ o'clock __. m.

Janice Talboom, Deputy Clerk

Approved and signed by me on the ____ day of _____, 2015, at ____ o'clock __.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

Councilmember Mr. Ferlic made a motion to continue this bill to May 26th and refer back to the Health and Public Safety Committee. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

19-15 PUBLIC HEARING 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

Bill No. _____

Ordinance No. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CALLING FOR THE ESTABLISHMENT OF A SOUTH BEND MUNICIPAL ID CARD PROGRAM

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council notes that since 2005, there have been communities studying municipal identification card programs. One of the first studies was conducted by the Unidad Latina enAccion (ULA) in New Haven, Connecticut.

New Haven, Connecticut was the first city to implement a municipal identification program in 2007, and their program uses what is referred to as an “Elm City Resident Card”. Two (2) proofs of New Haven residency are required to be eligible, with the card expiring when an individual no long has residency within the city limits. The fees for such a card were \$5.00 for children and \$10.00 for adults. The overall purpose of the card was to provide proof of identification and residency for the approximate 10,000 to 15,000 undocumented persons living in New Haven. Their card can also be used as a debit card with a limit of \$150; a method of payment for parking meter fees; and works as a library card. Private funds from the First City Fund Corporation in the amount of \$250,359 were used to fund the implementation of their program.

San Francisco, California became the next city to develop a city ID program, with their Board of Supervisors voting in November of 2007 to move forward with the program. In October of 2008 a court in San Francisco ruled that the “...city’s plan to issue municipal identification cards to residents regardless of immigration status does not violate state and federal law”. Ordinance No. 279-08 was passed on November 18, 2008 which amended the original ordinance; with educational and training materials then being prepared along with hardware and software programs. On January 15, 2009 the City of San Francisco officially began issuing “SF City ID Cards”.

The following communities and the year each community’s ID program became operational is briefly set forth below:

2010	Trenton, New Jersey	2013	Oakland, California
2011	Richmond, California	2015	New York, New York
2012	Los Angeles, California		

Some of the other communities looking into whether a program would be in the best interests of their cities include New Orleans, Louisiana and Charlotte, North Carolina. Each program is unique to the municipality which created it by proper ordinance. Some of the studies have indicated that a municipal-issued identification card may assist law enforcement

officials and undocumented individuals to better interact. Some are linked to various forms of economic programs such as Richmond, California’s having the option of having a \$200 pre-paid debit limit; Los Angeles, California’s also having a prepaid debit option; with Oakland, California being the first community to have this function.

New York City's municipal identification program was officially launched on January 12, 2015, and is referred to as the "IDNYC Card". It provides free membership to "The Public Theater, Flushing Town Hall, Museum of the City of New York, Staten Island Children's Museum, Brooklyn Botanic Garden, and the Bronx Zoo". An "IDNYC Benefits Guide" is available in English, Spanish, Chinese and Russian. An "IDNYC Brochure" is available in English, Spanish, Chinese, Russian, Haitian, Creole, Korean and Bengali". Their program was estimated to cost \$8.4 million the first year, and \$5.6 million in succeeding years.

There are eleven (11) states which have passed laws permitting an undocumented resident to apply for driver's licenses as of 2014, namely: Washington, Oregon, California, Nevada, Utah, Colorado, New Mexico, Vermont, Connecticut, Maryland, and Illinois.

The following ordinance is believed to provide an opportunity for individuals who may not be eligible to apply to the Indiana Bureau of Motor Vehicles (BMV) who has the authority to issue an IndianaID/SecureID to residents, or who do not wish to apply for a license to drive; and also for those individuals who may not be eligible or do not wish to apply for the Indiana non-SecureID.

The ordinance provides an opportunity for the potential development of a municipal ID card which may incorporate the latest technologies, so that such cards cannot be duplicated or have the card's information electronically stolen. Such cards may enable individuals to establish their identity when needed for city emergency medical responders; may assist individuals if they become a victim of a crime or a victim of a natural or man-made disaster. The ordinance is believed to help further public health, safety and welfare measures by providing a secure mechanism of proof of identity and residency in the City of South Bend, Indiana.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows :

Section I. There is hereby established a South Bend Municipal ID Card Program, which shall be subject to the terms and conditions set forth

South Bend Municipal ID Card Program

1. Definitions. For purposes of this ordinance, the following definitions shall apply:

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- a. *City shall mean the City of South Bend, Indiana.*
- b. *Municipal ID Card shall mean a secure identification card issued by the City which shall display, including but not limited to, the cardholder's name, photograph, address, date of birth and an expiration date.*
- c. *Program Administrator shall mean the City Controller, or his duly designated designee, who shall be responsible for coordinating with a third party administrator selected to implement and administer the South Bend Municipal ID Card Program.*
- d. *Proof of Identity shall mean the criteria set forth in sub-section 4.a (i) of this ordinance which is required of a person who applies for a South Bend Municipal ID Card.*
- e. *Proof of Residency shall mean the criteria set forth in 4.a (ii) of this ordinance which is required of a person who applies for a South Bend Municipal ID Card.*
- f. *Resident shall mean a person who can demonstrate that he or she has been present in the City for at least fifteen (15) continuous days and who presents proof of residency as specified in sub-section 4.a (ii) of this ordinance.*

g. Third Party Administrator shall mean the vendor selected through a public request for proposals to implement and administer a secure South Bend Municipal ID Card program at no net cost to the City, its departments, bureaus, or its taxpayers.

2. Purposes of a South Bend Municipal ID Card Program.

a. It is the City's intent that the South Bend Municipal ID Card Program provide a city resident with a means of proving his or her residency in the City of South Bend, Indiana.

b. The South Bend Municipal ID Card Program further aims to help substantiate a resident's identity when proof of identity is needed for City programs and services, as well as when interacting with public safety personnel providing such services in the City. The City is attempting to promote the general public safety and welfare of the community. The City does not assume or impose any obligation upon its officers, employees or agents of any liability in monetary damages or other legal recourse to any person who may claim a breach proximately caused injury.

3. Terms and Conditions Before Program Implementation and Issuance of South Bend Municipal ID Cards.

a. The Department of Administration and Finance of the City shall coordinate the filing

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of all relevant data, projected costs, and other pertinent information addressing the future implementation of the purposes of the program summarized in ¶ 2 of this ordinance, including any supplemental features which are consistent with the purposes of this ordinance. Such filing shall be made in the Office of the City Clerk, which shall trigger future joint meeting(s) of the Council's Personnel and Finance Committee and the Community Relations Committee. In order for a South Bend Municipal ID Card Program to become effective following such joint meeting(s), a Council Resolution, which certifies that the implementation and administration of the South Bend Municipal ID Card Program would be operated at minimal or no net cost to the City, its departments, bureaus, or agencies, and which establishes any and all fees, will be required to be adopted by the Common Council.

b. The South Bend Municipal ID Card shall bear the seal of the City and shall be produced in a form which is encrypted with a magnetic strip, barcode or similar security feature to prevent card duplication or counterfeit reproduction, and is secured from electronic pickpocketing (EP) with a radio-frequency identification (RFID) blocking card or sleeve.

4. Application Process.

a. To obtain a South Bend Municipal ID Card, a resident shall complete an application, under pains and penalties of perjury, which requires proof of identity and proof of residency within the city. Said applications shall have instructions available in English, and other language(s) upon request. Upon receipt of both proof of identity and residency as required by the sub-sections included below, and the applicable fee, the Program Administrator shall issue a South Bend Municipal ID Card meeting the conditions set forth in sub-section 3.b of this ordinance.

(i) *Proof of Identity:* In order to establish identity, each applicant must present either:

(1) One (1) of the following documents containing both the applicant's photograph and date of birth: a U.S. or foreign passport; a driver's license issued by a state or territory of the United States; a state identification card issued by any state or territory of the United States; a U.S. Permanent Resident Card (commonly referred to as a 'Green Card'); a consular

identification (CID) card or matricula⁵; or a photo identification card issued by another country to its citizens or nationals that meets the following requirements

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aa. The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and

bb. The card has a photograph of the person and the person's date of birth; and

cc. The card meets standards established by the Program Administrator to ensure that the applicant was required to provide reliable identifying information in order to obtain the card and the card has features reasonably designed to protect against fraud and counterfeit reproduction.

In determining whether the identification meets these requirements, the Program Administrator may use standards adopted by the National Notary Association.

Notwithstanding the above, if the applicant is thirteen (13) years of age or younger, he or she may present a certified copy of a U.S. or foreign birth certificate to established identify under this subsection; or

- (2) Two (2) of the following documents, provided that at least one (1) form of identification shall display the applicant's photograph and date of birth; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military identification card; a current visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an identification card issued by an Indiana educational institution, including elementary, middle, high school, secondary, and post-high school or post-secondary schools; a certified copy of a U.S. or foreign birth certificate; a court order issued by a state or federal court to verify a person's identity; or a Social Security card.

Notwithstanding the above, where the applicant is age thirteen (13) years of age or younger, he or she may present an official medical record and/or official school record to establish identity under this subsection, provided that at least one (1) of the two (2) forms of identification presented shall display the applicant's date of birth.

- (ii) *Proof of Residency:* In order to establish residency, each applicant must present one (1) of the following items, provided that the item includes both the applicant's name and a residential address located within the City:

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- (1) A utility bill dated within the last thirty (30) days; a written verification confirming at least fifteen A utility bill dated within the last thirty (30)

⁵ For over 100 years, the Mexican government have authorized the Consulate of Mexico to issue a matricula or Consular ID card to Mexican citizens who live outside of Mexico. The matricula certifies that the individual is a Mexican citizen, includes a birthplace and individual's address outside of Mexico. Said cards are valid for five (5) years and cost approximately thirty dollars. Information on the Consular ID Card which has been posted by the Consulate of Mexico was filed with this ordinance and is available from the Office of the City Clerk.

days; a written verification confirming at least fifteen (15) days residency within the last thirty (30)

days issued by a homeless shelter that: is operated in the City; written verification issued by a hospital, medical clinic or social service agency who provided services to the applicant; a local property tax statement or mortgage payment receipt dated within the last thirty (30) days; proof of a minor currently enrolled in a school located in the city; an employment pay stub or similar employment wage verification dated within the last thirty (30) days; a jury summons or court order issued by a state or federal court dated within the last thirty (30) days; or an insurance bill (homeowner's, renter's health, life or automobile insurance) dated within the last thirty (30) days. If a certified copy of a marriage certificate is presented at the time of application, an applicant may prove residency using documents bearing the name of his or her spouse.

- (2) The Program Administrator may by regulation provide that if an applicant is thirteen (13) years of age or younger, cannot produce any of the items set forth in subsection 4.a.(ii) (1) to prove residency, a parent or legal guardian may verify the applicant's residency provided that the parent or guardian would be eligible for a South Bend Municipal ID Card.
- (iii) The Program Administrator may by regulation provide for acceptance of additional form of proof of identity and/or proof of residency, provided that the Program Administrator determines that such form of proof are: issued by a governmental entity or is a type of proof of identity or proof of residency which is accept in the ordinary course of business in the U.S.
- (iv) An application submitted on behalf of a minor must be completed by the minor's parent or legal guardian.
- (v) The city shall keep confidential, in accordance with applicable laws, the name and other identifying information of persons applying for and receiving a South Bend Municipal ID Cards. The city shall cause the applications to be produced in a form which allows the applicant to state their privacy preferences. The city shall not retain records of applicants' residential addresses.

b. Upon request, the Program Administrator shall issue a South Bend Municipal ID Card to any resident who meets the foregoing application requirements and pays the applicable fee.

5. Implementation Process and Program Information to be Posted on City's Website.

The Program Administrator is authorized to adopt additional rules and regulations which are consistent with this ordinance, in order to implement and administer the issuance of South Bend Municipal ID Cards. Any additional rules and regulations deemed necessary by the Program Administrator shall be filed in the Office of the City Clerk, who shall maintain them with this ordinance and send them electronically to members of the Common Council and maintain a copy of all such rules and regulations with this ordinance. Such regulations may include but not be limited to a procedure for payment of fees in monthly installments without interest by an indigent person, who is defined as a person without the means to pay the fee, which would be a similar

monthly process as the provisions set forth in Section 1-24 of the *South Bend Municipal Code*;⁶ as well as establishing a process for an indigent person's waiver of a fee in its entirety, as determined by the Program Administrator, on a case by case basis.

Within ten (10) business days of a Council Resolution being adopted, as addressed in ¶ 3 of this ordinance, the City shall develop a link to information on the City's website which is devoted to the South Bend Municipal ID Card Program. Key program information shall be highlighted and it shall permit a copy of this ordinance to be accessed as well as the Council Resolution required in order for the implementation of the South Bend Municipal ID Card Program to take place. If any additional rules and regulations become necessary, those shall also be made available from the city's website.

6. Fees.

Fees shall be charged for each South Bend Municipal ID Card issued. The Common Council shall set the maximum fee amounts by Resolution, upon compliance by the Department of Administration and Finance and the Council and their committees as further addressed in ¶ 3 a. of this ordinance.

7. Proof of Residency for City Services and Programs; Pre-Emption.

a. Any city service or city program which requires proof of identity or proof of residency shall accept a South Bend Municipal ID Card issued by the city, unless it can be shown that the card has been alerted or improperly issued; is an unauthorized duplicate; or a counterfeit reproduction.

b. This section is not intended to replace any other existing requirements for issuance of other

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forms of identification in connection with the administration of a city service or program; nor is this section intended to replace any state or federal regulations or laws addressing proof of identity or proof of residency.

c. In no circumstance shall the existence of the South Bend Municipal ID Card Program cause the city to lose funds from any funding source which require the usage of other state or federal proof of identity or proof of residency, with such requirements pre-empting local regulations.

8. South Bend Municipal ID Card Holder's Responsibilities.

a. A person who has been issued a South Bend Municipal ID Card by the city must notify the Program Administrator within ten (10) business days of any change in address which is different than the one provided on the original application for such a card. Upon receiving notification of a change in address and its verification, the Program Administrator shall issue a notice of new address to be carried with the South Bend Municipal ID Card or be issued a new card pursuant to the rules and regulations duly adopted by the Program Administrator.

b. If a person who has been issued a South Bend Municipal ID Card no longer resides in the city, or expects to reside outside of the city for a period of greater than ninety (90) consecutive calendar days, the card holder must relinquish the card by mailing or personally delivering the card to the Program Administrator with an acknowledgement of his or her intent to reside elsewhere. Said action by the Card Holder must take place within ten (10) business days of any proposed change in residency, as further addressed in this paragraph.

⁶ *South Bend Municipal Code* Section 1-24 authorizes payment of \$5.00 per month by any indigent person of a fine ordered to be paid by a court.

9. Altered, Unauthorized Duplication; Counterfeit Reproduced Cards and Misuse of Card.

a. It is a violation of this ordinance, for any person to:

- (1) Knowingly present false information to the City in the course of applying for a South Bend Municipal ID Card;
- (2) Alter, copy, replicate, produce a counterfeit copy of a city issued South Bend Municipal ID Card; or
- (3) To use a South Bend Municipal ID Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

b. Anyone who is found in violation of section 8 of this ordinance, shall lose the ability to possess a South Bend Municipal ID Card; and shall be subject to the penalty provisions set forth in Section 1-23 of the *South Bend Municipal Code*.

South Bend Municipal ID Card Program Ordinance
Page 9

1. Semi-Annual Updates By the Administration to the Council.

The Program Administrator shall provide an update to the Common Council on any South Bend Municipal ID Card Program which is authorized to be implemented, pursuant to the terms and conditions set forth in ¶ 3 of this ordinance, at the 2nd regular Common Council meeting held each January and July.

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. This ordinance shall be passed by the Common Council and be in full force and effect, upon a future Resolution being formally adopted by the Common Council establishing an exact effective date of a South Bend Municipal ID Card Program. Such Resolution shall be prepared and filed by the City Administration which verifies that the implementation and administration of the South Bend Municipal ID Card Program will be operated at minimal or no net cost to the City, its departments, bureaus, or taxpayers, and sets forth any and all card holder fees; all of which shall be subject to the approval by the Common Council, approval by the Mayor.

Henry Davis, Jr., 2nd District Council Member
South Bend Common Council

Oliver J. Davis, 6th District Council Member
South Bend Common Council

Karen L. White, Council Member at Large
South Bend Common Council

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South Bend Municipal ID Card Program Ordinance
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Henry Davis, Jr., 2nd District Council Member
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South Bend Common Council

Councilmember Gavin Ferlic made a motion for bill 19-15 to be continued indefinitely. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember White stated there will be additional information and meetings regarding these two bills. The sponsor and co-sponsors have agreed to host additional meetings in the evenings, outside the Chambers in the community for public hearings.

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 eight (8) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

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 7:24 p.m. Council Vice-President Derek Dieter, presided with eight (8) members present.

BILLS - THIRD READING

There were no third readings to present to the Common Council.

RESOLUTIONS

15-27 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3230 SOUTH BEND AVENUE AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FOUR (4) YEAR REAL PROPERTY TAX ABATEMENT FOR RAINBOW RASCALS SOUTH BEND LLC

RESOLUTION NO. _____

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

3230 South Bend Avenue

AS AN ECONOMIC REVITALIZATION AREA FOR

PURPOSES OF A FOUR (4) YEAR REAL

PROPERTY TAX ABATEMENT FOR

Rainbow Rascals South Bend LLC

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

WHEREAS, a Declaratory Resolution designated the area commonly known as 3230 South Bend Avenue, South Bend, IN 46635 and which is more particularly described as follows:

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; 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 an economic revitalization 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 confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real Property tax

abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real 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 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq. SECTION III. This Resolution shall be in full force and effect from and after its adoption by the

Common Council and approved by the Mayor. _____

Member of the Common Council

Presenter: Brock Zeeb, Department of Community Investment, Offices on the 14th floor – Before you is a four-year (4) tax abatement for Rainbow Rascals, This is for a childcare facility. It is expected investment of \$1.255 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. Petitioner is here to answer any questions that you may have.

Petitioner: John C. Hitchcock, 1732 Kirks Road, Detroit, Michigan – It is a pleasure to appear before you. As Zeke stated, we are making a \$1.255 million investment in South Bend creating thirty (30) jobs. We think this will be a great addition to the city and are excited to begin our development in South Bend. 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 Oliver Davis made a motion to adopt 15-27. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

15-28 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1702 S. ROBINSON ST, SOUTH BEND, IN 46613 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR BAMAR PLASTICS INC

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

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

AS AN ECONOMIC REVITALIZATION AREA FOR

PURPOSES OF A FIVE (5) YEAR PERSONAL

PROPERTY TAX ABATEMENT FOR

Bamar Plastics, Inc.

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

WHEREAS, a Declaratory Resolution designated 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 Key Numbers to be assigned be designated as an Economic Revitalization Area; 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 an economic revitalization 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 confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted personal 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, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

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

Member of the Common Council

Presenter: Brock Zeeb, Department of Community Investment, Offices on the 14th floor – Before you is the confirming resolution for Bamar Plastics. It is personal property tax abatement for Bamar, 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. Petitioner is here to answer any questions that you may have.

Petitioner: Jim McVeigh, 1702 S. Robinson, South Bend – Bamar Plastics is a small company that has employed people in South Bend for 38 years now. We are looking to branch out and broaden our capabilities by incorporating insert molding into the ship molding we've been doing. The molding requires operators which will lead to increased employment. We serve the auto industry and we have a five (5) year program that is committed to us that will keep this equipment busy. We appreciate your 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 White made a motion to adopt 15-28. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

15-29 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 5231 DYLAN DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF UP TO A (7) SEVEN-YEAR REAL PROPERTY TAX ABATEMENT FOR AMERIPLEX SUPERIOR PARTNERS, LP

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
5231 Dylan Drive, South Bend, IN 46628
AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF UP TO A
(7) SEVEN-YEAR REAL PROPERTY TAX ABATEMENT FOR
Ameriplex Superior Partners, LP

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 5231 Dylan Drive, South Bend, IN 46628 and which is more particularly described as:

Lot 3 Portage Prairie Minor #5

and which has Key Numbers 025-1009-014605 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 up to seven (7) 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.

Member of the Common Council

Councilmember Gavin Ferlic, Chairperson, Community Investment Committee met this afternoon and send bill 15-29 to the full Council favorably.

Presenter: Sarah Heintzelman, Offices on the 14th floor – This abatement is for Ameriplex Industrial Park. They acquired a new business and want to consolidate everything. It will be a \$5.6 million investment with new building construction and expansion. Total project taxes \$1,959,042 million, estimated taxes abated \$238,000 and taxes to be paid during the abatement \$1.9 million creating eight (8) full time jobs.

Petitioner: Lynette Tempe, 227 S. Main St., South Bend – We came before you two years ago when our company announced that they will be relocating another operation from Illinois to Indiana. We have successfully completed all additional economic opportunities of 62 new jobs; this expansion will bring anywhere from 8-12 additional new jobs.

Councilmember Schey – One of the concerns I have is where the assessed value of the property and the real property taxes that were paid. There is a huge discrepancy where assessed values is in the millions and the taxes paid were only \$300. Brock Zeeb replied it is when a petitioner files the petition, we as the community investment cannot change the signed petition. They made an error, they paid \$117,000; they left off a zero off in year one (1) and their other years in taxes paid have also been similar to the \$3.2 million in assessed value which would be roughly \$117,000 a year. I would be happy to pull up the 5 year tax records for you, but that is aligned with what we received and aligns to what is on the auditor's website. Councilmember Schey responded so there will be a problem with the paperwork when it is returned to us? Brock replied correct that petition has not been completed and has additional work that needs to be completed. The error will be captured in the next continuing paperwork..

Councilmember Schey – Addressed Council Attorney Kathy, so when we vote tonight, since there is inaccurate information on the petition which is pretty significant, can we address those numbers and make a modification on the floor tonight? What would be your recommendation so the taxes paid would be reflected? Council Attorney replied Mr. Zeeb can put what he provided tonight in writing to the Council, but that what would not impact the declaratory resolution. Councilmember Schey stated that was one of the concerns and the other concern is there a discrepancy with the number of jobs with the state and the city, one says twelve (12) and one

says eight (8). Are there going to be twelve (12) or eight (8) jobs? Brock Zeeb responded we will always review the case with the petitioner. When we spoke to the petitioner, it was eight (8) that was confirmed. We can have them adjust the SB1 or we can add the notes to the paperwork, which is traditionally what is done. We are aware of those changes, and the other information that needs to be clarified. Councilmember Schey replied if you can document those corrections I would be more than happy to support this bill.

Councilmember Oliver Davis – When will the confirming resolution come before the body? Brock Zeeb responded the confirming resolution cannot come before the common council until I receive additional information regarding contractors in the top section of the points scoring system. We assume when we have a petitioner that states TBD, they will capture those points and give them to us within a certain period of time. The time can vary as we have to work with the petitioner to clarify everything in their file.

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 opposition:

Joseph Shabazz, 415 W LaSalle, South Bend – I have a discrepancy on the bottom of the first page of the tax abatement, it states they spent \$210,000 on equipment from out of state for furniture and fixtures. They refused to buy those items from the state of Indiana. When we look at the number of minority and women employees they said they had 17 Black employees from 6/13 to 12/13, then from 1/14 to 12/14 they only had 2. They had 4 Hispanic employees during the same period, and none in 2014; they had 13 women employees during that same period and only 3 in 2014. For me this sounds like a retreat on inclusion, I am surprised this got to the committee to be submitted. We need to stop giving away the taxpayers money. I would think the Chairperson would have at least read the first two pages of the application.

Rebuttal: Brock Zeeb every year when they file their annual tax abatement numbers they are very accurate. They are much more detailed than many, I would expect the information they bring forward including the additional information will be top notch.

Councilmember Henry Davis – This is no fault to the company but leadership, this is why I asked Mayor Buttigieg about the way they qualify the \$63 million investment, and what the taxpayers are getting versus the building, as there never true numbers. It is the fault of the head of the department and the Mayor's office. We continue to ask how these numbers are calculated, but we never get a true number or clear answer. We need to throw away that application if it's not working. It's not your fault Brock. Just looking for respect towards the Council in bringing us truthful information. Things never match up, it is huge disrespect to the council and citizens of the community.

Councilmember Oliver Davis – Is there a way to table this so those issues can be ironed out? Then come back in two weeks to allow time to address all the errors mentioned it would be unwise to move forward like this.

Council Attorney Kathy – In regards to the \$210,000 in equipment, Indiana state law does permit listings for out of state manufacturing equipment. With regard to the second page with full time employment, they will not be given any further consideration until they provide further statistics and go through Gavin Ferlic's committee as to what those numbers are. Until those details are provided the council will not do anything further. Brock Zeeb responded I have to bring it back through committee again, as the petition is not completed. Your vote tonight will allow for them to pull a building permit to start but the abatement is not approved until all the information is completed accurately.

Councilmember Henry Davis stated that the information showed up is untrue, and inaccurate. We have an issue as business is to be done here not outside of here.

Councilmember Dr. Ferlic made a motion to adopt 15-29. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of six (6) ayes and two (2) nays by Councilmember Oliver Davis and Councilmember Henry Davis.

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 Vice-President Dieter requested a motion to continue bill 15-13 indefinitely. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

BILLS - FIRST READING

BILL NO.

22-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AND AMENDING CHAPTER 19, ARTICLE 2 OF THE SOUTH BEND MUNICIPAL CODE IN ITS ENTIRETY ADDRESSING ABATEMENT REGULATIONS ADDRESSING TALL GRASS, WEEDS, NOXIOUS WEEDS AND RANK OR OVERGROWN VEGETATION AND FURTHER AMENDING SECTION 16-61 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING PENALTIES

This bill had first reading. Councilmember Dieter made a motion to refer this bill to the Health and Public Safety for May 11th for second and third reading. So moved by Councilmember Oliver Davis. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

REPORTS FROM AREA PLAN COMMISSION

BILL 09-15 – REZONING – 1221 MIAMI ST.

BILL 16-15 – 916 WESTERN AVE AND 501 W. SOUTH ST.

Council Vice-President requested a motion to refer bill 09-15 and bill 16-15 to the Zoning & Annexation Committee for May 11, 2015. So moved by Councilmember Oliver Davis. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

NEW BUSINESS

Councilmember Oliver Davis would like to put on record the letter that was sent to the Lieutenant Government addressed to the Pokagon's was sent to the Potawatomi Tribe.

PRIVILEGE OF THE FLOOR

Huey Schoby requested to have five (5) minutes.

Councilmember Schey made a motion for five minutes. Councilmember Dr. Ferlic seconded the motion.

Huey Schoby – 3415 Riverside Drive, South Bend – Community Activist fighting on Martin Luther King Drive for the last three years and have not been getting any place. I sent the Mayor a certified letter to meet me here tonight to discuss Martin Luther King Dr. When I first started out there was a conflict on Lincoln Way, I protested December 13, 2013 and have yet to get a response back from the Mayor's office. May 10, 2012 the Mayor made a commitment to move Dr. Martin Luther King Drive to a permanent street and this has yet to happen. I would like the council to vote this to the Board of Public Works.

Samuel Brown – 222 E. Navarre St., South Bend – I would like for the Council to grant me five (5) minutes.

Councilmember Oliver Davis made a motion for five minutes. Councilmember White seconded the motion.

Samuel Brown – When Schoby met with the Mayor, the Mayor jumped up and stated that he would support him. Nothing has been done since then. Until we get some white people to march with us to change Martin Luther King Drive, nothing will ever get done. When MLK Center had drugs and crime they installed cameras. There is no need for the Armadillo, there are different methods to get things done. We need the white people to march with us then we'll get something done.

Kintae Lark – 307 Chapin St. South Bend – Regarding the Armadillo, I think it is a huge mistake. As a Youth Pastor we need to think of the psychological effect that it will have on the young people that live in those areas. Discipline without relationship breeds rebellion. This relates to me for running for public office; it is the 50 year anniversary that we celebrate the March on Selma and 150 years in South Bend. It would be nice to celebrate more minorities running for office, especially in the news.

Valerie Krause – 4207 Norton Drive, South Bend – I'm following up on the Martin Luther King Drive renaming. I pulled an article from the South Bend Tribune, where the Mayor stated he would support this on the account of two conditions: the businesses and citizens on that route will need to show support, and a resolution from common council in support of the renaming. To take a road like Lincoln Way named after Lincoln and move to another leader is counter-productive. Mayor Pete stated the Public Works has the authority to change the road. Apparently for two years the legal department has not had time to figure this out. It would be nice to have this done in time for the 150 year city celebration.

Volia Sims – 1636 Florence St, South Bend – The city started a sidewalk in my neighborhood, and they skipped a section. There is old concrete mixed with new concrete, so now the sidewalks are uneven. Second item, the Armadillo is an excellent tool, we need more than one Armadillo. For the first time I was able to pump gas in my neighborhood with my grand-daughter in the car. There was no loitering, less activity, and less crime. The Armadillo is a great idea. I'm looking forward to the crime rate going down.

There being no further business to come before the Council, Vice-President Derek Dieter adjourned the meeting at 8:04 p.m.

Council Vice-President Derek Dieter requested a motion to reconvene. So moved by Councilmember White. Councilmember Dr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Lynn Palmer – 4519 Silver Lane, South Bend – I would like for you to reconsider the viewing of electronic devices; I know you tabled this. However, I am an amateur radioist and we do a lot for the community. I would suggest you look into that more and consider allowing for the radioist to be able to use their devices within the city limits.

ADJOURNMENT

There being no further business to come before the Council, Vice-President Derek Dieter adjourned the meeting at 8:06 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Derek Dieter, Vice-President