

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, September 14, 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, (President)
	Henry Davis, Jr.	2 nd District (arrived after roll call)
	Valerie Schey	3 rd District
	Dr. Fred Ferlic	4 th District
	Dr. David Varner	5 th District
	Oliver J. Davis	6 th District
	Derek Dieter	At-Large, (Vice-President)
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

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

Councilmember Oliver Davis made a motion that the minutes of the August 24th, 2015 meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of seven (7) ayes and one (1) nay by Councilmember Derek Dieter.

SPECIAL BUSINESS

Council President Tim Scott announced that Bill 40-15 has been continued to October 12th, 2015.

REPORTS OF CITY OFFICES- MAYOR PETE BUTTIGIEG

There were no reports from City Offices

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:02 p.m. Council President Tim Scott requested a motion to resolve into the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Valerie Schey 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 may be found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

BILL NO.

35-15	PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4325 S. MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA
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Councilmember Karen White requested a motion to accept the substitute version of Bill 35-15. So moved by Councilmember Valerie Schey. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver Davis Chairperson, Zoning & Annexation Committee, reported that they met this afternoon on this bill and sends it to the full Council with no recommendation due to the lack of quorum this afternoon.

Matthew Chappuies, Area Plan Commission, Offices on the 11th Floor – The petitioner is requesting a zoning change from CB district to MU to allow for store changes on the first floor retail and second floor dwelling unit. He showed a diagram of the site illustrating the site and the current progress and improvements made thus far. There are two spaces for parking. There's an area for trash as one of the requirements for the zoning ordinance. The other variances are for parking, perimeter landscaping, and height for the building. This building is already in existence and has a height of 21' as part of the MU district has a minimum height of 22'. At the meeting in August the Area Plan Commission approved all four variances and sends this to you with a favorable recommendation.

Petitioner: Sheryl Luczkowski, Owner of Flowers by Stephen, 4325 S. Michigan St., South Bend, IN – I am here to ask for these variances to change the district from CB to MU to renovate the apartment that is already built on the second floor. That way I can renovate it, as I will probably be living there. The dumpster will be enclosed and decorated with potted plants.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Gavin Ferlic made a motion for favorable recommendation to full Council concerning this bill. Councilmember Derek Dieter seconded the motion which carried by a voice vote of nine (9) ayes.

40-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 17, ARTICLE 1, BY UPDATING SECTION 17-4 ADDRESSING DRAIN AND DOWNSPOUTS DISCONNECTION REQUIREMENTS

Councilmember Gavin Ferlic made a motion to continue Bill 40-15 to October 12th, 2015 and send back to the Utilities Committee. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

45-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 4, ARTICLE 4, SECTION 4-45 OF THE SOUTH BEND MUNICIPAL CODE BY INCLUDING NEW REGULATIONS ADDRESSING MOBILE FOOD VENDORS, MOBILE FOOD VENDING VEHICLES, AND UPDATING RESTAURANT REGULATIONS

Councilmember Karen White, Chairperson, Personnel & Finance Committee, reported the committee held a public hearing and due to lack of quorum send this to the full Council with no recommendation.

Sponsors: Councilmember Gavin Ferlic, 1109 Duey St., South Bend – thanked his fellow co-sponsors Oliver Davis and Tim Scott, and thanked Community Investment for taking the lead on this.

Presenter: Michelle Adams and Sarah Heintzelman, Department of Community Investment, Offices on the 14th floor – The Department of the Community Investment is here to request the Common Council to allow an amendment to the restaurant ordinance for food trucks as an allowable business type in South Bend. Given that we are already amending the restaurant ordinance we were taking the opportunity to align the ordinance with the Saint Joseph County Health Department that addresses all establishments that provide food and beverage services. In the past the County only allowed food trucks for hot dog stands and for certain events and they

had to be pre-approved. In 2014, the department began to investigate the feasibility of food trucks. Research has shown there are many benefits for food trucks such as increasing growth rather than deterring from it. It is a great way to market and expand their business. They have a venue to employ excess staff and test different marketing. Food trucks are an excellent incubator for entrepreneurs to test different products and access the feasibility of a permanent establishment. The NY Food Truck Association has forty-two (42) members of which forty percent (40%) now have brick and mortars. This development continues to grow in South Bend and provide lunch in business parks where there are limited lunch options. Food trucks strengthen local business by providing those options. Food trucks currently generate \$650 million in revenue annually and this is expected to increase. In areas that have been changed to accommodate food trucks, there has been significant growth. In various cities you have food truck courts with live music, introducing residences to the food truck culture. Food trucks are an avenue to test their products and try new markets. When they see the demand they are inclined to spend the capital to start a full scale restaurant. Working with the health department we have addressed some of the concerns that have been issues in the past. As we realize the scope of changes we held several meetings to address possible problems. This involves Board of Public Works whom established many of the rules and regulations and coordinated necessary public parking. DTSB conducted a study to determine the fees appropriate for this area, and agreed to coordinate necessary parking, monitoring, and enforcement. The fire department will inspect food trucks for fire hazards, the police department will have the ability to enforce parking when necessary. We also reached out to the downtown dining alliance about the new opportunity that the changed ordinance would create for them. This brings up parking requirements, they will be seen mainly throughout the city in business parks where there are food deserts. Once a food truck has received its permit they will be able to park for four (4) hours. Any food trucks parking on private party would need to have a signed usage agreement from the property owner. If they are in violation they can be cited. We have worked with the health department on food truck guidelines that will be followed properly. Food trucks will have random health visits same as brick and mortars. All food trucks must park parallel to the sidewalks and at least five (5) feet away from any existing structure. They will need to have an updated license every year. A complete list of our required documents will be on DCI's website. Ms. Adams discussed all requirements and paperwork needed for food truck establishments, along with the required health regulations. They will need a passing grade from the health department. They are prohibited from restricted areas.

Councilmember Oliver Davis – I think it is a wonderful opportunity. At Ivy Tech this will allow for the students there to create their own businesses. A lot of the food deserts are within the 6th District, where people only have thirty (30) minutes or forty-five (45) minutes for lunch. This will allow them to have quality food and get back from lunch on time. Given the restriction for food truck hours, they will not hurt the businesses downtown.

Councilmember Tim Scott – I also agree with Councilmember Davis, it allows entrepreneurs who don't want to invest in brick and mortars or commissary where they can test a menu to make sure their business is successful. There are others looking to rent out trucks to different people for a period of time. People are concerned that food trucks will take away from brick and mortar businesses, however they don't have the same dining experience as there are no chairs or tables. They don't do a great amount of business in the snow or the rain. Some do, but they are also limited on their menus. The popular ones sell out of their products, then they go home. There are people still loyal to the brick and mortars.

Councilmember Derek Dieter – What revenue do you anticipate to come to South Bend?

Ms. Adams responded that it depends on the entrepreneurs who decide to be a part of this. The fees are designed to cover maintenance and enforcement to cover the logistics.

Councilmember Dieter asked if she can explain the property taxes they will have to pay.

Ms. Adams responded they will pay for personal property taxes on the food trucks. If they own a commissary kitchen they will pay property taxes on that, if they rent they will pay into the taxes in their rent.

Councilmember Dieter asked what will be the fees, as there will be a lot of capital going into this.

Councilmember White stated he can come back after the public hearing to address those questions.

Councilmember Dr. David Varner – Whenever people embark on a new endeavor, there is on occasion an unexpected consequence. Most of the issues have been dismissed as though they won't happen. Is the ownership in regards to the sponsorship that you won't be looking at changing when situations occur?

Councilmember White interjected so the question is will you be willing to make adjustments as we move forward?

Councilmember Oliver Davis answered we don't have to wait a whole year if issues come up. If something comes up since this is brand new that needs adjustments I don't have a problem let's address it right away.

Councilmember Ferlic added the Department of Community Investment has done a lot of research and based this on best practices from surrounding communities, but if something comes up we will revisit it right away.

Councilmember Scott stated whenever there is something new there are a lot of what ifs that paralyze an organization. He expressed his willingness as a co-sponsor to address the what-ifs for something better as that would be the next step for this.

Councilmember Dr. Varner stated he just wants to make it clear that sponsors are willing to go back if and when there is a problem.

Councilmember Dr. Fred Ferlic – What percentage were favorable for this, and how many restaurants did you poll?

Ms. Adams responded we don't have numbers per se, but we reached out to the downtown dining alliance and mailed out letters to every restaurant in South Bend and encouraged them to reach out to us for concerns and clarification. At this point we have had no restaurants with negative comments, rather positive feedback and excitement.

Councilmember Valerie Schey – Like many of my colleagues I have a concern for restaurant owners who pay all the components that go in to the brick mortars specifically to the restaurants downtown as we don't want to do anything detrimental to those businesses downtown. Can you address the businesses that spoke in support?

Chris Fieldings, Department of Community Investment with offices on 14th floor of the County-City Building, the ability for food trucks to have a commissary kitchen allows for businesses such as LaSalle Grill to rent out their kitchen in the mornings and offset their property taxes. We have other individuals such as the owner of Linden Grill who is very excited about the commissary kitchen as it hard with the setup in there. There are two (2) opportunities to make more money and even the possibility of their own food trucks to reach sporting events and their product outside of their four walls.

Councilmember Schey asked what is the licensing fee if you have a brick and mortar restaurant do you need to get a restaurant permit and if so what is that for South Bend?

Ms. Adams responded the restaurant permit is actually \$95, it would cost more for the food truck than a brick and mortar to cover clean-up cost and enforcement.

Councilmember Henry Davis, Jr. – Because of the significant cost for developing a food truck as you are paying out rent are there any programs that are in place to support the new growth for an entrepreneur and if so what are they?

Ms. Adams replied we have discussed that but have not come to any resolutions thus far, but there are programs we are looking to investigate more. As of now there isn't anything yet that is ready to go.

Councilmember Davis stated that his concern is that only a few will be able to participate given the fees associated with developing this endeavor.

Mr. Fielding responded one of the bills that will be deployed in the fall will be a fund that people will have the ability to borrow money through the city at a flat four percent (4%) for up to ten (10) years that offers more flexibility for businesses.

Councilmember Davis stated he is aware of that fund, but not confident that will be the cure all or a fix or even a help. He would suggest that there be a partnership with a local bank or credit union to help develop a more inclusive process for those that want to do this. His experience with the IRL in my eight (8) years on Council that they have not been inclusive, only a few have received it. My second question is are you opposed to zones, reason being so that food trucks are not in direct competition with the restaurants. As there are areas that are open that would be ideal downtown as opposed to in front or nearby the Oyster Bar or Linden Grill.

Councilmember Scott answered one thing to keep in mind that food trucks are only allowed for four hour parking, and most parking on those streets is for one hour parking.

Councilmember Davis interjected you stated that they will have a four (4) hour parking pass.

Councilmember Scott replied only in a two (2) hour parking spot not one (1) hour parking.

Councilmember Davis stated Wayne Street is two (2) hour, and another conversation would be needed for the two way streets and who gets to park and for how long. I am not against it, but I just want to make sure we have a healthy environment for everyone down there. Where you're limited the only thing to do is to fight.

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

Those wishing to speak in favor:

Steven Smith, 630 W. LaSalle, South Bend – I am familiar with the food truck process, I purchased a food truck over two years ago. I have invested over \$70,000 in it, I've had it in storage for over two years. We decided to move our business to the west coast as we buy from the same economic systems, food trucks are booming as it is invigorating. America is about competition that the best food and product wins. I spend \$75 a month to house a vehicle that is ready to go. The questions that are being asked today are common knowledge and how it is a positive to the entire community. It is a progressive thing where most brick and mortars are getting food trucks. We should be allowed to see how this thing works. If there are still questions there are places people can go to do their research.

Jason Banicki-Critchlow, 3822 W. Ford St., South Bend – I think this is a fantastic idea. Look at me I obviously like food. I'm a graduate of IU, I look forward to the food trucks down there. This will improve the quality of life and give people more options.

Rebecca Kaiser, 913 Diamond Ave., South Bend – I am in favor of the food trucks. I too like food. I have a couple issues, the commissary kitchens, many food trucks will spend thousands of dollars on the kitchen stating they have to have a commissary kitchen makes me nervous. I have a friend who uses a commissary kitchen and vandals tried to blow it up four (4) times and now they are out of work and can't do business as they don't have a commissary kitchen now. There are so many restaurants, as many cities don't require that your truck be kitchen ready. The other issue is zoning, this country is not a communist country. We don't make rules to make it beneficial for someone else. If you have better food on your truck, then the restaurant as a result will have to make better food. That's how this county has been built, you go to the guy with the best food.

Jill, DSTB, offices on 217 S. Michigan, South Bend – Our office is in support of the food trucks in South Bend. We have seen an increase in vibrancy in downtown. This will have a positive impact on downtown. I work very closely to the downtown association and talked to many members of that group, this amendment will give them the opportunity to expand their business and operate in areas that they are not and test out new products in the market. We don't view this as them competing against brick and mortars but enhancing what we have here already. We've seen how brick and mortars can coexist and be successful. We are prepared to enforce parking and support it and we are prepared to do it. This will increase our diversity downtown and add to our quality of life.

Dean Heintzelman, Bar Manager of Fiddler's Hearth – I can speak in support of them. I have worked in restaurants for many years. Fiddler's Hearth would like to start a food truck for festivals and events we can't cater. I too would like to open my own restaurant one day.

Rebuttal: Ms. Adams stated that regarding the commissary kitchen that is a state requirement. We do not have any jurisdiction over that. That is something we have to do as the state requires and mandates as such. You can't have a food truck in the state of Indiana unless you have a commissary kitchen.

Councilmember Henry Davis, Jr. – I am just interested in the zoning part. Atlanta, Ga has the same type of regulations, same type of support for food truck industries. I'm nervous about the level of parking as we are already limited. I see a conflict brewing for the potential behavior of trucks in front of businesses.

Mr. Fielding responded that we did not look into zoning. Best practices are to allow the market to handle itself. No-one showed up with issues with this, and there will be ongoing feedback.

Councilmember Henry Davis stated we have had these discussions for quite some time. I can't talk about the other demographics of other cities. But with this city we have an empty downtown and that I want to make sure that we are maintaining what we have.

Mr. Fielding stated we looked into it and it was not a best practice of other cities.

Councilmember Valerie Schey – In terms of parking, they have to be parallel to the curb, is there a footage requirement?

Mr. Fielding responded, correct, it is self-limiting as you can only vend from the side of the truck parallel to a sidewalk and within five (5) feet of any structure and twenty-five (25) feet within any restaurant front door. Councilmember Valerie Schey and Chris Fielding confirmed the parking arrangements. Mr. Fielding stated there are parking end caps that food trucks can park at.

Councilmember Schey responded that answers my question as we don't want the scenario where food trucks are parking in front of restaurants.

Councilmember Dr. Fred Ferlic – I would like to see if the sponsors would consider looking at this again in six (6) months if there are any problems. The restaurant owners downtown mostly are all in favor of it. So I think if we get in the way of a lot of rules and regulations, you'll destroy what we need in this city. We need free range capital. I am in favor.

Council President Tim Scott – Just a final comment the parking by the Fiddler's and Linden Grill those are one (1) hour parking so they're exempt and from 6 a.m.-6 p.m. is a four (4) hour parking frame that they are limited to. The gentlemen stated best let the business thrive and be what it is. Being on DSTB for four (4) years, we've seen eighty percent (80%) full of retail downtown and three (3) years that has doubled the amount of restaurants downtown. This gives another diversity to it. This allows for ethnic food and gives people the chance to taste something different. A very talented chef can change up menus and push them out to brick and mortars too.

Councilmember Oliver Davis – To the gentlemen who wants to move west he can move to the Westside of South Bend. There are food deserts that would welcome him. You can come to my

house and I will welcome him. This gives us a variety of options here in South Bend. This is not for just downtown South Bend. Conferences are bringing in a lot of people, we don't have enough places to eat. This is going to help us out, Ivy Tech students can get involved. You see other cities doing it. My niece works on one in Indianapolis. Most will not be bumping into each other as most will not allow for parking due to the restrictions. I'm all for it, I think it can work. I believe in the free market. If there's good food, you will drive to the right place. I drove 30 miles last week for food for my daughter.

Councilmember Derek Dieter – I think we are dealing with this parking stuff, for clarification, they will not be able to set up on Wayne or Michigan?

Council President Scott stated just the two (2) hour time slots.

Councilmember Dieter stated if people are interested where can they set up? Where do we define the line of residential parking if they are not allowed in the residential neighborhoods or 1,000 feet of a school?

Council President Scott stated anywhere there is parking for two (2) hours. Private property more than likely will be willing to sign off for them to operate on their property.

Councilmember Dieter asked can food trucks make deliveries out of their truck.

Ms. Adams responded typically food trucks will not do that, but no that hasn't been discussed.

Council President Scott stated, if it has not been covered, we can look into that.

Councilmember Dieter asked, what is the difference of this and the roach coaches with the restrictions of these versus food trucks?

Council President Scott stated the quality of food along with the health department will be aware of their where-about at all times along with pop-up health visits. He explained the differences between the two.

Councilmember Dieter asked, what the liability insurance is. Michelle responded it is listed in the ordinance.

Council President Scott stated I think it is \$300,000 for bodily harm and injury and \$10,000 for overall.

Councilmember Dieter asked what would that cost someone?

Mr. Fielding responded \$248/month.

Councilmember Dieter asked in regards to the property tax, what would that elude to?

Councilmember Scott stated there isn't a set tax, the businesses are self-reporting the value of the items they own, and based on that they pay a three percent (3%) tax.

Councilmember Dieter inquired so there is no checks and balances?

Councilmember Scott responded there are no checks and balances now.

Councilmember Dieter asked if the downtown South Bend people would be issuing citations, will there be training for those doing citations?

Councilmember Scott stated no training that we discussed.

Councilmember Dieter stated I would suggest creating a training for them to prevent issues, along with creating a map of the area they can park, along with addressing the restrictions on the trucks.

Councilmember Gavin Ferlic – I would like to thank the co-sponsors Oliver and Tim, Kathy as well. I think a map of downtown would help food truck owners and an ethics code that can highlight regulations. Thank you.

Councilmember Henry Davis, Jr. – Thank you Chris for explaining the restrictions, as to where they can and cannot park. I wasn't against it, I just wanted the parking to not be an issue. As the zoning is built in to the regulations. Awesome job, thank you for explaining that.

Councilmember Dieter – The lead seller of pizza downtown stated no-one has contacted them. They are not in favor of it. I would hate to see a truck come in and have them shut-down business. So please get in touch with them, as stranger things have happened.

There being no one present wishing to speak to the Council in opposition to this bill, Councilmember Mr. Gavin Ferlic 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 nine (9) ayes.

RISE AND REPORT

Councilmember White requested a motion to rise and report to full Council. So moved by Councilmember Oliver Davis. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) 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 8:23 p.m. Council President Tim Scott, presided with nine (9) members present.

BILLS - THIRD READING

35-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE
FOR PROPERTY LOCATED AT 4325 S. MICHIGAN STREET,
COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND,
INDIANA

This bill had third reading. Council Attorney Kathy Cekanski-Farrand requested a motion to amend as it was in the Committee of the Whole. So moved by Councilmember Gavin Ferlic. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Council Attorney Kathy Cekanski-Farrand requested a motion for passage of Bill 35-15 as amended. So moved by Councilmember Oliver Davis. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

45-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 4, ARTICLE
4, SECTION 4-45 OF THE SOUTH BEND MUNICIPAL CODE BY
INCLUDING NEW REGULATIONS ADDRESSING MOBILE FOOD
VENDORS, MOBILE FOOD VENDING VEHICLES, AND UPDATING
RESTAURANT REGULATIONS

This bill had third reading. Councilmember Oliver Davis made a motion for passage of Bill 45-15. Councilmember Gavin Ferlic seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

RESOLUTIONS

15-81 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 5115 DYLAN DRIVE, AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR FEDEX GROUND PACKAGE SYSTEM, INC.

Councilmember Gavin Ferlic, Chairperson of the Community Investment Committee, reported that they met this afternoon and send bill 15-81 to the full Council favorably.

Presenter: Chris Fielding, 14th Floor Dept. of Community Investment – This is a personal property tax abatement for FedEx. They are bringing a new facility in the Ameriplex, approximately 280,000 sq. ft. Proposing to spend \$15 million on personal property and equipment. The total taxes to be paid over a five (5) year period \$693,857. Total taxes to be abated \$592,000. They are proposing to create one-hundred and eight (198) new jobs. Debbie is here from FedEx should you have any questions.

Petitioner: Thomas Debbie, 3521 N. Home St., Mishawaka – I am currently the Senior Manager at FedEx Ground at the current location. I've been in that position for twelve (12) years, this has been a long time coming. We have discussed this project of increasing our network capacity for over the last eight (8) years. Now that the building is upright, myself and my staff are eager to move to our new location in South Bend. We look forward to this opportunity to work with the city of South Bend.

Councilmember Derek Dieter – When will everything be up and running with all the new employees?

Mr. Debbie responded we are projected to go online middle of next May.

Councilmember Dieter asked, when will the people be able to apply for the one-hundred and ninety eight (198) jobs?

Mr. Debbie answered we are relocating the ground facility and home delivery station and that will combine for one-hundred and twenty-seven (127) employees and we will add over the next five (5) years an additional seventy-three (73) new positions.

Councilmember Dieter stated the question is when will people be able to apply for those jobs if you are up and running in May?

Mr. Debbie stated we usually start thirty (30) days out a new facility new location.

Councilmember Dieter stated so they can go to your website and apply.

Councilmember Valerie Schey – Thank you for using South Bend. My question is for clarification, Chris you mentioned \$15 million in personal property investment but the slide mentions \$30 million so which one is it?

Mr. Fielding responded it is actually both. FedEx has requested personal property abatement which is \$15 million of the overall project. They are also building a 280,000 sq. foot building which is real property approximately another \$15 million. The slides account for all revenues that come in for the total project investment.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Mr. Gavin Ferlic made a motion to adopt Resolution 15-81. Councilmember Oliver Davis seconded the motion which carried and was adopted by a roll call vote of nine (9) ayes.

15-82 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 802 EAST ST. VINCENT STREET, SOUTH BEND, IN 46617 AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR JAMES AND SUSAN FARRINGTON

Councilmember Gavin Ferlic, Chairperson of the Community Investment Committee, reported that they met this afternoon and send Bill 15-82 to the full Council favorably.

Presenter: Brock Zeeb, 14th Floor Dept. of Community Investment – This is a five (5) year residential real property tax abatement. James and Susan Farrington propose to build \$525,000 building at the address listed. The new property taxes to be created over a five (5) year period \$27,798. Estimated taxes to be abated over the five (5) year period is \$1,893. Total taxes to be paid over the five (5) year period \$25,905. The petitioner is here to answer any questions you may have.

Petitioner: David Sieradzki, Century Builders, 1115 Burns Ave., South Bend – I am the contractor for the property. The current property is not in use, I would tear down the existing structure and build a brand new home on a street where several abatements have been given over the last few years. We'll just add to the redevelopment in the area.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Oliver Davis made a motion to adopt Resolution 15-82. Councilmember Gavin Ferlic seconded the motion which carried and was adopted by a roll call vote of nine (9) ayes.

15-83 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CORRECTING SCRIVENER'S ERROR IN RESOLUTION NO. 4471-15 APPROVING THE DISPOSITION OF REAL PROPERTY LOCATED AT 51190 MAYFLOWER ROAD AND 51270 MAYFLOWER ROAD, SOUTH BEND, INDIANA

Councilmember Gavin Ferlic, Chairperson of the Community Investment Committee, reported that they met this afternoon and send Bill 15-83 to the full Council favorably.

Presenter: Brock Zeeb, 14th Floor Dept. of Community Investment – Staff would like to first thank Kathy Cekanski-Farrand for helping us locate and correct this scrivener's error in resolution 4471-15 we asked to dispose of the property on Mayflower Road staff incorrectly referenced Indiana Code Section 36-1-11-4.2, we asked for all references to be replaced in the resolution with Code Section 36-1-11-4. We ask for your approval with that.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Mr. Gavin Ferlic made a motion to adopt Resolution 15-83. Councilmember Derek Dieter seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

BILLS - FIRST READING**BILL NO.**

46-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ESTABLISHING A NEW 311 CALL CENTER FUND #279

This bill had first reading. Council Attorney Kathy Cekanski-Farrand requested a motion to accept the second substitute version. So moved by Councilmember Gavin Ferlic. Councilmember Valerie Schey seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Henry Davis, Jr. made a motion to refer the second substitute Bill 46-15 to the Personnel & Finance Committee for second and third reading for September 28th, 2015. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

47-15 FIRST READING AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1205 AND 1151 HICKORY ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Karen White made a motion to refer this bill to the Area Plan Commission. Councilmember Henry Davis seconded the motion which carried by a voice vote of nine (9) ayes.

48-15 FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1619 FRANKLIN STREET AND 1623 FRANKLIN STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Karen White made a motion to refer this bill to the Area Plan Commission. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

49-15 FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 1714 AND 1716 SOUTH MICHIGAN STREET, SOUTH BEND, INDIANA COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Henry Davis, Jr. made a motion to refer this bill to the Area Plan Commission. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

50-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT #1, FOR THE WEST PORTION OF 52933 SHELLBARK AVENUE, SOUTH BEND, INDIANA

This bill had first reading. Councilmember Karen White made a motion to refer this bill to the Area Plan Commission. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

51-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN

2015 OF \$29,176 FROM CENTRAL SERVICES FUND (#222), \$5,180 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$16,464 FROM GIFTS DONATIONS & BEQUESTS FUND (#217), \$40,000 FROM LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$210,000 FROM LOCAL ROAD STREETS FUND (#251), \$8 FROM EXCESS WELFARE DISTRIBUTION FUND (#252), \$1,700 FROM HUMAN RIGHTS GRANT FUND (#258), \$2250 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407) AND \$190,040 FROM CEDIT FUND (#408)

Councilmember Henry Davis, Jr. made a motion to refer this bill to the Personnel & Finance Committee for second and third reading for October 12th, 2015. Councilmember Karen White seconded the motion which was defeated by a voice vote of three (3) ayes by Councilmember Henry Davis, Jr, Councilmember Derek Dieter, and Councilmember Valerie Schey and six (6) nays.

Councilmember Oliver Davis made a motion to refer this bill to the Personnel & Finance Committee for second and third reading for September 28th, 2015. Councilmember Gavin Ferlic seconded the motion which was carried by a voice vote of eight (8) ayes and one (1) nay by Councilmember Henry Davis.

52-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2015 OF \$129,900 FROM WATERWORKS BOND CONSTRUCTION FUND (#623), (\$1,500.000) FROM SEWAGE O&M FUND (#641), \$2,500,000 FROM SEWAGE DEPRECIATION FUND (#642), AND \$1,500 FROM SEWAGE WORKS SINKING FUND (#649)

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to the Utilities Committee for September 28th, 2015. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

53-15 FIRST READING ON A BILL 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 2015

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to the Personnel & Finance Committee for September 28th, 2015. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

UNFINISHED BUSINESS

Councilmember Derek Dieter requested everyone email him within the next couple of days on what late afternoons/early evenings work to speak with a representative to answer questions.

Councilmember Valerie Schey stated as a courtesy to our fellow Councilmember, she would like to honor his request for Clerk Voorde to read the voice vote for his motion.

Council President Tim Scott responded the motion was defeated we're moving on.

Councilmember Henry Davis, Jr. I would like to ask that during the Community Investment meeting they map out the traffic flow. For the benefit of clarity we should be able to see a map that this will help change the direction of traffic and that we will be able to navigate through the City. I am asking that in that presentation we create a map.

Councilmember Gavin Ferlic stated I will speak with the committee to create it.

Councilmember Karen White added part of the process is to ask each department to come back to discuss a brief summary over the financial part.

Councilmember Davis Jr. responded you're right it is financial but the changes to the streets will effect upcoming areas. It has to do with how we develop moving forward in our city as a result of traffic.

NEW BUSINESS

Councilmember Oliver Davis requested a report for the Sample Street issue that the Mayor referenced previously. Councilmember Schey will follow up in the Public Works Committee.

Councilmember Karen White announced we will be having the next off-site budget hearing meeting this coming Monday, September 21st at the Latino Culture Center on W. Washington, starting at 6 p.m. He has contacted Ms. Caroline Archie to ask for dates for another off-site meeting at that location making it three (3) off-site budget hearing meetings. If you would like to have an off-site meeting in your neighborhood please contact me.

PRIVILEGE OF THE FLOOR

Jesse Davis – P.O. Box 10205, South Bend – You sent me a letter recently rejecting several privileges of the floor that you gave me answers or explanations to. Your explanations that were given did not reflect the questions that were asked. Please do me a favor, as I take my time to do the research, forward my questions to the department heads as that is your job. Second, we have another building project going on at South Bend Animal Control, that I don't recall hearing about in City Council. I went and checked, there were no building permits pulled for this job. I got an anonymous phone call that this job went out for bids, the bids came in a little high. So Matt, from Animal Control decided to have a city worker from Animal Control build it. I have a photo and my daughter could build a better structure out of Legos. We need to look to see who authorized the work, what they're going to house animals; I'm sure DNR has some licensures that need to occur. I'm not against them doing it, just the fact that they went behind the Council and everybody to go about it. I can't do it at my house, so they shouldn't at theirs.

Samuel Brown – 222 E. Navarre St., South Bend – I would like to thank the Council for the hard work that they do when the citizens come to them and ask for help. I have had no response from the 14th floor about the street name changes, as the Council has done their part but the 14th floor has not. I will continue to do my part and pray about it. There was a child that needed help in my grand-daughters neighborhood and she called me to call 911 and come. She told me this isn't a bad neighborhood, there's just one (1) or two (2) bad houses that need to go and then it would be great. I contacted the police about the situation and they stated I never came to them to ask for help, as I did go to the 14th floor where they stated they contacted the Chief of Police. The 200 block will get straightened out as we will continue marching on.

Huey Scoby – 3415 Riverside Drive, South Bend – I would like to thank the Council for doing a great job, during their period in office. I would like to refresh the memories of those who have forgotten that I've been fighting seven (7) years to get a permanent drive for MLK. Dr. King deserves better, so I stepped out doing a walk, this is how the sign looked in 07'. At the end of the journey a police officer pulled me over and looked at my sign and forced me to walk on the opposite side of the street where my sign could not be seen. He is no longer with the force, but now we have great officers. I did a second walk on West Portage Ave and have been trying to get in contact with the Mayor ever since. I've even sent him certified mail, no return. I was hoping he would be here tonight.

Jason Banicki-Critchlow – 3822 W. Ford St., South Bend – As we start to talk about the budgeting process, I would like to focus on what we spend on public safety and the effect on people who live in the neighborhood. I live in an area that in the last week there was a stabbing, two (2) nights before that there was a shooting and a night before that an armed kidnapping. These are not due to a total number of police officers but due to the new leadership for increasing special appointments and special task forces and pulling them off of beats. In an area that has the smallest beats in the City but takes one of the highest call volumes, we are down to two (2) to three (3) officers on a routine day. This allows for them to only answer calls as opposed to making relationships with the neighborhood and engaging the community to make the City safer. I know the City is trying to do proactive things like having coffee with a cop, but that's more PR than public safety. I worked five and half (5.5) years as a corrections officer in this county, the

main thing that helped me there was knowledge and learning details that you only get to know by learning the people, same applies to the police officers. Last week in the newspaper, the county is trying to re-fire up the metro SOS unit, most of us here remember the disaster that ended in last time. We need to focus that effort to getting back on the streets and helping their aliases.

Rebecca Kaiser – 913 Diamond Ave., South Bend – This is not the first thing I wanted to start with, but as a citizen that lives on Diamond with a diverse neighborhood take Diamond Ave. and name it MLK drive. I don't think any of my neighbors would care, it's a beautiful street just do it. I came here to say thank you to Valerie Schey and ask that some of our citizens come to the department heads or the people involved before they make a tempest in a teapot. She has worked tirelessly for the last couple of years to make South Bend Animal Control something that South Bend should be proud of. This region has very few shelters that are looked on as positively as South Bend Animal Control. That goes to the hard work of Val Schey. We also have a new director. We would love to show the public the difference and have more volunteers come in. The Huffington Post has talked about the difference here in South Bend. When you have a question for any department it might be nicer to give the department a chance to answer the question about discretionary donation before you come to a council meeting and make accusations.

Linnie Caye – 821 S. Walnut, South Bend – Some of you may have gotten emails from me. This is in reference to 1502 Dunham Street the Friendly Confines. In spite of being labeled a chronic problem property, in spite of its code violations and building department code violations, the bar has continued to use an outdoor area week after week. It is in a residential area, they bring in bands and they have karaoke from 11 p.m. to 2 a.m. We in the neighborhood have to deal with this. Despite all these violations they continue to work and use this area which is Single-Family residence zoned. They have a fence around it and they have the Building Department and Code giving them an okay for this fence that encompasses Mixed-Use and a Single-Family residence and they're using it to expand their bar area. Police can do nothing to shut them down. Somebody in the City has to do something to shut them down. If you hear them from fifty (50) feet that is enough. I have thirty-nine (39) pages of logs of what's happened and what hasn't happened. I need to know why this business is able to break the law and why are our police officers are rendered helpless enforcing these laws? Somebody has to do something. We are being shot at by patrons for warnings as they don't like us complaining. I'm not happy about being shot at, I like the Council and I like the City. I would like the City to do something before someone gets shot.

Amy Ridenour – 6115 Miami Road, South Bend, IN – I am here representing Smoke Free St. Joe Coalition, I would like to leave everyone with a fun fact. I would like to represent smoke-free workplaces in the hospitality industry in that there is no evidence that there is a negative economic impact on going smoke-free in the workplace for the hospitality industry.

Sharon Banicki – 3822 W. Ford St., South Bend – I want to follow up for my parents as they have been calling 311, as there are issues with the house across the street from them. The City came out to fix the water problems but they were never repaired and there is a hole out front that needs to be fixed. Is there a way to find out how much is being collected for wheel tax and where that money goes? I was talking to someone that stated each street can only be redone once every forty (40) years. I would like to know how much we have coming in and where it is going.

Jim Bognar – 807 W. Washington, South Bend – The handouts you are receiving, I don't expect you to look at them completely, but you are a part of the thirty-two percent (32%) in this area that I spoke to. This is in reference to the Kaiser Mansion on 802 W. Washington as this has to do with Historic Preservation. I have included in your presentation that \$30,000 each year comes from the City to support the Historic Preservation Commission. I also included documentation how the main building came into existence as part of four (4) properties. Interestingly in front of the County Council, I got drilled with questions and I realized that conversations weren't being had, and that it is our tax dollars that are being spent for this. You are involved in at least thirty-two percent (32%) of what happens with the Historic Preservation, with at least getting back the funds for this project.

Richard Chambliss – 1243 Van Buren, South Bend – I have been there for almost fifty (50) years. We are disappointed how our area has been handled. When they were tearing down

properties and I tried to buy two (2) or three (3) homes instead they went to people that lived out of town. A lot of people there were interested in those houses, and the City wouldn't sell them to us. They tore them down but no one stated what they were doing with these vacant lots. They could have gotten tax money off of us if you would have sold them to the people. Now you're stuck with empty lots and you can't build on them. I am curious as to what you are going to do. I appreciate that if I could find out.

Rod Goodchild – 837 S. 24th Street, South Bend – I have been asked to update you, it goes without saying that I ran for Council and the name Goodchild means a lot. My father built this City, he came here in 1946 and put in all the pipes. When I ran I had three (3) people that I didn't know until IUSB, when some of my opponents stated that I have three (3) people here that all supported me. The same three (3) people are the ones that took me out and took me to their office and stated, you Goodchild you know what you're going to do this race and to this district. You stay in it and you check out before Monday, if you don't you will have a black woman on that Council, and I said good. Together we could have taken out the candidate that would possibly be the next Mayor. I knew nothing about this until the debate of South Bend. When I went door to door, people just said I will look you up on the internet. You might know Davis there, do you think that he had any discretions. Twelve (12) under one (1) candidate, any kind of articles, like I didn't see you. I didn't see you Tim Scott at the last few meetings. You said Goodchild, but you weren't even here. Maybe the Priest that told all those lies wasn't at the soup kitchen either, and maybe if you're a priest you don't have to have any clarification from the church. Maybe you didn't write a book about what happened to me at IUSB. I have all the articles, I have all the information. I came here to let the people know how the Democratic Party works.

Pastor Fred Preston – 160 N. Summit Drive, South Bend – I am here to voice my opinion on what Mr. Scoby was saying about MLK Drive. I am in consensus with him about the street going to Portage Ave. I agree with the group that would like to have it on Portage Ave so that's why I am here.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 9:12 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Tim Scott, President