

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


January 25th, 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: February 8th, 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, January 25, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott, the Invocation was given by Bishop Donald L. Alford Sr. 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 Karen White made a motion that the minutes of the January 11, 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

Council President Scott announced that the next PARC Committee meeting regarding the sale of Elbel Park will be on Monday February 1st, 2016 at 5:30 p.m. at Pinhook Park.

BILL NO. 16-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA PUBLICLY HONORING AND THANKING PHILLIP L. ST. CLAIR, PARK SUPERINTENDENT AND THE FORMER EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION, AND HONORING HIM FOR HIS 34 YEARS OF DEDICATED PUBLIC SERVICE TO THE CITIZENS OF SOUTH BEND, INDIANA

Councilmember Oliver Davis read the resolution in full.

Every member of the Council voiced their thanks to Mr. St. Clair for his service to the city, highlighting is unending energy and willingness to do whatever it takes to make South Bend a better city.

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

Ann Puzzuello, 1247 E. LaSalle, expressed her respect for Phil St. Clair. She stated her last eight years on the Council she was the chair of the PARC Committee and worked very closely with Phil. She stated she was always so impressed with the respect that his employees had for him and how much everyone valued his expertise. She gave a few examples of all the problems that he addressed and fixed during his tenure.

Aaron Perri, Director of the Parks Department, stated the first thing people tell him when they hear he is the new Park's Director is that he has big shoes to fill. He reported that the average employee has worked with the Parks Department for nineteen (19) years and that certainly does not happen without a great leader. He thanked Phil for his service and continuing his great work.

Dr. Ferlic, 1128 Georgiana South Bend, wanted to thank Phil for his service and for his personal advice and friendship. He stated he decided to come and live in South Bend because of people like Phil.

There was no one present from the public wishing to speak against the resolution.

Mr. St. Clair thanked everyone for the wonderful comments. He thanked his family for all the support they have given him during these past years. He stated it has been great working with the Council and the past administrations over the years. He hopes he left behind a better parks system than what it was twenty three (23) years ago.

Councilmember Dr. Varner made a motion to accept Resolution 16-05. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller, Chief of Staff.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:24 p.m. Councilmember Karen White made a motion to resolve into the Committee of the Whole. Councilmember Oliver Davis 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

Bill No. 72-15

PUBLIC HEARING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE AND REQUESTING A
SPECIAL EXCEPTION FOR PROPERTY LOCATED AT
3055 EDISON ROAD, COUNCILMANIC DISTRICT NO.
4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis, Chairperson, reported the Zoning & Annexation Committee met and sends this bill to the full Council with a favorable recommendation.

Mathew Chappuies, Area Plan Commission with offices on the 11th Floor of the County-City Building, was the presenter for the bill. Mr. Chappuies explained this bill will rezone to Office Buffer District. The property is located just west of Hickory and Edison, at the current site is a single family home which has been equipped as a beauty salon. Mr. Chappuies presented photos of the existing site. The purpose of the rezoning is to help the petitioner sell the property which will be more attractive under this zoning as opposed to the special site plan which limited the

owner to only have the property as a beauty salon. He reported this comes with a favorable recommendation from the Area Plan Commission.

Janice Hansell, 2477 Lake St. Niles, is the petitioner for this bill. She stated they purchased the property in 2005 and used it as a beauty salon since 2014 and have been unsuccessful in selling the property. She is hoping this rezoning will help open up more possibilities for selling the property.

There were no questions from the Council.

No one from the public wished to speak in support or opposition of the bill.

Councilmember Karen White made a motion for favorable recommendation to full Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

Bill No. 81-15

PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, IN

Due to the request of the petitioner, Councilmember John Voorde made a motion to continue this bill until the February 8th meeting of the Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

Bill No. 80-15

PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: FIRST EAST/WEST ALLEY NORTH OF CALIFORNIA AVE. BETWEEN SHERMAN AVE. AND THE NORTH/SOUTH ALLEY

Councilmember Jo Broden, Chairperson, reported Public Works & Property Vacation met and sends this bill to the Common Council with a favorable recommendation.

Kathy Schuth, 1007 Portage Ave, presented on behalf of the Near Northwest Neighborhood as well as three additional neighbors. She stated the three homeowners adjacent to the alley came to the Near Northwest Neighborhood asking to use this alley as garden space. She stated currently the alley is not paved either with asphalt or gravel and is currently being used by some of the neighbors as an extension of their lawns. She asked the Council to please approve this bill. She also stated a Cross Access Easement has been signed and agreed to by all the neighbors.

There were no questions from the Council and no member of the public wished to speak in favor or against the bill.

Councilmember Dr. Varner made a motion for favorable recommendation to full Council concerning this bill. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

Bill No. 02-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ESTABLISHING A NEW NON-REVERTING UNSAFE BUILDING FUND #219, TRANSFERRING EXISTING FUNDS, AND AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE

Councilmember Karen White, Chairperson, reported the Personnel and Finance Committee met and sends this bill to the Common Council with a favorable recommendation.

John Murphy, City Controller with offices on the 12th Floor of the County City Building, served as the presenter for this bill. Mr. Murphy reported this bill would establish an unsafe building fund. He stated the Legal Department caught that a separate fund be established by State Code. This bill simply aligns our expenditures to be in compliance with State Code and this is not asking for any new expenditures.

There were no questions from the Council or any member of the public who wished to speak in support or opposition to the bill.

Councilmember Oliver Davis made a motion for favorable recommendation to the full Council concerning this bill. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Bill No. 05-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

Bill No. 06-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

Council Attorney Cekanski-Farrand stated you may have a motion on both Bill 05-16 and 16-16 to continue them to the February 8th meeting and also to send them back to the Health & Public Safety Committee. So moved by Councilmember Oliver Davis and seconded by Councilmember Dr. Varner which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

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

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City building at 7:36 p.m. Council President Tim Scott presided with nine (9) members present

BILLS – THIRD READING

Bill No. 72-15

THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3055 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

This bill had third reading. Councilmember Karen White made a motion to pass Bill 72-15. Councilmember John Voorde seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

Bill No. 80-15

THIRD READING ON A BILL TO VACATE
THE FOLLOWING DESCRIBED PROPERTY:
FIRST E/W ALLEY NORTH OF CALIFORNIA
AVE. BETWEEN SHERMAN AVE. AND THE
NORTH/SOUTH ALLEY

This bill had third reading. Councilmember Karen White made a motion to pass Bill 80-15. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

Bill No. 02-16

THIRD READING ON AN ORDINANCE OF
THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ESTABLISHING A
NEW NON-REVERTING UNSAFE BUILDING
FUND #219, TRANSFERRING EXISTING
FUNDS, AND AMENDING CHAPTER 2,
ARTICLE 14 OF THE SOUTH BEND
MUNCIPAL CODE

This bill had third reading. Councilmember Karen White made a motion to pass Bill 02-16. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

RESOLUTIONS

Bill No. 16-06

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND
DESIGNATING A CERTAIN AREA WITHIN
THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS 6741 LUTZ DRIVE,
SOUTH BEND, IN 46614 AS A
RESIDENTIALLY DISTRESSED AREA FOR
PURPOSES OF A (5) FIVE-YEAR
RESIDENTIAL REAL PROPERTY TAX
ABATEMENT FOR JEFFREY SZALAY AND
AMBER O'BRIEN

Councilmember Gavin Ferlic, Chairperson, reported that the Community Investment Committee met and sends this to the full Council with no recommendation due to time constraints during their meeting.

Brock Zeeb, offices on the 14th Floor of the County-City Building, served as the presenter for this bill. Mr. Zeeb reported the petitioners intend to build a roughly \$185,000.00 home. The taxes to be created are estimated at approximately \$8,900.00, the estimated taxes to be abated are \$8,800.00 and the taxes to be paid are roughly \$100.00. Mr. Zeeb reported the petitioner is here as well.

Amber Obrien, 722 S. Gladstone Ave, is the petitioner of this bill. She stated they are planning on building the house in Lafayette Falls on the South Side of South Bend and although it is a newer neighborhood the company went bankrupt and has left around forty (40) lots vacant. This has caused the overall price of the houses in the area to decrease.

Councilmember Karen White thanked Mr. Zeeb for responding to her questions and stated it might be beneficial to share the question and answer with the Council.

Mr. Zeeb reported the question Councilmember White had was the process related to residential tax abatements. Mr. Zeeb stated often they can be confused with commercial abatements since the process is very similar but it is not identical. If a property is residential it has certain specific requirements and that is why the ordinance the Council passes mentions the specific lot and determines it as residentially distressed.

Council Attorney Cekanski-Farrand added the petitioners complete a form that explains why it is economically distressed and the situation regarding the bankruptcy of Lafayette Falls did qualify the lot to meet those requirements.

Council Vice President Davis asked if the bankruptcy had not occurred then you may not have determined it as residentially distressed.

Mr. Zeeb responded yes that it correct. He stated one of the things that Community Investment has done working with the Council and Clerks Office, for example regarding the Triangle Neighborhood and up near Notre Dame may qualify for residentially distressed through discussions they have identified areas where they would not take those abatements. We did go down to the lot and see what we are looking for such as a high frequency of empty lots that have remained empty for a long period of time. He stated this does change over time and as the neighborhood rebounds we will issue less to that neighborhood.

Councilmember Williams Preston asked what the four bullet points are that you referenced about the qualifications on what is a residentially distressed area.

Mr. Zeeb responded that he will send them to her as they are rather lengthy and he would be doing a disservice trying to quote them off hand at the moment.

Councilmember Williams Preston stated she is asking because she is also curious about the language residentially distressed because she drove down there and thought it was a beautiful neighborhood and it didn't seem distressed me. She stated now that she heard his answers she can see where they are coming from and she stated she is glad that it sounds like they are not doing this because they have always done it this way. She also stated she may think other people who are not privy to these different codes may not understand but thinks going forward so everyone knows about the opportunity abatements can have especially in my district. She stated she simply wanted to take the moment to make sure we are getting this information out to the public and extend these wonderful opportunities.

Councilmember Dr. Varner stated the commercial abatements rarely exceeded a fifty percent abatement. He stated this is the first time he has heard it being almost one hundred percent. He asked if there is anyway going forward to cap an abatement say at fifty percent.

Council Attorney Cekanski-Farrand responded not unless you amended the city code.

Councilmember Dr. Varner stated he never thought anyone would think it would be one hundred percent over a five year period. He stated he is not saying this for the current bill but going forward for future abatements.

Mr. Zeeb responded typically there is a sweet spot in residential abatements and it really depends on how much the house costs and in this instance since the assessed value was low enough it qualified for this much. He stated first movers are typically given the highest abatements and then those who come after in a neighborhood are given less.

Councilmember Dr. Varner responded thank you for the clarification and maybe this should be looked at going forward.

There was no one from the public wishing to speak in favor or against the bill.

Councilmember Dr. Varner made a motion for the adoption of the resolution. Councilmember Oliver Davis seconded the motion which carried. The resolution passed by a roll call vote of nine (9) ayes.

FIRST READINGS

There were no first readings.

UNFINISHED BUSINESS

Bill No. 16-03

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 A 2906 PRAIRIE AVENUE, SOUTH BEND, INDIANA

Bill No. 16-04

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 A 3939 SOUTH MICHIGAN STREET, SOUTH BEND, INDIANA

Council Attorney Cekanski-Farrand stated it would be appropriate to make a motion on both Bill 16-03 and bill 16-04 and set for a public hearing on February 8th and send to Zoning & Annexation Committee. So moved by Councilmember Gavin Ferlic and seconded by Karen White which passed by a voice vote of nine (9) ayes.

Bill No. 01-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE DISPOSITION OF REAL PROPERTY LOCATED AT 26595 AUTEN ROAD, SOUTH BEND, INDIANA 46628

Councilmember Randy Kelly stated in light of the earlier PARC Committee meeting he believed it is necessary to postpone the public hearing and third reading. Councilmember Randy Kelly made a motion to set Bill 01-16 for public hearing and third reading to February 22nd 2016. The motion was seconded by Councilmember Karen White and carried by a voice vote of nine (9) ayes.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Jesse Davis, P.O. Box 10205 South Bend, stated he has come many times discussing city vehicles being used during personal time. He stated while he was taking photos of Elbel Park he saw truck #205, which he stated has been seen several times at a local bar and is seen here at the bar owner's house. He gave the Council the photos. He also asked the Council how many investigations have been levied against the City in the last two years whether Federal, Local, or State and how many are ongoing. He asked the City if there have been any accidents reported during September while there was a demolition of a house on Lake St. and if they are still getting contracts with the city while they are suing the city.

Jason Banicki Critchlow, 3822 W Ford St South Bend, stated that its kind of early talking budgets and funding but he was already seen a new restaurant tax to fund the zoo and then also selling Elbel. He stated this bothers him and everyone knows the gas tax is going to go up soon just as the wheel tax will go up. He stated at some point we will have to stop taxing everyone in this city to the breaking point and if the zoo if something they want and enjoy they need to spend the money at the zoo and not count on a special tax just for the zoo. He stated it would inevitably be raised to start spending money on other things. He stated if we really need this tax lets at least do a full one percent tax not one quarter of one percent. He stated lets save Elbel and make sure this tax is not for one person. He stated you cannot say the zoo is special and then subsequently sell Elbel and twenty five percent of our park land.

Paul Blaschko, 322 E. Colfax South Bend, stated he was representing Elbel for Everyone. He asked everyone in attendance to raise their hands for being here to save Elbel. He encouraged the Council to continue to listen to the voices beginning to be heard and said that this city has a vision to invest in our parks and natural spaces.

Jerry Niezgodski, 1113 N. Eliot, welcomed the new and returning Council members this year and voiced his support in not selling Elbel Park. He stated whether we keep it or sell it the area should remain a Golf Course. He stated back when they first made that course the country club wanted to swap with them and moving forward he would like to see some comparisons to other municipalities. He stated Mr. Berlin has shown that marketing can achieve wonders in our city and that may solve the budgeting problems.

Katherine Osborne, 517 River Ave South Bend, stated she is a new comer to this city and from her perspective one of the great things about South Bend is the investment the city has made in green spaces and parks. She stated she would hate to see Elbel go and in fact it could be made more attractive and accessible to residents. She stated that if we sell it for not very much money there is no take backs once it's sold it's gone.

Jennifer Betz, 511 S. St. Joseph St, had a woman submit her name and address who could not make it because she is in cancer treatment and she read her statement. Her name is Connie Tooley, 514 W. Lasalle Ave, who wrote "I can't make the hearings but want my voice to be heard. I recently had surgery related to breast cancer and have therapy today at 2 p.m. which takes two hours and takes the stuffing out of me. I did sign the petition and have been following the news. I definitely want to say to the powers that be to hear our pleas and give the citizens a say and a chance to come up with a viable alternative. We need to save what we have, to take care of what we have and to acquire more parks and green space, not sell an environmental gem such as Elbel. They owe us that much and this my way or the highway attitude has demolished too many things of value in this town just look at the history of what DTSB used to look like."

Rebecca Oneil, 518 S. St. Joseph St., stated she is a recent graduate of St. Mary's and has moved into a community that had its voices heard today. She stated she worked with a nonprofit that works with local urban youth and wants to echo that benefits for the urban youth should not be pitted against the parks or park initiatives.

Charles Smith, 2023 S. Haley St, stated he was not here to speak about Elbel. He stated he has spent time with the people who work with the City and is here to speak on behalf of the animal community in South Bend. He stated animal welfare does have an impact on our community. He stated he is here to let the Council know the animal community is making things happen in South Bend from working at shelters to helping adoption rates. He stated Pit Bull South Bend has brought change and a new ordinance which is one of the best things South Bend has done for the animal community. He stated he invited Mayor Pete and he did not respond. He stated we are here to make a better and safer community as a whole.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:15 p.m.