

CITY OF SOUTH BEND - COMMON COUNCIL

ROLL CALL SHEET

PRESENT: 9

ABSENT: 0

REGULAR MEETING: February 22, 2016

NAME	ROLL CALL	03-16	04-16	08-16	10-16	05-16	06-16	16-09	16-07	16-10							
REGINA PRESTON	PRESENT	AYE	AYE	AYE	AYE	CONTINUED TO MARCH 14 TH 2016		AYE	AYE	AYE							
RANDY KELLY	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
JO BRODEN	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
DR. VARNER	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	NAY							
MR. OLIVER DAVIS (Vice President)	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	NAY							
MR. FERLIC (Committee of the Whole)	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
MR. VOORDE	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
WHITE	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
TIM SCOTT (President)	PRESENT	AYE	AYE	AYE	AYE			AYE	AYE	AYE							
TOTAL:	9/0	9/0	9/0	9/0	9/0	9/0		9/0	9/0	7/2							

REPORT OF SUB-COMMITTEE ON MINUTES

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

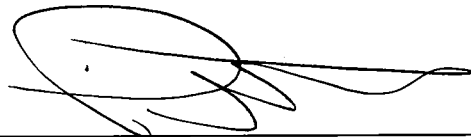
THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE

February 22, 2016

*Karen
Martin*

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: March 14, 2015

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, February 22nd, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Rev. Marianne Chalstrom, retired district superintendent of the Indian Conference of the United Methodist Church, and Pledge to the Flag was given.

ROLL CALL

COUNCIL MEMBERS:

Tim Scott	1 st District, President
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

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 Karen White made a motion that the minutes of the February 8, 2016 meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

16-11	A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA PUBLICLY HONORING AND COMMENDING THE SALVATION ARMY RAY AND JOAN KROC CORPS COMMUNITY CENTER FOR SPONSORING ANOTHER VERY SUCCESSFUL RED KETTLE CAMPAIGN WHICH CONTINUES TO BENEFIT MANY IN OUR COMMUNITY
-------	--

Councilmember Dr. David Varner read this resolution in full.

Lt. Carl Blessings, Salvation Army, thanked the Council and Mayor Pete for everything they did regarding this campaign as well as Police Chief Ruskowski and Mayor Dave Wood of Mishawaka.

Lt. Carl Blessings presented Mayor Buttigieg with the Red Kettle Award.

Mayor Pete also thanked the Salvation Army and everyone who participated in charities during the holiday season. He also thanked Mayor Wood as well for the friendly competition and he is looking forward to participating again next year.

No one from the public spoke either in favor or against the petition.

All nine (9) councilmembers thanked the Salvation Army and the Mayor for participating in this campaign and highlighted the real winners are the people that the Salvation Army serves.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-11 by acclamation.

Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

16-12

A RESOLUTION OF COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA PUBLICLY
THANKING ALL OF THE SOUTH BEND POLICE
DEPARTMENT VIPS VOLUNTEERS FOR THEIR
SERVICE TO OUR COMMUNITY

Council President Tim Scott asked all the VIPS Volunteers to come forward. He read the resolution in full and Alkeyna Aldridge handed each VIPS a copy of the resolution.

Council President Tim Scott expressed his gratitude towards the VIPS Volunteers and all the hard work they do for the City of South Bend. They give up their time so that the police can be ready at any time for an emergency and that is a vitally important role.

Mayor Buttigieg thanked the Council for recognizing these wonderful individuals. If these volunteers did not give their time freely the Police force simply would not be able to afford those services and the City as a whole would suffer. This group of volunteers is one of the most interesting and fun groups in the City as well.

Police Chief Ruskowski stated that this group saved over \$130,000.00 for the Police Department last year. The hours served that were mentioned in the resolution are only the documented hours and they dedicate even more hours that are not always documented. These volunteers do things cops don't want to do regardless of weather conditions and it is such a huge savings financially and mentally for our police.

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

Every Councilmember voiced their support for the VIPS Volunteers and were appreciative of the tremendous amount of time and effort they dedicate to South Bend.

Councilmember Dr. David Varner made a motion to adopt the resolution by acclamation.

Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:26 p.m. Councilmember John Voorde made a motion to resolve into the Committee of the Whole. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) 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

03-16

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 3620 DEAHL COURT,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember John Voorde, Vice-Chairperson of the Area and Zoning Committee, reported they met and sent this bill to the full Council with a favorable recommendation.

Angela Smith, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter for this bill. The petitioner is seeking to rezone from the Light Industrial District to Mixed Use District to allow for an adult daycare center and associated uses. The property is just north of Cleveland Rd. and is fairly secluded from the road and behind much of the vegetation on the property. They do not intend to change much of the site plan as most of the surrounding areas are wetlands which would need special approval to change. The Area Plan Commission gave this bill a favorable recommendation.

Greg Kiel, 1126 Lincolnway East South Bend, served as the petitioner for this bill. This would provide Corvilla more space for their offices but as well as the opportunity of opening an adult daycare center described earlier. This is a good fit as it is very accessible for the clients since many have mobility issues. The adults would come in for day activities including exercise, crafts, and other educational activities. Some of the proposed improvements would include revamping the restrooms.

There were no questions from Councilmembers.

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

Councilmember Karen White made a motion to send this bill to the full Council with a favorable recommendation. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

04-16

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 3101 AND 3113 LINCOLNWAY WEST,
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember John Voorde, Vice-Chairperson of the Area and Zoning Committee, reported they met and sent this bill to the full Council with a favorable recommendation.

Angela Smith, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter for this bill. The petitioner is seeking to rezone from Community Business to General Industrial. This is an extension of the Kuert Concrete Business that operates to the north of the site and are already zoned as General Industrial. At one point a retail building operated there but since then the space has been used for outdoor storage of materials and for display of the merchandise. Angela Smith provided images of the site to the Council and public. The storage will be screened with a six (6) foot fence around the facility. The petitioner will also install perimeter landscaping and a proposed new sign on the property. The Area Plan Commission sends this with a favorable recommendation.

Brad Webb, General Manager with Kuert Concrete 3402 Lincolnway West South Bend, served as the petitioner for this bill. The main intent is to store merchandise in the corner of this lot which the original zoning would not have allowed for. Mr. Webb provided a few images of the proposed site after the fence and landscaping were built.

There were no questions from the Council.

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

Councilmember Oliver Davis made a motion to send this bill favorably to the full Council.

Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

08-16

PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FIRST NORTH/SOUTH ALLEY WEST OF 29TH STREET FROM MISHAWAKA AVENUE TO FIRST EAST/WEST ALLEY FOR A DISTANCE OF 130 FEET AND WIDTH OF 16 FEET. SAID ALLEY IS BEING APART OF EGGLESTON'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST JOSEPH COUNTY, INDIANA

Council Attorney Kathleen Cekanski-Farrand reported the City Clerk's Office received a letter from Public Works affirming that no cross access agreement is needed regarding this bill.

Councilmember Jo M. Broden, Chairperson of the Public Works and Property Vacation Committee, reported this Committee met and sends this bill to the full Council with a favorable motion.

Peter Peuquet, 555 Eastport Centre Dr., Valparaiso, IN 46383, served as the presenter for this bill. The site is currently a vacant building. The petitioner wishes to purchase the building for a veterinarian practice and make major investments to the facility both on the inside and outside of the building. This alley vacation will help provide additional parking on one side. The radius has been approved by the City Engineer.

There were no questions from the Council.

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

Councilmember Oliver Davis made a motion to send this bill to the full Council with a favorable recommendation. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

10-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$68,000 FROM PARK NON-REVERTING CAPITAL FUND (#405)

Councilmember Randy Kelly, Chairperson of the PARC Committee, reported this Committee sends the bill to the full Council with a favorable recommendation.

Aaron Perri, Executive Director of South Bend Parks with offices at 321 Walter St., served as the presenter for this bill. This takes \$68,000.00 from a Golf Non-Reverting Fund that is made up of revenues from Golf activities over the past several years. This is money that has been budgeted to be spent but was not for various reasons. There has been limited capital investments at Elbel the past few years and this bill makes it right and fixes problems with the course including repairs to greens and tee-boxes. It is the intention to have golf at Elbel this year.

Councilmember Oliver Davis stated the key is that we will have golf at Elbel this year. He asked what will be done differently going forward so that items that were budgeted are actually spent.

Mr. Perri reported he looks forward with more communication with the Council regarding any changes in how budgeted money is spent and market plans. Also, the Parks Department has set

up a page on its website where all major park investments and projects can be tracked in real time.

Those from the public who spoke in favor of the bill:

Jesse Davis, P.O Box 10205, supported getting funds out to Elbel and going forward in the future the space is still used for golf.

Mark McDonald, 17180 Wheatridge Ct. Granger, voiced his support for the bill. Over the past twenty (20) years he has played golf at Elbel with a number of groups and societies. He wishes to see that this money is spent on the tee-boxes and greens which is a consistent complaint of golfers. Elbel is a beautiful golf course and should remain a golf course. The rounds have gone down in recent years because of the current state of the course and if the city charges what they need to charge to break even so be it.

No one from the public spoke in opposition of the bill.

Councilmember Oliver Davis made a motion for favorable recommendation to the full Council. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

05-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

06-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

Councilmember Oliver Davis made a motion to continue both bills 05-16 and 06-16 to March 14th 2016. Councilmember Jo M. Broden seconded the motion which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

Councilmember Oliver Davis made a motion to rise and report to full Council. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) 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 7:47 p.m. Council President Tim Scott presided with nine (9) members present

BILLS – THIRD READING

03-16 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3620 DEAHL COURT,

Councilmember Karen White made a motion to pass bill 03-16. Councilmember Gavin Ferlic seconded the motion which passed by a roll call vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass bill 04-16. Councilmember Karen White seconded the motion which passed by a roll call vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass bill 08-16. Councilmember Oliver Davis seconded the motion which passed by a roll call vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass bill 04-16. Councilmember Karen White seconded the motion which passed by a roll call vote of nine (9) ayes.

Councilmember John Voorde, Vice-Chairperson of the Zoning and Annexation Committee, reported they met and send this bill to the full Council with a favorable recommendation.

Brian MacMorrow, 750 Lincolnway East South Bend, served as the petitioner for this bill. This allows the property, just south of the existing pizzeria, to build a drive through or pick up service for a fast casual restaurant.

There were no questions from the Council and no one from the public spoke in favor or opposition to this bill.

Councilmember Gavin Ferlic made a motion to adopt this bill. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of (9) ayes.

16-07

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 6741 LUTZ DRIVE, SOUTH BEND, IN 46614 AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR JEFFREY SZALAY AND AMBER O'BRIEN

Aaron Cobb, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. The original builder of this subdivision went bankrupt and a few lots have sat empty for a while now. The petitioner is planning on building a house with the approximate value of \$180,000.00. Total taxes to be abated are \$8,800.00 and the total estimated taxes paid are \$100.00.

Amber O'Brien, 722 S. Gladstone Ave South Bend, served as the petitioner for this bill. They have plans in the immediate future to build a house of approximately 1750 square feet.

There were no question from the Council. No one from the public spoke in favor or opposition to this bill.

Councilmember Dr. David Varner made a motion to adopt this bill. Councilmember Karen White seconded the motion which passed by a roll call vote of nine (9) ayes.

16-10

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SUPPORTING ADDITIONAL RESEARCH INTO A POTENTIAL FOOD AND BEVERAGE TAX IN ST. JOSEPH COUNTY, INDIANA

Councilmember Randy Kelly, Chair of the PARC Committee, reported they met and send this bill with no recommendation to the full Council.

Councilmember Oliver Davis made a motion to accept the substitute bill on file with the City Clerk. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Randy Kelly, 1325 E. Wayne St South Bend, served as the presenter for this bill. This bill is to research a potential food and beverage tax as a development tool and if it is a viable option for our area. This research would include looking at other alternatives as well to the tax. This resolution states the Council is interested in looking at this more closely and doing real research on the potential of the tax.

Councilmember Oliver Davis asked what is the biggest rational towards having a resolution rather than just going ahead and doing this research without having a resolution.

Councilmember Randy Kelly responded since this would initially have to come from the State Legislature, the purpose of the resolution is to show them the Council is interested in researching this topic and has a desire to explore options regarding the food and beverage tax. For the tax to pass it would need to pass by at least two of the three local legislative bodies and this would show at least one of them is interested in starting the conversation.

Councilmember Randy Kelly stated there is the possibility to hold joint committees with all three of the local legislative bodies together to hear public input.

Councilmember Oliver Davis asked how has that worked in the past.

Council Attorney Kathleen Cekanski-Farrand stated there is no problem legally with doing so but it has not been done in the past. In the interest of transparency and dialogue it would be a good idea.

Councilmember Oliver Davis asked if there has been any contact on the County Council to consider that option.

Councilmember Randy Kelly responded not yet but he would be more than happy to start making calls.

Those from the public wishing to speak in favor of the bill:

George Horn, 100 N. Michigan St. South Bend, spoke in favor of the resolution. He is the president of the Potawatomi Zoological Society. The Zoo opened in 1902 and is the oldest zoo in the State of Indiana. It now houses over four-hundred (400) animals as part of its zoo family that have provided joy, educational programs, and conservation activities to our community. These animals depend on us for their health and wellbeing which is why the Zoological Society has been a driving force behind the request for this resolution and the potential tax of a fund to help infrastructure improvements. The part of the tax the Zoo is requesting is one quarter of one percent (.25%) realizing the resolution proposes capping that tax at one percent (1%). This would raise approximately over \$22 million dollars over twenty (20) years, to help fund the infrastructure improvements needed at the zoo. Nationally recognized experts have been brought to build a master plan going forward in the future. The plan was approved by the Park Board and calls for \$37 million dollars in infrastructure improvements. The Zoo hopes that this tax along with \$15 million from private investment should pay for the improvements that are needed. The request does not seek funds for operational funds but only capital improvements. The Zoo has the rarest big cat in the world, the Amur Leopard, in 2015 the zoo had three cubs born and they live in a building constructed in 1936. These are the type of improvements we want to make. Mr. Horn asked the people in the audience to stand who were supporting this resolution.

Mindy Aben, 4215 Edison Lakes Pkway Mishawaka, supported the food and beverage tax. She is a corporate sponsor of the Zoo through Northwestern Mutual. She has been a corporate sponsor of the Zoo for the past three (3) years. The Zoo brings approximately \$3 million dollars a year into our community. By moving forward with the tax and the master plan that revenue number will go up even more. From a financial and from a family perspective, the zoo is a great asset to this community and this tax will allow the zoo to only becoming a better service for the community.

Michael Hasick, 138 S. Hawthorn, thanked the Council for allowing this issue to come forward for public debate and comments. In 1995, he and his wife relocated from Florida to South Bend which was her hometown, six children later he can attest that this is a great place to raise a family. South Bend is truly blessed to have fantastic assets and the zoo is one of them and a fixture in the South Bend community. Many of the zoo exhibits and facilities were built during the depression or the 1950s and 1960s. The zoo has many needs including water drainage problems, storm water issues, and how the public, especially the disabled, enter and exit the zoo. The master plan goes far beyond sustaining the zoo but takes a long term look at the site and how to keep the zoo a valuable asset and fixture within our community. This tax would provide the means for this plan.

Marcy Dean, Zoo Director with offices at 500 S. Greenlawn South Bend, spoke in support of this resolution. The Zoo has been leading the initiative to enact a food and beverage tax in St. Joseph County to help fund improvements laid out in the master plan. This .25% food and beverage tax is a great fit funding wise for these proposals. As more people are brought into the community they will spend more money dining out. The zoo is also following a precedent set by many of their peers who receive zoo only dedicated tax funding. The Akron Zoo is a perfect example of how funds like this can transform an institution from a local attraction to a regional destination. Attendance at the Akron Zoo rose after a county wide tax levy from 100,000 to almost 400,000 annual visitors which has provided an economic boon for the region. There are only a handful of accredited zoos that do not receive dedicated tax funding. Based on current membership demographics 33% of members reside from outside St. Joseph County spanning over seventeen different states. South Bend is still number one in membership and visitation even with this large

regional reach. This plan allows for increased expansion of our reach and bringing more people into our community. When fully implemented, zoo visitation could exceed 350,000 to 400,000 guests annually. This plan would create not only local construction jobs but also jobs at the zoo. Most importantly the plan enhances guest experiences with unique exhibits, provides new attractions, animal feeding, and interactive opportunities. The zoo thanks the Council for the consideration of this resolution.

Josh Sisk, 500 S. Greenlawn, spoke in favor of the resolution. This dedicated tax is not only important for the zoo but for wildlife conservation at a global scale. The zoo is accredited by the Association of Zoos and Aquariums and this accreditation partners us with over 230 other zoos across the country. All these zoos work together to save wildlife through breeding programs and visitor education. Biologists predict over half of common zoo animals will be extinct in the wild. This is why zoos are so important. State of the art exhibitory will not only provide our animals the best level of care but also allow the zoo to participate more in these breeding programs. This is not just a quality of life issue for the animals at the zoo but for the South Bend community as well.

Julian Morris, 2216 Perchman's Tr. South Bend, came to support this resolution for three reasons. First, she is a transplant to this community and has lived in many different places and the Potawatomi Zoo has so much potential to be one of the best zoos in the country. The ratings for the zoo over the past five to ten years have started to rise and this plan can only help those ratings. Second, she is a mother and the zoo provides excellent resources in education and engagement for her children. Third, the master plan helps grow the ability of the zoo to help protect and grow these endangered species populations.

Karen Selmer, 1002 S. Ironwood Dr. Mishawaka, is a volunteer for the zoo. She expressed her support for this resolution. During her time as a volunteer she has seen firsthand the personal impact of showing children and adults the beauty and wonder of seeing these animals up close. There is only one place in South Bend where you can get that experience. People from all over the area and the country come to see our zoo and that can only increase with this dedicated tax.

Todd Wolfer, 15814 Ashville Ln Granger, spoke in support of the resolution. He moved to the South Bend area in 1992 as a poor college graduate with no connections to the area. There were few things that he could do at that time to get involved and feel a part of this community and going to the zoo was one of them. Now after being married and having kids he has even more connections with the zoo in his life. He takes both of his children regularly to the zoo and those experiences are invaluable. One of the incredible things about this is it is not a major undertaking to pack up the family and go to the zoo. The difference that this zoo makes for the community is immeasurable. As a conservative he generally does not like the idea of more taxes, but he stands here pledging his support for this because it is so important and is targeted to a specific need that benefits the community as a whole. There are a lot of great assets in the community but we only have one zoo.

Those from the public wishing to speak in opposition:

Jesse Davis, P.O. Box 10205, spoke in opposition to the bill. There is a lot of concern regarding all the trash rates, water rates, sewer rates and all the various taxes that have been brought to bear on this community. Is this going to be a tax that is just going to generate money for this master plan or is it going to be in place forever? It seems every time we have one of these master plans it is the public who ends up paying millions and millions of dollars. Mr. Davis stated as a father and grandfather he has bought family memberships at the zoo and he loves the zoo, but there are a lot of people who cannot even afford to go to the zoo. There are some better ways that they might be able to generate revenue themselves.

Jason Banicki Critchlow, 3822 W Ford St., reiterated Mr. Davis' concerns. The City government should live within their means. The zoo knows it can only get this \$37 million dollars through this tax and it is not fair to ask everyone to fit the bill for that for one entity. If these species are really going to be extinct in the wild, they are then caged show animals which is why zoos across this country have decreased in popularity no matter what the efforts. If they cannot come up with the money through donations then do what everyone else has to do and make tough decisions. Mr. Banicki Critchlow claims he runs a multimillion dollar business

through a corporation he works for and he doesn't get to go back and charge more after the fact. There are bigger issues in this city than the zoo. There are children going to be starving in our community every night. There are people who are still sleeping in our streets every night. So \$22 million dollars allocated for the zoo is not something the city needs to focus on. The City needs to stop funding special interests.

Samuel Brown, 222 S. Navarre St., spoke against the bill. He stated he is for the zoo but is not for the tax. The Wheel Tax turned him off to taxes in this county. There has to be another way to fund this zoo because it is an important asset to the community.

Mark McDonnell, 17180 Wheatrddidge Ct. Granger, he stated he has owned a fine dining restaurant in South Bend for twenty five (25) years. He stated he has no enmity towards the zoo and was a member of the zoo for a time. Restaurants have seen and fought these taxes across the nation for various reasons. There is nothing fair about a single industry tax, an industry where everyone knows its really hard to stay in business and to make money. To make two percent (2%) profit before interest is a monumental achievement, every single percentage is important. These taxes do not sunset once they are imposed and usually just increase. The zoo is a local attraction and this tax is not a tourist tax. On average, eighty-seven percent (87%) of these taxes are paid by local people. Mr. McDonnell asked why not tax all retail instead of just one industry or tax groceries which are not taxed. It is not just or fair to tax one industry.

Kurt Janowski, 828 E. Jefferson Blvd., 828 E. Jefferson Blvd, echoed what Mr. McDonnell said. He voiced his support of the zoo and the wonderful things they do and their master plan but he does not support industry specific taxes. The only example of an industry specific tax that gets large portions of support are Hotel/Motel taxes because those are indeed tourist taxes and not paid by residents by and large of the community. If the Council decides this is such an amenity that needs public support then it should find its way back into the City's budget. To levy an industry specific tax, despite his support for the zoo, does not makes sense to him. This County already has a higher than average property tax rate, so adding to that already high tax burden is unnecessary.

Councilmember Randy Kelly pointed out that this was the spirit of this resolution, to have this discussion on the pros and cons of a food and beverage tax. The zoo has spearheaded this discussion and deserves recognition for the good work that they do every day. To be clear, this resolution does not target the zoo specifically. There was in the County resolution but this one simply states the City is interested in researching this tax as a potential development tool, what entities might develop from it, and looking at other viable alternative options for funding. This resolution is meant to start that conversation.

Councilmember Regina Williams-Preston stated she is interested in exploring this and learning more about the options for this tax in addition to the zoo like sidewalks and different things along those lines. Maybe this tax makes sense, maybe it doesn't but it certainly deserves a conversation.

Councilmember Randy Kelly wanted it to be known that this is not a new idea or proposal and over twenty (20) counties and municipalities have a food and beverage tax. There is precedence for this kind of tax.

Councilmember Jo M. Broden added that she has a mixed mind on this given the lack of data or discussion in terms of the impact that this tax would have on industries that do operate on tight margins. She expressed her interest in continued research but is not sure of how much influence this resolution is going to have down state.

Councilmember Dr. David Varner stated he does not understand the purpose of the resolution in general. If the intent is to take it to the state legislature to learn more that is not something he is in support of. A tax solution should not be the first option vetted, the resources the City has already include a number of taxes already in existence which are intended to support these types of programs. Some of the capital needs of the zoo could possibly be listed under economic development which would make them available for TIF money. Perhaps there should be some type of non-reverting fund set up which may help this situation as well. These options should be

looked at first before anyone considers a tax. If those have been exhausted then let's petition the legislature.

Councilmember Oliver Davis stated in 2013 he supported the zoo going independent for a large reason because it would prevent them from having these types of discussions. If the City is going to take on these burdens then why did we not keep the zoo under the Parks Department? This resolution is still unclear about what the official stance of the City is. As this requires two thirds of the local legislative bodies, this will be very difficult for people to say only the zoo deserves some of this money. Mr. Davis expressed his support of the options mentioned by Dr. Varner for possible revenue building for the zoo. To put this all on the back of one industry is a problem. This resolution only allows for one discussion which is a mistake. Given that so many other taxes and fee increases are coming up, it is not a good time now to be talking about another tax on the citizens of South Bend. For those individuals who came to speak from Mishawaka and Granger to please call their County Councilmembers and put the pressure on them for a change and put the pressure on the City of Mishawaka for a change. If the pressure is always going to fall on South Bend then let's have it be the South Bend zoo again.

Councilmember John Voorde expressed on a personal level he has never been afraid of additional revenue sources as long as they are fair and even handed. In the 1980s he supported a food and beverage tax and an entertainment tax to fund Coveleski Stadium which became a drain on every department in the city. Other special projects, regardless of their value to the city, for the last thirty (30) years have taken resources from our Parks Department. Regarding the Zoo and other parks recreational activities, they are a vital economic development tool and attractions for our area. If we need to find new revenue sources or look at existing ones they should be part of the discussion as well. The City has many things that need done and we are being foolish if we do not consider new revenue sources especially with the tax caps coming up in 2020. The time to do this research and have these conversation is now.

Councilmember Gavin Ferlic thanked everyone who came out to speak and to Randy for bringing this forward. Nothing in this resolution is zoo specific and it is only looking at a food and beverage tax and what entities could potentially benefit from such a tax. It is important we study all viable options which is what this resolution does. He thanked the restaurant business owners who came out and spoke because their input will be vital as well. There needs to be research into whether this has been more of a burden on restaurants or has driven growth in those other communities who have adopted this tax. If through research it is determined that such a tax would be beneficial then the Council should open up the debate to the broader public for input.

Councilmember Karen White expressed her support for many of the comments made by her colleagues. Since this is simply asking for more research and starting this conversation, it is vitally needed because research should and can be done on the effects of this tax in other communities.

Council President Tim Scott thanked Dr. David Varner and the business owners for their perspectives on this. If this resolution is not passed the conversation will not start and those other alternatives will not be developed. Regardless of what happened in the past, the City and the County and the City of Mishawaka can work together and have intelligent conversations even if there are disagreements. He stated his support for this and his task of pulling these various local Council together because it is important and it should happen. There is no tax going into effect today and it does not necessarily mean it's going to happen later on but this is a needed step to bring the local communities together.

Councilmember Gavin Ferlic made a motion to adopt the substitute bill. Councilmember Randy Kelly seconded the motion which was adopted by a roll call vote of seven (7) ayes and two (2) nays (Dr. David Varner and Oliver Davis).

BILLS FIRST READING

There were no first readings.

UNFINISHED BUSINESS

PENDING INACTIVE/DORMANT AREA PLAN COMMISSION (APC) PROPOSED BILLS

BILL NO.

02-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2101 IRONWOOD ROAD IN THE CITY OF SOUTH BEND, INDIANA

22-95 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT TOPSFIELD ROAD AT THE ENTRANCE TO TOPSFIELD CONDOMINIUMS IN THE CITY OF SOUTH BEND, INDIANA

19-97 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT THE SOUTH SIDE OF 900 BLOCK OF EAST MADISON STREET—ST. JOSEPH'S MEDICAL CENTER

69-97 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE MUNICIPAL CODE TO DEFINE AN ADULT CARE HOME AND CREATE AN EXCEPTION TO THE ZONING DISTRICT REGULATIONS TO ALLOW ADULT CARE HOMES WITHIN RESIDENTIAL DISTRICTS UPON APPROVAL OF THE BOARD OF ZONING APPEALS

29-98 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4215 & 4227 S. MICHIGAN

39-06 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1921 GREENOCK, 1927 GREENOCK, 1931 GREENOCK, 1935 GREENOCK

28-15 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 742 EAST IRELAND ROAD, CITY OF SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to change Bill 02-94 "2101 Ironwood" to read as "2102" Ironwood. Councilmember Dr. Varner seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to strike Bills 02-94, 22-95, 19-97, 69-97, 29-98, 39-06, 28-15, and 28-15. Councilmember Randy Kelly seconded the motion which carried by a voice vote of nine (9) ayes.

Council President Tim Scott announced that the first food truck has started operating in South Bend and has had a very good reception already. There should be more trucks coming to the city soon and that is something to look out for.

Councilmember Jo M. Broden announced the first Special Elbel Committee will meet on Wednesday February 24, 2016 at 6:00 p.m. in the Informal Council Chambers.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Jesse Davis, P.O. Box 10205 South Bend, questioned if the Council is still responding to the questions raised at Privilege of the Floor and that he has not seen a response in months. This has been a good year so far so keep it up.

Jason Banicki Critchlow, 3822 W Ford St., expressed his dissatisfaction with the Western Ave project. Anytime between 2:30 p.m. and 6:00 p.m. is a nightmare for traffic. Just three (3) months ago the Council was discussing a trash rate increase and that was supposed to be it and now there is discussion of a water rate increase. The 14th Floor comes every few months asking for more money. It's time to find alternatives instead of asking the citizens to foot the bill for

every project. Mr. Banicki Critchlow asked the Council to put pressure on the Mayor to finally figure out how to budget properly until incomes come up. The average household income in his neighborhood is less than \$20,000.00. Those people cannot afford all the new taxes and rate increases, those people are not getting a raise.

Samuel Brown, 222 E. Navarre South Bend, the MLK Street Naming Committee will have a press conference on February 25th at 1:30 p.m. to talk about the extension of MLK St. that has come out of the committee. The plan is to extend the current street to the north and the south. There will be public meetings held and the street will affect the 1st, 2nd, and 6th Districts. He is proud of the Mayor and the Council for taking initiative to get this done.

Mr. Scoby responded he has had a street committee with over thirty (30) people over seven years ago to look into the MLK Street naming. Mr. Skobie asked how you can organize a seven man street committee, which has been kept under the cover, over this thirty (30) pastor committee. There has been a lot of stink regarding this committee so lets put it on the ballot and let the city vote on it.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 9:15 p.m.

