

CITY OF SOUTH BEND - COMMON COUNCIL

ROLL CALL SHEET

PRESENT: 9

ABSENT: 0

REGULAR MEETING: May 9th 2016

<u>NAME</u>	<u>ROLL CALL</u>		<u>Send Bill 12-16 to Council/Favorable Recommendation</u>	<u>Bill 9-16</u>	<u>Motion to defeat Bill 12-16</u>	<u>Bill 12-16</u>	<u>Bill 15-106</u>	<u>Bill 16-38</u>	<u>Bill 16-42</u>	<u>Bill 16-43</u>	<u>Bill 16-48</u>	<u>Bill 16-46/Override Mayor's Veto</u>
REGINA PRESTON	PRESENT		NAY	AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE
RANDY KELLY	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	NAY
JO BRODEN	PRESENT		NAY	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	NAY
DR. VARNER	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	AYE
MR. OLIVER DAVIS (Vice President)	PRESENT		NAY	AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE
MR. FERLIC (Committee of the Whole)	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	NAY
MR. VOORDE	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	AYE
KAREN WHITE	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	AYE
TIM SCOTT (President)	PRESENT		AYE	AYE	NAY	AYE	AYE	AYE	AYE	AYE	AYE	NAY
TOTAL:	9/0		6/3	9/0	2/7	7/2	9/0	9/0	9/0	9/0	9/0	5/4 (Veto is not overridden)

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

May 9, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:



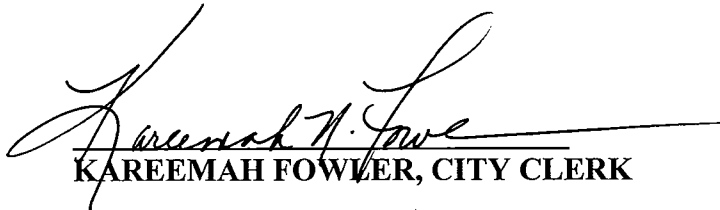
TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: May 23, 2016

ATTEST:



KAREEMAH FOWLER, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, May 9, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Council Vice President Oliver Davis and Pledge to the Flag was given.

ROLL CALL

COUNCIL MEMBERS:

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

OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Oliver Davis made a motion that the minutes of the April 25th 2016 meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

There was no special business.

REPORTS OF CITY OFFICES

Representing the City administration will be Mayor Pete Buttigieg. The Mayor thanked the Council for giving him the opportunity to offer reports from the Administration. Events last week in the City highlighted the work that South Bend is doing on strengthening our inclusion, which is one of the five (5) City values that the Administration promotes. Christina Brooks has been hired as the new Diversity and Inclusion Officer for the City. Mayor Buttigieg thanked the Council for providing the funds for that position, it is the responsibility of all of us to use the help and expertise Ms. Brooks can provide to become a model of diversity and inclusion throughout the region. Occasionally some of our more capable employees in the City are picked off by our largest employer, Notre Dame, and it was with mischievous pleasure that the City returned the favor this time. Ms. Brooks served in a similar role at Notre Dame and the Mayor

expressed his delight that she agreed to join the City. The Mayor invited Ms. Brooks to introduce herself formally to the Council.

Christina Brooks, 17970 Buckland Dr., expressed her excitement and joy about joining the City of South Bend and all the wonderful team members this City has assembled. She wanted to make sure the Council is aware that she is very committed to making sure the Executive Order which was issued in January is at the top of her priority list and has been actively meeting with several departments and leadership across the City already. She hopes to have good early indicators of results to report back to the Council shortly. Ms. Brooks provided the Council a brief overview of her history in the area which began in 1988 when she attended the University of Notre Dame as an undergraduate and then came back to South Bend about twelve (12) years ago. She is raising her five (5) children here in South Bend and hopes to push forward the importance of inclusion in the City.

The Mayor also highlighted that he had the pleasure of being a part of a wheelchair basketball game and he wanted to make everyone aware that there is a wheelchair basketball league in South Bend. They meet every Wednesday in the Memorial Health and Life Style Center. A number of City employees, including Council President Tim Scott, was on the Mayor's team and unfortunately they were defeated badly by the River City Rollers but it was an uplifting experience. There are Vietnam Veterans who helped get the whole program started and a broad range of other people participating even someone as young as a ten (10) year old boy. Their spirit was truly inspiring and a reminder in all the different ways in which inclusion matters in making sure that we are including people of all abilities.

Inclusion is also one of the reasons the Administration considered it important to establish Downtown Wi-Fi and in the immediate Downtown area people can log on using the wifi network SBOurGuest. We are at a time where everything from personal financial management to getting school work done depends on getting online. This is an effort that can bridge that gap for some people who do not currently have easy access to the web. It would not have been possible without a partnership from the Community Foundation, a number of private donors and the St. Joseph County Library who made a grant available to the City that they had applied for and received. Now that the infrastructure is available there may be opportunities to expand it beyond the immediate area.

The Mayor highlighted the Rise Up Academy, a program which helps people who have reached the end of the line in terms of expulsions and suspensions from school and are getting one (1) more chance. Also, it was an honor to be on hand for the United Religious Community Prayer Breakfast which reminds us that every different community of faith has something to offer here in South Bend.

The City also saw a number of presidential campaign visits over the previous weeks from all four (4) of the major campaigns. These visits will have an impact on our budgets and the preliminary numbers so far look like the cost will be around \$40,251 in overtime for the Police. There will also be overtime hours needed to be paid for the Fire Department and Streets and Public Works Department as well. Once the numbers are finalized, the Administration will provide them to the Council.

South Bend was included in a trip organized by the Department of Transportation earlier in April, the U.S. Secretary of Transportation invited three (3) mayors to accompany him on site visits in Europe to see how streets are made in the complete streets style or Smart Streets as we are calling them in South Bend. Those cities were Portland, Austin and South Bend and we certainly appreciated being included in that delegation. In Amsterdam, there was already some knowledge and praise for what South Bend is doing and we are continuing to develop a good reputation even globally for some of the steps we are taking which would not have been possible without the support from this Council.

The Mayor also informed the Council that May 17th 2016 will be an important day for the Smart Streets project as the Bartlett and Marion intersections on Michigan will go offline for the summer. This will not be an easy thing to manage and in order to mitigate those negative effects, we are doing whatever we can to keep everyone informed. There is a Smart Streets website offering real time updates as well as a newsletter going out to residents. The contract mechanism

for this work includes incentives for early completion and penalties for late completion because we know time is of the essence in getting this work done.

Next week, the City will be cutting the ribbon on South Bend's first dog park. This is in thanks to a partnership with Mathews LLC which is leasing the space to the Parks Department. The City is interested in adding more parks as well because in the long run that site is being eyed for development.

Lastly, the Fire Department is in the International Standard Organization (ISO) rating for fire departments which measure a number of criteria for our ability to deliver emergency response and have been upgraded to a grade of two (2). This is on a one (1) through nine (9) scale, where one (1) is the best. No fire department in the State of Indiana currently has a one (1). Our department came within a few points of the one (1) grade, but that two (2) places them in the top two (2) percent nationally and is a great example of the excellence in our community. Work from the Water Works and the PSAP was important in addition to the excellence of the Fire Department in attaining that certification.

The Council thanked the Mayor for his report and congratulated the Fire Department on their achievement.

Council President Tim Scott asked the Mayor to send some representatives from PSAP to the Health and Public Safety Committee because there were concerns last year.

The Mayor stated he would be happy to facilitate the meeting.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:16 p.m. Councilmember Karen White made a motion to resolve into the Committee of the Whole. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes. Councilmember Gavin Ferlic, Chairperson, presiding.

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

PUBLIC HEARINGS

12-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM

Councilmember Karen White made a motion to accept the substitute bill on file in the City Clerk's Office. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Karen White made a motion to amend page five (5) paragraph B, to strike the five-hundred (500) both in words and numerical and replace with three-hundred (300).

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

Chairperson Gavin Ferlic asked Council Attorney Kathleen Cekanski-Farrand to explain rules for input for and against the bill by the public and the timing regulations.

Council Attorney Kathleen Cekanski-Farrand stated the presenters of the bill and other members of the formal presentation are not timed. Immediately thereafter, members of the public who wish to speak in favor of the bill can speak for five (5) minutes each to present their comments. Immediately after those who speak in favor, members of the public who wish to speak against

the bill are given five (5) minutes each to present their comments. Those wishing to speak against the bill have thirty (30) minutes total or as long as the people wishing to speak for the bill spoke, whichever is greater.

Councilmember John Voorde, Chair of the Health and Public Safety Committee, reported that they met and due to time constraints send this bill forward with no recommendation.

Councilmember Tim Scott spoke as the presenter and petitioner of the bill, Councilmember Karen White was also a co-sponsor. Councilmember Scott announced a number of city officials may serve as part of the official presentation as well. The purpose of the Landlord Registration is equitable accountability of landlords and also for tenants throughout the City. This program will even the playing field for landlords that reside here in town and also elsewhere. It will also help cut down the cost that the various departments spend when they have to search for individuals that own homes and rental properties within the City. The ordinance is narrowly crafted and in consistence with the Indiana State Law. For example, the registration fee is five (5) dollars and that is set by state law. Even the title of "landlord" used in the bill is set forth in State Code and that's why that term is used.

Councilmember Scott informed the Council that they looked at best practices throughout the state including looking at the landlord registrations of Evansville, Indianapolis, Bloomington as well as Elkhart and Goshen. The registration fee of five (5) dollars will be used for the administration of the program. All fines that come from the program would go to allocation for City sidewalks as they thought anything that was generated by businesses within the neighborhood should go back into the infrastructure of the neighborhood. Also, for transparency which was asked for by the residents, a limited database will be available to the public where a name will be given to each address.

The goal of the program is to have an accurate database of who is doing business within our city and to expedite any issues that come up so our departments can do their job. The five (5) dollar registration fee is for all properties per filing. There will be an online registration session which will not allow you to close the program and log out until all data is entered. If the person does not have access to the internet, they can come to Code Enforcement and they will assist you with inputting the information.

The 2016 registration period will be open from September 15th to December 30th. This gives plenty of time for people to get notice and register. One change they made after committee was making the reregistration period be every September. The online registration and payment will make it possible for people out of state to register their properties. If the property is sold, the registration is the responsibility of the new owner within thirty (30) days to reregister the property in their name and again it only costs five (5) dollars.

The penalties have been reduced to three-hundred (300) dollars except for an incomplete registration which was dropped to a one-hundred dollar fee as opposed to previous versions where everything was five-hundred (500) dollars. Submitting false or misrepresenting information is still five-hundred dollars which used to be one thousand (1000) dollars. A letter will be sent out if someone is not in compliance to warn the person they have thirty (30) days to get themselves registered. This gives an extra thirty (30) days before any fines are given. If you are a reregister, a postcard and email will go out as well.

The fines were determined by looking at all the other cities within the state. Some cities are harsher than us, such as Evansville which fines the landlords one-hundred dollars each day that the landlord does not comply. These fines are in the range where they need to be taken seriously by landlords but are not that big of a burden.

The key to the performance measures is comparing the number of hours currently incurred to locate owners before and after the passage of the bill. We want to see if this is actually working and if we are spending less than the current \$200 to a \$1000 a day in different departments trying to hunt these people down and spending all that time on research. If this is done correctly we should see time and money savings. Councilmember Scott committed to doing a report collated with the collaboration of the Health and Public Safety Chairperson and with public meetings and

have public input on how it is working. He proposed doing a one (1) year review on September 1st, 2017 and see the input of the community and effect of the bill.

From Code Enforcement, only twenty-eight percent (28%) of violations with Code are with owner occupied houses. The owners of these leased properties are sixty-six percent (66%) versus thirty-two percent (32%) outside of the City. We still are searching whether they are within our area or not due to the LLC factor where people register these houses in an LLC and they are not fully vetted by the County or the State and they can be bogus LLC organizations. This bill allows our City Administration to take care of business in South Bend. Councilmember Scott provided a map of the City highlighting the houses that are rented in the City either as owned by someone within South Bend, Indiana or outside the State. He also provided a typical online form and what that would look like, he used the Bloomington form as the example where they have not heard anything negative or lawsuits. It is a simple form with pull-down options or fill in the box.

Councilmember Scott quoted the Mayor at his State of the City address saying, "The upcoming Landlord Registration Bill will further enhance accountability and ensure the City has a point of contact for every property we encounter. This is not just about finding irresponsible landlords, it's about making sure we can keep in touch with the majority of landlords who are doing the right thing." Just like any good business, communication is the most important factor. Councilmember Scott invited various department heads to come up and tell the Council why this is such needed legislation.

Randy Wilkerson, Director of Code Enforcement with offices on the 13th Floor of the County-City Building, expressed his support for the bill. If a property is unsafe, such as not having gas, water or electric, they would issue a twenty-four (24) hour letter meaning they would have to fix those issues immediately due to their serious nature. When we do not have the information of these owners we cannot provide those letters and we are keeping people in homes considered unsafe because we do not have the information in front of us. If the person can get to the department the problem can be solved. The department does one-hundred and eight (108) code hearings each year, of those about half are LLCs and many of those are undeliverable and we cannot locate the owner. The problem is we have no one to hold accountable if we cannot get ahold of them. This year, the department purchased software to help them track down people but there are so many of these LLCs that have either disbanded or have false information. Many of these are historic properties that we do not want to tear down. All this bill does is give the department a chance to find resolutions for these properties. By being able to contact people we can solve these problems. These issues currently take a lot of time and a lot of manpower that could be used on better things. Mr. Wilkerson explained the department has the ability to seek an inspection warrant and those warrants can only be served on the property owner, not the LLC or the P.O. Box. They have to physically hand deliver that warrant to the owner. There is a property currently on Brookfield that the neighbors have been asking us to look into but they have no one to serve that warrant and the occupants won't let us in and we know bad things are going on in there but we can't do anything about it. A lot of people are concerned that we are getting this information but it all comes back to the communication. If we have contact information we can send courtesy emails that tell the owner they have trash on their property and we can resolve it before we have to cite anyone.

Steve Cox, Chief of the South Bend Fire Department with offices at 1222 S. Michigan St., spoke in favor of the bill as well. Firefighting is a team sport and the department does not do it by themselves. In order to properly investigate a fire scene, we have to be able to notify the landowner and discuss what occurred with the actual landlord associated with the building. Our investigators currently spend approximately a third of their time chasing down landlords in regards to vacant buildings. Typically it takes them two (2) to three (3) hours of their time that they should be spending on figuring out what caused the fire and instead we are searching for landlords. Most of the time it is due to incomplete data, wrong data or folks moving away and never updating information. This registry would be a tool to allow the fire investigators to be able to contact those landlords. For the Fire Department it doesn't matter if it is an LLC or a private owner, they need to have a point of contact to be able to speak to the needs at the scene pertaining to the fire. They have a current investigation where they and the police found some illegal activity was taking place at the home and they have been attempting to get ahold of the

landlord who clearly needs to know that information regarding their property but because of challenges with figuring out who the landlord is they have had significant difficulty.

Keenan Lane, the nuisance abatement officer with the South Bend Police 701 West Sample, spoke in favor of the bill. This would be a great tool to be used by the police because it is such a challenge to find who the owners of these properties are and to inform them of illegal activity happening on their properties. He estimated he spends two (2) to three (3) hours on each investigation just trying to find the owners if it is a rental property. That includes going the County Assessor, Water Works, County Auditor and Treasurer and any other avenue available to them. This is a great way for us to save time and contact these people immediately. There are cases where he has six (6) to seven (7) neighbors complaining about a house where they are causing problems in the neighborhoods and all he can tell them is that he is doing his best to contact the landlord. If they are easy to contact it makes the process that much quicker and easier for everyone, especially the neighbors who have to live by the property. When they cannot find the landlord and the process is dragged out, the whole neighborhood continues to decline and the people who live in South Bend become more frustrated because they don't live in a quiet neighborhood where they can feel safe.

Scott Ruszkowski, Chief of Police with offices at 701 West Sample Street, expressed his support for the bill. Even with all the excellent collaboration that takes place between the Fire, Code and Police Departments it takes hours to find out the owner of some of these properties. If there is a situation where a house needs boarded up, the police and tax payers pay that bill until we can find who the rightful owner of the property is and even then if we can't prove it the taxpayers have to foot that bill. Chief Ruszkowski gave an example where they were alerted to a house where it was obvious something drastic took place and a woman went missing who in the end was a victim of domestic abuse. It took far too long to find that woman because we had no idea who owned the house and could not contact them to find out who this woman was so we could start an investigation. It is a blessing that it ended up okay but there was no way to track her, no way to even know who she was at first. Yes this is only one circumstance but that is why this type of bill is needed because it would have drastically decreased the time spent looking for her.

Tasha Reed Outlaw, Assistant City Attorney with offices on the 12th Floor of the County-City Building, spoke in favor of the bill. This legislation would allow the City to operate more effectively and efficiently. There have been a lot of letters and arguments with respect to why this bill should not pass, but a lot of that is perceived threats versus what the evidence shows. There is perceived threat that this ordinance can potentially have a disparate impact on vulnerable or low income tenants. In actuality, the bill has the support of the Human Rights Commission.

There was debate among the Council and Ms. Outlaw on the support of the Human Rights Commission. Councilmember Tim Scott announced the various members of the Human Rights Commission who have publicly supported the bill and also stated he has sent an email to the councilmembers from Glenda Rae, Commissioner of the Human Rights Commission, about her contacting the South Bend Tribune to show their support.

Ms. Outlaw stated she brought up their support because they are the watchdog organization for fair housing rights in the City. If anyone is going to receive complaints of discrimination they are going to be the first agency to receive those complaints. There is a perception that the City has the highest fines with regard to this bill but in actuality the bill has fixed fines while there are other cities that have a daily fine structure that would surpass what this bill has written. Right now the City uses the County records to get a point of contact for owners of properties but that information is not always up to date. This bill will allow the City to have its own repository of information so that when we have an issue we will not have to rely upon County records. There is the perception that this bill will victimize tenants and victimize landlords. In actuality, this bill allows the City to act as a liaison between landlords and tenants. Tenants will have the comfort in knowing that their landlords have updated information that is with the registry and if there are any issues that landlord can be put on notice. The landlords can actually use the registry as a business tool and point out to their tenants that they are responsible landlords and are compliant with the ordinance. There is the perception that this bill would unfairly charge landlords fines that are not warranted. In actuality, Code Enforcement has publicly stated they are willing to

work with businesses and landlords. We are not about the business of fining as many landlords as possible, we want to build a positive relationship with landlords and keep the communication open.

Councilmember Tim Scott stated at 2:55 p.m. today, Glenda Rae Hernandez sent an email stating their support which was passed onto the Council. These are businesses within the City that are used for-profit and the fines listed in this bill are five-hundred (\$500) or less. According to the U.S. Census, the average rental unit in South Bend is about seven-hundred and twenty-five (\$725) dollars a month. The fines are pretty much less than one month's rent in most cases. This is a simple registration, they provide their name, address, phone number, email and five (\$5) dollars total for as many properties as they own.

Councilmember Karen White expressed her support for the bill. The challenge we have is to identify the landlords that are not responsive and this bill will serve as a tool to fix that problem. Good landlords will not be penalized, at the end of the first year she would not only like to review the status of the program but to also publicly celebrate those outstanding landlords we have. The substitute version of this bill has really responded to the feedback on the penalties and many changes have been made to make sure those penalties are reasonable. It is important for the public to know that we are listening and we are making appropriate changes. Councilmember White did state her reading of the email from the Human Rights Commission is that they do not have an official position and would not be able to vote until May 18th 2016.

Councilmember Oliver Davis asked Councilmember Tim Scott to read the entire email Glenda Rae Hernandez sent.

Councilmember Tim Scott read the email from May 9th at 2:55 p.m.: Not directly. I know she has made comments about it but it has never become an item of discussion nor has she asked to have it put on the agenda. She is a past Chairperson but her opinion is strictly that--her opinion. Fred is a staff person but not a spokesperson for the Commission. Again he has never asked the Commission for our consideration. I have a call in to Lonnie to discuss this with him further. I also plan to contact the Tribune about their story saying we are in favor of it.

Councilmember Tim Scott also responded that Lonnie Douglas has spoken to the media publicly about supporting the bill and Fred Harris has been active in crafting the bill.

Councilmembers were given an opportunity to ask questions. Chairperson Gavin Ferlic also announced if a person is a landlord of a property within the City limits by the state definition it is appropriate to make that disclosure.

Councilmember Regina Williams-Preston disclosed she does own one property which is rented. Councilmember Williams-Preston asked if this bill would cover people who own properties and let their family live there and only pay the utilities because many of those people do not consider themselves as landlords. She also asked about those people who rent out their houses for Notre Dame games only.

Councilmember Tim Scott responded that as far as rental property goes, its between the owner and tenant on what the amount of rent owed is. If it's a rental property by state code then you would have to register.

Council Attorney Kathleen Cekanski-Farrand read the state law definition of landlord. "The owner, lessor or sub-lessor of a rental unit where the property of which the unit is a part or a person authorized to exercise any aspect of the management of the premises including the person who is directly or indirectly a) acts as a rental agent or b) receives rent or any part of the rent other than as a modified purchaser.

Councilmember Tim Scott also responded that this bill does not address game day renters. According to the IRS, if it is ten (10) percent or less of the year it is not considered a rental unit. If a single family home is rented out for one day, the owner still lives there and that person can be tracked down if you have an issue.

Council Attorney Cekanski-Farrand reported that she did send to the Council and the City Clerk the IRS definition of a renter.

Councilmember Regina Williams-Preston stated she questions the email that Councilmember Scott read because everything Glenda Rae shared in her earlier emails and then even the first part of the email sounds like the Commission has not made a decision. She made it clear the Commission has not studied nor considered this specific bill or taken a position on it. Individuals may have strong feelings one way or another. She also stated in an email that if the Council is interested in the opinion of the Commission then the Council needs to understand they have not taken a formal opinion on the matter.

Councilmember Tim Scott stated all he was doing is sending on the email he received. Lonnie Douglas has been on TV with the media in favor of this and Fred Harris was part of crafting this bill and has supported it.

Councilmember Williams-Preston expressed that from the original bill filed to what changes were made in this substitute bill is a completely different experience. The sponsors have worked very hard to reach out and talk to people to make positive changes. One of those changes she appreciates is the reduction of fines which was a big concern for her.

Councilmember Scott thanked Councilmember Williams-Preston for that opinion because we can respectfully disagree with issues and have civil discussion.

Councilmember Williams-Preston asked if they intended to add the language regarding the one (1) year review into the actual bill itself.

Councilmember Scott responded it doesn't need to be in the actual bill itself just like all the other committee meetings we hold. He stressed that he has done similar things with other ordinances he has written and will absolutely do so as well with this bill.

Councilmember Williams-Preston stated it is something she would like to see in the bill and it is an easy fix. She asked because we have a problem with contacting owners, how can they successfully fill out the section of the registration asking for their code violations if they have not been contacted and told if they have violations.

Councilmember Scott stated that was modeled following practices in Indianapolis and South Bend has had similar language in other ordinances as well. The idea is if there are any issues that are there they can be addressed immediately with Code Enforcement. He granted that Councilmember Williams-Preston has a valid point regarding if the person does not know and there may need to be an option to select unknown where the penalty would not apply.

Councilmember Jo M. Broden thanked the sponsors for addressing the questions and concerns she did have with the original bill.

Councilmember Scott stated they did look into her suggestion of changing the name of the bill but the Indiana Code uses the term "Landlord" and we wanted to be consistent.

Councilmember Oliver Davis asked what is the rational of initially penalizing late fees because if a person pays late on their federal or state taxes they simply pay the original amount plus a set late fee.

Councilmember Scott responded the compromise there is that there is a thirty (30) day warning period built into the bill so you have that time after the deadline before any penalties are assessed. There are many different types of options related to the fees and this is what they decided to go with.

Councilmember Davis asked what in this bill guards against aggressive enforcement.

Assistant City Attorney Tasha Reed Outlaw responded this bill addresses the fact that the City is going to give them an opportunity to cure. Also, the City has the discretion to work with individuals.

Councilmember Davis asked if the people in cases where aggressive enforcement was argued did they have that cure provision.

Ms. Outlaw responded she did not specifically look at that ordinance in respect to those cases. There actually was not a cure provision in a lot of the municipality ordinances we looked at to craft this bill so we added that as an extra benefit for individuals who are not in compliance.

Councilmember Davis stated he was concerned about using those ordinances as examples because they are relatively new to Indiana. However the federal government in regards to Ferguson, have made recent rulings about penalties and fees and therefore we have to be a lot more cognizant and do our due diligence at the start and not wait a year. So we should look to other states on how they have dealt with these bills because the cities in Indiana were late to the game. Councilmember Davis asked what cities outside of Indiana did the sponsors look at when crafting this bill.

Ms. Outlaw responded they did not look at other states but specifically looked at other municipalities within the state. They were careful to make sure they inserted the cure provision that is not included in other ordinances to give the City some type of blueprint and individuals some type of warning so that the City is not aggressively trying to seek out civil penalties against individuals. All the City is asking for is compliance and all they are asking for is a repository so the City has their own information and not rely on the inefficient information of the County.

Councilmember Davis stated a lot of these human rights issues are not only taken to state court but are also taken to federal court and it does not look like we have done our due diligence in regards to federal law because the group that would study that is the Human Rights Commission and they have not even given an opinion. They have clearly not studied the federal law in this matter. Councilmember Davis also asked if they had conversations with the Human Rights Commission attorney and could that person provide us with any information.

Ms. Outlaw responded they would have to ask her for her opinion but she will not speak on her behalf.

Councilmember Davis expressed concern about having the penalties pay for the curbs and sidewalks program because when you have a bill that states where the money will go for certain penalties it can be seen as funding city projects.

Councilmember Scott deferred to Council Attorney Cekanski-Farrand.

Council Attorney Cekanski-Farrand responded this is similar to other ordinances where certain funds have been earmarked for certain departments such as noise violations have been earmarked to law enforcement and their continuing education fund. Here it is not required it is only an option where only the penalties may be earmarked for sidewalks within residential areas that would be affected. This is not unique to the City of South Bend.

Councilmember Davis stated just because it is not unique does not mean there are no issues with it because the ruling regarding Ferguson is relatively new and since were making this ruling after Ferguson, we need to do our due diligence and look into that.

Council Attorney Cekanski-Farrand stated we did look at communities who passed landlord registrations post Ferguson and we did look into that provision.

Councilmember Davis asked about the application fraud consequence and how it relates to Indiana law. He shared concern that fraud is difficult to prove.

Ms. Outlaw responded that she was not at the meeting when that specific provision was added into the bill but under the bill the owners will still have to prove fraud. What this ordinance states is that the City will forward any information if they believe fraud has taken place over to the Prosecutors office and they have the discretion either to accept the case or deny the case. We are not saying that the City is creating this new definition of fraud, what the bill states is that anything we believe is fraud will be forwarded to the Prosecutors office and it is up to them to make a decision.

Councilmember John Voorde stated he is anxious to hear from the public and real estate community.

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

Samuel Brown, 222 East Navarre Street South Bend, expressed his support for Bill 12-16. He stated he is on the Human Rights Commission and Lonnie Douglas is the Executive Director and Glenda Rae is the Chairperson and is the Chair at the meetings. Only Mr. Douglas can speak for the Human Rights Commission and he answers to the Mayor. He stated because of the ambiguity the Council should leave the Human Rights Commission out of consideration. Mr. Brown, speaking on behalf of Citizens United, stated the City of South Bend should have this ordinance so that these absentee landlords can be contacted when it is necessary. A lot of these companies are LLCs that do not do their jobs and they have no idea about what is going on in these homes. Randy Wilkerson, Director of Code Enforcement, is willing to work with people and he has worked very well with Mr. Brown. This ordinance needs to be in place because this is a very serious issue which is obvious by the Police and Fire Chiefs coming here and speaking today. Regarding the fines, you need to have a balance of where the average citizen can pay them but also where it would be a financial burden to an LLC. There are many of these absentee landlords who do not live here but their letters go to a P.O. Box in South Bend. This bill would help get a real address for these landlords.

Rebecca Kaiser, 913 Diamond Avenue South Bend, spoke in favor of the bill. For the last few months we keep hearing about the "poor people" of South Bend, but these statements are never made by somebody who lives in a poor neighborhood. It is usually stated by some academic who is discussing the poor in South Bend. Ms. Kaiser asked the Council to stop making both her and her neighbors victims. The landlords are victimizing the poor of this city enough. We can use MACOG to find out where a landlord has an address but when we do find that address we find things like "trust of 913 Diamond" goes to 913 Diamond. If we have a problem with these landlords and who they are renting their houses to, certainly we cannot get ahold of them. The poor people in South Bend, who are the victims in this situation, have to suffer through trying to make the neighborhoods better through a complaint driven system. That is something a lot of people don't understand, we are not going to target landlords who do the right thing. We are going to be able to contact the landlords who hide behind the LLC and put their property in trust and who are making our neighborhoods deteriorate. Many of her neighbors are low income but they still keep their yards up and keep their houses respectable, if we don't have the tools to contact a landlord who has a problem then we have no tools to help keep our neighborhoods decent. Ms. Kaiser informed the Council she goes to the Code Enforcement hearings and there are property management companies who own these properties who say that the neighborhood is trash so they rent to trash. The people who live in these neighborhoods are not trash, they are hardworking resourceful people who make South Bend a great place to live. There is a difference between poor people who are responsible and criminals. Right now, even though there are good landlords, some of what we are letting landlords do is criminal. There are houses in this city where we would not even let a dog or cat live in and you are making poor people live there because there are no other options because Code Enforcement cannot get into these houses. Let's stop talking about the poor and making them victims to these landlords.

Noreen Dean Moren, President of the Near North West Neighborhood Association, stated her support for the bill and for Ms. Kaiser's opinions. We are victims of people all over the world who own these properties and the landlords are not in danger of anything except losing illegally gained money by putting poor people through ridiculous situations. It is laughable to think these landlords will raise their rates because of this because no one with a higher rent would move into these homes. The landlord situation is ridiculous and them complaining about the fines is ridiculous because if they do things correctly they will not incur the fines. If the fines are reduced to a low level they will be willing to pay them instead of fixing the problems. Ms. Moren stated every problem in her neighborhood is from a rental landlord situation. The Near North West Neighborhood Association voted in February unanimously to support this bill and they have been waiting for it for years. We are desperate for this bill and will celebrate its passage.

Wayne Bennick, Fredrickson South Bend IN, spoke in support of the bill. He stated the previous two (2) speakers have summed up accurately the issues they have been having with these absentee landlords. The police are wasting their valuable time and resources hunting these landlords down when we need them on the streets protecting people. Landlords are causing a lot of the issues on the Westside, they don't care who they get their money from or how they get their money. That attitude gets people hurt very seriously. We need to hold the landlords

accountable for their properties and if this bill helps that situation then it is a good bill. It is ridiculous that realtors are complaining about this because these landlords are dragging down home values. The Council can help change this situation and make landlords responsible for their properties. Mr. Bennick suggested taking the money from fines and penalties and hiring more police officers.

Jason Banicki Critchlow, 3822 West Ford St., stated this is an ordinance which is easy for him to support. The bill will help improve the quality of life for residents in South Bend. A five (\$5) dollar fee to register properties will not raise rent costs. Let's not confuse that issue with the ability to track down landlords. It is not just the fees and fines it is how they are enforced so let's not confuse those issues. This bill lets us hold people accountable who are bad neighbors and bad landlords. It is a small percentage, maybe five percent (5) to ten percent (10), of bad landlords in South Bend and we need to hold them accountable. If we can't find the people who own the nuisance properties then how do we enforce that ordinance. It's not a lot to ask of those who are going to profit off of rented properties to put their name and contact information and have them admit they want to be a productive part of the community. It is easy to hear the frustration of these neighborhoods who live by these bad rental properties and this is a tool to make those neighborhoods better. It may not be perfect, but don't let perfection be the enemy of progress.

Fred Ferlic, 1128 Georgiana South Bend IN, stated those two women who expressed their anguish can speak much more eloquently than he can because they spoke from their heart. His experience with Code Enforcement shows that this will be an immense improvement in South Bend and that's what we have to measure. It certainly cannot hurt the situation that we currently have. The landlords who are here, who care about this City, do not have to worry about this ordinance. There are six (6) reasons Bill 12-16 should be passed by the Council. First, landlords have an obligation to the more vulnerable in our City. Second, it is a just and fair bill and the councilmembers can make sure it is enforced fairly by working with Code Enforcement. As a councilmember he resolved a number of cases just by working with Code Enforcement and having positive communication. Third, the fines are fair and reasonable. A speeding ticket now costs over \$200 and that's certainly not as big of a problem as sub-standard housing and sub-optimal living conditions. Fourth, the time is now to enact this ordinance with summer coming up. These landlords need to take responsibility for the conditions of these homes. Fifth, this centralizes the data. As a councilmember he spent an immense amount of time going to the Treasurer's Office, Auditor's Office, Assessor's Office and even went to the Water Department to try to track down who owns a particular house and that is extremely inefficient. Lastly, this will create an effective system and hold accountable both the renters and the landlords and the City Administration. This bill will lead to better neighborhoods and a better South Bend.

Timothy Leszynski, 617 Park Avenue South Bend, spoke in support of the bill and represented the Chapin Park Historic District. At its core, this bill levels the playing field in promoting the same property standards and accountability from owner occupied dwellings. It will promote a reduction in maintenance violations by property holders who lie in the shadows and cast their bets to avoid violations or make necessary repairs. The bill should not mischaracterize the vast majority of property holders who manage their investment in our community responsibly. This proposed legislation and fee does not impose an undue burden. Regulation and contact accessibility are to be expected if any standards are ever to be managed. He commended the Council for beginning a dialogue and strategy which addresses a long time concern for its citizens. Complimentary resolutions and additional amendments can be passed as well to perfect the legislation. It would be prudent to withdraw any recognition of the Human Rights Commission support of the bill until they submit a formal resolution in support or against the bill.

Barbara Sutton, 528 Ostemo South Bend and President of the North Shore Triangle Neighborhood Association, their group has talked about this bill and similar bills for several years. She was a part of the group that met regarding landlords and tenants starting five (5) years ago. They support this ordinance and the biggest points that have come out of this discussion tonight are the importance of communication between landlords and the City. Also, as an account Ms. Sutton expressed her concern about the cost and time that public services expend in tracking down landlords. This is not a problem for the landlords here tonight who are clearly

interested in being a positive force in the City but rather for those who fail to register properly anywhere in the state with their contact information. She does not want her taxpayer money going to having Code Enforcement and Police running around trying to track down these deadbeats who are not communicating with the City. A one (1) year review is a good idea to see the progress the bill will make.

John Weintzber, 735 Portage Avenue, stated he has been the only home owner on his block since he has lived there. He is also a member of the Near North West Neighborhood Association and in all the years he has lived in the neighborhood this is something they have always wanted. It takes far too long to ever find something out about them. It would be a wonderful thing to have some more homeowners on his block and it may finally happen here as there was a house rehabilitated recently.

Mary Bundy, 318 S. Francis Street South Bend, spoke in favor of the bill. She disclosed that she is both a homeowner and a landlord in the South Bend City Limits and she is elated that this bill has come before the Council. She applauded all the speakers before her who really gave a good case for why this bill is needed. The whole idea about building cohesive neighborhoods revolves around responsible ownership. She enjoys being a landlord and is a responsible landlord and has no problem with registering. Any responsible landlord would not have a problem with registering also. The fines are not outrageous, bringing them down to \$300 was very generous, and if you have too small of a fine it won't make a difference for owners who would rather pay fines than fix their properties. When a new home owner closes on a home, the realtor will tell them that as a new home owner they can register for the homestead exemption. There is no reason the realtors could not do the same thing for this ordinance as well.

Kathy Schuth, Executive Director of the Near North West Neighborhood with offices at 1007 Portage Ave South Bend, when she posed this question to neighbors during the past few weeks the answers she heard can be summed up with "it's about time". We are not talking about the landlords in this room right now who care enough to come to these meetings, we are talking about landlords who do not treat the houses they own as if they lived in them or would want to live next to. There is a tremendous amount of resources that the City expends trying to find these landlords and the neighborhood associations are also expending time and resources as well. Just for an example, one of the houses they purchased in the past twelve (12) months was from an Israeli owner who had not realized his pipes had burst and the property manager had not been in the house in a year. The need for the ordinance has been eloquently displayed tonight but there are valid questions from the real estate community. We should be concerned about putting too many burdens on responsible landlords but that does not mean we should scrap this bill.

Susan Bullock, 843 Forest Avenue South Bend, has lived there for thirty (30) some years and has seen the historic Chapin Park District improve over the course of their life. Most of the homes are now owned and well-kept but there are still a few that are rented and those landlords need to have Code Enforcement after them. This is a great idea and it is about time. If South Bend truly needs to come back we need to strengthen our weakest link and these neighborhoods that are highly rented are our weakest link because you have these landlords who do not take care of their properties. The poor of this community are trapped in these horrible situations and the City cannot help them because they cannot contact the owners.

Jerry Niezgodski, 1113 North Elliot, spoke in favor of the bill. This is not punitive in regards to registration which is a problem with other college towns and it's great that it is only \$5 for every property. This is aimed at the small fraction of terrible landlords who take advantage of the poor. The fines have to be in place to get the people to adhere to the rules and it just makes common sense. Let's make things more efficient for City offices and weed out those bad landlords.

Those wishing to speak against the bill:

Henry Davis Jr., 5117 Idle Wood Dr., spoke against the bill. There is an idea that this legislation is going to correct poverty and that is not going to happen and you will probably see a lot more of it because of this legislation. We have an exorbitant amount of people in this City who are poor and many of them live in these rental properties. You should craft legislation that incentivizes landlords to be better neighbors. Mr. Davis suggested an interlocal agreement with the County offices to provide the support to the City offices to find these landlords and creating a

bureau specifically dedicated to housing and housing issues. Mr. Davis also suggested establishing tax abatements for landlords and homeowners that invest thousands of dollars for repairs or upgrades of their houses.

Jesse Davis, P.O. Box 10205 South Bend, stated a registry maybe should be enacted but this is not the right bill. We have a Code Department and that department is supposed to do this work and they are paid to do this work to make sure violations are not happening. The County offices are there to keep records and we should use them. It is not necessarily the City's job to keep records. MACOG is not the only option there are websites out there for free that you can hover mouse cursors over lots in South Bend and bring up all the information for a property. It is not that difficult to find the owners of these properties. This is going to make landlords leave this City and not invest in this City. It's the same exact people for six (6) years now that when you want something passed they come to the microphone and speak in favor of the bill and it always passes. This ordinance is repetitious because there is already the nuisance ordinance. You already have laws in place and departments that are paid to do this work.

Drew Duncan, 439 South Michigan Street, spoke against the bill. The City has done nothing to reach out to good landlords up to this point so it's doubtful they would start now. The Human Rights Commission's endorsement is in question and there are a lot of questions that need to be analyzed. The performance measures have been changed drastically since it was first filed. It seems as if the City is being fuelled by how many people they could fine and how many fines have been issued and collected. Code Enforcement should not be the people who do this performance review. The majority of the money Code Enforcement collects is on the sorrows of the poor and this bill will not change that. As a result of this, landlords will either pull out of South Bend or they will be forced to raise the rent which will reduce the amount of low income properties for the poor in South Bend. There does need to be a database where landlords can be contacted but to fine someone \$300 for filing late is ridiculous. If the property is not in disrepair the City should not care about that person as they are taking care of the property. It does seem every time we come here the City is in the pocket of the citizens. There is no accountability and no due diligence in the crafting of this bill. Why are we not looking at other laws outside of Indiana? We need to look at this issue from every angle and upturn every stone. A vote for this bill tonight is a vote against due diligence.

Bob Masters, 350 Columbia Street South Bend, spoke on behalf of the Real Estate Investors Association of North Central Indiana. By a rough estimate they own or manage roughly 2,000 properties in South Bend and are opposed to this bill in the form it is now. This would be an easy bill to pass provided you did not ask any questions. The testimony in favor of the bill raises far more questions than it answers. We heard very passionate stories concerns bad and criminal landlords but if the Police, Fire and Code Departments cannot find these bad landlords how is a newsletter or an email going to get ahold of these landlords. There are serious practical issues with this bill and its ability to find the bad landlords. There is also a concern that this bill appears to be deviating from a codified procedure for giving notice of issues affecting properties. Some of the information that this bill asks for seems to be designed to create new ways of contacting landlords to send them legal notices such as the request that corporate landlords provide the name of its IRS Responsible Party. No one has explained why the bill calls for those corporate landlords to ask for that name. There is no reason the City needs that information. He also expressed concern about the application fraud that was added in relatively recently and what appears to be targeting a specific industry to pay for public works. With all these questions please slow down and table this for maybe a month and invite real estate groups to the table to discuss this. There should be a registry but it can be a much better registry than the one this bill creates.

Pete Taddeo, Access Properties, his company owns or operates approximately four-hundred and fifty (450) properties in South Bend. He has worked in the past with neighborhood associations who worked to develop a landlord registry but this one has serious flaws. If you fail to renew your registration it is a 6,000% penalty and if you provide misinformation you are subject to a 20,000% penalty. Playing follow the leader with Indianapolis and Evansville does not help us in any way. State law allows any fees to be passed onto tenants and this will happen if this bill passes. Mr. Taddeo stated he would not do that and he tries to provide low income housing and

help out his residents not every landlord will do so. It will take almost four (4) hours for him to register all of his properties. This would be a much better bill if the extra information like the IRS Responsible Party information was not required to register. The bill also asks for outstanding citations but Code Enforcement should already have that information. Code Enforcement should not be in charge of monitoring the success of the program because that is a conflict of interest and the measure of success is also wrong as well. It should be measured on the values of real estate.

Steve Weaver, 3321 Mishawaka Avenue, disclosed he is a landlord in South Bend and spoke against the bill. There is a disconnect between what this bill is supposedly attempting to do with the database and the problem you are trying to solve. As a landlord, Mr. Weaver feels he is being treated the same as bad landlords. His name and address are easily able to find by any government source. He only has two (2) remedies when a tenant is causing a problem. He can either ask the tenant to fix the Code violation or sue for eviction and those are the only two (2) remedies landlords have. If tenants pay their rent it is very hard to get them evicted and Code violations will probably be enough to convince the court to evict that family. The tenant is protected to the landlord. The landlord has to give notice of twenty-four (24) hours to inspect the property. If neighbors call him about a problem on a property he directs them to Code Enforcement or the Police Department. This bill will not solve those problems the presenters spoke about. This bill puts landlords in a spot where they cannot do anything to remedy the problems. This registry is not going to solve the problems discussed today.

Bob Coffee, 10586 Jefferson Rd. Osceola, spoke on behalf of the Greater South Bend-Mishawaka Association of Realtors. They have tried to work with Councilmember Scott to help craft a bill that is acceptable to all because they are not against cleaning up the neighborhoods or going after the nuisance properties. As was mentioned briefly before creating a database will not solve a problem. The problem is you have these people that you cannot find they are certainly not going to come out of the shadows to sign up for this registry and you are still not going to be able to find those people. This ordinance will not accomplish its goals. On behalf of the Real Estate Association, Mr. Coffee asked the Council to table the bill to bring more voices to the table and create a better law.

Dan Witcamp, P.O. Box 2611 South Bend, owns and manages properties in South Bend. He asked that all the other businesses, not just landlords, have to register not just the rental property owners. Mr. Witcamp expressed doubt that this information will be vetted properly because if you are going to have a database and vet it you need information to vet it against. Also, the vacated properties that are owned by a bank or the City are not addressed in this bill. There is also nothing in this bill to limit the registration fees or penalties from going up every year.

Steve Eslinger, a practicing attorney and landlord in South Bend, spoke against the bill especially the excessive fines. In 1998 the U.S. Supreme Court ruled that excessive fines are a violation of the 8th Amendment to the Constitution and in 2002 Indiana courts ruled that the Indiana Constitution also deems excessive fines unconstitutional. The courts analyzed these cases based not on what a landlord gets in rent a month but rather assess the excessive nature of the fine between the cost of compliance and the cost of the fine. The cost of compliance for this bill is \$5 which is set by the Indiana Code and that ties your hands to how much the fine can be. A sixty (60) times the amount of the registration fee for a fine will not pass muster in any court. This will come up when Code Enforcement charges these fines and then two (2) years down the road you are going to have a class action lawsuit on behalf of the people who pay those fines and those people will demand all that money back plus their attorney fees for prosecuting that case. Mr. Eslinger asked the Council to revisit these fines and bring the bill back then and all the cities that passed landlord registrations with fines comparable to South Bend's were enacted before the 2014 state law was passed. The rules regarding this issue have changed.

Penny Hughes, a landlord for forty-two years and a realtor for thirty-nine years in this community, thanked the Council for their services because it is a thankless job. Ms. Hughes also thanked Code Enforcement for the hard work they do in contacting them about their tenants and keeping the neighborhoods nice. People deserve decent housing and they deserve to live in nice neighborhoods. The good landlords are the ones who rehab the housing after tenants trash the house. We are not a bunch of fat-cats getting rich off of these properties. Part of the problem is

the County Tax Sale where people from all over the country and even all over the world buy up these houses and then they don't take of them or put in the effort to keep them nice. It is very important that when we pass these laws we realize landlords will pass these fees and fines over to the tenants. The Human Rights Commission has not taken a vote on this bill and people should not take that email for face value. The police should arrest these people when they go to these houses. The police should call us the first time they go to a house and not the third. The success of this bill should be based off of affordable housing in South Bend and if the landlords leave next year and invest in areas where they are not hit with high costs.

George Calhoun, Woodside Dr., spoke against the bill. This bill is going to be a crowbar that divides the City against itself.

Councilmember Tim Scott gave a rebuttal. He thanked everyone who came out who came out to speak in favor and those who spoke against the bill as well. We have changed this bill about four (4) times and that shows we have considered everything to make this the best possible law we can. The fines are right down the middle of examples with other cities. It is up to home rule to set the fines, the state has not restricted us in that matter. Other cities, like Evansville, have stiffer and more expensive fines than this bill. This is a good bill and will be a good law. Councilmember Scott pledged to set the date for the anniversary review as soon as this bill passes to look at the success or failure of this bill.

Councilmember Karen White also thanked everyone who came out on both sides of the issue. This is a tool and we will set timelines to respond to the community.

The Councilmembers were given a chance to share their comments on the bill.

Councilmember Regina Williams-Preston agreed with those who spoke from those neighborhoods on the Westside because she too lives in those neighborhoods. She lives in the midst of those issues. She also wanted to use the framework of perceived versus actual effects of the bill that Ms. Outlaw established. The perception is this bill would address the issue of contacting absentee landlords and bad landlords. The reality is that this bill will not solve that problem or the problems of domestic violence and drug issues. Those violent problems need to be addressed by the police. This bill does not get at those problems. A lot of the issues that we are lumping into this ordinance will not be solved or addressed. It will solve a problem and it may benefit tenants and residents because people will be able to be contacted but those problem landlords will not register and the City will still be spending all that time and legwork to reach them. She gave her support for a landlord registration just not in the form it is currently written. Councilmember Williams-Preston expressed her support for other solutions such as the new software Code Enforcement purchased to track landlords down or changing the County Tax Sale so that it is not online so people from all over the world cannot purchase these properties. She agreed with Henry Davis Jr. that residential tax abatements may encourage landlords to beautify their properties and keep up their properties. Another perception is that we have had these long meetings and so the issue has been vetted. In reality, we have met with professionals but many of the requested changers were not made that the real estate professionals wanted. The real estate leadership asked this bill to be continued due to scheduling issues so they could be here and that is bad government that we did not listen to them. That is not transparent. If we are going to truly represent the people we need to hear from all of the people. There is a perception that this law is valid and there are no concerns with civil rights violations or disparate impact. In reality, a law can be valid on its face but produce a disparate impact if administered in a way that is unequitable. Why are we not listening to experts like Notre Dame professor Jim Kelly who is a foremost figure on dealing with vacant housing strategies and has stated that local organizations must take actions to be race equal not just have a law which is valid on its face. There is a disparate amount of Code violations issued in low income neighborhoods, so we already have this problem here even though we don't have laws that expressly discriminate against those neighborhoods. The strategy of having people coming to Code Enforcement trying to strike a deal is not efficient and is an unequitable application of the law. What if the person does not speak English or what if they do not know where to go? There is the perception that this will not be aggressive enforcement but in reality we have a document from the Vacant and Abandoned Task Force in their report says Code Enforcement should aggressively pursue repair orders. So we have said that Code is aggressive in our own documents. There is the perception that higher

finer will lead to compliance but in reality research has shown the severity of a penalty does not change behavior but it is the probability of getting caught that changes behavior. We have to figure out the enforcement part not the fine structure first. If we truly want to make sure that these absentee landlords are held accountable this is not the ordinance to fix that problem. This bill will not get the bad landlords. We do need a registry but we should not tie all of these issues together and should not put fines on those good landlords. The first step we should take is table this and engage with the professional community because landlords are also citizens and residents and they have a right to be listened to as well.

Councilmember Randy Kelly disclosed he is also a landlord and has an LLC. While there has been a lot of talk about violence or lawlessness he never read this bill as a tool to mitigate those issues. It is simply a way to help Code Enforcement, Police and Fire to more easily find the owners of these properties. A registry is necessary and we should give this a try. Councilmember Kelly expects that the Council will tweak and look at this issue going forward. He also agreed with Councilmember Williams-Preston that it is not about the fines it is about the threat of getting caught and this bill does create more of that threat of getting caught.

Councilmember Jo M. Broden thanked everyone who has provided feedback and for all the changes that have been made from the original bill. All of those changes have been for the good. The one (1) year anniversary review should be included into this bill as an amendment because the City should always be self-reviewing our practices. There is an added responsibility that we need to broaden that idea of a review as well. She does agree that striving for perfection should not stop you from producing good work or progress but we can still get closer with this bill. But the things that cannot be tweaked are the legal issues with the bill. Going forward with further discussion, and maybe even just table this for two (2) weeks, there are some legal questions that still need to be addressed including the questions regarding the legality of the excessive fines and how home-rule plays into that. We have a responsibility to get those fines right and nobody wants to be in a class action lawsuit. We don't know if fraud as defined in this bill can be criminally prosecuted. There needs to be additional discussion on these legal issues. This is going on seven (7) hours of meetings when you include the committee meeting earlier today and good public policy is not shaped in this type of environment. The input from the public helps us create better public policy, especially the people in the industry. If people are not willing to sit in multiple committee meetings than maybe they should get a different part-time job.

Councilmember Broden expressed her support for a registry and the benefits it can bring but this is not the right one. This should be tabled and brought back and the legal issues need to be answered adequately. Reasonable amendments are possible but we should try to get this as right as possible collectively before passing the bill. We should not send this bill forward until those legal issues are resolved.

Councilmember Dr. David Varner stated that this issue of finding landlords has been a problem for over twenty (20) years and ever since he's been on the Council. If you cannot locate the owner there really is not much you can do and that is frustrating to us as Councilmembers, to the neighbors of the property and to anyone else who is involved that would like to see an improvement. His expectations for this from the beginning and now are essentially that at the end of the year we are going to have a very good list of the cooperative landlords. Almost by default, the folks and properties that do not comply will fall into the category that we are going to have to keep a better eye on them. Landlords who don't wish to attempt any type of compliance are going to be noticed and if they get extra attention that's not such a bad thing. The folks in Code Enforcement have been faced with this issue again and again. After twenty (20) years now we can make a nice attempt at a landlord registry that will start a process that can morph into something better and of course it's not perfect and adjustments will probably be made. It is the job of lawyers to contest what you are trying to propose and that's going to happen no matter what we do or which way we act on this. Councilmember Varner also disclosed that at one point he was a landlord but disposed of every property so he does understand landlord issues. There are always going to be questions, let's get this started and if there are lawsuits there are lawsuits and that is part of the game but hopefully there won't be.

Councilmember Oliver Davis stated this evening they discussed a bill on the agenda in the Utilities Committee that they did not have to vote on. That is appreciated because we were given

the chance to just discuss the bill and come back in a few weeks and vote on it. It gives us the chance to have a nice discussion without the pressure of how to vote that very same day. That should have been the process for all of these more controversial items including this one. It is clear that we need to have some type of registry but what is not clear is some of these issues. We should do all of our due diligence on day one (1) and not have to come back to and make amendments. If you have attorneys coming that say these are unconstitutional penalties, can we at least pause two (2) weeks to look into that? Councilmember Davis stated he would also like to see an official resolution from the Human Rights Commission. We do need to do things to attract and support good landlords and not lump them in all together as bad landlords. It should not be someone from Code Enforcement doing the review because that is a conflict of interest. Let's not rush to judgment on this issue. Councilmember Davis asked for the tabling of this bill.

Councilmember John Voorde stated these are problems that have been with the City for as long as he has been in government. There used to be a position in the Mayor's Office back in the 1970s that dealt with these nuisance problems and that person would direct the Street Dept. to fix the issues but that was not an efficient solution because the taxpayers were the ones who ended up with the bill for fixing everything. Then in the 1980s this problem kept coming up again about contacting the property owners so this has gone on for as long as anyone remembers and we need some type of registry in South Bend where it can facilitate Code Enforcement, Police and Fire to get them to contact these people to ensure compliance. It is not perfect nor has it ever intended to be perfect. This is a tool for the people who are charged with contacting these people to do their job more efficiently and better. They are currently doing their job with one (1) hand tied behind their back. Rightfully so the law protects property rights so we need this tool to aid us in contacting those property owners. He complimented Councilmembers Scott and White for doing the hard work on this bill to get us where we need to go. It will not solve the root causes of poverty or crime but it is one positive step towards making this a better community.

Councilmember Tim Scott made a motion to send the amended version of Substitute Bill 12-16 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 Regina Williams-Preston, Councilmember Jo M. Broden and Councilmember Oliver Davis)

RISE AND REPORT

Councilmember Oliver Davis made a motion to rise and report to full Council. Councilmember John Voorde 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 10:33 p.m. Council President Tim Scott presided with nine (9) members present

At 10:34 p.m. Councilmember Oliver Davis made a motion to take a five (5) minute break. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

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 10:39 p.m. Council President Tim Scott presided with nine (9) members present

BILLS – THIRD READING

09-16

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 PORTAGE TOWNSHIP,

CONTIGUOUS THEREWITH; COUNCILMANIC
DISTRICT NO. 6, FOR 22027 STATE ROAD 23, SOUTH
BEND, INDIANA

Councilmember Gavin Ferlic made a motion to pass Bill 09-16. Councilmember John Voorde seconded the motion which carried by a roll call vote of nine (9) ayes.

12-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 6 OF THE SOUTH
BEND MUNICIPAL CODE BY THE INCLUSION OF
NEW ARTICLE 10 ENTITLED LANDLORD
REGISTRATION PROGRAM

Councilmember Oliver Davis made a motion to accept Bill 12-16 as amended during the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver Davis made a motion to defeat Bill 12-16. Councilmember Regina Williams-Preston seconded the motion which failed by a roll call vote of two (2) ayes (Councilmember Regina Williams-Preston and Councilmember Oliver Davis) and seven (7) nays.

Councilmember Gavin Ferlic made a motion to pass Bill 12-16. Councilmember John Voorde seconded the motion which carried by a roll call vote of seven (7) ayes and two (2) nays. (Councilmember Regina Williams-Preston and Councilmember Oliver Davis)

RESOLUTIONS

15-106

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 1915 BENDIX DRIVE, SOUTH
BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA
FOR PURPOSES OF A (2) TWO-YEAR VACANT BUILDING
TAX ABATEMENT FOR APPLETREE ASSOCIATES, LP

Councilmember Gavin Ferlic, Chairperson of the Community Investment Committee, reported that they met and send this bill forward with a favorable motion.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. This project represents an investment of \$315,000. The estimated taxes abated are \$39,188 and taxes to be paid are \$23,744. The project will create three (3) new full time jobs with an annual payroll of \$122,000.

Tony Davy, 17300 Whithurst Dr. Granger IN, spoke as the petitioner for this bill. This building has been empty since 2008 and the tax abatement will allow them to infuse some improvements of the building such as fixing the roof and installing air conditioning.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion adopt Bill 15-106. Councilmember John Voorde seconded the bill which carried by a roll call vote of nine (9) ayes.

16-38

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 2926-3302 WEST SAMPLE
STREET SOUTH BEND, IN 46628

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

Ayoka Paek, Building Department with offices at 125 South Lafayette, served as the presenter for this bill. This comes with a favorable recommendation from the Area Board of Zoning Appeals. It is an application for a special exception that includes temporary storage of vehicles and over fifty percent (50) outdoor storage.

Brian McMorrow, 750 Lincolnway East, served as the petitioner for this bill. The property in question is currently vacant as a former industrial property. They intend to clean up the visibility of the property in the front and take down a fence that sits just outside the right of way and set it back sixty-five (65) feet and plant some nice foliage. The cars will be parked behind the fence and there will be no auto sales at this property.

There were no questions from the Council.

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

Jason Banicki Critchlow, 3822 West Ford Street, pointed out the zip code for the property should be 46619 and not 46628.

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

Council Attorney Kathleen Cekanski-Farrand stated they do not need to make an amendment because legally it will go by the parcel numbers and as long as those are correct the zip code does not matter.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-38. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

16-42

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN
AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 4004 TECHNOLOGY DRIVE,
SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION
AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR: THE LEBERMUTH
COMPANY, INC.

Councilmember Gavin Ferlic, Chairperson of the Community Investment Committee, reported that they met and send this bill forward with a favorable recommendation.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. This is a private investment of \$1,425,000. The total taxes to be abated will be \$47,436 and total taxes to be paid will be \$55,509. This project creates five (5) new full time jobs with an annual payroll just over \$200,000.

Robert Brown, 4004 Technology Drive South Bend, served as the petitioner for this bill. Lebermuth intends to install a dosing machine which is a piece of equipment that most large flavor and fragrance companies already own. This tool will let them compete with their worldwide competitors. This will help us advance and hire additional employees and become one of the largest flavor and fragrance companies.

Councilmember Regina Williams-Preston asked if they did not get this tax abatement would they leave the City.

Mr. Brown responded no they just bought the building two (2) years ago and are looking to expand within the existing facility. The goal is to go from a \$40 million dollar company this year to a \$75 million dollar company in three (3) years

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

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN
AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 3605 W. CLEVELAND RD, SOUTH
BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA
FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR: FEDERAL-MOGUL
POWERTRAIN, LLC

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

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, APPOINTING AN
AGENT/NEGOTIATOR TO REPRESENT THE COMMON
COUNCIL AND ADDRESSING AN ADVISORY CITY
NEGOTIATING TEAM FOR THE 2016 SOUTH BEND POLICE
DEPARTMENT LABOR NEGOTIATIONS

Council Attorney Kathleen Cekanski-Farrand responded she would send it the entire Council.

Councilmember Williams-Preston asked if this is something that is ever bid out to the public.

Council President Scott responded anything could be on the table but the long experience of Kathleen Cekanski-Farrand in Police negotiations and her trust and skill set goes a long way.

Council Attorney Kathleen Cekanski-Farrand stated she has been on Police negotiations since the 1970s and was the first one to get an agreement with F.O.P. ever.

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

Councilmember Gavin Ferlic made a motion to adopt Bill 16-48. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

BILLS FIRST READING

24-16 FIRST READING ON AN ORDINANCE AMENDING THE
ZONING ORDINANCE FOR PROPERTY LOCATED AT 539
CRESCENT AVENUE, COUNCILMANIC DISTRICT NO. 4 IN
THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to send this bill to both the Area Plan Commission and the Zoning and Annexation Committee with a public hearing on June 27th 2016.

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

UNFINISHED BUSINESS

16-46 A RESOLUTION TO ESTABLISH A 9-MEMBER ADVISORY
SPECIAL COMMITTEE TO STUDY AND RECOMMEND ALL
REASONABLE AND VIABLE OPTIONS FOR MULTIPLE OFF
LEASH DOG PARKS TO BE LOCATED IN THE CITY SOUTH
BEND, INDIANA

Councilmember Oliver Davis clarified that after this bill was passed the Mayor sent a request via email to the Council with concerns on the bill. Over the last week, Councilmember Oliver Davis reported he had a close friend and an aunt pass away and he has not responded to a lot of different things. Also, a request via email for a bill that is already passed could technically be a serial meeting.

Council Attorney Kathleen Cekanski-Farrand reported she sent all the Councilmembers back in January a synopsis of serial meetings and that they are prohibited on the same topic to discuss whether in person or via email by a majority of the Council over a seven (7) day period and that was the concern Councilmember Oliver Davis had with the Mayor's email.

Councilmember Oliver Davis stated he notified Aaron Perri and he stated he was in favor of the bill and he notified Councilmember John Voorde that the bill would be coming up. During the public hearing portion of the meeting at the committee level, Aaron Perri voiced his support for the bill and also Chief of Staff for the Mayor James Mueller was there and expressed no concerns or questions. During the Council meeting both Mr. Perri and Mr. Mueller did not express any concerns for the bill. It was shocking that there were even questions from the Mayor given the fact all that notice went out. Councilmember Oliver Davis expressed his wish that the Mayor would have called him personally and not send that email due to the open-door law concerns and that is why he did not respond and also in two (2) meetings the Administration did not share any concerns. The dog park they just opened is privately owned and on lease and could change any minute so we need to have these discussions regarding dog parks. There have already been a bunch of people who have expressed a wish to be on the proposed committee. When we talk about resolutions, this is what the Council wants to do and we may not need the Mayor's signature and we can approve it ourselves. The Mayor is able to set out his goals and the Council does not vote against his idea. This is a precedence of overreach especially since we should have more commissions where we can look at things outside of the Council meetings.

Council Attorney Cekanski-Farrand added that this action is required by Indiana Code Section Thirty-Six (36) which gives the Mayor two (2) options every time a resolution or ordinance is presented to the Mayor for action. Either the Mayor can approve or send a message to the City Clerk that he is vetoing the ordinance or he can take no action at all. In this case no action was taken, therefore the Council is required at the next meeting to take by two-thirds vote to override the action. If the Council does not take a vote it is considered a pocket-veto.

Councilmember Dr. David Varner asked that when a resolution is proposed by the Council, does the statute require action by the Mayor. He wished to know if the Council as part of the resolution could not include the line "subject to the Mayor's approval" and it would rather be a statement of the Council.

Council Attorney Cekanski-Farrand responded because the state law specifically states after an ordinance or resolution is adopted it is then presented to the City Executive.

Council President Tim Scott added his comments on this resolution because he was absent at the last meeting. The spirit of this bill of more dog parks is a good idea but he has concerns with the nine (9) member advisory committee. Council President Scott stated he is not comfortable with the language that is in the resolution the way it is; however if you have the two-thirds votes then that's fine. A lot of things like Elbel that have come to us and we formed advisory committees should have really been studied and their due diligence done by the Park Board and Parks Department. This could lead to a slippery slope where we are doing the work of the Administration. This is not to disrespect the presenter or the spirit of this bill.

Councilmember Oliver Davis responded it is nice to have more community involvement to build trust. One of the things we learned from Elbel is we really saw trust and community involvement in that special committee. When you have special issues like this, it's okay for us to come and make recommendations to the Park Board. The Board could ignore those recommendations but for us to show some guidance and ideas is a part of the democracy that we need to continue. It doesn't always have to be something tough like smoking bans or park closures but it can be a fun thing like this dog park.

Councilmember Gavin Ferlic expressed concern regarding the number of meetings and the resources that both the Clerk's Office and the Administration dedicates towards these committees.

Councilmember Oliver Davis stated he did ask the City Clerk before he brought this forward and if there was some concern the Clerk should have informed him. Councilmember Davis asked City Clerk Kareemah Fowler to share her opinion on the matter.

City Clerk Kareemah Fowler responded that she told Councilmember Davis that her office would staff this committee this time but she is concerned about the amount of resources multiple extra committees take up and the way the legislation is written. She also told Councilmember Davis that the Clerk's Office should not be the only entity in the resolution that has to be accountable for being at the meeting.

Councilmember Regina Williams-Preston stated the Council needs to do work and come up with a good process and strategy to invite productive public input so we can make good decisions. So that way when there is an issue like studying a dog park there is a straight process to follow on how to solicit community feedback.

Councilmember Randy Kelly stated he would like to echo concerns about the resources that the Clerk's Office puts into these committees whenever we as a Council put together special committees. Also, it is important that we try not to step on the toes of the people who it is their job to do this. There are already structures in place that fulfill this need. Councilmember Kelly stated he loves the idea of getting the community together looking at areas for dog parks and they can certainly bring those to the PARC Committee or Park Board. It does not need to necessarily take the resources from the Clerk's Office or what Mr. Perri and his department are trying to do.

Councilmember Voorde stated one of things he liked about the Elbel Committee was that it had a forty-five day time limit. That would help if we are going to create committees designated towards one particular issue we should have some self-imposed deadline.

Council Attorney Cekanski-Farrand reported that this resolution does have a forty-five (45) day timeline.

Councilmember Jo M. Broden stated as someone who called for a special committee there were reasons for why she supported that due to the way the issue came to the Council. She stated she was happy and grateful of the support they received from the Council and from the public. However, the Council can over the special committees and step into things that are not our domain. These seem to be administrative issues and there are times and places where public input is needed and solicited. She stated she would like to see this go back and see if this has been brought up and looked at to see if this falls into the purview of a certain department. If this is something that we want nine (9) members to advise the Park Board then that decision should be theirs. It is her opinion that at the Park Board there is an advisory committee or work group that is citizen lead. There are ways to supplement what our staff can provide and what the Park Board can do. We do need public input but it doesn't always have to be in this form because we should not be doing the work of the Administration and the people who are tasked with these issues. We do have a role when we see that the process is not working then we look for and ask for changes. These are time and resource consuming committees to do. There are open door law requirements that need to be adhered to and it can go wrong pretty quickly. Councilmember Broden stated that does not mean she does not support dog parks but just put it in the place it belongs and make sure we are pressing the issue in the departments that it belongs.

Councilmember Oliver Davis gave the example of the redevelopment of Lincolnway and Western streets came from a resolution of the Council. A resolution simply guides where the Council thinks policy should go. It does not make sense to veto a resolution. This a guidepost to come and provide a vision of where to go that's why there is no binding to it. This already has a forty-five (45) day shut off period and by June it will be over. We don't go to the Park Board as individual councilmembers and express our opinions but this resolution has everyone come together and a place to talk where there is no overreach.

Councilmember Oliver Davis made a motion to override the Mayor's Veto on Bill 16-46. Councilmember Regina Williams-Preston seconded the motion which failed by a roll call vote of five (5) ayes and four (4) nays. (Council President Tim Scott, Councilmember Jo M. Broden, Councilmember Randy Kelly and Councilmember Gavin Ferlic.) (The Council needs six (6) votes to override a Mayoral Veto.)

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

S.J. Szabo, offices on the 1300 block of Mishawka Ave, spoke against the proposed building of a Firehouse on Potawatomi Park. The Mayor's campaign can be described by lying, cheating and stealing. The end result was preordained before the show began and the only input they wanted was the input that agreed with them. Those that disagreed were denigrated, discredited and ultimately ignored. They lie when they insist it is only about the free land. Every viable alternative that involves purchasing land is rejected out of hand. In this way at least two (2) better solutions that do not take park land remain unexplored. There has been lots of spin on this issue as well. An objective examination of the problem reveals different solutions. Then there is the preposterous argument that a few superfluous programs would make the fire station a park amenity. Meanwhile the City's legal team is putting the finishing touches on the strategy to cheat the park's covenant that clearly and unequivocally requires that Potawatomi Park land is to be used exclusively for park functions only. Not only is the park not the only possible solution it is not even the best, it is only the cheapest. The sad ironic thing about this is that the Park Board is

providing the legal talent to do this, proving once again that the Park Board has no respect for its charge to preserve and protect the City's parks but it seems intent at giving them away at every opportunity. Their motto should be pander and prostitute. It is clear that the Mayor and the Fire Department. is determined to steal the people's park land. Once again the City's citizens are forced to look again to the Common Council as the final bulwark of common sense and sensibility against the Mayor's mighty army of rapacious defilers of the best interests of this community. While some on the Council have proven willing pawns for the Mayor's lack of vision that you will again hold against him.

Jesse Davis, P.O. Box 10205 South Bend IN, submitted two requests to the Council. One asks the Council to look into the contractor that was thrown off the insurance program by things that the Council did and is now trying to sue the City. Second, Mr. Davis has been trying to get information on a incident where someone returned equipment to the City where it was either stolen or misused. He received numerous emails from Legal saying they could not respond because the state police were investigating. Now that the investigation is over, Legal is saying the feds are investigating and there still have been no answers to his questions.

Jonathan Anerstrom, Executive Director of Monroe Circle Community Center with offices at 526 W. Western Avenue South Bend, updated the Council on the public charter school proposal for Downtown South Bend. Last week the ICSB held a public hearing at the St. Joseph County Library where they received positive support from the community. With a total of twenty-nine (29) people in attendance only four (4) spoke against the proposed charter. There does exist a people who publicly decry the benefits of this charter school. However in addition to the support at the public hearing, community residents have displayed overwhelming support for the school. No one in this room would deny the fact that our City is in desperate need of an educational jump start. Which is all the more honor that such a prestigious and well reputed organization would help bring life into our local school system. Mr. Anderstrom understands the critiques of the school proposal; however from a data driven perspective specifically opposing this organization is unwarranted.

Jason Baniki Critchlow, 3822 West Ford Street, spoke about the rising crime in South Bend. Mr. Banicki Critchlow stated the main issue is the economy and when people live in dire situations they find dire solutions. That means we need to provide good quality jobs. We have to find some jobs that pay the untrained and unskilled workers a living wage. We need educational opportunities beyond high school such as reaching out to the trades. In this City, there is the Take Ten program that does great early violence intervention programs. That is something that we need to incorporate throughout the entire City. We used to be a village and somewhere we lost that. This City has fantastic leaders on this Council.

Samuel Brown, 222 East Navarre Street, spoke on behalf of the MLK Street Renaming Committee. We have provided the proper documents with the Council and with the Clerk's Office. There have been some people who have not done the proper procedures, none of those documents and signatures you have received came through the committee. This Council and the Mayor put the committee together so those documents you have gotten you can put them in the trash.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 11:40 p.m.