

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

June 27, 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 11, 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, June 27th, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Dave Sutter from the Kern Road Mennonite Church and Pledge to the Flag was given.

ROLL CALL

COUNCIL MEMBERS:

PRESENT:

Tim Scott	1 st District, President
Regina Williams-Preston	2 nd 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

ABSENT:

Randy Kelly	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 13th 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

REPORTS OF CITY OFFICES

STORM RECOVERY EFFORTS UPDATE- DEPT. OF PUBLIC WORKS

Eric Horvath, Director of Public Works with offices on the 13th Floor of the County-City Building, gave an update on the storm recovery. Mr. Horvath invited Santiago Garces as well to come and speak as he is the Chief Innovation Officer who has helped better track storm damage and the calls from 311. We had a significant storm last Monday and the Public Works Department has been working long hours to get it all cleaned up. Mr. Horvath thanked the Parks Department as well as the Street and Code Departments who have done a fantastic job working together and cleaning up the City. One of their staff members had said it was the best show in teamwork he had seen in thirty-nine (39) years of working for the City between departments. Over 3,000 hours have been logged on storm cleanup and about four hundred and twenty-nine (429) loads of storm debris. We are still encouraging anyone who still has storm debris to call

311 because it immediately gets put in the system to get picked up. We are taking calls until Wednesday and we expect to be done with storm cleanup by the end of this week.

Santiago Garces, Chief Innovation Officer with offices on the 12th Floor of the County-City Building, showed the Councilmembers the website which allows people to see the cleanup which the City has done from the storm in real time. The various maps show live data of where the calls are coming from and overlaid where the crews go and verify the damage. Another map showed what storm damage has been fixed by the crews as well. The map also shows what exactly the damage was caused by such as flooding or broken limbs from trees and bushes.

Councilmember Dr. David Varner asked if we still have an alley rehabilitation program.

Mr. Horvath responded yes we do and if someone lets the Department know we will go look at a damaged alley.

Councilmember Oliver Davis thanked Mr. Horvath and the entire Department of Public Works for their work as a lot of the damage was concentrated in the Rum Village neighborhood. There were so many trees down on the southwest side of the City and its great seeing all the hard work being done to restore the City. Councilmember Davis stated he appreciates the map and it helps show exactly what the City is doing. He asked if we will be able to do this for other situations like snow storms.

Mr. Garces responded yes the plan is to accommodate other types of events and make 311 more transparent with the information provided to us.

Representing the City administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:13 p.m. Councilmember Karen White made a motion to resolve into the Committee of the Whole. Councilmember John Voorde 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

20-16

PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2724 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to accept the substitute Bill 20-16 as on file with the City Clerk. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Oliver Davis, Chair of the Zoning and Annexation Committee, stated they met and send this bill forward with a favorable recommendation.

Angela Smith, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter of this bill. The petitioner is seeking to rezone a property along Lincolnway West just a little bit east of Eclipse Blvd. To the north across Lincolnway is a vacant lot zoned CB Community Business. To the east is a funeral home zoned LB Local Business. To the south are single family homes zoned SF2. Ms. Smith provided images of the property which are on file in the City Clerk's Office. The site plan as presented by the petitioner shows the existing building remaining on the property and being converted to accommodate the office and print shop as well as rezoning to Local-Business District to allow for a publishing company. The

existing garage is shown as well on the site plan. The parking lot configuration may change depending on the final build out of the house and how it is determined. This comes to the Council with no recommendation from the Area Plan Commission.

Janice Kimbrough, 2724 Lincolnway West South Bend IN, served as the petitioner of this bill. She is hoping the Council will adopt her rezoning from Single-Family to Local-Business District. The rezoning will allow her to conduct business activities for Blessed Gospel Magazine and her printing company. The property is adjacent to Palmer Funeral Home which is already zoned Local-Business. Ms. Kimbrough provided photos as well of the property which are on file in the City Clerk's Office.

Councilmember Oliver Davis stated that with the various businesses around the area this really isn't spot zoning because it is not universally residential.

Ms. Kimbrough stated that is correct and she already has a tree line blocking most of the site to the property as it is.

Councilmember Jo M. Broden asked if the property was all the way back to the next street.

Ms. Kimbrough responded yes, and the fence wraps all around the property.

Councilmember Broden asked where the business is currently being operated.

Ms. Kimbrough responded that it is being operated at 1701 Linden Avenue which is catty-corner from MLK Center and New Jerusalem Church. This will be a much better location and the property has already been purchased. We would be able to put signage in the yard to help promote the services the company provides. Also, Ms. Kimbrough stated she plans to make several improvements to the site to help the neighborhood.

Councilmember Regina Williams-Preston asked besides signage, is there going to be any major change to the front of the property.

Ms. Kimbrough responded yes we plan to keep the historic look it has and also renovate the roof and windows. The plan is for it to still look like a house.

Councilmember Regina Williams-Preston asked where the parking would be.

Ms. Kimbrough responded all planned parking would be in the back of the property.

Council President Tim Scott asked if she would describe her current business property as being in a residential neighborhood and what would happen to the current building.

Ms. Kimbrough responded yes it is residential and she has not decided what to do with the building as of yet.

Chairperson of the Whole Gavin Ferlic asked Ms. Smith about the potential for the rezone to allow the property in the future to be used for other uses besides a publishing company.

Ms. Smith responded correct if approved for Local Business it could be used for any use in the Local Business District.

Chairperson of the Whole Ferlic stated if it was rezoned it would still need to meet certain screening requirements if they made alterations to the building.

Ms. Smith responded once rezoned the entire property must be brought up to all the development standards in the zoning ordinance unless they receive variances. If at any point she received variances they would stay with the property. If the use changes often the parking calculation and how the parking lot is built out will change. Parking depends primarily on the use of the property.

Chairperson of the Whole Ferlic clarified if the use ever changed substantially, the new owner would have to go through some sort of variance process.

Ms. Smith responded they would have to meet the development standards for Local Business.

Councilmember Davis asked if that were to happen would they have to come back before Area Plan Commission again.

Ms. Smith responded it would have to go to Area Board of Zoning Appeals which has a public hearing process as well. If it was a special exception it would then go to Council.

Councilmember Davis stated there would be some authority then that would have oversight of that process.

Ms. Smith responded correct.

Councilmember Jo M. Broden asked Ms. Smith to enumerate the more intensive uses that are acceptable under Local Business District.

Ms. Smith responded it might include a retail store, smoke shop, several other retail uses but would not be able to be used for a car dealership. It could be used for small scale less intense retail and also offices.

Councilmember Davis asked what the petitioner originally requested from Area Plan.

Ms. Smith responded originally she was looking for Mixed Use which would allow for the office uses associated with the publishing company but during the public hearing process there were a couple people who referred to it as a print shop and talked about being able to go there instead of Kinkos for printing. A print shop is a specific use listed under Local Business so at that point it had to be tabled and re-advertised as Local Business.

Councilmember Davis asked if that was the point at which Area Plan recommended her to try for Local Business because of that particular activity.

Ms. Smith responded correct, we always try to pair the petitioner with the first district in which the use appears. We try to gear people towards the least intense use for the property so that the more potential hazards of that district don't come in. In this case because print shop is specifically listed in our ordinance as Local Business District we had to make that adjustment.

Councilmember Davis stated the chances of having a retail shop in that location is a stretch just because of the marketability of the location.

Councilmember Broden asked when the comprehensive and Westside Main Street's plans were approved.

Ms. Smith responded that in 2006 the City went through a very extensive city plan effort to redo the comprehensive plan for the entire City of South Bend. That went through the Area Plan Commission who then made a recommendation to the Council and was ultimately adopted by the Council. In 2012 there was an amendment to the City plan that was the Westside Main Streets Plan that looked at a corridor plan for both Lincolnway West and Western Avenue. That also went through the Area Plan Commission and City Council as an amendment to the comprehensive plan.

Ms. Kimbrough stated since she contacted the Area Plan Commission they have been fighting her every step of the way. She stated she received a letter from them on April 15th saying that they were not in favor of it and that her print shop does not match the master plan. On April 18th, she stated they sent a letter saying she was being denied since she was not appearing to have any residential use of the structure. She asserted they have not been trying to work with her through this process. They keep talking about what is going to happen maybe in the future but if that's the case they should go to every business along Lincolnway and apply the same standards. This printing business is in tune with the area and it's a shame all this red tape has been put up to get a Local Business District.

Ms. Smith responded that the only thing that would come from the Area Plan Commission would be to forward the recommendation of other agencies. The Area Plan staff is not allowed to make a recommendation other than to the Area Plan Commission. It is ultimately the Area Plan Commission which makes the recommendation to the Council. Ms. Smith stated she believes the letters referenced came from the Community Investment Department not from Area Plan. We give a certification letter after the petition is heard by the Area Plan Commission that lets the petitioner know the motion of the fifteen (15) member Area Plan Commission. The letter she

received would have been that letter. There was an error in the zoning district but that has been corrected.

Those wishing to speak in favor of the bill:

Jesse Davis, P.O Box 10205 South Bend, spoke in favor of the bill. He stated he read some of the letters sent to Ms. Kimbrough and they were not pleasant. We are trying to supposedly revitalize the City as a whole and we keep talking about inclusion and diversity and making the neighborhoods better. The red tape she has been made to go through is a little bit crazy. We have all other types of businesses that come to the Council that ask for rezoning and tax abatements for thousands of dollars that we give on a regular basis. This business would help that area in South Bend.

Samuel Brown, 222 East Navarre Street South Bend, stated when he went to the Area Plan Commission he saw no reason to not pass this rezoning. If there is a hidden agenda tonight is the place to bring it to light. The Council should vote to approve this because there is no reason not to. We are trying to build up the City and make it nice and this would do that.

Pete Taddeo, 623 East LaSalle Blvd. South Bend, spoke in favor of the bill. He stated he owns the Popeye's Chicken near this location and has spent a considerable amount of money rehabbing that property and now business is doing well. This will be a good addition to that corridor. He stated Ms. Kimbrough has also been handling some of his advertisement for his business for almost fifteen (15) years and she does a great job. He stated he has been to her current location and never smelled any toxic chemicals or something like that.

Darnell O'Neil, 2730 Lincolnway West Ave. South Bend, spoke in favor of the bill. He stated he has no problem with her opening this printing location there and he lives right next to the property. This is the best of both worlds because it still will look like a house but will be occupied now. Yes it makes sense to have businesses and houses all together in separate locations but that is not going to happen on Lincolnway because of the current makeup of the buildings. This would be an uplifting investment in the community.

Larry Baimin, 333 North Main Street South Bend, stated he has known Ms. Kimbrough for ten (10) years and advertises in her magazine. This will be good for that neighborhood and the Lincolnway corridor. We can make that property look great and be a great asset to South Bend.

Rodney Seward, Kentucky Street South Bend, spoke in favor of the bill. It is frustrating that she is having a hard time getting this rezoned. She could go anywhere else but she decided to invest in South Bend.

Jason Banicki Critchlow, 3822 West Ford Street, stated this seems like a no-brainer situation. We are looking to revitalize that corridor and the first new business was a Family Dollar seven (7) blocks from another Family Dollar. That is not going to change the character of the corridor. Adding a printing shop that lets someone make a nice middle class income is a net positive. Anytime you can turn residential into business that raises the property tax value instantly which helps us all.

Garry James Baptise, 141 South Camden Street South Bend, spoke in favor of the bill. He stated Ms. Kimbrough is a great member of his church and his church is in concern about why she is having such a hard time with this rezoning. He stated he thinks Palmer's Funeral Home is trying to block this so that they can have parking there on that site. Ms. Kimbrough has been doing this business for many years and has done so successfully and with integrity.

No one spoke in opposition to the bill.

Councilmember Oliver Davis made a motion to send Amended Bill 20-16 to the full Council with a favorable recommendation. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

CRESCENT AVENUE, COUNCILMANIC DISTRICT NO. 4 IN
THE CITY OF SOUTH BEND, INDIANA

Councilmember Tim Scott made a motion to accept Amended Bill 24-16 as on file with the City Clerk's Office. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Oliver Davis, Chair of the Zoning and Annexation Committee, stated they met and send this bill forward with a favorable recommendation.

Angela Smith, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter for this bill. The petitioner is seeking to rezone a property at the corner of Hill and Crescent Avenue from Urban Corridor Multi-Family District and Mixed-Use District to Single-Family and Two-Family District to construct a single family home on the property. To the north, east, and south are properties zoned Single-Family and Two-Family District containing single family homes. To the west is a property zoned Mixed-Use where Beacon Health has a medical office. Ms. Smith provided images of the site which are on file in the City Clerk's Office. The site tends to slow downwards as it moves along Crescent Avenue. Properties being rezoned to Single-Family do not need to have a site plan and that is why the petitioner does not have one to present. This comes to the Council with a favorable recommendation from the Area Plan Commission.

John Piraccini, 1539 North Ironwood, served as the petitioner on behalf of Beacon Health Systems. The neighborhood has been transitioning nicely and lots of new homes are being built. This was excess land for Beacon when they purchased the office buildings and the purchaser is looking to build a home there and maybe two (2) depending on the developed site plans. Either way at least one (1) home will be built on the property.

There were no questions from the Council.

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

Councilmember Dr. David Varner made a motion to send Bill 24-16 as amended to the full Council with a favorable recommendation. Councilmember Tim Scott seconded the bill which carried by a voice vote of eight (8) ayes.

27-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING THE ZONING ORDINANCE AND
ESTABLISHING HISTORIC LANDMARK STATUS FOR THE
STRUCTURE AND REAL PROPERTY KNOWN AS KIZER
HOUSE AND LOCATED AT 803 WEST WASHINGTON, IN
THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis, Chair of the Zoning and Annexation Committee, stated they met and send this bill forward with a favorable recommendation.

Elicia Feasel, Executive Director of the Historic Preservation Commission with offices at 125 South Lafayette Blvd, spoke as the presenter of this bill. Indiana Landmarks, the owner of the Kizer House, has petitioned the Historic Preservation Commission to have the property designated as a historic landmark. The Kizer House is located in the West Washington National Registered Historic District and is recognized in the Indiana Historic Sites and Structures Inventory of South Bend with a rating of outstanding. Ms. Feasel provided images of the structure which are on file with the City Clerk's Office. Based on the HPC criteria the site at 803 West Washington can be recommended to the Common Council for designation as a historic landmark. The building meets the criteria in three (3) areas. First, in its embodiment of elements of architectural design, detail, materials, and craftsmanship. Second, in its suitability for preservation. Third, in its identification with the life of a person or persons of historical significance. The building is an excellent example of Romanesque revival architecture. William L. Kizer was a prominent South Bend business leader who founded the South Bend real estate

company Kizer and Wilburton. In addition, Kizer was a South Bend City Commissioner and was a director of St. Joseph Loan and Trust. The Historic Preservation Commission adopted unanimously Resolution No. 16-01 which resolved that the building located at 803 West Washington is recommended to the Common Council of the City of South Bend for the establishment as an historic landmark.

Todd Zeiger, Director of the Northern Regional Office for Indiana Landmarks with offices at 402 West Washington South Bend, served as the petitioner of this bill. Indiana Landmarks is a sixty-six (66) year old privately funded not-for-profit advocacy organization with a mission to save meaningful places across the state of Indiana. Knitting the legacy of our historic buildings to new uses helps with economic development and neighborhood revitalization. We initiated the historic landmark process as a fitting honor to Mr. Kizer who was a leader of South Bend and laid the groundwork and foundation for what South Bend is today.

Councilmember Oliver Davis asked when a structure is designated as an historic landmark is there anything placed on the property that would help the average person walking by understand the historic importance of the property.

Ms. Feasel responded the immediate thing they do is offer a plaque to the property owner which are available and are very nice and sturdy and made out of bronze. That is attached generally to the exterior of the structure.

Mr. Zeiger added that part of the reason they wish to use the Kizer House as their formal offices on the first floor is to tell the story of the building and Mr. Kizer and get people into the building. We will have information for the public to view readily available once everything is finished. Also there is the intention to add some type of signage to the site to give a quick synopsis of the building and tell the story of the property.

Councilmember Davis stated he appreciates that and it's a wonderful thing to do.

Those from the public who spoke in favor of the bill:

Noreen Deane-Moran, 716 West Colfax, spoke on behalf of the Near Westside Neighborhood Organization of which she is the president. They are totally in favor of this designation. For so many years that property was a dangerous and bad site for the neighborhood and it's wonderful to see it being revitalized. The situation pleases the neighborhood greatly. A tour from Chicago came last weekend and were very impressed not just with the Oliver and Tippecanoe mansions but especially with the Kizer House.

Jim Bognar, 807 West Washington South Bend, spoke in favor of the bill. This has been a long journey and we should all be pleased we are at this point. The Kizer House is a direct reflection of the many important stages of our city's life. Once homes like this were lined up and down our inner city streets and now they are the exception rather than the rule. So many people have come together to care about this property and restore it. The preservation of history is not easy and must make us think about where we come from and how we can make our future brighter. We also need to separate historical myth from actual reality. The preservation of history is time consuming and expensive and sometimes not often practical. Government must first believe in the value of the past that balances fiscal responsibility with positive growth. Kizer House will be saved but the real question is will entities like the Common Council keep the importance of preservation in your mind when future issues come forward. That will be the real lasting value of this long journey. Mr. Bognar thanked the Council for the work they do and stated it does not go unnoticed.

Penny Hughes, 1918 Southern View Drive South Bend, spoke in support of the bill. Ms. Hughes spoke about the history of the property and all the work that has been done to it by Indiana Landmarks. The realtors went through the building recently and have opened up all the rooms and restored the hardwood floors. It is so wonderful what a beautiful job they have done.

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

Councilmember Dr. David Varner made a motion to send Bill 27-16 to the full Council with a favorable recommendation. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

29-16 PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: ALLEY VACATION- FIRST NORTH/SOUTH ALLEY FROM SAMPLE STREET TO GARST STREET, BETWEEN FRANKLIN STREET AND LAFAYETTE BLVD. AND THE FIRST EAST/WEST ALLEY FROM FRANKLIN STREET TO LAFAYETTE BLVD. BETWEEN SAMPLE STREET AND GARST STREET, SOUTH BEND, INDIANA

Councilmember Jo M. Broden, Chair of the Public Works and Property Vacation Committee, reported that they met and due to a lack of quorum this comes to the Council with no recommendation.

Mike Danch, 1643 Commerce Drive South Bend, spoke as the petitioner for this bill. Mr. Danch represented the City of South Bend in this issue and they wish to vacate a north-south and east-west alley. It is bounded by Sample Street on the north, Franklin on the west, Lafayette on the east, and Garst on the south. This is right adjacent to Ignition Park and will probably be named Ignition Park East. It is approximately 4.13 acres of ground and the City is trying to eliminate that public right of way for the alleyways and create a larger lot for development.

There were no questions from the Council.

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

Councilmember Dr. David Varner made a motion to send Bill 29-16 to the full Council with a favorable recommendation. Councilmember Tim Scott seconded the motion which carried by a voice vote of eight (8) ayes.

23-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 17 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW RULES AND REGULATIONS FOR ASSESSMENT OF INSTALLATION CHARGES

Councilmember Tim Scott made a motion to accept the Substitute Bill 23-16 as on file with the City Clerk's Office. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Dr. David Varner, Chair of the Utilities Committee, reported that the committee met and asked for a revised version to be presented to the Council which was just accepted. Due to that this comes to the Council with no recommendation.

Eric Horvath, Director of Public Works with offices on the 13th Floor of the County-City Building, served as the petitioner for this bill. This is a change to the assessment of installation charges which can be found in Chapter 17 Article 10 of the City Code. The purpose of the ordinance is to establish legal basis to wave the assessment fees back payments prior to September 1st of 2016. In section 17-87 language was added that establishes if somebody either connected to water or sewer prior to September 1st 2016 or has a permit to connect they shall be exempt from assessment fees. The City also reserves the right to retain any assessments that it has collected prior to January 1st 2016, particularly for development agreements where we paid developers back. We will continue to work on this ordinance and possible exemptions both to compact and assessment fees. We have had quite a bit of dialogue with the various parties and hopefully will have something by the end of July for the Council's consideration.

Councilmember Dr. David Varner stated as this is written we have corrected the post-charges for assessments.

Mr. Horvath responded yes this corrects the oversight.

Councilmember Dr. Varner asked if it is Mr. Horvath's understanding that there is a compact fee that has not been charged.

Mr. Horvath responded yes under section 17-86.

Councilmember Dr. Varner asked if going forward January 1st we will start collecting those if no action is taken by the Council.

Mr. Horvath stated technically the ordinance is in place and we would need to do it before January 1st.

Councilmember Dr. Varner stated that he wants the understanding to be that the Council intends to act and make what corrections we can related to how this is administered.

Mr. Horvath stated if there is no change then there is compact language in here that we will enforce if it is enforceable.

Councilmember Dr. Varner stated it is his hope that between now and the end of the year we will address the issue on compact fees. The motivating factor is that there are no exemptions and if one person has to pay then everyone should have to pay.

Councilmember Oliver Davis asked the Council Attorney if there is some motion that we can make that is contingent on that understanding.

Council Attorney Kathleen Cekanski-Farrand responded the information that we had at the Utilities Committee addresses those concerns but that should be separate from this bill. There has been so much confusion over the months that it makes sense to go forward like this.

Those wishing to speak in favor of the bill:

Bill Schalliol, County Executive Director of Economic Development with offices on the 11th Floor of the County-City Building, spoke in favor of the bill. The revised ordinance just presented is a good first step. Mr. Schalliol expressed optimism that we can reach a broader conclusion on compact fees and installation language.

No one from the public spoke in opposition.

Councilmember Tim Scott made a motion to send the Substitute Bill 23-16 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.

26-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 18, ARTICLE 1, SECTION 18-15 OF
THE SOUTH BEND MUNICIPAL CODE TO ASSURE
SIDEWALK ACCESSIBILITY FOR PERSONS WITH
DISABILITIES NEAR SIDEWALK CAFES

Councilmember Jo M. Broden, Chair of the Public Works and Property Vacation Committee, reported that they met and due to a lack of quorum this comes to the Council with no recommendation.

Eric Horvath, Director of Public Works with offices on the 13th Floor of the County-City Building, served as the petitioner for this bill. One of the great things that downtown revitalization has brought is an increase in more businesses coming for sidewalk permits which adds to the vitality of downtown. It has to be done in a way to keep accessibility for all people and that is why this amends Chapter 18 of the municipal code to assure we have accessibility on the sidewalks for persons of disabilities near sidewalk cafes. The language mandates a minimum of sixty (60) inches from a café and any barrier to somebody getting through. Further, any areas where the public right-of-way accessibility guidelines differs from our ordinance, the more restrictive ADA guidelines should be followed.

There were no questions from Council.

Noreen Deane-Moran, 716 West Colfax, spoke in favor of the bill. She stated she lives on a street which has some of these cafes and used to be in a wheelchair for some time. She expressed support for the bill and for the cafes. It is great to eat outside but we need to make sure they are accessible to everyone and people can get through. We will have to do some careful measurement of certain restaurants because many of them currently probably violate this proposal. Some streets are just too narrow and that's sad but the people with disabilities have to have a right to get by.

Todd Zeiger, 61550 U.S. 31 South Bend, spoke in favor of the bill. He stated he has a son in a wheelchair and thanked the Council for considering this bill. Sometimes you don't notice these things unless you have someone with you who has a disability. He thanked the Council and the staff for thinking these things through.

No one from the public spoke in opposition.

Councilmember Oliver Davis made a motion to send Bill 26-16 to the full Council with a favorable recommendation. Councilmember Tim Scott seconded the bill which carried by a voice vote of eight (8) ayes.

30-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING SECTIONS OF CHAPTER 9, ARTICLE 3 OF THE
SOUTH BEND MUNICIPAL CODE TO ADDRESS
AMBULANCE/MEDICAL SERVICE FEES

Councilmember John Voorde, Chair of the Health and Public Safety Committee, reported that they met and send this bill forward with a favorable recommendation.

Steve Cox, Chief of the South Bend Fire Department with offices at 1222 South Michigan Street, served as the petitioner for this bill. This bill comes as a recommendation about the EMS services provided and EMS user fees. A recommendation has been made and presented to the City Clerk on May 31st. Within that recommendation, they have asked for the fee schedule to increase proportionately in accordance with the fee schedule for reimbursement through Medicare. This has been the standard used over the past few years. Additionally, the report asks for a mechanism to be placed within the Code to allow the department to be able to adjust those fees in April when Medicare comes out with their adjustments in order for us to not lose out on any federal funds. This is with acknowledgement that we do still need to report to Council by June 1st and at that time an update will be provided and any issues the Council may have will be addressed.

There were no questions from the Council.

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

Those wishing to speak in opposition:

Jesse Davis, P.O. Box 10205 South Bend IN, expressed concerns that the Fire Department will be able to upon the Chief's decision increase these fees prior to them coming to Council. Mr. Davis asked if that is the case when they come to the Council will the Council still be able to have some control over the fees.

Chief Steve Cox responded by reading the section in the proposed ordinance which read: "It is further recommended by the Fire Administration that hereafter the South Bend Fire Chief be authorized to adjust these user fees once annually and automatically by the same percentage rate as any adjustments made to the Medicare fee schedule rates with notice to the City Clerk after which new rates will take effect. These changes are reasonable, appropriate, and in the best interest of the City of South Bend." Chief Cox stated over the course of the last five (5) years we have used that particular fee schedule to proportionally increase the adjustments to the fee schedule. The Council has voted unanimously in each of the past five (5) years to approve those.

Councilmember Oliver Davis made a motion to amend Bill 24-16 as amended in the Committee of the Whole. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 24-16 as amended. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

26-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 18, ARTICLE 1, SECTION 18-15 OF THE SOUTH BEND MUNICIPAL CODE TO ASSURE SIDEWALK ACCESSIBILITY FOR PERSONS WITH DISABILITIES NEAR SIDEWALK CAFES

Councilmember Karen White made a motion to pass Bill 26-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

27-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS KIZER HOUSE AND LOCATED AT 803 WEST WASHINGTON, IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to pass Bill 27-16. Councilmember John Voorde seconded the motion which carried by a roll call vote of eight (8) ayes.

29-16

THIRD READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: ALLEY VACATION- FIRST NORTH/SOUTH ALLEY FROM SAMPLE STREET TO GARST STREET, BETWEEN FRANKLIN STREET AND LAFAYETTE BLVD. AND THE FIRST EAST/WEST ALLEY FROM FRANKLIN STREET TO LAFAYETTE BLVD. BETWEEN SAMPLE STREET AND GARST STREET, SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to pass Bill 29-16. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

30-16

THIRD READING ON AN ORDINANCE OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING SECTIONS OF CHAPTER 9, ARTICLE 3, OF
THE SOUTH BEND MUNICIPAL CODE TO ADDRESS
AMBULANCE/MEDICAL SERVICE FEES

Councilmember Dr. David Varner made a motion to pass Bill 30-16. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

RESOLUTIONS

16-57

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA IN SUPPORT OF A
REASONABLE TRANSITION TO CLEAN ENERGY FOR
SOUTH BEND

Councilmember Gavin Ferlic made a motion to continue Bill 16-57 until July 25th 2016. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

BILLS FIRST READING

32-16 FIRST 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 Dr. David Varner made a motion to send Bill 32-16 to Personnel and Finance and set for public hearing on July 11th 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

33-16 FIRST 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 Dr. David Varner made a motion to send Bill 33-16 to Personnel and Finance and set for public hearing on July 11th 2016. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

34-16 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 \$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 Dr. David Varner made a motion to send Bill 34-16 to Personnel and Finance and set for public hearing on July 11th 2016. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

Councilmember Dr. David Varner announced that there will be a public hearing on July 13th at 5:30 p.m. in the Council Chambers regarding the renewable energy resolution.

Council President Tim Scott announced there will be a joint meeting with the St. Joseph County Council, Mishawaka Common Council, and South Bend Common Council that will be held on Wednesday June 29th at 6:00 p.m. to gain information on a potential food and beverage tax. This will be an informational meeting only.

NEW BUSINESS

Councilmember Oliver Davis announced on July 8th there will be a celebration to honor Phil St. Clair and to rename Bellville Park. It will take place 6:00 p.m.

PRIVILEGE OF THE FLOOR

Jesse Davis, P.O Box 10205 South Bend, expressed concern regarding a property near Frank's Tavern and possible drug and nefarious activities taking place. Mr. Davis stated you could smell marijuana and also witness a couple engaging in sexual intercourse. That property needs to be looked into especially on the weekends. Mr. Davis stated he will bring the photographs to the Clerk's Office proving his charges.

Janice Suter, 18211 Kern Road South Bend, submitted a document to the City Clerk's Office regarding Bill 16-57.

Samuel Brown, 222 East Navarre Street South Bend, thanked Randy Wilkerson for the good job he is doing at Code Enforcement. For over a year the Drewery's Plant has been a hazard to the City and the City has fought very hard to get him to take care of his property. Mr. Wilkerson did a great job getting the owner to fly into South Bend and take care of the property. We need more people like him in City government.

Kathleen Gains, 59030 Ironwood Trail South Bend, spoke in opposition for the proposed fire station at Potawatomi Park. She has sat on a board to establish a sensory garden at the park. The plan is currently to have it near the conservatory. To date the group has \$13,000 for the creation of the park. It will be a calming and peaceful atmosphere for children and adults alike with physical and mental disabilities. The creation of a fire station would ruin the point of the sensory garden and be counterproductive. The sole purpose of the garden will be diminished if a fire station is built a few hundred feet away.

Mike Mitchulski, 1117 South 31st Street South Bend, spoke against the proposed fire station at Potawatomi Park. According to the City of South Bend Parks Five (5) Year Plan we need to preserve the natural environment and protect our valuable natural resources while providing opportunities to local residents. These parks are essential to our local economy and also provide relief from our urban environment. This citizen driven plan to keep the Fire Department out of our parks, establishes a direction to guide City staff, advisory committees, and elected officials. Mr. Mitchulski asked the Council to please protect our parks.

Kendra Fox, 1418, Milburn Blvd Mishawaka IN, spoke against the proposed fire station at Potawatomie Park. The sirens from the fires station would bother the children who have autism and would also bother the animals in the park. The loud sirens would harm the peaceful setting in the park.

Jason Banicki Critchlow, 3822 West Ford Street, stated he loves the new app that the Innovation Office developed and we need to find a way to integrate that to be used for overgrown lots and properties in terms of both grass and other violations. We also need to preserve our park space at Potawatomi. Mr. Banicki Critchlow stated as a citizen of South Bend every park is his business even if he doesn't live in the River Park Neighborhood. We need to stop as a City viewing our green space as a way to save or make money. There are plenty of places in River Park where we can find another place for the fire station.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:46 p.m.