

CITY OF SOUTH BEND - COMMON COUNCIL

PRESENT: 9

ROLL CALL SHEET

ABSENT: 0

REGULAR MEETING: September 12th 2016

<u>NAME</u>	<u>ROLL CALL</u>	<u>42-16</u>	<u>43-16</u>	<u>16-57</u>	<u>16-64</u>	<u>16-70</u>	<u>16-68</u>	<u>16-72</u>	<u>16-74</u>								
REGINA PRESTON	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
RANDY KELLY	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
JO BRODEN	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
DR. VARNER	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
MR. OLIVER DAVIS (Vice President)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
MR. FERLIC (Committee of the Whole)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
MR. VOORDE	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
KAREN WHITE	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
TIM SCOTT (President)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE								
TOTAL:	9/0	9/0	9/0	9/0	9/0	9/0	9/0	9/0	9/0								

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

September 12, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:


A handwritten signature in black ink, appearing to read 'Tim Scott', is written over a horizontal line.

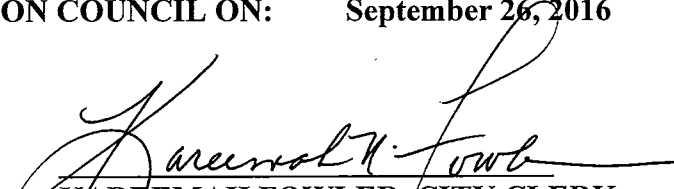
TIM SCOTT


A handwritten signature in black ink, appearing to read 'David A. Varner', is written over a horizontal line.

DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: September 26, 2016

ATTEST:


A handwritten signature in black ink, appearing to read 'Kareemah Fowler', is written over a horizontal line.

KAREMAH FOWLER, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, September 12, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Pastor Ryan Cooper from the Covenant Community Church and Pledge to the Flag was given.

ROLL CALL

COUNCIL MEMBERS:

Tim Scott	1 st District, President
Regina Williams-Preston	2 nd District
Randy Kelly	3 rd District
Josephine Broden	4 th District
Dr. David Varner	5 th District
Oliver J. Davis	6 th District, Vice President
John Voorde	At-Large
Gavin Ferlic	At-Large, Chairperson Committee of the Whole
Karen L. White	At-Large

OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic made a motion that the minutes of the August 22nd 2016 meeting of the Council be accepted and placed on file. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

16-76 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY CONGRATULATING SINGER, SONGWRITER AND PRODUCER, OCTOBER LONDON FOR HIS EXCEEDING SUCCESS IN THE MUSIC INDUSTRY

Councilmember Karen White asked Mr. London and his family to stand with her at the podium while she read the resolution in full. She congratulated Mr. London for his success.

October London thanked the Council for this honor and his family and friends for all the support they have given him. It is through hard work and determination that people achieve the success they want in life.

Jackie Martin, 1430 Woodcrest Dr., stated she is Mr. London’s godmother and he is an amazing person. He truly is God-blessed and she is so proud of him.

Councilmember Regina Williams-Preston stated it is wonderful to see a native son of South Bend doing so well and going so far in the entertainment industry.

Councilmember Randy Kelly stated Mr. London has a beautiful voice and he is an impressive young man.

Councilmember Jo M. Broden stated Mr. London has impressed the City so much and the support of his family is truly comforting.

Councilmember Dr. David Varner stated he was glad to hear Mr. London speak about hard work and determination. That is a good lesson for anyone that talent is not enough but you have to work hard as well.

Councilmember Oliver Davis stated it is an honor to pass this resolution. Success like this doesn't happen overnight and it is great to see someone make us proud.

Councilmember John Voorde congratulated Mr. London on his success.

Councilmember Gavin Ferlic congratulated Mr. London and stated he looks forward to following his career in the future.

Council President Tim Scott stated he is glad to see someone in the arts being celebrated and we need more inspiration like Mr. London for our younger school kids.

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

Samuel Brown, 222 East Navarre Street South Bend, stated talent runs in Mr. London's family. He stated it is great to see someone so humble succeeding from South Bend.

No one spoke in opposition.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-76 by acclamation.

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

16-77

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,
PUBLICLY COMMENDING AND HONORING
THE SOUTH BEND EAST SIDE 10U ALL-STAR
TEAM FOR A GREAT 2016 SEASON AND
CONTENDING IN THE CAL RIPKEN WORLD
SERIES

Councilmember Jo M. Broden asked the team and their coaches to stand with her at the podium while she read the resolution in full. Councilmember Broden expressed her joy and admiration of the team and all of their accomplishments. We should not forget about all the work from the parents and coaches as well that goes into this success. Councilmember Broden provided each player and coach with a copy of the resolution.

Marcus Lasane, Manager of the East Side 10U All-Star Team, thanked the Council for the resolution. The support they receive from the community is incredible. We have a lot of decision makers in this room and we really need all the support we can get for our recreation leagues that really provide kids with such positive life experiences.

Councilmember Karen White congratulated the team and expressed her appreciation for the positive impact they've had on the community.

Councilmember Ferlic congratulated the team and we hope you have as much success next year.

Councilmember Voorde congratulated the team and wished them luck in the future.

Councilmember Davis stated it has been an honor seeing this team represent South Bend so well.

Councilmember Dr. Varner told the players to work hard, listen to their coaches and parents and good things will happen. It is a simple formula and this team has followed it.

Councilmember Kelly stated he use to play for Eastside and coached for Eastside as well and he understands the amount of hard work that goes into this kind of success. He congratulated the team for all they have accomplished.

Councilmember Williams-Preston stated she wants to see a national championship next year because this team is so capable. She congratulated them and thanked them for representing South Bend so well.

Council President Tim Scott congratulated the team and reminded them no one player is responsible for this success.

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

Samuel Brown, 222 East Navarre Street South Bend, stated he is part of the Eastside Little League family. He is so proud to see the success they have achieved.

No one from the public spoke in opposition.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-77 by acclamation.

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

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:30 p.m. Councilmember Karen White made a motion to resolve into the Committee of the Whole. Councilmember Regina Williams-Preston 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

35-16

PUBLIC HEARING 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 Dr. David Varner made a motion to continue Bill 35-16 until October 10th 2016. Councilmember Karen White seconded the bill which carried by a voice vote of nine (9) ayes.

43-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF

SOUTH BEND, INDIANA, AMENDING THE
ZONING ORDINANCE AND ESTABLISHING
HISTORIC LANDMARK STATUS FOR THE
STRUCTURE AND REAL PROPERTY KNOWN
AS ELBEL HOUSE AND LOCATED AT 806
LELAND AVENUE, IN THE CITY OF SOUTH
BEND, INDIANA

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

Elicia Feasel, Executive Director of the Historic Preservation Commission with offices at 125 S. Lafayette, served as the presenter and petitioner of this bill. The owners of this property, known as the Elbel House, have petitioned the Historic Preservation Commission to have this property designated as a historic landmark. Elbel House is located in the Chapin Park Local Historic District and Chapin Park National Register Historic District and is recognized in the Indiana Historic Sites and Structures inventory with a rating of "contributing". Ms. Feasel stated she believes that rating will be elevated in the next survey. Based on the local landmarks criteria as adopted by the Common Council, the site can be recommend for designation as a historic landmark. The site fulfills all three (3) criteria. It is an excellent example of Queen Ann Victorian Architecture. Built in 1894, it exemplifies the architectural style through extensive exterior decoration. The original construction is still completely intact on the exterior. Richard Elbel was the director of the South Bend Orchestra. Mr. Elbel also served on the Parks Commission being the only charter member to serve continuously until his retirement in 1939. In 1963 the Elbel Golf Course was named in his honor. The Historic Preservation Commission has reviewed the petition and report by the staff and has conducted public hearing where the current and former owner has spoken in favor with no one speaking in opposition. Adopted on August 15th 2016, Resolution 16-02 resolves that the Elbel House is recommended to the Common Council for establishment as an historic landmark.

There were no questions from the Council.

Those from the public wishing to speak in favor:

Joan Downs-Krostenko, 849 Forest Ave. South Bend IN, stated she is the previous owner of the house. She is the person who restored the house and it was in very poor condition when she acquired the house. It is an important anchor on the west side of the Chapin Park neighborhood. The new owners are a delightful family who could not be here because they are giving birth to their second child but they are also very much in favor of the bill.

There was no one wishing to speak in opposition.

Councilmember Tim Scott stated this house is in his district. Unfortunately this beautiful gem was in really bad shape due to a poor owner and it is through the hard work of Ms. Downs-Krostenko who turned this back into a beautiful home.

Councilmember Tim Scott made a motion to send Bill 43-16 to the full Council with a favorable recommendation. Councilmember Dr. Varner seconded the motion which carried by a voice vote of nine (9) ayes.

42-16

PUBLIC HEARING ON AN ORDINANCE OF
THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA AUTHORIZING AND
DIRECTING SUBMISSION OF A WRITTEN
REQUEST TO PARTICIPATE IN THE INDIANA
DEPARTMENT OF INSURANCE'S
AVAILABLE INSURANCE PROCEEDS SET
ASIDE PROGRAM

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

Randy Wilkerson, Director of Code Enforcement with offices on the 13th Floor of the County-City Building, served as the petitioner of this bill. This is the Set Aside program which was set up by the Indiana Department of Insurance. This sets aside funds in the event of a fire, explosion or damage to a property from a fire to make the repairs or complete the remediation of the property. The onetime fee is \$100. Should there be a fire and a claim is filed, the Department of Code Enforcement will be notified immediately that the claim has been drawn. The fund will not be released until we give it the approval that all of our needs have been met.

There were no questions from Council.

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

Councilmember Tim Scott made a motion to send Bill 42-16 to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

Councilmember Oliver Davis made a motion to rise and report to full Council. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of nine (9) ayes.

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City building at 7:41 p.m. Council President Tim Scott presided with nine (9) members present

BILLS – THIRD READING

42-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING AND DIRECTING SUBMISSION OF A WRITTEN REQUEST TO PARTICIPATE IN THE INDIANA DEPARTMENT OF INSURANCE'S AVAILABLE INSURANCE PROCEEDS SET ASIDE PROGRAM

Councilmember Karen White made a motion to pass Bill 42-16. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

43-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS ELBEL HOUSE AND LOCATED AT 806 LELAND AVENUE, IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to pass Bill 43-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of nine (9) ayes.

RESOLUTIONS

16-57

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA IN
SUPPORT OF A REASONABLE TRANSITION
TO CLEAN ENERGY FOR SOUTH BEND

Councilmember Karen White made a motion to accept Substitute Bill 16-57. Councilmember Gavin Ferlic 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.

Councilmember Dr. David Varner and Councilmember Oliver Davis served as the petitioners of this bill.

Councilmember Dr. Varner stated several months ago the Sierra Club came to the City of South Bend and asked the Council to look into a resolution in support of clean energy. To that end the Utilities Committee held a public meeting in the middle of August where members from the Sierra Club and Indiana Michigan Power met to exchange ideas and thoughts. With the help of our Director of Sustainability, Therese Dorau, we put together a resolution that represents the entirety of the City of South Bend without delving too far to the side of one (1) interest group.

Councilmember Oliver Davis stated he was glad to work along with Councilmember Dr. Varner on this important issue and thanked the co-sponsors Councilmembers Ferlic and Scott as well. This resolution specifically makes note of "cleaner" energy because we are always working towards cleaner solutions. This resolution is broken down into two (2) different parts. The first part is the section where we focus on what our goals are in South Bend in the interest of cleaner sources of energy. The second part contains an exhibits section. This is a culmination of the different issues we have heard from I&M and the Sierra Club. We mentioned moving away from coal as an energy source but we recognize it will not happen overnight. The Council encourages I&M look at the eleven (11) recommendations as stated in the exhibitions section. We will send this resolution, if it is passed, to our state representatives down in Indianapolis after the upcoming election. Councilmember Davis invited Ms. Dorau to speak to the Council.

Therese Dorau, Director of Sustainability for South Bend with offices on the 13th Floor of the County-City Building, stated that the Sierra Club and I&M are partners of their office helping to educate her staff on energy issues. She expressed her gratitude in being able to educate the Council on energy issues and this resolution represents a good deal of compromise but also a good amount of seeking increased understanding and information. This is a good baseline for our community of have intelligent and well informed conversations about energy in the future.

Councilmember Davis stated it is important for our representatives down in Indianapolis to know that we did this in a bi-partisan fashion. That is one (1) of the reasons this is such a solid start because everyone is on board.

Councilmember Dr. Varner stated a great experience of being on the Council is that you find yourself involved in situations or discussions which force you to go and seek information. In this case it is clean energy. Councilmember Dr. Varner stated he has never ceased to be amazed at how much information is out there and how accessible it is today. The partners we worked with on this resolution were willing to share that information and have that conversation which allowed us to put together something that hopefully will receive unanimous support.

There were no questions from Council.

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

Steve Francis, 54174 Juday Lake Dr. South Bend IN, stated he is a state board member of the Sierra Club. He thanked Councilmembers Davis and Dr. Varner for leading this effort and galvanizing the interest of the public. It is not often Indiana Michigan Power and the Sierra Club can be on the same side. We did not get everything we wanted in this resolution but it is something we are very happy to support. There is already a good start for clean energy in South Bend with the sustainability office and all the great energy projects they have been announcing

of late. I&M is also to be commended for the expansion of their solar panel fields. It is a good start but unfortunately as of now it is not enough. We originally wanted to have this resolution call for the closure of the Rockport Coal Plant. It was a democratic process and we didn't get that, but it does need to be closed. Rockport provides almost half of the power for the I&M territory and faces incredibly high costs to keep it open and clean up the plant. It is the second largest polluter in Indiana in terms of carbon emissions and the sixth largest polluter nationwide of toxic pollutants. Mr. Francis expressed particular support for the "exhibit" portion of the resolution which illustrates things that the City can explore in moving us to become a cleaner city.

Christopher Cobb, 215 E. Pokagon Street South Bend, expressed thanks to the Utilities Committee for their hard work on this resolution. This is a great document and it is great to see the Council taking seriously the need for forward thinking policy. The work on this resolution made a solid document that addresses not only issues of power generation but also social justice and the cost of energy. It is an extremely well-designed resolution and South Bend is demonstrating leadership in our state. This is the kind of City we can all be proud to call home. This comes at a wonderful time to make sure I&M, our public utility, stays accountable to the public it serves.

Dr. Phil Sakimoto, professor at the University of Notre Dame in sustainability and astrophysics, stated prior to working at Notre Dame he worked at NASA where he was the manager of their public outreach program. It has been his job for many years to interpret current research for the public. He stated the recent tremendous floods that South Bend received were not a natural disaster. Those floods were an unnatural disaster caused by the fact that we continue to use fossil fuels and cause our planet to get warmer. Warmer air holds more moisture so when the rains come there is more to dump on us. As our globe warms, it is not uniform. The arctic regions are warming at twice the rate of the equatorial regions. The difference in temperature between the equator and North Pole has lessened and the jet stream is getting weaker. In the old days, the jet stream would have pushed that storm on in a few hours but it is now too weak to do that. That is why the storm lingered for so long and that is why we had flooding. With our warming climate we can only expect more of that. We need to stop putting more carbon in the air. He commended the Council for this resolution. For every ten (10) years we delay carbon reduction measures the peak temperature will be half a degree centigrade higher. This is a great start but it's not enough. We have to take bigger actions and hopefully this resolution is the beginning of moving our community towards zero (0) carbon emissions. We need to do this for our children so they have a livable planet.

Carolyn Haas, 606 North Saint Peter Street South Bend IN, stated she is a student at the University of Notre Dame and is speaking on behalf of hundreds of ND students and also Fossil Free Notre Dame which is a campaign urging ND to divest its endowment to remove itself from fossil fuels consumption. She stated she is so pleased to attend a university with such a supportive community in regards to sustainability measures. The office of sustainability at Notre Dame has failed the community. It is wonderful to see South Bend respecting the voices of the community while Notre Dame has not.

Meghan Anderson, 1100 West 42nd Street Indianapolis, stated she is a conservation activist with the Sierra Club and is thankful to see such leadership coming from South Bend. This is a strong signal to our utilities to move away from coal and develop cleaner energy. We know it is cheaper to retire coal in the long term. Ms. Anderson stated she will share this resolution in Fort Wayne and Muncie where she also works. The more renewable energy we have in the area I&M serves, the more jobs for local people.

No one from the public spoke against the resolution.

Councilmember Randy Kelly commended Councilmembers Dr. Varner and Davis for taking this issue on. Anytime we get two (2) disparate groups to come together, we are doing an admirable thing. This is a wonderful first step and it is time for bold moves forward. South Bend can be a leader in this work.

Councilmember Broden stated she echoed Councilmember Kelly's opinion.

Council President Scott stated he appreciates all the hard work Councilmember Dr. Varner and Davis put into this and bringing all sides together. Two (2) different entities that disagree coming together and working together is a fabulous first step. We need more of that in this country on many different issues. It did take time and hard work but it happened and proves it is possible.

Councilmember Gavin Ferlic made a motion to adopt Substitute Bill 16-57. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of nine (9) ayes.

16-64

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS FOR THE
PROPERTY LOCATED AT 3001 W.
CLEVELAND ROAD

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

Ayoka Paek, Building Department with offices at 125 Lafayette Blvd. South Bend, served as the presenter of this bill. This is an application for a cell tower at 3001 Cleveland Avenue. The Area Board of Zoning Appeals sends this with a favorable recommendation and there were no variances applied for with this application. The petitioner is intending to meet all the requirements for cell towers. There was no remonstrance at the meeting and one (1) person came to the Building Department prior to the meeting to ask questions about the application and they left content.

Brian Donnelly, 660 Midwest Road Oakbrook Terrace Illinois, served as the petitioner for this bill. The residents of St. Joseph County have asked Verizon for improved quality of cell coverage. This new tower will help with that request. Currently at peak hours, residents of the county have issues with connectivity issues and this is the only way to relieve that and improve quality of coverage.

There were no questions from Council.

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

Councilmember Karen White made a motion to adopt Bill 16-64. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

16-66

A RESOLUTION CONFIRMING THE
ADOPTION OF A DECLARATORY
RESOLUTION DESIGNATING CERTAIN
AREAS WITHIN THE CITY OF SOUTH BEND,
INDIANA, COMMONLY KNOWN AS 7250
VORDEN PKWY SOUTH BEND, IN 46628 AS
AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A FIVE (5) YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR 3B TECH,
INC.

Councilmember Gavin Ferlic made a motion to continue Bill 16-66 until September 26th 2016 due to a request from the petitioner. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

16-67

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,
ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE

PROVISION OF SERVICES TO AN
ANNEXATION AREA IN GERMAN TOWNSHIP
(AIRPORT AUTHORITY ANNEXATION AREA)

Councilmember Oliver Davis made a motion to continue Bill 16-67 until October 10th 2016. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Randy Kelly made a motion to hear both Bill 16-68 and Bill 16-70 together for purposes of public hearing. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

16-68

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND
DESIGNATING CERTAIN AREAS WITHIN THE
CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 2806 W. SAMPLE
STREET, SOUTH BEND, IN 46619 AN
ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A (6) SIX YEAR REAL
PROPERTY TAX ABATEMENT FOR
INDUSTRIAL METAL-FAB, INC.

16-70

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND
DESIGNATING CERTAIN AREAS WITHIN THE
CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 2806 W. SAMPLE
STREET, SOUTH BEND, IN 46619 AN
ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A (5) FIVE YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR:
INDUSTRIAL METAL-FAB, INC.

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

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. This is a real and personal property tax abatement for Industrial Metal-Fab Inc. They are looking to put in \$520,000 in new private investment. The new taxes generated are \$71,105 and of them \$20,167 will be abated. This will create ten (10) new jobs with over \$332,000 in annual payroll.

Kyle Bodway, 2806 West Sample Street South Bend IN 46619, stated his grandfather founded the company in 1964 and he is the third generation owner. They want to expand the company at their current location but are landlocked and have exceeded the ability to expand anymore. This is a vital option to expand and grow in the community. This will address a few issues they have on their site currently in relation to drainage and water. This also allows them to create more manufacturing space and compete on the global market.

There were no questions from Council.

No one from the public spoke either in favor of or in opposition to the two (2) bills.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-68. Councilmember John Voorde seconded the motion which carried by a roll call vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-70. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

Councilmember Oliver Davis made a motion to hear both Bill 16-72 and Bill 16-74 together for purposes of public hearing. Councilmember Randy Kelly seconded the motion which carried by a voice vote of nine (9) ayes.

16-72

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND
DESIGNATING CERTAIN AREAS WITHIN THE
CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 3722 FOUNDATION
CT, SOUTH BEND, IN 46628 AN ECONOMIC
REVITALIZATION AREA FOR PURPOSES OF
A (6) SIX YEAR REAL PROPERTY TAX
ABATEMENT FOR IMAGINEERING
ENTERPRISES, INC.

16-74

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND
DESIGNATING CERTAIN AREAS WITHIN THE
CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 3722 FOUNDATION
CT, SOUTH BEND, IN 46628 AN ECONOMIC
REVITALIZATION AREA FOR PURPOSES OF
A (5) FIVE YEAR PERSONAL PROPERTY TAX
ABATEMENT FOR: IMAGINEERING
ENTERPRISES, INC.

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

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. This is a real and personal property tax abatement. They are looking to make \$3.5 million in private investment. The project will create \$333,000 worth of new taxes and of that \$126,000 would be abated. The project will create twenty-five (25) new jobs with an annual payroll of over \$750,000.

Joseph Rowan, CFO at Imagineering Enterprises, served as the petitioner of this bill. In the past six (6) years we went from seventy-five (75) employees and we are now at one-hundred and thirty-five (135) employees. This investment and expansion will bring even more jobs to the area. They estimate in the next five (5) years they can add twenty-five (25) jobs with this expansion and these abatements will help fund those goals.

There were no questions from Council.

No one from the public spoke either in favor of or in opposition to the two (2) bills.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-72. Councilmember Karen White seconded the motion which carried by a roll call vote of nine (9) ayes.

Councilmember Karen White made a motion to adopt Bill 16-74. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of nine (9) ayes.

Councilmember Gavin Ferlic left the meeting at 8:21 p.m. Quorum now stands at eight (8) present.

BILLS FIRST READING

48-16

FIRST 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 Regina Williams-Preston made a motion to send Bill 48-16 to the Utilities Committee for October 24th 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

49-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$208,300 FROM GENERAL FUND (#101), \$2,300,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,985 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$14,000 FROM COVELESKI CAPITAL FUND (#401), \$500,000 FROM COIT FUND (#404), \$2,343 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407), AND \$3,200 FROM CREED FUND (#434).

Councilmember Randy Kelly made a motion to send Bill 49-16 to the Personnel and Finance Committee for September 26th 2016. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of eight (8) ayes.

50-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$67,000 FROM EMS CAPITAL FUND (#287), \$2 FROM PARKING GARAGE FUND (#601), \$4,550 FROM 2013 SEWER BOND ISSUANCE FUND (#664), AND \$6,700 FROM 2015 SEWER BOND ISSUANCE FUND (#666).

Councilmember Oliver Davis made a motion to send Bill 50-16 to the Personnel and Finance Committee for September 26th 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

51-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

Councilmember Regina Williams-Preston made a motion to send Bill 51-16 to the Personnel and Finance Committee for September 26th 2016. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

52-16

FIRST 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 Karen White made a motion to send Bill 52-16 to the Area Plan Commission and Zoning and Annexation Committee and set public hearing for October 24th 2016. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of eight (8) ayes.

53-16

FIRST READING 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 Karen White made a motion to send Bill 53-16 to the Area Plan Commission and Zoning and Annexation Committee and set public hearing for October 24th 2016. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of eight (8) ayes.

54-16

FIRST READING 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 John Voorde made a motion to send Bill 54-16 to the Area Plan Commission and Zoning and Annexation Committee and set public hearing for October 24th 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Samuel Brown, 222 East Navarre Street South Bend IN, stated the City of South Bend engaged in a community forum to discuss various public safety issues. He stated he was disappointed in the meeting but it was not really the fault of the Administration. These are very tough questions

and the community came with some very tough questions and they were not going to get answers that night and that's why they were so upset. We need a citizen's review board for our police. He asked the Council to consider the establishment of a citizens review board because that will engage the citizens and will ease the frustration of the community. We cannot keep pushing this issue off into the future.

Jason Banicki-Critchlow, 3822 West Ford Street South Bend, stated he has come here to thank the Council for listening to him over the past two (2) years. He stated he has taken a job in Charlotte, North Carolina.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:33 p.m.

