

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, March 09, 2015 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation (Pastor, Rickardo Taylor, Mt. Carmel Missionary Baptist Church) and Pledge to the Flag were given.

**ROLL CALL**

**COUNCILMEMBERS:**

Present:	Tim Scott	1 <sup>st</sup> District, President
	Henry Davis, Jr.	2 <sup>nd</sup> District
	Valerie Schey	3 <sup>rd</sup> District
	David Varner	5 <sup>th</sup> District
	Oliver J. Davis	6 <sup>th</sup> District,
	Derek Dieter	At-Large, Vice, President
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole
Absent:	Fred Ferlic	4 <sup>th</sup> District

**OTHERS PRESENT:**

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice Talboom	Deputy
Kareemah Fowler	Chief Deputy

**REPORT FROM THE SUB-COMMITTEE ON MINUTES**

Councilmember Varner made a motion that the minutes of the February 23, 2015, meeting of the Council be accepted and placed on file. Councilmember Valerie Schey seconded the motion which carried by a voice vote of eight (7) ayes (1) nay Councilmember Derek Dieter

**SPECIAL BUSINESS**

Council President Scott acknowledge Boy Scouts Troop #173 Grace Methodist Church and Troop # 111 Saint Matthews. Councilmember Scott thanks them all for being in attendance

**RESOLUTION NO.**

15-12      A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY THANKING AND HONORING CINDY WARD FOR NEARLY 30 YEARS OF EXCELLENCE AS A NEWS ANCHOR AT WSBT 22 AND FOR A MOST NOTABLE 40-YEAR JOURNALISM CAREER

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA,  
PUBLICLY THANKING AND HONORING CINDY WARD FOR NEARLY 30 YEARS OF  
EXCELLENCE AS A NEWS ANCHOR AT WSBT 22 AND FOR A MOST NOTABLE 40-YEAR  
JOURNALISM CAREER**

*Whereas*, since the fatherly advice she received after graduating with an English degree from Rollins College in Winter Park, Florida, Cindy Ward has always set the bar high for her own journalism career; and

*Whereas*, when Cindy Ward first launched her journalism career, President Gerald Ford was in the White House, Otis R. Bowen was Governor of Indiana, Jerry J. Miller was Mayor of the City of South Bend, Roger O. Parent was Common Council President, and Reverend Theodore M. Hesburgh, C.S.C. was President of the University of Notre Dame; and

*Whereas*, over the years, Cindy Ward stressed to always remember the why behind a news report by asking hard questions so long as they were fair, with this eventually earning her the title of “consummate professional” which is so reflective of her authentic work ethic she began developing in her hometown of Pittsburgh; and

*Whereas*, Cindy was a critical and indispensable member of a team effort when producing the news on a daily basis, who had the confidence to acknowledge an occasional “blooper” and always connected with the viewing public because of her honesty, integrity and radiant smile; and

*Whereas*, the Common Council especially appreciates how Cindy Ward truly cares about our community which has been reflected over the decades in her thousands of broadcasts which won the respect and large following of the South Bend and greater Michiana communities.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. On behalf of all of the residents of the City of South Bend, Indiana, the Common Council is extremely proud to publicly honor and commend **Cindy Ward** for an outstanding journalism career. **Cindy Ward** earned the respect of our community by being truthful and trustworthy and who truly made a very positive impact by having the unique ability to connect in so many special ways with the television viewers of WSBT 22

Section II. The Common Council believes that the character and dedication of persons like **Cindy Ward** enhance our community. As a gifted and genuine role model, who sought excellence throughout her journalism career, Cindy will always be remembered as a trustworthy journalist whose caring attitude makes her so special to so many.

Section III. The Common Council sincerely hopes that Cindy will now have more time to create exciting new memories with her husband Bob, her family and friends, and especially her four young grandchildren, as she begins to write a new chapter in her life. *Congratulations Cindy!*

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1 <sup>st</sup> District	Oliver J. Davis, 6 <sup>th</sup> District
Henry Davis, Jr., 2 <sup>nd</sup> District	Derek D. Dieter, At Large
Valerie Schey, 3 <sup>rd</sup> District	Gavin Ferlic, At Large
Dr. Fred Ferlic, 4 <sup>th</sup> District	Karen L. White, At Large
Dr. David Varner, 5 <sup>th</sup> District	KathleenCekanski Farrand, Council Attorney

<i>Moved:</i>	<i>Approved this ____ day of March,</i>
<i>2015.</i>	

_____ Office of the City Clerk	_____ Pete Buttigieg, Mayor of South Bend
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Councilmember Oliver Davis and Councilmember Henry Davis Jr., 227 W Jefferson Blvd. South Bend, Indiana, made the presentation for this Resolution by reading it in its entirety and presenting it to Journalist Cindy Ward.

A Public Hearing was held on the Resolution at this time.

There was no one present wishing to speak to the Council either in favor of or in opposition to this Resolution.

Councilmember Valerie, states she appreciates Cindy's fact checking when presenting a story and thanks Cindy for her service.

Councilmember Varner, states he'd like to mirror Councilmember Schey's comments and thanks Cindy Ward for her service and wishes her the best.

Councilmember Dieter, states it's great to see people do the good work Cindy has done and stay in the community he wishes her the best.

Councilmember Gavin Ferlic, thanks Cindy Ward and reminisced about watching her as a young kid, he thanks Cindy Ward for service as well.

Councilmember White, states she has also enjoyed watching Cindy Ward as well throughout the year's she wishes Cindy luck and thanks her for being trustworthy and for her service to the community. Councilmember White also thanks Councilmembers Oliver Davis and Henry Davis Jr., for honoring Cindy Ward.

Councilmember Henry Davis Jr., states he appreciates how committed Cindy Ward has been to her profession and how she stayed the course which is very uncommon today. Thank you again for showing us a good example of what commitment looks like.

Councilmember Oliver Davis, states he's always enjoyed her and appreciates what she does behind the scenes, thought honoring Cindy Ward was very necessary.

Councilmember Scott, states she's done a thoroughly incredible job in the twenty years he's been here in the area. Councilmember Scott would like to also thank her for a job well done.

Cindy thanked the Council for this Resolution. Cindy stated that it's very gratifying to be recognized by the leaders in her home town she's enjoyed working with them all and states it is much appreciated and has been a pleasure! Ends with thanking them all again.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one present wishing to speak to the Council either in favor or in opposition to this bill, Councilmember Valerie made a motion to adopt the Resolution by acclamation Councilmember Varner seconded the motion which carried by a voice vote of eight (8) ayes.

#### **REPORTS OF CITY OFFICES**

There were no reports from City Offices at this time representing the City Kathryn Roos in the audience.

#### **RESOLVE INTO THE COMMITTEE OF THE WHOLE**

At 7:16 p.m. Councilmember Gavin made a motion to resolve into the Committee of the Whole. Councilmember Oliver seconded the motion which carried by a voice vote of eight (8) ayes. Councilmember White, Chairperson, presiding.

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

Councilmember White stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

Councilmember White stated that a brochure may be found on the railing in the Council Chambers explaining those procedures. **Preliminary questions only, with all other Council comments being heard during the Council portion.** No member of the public is permitted to approach the Council Members and everyone is requested to stay behind the Council railing.

PUBLIC HEARINGS

BILL NO. 03-15

PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: ALL PUBLIC ALLEYS AND STREETS BOUNDED BY KEMBLE STREET ON THE WEST, THE NORFOLK & SOUTHERN RAILROAD (OLD PENN CENTRAL RR) ON THE NORTH, SCOTT STREET ON THE EAST AND INDIANA AVENUE ON THE SOUTH ALL IN THE CITY OF SOUTH BEND, INDIANA

Councilmember, Gavin Ferlic made the motion to continue this bill to March 23, 2015.  
Councilmember Valerie Schey seconded the motion which carried by a voice vote of eight (8) ayes.

BILL NO. 08-15

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10346-15 IN ACCORDANCE WITH SECTION 11 THEREOF AND OTHER MATTERS CONNECTED THEREWITH AND REPEALING ORDINANCES INCONSISTENT HEREWITH

Councilmember Gavin Ferlic, Chairperson, Community Investment Committee, reported that this committee held a Public Hearing on this bill this afternoon and sends it to the full Council with a favorable recommendation.

Denise Barkdull, City of South Bend, Bond Counselor, 201 North Illinois, Indianapolis, Indiana, made the presentation for this bill.

She explained the changes were technical, in nature to insure the marketability of the bond and the AA rating of the City. Denise Barkdull then highlights the two proposes changes. Denise said the first change asked for a monthly repayment deposit rather than the current practice of depositing bond repayments semi-annually. The second change would boost the reserve balance from the 125% requirement to 150%. Both these changes were easily accommodated by the City according to John Murphy.

During the Council questions portion both Councilmembers Henry Davis and Valerie Schey asked why even issue a bond at all when the EDIT money used to repay the bond was readily available without bonding.

Councilmembers Valerie Schey and Henry Davis further commented they felt the City need not incur the costs of bond issuance and bond interest when it appeared as unnecessary debt.

Councilmember Schey goes on to state that she will support the bill since the bond has already been approved and the amendment is only for technical changes.

This being the time heretofore set for the Public Hearing on the above bill, proponents and opponents were given an opportunity to be heard.

There being no one else present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dieter made a motion for favorable recommendation to send this bill to full Council. Councilmember Gavin seconded the motion which carried by a voice vote of seven (7) ayes and one (1) nays Councilmember Henry Davis, Jr.,

**RISE AND REPORT**

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

ATTEST:

ATTEST:

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John Voorde, City Clerk

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Karen L. White, Chairperson  
Committee of the Whole

**REGULAR MEETING RECONVENED**

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:25 p.m. Council President Tim Scott, presided with eight (8) members present.

**BILLS – THIRD READING**

**BILL NO. 03-15**

PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: ALL PUBLIC ALLEYS AND STREETS BOUNDED BY KEMBLE STREET ON THE WEST, THE NORFOLK & SOUTHERN RAILROAD (OLD PENN CENTRAL RR) ON THE NORTH, SCOTT STREET ON THE EAST AND INDIANA AVENUE ON THE SOUTH ALL IN THE CITY OF SOUTH BEND, INDIANA

This bill had third reading has been continued to March 23, 2015.

**BILL NO. 08-15**

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10346-15 IN ACCORDANCE WITH SECTION 11 THEREOF AND OTHER MATTERS CONNECTED THEREWITH AND REPEALING ORDINANCES INCONSISTENT HEREWITH

This bill had third reading. Councilmember Gavin Ferlic made a motion to move this bill to passage, Councilmember White seconded the motion. The bill passed by a roll call vote of seven (7) ayes and (1) nay by Councilmember Henry Davis Jr.

**RESOLUTIONS**

This portion of the Council meeting is where the Common Council hears Bills filed as proposed Resolutions. The title of each proposed resolution is read by the City Clerk. A report from the Committee Chairperson of the Standing Committee to which the Bill was referred to for an advisory review and recommendation is then given. **Preliminary questions only, with all other Council comments being heard during the Council portion.**

**RESOLUTION NO. 15-13**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VOICING CONCERN OVER MANY OF THE ASSESSMENTS OF LAND IN THE CITY AND SEEKING AMICABLE SOLUTIONS OF THESE CONCERNS WHICH ARE IN THE BEST INTERESTS OF THE TAXPAYERS

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VOICING CONCERNS OVER MANY OF THE ASSESSMENTS OF LAND IN THE CITY AND SEEKING AMICABLE SOLUTIONS OF THESE CONCERNS WHICH ARE IN THE  
THE  
BEST INTERESTS OF THE TAXPAYERS**

*Whereas*, on October 1, 2014 the St. Joseph County Assessor's Office mailed out Form 11- Notice of Assessment of Land and Structures for the 2014 pay 2015 Assessment Year for property owners whose values have changed..."; and

*Whereas*, even though the St. Joseph County Assessor's Office sent out a News Release on October 2, 2014 notifying the public of this reassessment, many questions have been raised about what many have called "lopsided" relationship between the assessed value, new assessed value and market rate of an increasing number of the properties; and

*Whereas*, currently taxpayers may appeal no later than May 10<sup>th</sup> or 45 days after the date of the tax bill, whichever is later; and

*Whereas*, the Common Council recognizes that the County Assessor serves as the Secretary to the Property Tax Assessment Board of Appeals which reviews property tax assessments and reviews all tax assessment appeals; and

*Whereas*, the Common Council further recognizes that the City of South Bend has a website dedicated to "Property Taxes" at [www.ci.south-bend.in.us](http://www.ci.south-bend.in.us) which provides links to the St. Joseph County Treasurer's Office so that assessments, exemptions and payments may be viewed; as well as links to the Department of Local Government Finance, St. Joseph County Assessor, St. Joseph County Auditor; and

*Whereas*, the Department of Local Government Finance (DLGF) has an oversight role in the property assessment process after the Assessor has placed values on properties in the county; and

*Whereas*, DLGF reviews "an assessment to sales ratio study" which is "basically a comparison between sales and assessed values in the county to ensure that market values are being used to determine assessed values" in order to measure "the accuracy and equity of assessments" as further addressed on the DLGF website available at [www.in.gov](http://www.in.gov) ; and

*Whereas*, attached to this Resolution are the most recent documents listed on the DLGF's website for St. Joseph County which include the July 9, 2014 DLGF approval letter, the June 23, 2014 letter from the St. Joseph County Auditor, and a 1-page summary page from the 92-page 2014 Ratio Study; and

*Whereas*, the "statewide cyclical reassessment began on July 1, 2014 for the 2015-pay-2016 property taxes, and the next four years [whereby] during the statewide reassessments, county and township assessors physically inspect each property to ensure that records are correct"; and

*Whereas*, during the statewide cyclical reassessment process, assessing officials are to re-assess "approximately 25% of the parcels in their jurisdiction each year over a four year timeframe" with the DLGF website further stating that "it is expected [that] the data collection will be more accurate and the cost spread out.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Assessment of Lands Resolution  
Page 2

Section I. The St. Joseph County Assessor noted in her June 23, 2014 letter to the Indiana Department of Local Government Finance under the heading "Improved Residential" the following:

"Each of our townships had sufficient number of sales to support their own ratio study. Liberty, Lincoln, Madison and Union, no trending was indicated. Portage Township had high investment (rental) sales, flips and rehab sales which were reviewed and removed from the ration study. While most were invalidated, those that truly reflected the market in high foreclosure areas were used in this study to determine the decline in property values".

Section II. In the interest of obtaining additional current information, in order to attempt to assist in providing information on the many questions from residential property owners, the following plan of action is recommended:

1. That the Office of the County Assessor be invited to further explain the re-assessment process.
2. That the Office of the County Assessor provide quarterly progress reports on the re-assessment.
3. That the St. Joseph County Assessor, the St. Joseph County Auditor and the St. Joseph County Treasurer provide additional information which explains the property tax cycle from re-assessment to billing.
4. That the Office of the County Assessor be invited to further explain the appeal process, the timeframe involved, required forms, and the expected time until there is a resolution of an appeal.

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

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Henry Davis, Jr., 2<sup>nd</sup> District  
South Bend Common Council

Voting in Favor \_\_\_\_\_  
Voting Against \_\_\_\_\_

*Moved:*

*Adopted this \_\_\_\_ day of*

\_\_\_\_\_, 2015

\_\_\_\_\_  
John Voorde, City Clerk

Indiana

\_\_\_\_\_  
Pete Buttigieg, Mayor of South Bend,

Councilmember Karen White made a motion to continue this bill to March 23, 2015. Motion seconded by Councilmember Derek Dieter motion carried by a voice vote of eight (8) ayes.

**BILLS – FIRST READING**

**BILL NO. 09-15**

FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1221 MIAMI STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember White made a motion to refer this bill to Area Plan. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

**BILL NO. 10-15**

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN ENTERPRISE OPERATIONS IN 2015 OF \$875,000 FROM PARKING GARAGE FUND (#601) AND \$66,156 FROM CENTURY CENTER FUND (#671)

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill the Personnel & Finance Committee and set it for Public Hearing and Third Reading on March 23, 2015. Councilmember Varner seconded the motion which carried by a voice vote of eight (8) ayes.

**BILL NO. 11-15**



FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2015 OF \$30,000 FROM STUDEBAKER OLIVER REVERTING GRANTS FUND (#209), \$2,000,000 FROM ECONOMIC DEVELOPMENT STATE GRANT FUND (#210), AND \$21,157 FROM CENTRAL SERVICES FUND (#222)

This bill had first reading. Councilmember Varner made a motion to refer this bill to the Personnel and Finance Committee and set for Public Hearing and Third Reading on March 23, 2015 Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

**BILL NO. 12-15**

FIRST READING ON A BILL 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 2015

This bill had first reading. Councilmember Karen White made a motion to refer this bill to the Personnel and Finance Committee and set for Public Hearing and Third Reading on March 23, 2015 Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

**UNFINISHED BUSINESS**

**A. REFERRAL FROM THE AREA PLAN COMMISSION**

1. BILL NO. 02-15 - REZONING FOR IGNITION PARK SOUTH-VARIOUS ADDRESS, INDIANA, PRAIRIE, KEMBLE CATALPA, CHAPIN AREA

Councilmember Oliver made a motion to refer this bill to the Zoning and Annexation Committee for March 23, 2015 motion seconded by Councilmember Varner which carried by a voice vote of eight (8) ayes.

**NEW BUSINESS**

No New Business at this time

**PRIVILEGE OF THE FLOOR**

Cecil Eastman- 57112 Peachstone, South Bend, Indiana, states concerns of sidewalks being shoveled, wants Council to revisit the current snow ordinance that's on the books and put more teeth in it. He feels that property owners aren't doing enough keep the sidewalks clear.

Councilman Henry Davis- 227 W Jefferson Blvd, Rm. 441, South Bend, Indiana, states that this particular request in terms of snow removal is in the hands of the administration. Councilman Davis states the Council has already brought the issue up to the administration numerous times regarding snow removal enforcement.

President Scott, asked councilmember Henry Davis Jr., was that something he'd like for the administration to address at the next Report of City Offices? Henry states no he'd like the Council to draft a letter to the administration addressing collections, facts and figures on this particular ordinance and particulars on how it is currently being enforcement.

Councilmember Tim Scott, states that will not be a problem.

Sam Brown, Citizen United for a Better Government, 222 E LaSalle St., South Bend, Indiana, states he has three things that he is passionate about the Osco Drug store murders that were never completely solved, the City of South Bend tapes scandal and dedication of a major street in the City of South Bend in honor of Dr. Martin Luther King Jr. Brown states that local officials need to do right by the everyday citizens, it doesn't take much to show that you do care.

Jesse Davis, PO Box 10205, South Bend, Indiana, states that he'd like the Council to please check on the updates regarding Chief of staff Kathryn Roos, issue that went out to a special prosecutor over two months ago. Davis states that he spoke to the Mayor about this pending issue at the Mayor's night out and Mayor states he hasn't heard anything to date. Davis also states that he put in a privilege of the floor request and public records request in two weeks ago regarding equipment that was returned on Sample St. to the City garage and still hasn't received any answers and doesn't understand why everyone is dragging their feet on these issues.

Dan Mullins, 632 So. 28<sup>th</sup> St., South Bend, Indiana, states the Mayor's cabinet are cruel, he met with the Mayor at the last Mayor's night out and tried to workout issues he has with the administration/city, but the Mayor lied to him now they'll see him in court.

**ADJOURNMENT**

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 7:40 p.m.

ATTEST:

ATTEST:

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John Voorde, City Clerk

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Tim Scott, President