

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, October 26 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

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

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
Adriana Rodriguez	Legal Assistant
Janice I. Talboom	Deputy
Kareemah Fowler	Chief Deputy

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic made a motion that the minutes of the October 12th, 2015, meeting of the Council be accepted and placed on file. Councilmember Valerie Schey seconded the motion which carried by a voice vote of six (6) ayes and (1) nay by Councilmember Derek Dieter.

SPECIAL BUSINESS

Councilmember Henry Davis Jr. made a motion to THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO CONTINUE THE RELATIONSHIP WITH THE LEGAL BODIES PURSUING THE COMMON COUNCIL OF SOUTH BEND, INDIANA OPTIONS WITH REGARD TO THE TAPES MATTER. Councilmember Derek Dieter seconded the motion which carried by a voice vote of five (5) ayes and two (2) nays by Council members Dr. Fred Ferlic and Gavin Ferlic.

Councilmember Derek Dieter made a motion to override the Mayor's Pocket Veto of Bill 63-15 with regard noise violations. Councilmember Valerie Schey seconded the motion which failed by a voice vote of five (5) ayes and two (2) nays by Councilmembers Dr. Fred Ferlic and Gavin Ferlic

15-94	A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PLEDGING ITS SUPPORT TO THE SOUTH SHORE LINE.
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Councilmember Derek Dieter made a motion to continue Bill 15-94 indefinitely on behalf of the petitioner. Councilmember Valerie Schey seconded the motion which carried by a voice vote of seven (7) ayes

REPORTS OF CITY OFFICES

There were no city reports from City Offices.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:08 p.m. Council President Tim Scott requested a motion to resolve into the Committee of the Whole. So moved by Councilmember Valerie Schey. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes. Councilmember Dieter, Chairperson, presiding.

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

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

PUBLIC HEARINGS

36-15 PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2906, 2910, AND 2920 MISHAWAKA AVENUE, SOUTH BEND IN 46615, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

Committeemember Derek Dieter, Zoning & Annexation Committee, reported that they met this afternoon on this bill and due to a lack of quorum there is no recommendation.

Presenter: Matthew Chappuies, Area Plan: Offices on the 11th Floor: This is the former Mishawaka Furniture Store on the 2900 block of Mishawaka Ave. Petitioner is requesting a zoning change from MU to CVP for a veterinary clinic. To the north on Mishawaka Ave. there are various store fronts zoned as MU, to the east is MU zoned Bank, to the south are single family homes zoned SF2, and to the west is a hair salon zone MU. There is an alley separating the three lots. The petitioner has requested a vacation of alley for additional parking and landscaping. The City Engineer requested a turning easement at alley entrance if the alley is vacated. Area Plan sends this to the Council with a favorable recommendation

Steve D. Chester, INC. 555 Eastport Center Dr., Presenter- We are remodeling for the petitioner. Our plans are to vacate the alley for additional parking on the parcel. The additional variance we are asking for is to eliminate the requirement for planting on the north, east, and south side building, as well as a reduction of the required parking from thirty-nine (39) to zero (0).

Committee of the Whole Chairperson Dieter asked for questions from the Committee.

Jeff, 66500 Oak Rd., Lakeville – I own Lakeville Veterinary Clinic and I am a partner with Family Pet Health Center. Family Pet Center is trying to buy this building. Our facility is about 3000 sq. ft. It is inadequate for what we are trying to do as far as quality medicine. This new facility would allow us to expand. It would allow to us to do some things we have not been able to do at our current facility.

Derek Dieter, Chairperson of Committee of the Whole asked if there was anyone wishing to speak in favor or against and saw none.

Councilmember Valerie Schey- As councilperson of the 3rd I thank you for your investment in the 3rd District and Mishawaka Ave.

Councilmember Gavin Ferlic made a motion to send the Bill 36-15 to the Council with a favorable recommendation. Council President Tim Scott seconded the motion which carried by a voice vote of seven (7) ayes.

37-15 PUBLIC HEARING ON BILL AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED

AT 706 EDDY ST. AND 1111 BISSELL, COUNCILMANIC DISTRICT
NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Derek Dieter, Chairperson of Committee of the Whole requested a motion to hear the substitute version of the bill. Councilmember Gavin Ferlic made a motion to hear the substitute version and Council President Tim Scott seconded the motion. The motion to hear the substitute was carried by of voice vote of seven (7) ayes.

Councilmember Derek Dieter, Personnel and Finance Committee, reported that they met this afternoon on this bill and due to a lack of quorum there is no recommendation.

The Council Attorney advised the petitioner to have "Food sales and service and" struck from section two (2) of the resolution.

Council President Scott made a motion to hear the substitute version and Councilmember Gavin Ferlic seconded the motion. The motion to hear the substitute was carried by of voice vote of (7) Ayes.

Presenter: Matthew Chappuies of Area Plan: Offices on the 11 Floor: This is the north east corner of Eddy and Bissell St. It is a single family home that has been operating as a church with accessory parking lot. Petitioner is requesting a zoning change from SF2 to Buffer District with an exception for special services like a hair salon and barber shop. The property is surrounded on four sides by single family homes. The parking lot is surrounded by a six foot high privacy fence and some landscaping. The petitioner would be required to install some additional landscaping as well. Straightforward plan parking lot on the east with a six (6) foot screening fence. Area Plan received a letter of support from the North East Neighborhood Revitalization Committee. Area Plan also sends this to the Council favorably.

Committee of the Whole Chairperson Dieter- Was that operated illegally since it was a church?

Presenter: Matthew Chappuies of Area Plan: No, churches and religious usage are permitted within residential districts.

Ann, Five (5) Corners LLC 814 Marietta St. Petitioner- We purchased this property which has been operating as a church. It is zoned SF2 and we would like to use this building to rent office space. We are looking to have it rezoned as Office Buffer and in order to increase the marketability we are asking for one exception that is personal services which we envision a barbershop or beauty salon.

Committee of the Whole Chairperson Dieter- Who in the neighborhood did you talk to?

Petitioner- There are four (4) owner occupied residences and people that are in the adjacent area. The neighbor next-door on Eddy and the other two (2) on Bissell.

Councilmember Gavin Ferlic made a motion to send the substitute Bill 36-15 to the Council with a favorable recommendation. Council President Tim Scott seconded the motion which carried by a voice vote of seven (7) ayes.

38-15 PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE
FOR PROPERTY LOCATED AT THE 600 BLOCK OF NORTH HICKORY
ROAD AND THE 3500 BLOCK OF EAST MCKINLEY AVENUE, SOUTH
BEND, INDIANA COUNCILMANIC DISTRICT NO. 4 IN THE CITY
OF SOUTH BEND, INDIANA

Dr. Varner, Zoning and Annexation Committee, reported that they met this afternoon on this bill and due to a lack of quorum there is no recommendation.

Presenter: Matthew Chappuies of Area Plan: Offices on the 11th Floor: This is a vacant lot just to the west of the former Target site on the corner of Hickory and McKinley. Site is broken into parcels, parcel one (1) is the smaller parcel on east. Petitioner is requesting a zoning change from

PUD to GB General Business District. Parcel two (2) on the west is requesting a zoning change from to PUD to make some modifications to what their uses are. The site is bordered primarily by single family homes to the north, west, and south. The Elk's Lodge is on the east zoned CB to Business District, the South Bend Self Storage is now in the former Target site. The parking lot is being occupied by new vehicles for one of the car dealerships. Presenter displayed slide show of images. The tree line of the larger parcel is essentially where outdoor storage would be permitted. Where the shrubs are would be a good indicator of where the storage would be. On the large parcel, on the left, the PUD will allow for uses both allowed in SF1 and SF2; MF1 and MF2; LB, CB, that will be for this entire parcel here (indicated on slide show). The petitioner will also be allowed use within the GB, general business. Area Plan also sends this to you favorably.

Michael Danch, 1643 Commerce Dr. - We are adding GB uses to the originally approved PUD for the McKinley site. We are limiting the area where they could do outside storage on this PUD. It pretty much matches what Council approved when we did South Bend Storage LLC which is right next door. There will be a two-hundred (200) foot buffer for the outside storage. Plus we will have to do some landscaping. All we are doing on Hickory, where they are already storing cars, is changing the zone which would allow for that use. Which means that parcel will have to come into compliance with that zoning and add landscaping to buffer that site from residential from the north.

Committee of the Whole Chairperson, Dieter, asked for questions from the council.

Derek Dieter, Chairperson of Committee of the Whole asked if there was anyone wishing to speak in favor or against and saw none.

Councilmember Gavin Ferlic made a motion send the Bill 38-15 to the Council with a favorable recommendation. Council President Tim Scott seconded the motion which carried by a voice vote of seven (7) ayes.

39-15 PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE
FOR PROPERTY LOCATED AT THE 635 SOUTH LAFAYETTE
BOULEVARD, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT
NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Derek Dieter, Zoning and Annexation Committee, reported that they met this afternoon on this bill and due to a lack of quorum there is no recommendation.

Presenter: Matthew Chappuies of Area Plan: Offices on the 11th Floor: This is former Studebaker assembly plant on Lafayette. The petitioner is requesting a change from GI, general industrial to PUD. To the north of the property is the former Union Station tech firm. To the east across Lafayette are industrial and office uses zoned LI, light industrial. To the south is the St. Joseph County Correctional Facility and the west is the City Services building. Presenter begins a slideshow presentation. The site is 13.2 acres and 750,000 sq. ft. in its existing structures. The PUD would allow for uses that fall under educational, entertainment, lobbying, industrial, office, personal services, residential, retail, restaurant manufacturing, warehousing, and several others. Adult business would be prohibited. I will leave the rest of the presentation to the petitioner. Area Plan received a letter from the St. Joseph County Historic District in support of this petitioner. Area Plan also sends this to you favorably.

Councilmember Valerie Schey – Do you know where we are with the environmental issues?

Presenter: Matthew Chappuies of Area Plan: I do not know where we are with those issues.

Brock Zeeb, Community Investment 14th Floor - We are actually entering Phase I and Phase II with Indiana Brown Fields. They have been submitted to the state. As far as Community Investment, we believe we've done all the necessary clean up. Indiana Brown Fields will let us know if they agree with that conclusion. Any discussion with Indiana Brown Fields we will have on behalf of redevelopment. The removable portion of the cleanup has been completed, lead based

paint, PCB, asbestos, ground water testing, and all soil samples have been completed, so now it is just working with the state.

Councilmember Valarie Schey- Have we received federal grants for all that work?

Brock Zeeb of Community Investment Office on the 14th Floor - No. Redevelopment approved an environmental indemnity agreement where most of that work has been covered under and remediation of the site.

Michael Danch, 1643 Commerce Dr. - What we are asking for is to rezone this from Light Industrial to the PUD District. What they are trying to do is renovate this entire structure all 750,000 sq. ft. plus add some additions. It will range from residential all the way to industrial use with some retail space, educational space with some incubator space for new development. Because that is not allowed under a single zone we have come through the PUD requirements. The PUD requirements for setbacks and landscaping for this entire area as well as parking ratios will mostly be phased in. What Matthew has shown you on our preliminary site plan are Building One-Hundred and Thirteen (113) and Building One-Hundred and Twelve (112) which are old Studebaker buildings. (Petitioner begins a slideshow) We are showing a two (2) part development. A surface parking lot for approximately three-hundred and fifty (350) cars and at some point that surface parking lot will be rebuilt into a five (5) story parking garage. Because of the amount of square footage this PUD has as it develops, more parking will be required per the City Code. We will go from three-hundred and fifty (350) to somewhere in the area of sixteen-hundred (1600). It will take several years to fully build out.

Committee of the Whole Chairperson Dieter asked for questions from the Council.

Derek Dieter, Chairperson of Committee of the Whole asked if there was anyone wishing to speak in favor or against and saw none.

Councilmember Valerie Schey made a motion send the Bill 39-15 to the Council with a favorable recommendation. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

67-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS SECTIONS OF CHAPTER 6, ARTICLES 1, 2, 4, 6, 7, AND 11 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING MINIMUM PERMIT FEES AND SERVICE CHARGES OF THE BUILDING.

Dr. Varner, Zoning and Annexation Committee, reported that they met this afternoon on this bill and due to a lack of quorum there is no recommendation.

Presenter: Charles Bulot of the Building Department - I apologize for my no show at the committee meeting today. The Common Council recently approved a budget for the Building Department with a proposed fee increase as part of our revenue. That increase is a combination of an increase in the minimum permit fee amount from \$30 to \$40 and the contractor registration fee from \$100 to \$125 annually, there are no other proposals to the fee structure at this time. Since 2012 there has been a twenty-four percent (24%) increase in expenses for the Building Department on a per permit basis. Although we show a surplus when you consider all permit revenue the minimum permit fee does not cover our cost on a permit basis. We make money on our permit when we combine all revenue. We actually lose money when we do an inspection on a minimum fee permit. The permit fee structure is operating exactly as planned. The question is can we do a larger increase so we don't have to keep coming back every year? The simple truth is no. Twenty-seven percent (27%) of all permits are minimum fee permits. Twenty-four (24%) of all permits are for utility reconnects. Most of the utility reconnects take place from November to February and are by people in need. As government officials it is our duty to make sure residents get good value and good government. Can we make the permit fee 100 or 500, sure, but that's probably out of the reach for a family of five (5) that is struggling to keep the heat on in the middle of winter. I think this fee increase is good compromise. I ask for your time and consideration of this fee increase.

Committee of the Whole Chairperson Dieter asked for questions from the Council.

Derek Dieter, Chairperson of Committee of the Whole asked if there was anyone wishing to speak in favor or against and saw none.

Councilmember Valerie Schey made a motion send the Bill 67-15 to the Council with a favorable recommendation. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

66-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA, FORMER CHASE TOWER AND ADJACENT PARKING LOT

Gavin Ferlic, Community Investment Committee, reported that they met this afternoon on this bill and send it to the Council with a favorable recommendation.

Presenter: Brock Zeeb Department of Community Investment, Offices on the 14th floor of this building: Before you is a recommendation from the Community Investment Commission recommending the Council pass an ordinance designating the area known as the Chase Tower as an economic development target area. It will lead into the tax abatement later on in the Council agenda tonight and will allow passage of that if this is approved. This is a requirement anytime you have a mixed use project in the CVD. The economic development area says that the property is outside normal development due to plumbing, HVAC, parking, elevators, and deteriorations to the building. So it needs the designation to have the abatement resolution passed. The final decision will be the Council's whether or not to target that. That would allow for the residential tax abatement to come forth.

Committee of the Whole Chairperson Dieter asked for questions from the Council.

Derek Dieter, Chairperson of the Committee of the Whole asked if there was anyone wishing to speak in favor or against and saw none.

Councilmember Valerie Schey made a motion send the Bill 66-15 to the Council with a favorable recommendation. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

RISE AND REPORT

Council President Tim Scott made motion to rise from the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

Karen L. White, Chairperson
Committee of the Whole

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth (4th) floor of the County-City Building at 7:36 p.m. Council President Tim Scott, presided with seven (7) members present.

BILLS - THIRD READING

36-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2906, 2910, AND 2920 MISHAWAKA AVENUE, SOUTH BEND IN 46615, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion for the passage of Bill 36-15. Dr. Ferlic seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

37-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 706 EDDY ST. AND 1111 BISSELL, COUNCILMANIC DISTRICT N. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Derek Dieter, made a motion to amend the resolution as it was in the Committee of the Whole. Council President Tim Scott seconded the motion. The motion to adopt the substitute was carried by voice vote of seven (7) ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 37-15 as amended. Councilmember Derek Dieter seconded the motion which carried and the Resolution was passed by a roll call vote of seven (7) ayes.

38-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 600 BLOCK OF NORTH HICKORY ROAD AND THE 3500 BLOCK OF EAST MCKINLEY AVENUE, SOUTH BEND, INDIANA COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion for the passage of Bill 38-15 as amended. Council President Scott seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

39-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 635 SOUTH LAFAYETTE BOULEVARD, SOUTH BEND, INDIANA, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Dr. Varner made a motion for the passage of Bill 39-15 as amended. Councilmember Derek Dieter seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

25-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 16, ARTICLE 2 AND 4 OF THE SOUTH BEND MUNICIPAL CODE TO PROVIDE YARD WASTE REMOVAL SOLELY FROM CITY FURNISHED CONTAINERS.

Councilmember Dr. Varner made a motion for the passage of Bill 25-15 as amended. Councilmember Derek Dieter seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

67-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS SECTIONS OF CHAPTER 6, ARTICLES 1,2,4,6,7, AND 11 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING MINIMUM PERMIT FEES AND SERVICE CHARGES OF THE BUILDING DEPARTMENT

Councilmember Dr. Varner made a motion for the passage of Bill 67-15 as amended. Councilmember Derek Dieter Scott seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

66-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT TARGET AREA, FORMER CHASE TOWER AND ADJACENT PARKING LOT

Councilmember Dr. Varner made a motion for the passage of Bill 66-15 as amended. Councilmember Derek Dieter seconded the motion which carried and the resolution was passed by a roll call vote of seven (7) ayes.

RESOLUTIONS

15-95 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 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR APARTMENTS LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC.

Councilmember Gavin Ferlic Chairperson, Community Investment, reported that they met this afternoon on this resolution and it is sent forward favorably.

Chris Fielding, Community Investment with Offices on 14th Floor- Presenter: This is a request for a designation resolution for tax abatement purposes. This is the fourth and final tax abatement for the Chase Tower. This is the portion that required the EDC resolution prior to bringing it forward because it is residential in nature and is a part of the larger 37.1 million dollar project. That will create eighty-six (86) apartments above the retail and commercial and hotel space. The total taxes over the ten (10) year period would be 1.69 million dollars. Total taxes to be paid would be \$702,701, the total taxes to abate would be \$988,000. Also, I want to remind you this is under a special exception to the ordinance. One (1) for the modified schedule and one (1) for the modified time period to complete the project. Mark Neal is here representing Washington Square if you have any questions.

Council President Tim Scott asked for Council questions.

Councilmember Henry Davis Jr.- Question about the overall tax abatement policy we have in place. Have we looked at how a tax abatement affects our schools? Do we look to see if it will switch or flip the tax structure and will our schools receive more funding or less funding?

Chris Fielding Community Investment, Presenter: In ninety-nine percent (99%) of our tax abatements we do, they are not an abatement of the current taxes. It has no impact on any of the other taxing units. This is a phase in on future taxes they would make. If they invest a million dollars the taxes are there to offset, so, in this case if they invest 17 million dollars into the residential of eighty-seven (87) units, they would like to but they won't be able to fill all eighty-six (86) apartments right when they open. But the taxes will immediately begin to generate on those units and will automatically be a loss in revenue. The tax actually phases in on that 17 million dollars that they invested. There is no abatement for the current existing taxes of the building. They will pay those no matter what, it's abatement of future taxes and will have no effect on the other taxing units including the school district for taxes under the local ordinance.

Councilmember Henry Davis Jr.- I think we need to look at that, it does shift the burden somewhere else. I am not clear on where it falls out at but I know our school corporation gets more of that tax from the state than we do to operate. The reason why I am asking those questions is because over this weekend a resident asked me would it be in the interest of the Council in the coming years to put a line item on the form so when these corporations or whomever is seeking a tax abatement that they could donate money back to our schools. I thought it was a tremendous and wonderful idea. In the future years, I want to suggest that idea becomes part of the tax abatement forms. We can have a conversation about computers and more

technology. Schools are upgrading their computers for like 10 years. This may be an opportunity to help support the schools through our tax abatement. I will be in contact with you real soon about that one.

Mark Neal, Bradley Company 112 Suite 300- The petitioner comes before the Council looking for your favorable approval of this tax code for the fourth (4th) portion of the building. The first three abatements covered the hotel, residential, garage, and the rental on the ground and basement levels. The residential apartment units will be on floor seven (7) and floors seventeen (17) through twenty-five (25). The application indicates eighty-six (86) units, the most recent design work includes eighty-five (85) units with a common area for the apartments on theseventh (7th) floor. The expected investment is about 12.5 million to be complete in 2017 or if needed 2018. Requesting the three (3) years rather than the two (2) years for the abatement. I still expect the hotel to be delivered to the A Loft brand in the first quarter of 2017. With the apartments to follow after that.

Council President Scott- Asked for questions from the Council for questions seeing none.

Council President Scott- Is there anyone wishing to speak in favor or in opposition seeing no one the public hearing is now closed.

Councilmember Gavin Ferlic made a motion to adopt Resolution 15-95. Councilmember Derek Dieter seconded the motion which carried and the resolution was adopted by a roll call vote of seven (7) ayes.

UNFINISHED BUSINESS

1. REPORTS FROM AREA PLAN COMMISSION

- a. BILL NO. 47-15
- b. BILL NO. 48-15
- c. BILL NO. 49-15
- d. BILL NO. 50-15
- e. BILL NO. 64-15

Councilmember Derek Dieter made a motion to send 47-15, 48-15, 49-15, 50-15, 64-15 to the Zoning and Annexation Committee on November 9th. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

Councilmember Henry Davis Jr.- All of you received a letter from the Mayor about the letter I sent in reference to violence in the City. I've had a very eye opening experience about action concerning the City and whose concerns are heard more so than ever before that the crime that is happening is a Black problem. The only reason why Henry is talking about it is because it effects the Black community. I think all crime affects all people. No matter whose community, no matter who's the victim of the crime. Regardless of what one's opinion may be about the crime, crime is bad. We've had several shootings at one gas station. If you want to get shot you go to that gas station on Bertrand and Olive. I also have an issue with, this past week when I went to Tim Scott's district where that car was shot up and it looked like a scene off of the Untouchables or the Godfather. I think we need to have a serious conversation about how do we tackle crime. I keep saying this, it isn't that we need more police to stop it because that may not necessarily be the answer to it.

What I am interested in is having the conversation on how we intentionally bring economic results to areas that are subpar or even worse. In particular, on Marquette and O'Brien there was one street light over there and that street light was covered by trees. You can imagine how dark it is during the night time. Simple things to cure the ills, many of the people in that area were homeowners, had been there for years and decades and they just never thought their investment would return them in this manner. I think that there is a lot to be said about how we can go about changing the way this thing is working because it is not getting better. We tried gang violence intervention, crime is going up, and all we do is hear about more shootings than before. It's not

like those things are taking away from the climate of violence in the City. I offered several things in the past but it takes more than me offering these conclusions or these solutions. It takes all of us and I charge the Council with the responsibility of not only developing the conversation but finding reasonable approaches that may be faith based, they may economically base, they could be a combination between the two. But being intentional about the way our environment is currently looking for our children.

We've seen swimming pools taken away from our children. We see how the schools are dealing with their finances, you know vouchers, children are scattered. We are talking about housing in the area being very bad. We are talking about food deserts. We are talking about all these negative forces that we are aware of that are happening; unemployment. We seem like we are surprised when we have these types of shootings. I am no longer surprised I'm just sick of hearing about them. I think we've done a hell of a job failing a lot of our kids. I think we have opportunity to make some great ground. We've given close to \$200,000 to Mademen to help provide summer jobs. That's awesome but that's just one thing. How do begin to fund Kennedy Park also. That's just one thing. I am interested in health and public safety, whatever committee in the coming weeks to have that conversation. A lot of these are happening in the First (1st) District or the Second (2nd) District. Tim you have a shared interest with me on this, we all should have. I don't think the fixes are going to be quick but I think we can start putting some things in place to make it happen. If we can begin to have committee hearings about it I think it would behoove us not to.

New Business

Privilege of the Floor

Jesse Davis – P.O. Box 10205, South Bend- I come to you tonight as we are getting close to elections. Three (3) years ago I brought in some skeleton friends to ask the Mayor to check his closet. Clean out some of the skeletons. He got back to me and said he couldn't find them; all he could find were socks and tee shirts in there. Transparency has been pretty much zero (0) here in our City. There's been several big issues brought up in the last three (3) to four (4) years and we've never really gotten any answer to them. We get letters, we got rid of a contractor, so and so resigned, Phil Sinclair's son has cleared out of the City Cemetery Building and he's not using it anymore but those are not answers. Kathryn Roos's patio, we convened a local grand jury and nobody was indicted there was still wrong doing. Somebody allowed City workers to go there with City trucks, City equipment, and do work for her benefit on private property. Was anybody ever reprimanded for that? Who is going to make sure that the homeowners that were double billed by a contractor that the City forced upon them for years? Who is going to make sure they are reimbursed for the money that was stolen from them. I brought that to Council, I took it to the police chief, the police chief said he wanted to handle it as a civil matter through the City. If that's the case it should be the city's responsibility to make sure that these people are reimbursed. The City forced them to use this contractor. I'm going to be short and I brought some skeletons tonight that I am sure are hiding in Pete's closet now. Let's try and get some transparency and accountability and some honest responses. I brought you eight (8) issues that we've never got truthful answers on. Also, one (1) from February where there was equipment returned to the City garage, large dollar equipment, somebody covered a camera up. I was told it went to a state police investigation in February we are in October now, nobody looked at the video and determined who brought the equipment back and what equipment was brought back? These are answers that we deserve. We deserve real answers not just kick it under the rug type answers.

Jason Banicki-Critchlow – 3822 W. Ford St., South Bend – I know we have difficult questions in front of us as a City. The budget is always a difficult process and yet as soon as the budget process is done I read about \$100,000 to purchase equipment for Dr. Ansari's next business project. I hope we all take some time and really consider and think about where we are using our dollars when we do have school problems, when we do have violence problems. Just because the good doctor allowed his name to be used for political purposes in the primary season doesn't mean that he should be being paid back with money after July he closed down his entire practice in South Bend. He took all of his equipment, all of his doctors, and all of those tax dollars with him to Mishawaka. We as tax payers should not be subsidizing his next business venture. If it's

a good business venture that's fine, then he should already be in a position to fund that himself with him and his partners going forward. We can't afford to subsidize every business person in this city when \$900,000 could go a long way to solving a lot of problems for us. We got a chronic homeless problem. We have a very serious crime problem. That we have no real solution to but \$900,000 gives a lot more resources. I hope when we go through we consider, that let's say this time we are not paying back this political figure. Instead we are going to put the people of the City of South Bend ahead first.

Samuel Brown 2222, I am requesting five (5) minutes, three (3) minutes won't do it.

Samuel Brown request was approved by a voice vote of seven (7) ayes.

Mr. Davis has a good point. The area that he was talking about being shot up and nothing is being done is that nobody of prominence lives in those areas. If that area was in the commons and it was going on, it'd be shut down over night. I feel sorry for the home owners that are in those areas. Hardworking people just trying to hang on to their homes but it goes on a deaf ear and hope that we get behind Mr. Davis and move toward making our City safe. I have been fighting a drug house at 2229 Sadie St. and for some reason that particular house is protected by some body. The word I hear is "Shhhh" they are working on something. The drugs are still being sold. I don't know what the answer is but we going to keep the fight up trying to get a safe neighborhood. The Council and the Mayor of South Bend came together on a resolution to rename MLK Drive but there has been no action on it. I sit on that board to rename that street, the Mayor said he sent a resolution of his people to the Council and we, every day sit silently and receive no action. I don't know if this is just a tactic to just let this pass by and be dropped but it won't be dropped. We are going to keep fighting like we do to save neighborhoods. I wish the Council would contact the Mayor and find out why we can't meet and get a resolution on this as far as renaming the street. Like we can't get the crime out of the street. Every time over there in that west side second district it's a shooting gallery. We shouldn't have to live like that. We don't have a lot of money over there so I guess we have to have some people with money to have some safety. I appreciate you giving me the time to talk to you. We need help. I hope it isn't falling on deaf ears. You are the only people we can talk about our problem to.

John Schafer 402 Bison Ridge, Nappanee, IN – A few weeks ago we rented The State Marquee to send a message to Mayor to the City of South Bend, to the City itself including the Common Council. That message was we wanted a bed for every homeless. First lady Michelle Obama earlier this year created a mayor challenge. That challenge was to encourage mayors to take action to end homelessness with the emphasis on ending veteran homelessness. The Mayor of South Bend is challenged to pull together all resources with the community including the non-profits agencies, shelter, and churches in an effort to collaborate together to end homelessness in this City. The winter is soon approaching us and during extreme weather a few warming stations will open but most will close at 9:00 p.m. Turning the homeless out into the cold at the worst possible time of the day. We feel a twenty-four (24) hour warming station needs to be established during extreme weather.

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:05 p.m.

ATTEST:

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John Voorde, City Clerk

Tim Scott, President