

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

October 24, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:



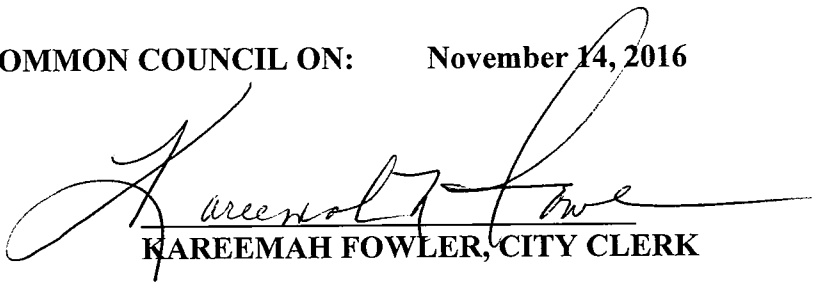
TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: November 14, 2016

ATTEST:



KAREEMAH FOWLER, CITY CLERK

ROLL CALL

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

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

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Chief Steve Cox, Chief of the South Bend Fire Department with offices at 1222 South Michigan Street, thanked the Council for honoring Mr. Steele in achieving this milestone. To our knowledge no other firefighter has served as a sworn officer for fifty (50) years. The amount of impact on thousands of lives in the City, both as a first responder and inspector, is tremendous. When you hit a milestone like this, you have to recognize it. It's amazing when we talk about somebody's career in terms of quarters of a century. It is truly remarkable and amazing the amount of time and effort he has put into this City. It has been an honor to serve with him.

Chuck Bueller, Building Commissioner with offices at 125 South Lafayette Blvd., not a lot of people know that the Fire and Building Departments work very closely together to ensure that the built environment is safe for all citizens. The fact that Mr. Steele has survived for fifty (50) years as a firefighter is not only a tribute to his dedication but it also shows that there is something that attracts people to this profession that you can't put a name or description on. South Bend has established itself as a place to live, work, and thrive. He thanked Mr. Steele for all of his assistance over the years with helping the Building Department provide safe housing and buildings for the citizens of South Bend.

Samuel Brown, 222 East Navarre Street South Bend, stated he is speaking for a working man and he doesn't know Mr. Steele personally. He stated he thanked Mr. Steele in every way for working fifty (50) years on the job. It is an honor for South Bend for us to have had such a dedicated servant.

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

Each Councilmember thanked Mr. Steele for his service and his dedication to the City of South Bend.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-83 by acclamation.

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

16-84

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, PUBLICLY
COMMENDING AND HONORING THE RILEY HIGH
SCHOOL GIRLS SWIM TEAM FOR BEING NAMED A
GOLD LEVEL SCHOLAR TEAM BY THE NISCA

Councilmember Karen White invited the team and coaches to come up to the podium. She read the resolution in full and congratulated the team for their tremendous accomplishment. Each member of the team introduced themselves to the Council.

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

Susan Walker, Head Coach of the team with residence at 50841 Woodberry Ln. Granger IN, thanked the Council for recognizing all the hard work that this team has put in and thanked their parents for giving them the support they needed to accomplish these goals.

Francois Bayingana, Principal of Riley High School with residence at 13378 Soro Ct. Granger IN, thanked the Council for recognizing this team on behalf of Riley. This is not only an honor for Riley High School but for the South Bend community and the South Bend School Corporation. This an encouragement for this coming year and hopefully we will be back again.

Mayor Pete Buttigieg, offices on the 14th Floor of the County-City Building, stated he wanted to add the City's appreciation for this team as it does reflect great pride on South Bend. We are so proud of Riley High School and what they have achieved, not only for the intrinsic achievement but because of the discipline and leadership the team has shown by achieving these results, it bears well on what they will do for our community in the future. He stated he will not be surprised if there is a future Councilmember, Mayor, or maybe even Governor within this group and we expect big things from them. This is part of a proud tradition of women's and girl's athletics in South Bend that includes the homegrown talent we see competing at national levels and going back in history to the South Bend Blue Sox.

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

Each Councilmember congratulated the team for their accomplishments.

Councilmember Oliver Davis made a motion to adopt Bill 16-84 by acclamation.

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

REPORTS OF CITY OFFICES

Representing the City Administration will be Mayor Pete Buttigieg. He stated he will try to have a brief overture of the budget as the Council has so much work to do this evening. First there is a piece of very good news that came out today, South Bend is one (1) of a handful of cities selected by Bloomberg Philanthropies to participate in the What Works Cities initiative. That will lead to resources being committed by Bloomberg Philanthropies to assist us in performance management as well as the use of a group called the Behavioral Insights Team which has provided a tremendous amount of value to cities by helping optimize things like utilities and other City processes based on data and evidence driven decision making. Our Chief Innovation Officer is convening with former Mayor Bloomberg and other cities that have been selected in this initiative. He stated he looks forward to updating the Council more on this as the resources are brought to South Bend.

Also, there has been a lot of interest in the issue of homelessness and in particular the emergence of the encampment in the downtown area. We want to reiterate that what we are looking at here is a stop-gap solution for the winter while we continue to have a dialogue over the medium and long-term solutions with our community partners. He gave his thanks for the community partners that have snapped into action in order for us to get ahead of the winter.

This also may be a good opportunity to address what may have been a confused issue in regards to the City's direction around the future Fire Station Number Nine (9). To be clear, the Chief at the Mayor's request has been leading a process to thoroughly identify any possible alternatives to the site at Potawatomi Park that has been discussed. Everything remains on the table, but the reason for this effort is to make sure that if at all possible we can find an alternative site we do so and in the event that we are compelled for safety and function reasons to rely on that park site we have done so only after truly exhausting every alternative. That is what is going on in the Department, we will of course continue to update the Council as any developments happen.

Mayor Buttigieg thanked the Council and Council leadership in particular the Personnel and Finance Committee for their great work and the Administration and Finance team as well. The process has included eight (8) public meetings since the meeting where we first presented the budget. One (1) of those meetings was geared towards public input but all of which were open to the public and we value that process to make sure there is a good flow of feedback in both directions. Also since the last time he had spoken to the Council about the budget, we have the very good news of having two (2) contracts ratified by the Police and Teamsters unions. Since his Administration has been in office, this is the first time we have had four (4) year contracts which is great news as it provides certainty to the City and certainty to our workers. He thanked everyone who has been a part in those negotiations. Mayor Buttigieg highlighted the key changes in the budget since the budget was first presented to the Council in August, in particular making sure we are boosting the minimum wage which does represent up to a twenty-three percent (23%) increase for the lowest paid workers in the City. We believe for reasons already talked about that it is the right thing to do.

Mayor Buttigieg spoke about steps taken by the Administration to get ahead of the oncoming fiscal curb in 2020. We have included in this budget the addition of six (6) new firefighters to find out whether our estimate is correct that this will in fact lead to savings through reduced overtime. We have reduced burden on general and income tax funds by making sure that the Enterprise funds are paying their fair share. We have a reduction in overall IT expenses which can be a little bit masked by the way the budget has been presented since we are doing allocations in a new way but to be clear there will be \$300,000 less in overall IT expenses through efficiencies and a reduction in the need for outside professional services. There is also

the ongoing work on Priority-Based Budgeting which will bear even more fruit next year because by then we will have been able to identify the cost and revenue associated with the complete catalogue of literally everything the City does. The Legal and Administration and Finance Departments have been able to deliver a tremendous amount of savings. The Legal Department has had a reduction of claims each passing year since 2013 and we have seen less paid through fewer mistakes being made and a more and more capable legal representation in the City when there are issues. Similarly we have saved millions of dollars in bond refunding thanks to the good work of the Administration and Finance team. There are a lot of things we need to look at collectively in the space of the next year to continue on this path of preparation.

There is attention to compensation which is one (1) of the things we tried to get right in this budget. We want to emphasize that everything that has been done in this budget in regard to compensation within the City has been done based on our best efforts and research on what is appropriate internally to make sure that different people within the Administration doing similar work will get similar compensation and competitively in an effort to make sure that the various positions in our City are competitive with similar positions in similar cities. He thanked the Council for taking the time to listen to him this evening.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:40 p.m. Councilmember Gavin Ferlic made a motion to resolve into the Committee of the Whole. Councilmember Karen White 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

52-16

PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 736 CALIFORNIA AVENUE AND 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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

Keith Chapman, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter of this bill. The petitioner is requesting to rezone from PUD Planned Unit Development and MU Mixed Use to MU Mixed Use. On site is currently a building and vacant land. To the north of the site are single-family homes zoned SF2 Single Family as well as a parking lot zoned MU Mixed Use. To the east are single family homes zoned SF2 Single Family. To the west are single family homes zoned SF2 and MU Mixed Use. Mr. Chapman provided images of the site which are on file with the City Clerk's Office. The site plan and proposed building sketch are also on file with the City Clerk's Office. This bill comes to the Council with a favorable recommendation from the Area Plan Commission. Rezoning this site to MU Mixed Use will allow for the reuse and redevelopment of an underutilized building and vacant land. The special exception use will serve the residents and retail users of the site. The proposed development will fill a need in the neighborhood for affordable housing and local retail. The special exception use comes to the Council with no recommendation.

Mike Danch, 1643 Commerce Drive South Bend, served as the petitioner for this bill. As we mentioned to the Council at the Committee meeting, what we are doing is taking the Ford distribution building and changing it into a Mixed Use project for residential development and

some commercial development. This project has been before Council before and it is almost the same as this one (1) but before we had forty-two (42) residential units and this time we are up to fifty-six (56) units of residential development along with commercial development. The property that is on the corner of Rex and Portage has also been added to this project site and it is currently owned by the City of South Bend. That will allow for additional parking for this project. The parking areas have screening so all adjacent residential will be screened from the parking lot. One (1) of the other things we are asking the Council to do is approve two (2) special exceptions. The reason for them is because we have off-site parking. The parking lot to the south and also the five (5) spaces to the east on California, because they are not on the same piece of property that the building is located on. We have to have a special exception approved for off-site parking. The Area Plan Commission gave no recommendation on that due to some confusion between what was approved for the parking variance. All lighting will have to stay on-site and there will be no spillage over to the other properties.

There were no questions from Council.

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

Kathy Schuth, Executive Director at the Near Northwest Neighborhood (NNN) Association located at 1007 Portage Avenue, we are part of the development team of this project and have been working for four (4) years on it. She stated she lives just at the other end of this block. In a simple manner, this is a zoning request that makes sense for Portage Avenue. It is within an area that is a Mixed Use zoning throughout this area as a node with the NNN across the street. All of the surrounding parcels of land around it are also Mixed Use. The special exceptions asking for parking are basically the only way we would be able to reutilize this building at a zero (0) lot line fashion and allow parking to be used. Over the course of four (4) years we have had over twenty (20) public meetings inviting neighbors to participate and give feedback. At our most recent meeting, which was September 28th, 2016 approximately twenty-five (25) people participated and at the end of the meeting overwhelmingly asked what they can do to support the project.

Mike Griffin, 704 California Street South Bend, stated he is right down the street from this project. This would be so awesome for our neighborhood and such a great development with all the other good stuff going on in the NNN. People are in an "all-in" mode for this development and hopefully the City will not only support this but do anything they can to make clear its support for this project it would really help down state so they know there is wide-spread support. The neighborhoods right near there think this would be great and be an improvement over what is a bad eyesore in the neighborhood.

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

Councilmember Tim Scott stated this is his district and four (4) blocks from his house. The thing that you have here is a building that could be completely torn down and be another brown-field site or a good repurpose. This has a huge basement under the building which is incredible. There has been a lot of energy going on in the NNN. That has been the mission of the program as well as the repurposing of buildings.

Councilmember Dr. Varner stated if the City is behind this we should see more public statements in favor of this proposal.

Councilmember Tim Scott made a motion to adopt Bill 52-16. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

53-16

PUBLIC HEARING ON PUBLIC HEARING ON AN
ORDINANCE AMENDING THE ZONING ORDINANCE
AND REQUESTING A SPECIAL EXCEPTION FOR
PROPERTY LOCATED AT 331 WAYNE STREET,
COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to continue Bill 53-16 until November 28th, 2016. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of nine (9) ayes.

54-16

PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1037 ELMER STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to continue Bill 54-16 until November 14th, 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

60-16

PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP

Councilmember Regina Williams-Preston made a motion to continue Bill 60-16 until November 14th, 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

48-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING CERTAIN SECTIONS OF CHAPTER 17, ARTICLE 10 REGARDING COMPACT FEES AND ASSESSMENTS AND REPLACING SUCH FEES AND ASSESSMENTS WITH SYSTEM DEVELOPMENT CHARGES

Councilmember Oliver Davis made a motion to accept Substitute Bill 48-16. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Dr. David Varner, Chair of the Utilities Committee, reported that they met and send this forward with a favorable recommendation as currently filed.

Eric Horvath, Public Works Director with offices on the 13th Floor of the County-City Building, served as the presenter and petitioner of this bill. This is an ordinance that we had in place for many years that had compact fees and assessment fees that were inconsistently applied over the years. This caused us to review that section of the Code and reevaluate them. We submitted a draft ordinance a couple of months back for the Council to look at. Since then we have had a number of meetings both with the Council and outside parties. He thanked the Council, the Chamber of Commerce, St. Joseph County homebuilders and developers, and the Town of New Carlisle who all came together in multiple meetings to give input. We tried to make a better ordinance and hopefully this ordinance is reflective of the input and comments we received over the last couple of months.

The ordinance eliminates all assessment fees that were on the previous books and replaces them with a system development charge which is computed on an equity method. That should be a more appropriate charge for water. That system development charge is \$500 per equivalent residential unit. For sewer it is \$1,145 per equivalent residential unit. This ordinance also

eliminates compact fees for sewer and water that were on the books before and adds a surcharge for sewer. That surcharge is phased in. It will be zero percent (0%) until the end of 2016, then it becomes five percent (5%) January 1st, 2017, then it becomes ten percent (10%) January 1st, 2018 and finally fourteen (14%) from January 1st, 2016 and on. It also has a provision which provides for a credit for Indiana Municipalities or Special Districts that have a sale for resale provision that is defined by the Indiana Code. The only two (2) cases like this in the City of South Bend are the St. Joseph County Regional Sewer District and the Town of New Carlisle.

Councilmember Oliver Davis asked Mr. Horvath to explain the key reasons why we are doing this for the public's sake.

Mr. Horvath responded the previous ordinance was inconsistently applied. We had compact fees on the book that weren't collected since 2002. We were either needing to start enforcing the ordinance or revise it. As we started looking at it we talked with financial and legal advisors to ask about what other communities are doing in Indiana and we drafted the new ordinance to have the system development charge instead of the assessments and had a surcharge instead of the compact fees for outside the City users. From there we had a number of meetings and this bill is the result of those meetings.

Councilmember Davis asked if these programs have been successful in those cities that have them.

Mr. Horvath responded the system development charge being based on the equity method is very defensible. We tried to create a formula that works the best it can for every situation and while there won't be a perfect formula, but using the equity method essentially means that the more impact a property has on the utilities the larger the system development charge will be. In terms of the surcharge, it makes it much easier for our staff to calculate it and figure it out. It is a much better system for everyone involved and should benefit them all.

Councilmember Davis stated the key is this was already on the books back in 2002 and we are just fixing it and making it more equitable.

Mr. Horvath responded that is correct.

Councilmember Dr. Varner stated just for the record there was an examination of cost using the old method versus using the new method and in three (3) of four (4) projects it was significantly lower under this new bill. This is a solution that appears to be easier to calculate and applies more consistently. He asked Mr. Horvath to address the issue of special rate contracts and how they would be affected by this bill.

Mr. Horvath responded by first thanking Councilmember Dr. Varner for pointing out that the assessments and system development charges are mostly cheaper under this ordinance. On the residential side the old average for a resident in the City was \$3,000 for a sewer connection, it is now \$1,145. On the water side, our old average was \$2,000 and it is now \$500. In terms of special rate contracts, as a provision of the ordinance it allows for special rates. There are things built in that the City has to do and go through the Council. To his knowledge, there is one (1) such entity that has a special rate right now. Currently through the Legal Department we are reviewing that rate but in terms of this ordinance there is nothing in here that specifically talks about special rates. For the credit on the outside the City user's surcharge, it's only eligible for Indiana Municipalities or Regional Sewer Districts that fit within the Indiana Code for sale for resale customers. That credit would not be applicable to other large users, however having said that special rate contracts may have provisions in there that may impact it but in this ordinance there are no provisions for allowing for a credit except for those two (2) cases mentioned.

Committee Chair Dr. Varner stated he would be more than willing to look at this again, sooner rather than later, if we can't find a solution that would perhaps include an amendment to it that precludes more than one (1) beneficial reduction by any entity or user.

Mr. Horvath stated he agreed, we want to make sure you can only use one (1) coupon at a time.

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

Councilmember Dr. David Varner made a motion that Substitute Bill 48-16 be sent to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

59-16

PUBLIC HEARING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, FIXING THE ANNUAL PAY AND
MONETARY FRINGE BENEFITS OF SWORN
MEMBERS OF THE SOUTH BEND POLICE
DEPARTMENT FOR CALENDAR YEARS 2017, 2018,
2019 AND 2020

Councilmember Karen White made a motion to accept Substitute Bill 59-16. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember John Voorde, Chair of the Health and Public Safety Committee, reported that they met and send this forward with a favorable recommendation.

Council Attorney Kathleen Cekanski-Farrand served as the presenter for this bill. She stated she was just one (1) of ten (10) individuals that served on the City's advisory negotiating team that included Councilmember John Voorde, Councilmember Karen White, and Council President Tim Scott. There were also many great individuals that served from the City Administration, starting with Chief of Police Scott Ruzzkowski, Operations Division Chief Jeff Rynearson, Deputy City Controller Jennifer Hockenhull, Director of Financial Services Ken Glowacki, HR Specialists Ann Spindler, and Board of Public Safety Agent Stephanie Steele. We worked with eight (8) members representing the Fraternal Order of Police. Since 1986, the City of South Bend has used a combined system of administrators and councilmembers working together on an advisory team so that there would be consistency and good reasoning behind the goals and objectives that were wished to be desired across the bargaining table. The proposed ordinance before the Council is a four (4) year deal that sets forth between two percent (2%) and two point five percent (2.5%) increases over the next four (4) years. It also reflects the goals Chief Ruzzkowski set forth that stressed recruitment, retainment, and reward. As a part of that, the Chief and his staff worked very closely with Mr. Glowacki, who did a ton of work on this deal, to achieve those goals. There have been shift incentives placed into the deal in light of the fact that we have two hundred and forty-one (241) men and women serving our Department with eighty (80) officers that could retire next year that have met the twenty (20) year requirements. She turned the presentation over to the Administration representatives to further elaborate on the deal's provisions.

Stephanie Steele, Assistant City Attorney with offices on the 12th Floor of the County-City Building, stated as was said we came into the bargaining with recruitment, retainment, and reward in mind. It is a four (4) year agreement and we are focused on that to provide some stability and predictability going into the year 2020. In this agreement we accomplished several things. First we have removed the Patrolman Third Class status, officers now can come in at Patrolman Second Class which makes us more competitive with other area police departments. Together with different incentives we are providing, gives us the same salary bracket as other departments that are nearby. With the idea of retention in mind, we have created different incentive categories beginning with officers who have been with the force for four (4) to nine (9) years and going all the way to officers who have more than twenty (20) years. These are incentives that will create more of a pull to stay and share the knowledge they have gained over the years. We have increased critical duty days from seven (7) to eight (8) which acknowledges for them the holidays that other employees are able to get. We also included an incentive for sign language efficiency which was suggested by Council Attorney Cekanski-Farrand. With the goal of rewarding in mind, we have really taken a look at what were the needs of the Department and where do we want more officers to stay. We have put a lot of the incentives into the second and third shifts which experience a higher volume of the higher crime than some of the other shifts. We have also increased the pay for the field training officers, with the idea in mind that we want

to reward those who are doing a wonderful job training the new officers. Other incentives include the military incentive pay. This agreement will meet our three (3) goals.

Ken Glowacki, South Bend Police 701 West Sample, stated he would speak about the reasons behind the different incentives. Right now the number of sworn officers is at two hundred and forty-one (241) officers, we had budgeted two hundred and fifty (250). Going forward we know we are going to lose eight (8) officers next year who are in the drop plan, this makes it imperative to try to retain the officers we have. Eighty (80) officers have more than twenty (20) years of experience who could retire at virtually any time. We need to put incentives behind our experienced officers to get them to stay on the force while at the same time we need incentives to make sure we are recruiting new officers. The way seniority works, usually the new officers end up on second and third shifts. To make sure they feel rewarded for the time they had to spend on those shifts, we added incentives.

Scott Ruskowski, South Bend Chief of Police with offices at 701 West Sample South Bend IN, stated he has been working on negotiations for twenty (20) plus years on all sides of the table. It is a whole different perspective coming into the negotiations as a Chief. It is unprecedented to have a four (4) year contract but it was a painstaking process. There was a lot of behind the doors arguments over the structure of what we were trying to do because this is something we have never done in our Department. We were really trying to look towards the future and think about what 2050 look like. We need to prepare now to benefit the citizens and police in and beyond 2050. Chief Ruskowski thanked Mr. Glowacki for all the hard work he put in on this agreement making the numbers work.

Councilmember Oliver Davis asked if the presenters fully believe this is the best way for our Department to attract and retain police officers.

Chief Ruskowski responded it is the best we can do with what we have. We had to lower our personnel to even get to this point. Compared to any place around here, this deal is well above and beyond. We did a lot of research to make sure we are equal or above the other departments in the area. It is not just about money but the want for officers to be there. The money is a large portion of that but it's not the entire picture. We haven't significantly done the reward in the past and that is what we looked for in this package.

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

Ted, last name inaudible, FOP #36 with offices at State Road 23 25327, stated he is the treasurer and wage team member. This is a pretty comprehensive package, it was pretty painstaking for us to get here. However since it has been presented to our members, there has been lots of great feedback and some are saying it is the best package they have seen. We are losing officers on a daily basis that go to these other agencies and since this agreement has been out he stated he has had members of other departments start looking into coming to our department. It has been a great incentive to accomplish the three (3) goals that the Chief mentioned. It is a great way to hold the longevity in our force.

Those from the public wishing to speak in opposition:

Sharon Banicki, 3822 Ford Street, stated she is speaking against this because she is opposed to the small amount of the raise in this agreement in light of the fact that the Council is looking at much larger increases for other special groups of people. To give the officers so little is abhorrent. They are more important than these special people that are looking for double digit raises. She asked who do people call when a house is on fire, or you are being robbed and someone is chasing you down the street. Two percent (2%) is not enough.

Councilmember Karen White made a motion to send Substitute Bill 59-16 to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

INDIANA FIXING MAXIMUM WAGES OF
TEAMSTER EMPLOYEES FOR CALENDAR YEARS
2017-2020

Councilmember Oliver Davis made a motion to accept Substitute Bill 61-16. Councilmember Tim Scott seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Karen White, Chair of the Personnel and Finance Committee, reported that they met and send this forward with a favorable recommendation.

Michael Schmidt, Assistant City Attorney with offices on the 12th Floor of the County-City Building, served as the petitioner and presenter of this bill. This is an agreement that could not be presented without the help of a number of the Council's colleagues and City employees. He thanked Councilmember Jo M. Broden for her work, Council Attorney Cekanski-Farrand, Eric Horvath and Aaron Perri as Department Heads, Jennifer Hockenhull for providing financial support and guidance, John Martinez, and other people for providing additional insight. We came in with the goal of trying to find the best agreement for the City and best agreement for the Teamsters. These are men and women of the City who provide a valuable resource day in and day out. We fully understand the value of the work that the Teamsters provide for the City.

This is a four (4) year agreement which was a priority for all involved. It provides stability both with what wages will be for the Teamsters and also in the City's management of having stability of what our expenses are going to be. This is important as we get closer and closer to that much talked about 2020 fiscal curb. We are providing a wage increase over the four (4) years of one percent (1%), point seventy-five percent (.75%), point seventy-five percent (.75%), and one percent (1%). Supplementing that wage increase will also be additional funding of one and half percent (1.5%) through the state mandatory PERF funding. The City has also instituted the Activate Health Clinic and this agreement here is the first opportunity for the Teamsters to have it specifically recognized that they have time to participate in this clinic. They will be afforded eight (8) hours to spend time at the clinic, to implement health plans, and this of course is great to the City as it provides a healthy work environment. There are also longevity bonuses in place in this agreement that recognize the dedicated service of so many employees in the union. Some of these employees have been with the City for thirty (30) plus years. What we did was find a financial way to reward this service and dedication to the City.

Councilmember Oliver Davis asked if this is the best package to retain and seek our Teamsters on a long-term basis compared to other cities.

Mr. Schmidt stated he believes it is. The vote was overwhelmingly in favor of this agreement and that in some extent is the proof in the pudding. These guys had an opportunity to sit down and listen to us and we put our offer up and it was overwhelming the support that they had. In this particular agreement, adding things like longevity bonuses and funding PERF at one and a half percent (1.5%) are incentives other communities had and the Teamsters stated they would like to see those programs. We found a way to fund it. We are getting closer and closer to having a baseline wage that matches some of our other neighboring communities. We also found our total compensation between wages, benefits, longevity, PERF help, and the health clinic put us at or even above our neighboring communities.

Jim Szucs, Business Agent for Teamsters Local #364 with offices at 2405 East Edison Rd. South Bend, stated he would like to add a fourth "R" to the other three (3) discussed earlier, which is respect. Both parties listened and were flexible and open minded. Although the wage could always be higher, the respect that the parties showed for each other in listening and reacting to each others' needs was unparalleled in any negotiations he has been in since 1995.

Councilmember Davis asked how many employees are in the Teamsters Union.

Mr. Szucs responded over two-hundred (200) in the bargaining unit and we also represent employees in Goshen, Elkhart, and Mishawaka. South Bend is making gains to become competitive with those municipalities to retain employees.

Those from the public wishing to speak in favor:

Jim Szucs, 2405 East Edison South Bend, stated he recommends this be approved by the Council.

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

Councilmember Karen White made a motion to send Substitute Bill 61-16 to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

63-16

PUBLIC HEARING ON AN ORDINANCE FIXING
MAXIMUM SALARIES AND WAGES OF APPOINTED
OFFICERS AND NON-BARGAINING EMPLOYEES OF
THE CITY OF SOUTH BEND, INDIANA, FOR THE
CALENDAR YEAR 2017

Councilmember Oliver Davis made a motion to accept Substitute Bill 63-16. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Karen White, Chair of the Personnel and Finance Committee, reported that they met and send this bill forward with a favorable recommendation.

John Murphy, City Controller with offices on the 12th Floor of the County-City Building, this bill fixes maximum salaries and wages of appointed and non-bargaining employees for the City of South Bend for 2017. The bill mandates a two percent (2%) increase for every position as a minimum and there are certain positions that are different from that. It is important to realize this sets maximum salaries, it has been the procedure in many cases to not receive the maximum. The actual pay of an employee will be based on performance and job productivity. This bill is fully funded in the budget as are the Police and Teamster ordinances. As far as the full budget goes, we are fully balanced with respect to our operating funds which is the first time in several years where we can say that we are. Mr. Murphy stated that Mayor Buttigieg laid out some reasons for the salary ordinance, one (1) being internal and external equity which is important. We are not a bargaining group, but we want to provide an ordinance that is equitable across the board. He stated he would be happy to answer any of the questions the Council may have.

Councilmember Regina Williams-Preston asked if this was the bill where we are increasing the salaries for the minimum wage workers to \$10.10.

Mr. Murphy responded no, that is not included in this budget. It is already factored into the budget. When you vote on the budget, you will be voting on the \$10.10 minimum wage.

Councilmember Davis stated it is clear that some of the salaries are being reimbursed through TIF dollars. He asked Mr. Murphy to explain that.

Mr. Murphy responded that the Council should have received a memo from our Legal Department regarding the use of TIF for professional services. There are certain positions that relate to redevelopment activities which will be reimbursed through TIF. That is a good way to help the Civil City balance its budget.

Councilmember Davis asked if he sees us doing that more so in the future.

Mr. Murphy stated he would hope so and it would make a lot of sense when we were able to do it.

Councilmember Davis stated based on the Teamsters and the Police being content with their two percent (2%) raise and the perks that they had built it in, they thought they were able to retain top talent. He stated the reason he asked those questions is that it has been shared by the Administration that this goal is to find and recruit top talent and that is the justification for some of these ten percent (10%) to twenty percent (20%) raises. Even a slight name change and everything else is based on that and it is said in order for us to get all of these talented people and keep them here we have to give these big raises. He asked Mr. Murphy to explain why in his opinion the Police and Teamsters were able to retain talent with two percent (2%) and perks but the Administration feels like they cannot obtain and recruit and have longevity of their top talent

with a two percent (2%) raise themselves. He asked why does it have to be these big raises in order for us to recruit and retain, and why could the Police and Teamsters do it.

Mr. Murphy stated he can only say the purpose of the ordinance is for internal and external equity. If a non-bargaining position is kind of out of whack internally with a similar position that would be an issue or if it is much different than maybe what a similar position receives in our peer cities like Fort Wayne that is another issue. The bargaining and non-bargaining are a little bit different, non-bargaining employees have the extra PERF that the Teamsters have and other perks like that. The purpose of this is similar for retention and attraction of good talent.

Councilmember Davis asked didn't the unions also look at other peer cities to make sure they were competitive. He also asked why does the Administration think they have to have double digit increases in order to be competitive when our unions thought they didn't have to do that.

Mr. Murphy stated there were certain positions on the lower end as well that we felt were different than what they should be. The majority of the positions are receiving the two percent (2%) increase. The total cost increase of the non-bargaining salary ordinance is estimated to be about two point four percent (2.4%). That is similar to the cost of the bargaining agreements which again are a little different because they have some longevity bonuses and difference in PERF payments. The cost is about two point four percent (2.4%) total for the non-bargaining employees.

Councilmember Davis stated we raised the Chief of Staff salary and that position has left. He stated he could name several positions that we raised and it did not retain people. There is a role for public service and this concept of competing against those in business is a misnomer because there is a certain level of understanding that people have when they came to public service. He asked why people still left when we raised salaries.

Mr. Murphy stated we have a lot of great public servants in both the bargaining and non-bargaining groups. He stated he believes he is a pretty good public servant and has been here almost ten (10) years. He stated we have great public servants here at all levels of the City.

Councilmember Jo M. Broden asked about the memorandum related to TIF being able to pay salaries. There are several salaries that are being tagged at one hundred percent (100%) funded by TIF, she asked how can we fund those fully through TIF.

Mr. Murphy invited Michael Schmidt to come up and address those concerns because he was the person who put together the memorandum.

Mr. Schmidt stated they would have to work exclusively on those types of projects. There are a number of redevelopment projects that would be able to keep them fully occupied.

Councilmember Broden asked if there is precedence for this from other cities in Indiana or are we the first.

Mr. Schmidt responded that he can't be completely responsive to what other municipalities are doing within the state. He stated his guess based upon the treatises that he has reviewed is that the City of South Bend is not the only one (1) pursuing this avenue. There is a fair amount of research out there from reputable law firms in the State providing advice and counsel to other municipalities. In order to use TIF funds, the position would have to be absolutely specific to TIF projects.

Councilmember Broden asked if the time study would align with these allocations.

Mr. Murphy responded there are plenty of TIF projects that these professionals would be directed to work on. The TIF budget is around \$50 million and is a very significant capital driven budget. They certainly have enough projects.

Councilmember Broden asked who is the final authority of whether this type of funding is appropriate. She asked if this goes down state as part of our budget.

Mr. Schmidt stated that if challenged we would provide the State Board of Accounts with what we believe to be very comfortably the legal authority to do this. We do not have any reservations putting this forward to the Board if they ask. It is also not unprecedented.

Corporation Counsel Cristal Brisco, offices on the 12th Floor of the County-City Building, stated she can speak to how this works in practice now. Since 2008, the Legal Department has had an agreement with the Redevelopment Commission by which the Department keeps track of the attorneys' hours who are working on Redevelopment Commission projects and then those hours are submitted to the Commission who then confirm those projects were in a TIF District. It is billable hours like any attorney. That is how it should work for TIF Engineers as well.

Councilmember Dr. Varner stated for the sake of clarification as a member of the Redevelopment Commission, we have always seen the bills in total not as billable hours in that fashion. It is usually sent as a total bill but the City may come up with the bill that way.

Corporation Counsel Brisco thanked Councilmember Dr. Varner for sharing that with her, since she has been in office she has made it a practice that the Assistant City Attorney provide the Commission with the sheets and she will make sure if it is not getting to the members then we correct that.

Councilmember Dr. Varner stated he is clear that they use TIF funds for private contractors and special contracts. Periodically there would be a request for funds because someone in the Legal Department was being charged to a Redevelopment project. We need to make sure we understand what the rules are.

Mr. Schmidt responded what has been contemplated for the TIF Engineer it is the case they will work fully on TIF projects.

Mr. Murphy stated we want to get it right too and bill it properly because it is subject to audit and we want to make sure everything is correct.

Councilmember Davis stated it is a concern that we just got this memorandum today. He stated he has concerns that we have something creative and it would be good of the Legal Department to respect us enough to give us time to review this so we could review this prior to tonight. This is the very first time we are looking into doing this.

Eric Horvath, Public Works Director with offices on the 13th Floor of the County-City Building, stated in relation to the TIF Engineer position that last year we had a TIF engineer as well who was eighty percent (80%) funded from TIF. We allocated their hours as much as we could on that formula. In addition to that, we have a Director of Redevelopment Engineering which is the additional position and the idea is to hopefully save TIF dollars in the long run. There are a lot of engineering needs that can be met by having staff do it and these projects have a really quick turnaround time so if we can build those into the staff, we can save money that we previously would spend hiring someone outside the City. It is that type of stuff, like the Berlin Flats and all these developments that come up where there is an immediate need to tell whether or not we have the capacity in the existing water and sewer utilities and other right of way issues, where this position would be very beneficial. They would not directly report to Engineering but report to the Department of Community of Investment and be responsible to look at long-range plans for sewer and water in terms of economic development as well as being able to do design and quick turnarounds on these requests that come in for a live development.

Councilmember Davis asked if Mr. Horvath has that in a written job description and also when the City has other people providing services to the TIF District whether it is picking up trash or cutting grass is it tracking those addresses as well.

Mr. Horvath stated he does not have the job descriptions on him but he can get them to the Councilmembers. We are not tracking all employees working in TIF Districts. We want to make sure it is in compliance with the statute.

Mr. Schmidt stated it is our understanding at this point that the statutory guidance relates to professional services which is the traditional accounting, engineering, architecture work, legal work and so forth. What we can do is look into if there are other avenues available.

Councilmember Davis asked where is the definition in the State Code that says professional services.

Mr. Schmidt responded it is a multitude of statutes that come together. There is the power to appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys which is under Indiana Code Thirty-Six (36). There is also some authority there to appoint clerks, guards, laborers and other employees advisable. If you read any communication which talks about supervisory level employees, that is why we have yet to give our full vote of confidence that it extends beyond the traditional professional services.

Councilmember Davis asked who gives that full vote of confidence, the Administration or the Council.

Mr. Schmidt stated his guess is that it should be a combination of all parties working together. There should also be consultations with State Board of Accounts.

Councilmember Davis asked that when the Legal Department does that research to keep the Council Attorney in the loop with this. Again, this is a much wider scope of professional services that we could use for our fiscal curb issues.

Councilmember Williams-Preston stated her concern is where does this end. We can either look at this to increase salaries for some of our folks who make less but TIFs do end eventually. She asked what happens when we are funding something exclusive from TIF but then the TIF is disbanded. We could just keep doing TIFs forever but they do take away from other things when the tax money is set aside. It sounds like this maybe hasn't been vetted to the point it should be even though she does believe in attracting top talent. We are being asked to pass this now without a policy around it.

Mr. Schmidt stated he would like to reiterate that the City is very comfortable with its position that professional services are reimbursable through TIF funds. What we are not certain about yet is whether that power extends beyond traditional professional services. That is the aspect we are still looking into but we don't want to give the Council any pause that this is not legal. We do have the absolute full authority to do this for professional services and we have done so since dating back to 2008 to fund professional services and that is all we are funding in this ordinance.

Council Attorney Cekanski-Farrand stated she concurs with the Legal Department that there are five (5) positions that are of record of being fully funded or partially funded through TIF dollars and all of them fall under that professional category. The second test is when you broaden it because you have to have a merit system in place. That is when the Administration would need to discuss with the Council. Until that happens you should take that narrower path and that is the position that the Administration has taken which she concurs with.

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

Those from the public wishing to speak in opposition to the bill:

Jesse Davis, P.O. Box 10205 South Bend IN, stated the big issue here with the public isn't where the funding is coming from because you always find ways to fund it. Our concern is the amount of some of these ridiculous raises. We heard several years ago when the Mayor was first elected that he wanted to give enormous raises, many to the same exact positions we are discussing now, and we got the same excuse from the Mayor that we got back then. We haven't seen this retainment at all, the Community Investment Department had an exodus of people not long ago and the same with the IT Department. We have seen multiple Chiefs of Staff in the Mayor's Office. We have not seen any retention, we have seen what is supposed to be top talent but bottom line they keep leaving so we keep raising these salaries up. Every time we hire in someone new we keep paying these top salaries but we are not retaining. We are not seeing any results for the excuses we are given. We have people living under the bridge down the street but the City wants to dole out huge raises. If any Councilmember can vote this through, he promised them the people would make sure they will not get reelected.

Steve Francis, 54174 Juday Lake Drive South Bend IN, stated he has questions about this. Back in 2008 when the LOIT was approved, he stated he spoke on behalf of a large organization in favor of that tax and he did so because he wanted to emphasize that the City was facing property tax caps and would have issues keeping up with the maintenance of the parks and other City functions. He stated he did not support it in order to approve raises of these amounts in one (1)

years' time. The prudent approach would be to do this over time and phase it in. You are facing additional problems in 2020 and we should take a step back. Only two (2) Councilmembers have raised serious questions about this. The Council is the oversight for these type of raises. One (1) raise in particular is of concern, and this is not to pick on City employees who do an exceptional job, but the Park Director received a seventeen percent (17%) raise in 2014 and is slated to receive another twenty-three percent (23%) raise in 2017 and that is what the media reported. We should consider a phase-in approach for these because we do not know what the economy will be like next year. He also stated he has serious questions about the consolidation of the Parks Director because it now needs very different sets of skills than one (1) person can do. We have had a problem with funding Elbel because there were insufficient funds and yet we are considering these raises.

Drew Duncan, 1620 South Bend Ave, stated he has been here before and he is going from a citizen that is curious to one (1) that is concerned. He stated this is upsetting because he is a young professional that the City is trying to attract and every year our City is put on the map because we have to have these types of discussions. We have added responsibilities but we are not cutting the budget anywhere. He asked who previously had those responsibilities and do they still have jobs. If we are consolidating positions then by all means they deserve more money but that means someone should lose a job and money should be saved elsewhere. There doesn't seem to be a lot of that. There seems to be a cloud of distrust between the citizens and the City workers and who we have elected. He stated never once has he come here and seen something controversial not go through. We have shown that we will not do due diligence and there will be no follow up after this passes. No one will check on the merit and performance of these people. They will get money and that will be the end of it. He asked when the citizens get their questions answered and when will there start being some transparency between the government and the citizens. This is a lot of money considering we have people complaining about the services the City is offering. Also we are adding a position to Code Enforcement which has been an absolute disaster this year so why give them more money. We need to work together so that we are paying attention to what our employees are doing. We are supposed to be retaining top talent but one (1) of the positions is getting a raise of over thirty percent (30%). We do want smart and intelligent people to work here but we have to spend money wisely and make sure the talent we have here is working. There are so many questions around this talent we are supposed to be retaining but we are having issues with the positions getting more money. If you have someone giving a presentation on the budget and cannot answer all the questions concerning the budget, that should be a huge concern whether we should pass the budget.

Sharon Banicki, 3822 West Ford Street, stated Barnes and Thornburg have said TIF funds may not be used for the operational expenses of the Redevelopment Commission. She stated to her that means if you have an engineer on staff then he would be part of operations expenses. Professional services are outside contractors and not on the payroll getting benefits. Playing with the TIF funds is playing with fire. We are not retaining top talent now anyways. There are so many unemployed and underemployed people who would jump at the chance to work at the City for half of these positions. Anyone can be a good public servant at \$100,000 a year.

Charles Smith, 2023 South Taylor Street South Bend, stated he comes to the City with many issues and the answer he always gets is that we don't have the funds. We do need an increase for certain departments, but where is this money coming from. As Mayor Pete stated there are thirty (30) people living under a bridge but yet he knows of only three (3) leaders in this room that have actually visited that site.

Ms. Sullivan, Pile Avenue South Bend, stated we should give a fair increase across the board to all positions. She asked why there was such a radical difference for some of these positions. The people who protect us and keep us safe should get the same increase as what other people do. It is very upsetting that someone can make \$117,000 a year but our law enforcement gets two percent (2%). She stated she is disappointed in the City of South Bend.

Gerry Fry, 401 West Madison South Bend, stated he was recently away from town and is just getting back into the swing of things. He stated he is not sure if he is for it or against it but he understands the battle here. He stated he has been a public servant in many different positions and the people do move around when they are not paid well. If you have a good talent you better

pay them to keep them. As this City grows, we need to employ the best employees who are the best quality. The game is changing in this area. He stated he remembers one (1) time Kareemah Fowler intercepted him in the County-City Building and diffused his frustration with the government and he left the building feeling better about the City. When you get people that need to be kept on, you need to pay whatever it is to keep them. There are a lot of great cities in this country and while South Bend is getting better, we can't lose talent to other cities. Public service needs to be supported. This job market here is enormously strong.

The petitioner was given an opportunity for rebuttal.

John Murphy, City Controller with offices on the 12th Floor of the County-City Building, stated he wanted to mention a couple of things. The Parks Director got singled out a little bit but that position has received a big increase of responsibility. It is no longer just the Parks Department but also supervising a convention center, the best performing arts center in the area, and other responsibilities. It is a big responsibility but there has been savings. Dennis Andres has retired and that position will be deputy position and there will be salary savings there when that position has been filled. These increases are completely funded in the budget. Our operating budgets have revenue equal to expenses. We have issues with the fiscal curb but this is an annual budget and we are fully funded for 2017. There were also comments about transparency but other offices and specifically the Administration and Finance Department pride ourselves in transparency. We have a tremendous amount of reports sent to the Council and all viewable online. Our IT Department has a lot of a material available on the Open Data portal. Some people may not believe it but we do focus on transparency and we are trying to do better every time. Our Department has saved over \$8.9 million dollars in refunding since 2012 and the Legal Department has saved considerable amounts of money in preventing loss of claims paid out. The claims the last few years have been hundreds of thousands of dollars less than traditional trends would indicate. There is some benefit that we have been able to achieve the past few years working together.

Chairperson Ferlic stated now the Councilmembers will offer comments and after all Councilmembers have been given the opportunity to speak we will entertain a motion.

Councilmember Williams-Preston stated one (1) thing she wants to make clear is that this is a beautiful example of why we need to engage the public and the Council a lot earlier and all along the way when we are creating the budget. There were a lot of questions today and she still has some questions. The City may have some really reasonable answers to those but doing it all at once makes it hard and adds to the frustration of the community. She stated that is something she is going to look forward to addressing in the next budget cycle. We end up with all this frustration but if we engaged back in January maybe it would be different. She stated it would be really hard for her to vote for this, as is.

Councilmember Randy Kelly stated he is in support of this and Mr. Murphy spoke to some of those reasons. He stated there were some big numbers that jumped out to him when he first saw this that were daunting but we have been having budget meetings for months now and then you get into the weeds and start to understand what that is about and reasons behind them. The overall non-bargaining increase is two point four percent (2.4%) which is in-line with what we are seeing for Police and Teamsters. As has been pointed out, the Parks Director was a big increase but a big increase in responsibilities and we did see some savings lead to that with Mr. Andres retiring. We have seen some increased efficiencies in these departments and there have been millions of dollars in savings in the Administration and Finance Department and hundreds of thousands of dollars of savings in the Legal Department. We are seeing development throughout our City in numbers we haven't seen in decades. That speaks to what they are doing in Community Investment and Public Works. That is because we have good people working in these jobs and again even with these increases they could make much more money in the private sector. There is still a big public service element to this equation. It is important that we retain these people and have salaries in place where if people do leave the number is at a level where we can compete for the top talent.

Councilmember Broden stated her thoughts are a combination of the two (2) prior Councilmembers. She stated this is her first time around on this process and she attended every

budget meeting and had every department director come before them to justify what they are doing in every department. She stated she has had plenty of opportunity to pick and prod at all of this stuff which is their responsibility to do. She stated the comments that Councilmember Kelly made regarding efficiencies and savings that some of these positions bring are correct and reason enough for the raises. Many of these increases were looked at in terms of the private sector and let's face it many of these people will never make what they would in the private sector but we have to try to approach that. It is important to fund these positions at a level so that when people do leave we don't experience long vacancies in key positions in our City. As to Councilmember Preston's point, this is a difficult decision and the complexities of our workforce are vast. From the person at the Street Department paving roads all the way to lawyers in the Legal Department and then to the new expanded Parks position is a vast range of qualifications and responsibilities. She stated she feels very confident on her first run through of this process that the Administration has made a good case and have been fiscally responsible in balancing these funds. For those reasons she will be in support of this with the understanding that there is a lot of work to be done. It shouldn't be so difficult to make this understandable to the general public. At all those budget meetings, and the process did begin back in February, there was a tremendous need to make this more understandable to the public.

Chairperson Ferlic stated Councilmember Dr. Varner is requesting to make an amendment to the bill so he will comment last. He thanked Councilmember White for the budget process as well as members of the Administration for the countless number of meetings and amount of time put into answering our questions. He stated he will be supporting this, many of these positions are evolving roles and taking on many different responsibilities. While it is public service, we are competing with the private sector and it is necessary to compensate positions necessary to compete.

Councilmember Davis stated it was interesting that when it came down to the lower echelons in terms of salary, the Administration wanted to do a three (3) year plan. He stated he advocated that be done in two (2) years. The people who are getting paid at the top, the Administration wants to deal with those positions immediately and that questions values. He asked why in the world would we want to take care of the top so quickly but phase in the bottom in three (3) years. He stated he is not for raises over five percent (5%). The Police and Teamsters told us that they were able to recruit and retain talent on these smaller raises. The Police and Teamsters voted overwhelmingly for those agreements but somehow when you work in the Administration you need a high salary in order to stay here. We do not live in Fort Wayne which is several times larger than us. These people should go work for the private sector for more money, it is a free country. In regards to position title changes, there is no way that one (1) man can do two (2) positions. Both Phil St. Clair and Dennis Andres gave a lot of service to this City and there is no way one (1) person can do both jobs. We are going to give Mr. Perri a title but in reality a deputy will be doing the other job. You cannot do the Morris and the Park System right. There is no way. You can fix up a beautiful big time salary and say how well he is going to do but that is not fair to our citizens of South Bend.

Councilmember Davis stated he fought for the LOIT but it was not for big raises and higher salaries, it was to take care of the City's basic needs. We had a rough time then and now everybody is going to the bank it is just disrespectful. Now we are asking people to raise water rates and parking rates and sewer rates. We don't even have a plan in place for the sewer rates and the biggest crisis coming up in the City of South Bend is the CSO plan. You can have more money having to pay for the water and sewer and it will be more impossible to stay in the City of South Bend than all the other places around here. Anybody who stays here will have to pay more money to live here in the City of South Bend and at the same time we are talking about raising salaries. He asked how in the world we can do that. These are still taxes when we raise rates.

Councilmember Davis stated this TIF issue is amazing to him and a lot of wording has to be done on that and how we have to deal with everything. After all the meetings we've had and then to just try to quietly do that is a great concern. There is no way. To top it off, everybody in the City was fussing at the Clerk's salary as a diversion. Most of the people didn't even know about these high salaries, it was only in the past few weeks that most people in this town knew about this. Everybody was fussing about the Clerk, and then all these other salaries were coming in

right behind it. Councilmember Davis stated the Mayor said he didn't come to the meetings or do this or do that which is disrespectful. Councilmember Davis stated he had breakfast and meetings and everything else and he stated he warned the Mayor personally at breakfast not to do that. Because we need to this in stages. And then the final thing, the idea that we need to do this right after the election and then people will forget by the next election. We go before the ballot every single day and there is no way the people of the 6th District would want to vote this way. We will be voting now.

Councilmember Voorde stated he does not believe this is a rushed process at all. The Personnel and Finance Committee started this process months and months ago. The Mayor proposes the budget. He starts by talking to his department heads and getting an idea of what they would like to have. The Council is then polled by the Personnel and Finance Committee and the Administration about what the Council wants and what the priorities are. He stated he doesn't believe the budget represents the priorities to the degree of what the Council asked. For example, at the very top of the list for Council priorities were quality of life issues. Those issues include curbs and sidewalks and lighting and street repairs. This Council has been more than compliant to give the Mayor a free hand to remanufacture this City and its services in his vision, while the Council priorities may not be there in the current budget. The \$1.5 million for curbs and sidewalks was there last year and when the budget was originally proposed it was only \$1 million so it is not an increase it is just a status quo. In terms of the salaries, which is really almost a separate issue, we have more talent and more hard working bright people working for the City than we have ever had. Sure there has been turnover in the Community Investment Department but that is because they are so good. That is because they can go other places and make more money. Obviously it's not only money that leads to job satisfaction but these are young and talented people who want to grow in their professions. People on the outside see the talent we have and they want it and hopefully they all do well.

Councilmember Voorde stated at the last meeting he singled out several departments for the good work that they do and he was remiss to not mention the Administration and Finance Department under Mr. Murphy. That department has been more forthcoming and transparent than any he has ever seen in his thirty (30) plus years in government. There are more reports and more information in general online than any one (1) citizen could possibly want. Overall the budget is a reflection of the Administration's priorities. The Mayor was elected to run the City and the Council oversees that and hopefully influence some of the parts that go into the whole but the Mayor ought to have a change to makeover this City in the way he sees fit and the people he has brought in see fit. He stated he does wish he had a little more than internal and external equity. That information has not quite been portrayed as well as it could have been. It will be a leap of faith for him to support this and the budget but when we come to this fiscal curb nothing should come as a surprise. We were given a pass when the new funding system went into place. The cuts we make, if we make cuts, will not be from basic services or quality of life issues. If we get these reductions, it will come from these salaries. He stated he will support this because he generally supports the mayor and certainly supports the good people who are working for him in the City.

Councilmember Scott stated he has been around the country quite a bit in his job and travels almost weekly. He stated he talks to a lot of other city governments and county governments in those travels and he certainly speaks with the other local governments around South Bend. He stated we certainly have a lot of good talented people. For the Police, we put together numbers that will help retain them. The Police set up different beats and education bonuses where the raises really range between four percent (4%) and seven percent (7%) and some of the officers will be even eight percent (8%). That was a really good package for them. We are trying to keep people here and it is the same with the Administration. We are a public entity but we need to compete as much as we possibly can with the private entities because that is where the talent is. We are not always going to win, and we usually won't win, but we will see a return on our investment. Looking at IT, we are looking at the return on investment right now through the IT Committee.

Councilmember Scott stated his company has four hundred (400) some employees and each one (1) is crucial or we wouldn't have them there. They all have different work experiences and

different responsibilities. Sometimes you do have to pay someone a heck of a lot of more money to come up with a million dollar deal versus someone who is packing a part in a box. When it comes down to it they are both as important and we try to pay people fairly to retain them and help them further their own careers and stay with our company. We also try to have longevity in the terms of further education. It is the same for the non-bargaining salaries but there does need to be a return on investment. He thanked Councilmember White, Jennifer Hockenhull, and John Murphy for all the meetings they scheduled and ran regarding the budget. He also thanked the Clerk's Office for making sure everything is legally announced and readily available for the public. The kickoff meeting was back on June 7th. A lot of our resources and government is around dealing with this budget. The budget overview for the Council was on August 15th. There is a whole heck of a lot of positive things in the neighborhoods we could be doing but it is still important to focus on the budget. He thanked the Councilmembers who did go to the budget meetings, he admitted he missed one (1) or two (2), and the members that did make it did their best to make the budget better. He stated not one (1) department head didn't give him the information he asked for or were unwilling to help the public or Council understand the budget. A lot of other local governments across this country would love to have our employees, we are light-years ahead of other cities our size.

Councilmember White thanked the Councilmembers and the Administration and the Clerk's Office for their support during the budget process. There has been a lot said about transparency, engagement, and communication. As many of the Councilmembers have stated, we started this process early on in terms of sharing with the Councilmembers for their feedback and what priorities they wanted to see in the budget. Many of the priorities that were given were related to public safety and quality of life issues such as curbs and sidewalks and other areas we believed were important to ensure we have strong neighborhoods and a strong City. Engagement is still a concern, we had eight (8) budget meetings and one (1) off-site meeting and it has also been suggested we need to look at better ways to engage the community and the ways our community can give us feedback. All the information from those meetings has been placed online and also ten (10) pages of questions that the Councilmembers had asked of the Administration and we did get into the "weeds" in terms of trying to get as much information and making sure that information was as clear as possible. Still we are at the point where we want to start this process earlier in trying to get feedback from the community. She stated she brings the budget pamphlets and handouts from the Administration to the local neighborhood groups.

Councilmember White stated unfortunately the level of public engagement was not at the level it probably should have been at those budget meetings but that causes us to go back and look at how do we as a Council ensure we have the level of public participation. In regards to TIF, it was the Council through one (1) of the committee meetings where we asked for more information on TIF and lessening the burden on the General Fund. The question remains, are there other areas where we can have utilization of TIF funds. Clearly the salary study needs to be completed which will also include performance evaluation. As we look at the various positions which are asking for increases, the overall ordinance average comes to two point four percent (2.4%). This is not unusual. We need to make sure positions are in-line with market value. There are certain positions within this ordinance that have not been budgeted properly and it is important that they receive the level of funding that justifies the work those individuals are currently doing. Councilmember White thanked everyone for their efforts this year and it is a great beginning to move forward.

Councilmember Dr. David Varner stated he has sat through a lot of these budget processes over the years and the amount of information available now is extraordinary and Mr. Murphy and his staff do an extraordinary job of getting information out. He stated his proposal has nothing to do with an objection to any member of any City staff and has no objection to any departments. We have some really great people who work for our City. The fact that you have a long drawn out process does not mean you have the best outcome, it just means you had a long process. He stated the salary ordinance came to the Council in the middle of our last meeting two (2) weeks ago. This salary ordinance could have been on the table a few weeks earlier so that we could have had this discussion far in advance. We were put in this position of having this discussion now. It is incongruous that in the same budget proposal we can discuss the fiscal cliff, which we have known about for eight (8) years, and spending all this money on salaries. You don't walk

up to a fiscal cliff spending as much money as you can, you approach it as conservatively as you can.

Councilmember Dr. Varner stated his proposal is that the salary ordinance is reworked so that any position on the salary ordinance which had an increase of two percent (2%) to five percent (5%) proposed will receive the increase as proposed. Any proposal on the salary ordinance which exceed five percent (5%) but were less than ten percent (10%) shall receive a four percent (4%) increase. That is an even across the board number. Anyone with greater than a ten percent (10%) to whatever the maximum amount was, shall receive a five percent (5%) raise. He stated he chose three, four, and five percent (3%, 4%, 5%) because by and large the numbers we are working with for everyone else are those percentages. By and large that is where we have been in the past years. We have increased some salaries in the past and while we have some very good staff, we also have some very well paid staff. Councilmember Dr. David Varner made a motion to amend Bill 36-16 as he just previously described. Councilmember Oliver Davis seconded the motion.

Chairperson Gavin Ferlic asked for discussion on the amendment.

Councilmember Dr. David Varner clarified his proposal. He stated five percent (5%) raises on some of these salaries are very large raises and if you do it for a couple of years you could go a long way to bringing them up to where they want to be. He stated what he doesn't want to see happen is we continue with raises and spending and then we reach the fiscal cliff and then there is talk about raising taxes. We know this fiscal cliff is coming and should prepare for it.

Councilmember White asked if Councilmember Dr. David Varner asked what the dollar amount of savings is that would be that would come from this proposal.

Councilmember Dr. David Varner stated we would have that calculated if this is adopted.

Councilmember White stated she believed this would lead to some positions not being funded correctly because you would have some inequities since some salaries have not been funded at the level they should have been.

Councilmember Tim Scott stated while we did receive the summation of all the salaries that were being increased more than two percent (2%) two (2) weeks ago, they were all part of the public presentations that go back to day one (1) when we started the budget process. He stated he was fully aware of what the Legal Department had presented in their PowerPoint and yellow sheets when those came up. We were fully aware of what these salaries were as they came down to us. It is a very nice to have a summation of the salaries but they were all there from the beginning.

Councilmember Voorde stated he agrees with Councilmember Scott that all the information was there, the light wasn't focused on it until we received the actual ordinance. He stated we have to be very careful about using TIF funding for salaries. The Council when suggesting using TIF to alleviate the burden on the General Fund probably meant in terms of capital projects and public safety. If we start to fund ongoing City operations with TIF funds, we better be careful because every session the Indiana Legislature considers curtailing TIF funds.

Councilmember Williams-Preston stated she likes the idea of this amendment in refiguring the ordinance but she stated it is hard for her to be able to say that is actually what we should do. There are probably some cases of these increases that make sense because there was actually a change in responsibilities. It would be hard to just do this across the board. She stated she isn't sure what the answer is but is pretty sure this isn't it.

Chairperson Gavin Ferlic called for a roll call on Councilmember Dr. David Varner's amendment to Bill 63-16. The motion failed by a roll call vote of seven (7) nays and two (2) ayes. (Councilmember Dr. David Varner and Councilmember Oliver Davis).

Councilmember Oliver Davis made a motion to send Bill 63-16 to the full Council with an unfavorable recommendation. There was no second to the motion. The motion failed.

Councilmember Tim Scott made a motion to send Substitutue Bill 63-16 to the full Council with a favorable recommendation. Councilmember Jo M. Broden seconded the motion which carried

by a roll call vote of six (6) ayes and three nays (Councilmember Dr. David Varner, Councilmembers Oliver Davis, and Councilmember Regina Williams-Preston).

At 10:15 p.m., Councilmember Regina Williams-Preston made a motion to adjourn for five (5) minutes. Councilmember Tim Scott seconded the motion which carried by a roll call vote of nine (9) ayes.

The Committee of the Whole reconvened at 10:20 p.m.

57-16

PUBLIC HEARING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, SETTING THE ANNUAL SALARY FOR
THE SOUTH BEND CITY CLERK FOR CALENDAR
YEAR 2017

Councilmember Karen White, Chair of the Personnel and Finance Committee, reported that they met and send this bill forward with a favorable recommendation.

Kareemah Fowler, South Bend City Clerk with offices on the 4th Floor of the County-City Building, served as the presenter and petitioner for this bill. This is a substitute bill submitted for the Council's consideration that sets the salary for the South Bend City Clerk for the 2017 Calendar year. The amount requested has been amended to begin the process of bringing the current salary to parity with the average city director salary. This is a more appropriate threshold than a city department head salary. As the Clerk salary stands, it is slightly more than City Clerks in some peer cities, yet under the average director salary for the City of South Bend. In the absence of a comprehensive salary study, a fair comparison with peer cities is difficult to establish based on the varying degree of municipal clerk responsibilities and duties. The amount requested for \$69,500 brings the salary to parity with city directors and aligned with the median salary of peer cities. She stated she is committed to ensuring that the salary of the City Clerk is a fair reflection of the value that this office represents.

Councilmember Randy Kelly made a motion to accept the substitute ordinance. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Clerk Fowler continued by stating that requesting a salary adjustment is a difficult decision. Anytime someone is asked to place a monetary value on a job, it can be very uncomfortable. The spotlight shines even brighter on all elected officials. She stated she does not take this request lightly and to simply consider a pay raise would be to diminish the value of both the Office of the City Clerk and its dedicated staff. As a longtime public servant, Clerk Fowler stated she is very aware of the need to respect both public trust and tax payer dollars. This decision should be based solely on the position of the City Clerk and not about personality. If one looks at the organizational chart of our City, the Office of the City Clerk is one third (1/3) of the foundation of our government. It not only serves our citizens, it is the fabric that mends the connection between the other two thirds (2/3) of our government. The City Clerk is a full-time elected position along with the Mayor.

Clerk Fowler stated the Clerk's salary is historically underfunded because the way that the Clerk salary is set. Over the last decade, the salary increases have been connected to the general percent of yearly raises for City employees who have detailed job descriptions and certain levels of both education and experience. Since the City Clerk is an elected position, there are very few requirements needed to become City Clerk. This elected nature of the job and the unique way it is funded has worked against proper increases for several decades. The position represent one third (1/3) of all City government, yet based on the 2015 City payroll data, thirty-one percent (31%) of all City positions are funded or have the ability to raise above the pay level of the City Clerk. The 2017 salary adjustment would bring the position into parity with other executive level positions within our City.

Clerk Fowler presented a chart which showed the percentage increase in salary for the position over the past forty-four (44) year period. From the 1990s forward, increases have been flat and sometimes a decrease has been issued. Clerk Fowler's entire presentation is on file with the City Clerk's Office. The presentation included two (2) other graphs which provide levels of compensation based upon other Indiana cities, and the disparity between the City Clerk's

position and other non-elected City executive positions. Currently the City Clerk salary is the lowest paid executive level position in the City of South Bend, the average City Director makes an average of \$10,000 more than that of the Clerk's position and the average department head makes approximately \$30,000 more. This request to increase the salary level is to place it in a competitive range that respects the overall responsibility of this position.

Clerk Fowler stated she will not allow personal attacks to compromise her view of this office. She stated her vision is that we will not and cannot retreat from researching innovative advances to serve the City Council, Mayor's Office, and most importantly the members of the public. An example of that innovative thinking can be found in the 2017 Amnesty Program. She stated she must consider the future of this position, it is her job to make sure highly qualified individuals will seek this public office. The direction this office has taken will continue. She stated she is so proud of the highly talented staff in the Clerk's Office and their deep dedication to public service. Finally, this proposal is about the value of the position and not the person. It is an executive level position which has been historically underfunded and treated as an employee position rather than an elected office. Clerk Fowler thanked the Council for their time and asked for their favorable consideration.

There were no questions from the Council.

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

Samuel Brown, 222 East Navarre Street South Bend, stated he is a part of a watchdog group that tries to keep up with city government and educate the public. He stated when he saw the personal attacks on the City Clerk, he was very upset. Later on the various other salary increases came out in the South Bend Tribune, which he stated he tries not to read because it depresses him. He stated he agrees with Clerk Fowler not because of her skin color or anything else, she actually lives the job. He stated when he goes to the Clerk's Office, they have anything he would want about the City and are very friendly and helpful. If her workers are doing a good job, that means she is doing a good job. Mr. Brown stated he believes the City is fiscally fit to approve this budget and the Administration has confirmed that. He stated the Council is the governmental body of our City, if the people do not do their jobs properly then we can revisit the raises. The City will go on, the funding is there, let's go on and focus on something bigger.

Dominique Granger, Colony Drive South Bend, stated people are raising some important issues about the pay increases that are critical to consider when making these considerations. The City Clerk position is not the only salary increase under consideration. We are told these salaries are required to be competitive in the job market and to retain top talent. As for the concern of the Clerk's salary specifically, she stated she conducted research for information for the pay of department heads throughout the City Administration. The Clerk's current salary is \$59,000 which is the lowest paid of all department heads. The average department head salary is around \$95,000. The next lowest department head salary is \$79,000. That is a \$20,000 difference. Amongst other duties, the City Clerk's position is also the head of an entire department. There is not much difference between the Clerk's responsibilities and that of other department heads within the City. With more pay increases comes greater responsibilities. The new level of pay is certainly not extravagant and will put the position in line with similar positions. The Mayor's diversity and inclusion initiative is about making sure we are living our values when it comes to equal pay. South Bend is a city plagued with poverty. True change starts with what we do within our City government first. She stated Councilmember Voorde is an honorable and great man who has served our City well but his opposition may not consider that as an elderly single citizen he may have not considered the position versus the responsibilities and the overall pay. Let's not put a face nor a time frame on the issue of the raise but rather look more broadly at the issue of the salary indifferences, the responsibilities, and pay equality.

Gerry Fry, 401 West Madison, stated he is really happy the Police and Teamsters have had successful negotiations but it is important to keep in mind those entities have had negotiations for a very long time. When it is time to start negotiation bargaining for positions like the Clerk's, it is safe to say that negotiation hasn't taken effect going backwards. He stated he doesn't like that the Council is comparing percentage increases because a two percent (2%) raise on a poor salary and a two percent (2%) raise on a really solid salary that has been negotiated for a quite a

while are two (2) different things. This isn't about putting down the unions. This is about all the other people that don't have anyone negotiating for them. If we haven't been paying a position adequately for the last five (5) years than applying two and a half percent (2.5%) is a garbage way to look at it. He stated he is in favor of this.

Those from the public who spoke in opposition:

Jesse Davis, P.O. Box 10205 South Bend IN, stated he came in opposition to the other large raises so in all fairness he has to be in opposition to this raise. He stated he wished the Mayor would stick around because had a question for him but because he did not he will ask it of the Councilmembers. He asked the Council if the Mayor came and spoke to them about the Clerk's raise. Mr. Davis stated in the news the Mayor claimed he had nothing to do with other elected officials' salaries. He claimed there is proof he has spoken to Councilmembers about this. He stated he is in opposition to this just for the fact that the Mayor lied to the public. He stated he knows the Mayor spoke with Councilmember Voorde at a convention.

Sharon Banicki, 3822 Ford Street, stated she is a little confused because there was a comment in the paper by Councilmember Williams-Preston that was just read verbatim by somebody else who presented them as her thoughts and ideas. She stated she has concern about the language regarding Councilmember Voorde as a "single senior citizen" and stated she showed it to someone at the Human Rights Commission who could not believe somebody representing the City would have written that because it crosses so many lines. The only thing left out of that language is "single old white guy" as opposed to "young black female". Ms. Banicki stated Clerk Fowler is trying to compare herself to a City director, those people come with years of experience and special education not less than twelve (12) months in on the job. She stated Clerk Fowler ran for City Clerk and knew that's what she was getting in to, but now all of a sudden she wants to a director. She stated she should resign and apply to be a director. Ms Banicki stated the Fort Wayne City Clerk, with a population two and a half (2.5) times the population of South Bend, makes \$62,000. She stated the Evansville Clerk makes \$64,000. To jump this salary ahead of those cities which are larger than us does not make sense. We have a fiscal cliff coming and we need to stop giving this money away. She stated she is not just singling the Clerk out. Everyone should have received what Councilmember Dr. Varner suggested. If they are truly dedicated servants they would do this without those big raises.

Charles Smith, 2023 South Hamon Street, stated this is no personal attack towards Clerk Fowler or the position. He stated the number one (1) excuse we keep hearing about why we can't fix the major problems we have is because we don't have enough money to fix those problems. He stated the South Bend Animal Director has not been making more than the Clerk. He stated the public is very concerned why that position is still empty in a department that is very valuable to the community. He asked where this money is coming from because the excuse always is we don't have the money for other projects. He also stated the City website is very difficult and you have to decipher a lot of information to try to figure out what is going on. He stated he doesn't approve of pay hikes when we can't figure out our problems. The Police are the people who really deserve such high pay raises.

Clerk Fowler was given the opportunity for rebuttal. She stated she is unaware of the Mayor meeting with anyone on her behalf. As far as some of the figures about other clerks, we got our numbers straight from IACT and the Clerk's Office called each individual municipality and got their information and they sent us documents to back it up. Some of the figures quoted earlier were very inaccurate.

Councilmember Williams-Preston stated she appreciates the comments from the community. She stated she wrote a Facebook response to this issue and did hear it almost verbatim from someone in the community. She stated she was surprised by that but maybe that person liked her comments and felt the same way. If it was an inspiration for them so be it. She stated the Mayor has asked us within the Diversity and Inclusion Initiative to begin to have the courage to look at issues of equity along many different demographics. That includes race, gender, and all kinds of things. It is important that we do that. She stated she would be happy to talk to the Human Rights Commission and does want to be clear that if there is any way we are expressing this in the wrong way, she wants to know that. Those issues are important to talk about but maybe not as

simple as many people believe. We need to treat those issues with the sensitivity they require but also the courage to have the conversation and understand the nuances. Race is an issue that runs through every issue we have in this community. When we start having those conversations, we will make mistakes and say things that we will learn were wrong. She encouraged everyone to up their game on this discussion including herself. With regard to this particular salary increase that is a separate issue. She stated this issue in her mind is how can we look at all these different salaries in all of these different departments the same way. That is hard to do. There is some corrective action that needed to be done to get people in-line with where they should be. For this position there are three (3) pieces of evidence that points to the fact that we should fund this increase. First, we need to look at the difference in the Clerk's position and the directors throughout the City. She stated when she first saw that \$20,000 difference from the lowest paid department head and the Clerk, she asked herself is there really that much of a difference between those two (2) positions. Second, the issue of parity with other clerks around the state. That information shows the salary for our Clerk is far too low and we need to look at some kind of increase to bring it into parity. She stated she appreciated the amendment to lower the amount to look at other clerks in the area and find a place in the middle. That makes sense. Third, she stated she learned way back in 1984 the Council saw fit to say the salary for the Clerk's position is not in line with what it needs to be and there was an ordinance written to say we need to start the process for increasing that over time so that it will come into parity. They did it for one (1) year in 1984 but then was not followed through. This is something that probably happened a long time ago but it hasn't so now it warrants some bump up.

Councilmember Randy Kelly stated he is in support of this raise and could go on and on about the exceptional job Clerk Fowler and her staff do every day. We have talked recently about the expanded responsibilities for Councilmembers, there are more and more meetings we have to attend and be prepared for. The Clerk's Office has to be at all of them while Councilmembers don't have to attend meetings outside of their committee. They work very hard and very well but putting that aside we should focus on the position because the reality is she may not be doing herself any political favors. This should really be brought into parity with other department heads.

Councilmember Dr. Varner stated if he followed his same suggested amendment for this position, the increase would be five percent (5%) for a \$60,000 salary. That would be a \$3,000 increase for this year. He stated the middle between those numbers would be \$67,000 not \$69,000. He stated we could get there by working our way to it over the years.

Councilmember Davis stated in the paper there was a mistake and it stated he would support the \$4,000 raise. He stated he would really be able to support five percent (5%). He stated he agrees with Councilmember Dr. Varner. Given the whole concept of the fiscal cliff to give this raise would be a mistake. We know the positions we run for and the salary of that position. It would be wrong for the Council to ask for raises for ourselves or these other positions. He stated he has known three (3) clerks and if any one of them would have come to him asking for a raise he still would have felt the same way. He stated he has a big problem bringing up the diversity and inclusion issue when it comes to the fact that we have an African American in office now because then it turns into a different conversation. That is not the issue, it is the position we have to deal with. We have to be very careful of separating race because it becomes a rift within the community.

Councilmember John Voorde stated he never believed the City Clerk position was terribly underfunded to begin with. When the facts are laid out perhaps the argument is shown that the salary may have slipped somewhat to where it should be. It is very hard to separate person and position. He stated he is the one (1) who hired Clerk Fowler in his office and promoted her twice and never once has been disappointed in any of her performance. He stated Clerk Fowler continues to do an excellent job. When looking at the position itself, it does not warrant a director's position salary. He stated the Clerk supervises four (4) people but it probably ought to be three (3) because the Ordinance Violations Bureau should probably as a function be in a different department. He stated he believed that and fought to change that when he was Clerk. He stated he concedes an adjustment for the position is necessary and is glad the increase dropped but it is still about double what it warrants. The Clerk keeps accurate records for posterity and

minutes of proceedings and anything that goes on. He stated Clerk Fowler knew well all the responsibilities and the time the position would take so nothing should have come as a surprise. In the profession of clerk, there are education requirements that one (1) can achieve. Clerk Fowler could certainly achieve those but she hasn't had time to do it.

Councilmember White stated she appreciates Clerk Fowler coming back with an amended version and at this point and will support her request.

Councilmember Tim Scott made a motion to send Substitute Bill 57-16 to the full Council with a favorable recommendation. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of six (6) ayes and three (3) nays (Councilmembers Dr. David Varner, Oliver Davis, and John Voorde).

CONTINUED IN COUNCIL PORTION ONLY

44-16

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAIVING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Councilmember Oliver Davis made a motion to accept Substitute Bill 44-16. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Williams-Preston stated she does have some concerns about curbs and sidewalks and the Council asked that the funding be increased but it is just flat in this budget. The constituents are always saying we are constantly putting things in front of the critical needs of the people in this community. Twenty-three percent (23%) of our curbs and sidewalks are in need of repair, most of those are probably in the 2nd District. These are trip hazards and with an ageing population they cannot go outside and visit each other. This is a health issue and a quality of life issue. We need to listen to people and what their needs are. She stated she is not seeing that which is giving her some pause. Councilmember Williams-Preston read a letter from a young person who wrote to her about the budget concerning his concerns about the slow death of the black community. Councilmember Williams-Preston continued by stating it is on us to do a better job to engage people within the process at an earlier level. We need to pay attention to the fact that there is a lack of trust and a sense of apathy in our community.

Councilmember Tim Scott made a motion to send Bill 44-16 as amended to the full Council with a favorable recommendation. Councilmember John Voorde seconded the motion which carried by a roll call vote of seven (7) ayes and two (2) nay. (Councilmembers Oliver Davis and Regina Williams-Preston).

45-16 AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
APPROPRIATING MONIES FOR THE PURPOSE OF
DEFRAYING THE EXPENSES OF THE DESIGNATED
ENTERPRISE FUNDS OF THE CITY OF SOUTH
BEND, INDIANA, FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2017 AND ENDING
DECEMBER 31, 2017 INCLUDING ALL
OUTSTANDING CLAIMS, AND OBLIGATIONS, AND

FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT.

Councilmember Karen White made a motion to accept Substitute Bill 45-16. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes

Councilmember Tim Scott made a motion to send Bill 45-16 to the full Council with a favorable recommendation. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

Councilmember Karen White 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 11:17 p.m. Council President Tim Scott presided with nine (9) members present.

BILLS – THIRD READING

35-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ANNEXING TO AND BRINGING WITHIN
THE CITY LIMITS OF SOUTH BEND, INDIANA, AND
AMENDING THE ZONING ORDINANCE FOR
PROPERTY LOCATED IN GERMAN TOWNSHIP,
CONTIGUOUS THEREWITH; COUNCILMANIC
DISTRICT NO. 1, FOR 22965, 24632, 24650, AND 24700
US 20; 54270 PINE ROAD; AND A TRACT OF LAND
ADJACENT TO AND EAST OF 54270 PINE ROAD,
SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to amend Bill 35-16 as it was in the Committee of the Whole. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 35-16. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

44-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROPRIATING MONIES FOR THE
PURPOSE OF DEFRAIVING THE EXPENSES OF
SEVERAL DEPARTMENTS OF THE CIVIL CITY OF
SOUTH BEND, INDIANA FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2017 AND ENDING
DECEMBER 31, 2017 INCLUDING ALL
OUTSTANDING CLAIMS AND OBLIGATIONS, AND
FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT

Councilmember Karen White made a motion to amend Bill 44-16 as it was in the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 44-16. Councilmember Karen White seconded the motion which carried by a roll call vote of seven (7) ayes and two (2) nays (Councilmembers Oliver Davis and Regina Williams-Preston).

45-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

Councilmember Oliver Davis made a motion to amend Bill 45-16 as it was in the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 45-16. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of nine (9) ayes.

48-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING CERTAIN SECTIONS OF CHAPTER 17, ARTICLE 10 REGARDING COMPACT FEES AND ASSESSMENTS AND REPLACING SUCH FEES AND ASSESSMENTS WITH SYSTEM DEVELOPMENT CHARGES

Councilmember Gavin Ferlic made a motion to amend Bill 48-16 as it was in the Committee of the Whole. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 48-16. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of nine (9) ayes.

52-16

THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 736 CALIFORNIA AVENUE AND 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to pass Bill 52-16. Councilmember Karen White seconded the motion which carried by a roll call vote of nine (9) ayes.

59-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE

DEPARTMENT FOR CALENDAR YEARS 2017, 2018,
2019 AND 2020

Councilmember Dr. David Varner made a motion to amend Bill 59-16 as it was in the Committee of the Whole. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to amend Bill 59-16 as it was in the Committee of the Whole. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

61-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA FIXING MAXIMUM WAGES OF
TEAMSTER EMPLOYEES FOR CALENDAR YEARS
2017-2020

Councilmember Gavin Ferlic made a motion to amend Bill 61-16 as it was in the Committee of the Whole. Councilmember Jo M. Broden seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 61-16. Councilmember Jo M. Broden seconded the motion which carried by a roll call vote of nine (9) ayes.

63-16

THIRD READING ON AN ORDINANCE FIXING
MAXIMUM SALARIES AND WAGES OF APPOINTED
OFFICERS AND NON-BARGAINING EMPLOYEES OF
THE CITY OF SOUTH BEND, INDIANA, FOR THE
CALENDAR YEAR 2017

Councilmember Gavin Ferlic made a motion to amend Bill 63-16 as it was in the Committee of the Whole. Councilmember Karen White seconded the motion which carried by a roll call vote of six (6) ayes and three (3) nays (Councilmembers Oliver Davis, Dr. David Varner, and Regina Williams-Preston).

Councilmember Gavin Ferlic made a motion to pass Bill 63-16. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of six (6) ayes and three (3) nays (Councilmembers Oliver Davis, Dr. David Varner, and Regina Williams-Preston).

57-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, SETTING THE ANNUAL SALARY FOR
THE SOUTH BEND CITY CLERK FOR CALENDAR
YEAR 2017

Councilmember Randy Kelly made a motion to amend Bill 57-16 as it was in the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a roll call vote of seven (7) ayes and two (2) nays. (Councilmembers Oliver Davis and Dr. David Varner)

Councilmember Randy Kelly made a motion to pass Bill 57-16. Councilmember Gavin Ferlic seconded the motion which carried by a roll call vote of six (6) ayes and three (3) nays (Councilmembers Oliver Davis, Dr. David Varner and John Voorde).

RESOLUTIONS

There were no resolutions.

BILLS FIRST READING

67-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CONCERNING THE CURRENT REFUNDING OF OUTSTANDING WATERWORKS REVENUE BONDS OF 2000 AND 2006, EACH ISSUED TO FINANCE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF THE CITY OF SOUTH BEND, INDIANA; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWENTY THOUSAND (\$3,720,000); ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HERewith

Councilmember John Voorde made a motion to send Bill 67-16 to the Utilities Committee and set second and third reading for November 14th, 2016. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

UNFINISHED BUSINESS

Councilmember Karen White stated she would like as Chair of the Personnel and Finance Committee not to lose track of the number of areas we previously discussed. The first issue is to ask the Administration to come back to the Council after the first of the year to see if they can recommend additional dollars for curbs and sidewalks. Councilmember White also asked her other Councilmembers to think about additional ways to engage the public in the budget process. We have heard the needs to start earlier and engage citizens more. She also asked the Administration to look into the issue of getting port-a-potties at the areas under the bridge where the homeless have gathered. This is not a permanent solution but a stop-gap.

Council President Tim Scott announced that Nang San San Aye has been interning with the Clerk's Office to learn about our democratic process. She is a member of the State Parliament of the Shan State in Myanmar. He thanked everyone who has helped educate her and that it is interesting to learn from her as well.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Isaac Hunt, 138 East Prallway South Bend, stated he is speaking about the quality of life for the Southeast Side of the City of South Bend. He stated he built a home in that neighborhood in 2002 and now he has homeless people sleeping on his porch and stealing lights out of his yard. He stated it is not safe for his grandkids to play in his yard and enjoy the money he invested into the City of South Bend. He stated kids are scared to go and wait for the bus on the corner of his street. He stated he doesn't know if Code Enforcement is doing anything about the issue but every year the taxes are going up. He stated people want to buy houses in the area but once they see the homeless they leave. The homeless need to be served but it is affecting the quality of life for the City of South Bend. He stated he still does not have curbs in front of his house, fourteen (14) years later. He stated residents on the other side of the river have curbs and all the amenities they should expect from the City. He stated he has had two (2) meetings about this and no Councilmember has shown up.

Samuel Brown, 222 East Navarre Street, stated his daughter is trying to get involved in City government and he has told her it is a long process but don't give up. Mr. Brown stated Memorial Hospital has too much power in this City and has made it where the residents of South Bend cannot park on the west side of St. Joseph because they are a big employer. We should get rid of those stupid no-parking signs on that street.

Frank Perri, 234 South Coquillard Drive South Bend, stated this is the first time he has ever spoken at privilege of the floor. He stated he is asking for help from the Council on his project of helping this community develop more resources to grow efficiently and effectively. He stated it seems like we are spending a lot of money on plans for the river and the East Bank. He stated he is asking for an expansion of that riverfront for additional planning in an effort to consolidate what is already thought to be by the community as good planning. He stated he is encouraged by the Mayor and the people that work within the City. He thanked the Council for their service.

Jesse Davis, P.O. Box 10205 South Bend IN, stated we have a nuisance abatement vehicle driving through the Westside and it is parking in a no-parking zone and in the grass blocking the sidewalk. He asked how does that set a good example to the public.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 11:45 p.m.