

CITY OF SOUTH BEND - COMMON COUNCIL

ROLL CALL SHEET

PRESENT: 8

ABSENT: 1

REGULAR MEETING: March 14, 2016

NAME	ROLL CALL	Bill 16-13	16-14	16-15	16-16	16-17	16-18	16-19	16-20	16-21	16-22						
REGINA PRESTON	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
RANDY KELLY	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
JO BRODEN	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
DR. VARNER	EXC ABSENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
MR. OLIVER DAVIS (Vice President)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
MR. FERLIC (Committee of the Whole)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
MR. VOORDE	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
WHITE	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
TIM SCOTT (President)	PRESENT	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE	AYE						
TOTAL:	8/1	8/0	8/0	8/0	8/0	8/0	8/0	8/0	8/0	8/0	8/0						

<u>NAME</u>	<u>ROLL CALL</u>		Motion to move the March 28 th 2016 Common Council Meeting to March 29 th 2016	Motion to send Bill 11-16 to Health and Public Safety Committee and set public hearing for March 29 th 2016
REGINA PRESTON	PRESENT		NAY	NAY
RANDY KELLY	PRESENT		AYE	AYE
JO BRODEN	PRESENT		AYE	AYE
DR. VARNER	EXC ABSENT		AYE	AYE
MR. OLIVER DAVIS (Vice President)	PRESENT		NAY	NAY
MR. FERLIC (Committee of the Whole)	PRESENT		AYE	AYE
MR. VOORDE	PRESENT		AYE	AYE
WHITE	PRESENT		AYE	NAY
TIM SCOTT (President)	PRESENT		AYE	AYE
TOTAL:	8/1		6/2	5/3

REPORT OF SUB-COMMITTEE ON MINUTES

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

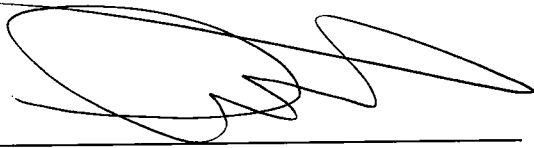
THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE

March 14, 2016

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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: March 29, 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, March 14, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Rabbi Karen Compane of Temple Beth-El and Pledge to the Flag was given.

ROLL CALLCOUNCIL MEMBERS:PRESENT:

Tim Scott	1 st District, President
Regina Williams-Preston	2 nd District
Randy Kelly	3 rd District
Josephine Broden	4 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

ABSENT:

Dr. David Varner (Excused)	5th District
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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 February 22nd 2016 meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

Councilmember Gavin Ferlic made a motion to move the March 28th 2016 meeting of the Common Council to March 29th 2016. Councilmember John Voorde seconded the motion which carried by a roll call vote of six (6) ayes and two (2) nays. (Councilmember Regina Williams-Preston and Councilmember Oliver Davis)

Council President Tim Scott made an announcement stating the Clean Air Act is on the agenda for first reading therefore it cannot be discussed during privilege of the floor and there will be no time for discussion or public input. Also, he announced bills 05-16, 06-16, and 16-23 are being continued and will not have public hearing at this meeting.

16-24

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, PUBLICLY
COMMEMORATING AND REMEMBERING THE LIFE OF
SCHUYLER COLFAX, CONSTITUTIONAL REFORMER AND
17TH VICE-PRESIDENT OF THE UNITED STATES

Councilmember Oliver Davis read this resolution in full and added his own comments regarding the ongoing work being done at the City Cemetery to beautify not only the cemetery as a whole but Schuyler Colfax's gravesite as well.

The Councilmembers thanked their colleague for bringing this to the forefront every year reminding everyone about the historical significance and importance that Schuyler Colfax had to both U.S. history and South Bend history and for his work on restoring City Cemetery.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-24. Councilmember John Voorde seconded the motion which was adopted by a voice vote of eight (8) ayes.

Council President Tim Scott introduced Boy Scouts Troop #173 out of Grace United Methodist Church of South Bend who were in attendance.

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:17 p.m. Councilmember John Voorde made a motion to resolve into the Committee of the Whole. Councilmember Randy Kelly 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

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

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

Committee of the Whole Chairperson Gavin Ferlic entertained a motion to continue both Bills 05-16 and 06-16 to April 11th 2016 which was so moved by Councilmember Karen White. The

March 14, 2016

RISE AND REPORT

REGULAR MEETING RECONVENED

BILLS – THIRD READING

RESOLUTIONS

A RESOLUTION RECONFIRMING THE ADOPTION
OF A DECLARATORY RESOLUTION 4330-14
DESIGNATING CERTAIN AREAS WITHIN THE CITY
OF SOUTH BEND, INDIANA, COMMONLY KNOWN
AS 237 NORTH MICHIGAN STREET, SOUTH BEND,
IN 46601 AS AN ECONOMIC REVITALIZATION
AREA FOR PURPOSES OF A TEN (10) YEAR REAL
PROPERTY TAX ABATEMENT FOR THE LASALLE
APARTMENTS LLC

Aaron Kobb, Community Investment with offices on the 14th Floor of the County City Building, served as the presenter for this bill. This is continuing a tax abatement that was originally authored for a different company. When Real America came into possession of the building they were given the last year of the original two (2) year tax abatement through a resolution passed by the Council. This bill simply extends that original abatement for an additional year to give Real America a full two (2) years for construction during the tax abatement which is standard. The construction is going well with a projected completion date in September 2016.

There were no questions from the Council.

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

3.

16-14

A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 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: HOTEL LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC

Councilmember Oliver Davis made a motion to hear substitute Bills 16-14, 16-15, 16-16, and 16-17 at the same time. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Gavin Ferlic reported the Community Investment Committee met and sends all four (4) bills forward with a favorable recommendation.

Aaron Kobb, Community Investment with offices on the 14th Floor of the County City Building, served as the presenter for the four (4) bills. These confirming resolutions are the follow-up to the unanimous vote made on the declaratory resolutions last fall. The project will have an estimated private investment of \$30 million dollars that will create a mixed use project consisting of a new hotel, residential units, retail space, and a refurbished parking garage that will be available for public use. This is scheduled to create at least eighty-three (83) new jobs over the next ten (10) years. The estimated taxes to be abated are just over \$3.7 million. The estimated taxes to be paid are just over \$2 million dollars.

Mark Neal, Chief Operating Officer for Bradley Company LLC with offices at 112 W Jefferson Blvd Suite 300, served as the petitioner for these bills. Currently there are plans for one hundred and eighty-three (183) hotel rooms, eighty-six (86) apartments, as well as over fifteen thousand (15,000) square feet of retail space on the ground floor. The work is continuing since the original declaratory resolutions passed in October and work on the parking garage should be completed next month. A complete demolition has occurred in the building removing everything except steel and concrete on the inside. Everything inside will be replaced. Mr. Neal thanked the Council for their past support and continued partnership going forward.

There were no questions from the Council.

Samuel Brown, 222 E Navare St., spoke in favor of the bills. He stated it is going to be a beautiful building. He expressed one reservation that in the past there has been some bad gas leaks and he hopes Bradley Company gets that solved.

There was no one from the public who spoke in opposition to the bill.

Mr. Neal responded that he can't answer fully what has been done specifically on the gas lines in the basement. He did state the entire infrastructure of the building is being replaced and he will provide a full update going forward on the gas lines as it had been a long standing issue.

Councilmember Gavin Ferlic made a motion to adopt substitute Bill 16-14. Councilmember Karen White seconded the motion which was carried by a roll call vote of eight (8) ayes.

16-15

A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 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: RETAIL

PROPERTY LOCATED AT THE TOWER AT
WASHINGTON SQUARE LLC

Councilmember Gavin Ferlic made a motion to adopt substitute Bill 16-15. Councilmember Karen White seconded the motion which was carried by a roll call vote of eight (8) ayes.

16-16

A RESOLUTION MODIFYING AND CONFIRMING
THE ADOPTION OF A DECLARATORY
RESOLUTION 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: PARKING
GARAGE LOCATED AT THE TOWER AT
WASHINGTON SQUARE LLC

Councilmember Gavin Ferlic made a motion to adopt substitute Bill 16-16. Councilmember Karen White seconded the motion which was carried by a roll call vote of eight (8) ayes.

16-17

A RESOLUTION MODIFYING AND CONFIRMING
THE ADOPTION OF A DECLARATORY
RESOLUTION 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 made a motion to adopt substitute Bill 16-17. Councilmember Karen White seconded the motion which was carried by a roll call vote of eight (8) ayes.

16-18

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 215
SYCAMORE STREET, SOUTH BEND, IN 46617 AN
ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF AN (8) EIGHT-YEAR REAL
PROPERTY TAX ABATEMENT FOR EAST BANK
SOUTH BEND DEVELOPMENT, LLC

Councilmember Gavin Ferlic made a motion to adopt substitute Bill 16-18. Councilmember Karen White seconded the motion which was carried by a roll call vote of eight (8) ayes.

Aaron Kobb, Community Investment with offices on the 14th Floor of the County City Building, served as the presenter for this bill. The project is a six story mixed use building. The total private investment is approximately \$2.5 million. The ground floor will be used for commercial space with twelve (12) residential units on the floors above. The project will create two (2) new net jobs and retain fourteen (14) jobs. The estimated taxes abated will be just over \$234,000 and the estimated taxes to be paid will be just over \$346,000.

Velvet Canada, 121 S Niles Ave, served as the presenter for this bill. She is the designer of the proposed building. The building site is between LaSalle and Colfax on Sycamore Rd. This is a five (5) story building with a rooftop terrace being the sixth (6) story. This is the first apartment building in downtown for Mathews LLC. Each floor has a one (1) bedroom, two (2) bedroom and three (3) bedroom floor plan. This will help the company discover exactly what the market wants in downtown before beginning the River Race Flats. The design is very close to completion and weather permitting construction will begin soon.

There were no questions from Council.

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

Councilmember Gavin Ferlic made a motion to adopt Bill 16-18. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of eight (8) ayes.

16-19

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 1265 FRANKLIN, CATALYST TWO BUILDING, IGNITION PARK, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: SPECTRON MRC, LLC

Councilmember Gavin Ferlic reported the Community Investment Committee met and sends this bill forward with a favorable recommendation.

Jacob Alexander, Community Investment with offices on the 14th Floor of the County City Building, served as the presenter for this bill. This abatement will aid in the purchase of approximately \$2.7 million in new pharmaceutical equipment. This equipment will help create thirty-nine (39) permanent full time jobs with an average annual salary of \$50,000. The estimated taxes to be abated are \$109,315 and total taxes to be paid are \$129,172.

Gregory Hiatt, 17490 Dugdale Dr. South Bend, served as the petitioner for this bill. Spectron is both a radio-pharmacy and a manufacturing facility. This equipment would allow the company to produce new and different materials than they have been producing over the past twenty (20) years. This is a new paradigm in the industry and Spectron is hoping to move into that opening.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion to adopt Bill 16-19. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

16-20

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 BLACKTHORN CORPORATE OFFICE PARK LOT 6, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR COHN & COHN INVESTMENTS, LLC

Councilmember Gavin Ferlic reported the Community Investment Committee met and sends this bill forward with a favorable motion.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-20. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

16-21 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
1619/1623 FRANKLIN STREET, SOUTH BEND, IN
46613 AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY
TAX ABATEMENT FOR SOUTH BEND FORM TOOL
CO., INC.

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
1619/1623 FRANKLIN STREET, SOUTH BEND, IN
46613 AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A (5) FIVE-YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR SOUTH BEND
FORM TOOL CO., INC.

Councilmember Gavin Ferlic made a motion to hear both Bill 16-21 and Bill 16-22 together for public hearing. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Gavin Ferlic reported that the Community Investment Committee met and sends both of these bills forward with a favorable recommendation.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County City Building, served as the presenter of both of these bills. South Bend Form is a local company that has been in South Bend since 1953. This abatement will allow them to make \$220,000 worth of real estate improvements so they can increase their footprint as well as \$623,000 in new equipment. Total taxes to be abated are going to be around \$36,000 and total taxes to be abated a little over \$54,000. This will retain seventeen (17) jobs as well as create eight (8) new full time jobs at twenty (20) dollars an hour.

Kyle Harvison, 408 W Indiana Ave South Bend, served as the petitioner of the bill. This project is an expansion of South Bend Form's current building which will allow for additional machine equipment. This also will allow the company to open up a second shift.

There were no questions from the Council.

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

17-16

FIRST 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 \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

Councilmember Gavin Ferlic made a motion to send Bill 17-16 to the Personnel and Finance Committee and set public hearing for April 11th 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

PENDING INACTIVE/DORMANT HISTORIC PRESERVATION COMMISSION (HPC)
PROPOSED BILLS

60-94

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 219/221 N. MICHIGAN STREET

61-94

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 3418 MISHAWAKA AVE.

91-94

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE PROPERTY LOCATED AT 310 WEST MONROE STREET IN THE CITY OF SOUTH BEND, INDIANA

104-94

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 534 LAPORTE AVE.

Councilmember Gavin Ferlic made a motion to strike Bills 60-94, 61-94, 91-94, and 104-94. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Samuel Brown, 222 E Navarre St. South Bend, informed the Council that the Committee on Martin Luther King Blvd is making progress and they have more public meetings to be held. He

also brought to the Council his concern for the property of 1408 Elwood Ave. The property owner is not living up to his expectations of making that property safe for the nearby residents. Mr. Brown asked the Council to ask Code Enforcement to look into that property so it is safe for the citizens of South Bend.

Sharon Banicki, 3822 Ford St., brought forth a concern she has regarding a police chase that damaged her property. As a result of the police chase her fence was damaged and Code Enforcement sent her a letter stating she has thirty (30) days to fix the fence. It will take longer than thirty (30) days for the lawsuit to go through and fix the fence.

Council President Tim Scott and Councilmember Oliver Davis asked her to send the information to them.

Jason Banicki Critchlow, 3822 Ford St., stated his appreciation that Elbel is open and will be run by the city this year. He expressed concern about the talk about raising rates and thinks it is a bad strategy to make the course more competitive. Mr. Banicki Critchlow also expressed his concern about the potential of the County and the City to raise the wheel tax from \$25 to \$75. The residents of South Bend cannot afford those increases and he cautioned the Council against taking that option.

Gary King, 730 N Hill St. South Bend, wished to talk about the new flag design but because he can't he will send the Councilmembers emails.

Keith D., 750 Idlewood Ln Mishawaka, asked for respect and recognition for helping bring in \$250,000 to \$500,000 from the Woman's Expo on March 3, 2016. He stated that he sent emails and called the Council many times and never received any type of response. He asked for the Council to set a procedure in place to return phone calls and emails because they were clearly forgotten about.

ADJOURNMENT

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

