





**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**

**July 11, 2016**

**MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.**

**THEREFORE, WE RECOMMEND THE SAME BE APPROVED:**



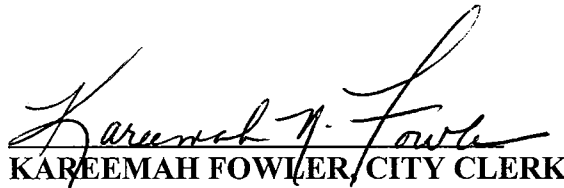
**TIM SCOTT**



**DAVID VARNER**

**APPROVED BY THE COMMON COUNCIL ON:      July 25, 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, July 11, 2016 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. The Council observed a moment of silence for the shootings in Berrien County earlier in the day.

ROLL CALL

COUNCIL MEMBERS:

PRESENT:

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

ABSENT:

Randy Kelly (Excused)	3rd District
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OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic made a motion that the minutes of the June 27<sup>th</sup> 2016 meeting of the Council be accepted and placed on file. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

16-56	A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PROUDLY & PUBLICLY HONORING AND COMMENDING MAESTRO TSUNG YEH FOR HIS EXEMPLARY AND EXCEPTIONAL MUSICAL TALENTS AND LEADERSHIP FOR 28 SEASONS AS MUSIC DIRECTOR OF THE SOUTH BEND SYMPHONY
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Councilmember Dr. David Varner read the resolution in its entirety.

Tsung Yeh thanked the Council for giving him such a wonderful honor. The last few months have been wonderful and South Bend has been so gracious in their support of him and his family. Mr. Yeh stated he still remembers twenty-eight (28) years ago when he arrived in South Bend and it was a bitterly cold winter but the people were very warm. Originally, the plan was not to

stay in South Bend for so long but this community became Mr. Yeh's home. Mr. Yeh stated he put three (3) children through the South Bend public school system and all three (3) have grown up wonderfully. The past twenty-eight (28) years have been absolutely wonderful and it's a great accomplishment that now the people in this area do not have to travel to Chicago or New York to hear a world class orchestra but instead have one right here in South Bend.

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

Samuel Brown, 222 East Navarre Street, spoke in favor of the bill. It is very impressive and moving that Mr. Yeh put three (3) fine children through the public school system who then went on to great universities. Mr. Brown thanked Mr. Yeh for being a wonderful member of this community.

Mayor Pete Buttigieg, offices on the 14<sup>th</sup> Floor of the County-City Building, spoke in favor of the bill. South Bend punches above our weight class and one of the great examples of that is our tremendous symphony. Not many cities of our size boast a symphony orchestra with such professionalism and talent. That is a credit to Mr. Yeh's leadership. Mayor Buttigieg stated he feels qualified to speak about Mr. Yeh on three (3) accounts. First, as one of the young people who was bussed in to learn about music at such a young age and experience his youth concerts. Second, as Mayor of a City that is made better by his extraordinary talent and contributions. Finally, as a musician who has performed a couple of times under his direction. Mr. Yeh has a remarkable capacity for being engaging and putting a person at ease while simultaneously inspiring the person to do their very best possible. It will be a hard act to follow but the Symphony is excited to look for the very best person to continue on such a great legacy. Mayor Buttigieg thanked Mr. Yeh and his family for everything they have done to make this community a better place.

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

Councilmember Regina Williams-Preston thanked Mr. Yeh for his service to South Bend. She thanked him especially for all the work he has done bringing beautiful music to our local schools.

Councilmember Jo M. Broden thanked Mr. Yeh for bringing out the very best in this symphony which is such a gift to South Bend. Also, she expressed gratitude for all the work Mr. Yeh has done for the youth of South Bend.

Councilmember Oliver Davis read the poem *My Symphony* by William Ellery Channing. Councilmember Davis stated Mr. Yeh has embodied that poem very well especially living content with small means. Mr. Yeh has taken a small city and given us a great symphony.

Councilmember John Voorde thanked Mr. Yeh for all his service to South Bend and the arts.

Councilmember Gavin Ferlic thanked Mr. Yeh for his service to South Bend and providing a world class symphony for such a long time.

Councilmember Karen L. White thanked Mr. Yeh for sharing his gifts and passion with our community and especially with South Bend's youth. She also thanked his family for allowing him to dedicate his life's work to South Bend. It is wonderful we have greatness right here in South Bend.

Council President Tim Scott stated he could repeat everything this Council has said and thanked him for all his work. He stated when he lived in St. Louis, Mr. Yeh was phenomenal there as well. This world needs more beautiful music and more creativity and it is definitely needed within our school system.

Councilmember Dr. David Varner stated he was going to read *My Symphony* as well as a tribute. What is sometimes overlooked are these great things that happen just under the surface in South Bend. Too often the things that make the news are things that make us frustrated and disappointed. Councilmember Dr. Varner stated he remembers when Mr. Yeh came here and how far the symphony has come in that tenure. It is definitely something the City can be proud of and cherish.

Councilmember Dr. Varner asked for a motion to approve Bill 16-56 by acclamation. So moved by Councilmember Oliver Davis and seconded by Councilmember Gavin Ferlic. The motion carried unanimously by a voice vote of eight (8) ayes.

REPORTS OF CITY OFFICES

Representing the City administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:22 p.m. Councilmember Oliver Davis made a motion to resolve into the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) 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

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| 32-16 | PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$385,775 FROM EMS CAPITAL FUND (#287), \$150,000 FROM SOLID WASTE FUND (#610), AND \$60,601 2011 SEWER BOND FUND (#659).   |
| 33-16 | PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016.   |
| 34-16 | PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$500 FROM DCI FUND (#212), \$850,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$114,762 FROM PARKS NONREVERTING CAPITAL FUND (#405), \$114,762 FROM PARKS FUND (#201), AND \$63,555 FROM MAJOR MOVES FUND (#412). |

Councilmember Karen White made a motion to hear Bill 32-16, Bill 33-16, and Bill 34-16 together for purposes of public hearing. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Karen White, Chair of the Personnel and Finance Committee, reported that the committee met and sends all three (3) of these bills to the full Council with a favorable recommendation.

John Murphy, City Controller with offices on the 12<sup>th</sup> Floor of the County-City building, served as both the presenter and petitioner of these three (3) bills. These are the second quarter budget transfers. The first bill relates to additional appropriations for the enterprise funds. The second bill is the budget transfers. These are just transfers from different accounts and not additional

appropriations. The third bill is the civil city funds appropriations. The General Assembly passed a special LOIT distribution which stipulated a special account should be set up and there will be more discussion during the budget hearings on how to use those funds and the Council will have ample opportunities to be a part of that discussion.

Councilmember Oliver Davis asked Mr. Murphy to clarify the understanding related to the newly established fund and how that will be appropriated.

Mr. Murphy responded this fund is subject to appropriation by the Common Council. As far as the 2017 budget process, we want to have a good discussion on how these funds will be used just like we do for all other funds.

Councilmember Oliver Davis asked Mr. Murphy to explain to the public where this money has come from.

Mr. Murphy responded that the state holds local income tax money and distributes it to the County and then the County distributes those funds to the City. The state had surplus funds they were holding for all municipalities and they made a decision to distribute that LOIT money out to the municipalities. For St. Joseph County it was around \$4.2 million dollars of which all the local entities received a proportional portion. The money was technically ours all along but held in a trust account with the state. The funds are earmarked that 75% of the money needs to go to road projects and that it had to go into a certain fund with a number of two hundred and fifty-seven (257) which we have set up. Any street type project would be eligible for money from this fund.

Councilmember Jo M. Broden asked if the \$450,000 allocated for Ironwood and Corby is for engineering or something else.

Mr. Murphy stated he doesn't know the specifics but it may be leveraging federal match dollars.

Councilmember Broden asked if there was any stipulation of when these funds need to be dispersed.

Mr. Murphy stated there is no timeline. The only stipulation is 75% of the money needs to go to road projects.

No one from the public spoke either in favor of or in opposition to the three (3) bills.

Councilmember Oliver Davis made a motion to send Bill 32-16 to the full Council with a favorable recommendation. Councilmember Regina Williams-Preston seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Tim Scott made a motion to send Bill 33-16 to the full Council with a favorable recommendation. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Tim Scott made a motion to send Bill 34-16 to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) 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 eight (8) 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 7:34 p.m. Council President Tim Scott presided with eight (8) members present



## BILLS – THIRD READING

32-16

THIRD READING ON AN ORDINANCE OF THE  
COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, APPROPRIATING ADDITIONAL FUNDS  
FOR CERTAIN DEPARTMENTAL AND ENTERPRISE  
OPERATIONS IN 2016 OF \$385,775 FROM EMS  
CAPITAL FUND (#287), \$150,000 FROM SOLID  
WASTE FUND (#610), AND \$60,601 2011 SEWER  
BOND FUND (#659).

Councilmember Karen White made a motion to pass Bill 32-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

33-16

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

Councilmember Karen White made a motion to pass Bill 33-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

34-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$500 FROM DCI FUND (#212), \$850,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$114,762 FROM PARKS NONREVERTING CAPITAL FUND (#405), \$114,762 FROM PARKS FUND (#201), AND \$63,555 FROM MAJOR MOVES FUND (#412).

Councilmember Karen White made a motion to pass Bill 34-16. Councilmember Regina Williams-Preston seconded the motion which carried by a roll call vote of eight (8) ayes.

## RESOLUTIONS

There were no resolutions at this meeting.

## BILLS FIRST READING

35-16

FIRST 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 CENTRE TOWNSHIP,  
CONTIGUOUS THEREWITH; COUNCILMANIC  
DISTRICT NO. 1, FOR 22575 BLOCK U.S. 20 WEST,  
22875 BLOCK U.S.20 WEST, 22965 U.S. 20 WEST,  
24632 U.S. 20 WEST, 24650 U.S. 20 WEST, 24700 U.S  
20 WEST, AND 54270 PINE ROAD, SOUTH BEND,  
INDIANA

Councilmember Gavin Ferlic made a motion to send Bill 35-16 to the Area Plan Commission. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

36-16 FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 202 BARTLETT STREET, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to send Bill 36-16 to the Area Plan Commission and Zoning and Annexation Committee with public hearing on August 22nd 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

37-16 FIRST READING AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 BY ADDING SINGLE FAMILY DWELLING TO PERMITTED USES IN MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT, MF2 HIGH-DENSITY MULTIFAMILY DISTRICT, AND MU MIXED USE DISTRICT

Councilmember Gavin Ferlic made a motion to send Bill 37-16 to the Area Plan Commission and Zoning and Annexation Committee with public hearing on August 22nd 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

38-16 FIRST READING AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING GROUP RESIDENCE TO SPECIAL EXCEPTION USES IN CBD CENTRAL BUSINESS DISTRICT; AND SECTION 11 BY UPDATING THE DEFINITION OF FAMILY AND GROUP RESIDENCE.

Councilmember Gavin Ferlic made a motion to send Bill 38-16 to the Area Plan Commission and Zoning and Annexation Committee with public hearing on August 22nd 2016. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

Councilmember Oliver Davis asked the councilmembers to send him anything they may know about zoning issues that are going to the Area Plan Commission if the issues are in their districts so he can be prepared to represent the Council.

Councilmember Dr. David Varner announced there will be a Utilities Committee meeting on Tuesday July 12<sup>th</sup> at 5:30 p.m. to in the Council Chambers to discuss the proposed clean energy resolution. There will be copies of the proposed resolution available for public inspection.

NEW BUSINESS

Councilmember Oliver Davis commended the South Bend Police for handling this past weekend very well and keeping us very safe. The officers are certainly in our prayers and we all are striving for peace.

Council President Tim Scott commended the citizens of South Bend on having proper respectful discourse over the past few days and keeping South Bend out of the national news. Hopefully out of all the tragedies experienced the past few weeks we can build upon the dialogue which took place this weekend.

PRIVILEGE OF THE FLOOR

Samuel Brown, 222 East Navarre Street South Bend, thanked Councilmember Regina Williams-Preston for getting an event he had on the Board of Public Works agenda. That is the definition of good public service and responding to the resident's needs. We were able to divert the side street to make the event better. Mr. Brown also commended the police force for their outstanding work. They were very kind and very polite. We had a lot of people from out of town at the event and South Bend put a good effort forward. The community as a whole can come together if we all work together like we did for this event. We want our officers to be safe and respectful and we want our residents to conduct ourselves in a fine manner.

Jesse Davis, P.O. Box 10205 South Bend IN, stated he has heard of a lot of problems at Brothers Bar at Eddy Street Commons. He stated there were two (2) serious incidents his son reported to him that happened over this past weekend. One (1) involved Michael Floyd who was a Notre Dame football player who supposedly had an altercation with South Bend Police officers. Mr. Davis stated Michael Floyd tweeted out some negative things about the police officers and their interactions with him. Also, Mr. Davis claimed there is video of the police taking down another gentleman who then hit his head and it caused an incident. Mr. Davis asked how the nuisance ordinance works because it would seem Brothers should be on that list. He also questioned why the police officers are there if they are there on the clock. If they are working at a bar and being paid to be there they are not representing South Bend.

Jasmine Brown, 230 Sage Street, stated she is a proud citizen of South Bend and the Westside. Ms. Brown expressed her pride of South Bend but has seen divisiveness on political and social issues especially related to recent national events. Although our police-community interactions have improved they can still be better and best practices can still be found. Ms. Brown stated she has noticed blight in our neighborhoods that needs to be addressed. There are many unresolved issues regarding the police in South Bend and we have been blessed that some of these tensions have not exploded into something worse. We need proactivity with our city leaders and an increase in engagement. She stated she will continue to work with the youth in South Bend and follow as the Police Chief asked and address police officers with respect. She asked the city leaders of South Bend to come out into the community and help address these divides. We need not just equality but also equity.

Ruth Warren, 1520 Sunnymede South Bend, spoke in opposition to the proposed fire station in Potawatomi Park. She expressed her respect for the Fire Department and their commitment to South Bend but has many questions regarding this park. She asked what the decision making process is for this station, how the stipulations in the deed for the park relate to the creation of the fire station, how the station will be financed and what will the amount of the bond be, by what criteria was this spot chosen for the new station, what are the indicators and metrics of public safety and how would this proposed station increase that safety, what are the statistics and data behind the calls that Station Nine (9) currently receives, and what does the data show about the number and type of calls for all South Bend stations. Perhaps the river rescue is in the current correct position right now and Station Nine (9) could be expanded.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 7:54 p.m.

