

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, November 23, 2015 at 7:00 p.m. The meeting was called to order by Council Vice President Derek Dieter and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

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

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice I. Talboom	Deputy
Kareemah Fowler	Chief Deputy (absent)

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic stated the sub-committee on minutes did not meet because the President wasn't in attendance.

SPECIAL BUSINESS

Vice President Derek Dieter announced that the December 14, 2015 meeting will be the last council meeting of the year.

Vice President Derek Dieter announced that there would be an opening in the three (3) seats available on the Urban Enterprise Zone and one (1) seat on the Historic Preservation Committee. Applications must be turned in by December 14th for each committee at City Clerk's Office.

15-99 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA, PUBLICLY HONORING THE MICHIANA JUNIOR PEE WEE BULLDOG FOOTBALL TEAM OF THE POP WARNER LITTLE SCHOLARS, INC. FOR WINNING THE NIPWLS

Councilmember Henry Davis Jr. acknowledged the supporters of the State Champion Bulldogs and asked the children and coaches to come forward. Councilmember Henry Davis read Resolution 15-99 honoring the bulldogs. Councilmember Henry Davis read the mission statement for the Pop Warner Organization.

Coach Lee, Presenter- Our Michiana Pop Warner team has been named Regional Champions for Mid-America.

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

Dr. Fred Ferlic- Congratulations, great job.

Dr. David Varner- I hope the lesson here is that hard work, diligence and listening to your coaches pays off, because it definitely did for you guys this year. Great job and congratulations.

Councilmember Gavin Ferlic- Congratulations and great job.

Councilmember White- Congratulations and not only are you great athletes, but you're great scholars as well. Our future is in great hands, and we wish you the very best.

Those wishing to speak in favor:

Sam Brown, 2222 Navarre St (CUBG) - I want to congratulate Pop Warner. They do a great job. I am very proud of all these guys. I am proud they are not carrying a 1.6 on their shirts. These are parents and coaches that care about these kids and their grades.

Jesse Davis, PO BOX 10250- I applaud all you guys. This the ultimate picture of what we want our young people to be and what we want our city to look like. Great job.

Vice President Derek Dieter- After the celebration, thank everyone for their help with football supplies and getting you where you needed to be. The sky is the limit. No matter where you go on to, we will always be watching. The young man in this video stood where you are 12 years ago. This guy came from South Bend and would like to see one of you make it on television like this.

REPORTS OF CITY OFFICES

No report from City offices.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:23 p.m. Council Vice President Dieter requested a motion to resolve into the Committee of the Whole. So moved by Councilmember Gavin Ferlic. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes. Councilmember White, Chairperson, presiding.

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

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

PUBLIC HEARINGS

50-15 PUBLIC HEARING ON A BILL 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 GERMAN TOWNSHIP, CONTIGUOUS THEREWITH: COUNCILMANIC DISTRICT #1, FOR THE WEST PORTION OF 52933 SHELLBARK AVENUE, SOUTH BEND, INDIANA.

Councilmember Henry Davis- Zoning and Annexation Committee met this afternoon and sends Bill 50-15 to the full Council with no recommendation.

Matthew Chappuies of Area Plan Commission, 11th Floor: Presenter- This is a petition of Beacon Health system to voluntarily annex a piece of property just north of Cleveland Rd. and east of Linwood. The petition is requesting that the property be zoned as CB to be consistent with the rest of the property. This portion will be used strictly for retention purposes. This comes with a favorable recommendation from the Area Plan Commission.

Michael Danch & Harner and Associates, 1643 Commerce Dr.: Petitioner- Petitioner thought that this part of the property had been rezoned and it hadn't. It is eighty-one (81) feet by ninety-three (93) feet. The only way to make the zoning consistent throughout the property is to do this annexation. The land will be used as a retention basin used for on-site drainage.

Council Vice President Derek Dieter made a motion to send the Bill 50-15 to the Council with a favorable recommendation and set it for a third reading on December 14, 2015. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

25-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 16, ARTICLES 2 AND 4 OF THE SOUTH BEND MUNICIPAL CODE TO PROVIDE YARD WASTE REMOVAL SOLELY FROM CITY FURNISHED CONTAINERS

Council Vice President Dieter made a motion to hear the substitute version of Bill 25-15. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

Dr. David Varner, Chairperson, Utilities Committee met this afternoon and sends Bill 25-15 to the full Council favorably.

Eric Horvath, Director of Public Works with offices on the 13th floor of the building, Presenter- I want to thank the solid waste worker in attendance tonight. The changes include: the regular pickup will be through City containers only. We have added a smaller container option. There will be an option added to a once a month special pickup by calling 311. Residents can use their own container, bio-degradable bags, or other bags up to two-hundred (200) gallons.

Dr. David Varner- Is there additional charges if you exceed the one (1) cubic yard?

Eric Horvath - Additional yard waste is twenty dollars (\$20).

Dr. David Varner- If a person has a large yard and needs additional container, is there a charge for additional containers as long as it is in the city provided container?

Eric Horvath- Residents can rent additional container at two dollars (\$2) per container on a monthly basis to meet their waste needs.

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

Those wishing to speak in favor:

Jason Banicki, Critchlow 3822 W. Ford- I love this idea. The more people pay for the services they use, the better. Due to the amount of yard waste I have, I will likely save money in comparison to buying bags. This also saves the backs and arms of the waste workers. I ask for your support.

Council Vice President Derek Dieter made a motion to send the Bill 25-15 to the Council with a favorable recommendation. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

40-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AND AMENDING CHAPTERS 6, 17, AND 18 OF THE SOUTH BEND MUNICIPAL

CODE TO INCLUDE NEW RULES, REGULATIONS, AND
SERVICE CHARGES FOR VARIOUS PERMITS AND REVIEWS
IN CONNECTION WITH STORMWATER CONTROL AND
CONSTRUCTION IN THE RIGHT-OF-WAY

Chairperson White requested a motion to hear the substitute version of the bill. Councilmember Gavin Ferlic made a motion to hear the substitute version of the bill. Council Vice President Derek Dieter seconded the motion, the motion carried by a vote voice of (6) six ayes.

Dr. David Varner, Chairperson, Utilities Committee met this afternoon and sends Bill 40-15 to the full Council favorably.

Councilmember Henry Davis, Presenter- Spoke regarding the six-hundred and sixty (660) million dollar update to the sewer system. The program, as proposed in the bill, provided an alternative to the cost of the update by disconnecting residential roof downspouts from the City sewage piping and water treatment facility. The program would attach rain barrels to the downspouts to collect the rain water.

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

Those wishing to speak in favor:

Christopher Huck, 1831 College St. - Mr. Huck stated he had been a part of the process. Mr. Huck stated that the long term control plan's pricing has been projected to be over 1 billion dollars due to the financing of the costs. Mr. Huck stated that our neighboring community to the east has prohibited the roof drainage from being connected to the City water treatment. Mr. Huck also advised that the sewer system can handle double the amount of waste water, however when the storm water is added, it causes over seven-hundred and fifty (750) million gallons of untreated water to run into the St. Joe River.

Jesse Davis PO BOX 10250- Great idea and it will eliminate storm water entering the system. This should pass with a favorable recommendation.

Eric Horvath, 7th Floor of this building- Mr. Horvath expressed his thanks for discontinuing the downspout connection. The amount of waste water originally was 2 billion gallons and has been brought down to 400 million gallons. Mr. Horvath also noted the large amount of impervious surfaces in the City—the rain water runoff from which is the next area to be considered.

Kathleen Petitjean, 119 S. 26th - I am in support of this. I think it is a step in the right direction, and I hope we continue to look at the mitigation of the storm water that goes into the system. The next one to look at is impervious surfaces.

Chairperson White asked for comments from the Councilmembers:

Councilmember Henry Davis- I know this sounds confusing. We are doing this to ensure resident water bills do not reach \$300 within five (5) to ten (10) years.

Dr. Ferlic- Thanked the council attorney for help and correcting language.

Vice President Dieter –How will Public Works connect with residents who need to disconnect? Make sure we get the word out that for the next two years that the disconnect of downspouts will be paid for by the City.

Eric Horvath, Public Works Director- Mr. Horvath stated that the Public Works has been maintaining a list of those homes that require disconnection. Mr. Horvath stated that residents would sign forms giving permission for city workers to enter their property and perform the disconnection work. Mr. Horvath also added that if property-owners demand that city workers leave their properties the city workers would leave the properties they were asked to leave from.

Councilmember Gavin Ferlic made a motion to send the Bill 40-15 to the Council with a favorable recommendation. Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes.

68-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTERS 6, 17, 18 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW RULES, REGULATIONS, AND SERVICE CHARGES FOR VARIOUS PERMITS AND REVIEWS IN CONNECTION WITH STORMWATER CONTROL AND CONSTRUCTION

Chairperson White requested a motion to hear the substitute version of the bill. Councilmember Gavin Ferlic made a motion to hear the substitute version of the bill. Council Vice President Derek Dieter seconded the motion, the motion carried by a vote voice of (6) six ayes.

Dr. David Varner, Chairperson, Utilities Committee met this afternoon and sends the second substitute version of Bill 68-15 to the full Council favorably.

Patrick Kerr, City Engineering, and Presenter- The City will waive fees for the next two (2) years until the downspout project is completed. The fees will begin January 1st 2018. We decided to remove the fee for curb and sidewalk repair per a discussion regarding the public good.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Gavin Ferlic made a motion to send Bill 68-15 to the full Council favorably. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes.

69-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE A NEW ARTICLE 5 ADDRESSING ENGINEERING SERVICE CHARGES IN CONNECTION WITH THE DEVELOPMENT PLAN APPLICATION PROCESS

Councilmember Gavin Ferlic made a motion to hear the substitute version of Bill 69-15. Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes.

Councilmember Henry Davis, Zoning and Annexation Committee met this afternoon and sends the substitute version of bill 69-15 to the full Council with no recommendation.

Patrick Kerr, City Engineering, Presenter- This is an adjustment of the fee for community developers to remove the fee for single family zoning and vacant property zoning.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Council Vice President Derek Dieter made a motion to send Bill 69-15 to the full Council favorably. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

70-15 PUBLIC HEARING ON A BILL INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON BEHALF OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 ZONING OF THE MUNICIPAL CODE OF THE CITY OF SOUTH BEND, INDIANA BY REPEALING AND REPLACING ARTICLE 12 FLOODPLAIN REGULATIONS, IN ORDER TO ADOPT THE MOST RECENT FEDERAL AND STATE REQUIREMENTS

Councilmember Gavin Ferlic made a motion to hear the substitute version of Bill 70-15. Councilmember Henry Davis seconded the motion which carried by a voice vote of six (6) ayes.

Councilmember Henry Davis, Zoning and Annexation Committee met this afternoon and sends the substitute version of Bill 70-15 to the full Council with no recommendation.

Matthew Chappuies, Area Plan Commission, Presenter- This bill is based on the new floodplain definitions from FEMA. The floodplain map did not change and the changes will not affect any homeowners. The changes were made to update the definitions of categories. All municipalities must adopt these changes for homeowners to participate in the national flood insurance.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Council Vice President Derek Dieter made a motion to send Bill 70-15 to the full council favorably. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

71-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONCERNING THE REFUNDING OF OUTSTANDING SEWAGE WORK REVENUE BOND OF 2006, SEWAGE WORKS REVENUE BONDS OF 2007B, EACH ISSUED TO FINANCE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL SEWAGE WORKS OF THE CITY OF SOUTH BEND, INDIANA; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-EIGHT MILLION DOLLARS (28,000, 000); APPROPRIATING MONIES FROM THE RESERVE ACCOUNT FOR SUCH BONDS (#653); ADDRESSING OTHER MATTERS CONNECTED THEREWITH; AND REPEALING ORDINANCES INCONSISTENT HERewith

Dr. David Varner, Chairperson, Utilities Committee met this afternoon and sends the second substitute version of bill 71-15 to the full Council favorably.

John Murphy, City Controller, Presenter- This is a refunding of 2.3 million dollars from a City bond. This 2.3 million in combination with 3.2 million from the Eddy St. Commons totals approximately 5 million dollars for the year. The refunds are being made because the interest rates are higher now than when they were issued. Presenter introduced Phil Faccenda of Piper Jaffrey, Jennifer Wilson of Crowe Horvath, Landon Bain of Piper Jaffrey, and Eric Horvath.

Phil Faccenda, Bond Counsel 100 N Michigan St. - We are in charge of the refinancing of B-Bonds. 27.5 million, will be refunded. Currently bond rates are at three (3) to four percent (4%) originally when the bond was issued it was at two percent (2%). That is a half million dollar savings for the city with a debt service savings of \$6.7 million. \$3.2 million will be released and used for refunding. The Board of Public Works met and sent this with a favorable recommendation. We will be meeting with bond purchaser tomorrow.

Vice President Dieter- How much will the bond person be paid?

Phil Faccenda, Bond Counsel- The fee is \$100,000.

Jennifer Wilson, Crowe Horvath- That is their placement agent fee. When you are above three percent (3%) is when we recommend a refund.

Eric Horvath, Public Works Director- Mr. Horvath stated that he thought the early refund was tremendous work by John, Phil, and Jennifer and that the 2.3 million dollar savings was the net of any fees being paid.

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

Those wishing to speak in favor:

Christopher Huck, 1831 College St. - How much was in the debt service reserve, where will those funds go, and what does it cost to retire the bond, both in percentages and actuals?

Jesse Davis, PO Box 10205- Do we have counsel in city offices to handle the bond issues and if not, why?

Chairperson White- Chairperson White asked Jennifer Wilson from Crowe Horvath to respond to the question about debt service and John Murphy to respond to the question about city offices that can handle bond issues.

Jennifer Wilson, Crowe Horvath- 3.1 million. We are maintaining a reserve, and we are paying 6% of the bond for fees.

John Murphy, City Controller- Our City Legal added to the process. We brought in outside counsel because the law requires us to have outside counsel and because of the firm's good national reputation.

Councilmember Gavin Ferlic made a motion to send Bill 70-15 to the full Council favorably. Chairperson, Karen White seconded the motion which carried by a voice vote of six (6) ayes.

RISE AND REPORT

Councilmember Karen White requested a motion to rise and report to full Council. So moved by Councilmember Gavin Ferlic. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of six (6) 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 floor of the County-City Building at 7:30 p.m. Council Vice President Derek Dieter, presided with six (6) members present.

BILLS - THIRD READING

25-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 16, ARTICLES 2 AND 4 OF THE SOUTH BEND MUNICIPAL CODE TO PROVIDE YARD WASTE REMOVAL SOLELY FROM CITY FURNISHED CONTAINERS

Council Vice President Dieter made a motion to hear the substitute version of Bill 25-15. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 25-15. Dr. Ferlic seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

40-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AND AMENDING CHAPTERS 6, 17, AND 18 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW RULES, REGULATIONS, AND SERVICE CHARGES FOR VARIOUS PERMITS AND REVIEWS IN CONNECTION WITH STORMWATER CONTROL AND CONSTRUCTION IN THE RIGHT-OF-WAY

Vice President Dieter made a motion to hear the amended version of the bill. Councilmember Gavin Ferlic seconded the motion, the motion carried by a vote voice of (6) six ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 40-15. Councilmember White seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

68-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTERS 6, 17, 18 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW RULES, REGULATIONS, AND SERVICE CHARGES FOR VARIOUS PERMITS AND REVIEWS IN CONNECTION WITH STORMWATER CONTROL AND CONSTRUCTION

Vice President Dieter made a motion to hear the amended version of the bill. Councilmember Gavin Ferlic seconded the motion, the motion carried by a vote voice of (6) six ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 68-15. Councilmember White seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

69-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE A NEW ARTICLE 5 ADDRESSING ENGINEERING SERVICE CHARGES IN CONNECTION WITH THE DEVELOPMENT PLAN APPLICATION PROCESS

Vice President Dieter made a motion to hear the amended version of the bill. Councilmember Gavin Ferlic seconded the motion, the motion carried by a vote voice of (6) six ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 69-15. Councilmember White seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

70-15 PUBLIC HEARING ON A BILL INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON BEHALF OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 ZONING OF THE MUNICIPAL CODE OF THE CITY OF SOUTH BEND, INDIANA BY REPEALING AND REPLACING ARTICLE 12 FLOODPLAIN REGULATIONS, IN ORDER TO ADOPT THE MOST RECENT FEDERAL AND STATE REQUIREMENTS

Vice President Dieter made a motion to hear the amended version of the bill. Councilmember Gavin Ferlic seconded the motion, the motion carried by a vote voice of (6) six ayes.

Councilmember Gavin Ferlic made a motion for the passage of Bill 70-15. Councilmember White seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

71-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONCERNING THE REFUNDING OF OUTSTANDING SEWAGE WORK REVENUE BOND OF 2006, SEWAGE WORKS REVENUE BONDS OF 2007B, EACH ISSUED TO FINANCE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL SEWAGE WORKS OF THE CITY OF SOUTH BEND, INDIANA; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR SUCH PURPOSE IN THE

PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-EIGHT MILLION DOLLARS (28,000, 000); APPROPRIATING MONIES FROM THE RESERVE ACCOUNT FOR SUCH BONDS (#653); ADDRESSING OTHER MATTERS CONNECTED THEREWITH; AND REPEALING ORDINANCES INCONSISTENT HERewith

Councilmember White made a motion for the passage of Bill 71-15. Councilmember Gavin Ferlic seconded the motion which carried and the Resolution was passed by a roll call vote of six (6) ayes.

RESOLUTIONS

15-100 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANEXATION AREA IN GERMAN TOWNSHIP, SHELLBARK ANNEXATION AREA

Councilmember Henry Davis, Zoning and Annexation Committee met this afternoon and sends the Bill 15-100 to the full Council with no recommendation.

Michael Divita, Community Investment Offices on 14th floor of this building, Presenter- Beacon Health System is asking for the annexation as a part of a retention basin for a Medical Plaza. No capital improvement is being requested and the connection to sewage will be done at the petitioner's expense. The property will be added as part of the 1st Councilmanic district and will be served by the Public Safety departments, as are offered to the City property adjacent to the proposed annexation area, one year from the date of annexation.

Michael Danch, Danch Harner and Associates, Petitioner- Mr. Danch indicated that this is to add the land for a retention basin for Memorial Health Plaza into the City boundaries. Mr. Danch requested the Council's approval of this Resolution.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Gavin Ferlic made a motion to adopt this Resolution. Councilmember White seconded the motion which carried and the Resolution was adopted by a roll call vote of six (6) ayes.

15-101 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 635 S. LAFAYETTE BLVD, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (10) TEN-YEAR REAL PROPERTY TAX ABATEMENT FOR RDISTRICT ONE LLC

Councilmember Gavin Ferlic, Community Investment Committee met this afternoon and sends the Bill 15-101 to the full Council with favorable recommendation.

Chris Fielding, Community Investment Offices on the 14th Floor: Presenter- This abatement is for the redevelopment of buildings One-Hundred and Twelve (112) and One-Hundred and Thirteen (113) of the Studebaker Complex, a total 220,000 sq. ft. Initially this was an ownership that has become a partnership between Ken Smith and Ken Reality. There will be \$14.5 million in work done—\$933,000 in abated taxes; \$2.33 million will be collected in taxes and twenty (20) jobs will be created. We believe twenty (20) is a low number of jobs to be created for a project this size.

Paul Tyler, 7661 Primer Rd. Indianapolis, IN, Petitioner- Mr. Tyler stated, we need this abatement to move forward and your help would be instrumental.

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

Those wishing to speak in favor:

Christopher Huck, 1831 College St. - This type of building is what Indiana tax abatements are designed for. I was chairman of a redevelopment conference and we highlighted this project.

There being no one present wishing to speak in opposition to this bill, Councilmember Gavin Ferlic made a motion to adopt this resolution. Dr. Fred Ferlic seconded the motion which carried and the resolution was adopted by a roll call vote of six (6) ayes.

15-102 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND ENCOURAGING THE CITY TO DEVELOP A MOW
TO OWN PROGRAM

Vice President Derek Dieter, Health and Public Safety met this afternoon and sends the Bill 15-102 to the full Council with a favorable recommendation.

Councilmember Henry Davis, Presenter- This is to help manicure our neighborhoods. Over the summer I called both the Parks and Code Departments about lawns that needed to be cut. The 1,000 homes in 1,000 days made it worse. City dollars are getting short. I think there are six-hundred (600) lawns that needed to be cut. We are reducing the cost of the lawns. There is no ordinance, yet, but we are looking at changing the land from City to County from the framework of a plan we saw in Memphis, TN. Councilmember Davis requested a favorable consideration from the Council.

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

Those wishing to speak in favor:

Jessie Davis, P.O. Box 10205 Mishawaka, IN- This is a great way to keep lots maintained, and, if people are maintaining them, maybe they can own those lots and potentially get them back on the tax rolls instead of being deserted lots.

Jason Banicki, Critchlow, 3822 Ford- I live in the LaSalle Park area, one of the neighborhoods hardest hit by the 1,000 houses in 1,000 days. We have many vacant lots. It's a prime area for Mow to Own. Also allows the City to save money on serving those lots.

Councilmember Fred Ferlic- I know there are some land banking issues with the bill but we are working with State Representatives to the resolve that.

There being no one present wishing to speak in opposition to this bill, Councilmember Gavin Ferlic made a motion to adopt this Resolution. Councilmember White seconded the motion which carried and the resolution was adopted by a roll call vote of six (6) ayes.

15-103 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND ENCOURAGING THE CITY TO STUDY THE
FEASIBILITY OF IMPLEMENTING A LOCAL PUBLIC
POLLING SYSTEM

Councilmember Henry Davis Jr. made a motion to continue this resolution until December 14th, 2015. Councilmember Gavin Ferlic seconded the motion which carried by a roll call vote of six (6) ayes.

BILLS - FIRST READING**BILL NO.**

73-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING 13-96 OF ARTICLE 10, CHAPTER 13 OFFENSES AND MISCELLANEOUS PROVISIONS AND AMENDING SECTION 2-213 OF CHAPTER 2 ADDRESSING A SCHEDULE OF THE SOUTH BEND MUNICIPAL CODE

This bill had first reading. Vice President Derek Dieter made a motion to refer this bill to the Health and Public Committee for second and third reading on December 14, 2015.

Councilmember White seconded the motion which carried by a voice vote of six (6) ayes.

74-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTIONS OF CHAPTER 2, ARTICLE 8 BY ADDITION OF NEW SECTION 2 15.2 ENTITLED POST CITY EMPLOYMENT RESTRICTION

This bill had first reading. Councilmember Henry Davis made a motion to refer this bill to the Personnel and Finance Committee for second and third reading on December 14, 2015.

Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

75-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2015

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the Personnel and Finance Committee for second and third reading on December 14, 2015.

Councilmember White seconded the motion which carried by a voice vote of six (6) ayes.

76-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2015 OF \$233, 296 FROM COUNTY OPTION INCOME TAX FUND (#404) AND \$87,500 FROM LOCAL ROAD & STREETS FUND(#251)

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to Personnel and Finance for December 14, 2015. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes.

77-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APRROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2015 OF \$10,000 FROM MPAC CAPTIAL IMPROVEMENT FUND (#416), \$5,500 FROM WATERWORKS DEBT RESERVE O & M FUND (#629), \$1,887,938 FROM SEWAGE O & M FUND (#641), \$6,160 FROM SEWAGE WORK O&M RESERVE FUND (#643), \$2,827 FROM SEWAGE WORKS SINKING FUND (#649) AND \$3 FROM 2007b SEWER BOND FUND (#651)

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the Utilities Committee for second and third reading on December 14, 2015. Councilmember White seconded the motion which carried by a voice vote of six (6) ayes.

78-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 6, ARTICLE 4, SECTION 6-10 (d) (2) OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING PLUMBING EXCAVATOR FEES CHARGED BY THE BUILDING DEPARTMENT

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the Property Vacation Committee for second and third reading on December 14, 2015.

Councilmember White seconded the motion which carried by a voice vote of six (6) ayes.

79-15 FIRST READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY, THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/ SOUTH ALLEY WEST OF ARNOLD STREET FROM DONALD STREET TO THE FIRST EAST/ WEST ALLEY PRRO A DISTANCE OF 455.95 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST EAST/ WEST ALLEY NORTH OF EWING AVENUE

This bill had first reading. Vice President Derek Dieter made a motion to refer this bill to the Public Works Committee for second and third reading on December 14, 2015. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

UNFINISHED BUSINESS

65-15 FIRST READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY, THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/ SOUTH ALLEY WEST OF ARNOLD STREET FROM DONALD STREET TO THE FIRST EAST/ WEST ALLEY PRRO A DISTANCE OF 455.95 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST EAST/ WEST ALLEY NORTH OF EWING AVENUE

This bill had first reading. Vice President Derek Dieter made a motion to refer this bill to the Public Works Committee for second and third reading on January 11, 2016. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of six (6) ayes.

Dr. Fred Ferlic asked the Council Attorney what Bill 75-15 was. Council Attorney informed Dr. Fred Ferlic that it was a legal document that he would have to read through.

NEW BUSINESS

PRIVILEGE OF THE FLOOR

Rod Goodchild, Riverpark - Just giving an update. We have a new logo: thirty (30) ft. giraffe, Kodak bears. It's been (3) three years since we started. We have fifteen (15) animals: eight (8) from ten (10) ft. to thirty (30) ft. People say it reminds them of the parking lot at Walt Disney. There are three (3) bears that are sacred to my people. Three (3) eagles for Adams Eagles. I hope everyone comes out on July 16th at 1:00pm.

John Schafer, 402 Bison Ridge Nappanee, IN- Regarding the weather amnesty program: according to Channel 22 News, there are five-hundred (500) homeless, one-hundred (100) unsheltered, three (3) warming stations- thirty (30) beds at the old Hope Rescue Mission, ten (10) for women at the Life Treatment Center, fifteen (15) spaces for men at the Center for the Homeless. That is fifty-five (55) spaces total and forty-five (45) people outside, which should be unacceptable for a City this size. We need more warming stations. We are asking that the City provide a bed for every homeless. I am asking that we use vacant buildings if necessary.

Mario Sims, 608 S. St. Joseph St. - To put a face on this, this is one of our residents, Barbara Smith. She was referred to us by the multi-million dollar operation, Memorial Epworth. They called us because they couldn't house her and her son. As a part of our intake process, we do a check for warrants. Her son had a warrant and we called the police. We took her in. She is seventy-two (72) years old and had no place to go. We don't ask for or receive government funds. We do it from private donations. Donations come from police to private organizations. Consider why they called us, a poor church when the hospital can't help, when people get out of jail with nowhere to go. It's heartbreaking. Our church is being renovated. It doesn't even have a central heating system. We are heating using pellet stoves. This is real, these are real people, and if something is not done there will be more. I just wanted to show the face of homelessness. We house everyone. Please help!

Melvin Townsend, 608 S St. Joseph St. - I saw you give away tax abatements so people can redevelop to make more money, but no one offered to donate anything. You profess to know Jesus but have not read Isaiah 58:7, where it tells you how to deal with homelessness. Each of you has a park building in your district that's open at night and you have not offered it to house a human being. I am appalled at each one of you who sit up and give away money to these million-dollar friends and these people around this town are starving and homeless. You got the opportunity to assist Duolos's Chapel and you do nothing.

Charles Smith, 2023 S. Taylor St.- The clean-up of the Main St. bridge by the train station catty corner from the Transpo Station was some cardboard boxes, a front end loader, a couple police officers, and Director of Code Enforcement Randy Wilkerson. Those who can make an impact have a blind eye and are deaf to humane issues. We have an ordinance for our pets but not for our people. No one deserves to freeze to death. The City should help. I want our city to be known as a caring city. I ask the City to get these people out of the cold.

Jason Banicki, Critchlow, 3822 W. Ford St., South Bend- The year is ending and budget month May returns quickly. We talk about abatements and tight budgets. The circuit breaker is coming where we and other counties will lose the ten percent (10%) that we got. The circuit breaker was a setup so cities & counties could find ways to work together for cost savings. Sometimes we failed, sometimes we didn't try. There are five (5) of you who will be here next year. Start to put pressure on the 14th floor about discussing more with Mishawaka and the County to find areas to work together to find savings. No reason to wait until 2018 or 2019 to find the savings. Let's get ahead of the game. According to the Tribune, there are five-hundred (500) homeless and we are spending thirty (30) million dollars on streets, in hopes of attracting 5,000 new people downtown. So far, with a fraction of the 30 million we could find beds for people and deal with our homelessness and give a better quality of life for the other 100,000 who live here.

Jesse Davis, P.O. Box 10205, South Bend- An article in the paper said South Bend applied for a grant for \$3 million to give the Heritage Foundation to make a building to house thirty (30) people. That's like putting \$500,000 on (6) six houses and giving them away. That's \$100,000 per unit. That's a ridiculous amount. There are already buildings here we could use. I know a nursing home on Mishawaka Ave. that has been empty for a while. Or we could build several homes. We need to relook at it if we get that grant. Handing it over to a non-profit known to waste our funds is not good. Second, our mayor who was just re-elected sent me an email from the Democratic Party that he is still collecting campaign funds. He was just elected—this can't be for his next mayoral race. Apparently he is not planning to stay. Third is about a bill you postponed. In a letter from the mayor, it says we must work together to make South Bend a stronger community, but we cannot do it without ensuring that our citizen's voices are being heard. Our mayor believes every citizen needs a voice. You got a billing coming in December that says every citizen needs a voice and I would suggest you all look into it and vote for this plan on the 14th.

Samuel Brown, 222 E. Navarre St., South Bend- We got a problem; I don't have the answer. You all are the elected officials who have to tackle the problem. These are people who like to contribute to the homeless problem. We should want to take care of this problem. You guys are the brain trust: try to work on it. The renaming of the MLK St. is going to be a long, drawn out process. We have met: the Mayor has people, the Council has people. We are going to pray about this and hopefully, going into the New Year, get it done. I got a feeling we are going to get it done. Thank you.

ADJOURNMENT

There being no further business to come before the Council, Vice President Dieter adjourned the meeting at 8:55 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Tim Scott, President