

Be it remembered that the Common Council of the City of South Bend, Indiana meet in the Council Chambers of the County-City Building on Monday, January 26, 2015 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

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

Excused
Absence: Valerie Schey 3rd District

OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Council President Tim Scott, stated minutes aren't prepared for this meeting will approve them at the next meeting.

SPECIAL BUSINESS

Council President Scott announced that the South Bend Common Council is accepting and extending the deadline for applications for citizen members for the (1) MBE/E Diversity Board, (1)Redevelopment Commission and (2)Urban Enterprise Association. He advised that applications may be found on-line on the Council's website and in the Office of the City Clerk, 4th Floor County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana. Applications are to be filed in the Clerk's Office by February 2, 2015.

Council President Scott also made the announcement that Bill No. 14-100 Indigenous peoples Day is continued indefinitely. Will not be heard tonight

REPORTS OF CITY OFFICES

UPDATE MAYOR PETE BUTTIGIEG

Mayor Buttigieg congratulate the newly elected officers of the Council and Chairs of the various committees that were identified. Will continue to find best patterns of communication. Mayor Buttigieg recognized that it is Winter Restaurant Week in Downtown South Bend. He encouraged all to stop by the local restaurants and take advantage of their special pricing for breakfast, lunch and dinner. Mayor Buttigieg thanked the Council and looks forward to meeting

with Council Officers on a regular basis. Mayor Pete, recognized South Bend's 150th year anniversary as a City, he states it's a yearlong celebration with some great opportunities to celebrate the City. Thank you all for helping us spread the word. Mayor Pete states it was truly an honor to take part in the Martin Luther King Celebration. Mayor Pete highlights Harvard Business Review who covered what "Government can do for Business" which featured the City of South Bend. Mayor Pete states that concerns and questions will be addressed and efforts have been made to assure that there are adequate resources to get things done and keep our City streets safe in relation to weather conditions.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:08 p.m. Councilmember Scott made a motion to resolve into the Committee of the Whole. Councilmember Varner seconded the motion, which carried by a voice vote of eight (8) 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 maybe found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

58-14 PUBLIC HEARING ON A BILL TO AMEND THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1430 MISHAWAKA AVE. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to accept the substitute version of this bill as on file in the Office of the City Clerk. Councilmember Henry Davis, Jr., seconded the motion, which carried by a voice vote of (8) eight ayes.

Councilmember Henry Davis, Vice Chairperson, Zoning and Annexation Committee, reported that this committee met this afternoon send to the full Council with no recommendation was given due to lack of a quorum.

Power Point Presentation given by Angela Smith from Area Plan offices on 11th Fl. County City Bldg. (exhibit attached) property currently zoned as (LB) local business seeking to be zoned as (CB) community business. Zoning change comes from Area Plan with a favorable recommendation. Petitioner Mrs. Santos Rios 1421 S. 300 East Laporte, Indiana, gives a brief summary of why she wants zoning change on the property, she states this will be a small shop where customers can get their oil and other minor vehicle related issues handled quickly.

Council member Tim Scott, how many cars fit inside the building? The petitioner states that two vehicles fit inside the building at a time.

Council Attorney Kathy Cekanski-Farrand, informs petitioner that the Council is concerned with parking and vehicles being there more than a (24hr) time frame remanding on the street overnight.

Council members therefore ask if petitioner would be in favor of a written commitment that no vehicles remain there overnight. Petitioner agrees to those conditions.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dieter made a motion for favorable recommendation to full Council, motion seconded by Councilmember Gavin Ferlic.

- 03-15 PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: ALL PUBLIC ALLEYS AND STREETS BOUNDED BY KEMBLE STREET ON THE WEST, THE NORFOLK & SOUTHERN RAILROAD (OLD PENN CENTRAL RR) ON THE NORTH, SCOTT STREET ON THE EAST AND INDIANA AVENUE ON THE SOUTH ALL IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to continue bill until March 9th. Councilmember Scott seconded the motion, which carried by a voice vote of eight (8) ayes.

- 59-14 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 6-37.1 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING VACANT BUILDING MAINTENANCE AND REGISTRATION

Councilmember Dieter made motion to continue bill until February 9th. Councilmember Scott seconded the motion, which carried by a voice vote of eight (8) ayes.

- 66-14 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS SECTIONS OF CHAPTER 20, ARTICLE 7, OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS SNOW REMOVAL PRACTICES AND PROCEDURES

Councilmember Gavin Ferlic made the motion to hear substitute bill the motion seconded by Councilmember Varner.

Councilmember Varner, member of Public Works and Property Vacation Committee, reported that this committee met this afternoon and there is no recommendation at this time due to lack of a quorum.

Presenter of this bill Eric Horvath, Director of Public Works office on the 13th Fl. County-City Bldg. Eric Horvath states that the changes before the Council includes clearance conditions, even and odd numbers which makes it much more simpler to get the job done. Other changes include clarification on the language.

Councilmember Oliver Davis, states when did the fine amount change and is the increase necessary, if it wasn't been previously enforced at all. Eric states he's not as interest in the fine amount as he is with the components of safety and being able to get the job done.

Councilmember Dieter, asked who is responsible for enforcing and is the manpower available/equate to do so. Eric states yes the Ordinance is written in such a way that all agencies are able to enforce for flexibility sake.

Councilmember Henry Davis, states a person that absolutely cannot respond to the requirement, how will this be handled.

Council Attorney Kathy Cekanski-Farrand, states that's what the current appeals process is in place for situations as such.

Councilmember Karen White, ask City Clerk, John Voorde, would you briefly explain the appeals process. John Voorde briefly explains the process then goes on to state that the appeals forms are available in the Office of the City Clerk, open from Monday through Friday from 8:00am to 4:45pm.

Councilmember Dieter, states enforcement is an issue because there are three different entities that are enforcing because of this no one entity wants to take ownership.

Councilmember Dr. Fred Ferlic states, there are always exceptions but enforcement needs to take place, then it can be visited at a later date, at this particular point this is the best solution at the table after discussion.

Councilmember Oliver Davis, request that a follow-up take place on status on who will be charged with enforcing. Eric Horvath states that he'd be glad to meet in two weeks for further discussion.

Councilmember Karen White, states that she'll be sure to follow-up with Eric Horvath for further discussion and review with the Council regarding the matter.

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

Wishing to speak to the Council in favor of this bill:

Becky Kaiser, 913 Diamond Ave. states it's much needed for the elderly and disable.

Dave Wilson, 1109 21st. states that he supports the bill however it needs to be enforced.

Councilmember Gavin Ferlic made a motion to accept amended version of the substitute bill 64-14 as amended which deletes in the Statement of Purpose and Intent on page (1) "this Ordinance increased the penalty for violation from Twenty-five (\$25.00) to (50.00) Fifty dollars". And on page (5) amends **Section IV Sec.20-105.1 Penalties (a)** any person found to be in violation of section 20-105 of this article shall be fined twenty- five dollars by striking the ~~Fifty-dollars (50.00).~~ Councilmember Tim Scott seconded the motion, Councilmember Gavin Ferlic made the motion to send bill 64-14 to the full Council with a favorable recommendation seconded by Councilmember Oliver Davis, and motion carries.

01-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF SOUTH BEND, INDIANA TITLED AS ECONOMIC DEVELOPMENT INCOME TAX BONDS OF 2015 AND OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE PAYMENT OF INCIDENTAL EXPENSES ON ACCOUNT OF THE ISSUANCE OF THE BONDS AND REPEALING ORDINANCES INCONSISTENT HERewith

Councilmember Gavin Ferlic, Chairperson, Community Investment Committee, and Councilmember Fred Ferlic, Chairperson PARCS Committee reported that this committee held a Public Hearing on this bill this afternoon and voted to send it to the full Council with a favorable recommendation.

John Murphy, City Controller, 12th Floor County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, made the presentation on this bill.

Mr. Murphy advised that the salary ordinance is a PARC bond for 5.6 million dollars paid through the edit fund he states that there's more than enough funds coming in from that account to fulfill the payment for the bond payments.

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

Jesse Davis P.O. Box 10205 South Bend, 46680, spoke in opposition of the bill, he states his reason is due to a letter he received from an anonymous concerned citizen. Letter submitted to the Council and privilege of the floor form given to the Clerk City.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

RISE AND REPORT

Councilmember Oliver Gavin Ferlic made a motion to rise and report to full Council. Councilmember Dieter seconded the motion which carried by a voice vote of nine (8) 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 7:55 p.m. Council President Tim Scott, presided with eight (8) members present.

BILLS – THIRD READING

58-14 THIRD READING ON A BILL TO AMEND THE ZONING
ORDINANCE FOR PROPERTY LOCATED AT 1430 MISHAWAKA
AVE. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF
SOUTH BEND, INDIANA

This bill had third reading. Councilmember Varner made a motion to move to passage as amended with written commitments as amended in Committee of the Whole. Councilmember Derek seconded the motion which carried by a voice vote of eight (8) ayes. Additionally, Councilmember Varner made a motion to pass this bill as amended. Councilmember Scott seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes.

66-14 THIRD READING ON A BILL OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS
SECTIONS OF CHAPTER 20, ARTICLE 7, OF THE SOUTH
BEND MUNICIPAL CODE TO ADDRESS SNOW REMOVAL
PRACTICES AND PROCEDURES

This bill had third reading. Councilmember Dieter made a motion to pass this bill amended in committee of the whole. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes.

01-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE
ISSUANCE OF BONDS BY THE CITY OF SOUTH BEND, INDIANA

TITLED AS ECONOMIC DEVELOPMENT INCOME TAX BONDS OF 2015 AND OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE PAYMENT OF INCIDENTAL EXPENSES ON ACCOUNT OF THE ISSUANCE OF THE BONDS AND REPEALING ORDINANCES INCONSISTENT HERewith

This bill had third reading. Councilmember Karen White made a motion to pass this bill. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (7) ayes and (1) nay by Council member Henry Davis.

Councilman Henry Davis, states that he is not in favor of the bill due to the amount of the bond not being sufficient considering the amount of parks in the City.

RESOLUTIONS

15-01 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 4315 S. LAFAYETTE BLVD., SOUTH BEND, IN 46614 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR HERAEUS KULZER LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 4315 S. Lafayette Blvd, South Bend, Indiana, and which is more particularly described as follows:

Dental equipment and supply manufacturing equipment.

and which has Key Numbers 71-023-22494-00, be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type;

- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new manufacturing equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Presenter Chris Fielding, Community Investment with offices on the 14th County City Bldg. 227 W. Jefferson South Bend IN 46601. Power point presentation presented exhibit attached. Petitioner present is a representative from Heraeus Kulzer LLC, states he's here to answer any questions from the Council on behalf of Heraeus Kulzer LLC.

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Derek made a motion to adopt this bill. Councilmember Karen White seconded the motion which carried and the Resolution was adopted by a roll call vote of eight (8) ayes.

- 15-02 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5021 NIMTZ PARKWAY, SOUTH BEND, IN 46628, AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TWO (2) YEAR REAL PROPERTY TAX ABATEMENT FOR THE FOSTER GROUP, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 5021 Nimitz Parkway, South Bend, Indiana, and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned, be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new manufacturing equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

A Public Hearing was held on the Resolution at this time.

Councilmember Varner made a motion to combine this Resolution Bill No 15-03 & 15-04.
Councilmember Gavin seconded the motion which carried by a voice vote of eight (8) ayes.
There was no one present wishing to speak in opposition or favor to this bill

15-03 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5021 NIMTZ PARKWAY, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR MGE WHOLESALE INC.

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area located at 5021 NimtZ Parkway, South Bend IN which is more particularly described as:

Blackthorn Industrial
First Minor Sub
LOT 1, 11.212 Ac

And which has Key Numbers 025-1018-062803 presently at this point in time, be designated as an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code § 6-1.1-12.1, et seq., and South

Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of two (2) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana

Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

A Public Hearing was held on the Resolution at this time.

There was no one present wishing to speak in opposition or favor to this bill

Councilmember Varner made a motion to pass the resolution. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

15-04 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 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR THE LASALLE APARTMENTS LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area located at 237 North Michigan Street and which is more particularly described as follows:

Lot 1 O P So Bend
Lot 2 & N 33.45'
Lot 3 O P

and which has Key Numbers 71-08-12-107-005.000-026 and 71-08-12-107-006.000-026 presently at this point in time, be designated as an Economic Revitalization Area; and

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrance's and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17. This resolution is passed as an exception to the current City Code regarding the applicable deduction percentages for a 10 year abatement for the following reasons: 1. The property has been designated by the Economic Development Commission as an Economic Development Target Area located in the CBD; 2. The property is currently owned by the City Redevelopment Commission and requires annual management and maintenance by the City; 3. The property has been vacant and there has been no realized tax revenue generated from the property for at least ten years; 4. The private investment proposed for the project will exceed three times the amount of the taxes to be abated; 5. The project will pay taxes and those revenues will be net new taxes to the community; 6. The project is aligned with the goals of the SBCDA plan, which specifically targets multi-use projects including support for residential occupancy in the CBD; and 7. There is a significant cost to cure required in the project to make the property functional, conform to the historical nature of the property and return the property to economic viability.

SECTION III. This Re-confirming resolution references Confirming Resolution 4330-14. Real America Development LLC is assuming the approved tax abatement for the LaSalle Hotel property located at 237 North Michigan Street approved by the Common Council on March 24, 2014 for Great Lakes Capital Development. Subject to the adoption of the Re-Confirming Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to providing a 10-year real property tax abatement for the Applicant, based on the Applicant's commitment set forth in the Commitments regarding the rehabilitation of a building located on property identified as 237 North Michigan Street, South Bend, Indiana, approved as part of the Commitments. The Applicant commits to a capital expenditure (from all sources of funds) of approximately \$9,537,076 to renovate a building. This project will create nine (9) existing, permanent full-time jobs and zero (0) part-time job with an annual payroll estimated at \$315,000. The project will maintain zero (0) existing permanent full-time and zero (0) existing permanent part-time positions.

SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

A Public Hearing was held on the Resolution at this time.

Two (2) spoke in favor of the Resolution and none in opposition to this Resolution, 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 eight (8) ayes.

14-100 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, RECOGNIZING THE 2ND MONDAY OF
OCTOBER AS INDIGENOUS PEOPLES DAY ALSO TO BE KNOWN
AS NATIVE AMERICANS DAY

Whereas, the Common Council notes that the 2010 U.S. Census reported that 0.5% of the South Bend population is listed as “American Indian and Alaska Native alone” with 0.3% of the State of Indiana’s population being also listed in this category; and

Whereas, the Common Council further recognizes that in June of 2013, the Pokagon Band of Potawatomi opened its first Indiana office in South Bend which provides Tribal members in northern Indiana improved access to Tribal services such as health care, education and housing assistance; as well as youth tutoring and mentoring programs, employment training and placement, elder care and language and cultural programs in their quest to carry out the Tribe’s mission to create a “foundation for people to make their lives better”; and

Whereas, in the interest of promoting Native American culture and to commemorate the history of Native Americans, in 1990 representatives from 120 Indigenous nations held the First Continental Conference to “...strengthen the process of continental unity and struggle towards liberation...[to] use the occasion to reveal a more accurate historical record”; and

Whereas, the City of South Bend, Indiana, recognizes the rich cultural impact of Native Americans in our community going back to the Miami and Potawatomi Native Americans and proudly includes many venues and events named in their honor such as the Potawatomi Zoo, the Potawatomi Pool, the Potawatomi Conservatories, the Potawatomi Park Concert Series, Mark di Suvero’s “The Keepers of the Fire” sculpture installed in the St. Joseph River east of the Century Center, and the most recent naming of the Four Winds Field, home of the South Bend Silver Hawks Class A minor league baseball team.

Whereas, since 1937, the 2nd Monday of October of each year has been officially recognized by the federal government as “Columbus Day” and *Indiana Code* § 1-1-9-1 officially designated Columbus Day as a legal holiday in the State of Indiana.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council of the City of South Bend, Indiana, believes that efforts should be continued to promote the well-being and growth of the Native American culture and the Indigenous community in our city.

Section II. Therefore, the 2nd Monday of October, shall be known as Indigenous Peoples Day and may also be referred to as Native Americans Day in South Bend, Indiana, with this being

Indigenous Peoples Day Resolution
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An opportunity to celebrate the culture, values and contributions which are continuing to be made to our community by Native Americans.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

Henry Davis, Jr., 2nd District Council Member

Oliver J. Davis, 6th District Council Member

Presented by me to the Mayor of the City of South Bend, Indiana, on the ____ day of _____, 2015 at _____ o'clock ____ Am.

Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2015 at ____ o'clock ____ m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

Councilmember Gavin Ferlic made a motion to continue this bill indefinitely, motion seconded by Councilmember Varner the motion carried. Bill continued indefinitely by a roll call vote of eight (8) ayes.

15-05 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA, ESTABLISHING REASONABLE ACCOMMODATION POLICIES AND PROCEDURES IN ZONING AND LAND USE DECISIONS WITHIN THE CITY OF SOUTH BEND, INDIANA

Whereas, the City of South Bend, Indiana (the "City") acknowledges that it is subject to the provisions of the Fair Housing Act, as amended, 42 *United States Code* §§ 3601, *et seq.* (the "FHA") and the Americans With Disabilities Act (the "ADA"), set forth at 42 *United States Code* §§ 12102, *et seq.*; and

Whereas, the FHA provides that the City may not: (1) refuse to make a reasonable accommodation in the application of any of its ordinances in violation of Section 804(f)(3)(B) of the FHA, 42 *United States Code* §§ 3604(f)(3)(B); (2) make housing unavailable because of a disability in violation of Section 804(f)(1)(A) of the FHA, 42 *United States Code* §§ 3604(f)(1)(A); (3) discriminate in the terms, conditions, or privileges of housing because of a disability of a person intending to reside in that dwelling after it is rented in violation of Section 804(f)(2)(B) of the FHA, 42 *United States Code* §§ 3604(f)(2)(B); or deny a group of qualified persons those rights granted by the FHA: and

Whereas, the City of South Bend, Indiana originally passed a Human Rights Ordinance in 1973 when Ordinance No. 5619-73 was passed by the South Bend Common Council, which has been periodically updated and is currently codified as Chapter 2, Article 9 Section 2-126 *et seq.* in the *South Bend Municipal Code* to include references to the FHA as amended, and has been certified to be substantially equivalent to the federal FHA; and

Whereas, the City of South Bend, Indiana, desires to confirm and affirm as a matter of public policy that the South Bend Human Rights ordinance referenced above applies to the City of South Bend in the administration of its zoning, land use and building ordinances and their policies, practices, requirements and processes with the City desiring to formalize a process addressing reasonable accommodation requests which would be consistent with the requirements of the FHA and ADA; and

Whereas, for the past several months, the City of South Bend, Indiana, has had the opportunity to meet and discuss reasonable accommodations policies and procedures applicable to zoning and land use

decisions with the input and affirmation of DOJ and HUD representatives, as well as with input from individuals locally authorized to implement zoning, land use and building regulations; and

Whereas, the following policies and procedures are believed to be in the best interests of the City of South Bend, Indiana.

Now, therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. It is the policy of the City of South Bend, Indiana, that the South Bend Human Rights Ordinance provisions which are codified in the *South Bend Municipal Code* at Chapter 2, Article 9, Section 2-126 through Section 2-132.1 applies fully to the administration and implementation of its zoning, land

Reasonable Accommodation Resolution
Page 2

Use, and building ordinances, policies, practices, requirements or processes relating to the use, construction, or occupancy of dwellings.

Section II. The Common Council of the City of South Bend, Indiana, hereby adopts the “Reasonable Accommodations Policies and Procedures in Zoning and Land Use Decisions”, which is attached hereto and included herein by reference.

Section III. Copies of the “Reasonable Accommodations Policies and Procedures in Zoning and Land Use Decisions”, as well as application forms requesting reasonable accommodation consideration shall be available and displayed prominently in the offices of the Building Department, in the offices of the South Bend Human Rights Commission, and in the Offices of the City Clerk, and shall further be prominently displayed and accessible on the City of South Bend, Indiana website at www.southbendin.gov

Section IV. The City of South Bend, Indiana shall not impose any fees in connection with the opportunity for an individual to file a request for reasonable accommodation under these policies and procedures.

Section V. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member
South Bend Common Council

Karen L. White, Council Member at Large
South Bend Common Council

Attest:

Adopted this ____ day of _____ 2015

John Voorde, City Clerk

Pete Buttigieg, Mayor

Aladean DeRose/Legal Department offices on the 12th FL County City- Bldg. Presenter of this bill states this bill meets the requirements of the Federal Law using best practices and policies to meet the Federal requirements and avoid litigation

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Derek Dieter, made a motion to adopt this Resolution. Councilmember Gavin Ferlic seconded the motion which carried and the Resolution was adopted by a roll call vote of eight (8) ayes.

15-06 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA, DELAYING THE EFFECTIVE DATE OF ORDINANCE NO. 10343-14 ADDRESSING SECTION 2-9.1 OF ARTICLE 1 OF CHAPTER 2 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING THE COMMON COUNCIL

Whereas, on December 9, 2014, the South Bend Common Council passed Ordinance No. 10343-14 which addressed various policies and procedures for Council Members when using city-owned technologies, the Council's Facebook page, social media and social networking which was then approved by the Mayor as evidenced by his signature; and

Whereas, on January 12, 2015, Bill No 04-15 was filed with the Office of the City Clerk by the Council Members who sponsored Ordinance No. 10343-14 aimed at clarifying the best practices incorporated into that ordinance which is currently slated to go into effect on February 2, 2015; and

Whereas, the Common Council believes that continued due diligence is in order to assure that all policies and procedures governing the Common Council in these rapidly changing areas of technology; and

Whereas, the Common Council further believes that it is therefore necessary and appropriate that the effective date of Ordinance No. 10343-14 be delayed indefinitely and that that ordinance not be enforced until a separate ordinance setting forth a new effective date is passed by the South Bend Common Council.

Now, therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The effective date of Ordinance No. 10343-14 is hereby delayed indefinitely.

Section II. A new and separate ordinance setting forth a new effective date is hereby required for the provisions of Ordinance No. 10343-14 to become regulations which would govern the South Bend Common Council

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member
South Bend Common Council

Gavin Ferlic, Council Member at Large
South Bend Common Council

Karen L. White, Council Member at Large
South Bend Common Council

Derek D. Dieter, Council Member at Large
South Bend Common Council

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Attest:

Adopted this ____ day of _____ 2015

John Voorde, City Clerk

Pete Buttigieg, Mayor
City of South Bend, Indiana

Aladean DeRose/Legal Department offices on the 12th FL County City- Bldg. Presenter of this bill states this bill is a product of litigation towards the City. Legal department working with the Council and the ACLU this resolution suspends the enforcement of the prevailing ordinance indefinitely

A Public Hearing was held on the Resolution at this time.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Gavin Ferlic, made a motion to adopt this Resolution. Councilmember Derek Dieter seconded the motion which carried and the Resolution was adopted by a roll call vote of eight (8) ayes.

BILL - FIRST READING

BILL NO.

04-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS
SUB-SECTIONS OF CHAPTER 2, ARTICLE 1, SECTION 2-
9.1 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING
POLICIES AND PROCEDURES GOVERNING CITY-OWNED
TECHNOLOGIES, FACEBOOK STANDARDS, SOCIAL MEDIA AND
SOCIAL NETWORKING POLICIES AND PROCEDURES

This bill had first reading Councilmember Gavin made the motion to refer this bill back to the Information and Technology Committee and that the bill would be continued indefinitely. The motion was seconded by Councilmember Varner. The motion carried by a roll call vote of eight (8) ayes

UNFINISHED BUSINESS

No unfinished business before the Council at this time.

NEW BUSINESS

There was no new business to come before the Council at this time.

PRIVILEGE OF THE FLOOR

Valerie Mora Kraus- 4207 Norton Drive, South Bend, IN 46614- Spoke about concerns regarding Council meeting minutes for 2014. Submitted a Privilege of the Floor Form.

Rhonda Richards- 1020 Clover St. South Bend, IN 46615- Spoke regarding concerns of her prior complaints submitted under privilege of the floor and Councilmembers being held accountable. Citizens having easy access to Council meeting notes.

Melissa Stokely- 226 E Eckman South Bend, IN 46614- Spoke regarding Council meeting minutes and an e-mail she sent to the Council. Privilege of the floor form was submitted.

Chanelle Mayfield- 5121 Cedarwood Ln. South Bend, IN 46619- Concerns of unity between the leaders in the City of South Bend.

Samuel Brown- 222 E Navarre St. South Bend, IN- Voice his concern about there not being a Martin Luther King Blvd on a major road in South Bend.

Mr. Thomas- American Legion Post (357) , South Bend, IN 5414 W Sample.- States his organization would like assistance from the City with a pilot program called Stars and stripes, which pertains to hanging banners in the City from light post.

Jesse Davis- PO Box 10205 South Bend, IN 46680- Spoke regarding an issue he has with the City PARCS department which is contract related. Mr. Davis submitted a privilege of the floor form along with other attachments for review.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 8:56 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Tim Scott, President