

REPORT OF SUB-COMMITTEE ON MINUTES

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

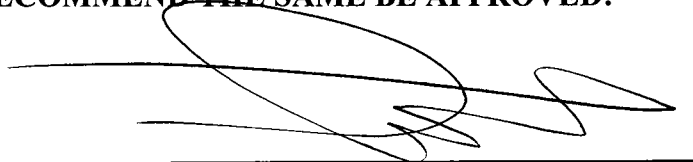
THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE

February 8th, 2016

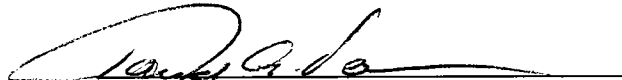
*Have
Gavin*

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:



TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: February 22nd, 2016

ATTEST:


KAREEMAH FOWLER, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, February 8th, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Dr. Kelly Jordan, Vice President for Student Affairs and Dean of Students at Holy Cross College and Pledge to the Flag was given.

ROLL CALLCOUNCIL MEMBERS:

Tim Scott	1 st District, President
Regina Williams-Preston	2 nd District
Randy Kelly	3 rd District
Jo M. Broden	4 th District
Dr. David Varner	5 th District
Oliver J. Davis	6 th District, Vice President
John Voorde	At-Large
Gavin Ferlic	At Large, Chairperson Committee of the Whole
Karen L. White	At-Large

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
Adriana Rodriguez	Legal Research Assistant
Kareemah Fowler	City Clerk
Jennifer Coffman	Chief Deputy Clerk
Alkeyna Aldridge	Deputy Clerk
Joseph Molnar	Clerk Executive Assistant

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Gavin Ferlic made a motion that the minutes of the January 25, 2016 meeting of the Council be accepted and placed on file. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

Council President Tim Scott announced Bills 05-16 and 16-16 will be continued to February 22nd 2016.

MAYOR'S ANNUAL ADDRESS TO THE COMMON COUNCIL ON FINANCES AND THE GENERAL CONDITION OF THE CITY PURSUANT TO § 2-3.1 OF THE SOUTH BEND MUNICIPAL CODE

Mayor Pete Buttigieg gave an address to the City Council on the state of the City's finances. There will be a more general State of the City address on February 23rd 2016 at IUSB.

In 2015 the City had total expenditures of \$293,505,690 dollars. The General Fund revenue, supported by property tax dollars for "ordinary" city businesses, came in slightly higher by about one million dollars than was anticipated. The Enterprise Funds came in a bit lower which was expected as the City did not issue a bond last year. For the foreseeable future there will be more redevelopment projects than we can finance, which is a good problem to have as it points to a

growing economy, but still presents challenges. Internal Service Funds are a category of expenditures to keep an eye on as that includes the cost of health care. There has been a leveling off the past two years but that is mainly due to the City losing the Zoo employees and the 911 employees. Health care per employee is still rising. The new Healthcare Clinic, recently opened, is designed to help get those healthcare costs under control. Since the City is self-insured even one or two major healthcare issues can be noticeable and hopefully this clinic will help catch those large cases early on.

The single biggest revenue stream of the total \$290,000,000 is charges for services, making up around twenty-nine percent (29%). These are water, sewer, and trash fees for the most part. Property taxes, the single biggest tax the city collects, stood around twenty-five percent (25%). Local income taxes are growing in importance to the overall city budget. The bulk of expenditures is on Utilities and Public Safety.

Regarding the General Fund specifically, which the City has more discretion over how funds are allocated, the vast majority is going to Public Safety. These funds are almost totally raised by property taxes so they are very hard to replace.

In 2020 the State's final property tax cap, of which the large portion happened in 2008 and 2009, will kick in. The estimated loss in General Fund revenue is \$2.54 million dollars. The estimated Parks & Recreation loss is \$510,000.00. The estimated TIF Funds loss is \$3.8 million.

Local income taxes have become more important in the overall make up of revenue for the city. The total of the local option income taxes in South Bend is 1.75%, the state max for local option income taxes is 2%.

South Bend has very high cash reserves at over 50% of expenditures. This is very high for a city our size and one of the highest in the state. In per capita outstanding debt South Bend is in a decent position, around the middle compared to other comparable Indiana cities. This is true for long-term debt as well.

The city had 1,069 employees last year which is down over the past years because the Zoo and 911 were taken off the city books. Taking into account those losses, the City has remained steady after the big drop off in 2008 and 2009. A majority of full time employees are in Public Safety and the next largest is Public Works. Parks & Rec. had eighty-eight (88) full time employees, of course that does not account for the many part time and season employees they hire over the summer months.

South Bend has an AA bond rating which has saved tax payers millions over recent years as the City qualifies for lower interest rates. Looking at the top five (5) second-class cities in Indiana, four of the top five (5) are wealthy Indianapolis suburbs and then relative lower income South Bend as number three (3). This is a credit to successive Administrations and Councils who have kept the City in good financial shape.

South Bend received the Distinguished Budget Presentation Award and the Certificate of Achievement for Excellence in Financial Reporting. Fishers is the only other city in the state of Indiana who received both of those awards this year.

The Mayor provided a link to all available financial reports. The entire budget down to the dollar is available online. In addition to that, the City also has opened up our checkbook and put that online as well, which is not required by law. This allows specific expenditures to be available to the public and interested parties. The City is also looking into populating a Popular Financial Report as well to be more user friendly for the average citizen.

Each Councilmember was given the opportunity to ask the Mayor three questions.

Councilmember Dr. Varner asked if the potential shortfalls factored in any growth.

The Mayor responded the City selected a middle ground for growth of one (1) to two (2) percent for these projections.

Councilmember Dr. Varner asked if we have seen net assessment growth from the millions of dollars spent on redevelopment over the past few years.

The Mayor responded there is a payback period that is intended in those agreements. The City is now coming up to the point where we can look if we met those benchmarks that were planned out.

Councilmember Karen White asked if the total of all those economic setbacks by the property tax was over \$6.5 million. The Mayor responded yes it is much larger than just the General Fund setback. Councilmember Karen White agreed with the Mayor that we need to start addressing those setbacks in this budget.

Councilmember Oliver Davis stated during the last property tax cutbacks we had experts come in to analyze the numbers and give presentations to the Council, he asked when the Council could expect to see something similar from this Administration. He also asked if the Mayor believes there are any proposals in the Statehouse that may roll back these reductions.

The Mayor responded every year a few property tax reform bills are proposed but none of them are likely to succeed and they are very small compared to the property tax cutbacks of 2008 and 2009. The Mayor expressed that the current makeup of the Statehouse does not seem willing to provide relief in property taxes. The Administration would be happy to set up meetings between the financial analysts as they update these numbers with the Council.

Councilmember Oliver Davis asked if changing or reducing the Cities TIF areas may help provide some relief.

The Mayor said changing TIF funds has pros and cons. The benefit is you are still keeping the funds in the City. The downside is you really only get pennies on the dollar back to the General Fund. While TIF areas do make up a large portion of the physical area of the City they do not make up that high of a percentage based on assessed value. The Mayor agreed that creative solutions need to be looked at to address these issues and the Councilmembers who worked through those 2008 and 2009 cutbacks, their expertise will be needed.

Councilmember Randy Kelly asked if anyone is seriously looking at changing to a land value taxation value in the Statehouse.

The Mayor responded he has not heard of anything towards that goal but would get back with Councilmember Randy Kelly if he did.

Councilmember Jo M. Broden thanked the Mayor and the finance team who continue to win these awards and thanked the City as a whole for developing the Healthcare Clinic.

Councilmember John Voorde complimented the financial team and believes more financial information is available to the public easily than has ever been.

Council President Tim Scott asked if the Parks & Rec figures were not including the bonds.

The Mayor responded yes these are just cash flow accounts.

Council President Scott asked if the Health Clinic has all employee buy in and if there is a projected offset in the coming years.

The Mayor said they have no projections at the moment but they do think it will save a good amount of money in the future since the City is self-insured.

Council President Tim Scott asked if someone would give a presentation to the Health and Public Safety Committee regarding the clinic. The Mayor responded yes that's no problem.

The Mayor thanked the Councilmembers and if there are any further questions please email them and he will get a response as soon as possible.

REPORTS OF CITY OFFICES

Representing the city administration will be Pete Buttigieg and James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:41 p.m. Councilmember Oliver Davis made a motion to resolve into the Committee of the Whole. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes. Councilmember Gavin Ferlic, Chairperson, presiding.

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

PUBLIC HEARINGS

81-15

PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, IN

Councilmember Karen White made a motion to hear the substitute to Bill 81-15. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver Davis reported the Zoning and Annexation Committee met and sends this bill to the full Council with a favorable recommendation.

Matthew Chappuies, with offices on the 11th Floor of the County City Building, presented the bill. The land in question is approximately twenty-five (25) acres rezoning from the Office District to Light Industrial zoning. Mr. Chappuies provided an aerial view of the location and other pictures of the property. There are no proposed developments at this time. This comes from the Area Plan Commission with a favorable recommendation contingent on the written commitments that restrict uses that are not compatible with the adjacent airport.

Mike Danch, 1643 Commerce Dr. South Bend, served as the petitioner. The City has found over the last several years this particular part of South Bend and the city as a whole is becoming more appealing as a distribution area. This rezoning would allow this property to be used for that purpose and is an ideal location due to its location near the Bypass and the Toll Road. There are written commitments that will go with this land that the Airport requested and we have agreed to. If anyone requests a change to those commitments the Airport would be notified of those changes as well.

There was no one from the public wishing to speak in favor of the bill.

S. J. Szabo, offices on Mishawaka Ave, spoke in opposition to the bill. He was concerned about the effect this development would have on the Blackthorn Golf Course. To turn those woods into an industrial area would be hard on the ambiance of the course. He proposed the wooded section be prohibited from any development.

Mr. Danch responded this is a part of Blackthorn Office Park and there is an overlay district that defines the architecture and landscaping possibilities which requires them to be very sensitive to the golf course.

Councilmember Oliver Davis asked if anyone from the Blackthorn Group submitted questions or negative comments.

Mr. Danch responded no. At the meeting where this was discussed with the Blackthorn Owners there were no concerns and they are fully aware of what's going on.

Councilmember Tim Scott voiced his support for this bill. The City has annexed this development with the support of everyone out there and what we are not doing is maximizing the potential of land within our city limits that has not been developed.

Councilmember John Oliver moved the substitute Bill 81-15 go to the full Council favorable. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

05-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

06-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

Councilmember Oliver Davis made a motion to continue both Bills 05-16 and 16-16 until February 22nd 2016. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

Councilmember Oliver Davis made a motion to rise and report to full Council. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

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 7:51 p.m. Council President Tim Scott presided with nine (9) members present

BILLS – THIRD READING

81-15 THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTIES LOCATED AT 5603 F J NIMTZ PARKWAY, THE SOUTHWEST CORNER OF F J NIMTZ PARKWAY AND MOREAU COURT AND PROPERTY NORTH OF AND ADJACENT TO 3575 MOREAU COURT, SOUTH BEND, IN

Councilmember Oliver Davis made a motion to amend Bill 81-15 as in Committee of the Whole. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to pass Bill 81-15 as amended. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

RESOLUTIONS

16-03

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2906 PRAIRIE AVENUE, SOUTH BEND, INDIANA

Councilmember Oliver Davis reported Zoning and Annexation Committee met and sends this resolution the full Council with a favorable recommendation.

Ayoka Paek, Building Department 125 S. Lafayette St. Suite 100, served as the presenter. The Area Board of Zoning Appeals sends this favorably. One adjacent land owner did have questions and the petitioner agreed to work with them going forward and everything is good between the two parties.

David Sewell, Tribal Planner for the Pokagon Band with offices at 58620 Sink Rd. Dowagiac Michigan, was the petitioner for this bill. This is for a police substation on the site. They intend to take down the house currently on the site and construct a 46,000 square foot police substation on the site. This is an office building that would house the tribal police as well as the local jurisdiction police. There is a possibility of having an interrogation room and the public could come there seeking safety. There will be no detaining at the site. They will install lighting that only shines down to alleviate the concerns of the adjacent property owner and in compliance with site plan approval.

There was no one from the public wishing to speak in favor of the bill.

S. J. Szabo, offices on Mishawaka Ave., spoke in opposition to the bill. He asked if the tribal police are answerable to the same rules of transparency as the South Bend Police are.

Council President Tim Scott stated that they can only answer or ask questions regarding the specific petition regarding zoning appeals.

Councilmember John Voorde made a motion to adopt 16-03. Councilmember Karen White seconded the motion which carried. The resolution was adopted by a roll call vote of nine (9) ayes.

16-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3939 SOUTH MICHIGAN STREET, SOUTH BEND, INDIANA

Councilmember Oliver Davis reported Zoning and Annexation Committee met and sends this resolution the full Council with a favorable recommendation.

Ayoka Paek, Building Department 125 S. Lafayette St. Suite 100, served as the presenter. This is an application for auto sales at an old restaurant. Area Zoning appeals sent this with a favorable recommendation and all opposition has been cleared up.

Bernard Feeny, 715 S. Michigan St., served as the petitioner. This resolution is for the former Honkers restaurant on South Michigan St. R & B Car Company wants to use the former restaurant to sell cars. They will occupy the existing parking spaces with the autos for sale, and there are no changes anticipated for the building at this time.

There were no questions from Councilmembers.

No one from the public wished to speak in favor or opposition to this resolution.

Councilmember Oliver Davis made a motion for adoption. Councilmember Gavin Ferlic seconded the motion which carried. The resolution was adopted by a roll call vote of nine (9) ayes.

16-08

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
ESTABLISHING A 5-MEMBER ADVISORY SPECIAL
COMMITTEE TO STUDY AND RECOMMEND ALL
REASONABLE AND VIABLE OPTIONS FOR THE
PROPERTY KNOWN AS ELBEL GOLF COURSE AS A
SHORT AND LONG TERM ASSET OF THE CITY OF
SOUTH BEND, INDIANA

Councilmembers Karen White, At-large Councilmember with offices on the 4th Floor of the County City Building, and Regina Williams-Preston, Second District Councilmember with offices on the 4th Floor of the County City Building, served as the presenters for this resolution.

Councilmember Karen White thanked Councilmember Jo M. Broden for the work she has done to bring this resolution before the Council. When there are discussions about a sale or lease of any park resources, the City must have full disclosure and transparency. Citizens expect the City to be good stewards of their tax dollars. The proposed committee would enhance communication, transparency, and gather and disseminating information. All concerned parties can present their concerns, ask questions, and provide their recommendations for the future of the golf course. In the interest of the residents and business owners this committee should be established to review all viable options going forward for Elbel Park.

Councilmember Regina Williams-Preston read the full resolution.

Council Attorney Kathleen Cekanski-Farrand explained what a non-binding resolution is. The committee can advise and make recommendations to the full Council. These are non-binding recommendations and not final.

Councilmember Jo M. Broden expressed her belief this resolution is a great compromise for the city to come together and decide what to do with this great asset. She pointed out a link that is on the Common Council's website that has a large amount of relevant financial data as well as PARC Committee minutes and Park Board minutes as well over the past three years.

Councilmember Oliver Davis stated there is no question on the public trust portion of the committees' resolution. There has been a public trust issue regarding the Elbel sale and we are bound as a Council to listen to their concerns. He hopes this committee will be a spring board to more permanent discussions and that the community continues to work with the Council going forward.

There were no questions from the Council.

Those wishing to speak in favor of the resolution:

S. J. Szabo, offices on Mishawaka Ave., thanked the Council for taking the initiative on this important issue that is surely needed. He supports the intent and respect for the public that is embodied in this resolution but takes issues with three aspects. There is no reason to restrict the committee for forty-five (45) days. The committee should not be made up of five (5) bureaucrats and should include from the outset members of the public, resources of ecological expertise, and members from the local colleges. Last, he is discouraged of the non-binding nature of this resolution and the Council should assert itself and make this committee's recommendations binding.

Jason Banicki Critchlow, 3822 W Fourth St., thanked the Council for making the public process more transparent. As the City continues to expand westward, this part may be in the city limits in the next fifty (50) to one-hundred (100) years so let's not rush to a decision. Perhaps there are other areas where we may need to trim the fat of the Park budget. Let's make sure if we go forward with this, the City thinks about what we are doing and not just guess and gamble.

Pam Clays, 1106 Bell View Ave, applauded the sponsors of this Bill. It was a travesty there was not more transparency in this process starting out and she agreed there is no reason to limit this

Committee to forty-five (45) days. There is no rush on this, take your time and make a proper judgment.

Sharon Banicki, 3822 Ford St, thanked the Council for putting the brakes on the sale. More public input should be sought not just the five (5) hand chosen ones. Elbel is too valuable of an asset to let it go to solve a short term money problem.

Paul Blaschko, 322 E. Colfax Ave Apt. 209, asked everyone who was with Elbel for Everyone to stand up. The group is grateful for their chance to address the PARC Committee earlier today. Elbel for Everyone, or at least a large majority of their members, are in favor of this resolution. It is a good first step in this process in making sure a wise outcome comes out of all of this. The residents of South Bend are ready and willing to cooperate with the proposed committee.

Jen Betz, 511 S. St. Joseph St, expressed her appreciation for the resolution. She asked how the public participate in robust ways if all the members are government officials. Forty-five (45) days is too short to have a ecological assessment, which takes a year to do, and we really need that assessment to evaluate what to do with this property. The non-binding portion of the committee is also troubling as the Park Board are not elected officials and do not have the same public pressure as public officials.

Chris Cobb, 215 E Pokagon St 46617, thanked the Council for developing this resolution. When the decision about the sale of Elbel came up the full Council was going to take that sale until their was public outcry. This committee's non-binding resolution, with two non-elected members, needs to be taken seriously and not simply pushed aside afterwards. More time is needed than forty-five (45) days.

Margaret Pfeil, 511 S. St. Joseph St., added her thanks for the proposal of this resolution. She also expressed the opinion more time is needed and a yearlong commission should be established as well. She has great respect for the process and understand why this is a non-binding resolution but suggest everyone is also bound by higher law and that our consciences are at stake here.

Benito Salazar, 23818 Grant Rd, totally agrees with the resolution. This is going to be a fantastic first step. He stressed that we should not forget about the other parks that desperately need funding. LaSalle Park needs funding, there are no restrooms and no water there. He believes in what the Council is doing but hopes they do not forget about the other parks.

Mathew Insley, 511 S. St. Joseph St., wondered what the official name of the park is. As far as he knew the official name is Elbel Park that happens to have a golf course on the property. He reminded the Council they represent the people and they have been clear a stop button needs to be pushed for at least a year. Yes the Mayor is popular and the Mayor is certainly a friend to many of you and many of us and he has done a great job leading this city but he made a mistake on this one. The Mayor has made this question seem urgent and that they have to make a decision right now but that's not true. The City should push stop on this and not just pause.

Bishop Eddy Miller, 909 N. Bendix Dr., appreciated the efforts of the Council with concern towards the sale of Elbel Park. He cautioned the Council and reminded them that we do have about seventy (70) other Parks that are in desperate need for public services and money. A lot of the basketball and tennis courts need to be refurbished. He did not speak against Elbel but asked the Council to please be mindful of those other parks as well when deliberating on this issue.

Aaron Perri, 321 Walter St. and Director of Parks in South Bend, thanked the Council for their leadership on this topic. He looked forward to working with this proposed committee and the public going forward regarding Elbel. He noted that although this is a non-binding resolution, he intends to act as a department head dutifully on the recommendation of this committee. There will be a special Parks Board meeting specifically on Elbel on February 11, 2016.

Kathryn Osborne, 517 River Ave. South Bend, echoed the thanks of the previous speakers. She was pleased to see earlier that the City is in great shape financially and that we have good stewards who are taking care of the City's finances. This should hearten everyone to see we are not in a financial emergency and we can take the time to analyze what should happen with Elbel. She stated she thinks this committee will find ways to make Elbel more accessible to everyone

and not pit parks against each other. Overall, the City should be able to say stop and find the money to keep Elbel a city park.

No one spoke against the resolution.

Council Attorney Kathleen Cekanski-Farrand noted the proposed resolution refers to the property as 26595 Auten Road, which covers the entire three-hundred and fourteen (314) acres and is the entire park.

Councilmember Oliver Davis asked if it is possible the proposed committee could ask for more time and that their committee be expanded.

Council Attorney Kathleen Cekanski-Farrand responded they could do that and it would take an action of the Council as an amendment to the resolution. The Council always has the power to amend the resolution and expand the days or the membership of the committee.

Councilmember Regina Williams-Preston thanked the public for coming and speaking in favor of this resolution. She highlighted there is no reason to rush. In many of the conversations she had on this issue one comment stuck with her that the woman said "I came to this because of turtles but I am staying because of transparency." This is much more about Elbel, it is about being transparent and responsive to the public's interest. She hopes this process serves as a model going forward because we obviously have other issues to address in South Bend. The City needs to start listening to all facets of the community and their issues.

Councilmember Randy Kelly stated the committee is being put together to look all the issues that have been brought up. This is not to say we are finished with this in forty-five (45) days but to have the chance to talk to experts and interested citizens and make a recommendation that maybe we do need a year-long study. Just because this committee only lasts forty-five (45) days does not mean that is when the process will end, the idea is within that time frame that puts our feet to the fire, and we can make a good decision that leads to maybe more long term recommendations.

Councilmember Jo Broden stated the practical concern is we have to open the course for golf this year. That question of how we do that needs to be addressed quickly and that was the reason for the shorter time frame. The first question the committee answers is to figure out what to do this year because we have golf packages to sell and also a commitment that the course is in an outstanding condition. This was a measure to make sure the public voices were heard but it is not only reactionary but is also nimble enough where the circumstances can change.

Councilmember Dr. Varner stated a big issue is how Elbel is addressed. The other big issue is what we do in the long term. This problem will not be solved in forty five days but the issue of the golf course for this playing year can be addressed in that forty-five (45) days. He agreed that if we are going to make this course available it should be in the best shape possible. He expressed support for raising rates if that is needed and making the course pay for itself if it can.

Councilmember Oliver Davis stated priorities are needed because there are a lot of separate issues but the issue that comes first is how to run this golf course and park this coming year. There is no reason that some of our parks should be in conditions that have been shared by the public today. The Parks Department came to us, and the Council funded their budget, and they said all the parks would be funded. During the last budget season no one came and talk about the issues mentioned earlier tonight, plus we approved a Park Bond to take care of those needs. These discussions need to happen separately, it is not the parks on the East Side versus the parks on the West Side. Let's talk about and figure out what to do about Elbel. We should not have to compare a park and basketball court. The Council was never told that Elbel was being cautiously spent out, that's not fair to the Council and not fair to the people who signed up for memberships. Those people should want their money back. Councilmember Oliver Davis stated his appreciation of Aaron Perri and what he said earlier about listening and acting on the committees suggestions because people needed to hear that and that gives you credibility with the people. This is a critical point in our cities government because if the people can't trust us on this they won't trust on anything.

Councilmember John Voorde voiced his support for this resolution and everything that has been said. He was disappointed in the way this seemed like it was going to play out, you cannot talk

about the importance of transparency and then not act in that manner. The City is paying for years of neglect in the parks system, there hasn't been a Parks Bond since the early 1980s and that was restricted to opening up the East Race. Since then Parks have been underfunded and now a bond was passed that only passed twenty (20) to twenty-five (25) percent of what was needed. The numbers that we have seen do not justify selling off the gem of the parks system.

Councilmember Gavin Ferlic thanked the sponsors for introducing the bill which is a great first step in this process. He expressed hope that a shorter term solution regarding the operations of the golf course is developed and then a longer term plan, whatever that might be, comes out of this. He challenged the public to stay involved not just from a meetings perspective but getting people out to the park, getting the inner city youth out to the park. If the public wants to see more access to the park, this Elbel for Everyone group can be a huge part in that.

Councilmember Karen White expressed her support for the resolution. A lot of the questions and recommendations in terms of the time frame will be a part of the committee's first set of actions. What is important is the Council is listening and it is encouraging to hear the Park Executive Director to say that he is listening and that the recommendations will be well received. This Council is committed to enhancing communication and transparency and everyone will have the opportunity to have their voices heard by this committee.

Council President Tim Scott stated once we sell this we don't get it back so we have to make the right decision. He reported he has worked with Aaron Perri for a long time and he is the best person to be transparent and listen to ideas and develop out of the box ideas. Mr. Perri has been thrown into this at the last minute so everyone should remember that, but he will give everyone a fair deal. The dynamic of this Council is amazing in the willingness to do research and be willing to do the homework needed. This committee is only step one. This Council is willing to not rush the decision if that is required. There are multiple groups and interests with a stake in what happens regarding Elbel and they will all be heard from and considered.

Councilmember Randy Kelly reported this resolution was sent with a favorable recommendation by the PARC Committee.

Councilmember Gavin Ferlic made a motion to adopt Bill 16-08. Councilmember Oliver Davis seconded the motion which carried. The resolution was adopted by a roll call vote of nine (9) ayes.

BILLS FIRST READING

08-16

FIRST READING ON AN ORDINANCE TO VACATE THE FIRST NORTH/SOUTH ALLEY WEST OF 29TH STREET FROM MISHAWAKA AVENUE TO FIRST EAST/WEST ALLEY FOR A DISTANCE OF 130 FEET AND WIDTH OF 16 FEET. SAID ALLEY IS BEING APART OF EGGLESTON'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST JOSEPH COUNTY, INDIANA.

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to Public Works & Property Vacation and set for Public Hearing and Third Reading on February 22nd, 2016. Councilmember Randy Kelly seconded the motion which carried by a voice vote of nine (9) ayes.

09-16

FIRST READING ON AN ORDINANCE 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 PORTAGE TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 6, FOR 22027 STATE ROAD 23, SOUTH BEND, INDIANA

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the Area Plan Commission and Zoning and Annexation and set for second reading on April 11th, 2016. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

10-16

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$68,000 FROM PARK NONREVERTING CAPITAL FUND (#405)

This bill had first reading. Councilmember Gavin Ferlic made a motion to refer this bill to the PARC Committee and set for Public Hearing and Third Reading on February 22nd, 2016. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

UNFINISHED BUSINESS

01-16

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE DISPOSITION OF REAL PROPERTY LOCATED AT 26595 AUTEN ROAD, SOUTH BEND, INDIANA 46628

Councilmember Oliver Davis made a motion to strike Bill 01-16. The motion was seconded by Karen White which carried by a voice vote of nine (9) ayes.

16-09

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2610 PRAIRIE AVE., SOUTH BEND, INDIANA

Councilmember Gavin Ferlic made a motion to refer this bill to the Zoning and Annexation Committee and set for Public Hearing and Third Reading on February 22nd, 2016. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Gavin Ferlic made a motion to appoint Jo M. Broden, Randy Kelly, and Karen White to the special committee established by Bill 16-08. Council President Tim Scott seconded the motion which carried by a voice vote of nine (9) ayes.

PENDING INACTIVE/DORMANT BILLS

- | | |
|--------|--|
| 13-18 | A RESOLUTION CALLING FOR A TEMPORARY MORATORIUM ON THE DEMOLITION OF BUILDINGS WHICH ARE NOT A HEALTH AND PUBLIC SAFETY HAZARD |
| 15-13 | VOICING CONCERNS OVER THE ASSESSMENTS OF LAND AND SEEKING AMICABLE SOLUTIONS WHICH ARE IN THE BEST INTERESTS OF THE TAXPAYERS |
| 24-12 | AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 6 ADDRESSING AIR POLLUTION CONTROL AND ADDING NEW SECTIONS 13-76 THROUGH 13-77 ADDRESSING CLEAN AIR STANDARDS FOR WORKPLACE AND PUBLIC PLACES |
| 70-13 | AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 8 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW SECTION 2-116.1 CITY RESIDENCY |
| 77-13 | AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS ON PUBLIC WORKS PROJECTS |
| 14-100 | A RESOLUTION RECOGNIZING THE 2ND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES' DAY ALSO TO BE KNOWN AS NATIVE AMERICANS DAY |
| 14-15 | A BILL AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSIONS OF NEW ARTICLE 12 ENTITLED COLLABORATIVE PILOT INITIATIVE ON HOMELESSNESS |
| 15-94 | A RESOLUTION PLEDGING SUPPORT TO THE SOUTH SHORE LINE |
| 18-15 | A ORDINANCE AMENDING CHAPTER 20, ARTICLE 13 OF THE SOUTH BEND MUNICIPAL CODE BY ESTABLISHING CITY-WIDE REGULATIONS BANNING THE USE OF ALL HAND-HELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING |
| 19-15 | AN ORDINANCE CALLING FOR THE ESTABLISHMENT OF A SOUTH BEND MUNICIPAL ID CARD PROGRAM |

Councilmember Gavin Ferlic made a motion to strike Bills 13-18 15-13 24-12 70-13 77-13 14-100 14-15 15-94 18-15 and 19-15. Councilmember John Voorde seconded the motion which carried by a voice vote of nine (9) ayes.

Council President Tim Scott explained those were bills that were inactive and dormant from the last Council. They were mainly sponsored by former Councilmember who are no longer on the Council and this process cleans up the docket. A Councilmember could always bring up the issues or bill again this year.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Sharon Banicki, 3822 Ford St, welcomed the new councilmembers. She stated when the Council looks at the city code book allow for the voices of the community to be heard. Please take into consideration if departments can actually perform the requests the Council makes of them.

Jason Banicki Critchlow, 3822 W Ford St, spoke about the problem of the over one-hundred (100) habitual homeless. Luckily this has been a relatively mild winter which makes it easier on them. The Center for the Homeless will lose several of their large grants and he would like to see more programs and initiatives from the City to help those who are least among us.

Samuel Brown, 222 E. Navarre St., addressed the Council regarding the MLK Street Naming Committee. He reported the committee is making progress and there will be another meeting on February 18th 2016.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 9:17 p.m.

