

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

154
261

April 11, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:

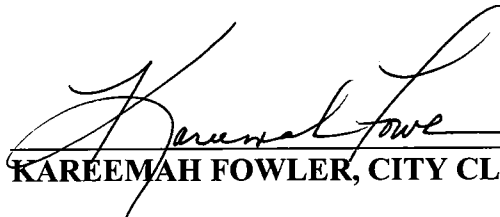
TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: April 25, 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, April 11th, 2016 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation was given by Pastor Bill Wildey from Zion United Church of Christ and Pledge to the Flag was given.

ROLL CALLCOUNCIL MEMBERS:PRESENT:

Tim Scott	1 st District, President
Regina Williams-Preston	2 nd District
Randy Kelly	3 rd District
Josephine Broden	4 th District
Dr. David Varner	5 th District
Oliver J. Davis	6 th District, Vice President
John Voorde	At-Large
Karen L. White	At-Large

ABSENT:

Gavin Ferlic	At Large, Chairperson Committee of the Whole
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OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Karen White made a motion that the minutes of the March 29th 2016 meeting of the Council be accepted and placed on file. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

Council President Tim Scott announced that Bills 7-16 (New City Flag), 12-16 (Landlord Registration), 5-16 (Nuisance Fees) and 6-16 (Unsafe Building Fees) were all going to be either continued or stricken from the agenda.

16-34

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
CONGRATULATING THE JOHN ADAMS HIGH
SCHOOL TEAM "WALL STREET POSSE": THE 2016
INDIANA HIGH SCHOOL MOCK TRIAL
COMPETITION

Councilmember Jo M. Broden invited the members of the team up to the podium and read the resolution in full. She expressed her gratitude to the team and all they have done to represent the City of South Bend in such a positive light. She made specific mention of the seventeen (17) state titles and two (2) national titles.

Councilmember Regina Williams-Preston congratulated the team and stated how phenomenal it is to see students in South Bend doing such tremendous work.

Councilmember Randy Kelly stated his pride in the work this team does both as an alumni of Adams High School and having a former child in the program. It is unknown by most people how many hours these students take to prepare and the excellence they have shown year after year is tremendous.

Councilmember Dr. David Varner wished the team good luck at nationals and congratulated them on their record.

Councilmember Oliver Davis stated to have sustained greatness is amazing and this mock trial team has set the standard for excellence in both South Bend and across the state.

Councilmember John Voorde stated he appreciates the time that both the students and parents put into this program and wished them luck at nationals.

Councilmember Karen White stated every year she looks forward to the mock trial students, parents and coaches come out with their success. Seventeen (17) state titles and soon to be three (3) national titles is an amazing testimony to the work everyone has put into this program. The commitment they have all given to this educational journey speaks volumes.

Council President Scott agreed with all his councilmembers and stated this experience and knowing how hard they are capable of working will help them all going forward in education and in other opportunities.

Samuel Brown, 222 E. Navarre St, South Bend, stated he knows how hard these students work as he had a granddaughter who used to be on the team and these students are so bright and South Bend is very proud of them.

Councilmember John Voorde made a motion to adopt Bill 16-34. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

REPORTS OF CITY OFFICES

Representing the city administration will be James Mueller.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:20 p.m. Councilmember Karen White made a motion to resolve into the Committee of the Whole. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes. Councilmember Oliver Davis, Council Vice President, presiding.

Council Vice President Oliver Davis 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

14-16

PUBLIC HEARING ON AN ORDINANCE TO
VACATE THE FOLLOWING DESCRIBED
PROPERTY: THE ALLEY TO BE VACATED IS
THE FIRST NORTH/SOUTH ALLEY WEST OF
CUSHING STREET FROM LINCOLN WAY

WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

Councilmember Jo M. Broden reported that the Public Works and Property Vacation committee met and due to a lack of quorum they sent this bill forward with no recommendation.

Jordan Liss, 1841 West North Ave Chicago IL, served as the petitioner for this bill. He stated his company is looking to construct a family dollar store at this property. This alley if vacated would make the property a continuous piece as right now the alley splits the property.

There were no questions from the Councilmembers and no one from the public spoke in favor or opposition to the bill.

Councilmember Karen White made a motion to send Bill 14-16 to the full Council with a favorable recommendation. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

07-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 1 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW SECTION 1-5.1 ENTITLED CITY FLAG

Councilmember Karen White made a motion to continue Bill 07-16 to April 25th 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

12-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM

Councilmember Karen White made a motion to continue Bill 12-16 to May 9th 2016. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

18-16

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 1 OF THE SOUTH BEND MUNICIPAL CODE BY DELETING SECTIONS 2-9.1 ADDRESSING POLICIES AND PROCEDURES GOVERNING CITY-OWNED TECHNOLOGIES, FACEBOOK STANDARDS, SOCIAL MEDIA AND SOCIAL NETWORKING POLICIES AND PROCEDURES

Council President Tim Scott reported that the IT Committee met and sends this bill to the full Council with a favorable recommendation.

Council President Tim Scott served as the presenter and petitioner of this bill. He stated they are asking to repeal the Facebook and Social Media standards in light of the new council and regarding any litigation so they wish to remove the standards.

There were no questions from the Council.

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

One member of the public spoke in opposition to the bill:

Rhonda Richards, 1020 Clover St. South Bend IN, thanked Councilmembers Tim Scott, Gavin Ferlic and former Councilmember Derek Dieter for taking time to listen to her and her concerns about inappropriate social media uses in the past by councilmembers. She understands the legal challenges against the standards brought by the ACLU on Councilmember Oliver Davis' behalf. She claims the ACLU had given their ok when the bill was being written and discussed initially. For them to turn around and sue against it seems like profiteering and a possible conflict of interest on their part. Also, she stated her concern toward the president of the Council for allowing one member to hold the Council and City hostage with a frivolous lawsuit because he is apparently double minded on this issue. During the debates and conversations about Municipal Code 2-9.1, Oliver Davis blustered on and on that he wanted everyone to know that he was the first to request this type of clarity several years before and nothing was ever done. So now instead of being an asset to the City and Council he is throwing an adult temper tantrum because he didn't get his own way. It's not exactly what he wanted so he'll hold his breath till he turns blue, costing the City and the Council valuable time and effort that they and he have been elected to spend representing the citizens of South Bend. The additional fact that one of our new Councilmembers, John Voorde, has already admitted to using government owned computers to be on the Ashley Madison website seems to be yet another reason why a code such as Municipal Code 2-9.1 is needed, not a reason to repeal it. She thanked Tim Scott and Gavin Ferlic again for hearing her initial concerns and their actions but she is disappointed with the back room deals and apparent lack of strength in this Council and administration to stand up for what is right. She submitted her comments to the Clerk's Office for public record.

Councilmember Karen White made a motion to send Bill 18-16 to the full Council with a favorable recommendation. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

19-16

PUBLIC HEARING ON AN ORDINANCE OF
THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, TO ADDRESS
BUSKERS AND SIDEWALK PERFORMERS BY
REPEALING CHAPTER 4, ARTICLE 4,
SECTION 4-21 OF THE SOUTH BEND
MUNICIPAL CODE, RE-CODIFYING AND
AMENDING IT WITHIN A NEW ARTICLE 13
OF CHAPTER 14, NEW SECTIONS 14-123
THROUGH 14-126 OF THE MUNICIPAL CODE,
AND FURTHER AMENDING CHAPTER 13,
ARTICLE 12, SECTION 13-26 CONCERNING
SOLICITATIONS

Councilmember John Voorde reported the Health and Public Safety Committee met and sends this bill forward with a favorable recommendation.

Aladean DeRose, City Attorney with offices on the 12th Floor of the County-City Building, served as the presenter and petitioner of this bill. The objective of this bill is threefold. First, to pass an unquestionably constitutional ordinance. Second, to provide reasonable time, place and manor restrictions on street performers otherwise known as buskers. Third, to welcome and

encourage busking activities within the downtown South Bend area. This ordinance would amend the current busker ordinance on file that was passed back in December of 2013 which has been challenged by the ACLU on behalf of a busker in South Bend. By later Council action the ordinance was suspended in terms of enforcement and the challenge was to find out how buskers were faring in South Bend and whether to continue with the current ordinance. As a result the administration interviewed members of the business community and downtown South Bend parties and the overwhelming response was that busking is a good thing for the city. Therefore the City wants to continue the process but do so in a constitutional manor. Therefore the changes proposed include the recodification of the ordinance, eliminating the fee requirement and the licensing process and moving the ordinance to the regulatory section of the South Bend Municipal Code. Also it has been amended to change the distance requirements and has them as recommendations not mandates. The fine has been reduced from \$250 to \$200 for the second offense. A busker has a duty to provide self-identification information if requested by an officer who suspects the busker has not complied with the ordinance. There is also an exemption in the solicitation ordinance to permit buskers to solicit fees if they do so in a non-aggressive manor. With these changes, the Administration believes all parties will be satisfied with this ordinance.

Council Vice President Oliver Davis asked if the person in the lawsuit is aware and approves of the changes.

Council Attorney DeRose responded yes.

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

Councilmember John Voorde made a motion to send Bill 19-16 to the full Council with a favorable recommendation. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

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

Councilmember Karen White made a motion to strike Bill 05-16 at the request of the petitioner. Councilmember Tim Scott seconded the motion which carried by a voice vote of eight (8) ayes.

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 Tim Scott made a motion to strike Bill 06-16 at the request of the petitioner. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

15-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM

EMS OPERATING FUND (#288), \$2,500 FROM 2015
SEWER BOND ISSUANCE FUND (#666), \$188,621
FROM CENTURY CENTER CAPITAL FUND (#671),
\$63,000 FROM WATERWORKS O&M FUND (#620),
AND \$361,294 FROM SEWAGE O&M FUND (#641)

Councilmember Karen White reported that Personnel and Finance Committee met and send this bill forward with a favorable recommendation.

John Murphy, City Controller with offices on the 12th Floor of the County City Building, served as the presenter and petitioner of the bill. It has been the practice of the Common Council to amend the budget quarterly which has worked pretty well. This bill is regarding the Enterprise Funds which are the business type funds of the city. The first expense is moving that money to a new fund the Council created in January. The second is purchasing a new ambulance and cardiac monitors. The third is for accounting and budgeting assistance. The fourth is for bond issuance cost, the majority occurred last year but one invoice did not come in on time and so it was paid this year. The next is from a fund created from the contract by SMG and we are spending the remaining balance of that account for capital improvements.

There were no questions from Council and no comments from the public.

Councilmember Tim Scott made a motion to send Bill 15-16 to the full Council with a favorable recommendation. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

17-16

PUBLIC HEARING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROPRIATING ADDITIONAL FUNDS
FOR CERTAIN DEPARTMENTAL AND CITY
SERVICES OPERATIONS IN 2016 OF \$25,000 FROM
GENERAL FUND (#101), \$587,022 FROM DCI STATE
GRANTS FUND (#210), \$926,497 FROM UNSAFE
BUILDING FUND (#219), \$17,500 FROM CENTRAL
SERVICES FUND (#222), \$22,000 FROM COVELESKI
NON REVERTING CAPITAL FUND (#401) AND
\$29,300 FROM COUNTY OPTION INCOME TAX
FUND (#404).

Councilmember Karen White reported that the Personnel and Finance Committee met and sends this bill forward with a favorable recommendation.

John Murphy, City Controller with offices on the 12th Floor of the County City Building, served as the presenter and petitioner of the bill. The civil city funds are the property tax supported funds. The first appropriation is out of the Fire Dept. budget for temporary budget assistance. The second is out of the state grant fund, this is an expenditure which was thought to occur last year but it did not. It is fully refundable through the blight elimination federal program so the City will get the money back so there is no net cost. The third is a transfer from the enterprise fund appropriation and putting it into this unsafe building fund that the Council created in January. In a sense it is a transfer but for accounting purposes it's a reduction of an appropriation and an increase of an appropriation. The fourth is for copier equipment. The final one is for job training costs that were awarded last year, the City did not encumber the money so the budget did not carry over from last year so the money needs to be appropriated again.

Council Vice President Oliver Davis asked if there was a reason the money was not encumbered.

Mr. Murphy responded it was just a mistake.

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

Councilmember Tim Scott made a motion to send Bill 17-16 to the full Council with a favorable recommendation. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

16-16

PUBLIC HEARING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS
DEPARTMENTS WITHIN THE CITY OF SOUTH
BEND, INDIANA FOR THE YEAR 2016

Councilmember Karen White reported that Personnel and Finance Committee met and sends this bill forward with a favorable recommendation.

John Murphy, City Controller with offices on the 12th Floor of the County City Building, served as the presenter and petitioner of the bill. This last bill is a budget transfer, not additional appropriations, from one department to another department or one account to another account within the same fund. The first is a transfer in the Parks Dept. from a supply account to a capital account for the purchase of two (2) concession trailers. The second is transfers for some office furniture and the third is a cleanup of some payments that were in the wrong account that were not fixed in the 2016 budget.

There were no questions from the Council and no one from the public spoke in favor or opposition to the bill.

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

RISE AND REPORT

Councilmember John Voorde made a motion to rise and report to full Council. Councilmember Tim Scott seconded the motion which carried by a voice vote of eight (8) 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 7:46 p.m. Council President Tim Scott presided with eight (8) members present

BILLS – THIRD READING

14-16

THIRD READING ON AN ORDINANCE TO VACATE
THE FOLLOWING DESCRIBED PROPERTY: THE
ALLEY TO BE VACATED IS THE FIRST
NORTH/SOUTH ALLEY WEST OF CUSHING STREET
FROM LINCOLN WAY WEST TO THE FIRST
EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET
AND A WIDTH OF 14 FEET. SAID ALLEY BEING A
PART HEINTZMAN'S ADDITION AND KUNSTMAN'S
ADDITION, CITY OF SOUTH BEND, PORTAGE
TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

Councilmember Dr. David Varner made a motion to pass Bill 14-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of seven (7) ayes and one (1) nay. (Councilmember Regina Williams-Preston)

15-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM EMS OPERATING FUND (#288), \$2,500 FROM 2015 SEWER BOND ISSUANCE FUND (#666), \$188,621 FROM CENTURY CENTER CAPITAL FUND (#671), \$63,000 FROM WATERWORKS O&M FUND (#620), AND \$361,294 FROM SEWAGE O&M FUND (#641)

Councilmember Dr. David Varner made a motion to pass Bill 15-16. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

16-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

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

17-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

Councilmember Karen White made a motion to pass Bill 17-16. Councilmember John Voorde seconded the motion which carried by a roll call vote of eight (8) ayes.

18-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 1 OF THE SOUTH BEND MUNICIPAL CODE BY DELETING SECTIONS 2-9.1 ADDRESSING POLICIES AND PROCEDURES GOVERNING CITY-OWNED TECHNOLOGIES, FACEBOOK STANDARDS, SOCIAL MEDIA AND SOCIAL NETWORKING POLICIES AND PROCEDURES

Councilmember Karen White made a motion to pass Bill 18-16. Councilmember John Voorde seconded the motion which carried by a roll call vote of eight (8) ayes.

19-16

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO ADDRESS BUSKERS AND SIDEWALK PERFORMERS BY REPEALING CHAPTER 4, ARTICLE 4, SECTION 4-21 OF THE SOUTH BEND MUNICIPAL CODE, RE-CODIFYING AND AMENDING IT WITHIN A NEW ARTICLE 13 OF CHAPTER 14, NEW SECTIONS 14-123 THROUGH 14-126 OF THE MUNICIPAL CODE, AND FURTHER AMENDING CHAPTER 13, ARTICLE 12, SECTION 13-26 CONCERNING SOLICITATIONS

Councilmember John Voorde made a motion to pass Bill 19-16. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

RESOLUTIONS

16-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY SUPPORTING THE INSTALLATION OF A FENCE ON THE EAST SIDE OF PERLEY PRIMARY FINE ARTS ACADEMY AND ON THE WEST SIDE OF COQUILLARD PARK

Councilmember Oliver Davis made a motion to strike Bill 16-23, due to request of the petitioner. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

16-25

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 215 SYCAMORE STREET, SOUTH BEND, IN 46617 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR EAST BANK SOUTH BEND DEVELOPMENT, LLC

Aaron Kobb, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. The project is a six story mixed use building on Sycamore St.. The total private investment is approximately \$2.5 million. The project will create two (2) new net jobs with an annual payroll just over \$91,000. The estimated taxes abated will be just over \$234,000 and the estimated taxes to be paid will be just over \$346,000.

Velvet Canada, 121 S Niles Ave, served as the presenter for this bill. She is the designer of the proposed building. This is a new project and new apartments coming in downtown to South Bend. The building is five (5) stories with a sixth story being a rooftop terrace and twelve (12) apartment's total.

There were no questions from the public and no one from the public spoke in favor or opposition to the bill.

Councilmember Oliver Davis made a motion to pass Bill 16-25. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of eight (8) ayes.

16-26

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1265 FRANKLIN, CATALYST TWO BUILDING, IGNITION PARK, SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR SPECTRON MRC, LLC

Aaron Kobb, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. This abatement will aid in the purchase of approximately \$2.7 million in new pharmaceutical equipment. This equipment will help create thirty-nine (39) permanent full time jobs with an estimated annual payroll of just over \$2 million. The estimated taxes to be abated are \$109,315 and total taxes to be paid are \$129,172.

Gregory Hiatt, 50936 Parkridge Ct. Granger IN, served as the petitioner for this bill. Spectron is both a radio-pharmacy and a manufacturing facility. This equipment would allow the company to produce new and different materials that are in short supply right now and are estimated to continue to be in short supply in the future. Being able to do this project is good for the community and the hospitals, and we are excited about the technology.

Councilmember Oliver Davis thanked Mr. Hiatt for bringing his company to Ignition Park.

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

Councilmember John Voorde made a motion to adopt Bill 16-26. Councilmember Oliver Davis seconded the motion which passed by a roll call vote of eight (8) ayes.

16-27

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS BLACKTHORN CORPORATE OFFICE PARK LOT 6, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR REAL PROPERTY TAX ABATEMENT FOR COHN & COHN INVESTMENTS, LLC

Aaron Kobb, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. The total taxes will be approximately \$103,000 and the total taxes to be paid are estimated at \$128,000. This will help create five (5) new jobs with a total payroll of just over \$202,000.

Rich Deahl, Barnes & Thornburg with offices at 100 N. Michigan St., served as the petitioner for this bill. This project has a private investment of approximately \$1.6 million dollars to construct a commercial distribution building in the Blackthorn Park. This building is designed to serve as the office headquarters and distribution needs of UniFirst.

Councilmember Regina Williams-Preston asked the petitioner to clarify the \$200,000 for the new jobs.

Mr. Deahl responded this investment will enable UniFirst to retain its twenty-three (23) jobs in the area with a payroll of about \$925,000 as well to expand its positions with this first building faze by five (5) employees with an annual payroll just over \$200,000.

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

Councilmember Karen White made a motion to adopt Bill 16-27. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of eight (8) ayes.

- 16-28 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR REAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.
- 16-29 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.

Councilmember Regina Williams-Preston made a motion to hear both Bills 16-28 and 16-29 together for public hearing. Councilmember Dr. David seconded the motion which carried by a voice vote of eight (8) ayes.

Aaron Kobb, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter of this bill. These two abatements will allow them to make \$220,000 worth of real estate improvements so they can increase their footprint as well as \$623,000 in new equipment. Total taxes to be abated are going to be around \$36,000 and total taxes to be paid a little over \$54,000. This will create eight (8) new full time jobs with a payroll of just over \$378,000.

Kyle Harvison, 408 W Indiana Ave South Bend, served as the petitioner of the bill. This project is an expansion of South Bend Form's current building which will allow for additional machine equipment to do additional business with a longtime customer and allow the company get additional business beyond that deal as well.

Councilmember Oliver Davis stated it's great to see another business in the Sixth District growing.

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

Councilmember Randy Kelly made a motion adopt Bill 16-28. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Randy Kelly made a motion adopt Bill 16-29. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember John Voorde made a motion to hear Bill 16-33 before Bill 16-32.

Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

- 16-33 RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN
AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS INTERSECTION OF
MAYFLOWER RD AND WESTERN AVENUE SOUTH BEND,
IN 46619 AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A SIX (6) YEAR REAL PROPERTY TAX
ABATEMENT FOR COUNTY DEVELOPMENT, LLC

Brian Pawlowski, Assistant Executive Director of Community Investment with Offices on the 14th Floor of the County-City Building, served as the presenter for this bill. Mr. Pawlowski highlighted that this will be a new construction with about \$6.8 million dollars in investment and a total square footage of 40,000 square feet. The estimated total taxes on the new building construction are \$1.18 million, the estimated taxes to be abated are \$464,000 and the estimated taxes to be paid during the six (6) year abatement are \$715,00. This will add an additional thirteen (13) employees which excludes the current thirty (30) employees at their existing store and will add approximately 450,000.00 in payroll.

Rob Bartles, 760 Cotter St. South Bend 46613, served as the petitioner for this bill. They are very excited about this project and all the time and talent that has gone into it. This abatement would help them with the costs and will help bring a beautiful store to the Westside and a store they deserve out there. Mr. Bartles expressed his appreciation to the Council for considering to take this step and help them.

There were no questions from Council and no one from the public spoke in favor or opposition of the bill.

Councilmember Dr. David Varner made a motion to adopt Bill 16-33. Councilmember Oliver Davis seconded the motion which carried by a roll call vote of eight (8) ayes.

16-32

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, APPROVING
AN AGREEMENT WITH THE POKAGON BAND OF
POTAWATOMI INDIANS

Councilmember Karen White reported that the Personnel and Finance Committee met and send this bill forward with a favorable recommendation.

Mayor Pete Buttigieg, offices on the 14th Floor of the County-City Building, served as the presenter of this bill. He stated Cristal Brisco, Corporation Counsel, will make the presentation but he wished to provide some context first. The goal of this resolution is to ask the Council to express support for the terms of a local agreement the City has negotiated with the Pokagon Band. Under this agreement the City, along with a number of local causes, will benefit financially from revenue at a proposed gaming facility on Tribal land within the City limits. The Mayor wished to clear up some inconsistencies about the authorities that do and do not exist in this case. A number of constituents have reached out to the Mayor's Office both in support and opposition to the proposed facility. The City has no authority to regulate gaming on Tribal Sovereign Land. This Administration and this Council are not in a position either to allow or to prevent this type of gaming on federally recognized Tribal Land. Even though the land would technically be within the City limits, once the land in trust is approved by the Department of the Interior it is effectively not governed like the rest of the City and the land for these purposes is considered sovereign. This is the way that American law treats Tribal Land as a matter of regard for the original citizens of the land that eventually became the United States.

Gaming of Tribal Land can go forward with or without any involvement, approval or disapproval from the City. Even if this agreement is voted down, gaming could go forward on this site once it is federally recognized. The question then is whether the Council supports the Administration's efforts to obtain substantial benefits to the City from the planned facility.

When the idea of tribal gaming first was discussed, the Mayor indicated the Administration could be supportive if and only if the benefits to the community outweighed the costs. This agreement is a framework to make sure that is the case. For many years the Pokagon Band has been a very active and constructive community partner in both visible and quiet ways. There have been high profile sponsorships like Four Winds Field and the Tribe's substantial sponsorship of the SB150 celebrations. There have also been a number of unadvertised charitable contributions throughout the community. As this gaming facility became more of a possibility, the Tribe communicated to the Administration that they wanted to maintain a positive relationship with the community even while retaining their sovereign rights under American law.

It is in keeping with that framework that the Administration negotiated an agreement is unprecedented in its generosity to a community with Class Two tribal gaming. Any gaming facility brings costs as well as benefits, those costs can include increased use of infrastructure, public safety resources and potential economic effects that can cut both ways. The purpose of this agreement is to ensure the benefits outweigh the costs. Under the agreement, the City receives two percent (2%) net revenue with a guaranteed floor of either \$1 million or \$2 million dollars a year depending on the size of the facility. The Administration believes the actual revenues are going to be much higher than that minimum. The funding can be used for public safety, economic development or other appropriate uses as budgeted by the Administration and Council in the years to come. In addition, the Tribe has agreed to donate \$5 million dollars over five (5) years to a number of important causes in the community that range from the Bowman Creek Project, Boys and Girls Club, South Bend School Corporation, the local Food Bank, Parks Department, landscaping and resurfacing on Prairie Ave and a number of other projects. These commitments have come from a vigorous back and forth discussion between the Administration and the Tribe. Collectively, this agreement meets the best interest of both the City and the Tribe. There is a lot of passion in the community both in favor and in opposition to Indian gaming but the Mayor wished to stress that the question of whether gaming will happen or not has already been decided by Federal Law. The question now is do we play a role in how the City can benefit from that casino. The full text is online for public inspection as well.

Cristal Brisco, Corporation Counsel of the City with offices on the 12th Floor of the County-City Building, spoke about the legal specifics of the agreement. This agreement deals with the proposed development of the 166 acre site in South Bend which includes a tribal village and a casino. This demonstrates the Pokagon's good faith efforts to replace lost tax revenue as a result of this property becoming Federal Trust land. There is no legal requirement for the Tribe to offer Class 2 gaming agreement with the City. This agreement involves payments in lieu of taxes, \$5 million in community donations and other terms and conditions related to the development of the site. The Pokagon Band agreed to make an annual payment to the City of South Bend which is equal to two percent (2%) of net wins. The net wins calculation is comprised of the total amount wagered minus the total amount paid for prizes on each game, excluding free play. One percent (1%) will be paid to the City's general fund and the other one percent (1%) will be paid to the South Bend Redevelopment Commission to fund initiatives broadly aimed at contributing to the improvement of local educational opportunities and to address poverty and unemployment in the City. The first payment will be due one (1) year after the casino is open for gaming. The payments will not be less than \$1 million annually if the casino is home to between 850 and 1699 games and will not be less than \$2 million annually if the casino is home to over 1700 games.

Councilmember Oliver Davis asked the Mayor how he would respond to the claims that crime would increase, more negative outsiders would come to the City and that traffic will be congested on the South West side of the City.

Mayor Buttigieg responded they have made no effort to ignore the fact that there are costs as well as benefits and that is exactly why it is so important we have this agreement. The Tribe was willing to enter into good faith discussions with us on how to ensure with community that this will be a net positive for South Bend. For example certainly there will be more traffic on the roads which leads to more wear and tear but that would be offset by resurfacing improvements to Prairie Ave as well as the extra money in the General Fund. The revenue promised more than exceeds any costs we would expect for any additional burden on safety resources. There is a very strong case that this will be an economic development generator for the City. It is understandable to have a fear of the unknown as this is something the City has never had before but the level of support the Tribe is willing to commit toward it is extraordinary. The Federal approval process is its own entity outside of the scope of this agreement and there is opportunity for public input on that end. This is an opportunity for us to say the community will benefit the most from this proposed project.

Councilmember Oliver Davis asked the Mayor to speculate on how five (5) to ten (10) years from now this project would leave a positive mark on the City of South Bend with this agreement in place.

Mayor Buttigieg said he thinks of this agreement as a way to take the next step in our community's relationship with its first citizens. The Pokagon Band has been here since before the City of South Bend was incorporated and that relationship has gone through many stages. Five (5) to ten (10) years from now, we will be able to point not only to the impact of any jobs and physical growth that is accrued to the tribal citizens, which many are also our residents as well in South Bend, but also we will be able to look at the effects of the improvement contemplated in the agreement from the charitable contributions and also that extra revenue for the City.

Councilmember Randy Kelly asked the Mayor if during the course of the negotiations if there was any talk of the casino being potentially a smoke free area.

Mayor Buttigieg stated they clearly shared their interest in that outcome but because it is sovereign land we are not in a position to request that. The Four Winds facility in Michigan has smoke free bars and restaurants however no conclusion was reached to constrain them in South Bend.

Councilmember Regina Williams-Preston thanked Cristal Brisco and James Mueller for clarifying and answering some of the Council questions on the agreement and those answers were very informative. She stated as far as she knew at those other Four Winds facilities the bars and restaurants were smoke free but not on the floor of the casino so it is not completely smoke free.

Mayor Buttigieg stated he did not have detailed knowledge but yes that was his understanding as well.

Councilmember Regina Williams-Preston asked Corporation Counsel Brisco to clarify if the Administration has a sense of how many games are currently planning to come to the casino so the Council knows if the City can expect to get that \$2 million floor or \$1 million floor.

Corporation Counsel Brisco responded they do have a sense and believe it will be more than the 1700 games so the \$2 million floor would be in effect.

Councilmember Williams-Preston asked about why the gift to Howard Park was significantly higher than the other community gifts.

Corporation Counsel Brisco responded the donations of \$5 million over five (5) years is just another example of the Tribe's generosity and when they came with those suggestions, the Administration welcomed them. It is \$2.25 million dedicated to Howard Park, which is a Park that is centrally located in the City and is used by a diverse set of residents.

Council President Scott asked Corporation Counsel Brisco to address any services that the Tribe does provide for people with gambling addictions and also thanked Corporation Counsel Cristal Brisco and the Mayor's Chief of Staff James Mueller for being prompt and eager to work with and answer the Council's questions on this issue.

Corporation Counsel Brisco thanked Council President Scott for bringing up the gambling addiction issue and she does have packets for the Council regarding the different services the Tribe provides for people with addictions. They recently made a contribution of \$25,000 this year to gambling addiction services and that is an ongoing annual contribution.

Councilmember Oliver Davis asked to clarify when the payments would be received by the City and how that process would work.

Corporation Counsel Brisco responded the payments would be received annually starting one year after the casino opened.

Those from the public wishing to speak in favor of the bill:

Jason Banicki Critchlow, 3822 W. Ford St. South Bend IN, spoke in favor of the agreement. It gives the City a large amount of funds which are definitely needed. People are going to go to the casinos no matter where they are, people need their vices, and it's great that one finally may come here. It's a shame this is not the first casino the Pokagon's built in the area but at least it is finally getting done. We have seen in New Buffalo how they have been good community

partners and done their due diligence wherever they go. This will provide a lot of jobs for a demographic that doesn't have many options for good paying jobs and that's the undereducated workers. Those workers can earn economic incentives. This is a twenty-one (21) and over facility and people are adults and can choose to go there. We can see the benefits that these casinos have brought cities like New Buffalo. South Bend is turning around a lot of negative years in this city and we are starting to improve everywhere and this is an opportunity to give people a chance to see how much South Bend has changed and grown over the years. The redevelopment money gives many great possibilities, maybe even with the zoo, to do some great things.

Jesse Davis, P.O. Box 10205 South Bend IN, stated Mr. Banicki Crichtlow covered the positives of this deal pretty well. People are adults and they are going to gamble wherever the casino is so it's not smart to try to fight it. The amount of jobs this project would create and the amount of money the City is receiving is something that is defiantly a positive for the area.

Thomas Clempe, 1122 N. Ironwood South Bend IN, stated he thinks this is a good idea. The Pokagon Tribe are going to build this regardless so we might as well work with them but he did express disappointment that city officials have disregarded local bars by banning smoking for those bars and push those smokers to the casino to boost city revenue but he is in favor of this agreement.

Those wishing to speak against the bill:

Jake Tesca, 19489 Green Acre St. South Bend IN, represents a group called Citizens for a Better Michiana. He stated the idea that this casino is going to come no matter what so the City should get a cut of the pie is a foolish argument. It would be like saying there are heroin users all over the City and they are going to do it no matter what so we should try to get a cut of that money too. Studies have shown living within ten (10) miles of a casino doubles a person's chances of becoming a gambling addict and up to fifty percent (50%) of gambling revenue for casinos comes from gambling addicts. The pledge of \$25,000 by the Tribe for gambling services is not enough and absurd. Crime does increase in areas with a casino and the University of Illinois showed areas with casinos draw less business and lower property values. Its absurd to think that the passage of this agreement would have no influence over whether there is federal approval of the casino because it would show our community wants this agreement. This is profiteering off of the backs of residents and children of residents who have addiction problems. This is profiting off of people who will lose everything that they have. To say this is something we should welcome and pay no mind to the negative effects of casinos is ridiculous. This entire deal was done back room and announced as if it was a done deal. Never once did anyone from the City come and ask what are the concerns of the people who oppose this casino.

Patrick Mangun, 1919 S. Michigan St., spoke as the president of the group Citizens for Community Values, he stated we have had discussions over the last twenty (20) of years on quality of life issues and the better part of fifteen (15) years shedding the horrible image that South Bend was the porn capital of Michiana. We have instituted many policies to get rid of that image. It is ridiculous to say that we need our vices and totally irresponsible. Our vices nearly destroyed our city and it took a longtime for South Bend to become known as a great place to live for families and great universities and colleges. To come to this point and have South Bend become associated with another adult business that has a negative impact will be harmful. It is wrong for us to turn away from being family friendly, we should not try to be a mini version of Chicago. He stated looking at the gambling model, the reality is that people don't stop at the corner gas station or convenience store when going to the casino. The people come in and come out. The businesses in the immediate facility have an increased amount of traffic which is inconvenient for their current cliental. Most of those local businesses near that area will go out of business. He stated he would rather see this casino built somewhere else and not just go along with our vices.

Rhonda Richards, 1020 Clover St. South Bend, stated after reading through the resolution she has a couple of concerns and questions. First, the Mayor who has shown that he wants to support South Bend and is a veteran and patriot, why he is making an agreement with a sovereign nation

when the federal government has not made that agreement yet. Second, throughout this agreement the Tribe retains its sovereignty and they can change their mind later and the City has no recourse. This Tribe has changed their mind over the years, when they became a recognized Tribe they claimed they didn't want to start casinos and now they have changed their mind. There is no guarantee of this money over the long-term and there is no recourse we could have because they are a sovereign nation. She stated she realizes the Mayor has worked diligently to make sure South Bend gets something from this potential casino but is concerned that potential money has clouded the potential for the increase in crime both violent and nonviolent. How does giving money to these various groups help the family whose daughter gets raped or the family who doesn't have money for food because they are caught in addictions? Our federal government has not okayed this yet but we are rushing into it.

Kelly Havens, 12032 Timberline Trace N. Granger, Indiana 46530, stated even though she is a County resident she is speaking against the casino because it would affect the entire county and Michiana region. The quality of life will change and hurt the residents near that proposed casino. This casino project takes a significant piece of property off the tax rolls and that is a problem for a county that has the distinction of having the highest tax exempt properties in Indiana. It means that whatever taxes will not be paid by the casino will be borne by the rest of the residents in the county. This facility would not be subject to South Bend Code or South Bend ordinances. We are putting a lot of risk into this venture without considering all the possibilities. Most of money that goes into this casino will come from South Bend, Mishawaka and St. Joe County residents and that is money not being spent in grocery stores, retail stores and other establishments. This is \$50 million being sucked out of the local economy. Given those negatives, why should any elected official be in favor of this? This agreement only grants two percent (2%) out of the profits, not the revenue, and that is ridiculous. Why would this Council ruin the Southwest side of the City for that amount of money? When five (5) years from now, and the quality of life has suffered in South Bend, this City will regret this plan and this casino. This plan will have an impact on the federal decision. This Council would be selling the soul of St. Joseph County for two cents on the dollar and some shiny lollipops.

Barry Bambaugh, 12032 Timberline Trace N. Granger, Indiana 46530, opposed the casino for a number of moral and ethical reasons but the biggest one is because of the sovereignty issue. The U.S. should not be giving out sovereign U.S. soil to another sovereign nation, we cannot parcel our nation apart. We are not giving England the ability to come buy land and call it sovereign British soil. We should not be doing the same with the Potawatomi. That being said, because the city cannot do much regarding if the casino can come here and cannot do anything about the smoking issue, however the City did negotiate with these people and this would create a monopoly sanctioned by this Council. The Council took away the private rights of the bars to allow smoking and now this Council would allow the Potawatomi to have a monopoly on smoking. Apparently, the agreement also opposes any other gaming that may come into the city because the Potawatomi are afraid of competition. That part of the agreement should be stripped from this bill. You do not have to give approval to this and renegotiate with the Tribe or take away the non-smoking ordinance.

Judith Overmyer, 3447 S. Locust Dr., South Bend, stated she lives closer to the proposed casino than almost anyone in the City but that is not the only reason she opposes the casino. The casino nowadays are slot machines that are controlled by the computer and people are guaranteed to lose. Dowagiac in its first year had a \$54 million revenue and only gave \$2 million of that to the city. The rest of that money was pocketed by the casino and sucked out of the community. Private casinos in Indiana pay in taxes a range from five percent (5%) to forty percent (40%). The money being taken out of this casino is money that families should spend on clothes, services and local retail stores. She requested that at least one councilmember votes against this so when the Indians go try to get federal approval they cannot say the City unanimously supports the casino. The Federal Government knows casinos are bad and that is why there is a moratorium on them, South Bend should know that too.

Susan Daniels, 1314 Huffman Dr. South Bend IN, stated she is a private tutor and works largely with students with problems. Those students largely, unfortunately, come from families with problems. She tries to help her students succeed and come to adult life to work and lead the next

generation. The job of this Council is to make sure our community is safe, has a sound economy and a place where our children and grandchildren want to live. There has not been nearly enough talk about how the City will override the negative impact on the impoverished families in this community. There are many families who live on the edge of responsibility, let's not give those parents another reason for them to not be responsible and not take care of their children. That impact on the schools is not going to be made up with this money. There are not enough teachers and social workers to deal with the negative impact this will have on children, especially impoverished children. This will not draw money to businesses in our area it will take it away.

Keith D. Schrock, Mishawaka, if this approval has no voice in the matter why is there going to be a vote at all. This is wrong and is in the middle of a circle of casinos in the area. It is wrong for South Bend, our community and the families in the area.

Zack Asteo, 1140 E. Dayton St. South Bend, spoke against the casino as a young person in the community.

Council President Tim Scott stated the reason the time limits are in place is to allow the people in favor of the motion and the people against the motion have a roughly equal amount of time.

The petitioner was allowed a five (5) minute rebuttal.

Corporation Counsel Cristal Brisco responded that the land in trust application filed by the Pokagon Band is a request for a restoration of the Pokagon Band's homeland. The City of South Bend does not have a valid lawful basis to challenge or interfere with the Pokagon Band's request that the 166 acre site is not restored to them as their ancestral homeland. Regarding the City of South Bend's possible recourse if the Pokagon Band changed their mind, the Band has contractually obligated itself to the agreement and have passed a waiver of their sovereign immunity for the enforcement of this agreement. As a part of that waiver they have subjected to the application of South Bend Municipal Code Ordinance 13-57, 13-82 and 17-18. Those ordinances deal with unreasonable noise and also discharge standards.

Councilmember Dr. David Varner asked for the clarification that this type of agreement is not required for Class Two gaming.

Corporation Counsel Cristal Brisco responded yes that is the case. There was no need for an agreement.

Councilmember Jo Broden expressed that while we have known (or should have known) as a community that negotiations have been undertaken with regard to this issue for some time (at the federal, state and local levels), the agreement before us really is an artfully crafted product of understandably complicated, multi-layered considerations. After careful review, fact finding and research, in my estimation, it carefully straddles the needs, interests, and concerns of the Pokagon Band of the Potawatomi Indians, as well as ours, as a City. It's a strong contract.

As such it's loaded with some very significant benefits:

First and foremost, it recognizes the inherent right of the Pokagon Band to take a significant step in restoration of their homelands here in Indiana and to serve and meet the needs of the descendants of this land's native, indigenous people—people who are already our neighbors. As such, this agreement represents a stark contrast to treaties and agreements within our shared ancestral history—for your people near extermination & non-existence to this very definitive path of self-determination as a people.

Other pluses included dollars, recouped by this agreement, are any costs to be incurred by the city for services to develop the site, for water and sewer or future services. Additionally, there are infrastructure benefits tucked in for the benefit of the surrounding neighborhoods.

Most significantly, because it did not need to be done, there is money over and above these costs, in the form of payments in lieu of taxes that will accrue to the City and be captured by the City's general fund with an equal percentage going to our Redevelopment Authority. Admittedly, my preference would have been for that percentage to be tweaked or outright directed to the General Fund where the choices and decisions about its use are scrutinized more publically through our

City's annual budget process. To have this funding directed toward work force development, job creation, anti-poverty measures and educational initiatives is a huge plus.

This Council should rally behind and commit our City via the Redevelopment Commission to roll up our sleeves and support, leverage in whatever manner possible early education initiatives. That is the focus where you get the most bang for your buck, where the return on investment is highest in terms of truly changing lives and reversing the course of poverty. Let's get ahead of the curve, leadership at the local level, working in partnership with the business community and our strong educational institutions, is so sorely needed, especially when state leadership turns down federal funding and woefully underfunds the efforts it does support. Pilot programs for early education aren't enough.

In terms of employment impact—short-and mid-term, the construction and trades industry will be winners. Even more so because of the Pokagon Band commitment to worker-friendly provisions—much like another large institution with whom our history intertwines, the University of Notre Dame. As we move forward, regardless of the project, it'll be important to adhere to quality standards, worker safety and living wages.

Additionally, 2,000 employees, their paychecks, combined with the stipulations to buy local and support minority and women businesses—these are all big wins. And not to be understated will be the benefit from increased activity of consumers circulating in and among the southwest area of our city.

All this is indeed good news especially in light of tax caps & the full brunt of those on city services to come in 2019 and our need to grow our population and tax base.

Undoubtedly, just as there are winners and gains, there will be adverse effects and losers.

Businesses will pop up in response to the new opportunities and others that feel the heat, who can't make the pivot, will close doors. Workers, if this follows the pattern in other venues, will not have the benefit of a clean air-smoke free work environment nor will gamers. I respectfully ask the dialogue and discernment around this issue to continue beyond what is here in writing. Let's be attuned as an Administration and Council to supporting the small businesses to the extent we are able.

Undeniably, there will be folks amongst us who do not or cannot make responsible decisions with regard to gaming. Our community needs to echo the known fact that the 'house always wins' and that addictions crush families and bring a different ripple effect. Councilmember Broden appreciated what she has heard and read regarding the Pokagon's attentiveness to this issue—to promote responsible play and to assist with intervention as needed. However, we need to be sure there is collaboration on this issue and that it is open, generous, and truly meets whatever needs arise here. Access to and the affordability of quality addiction and mental health services already is and will continue to be an on-going challenge for our community to strive to meet.

So too, there is benefit in here too for local not for profits. They and the folks served will be winners

The significant revenues earmarked here for parks and recreation equal the bond issue passed in 2015. While Howard Park is an identified project, it'll be important that the shape of that park reflect both the desires of those most proximate to it in the 4th, 3rd district and downtown area, but the city as a whole. It has always been a flagship park in our City's history and its future by necessity needs to be a collaborative process.

So having discerned the many upsides for the Pokagon Band, for our residents, our local economy AND with eyes wide open on the changes to come, Councilmember Jo M. Broden will vote in favor of this agreement crafted by this Administration and already signed by the sovereign Pokagon people.

Let's be better and good neighbors henceforth.

Councilmember Randy Kelly stated he appreciates the excellent work of the Administration legal team led by Cristal Brisco and appreciated her answering their questions, as well as the efforts of

the Administration negotiating with the Pokagon Band. He stated he has family who live near the Four Winds Casino in New Buffalo and the Pokagon Band has been extraordinary partners with New Buffalo and are regarded very highly. The beach communities near the casino have not been negatively impacted in terms of property values or business development and continue to thrive.

Councilmember Regina Williams-Preston pointed out this is not the end. This establishes a long term relationship with lots of time and space to continue to have a conversation with the Pokagon Band on how our community can benefit from all the development that is coming. She stated she feels very positive with having that conversation with the Band as they have been so receptive so far to South Bend and the other communities where they have casinos. She reiterated that the Council need to figure out better ways to communicate with the constituents so they can get their input to us but also a lot of things that were talked about as problems are already problems in this community and she would like to see those people who have concerns work to make them better now. We already have many of those problems. This conversation needs to be happening continually. It's not about whether this casino comes or doesn't come because we have problems that need to be addressed period. There are a whole lot more problems with the School Corporation and education in South Bend than a casino coming. She invited those who spoke on that problem to work with the education issues now because then the impact of the casino would not be as severe. There are lots of positive things such as jobs providing living wages with the casino and opportunities to reimburse people for continued education. We are stronger as a community if we come together to deal with those issues, those problems need to be addressed whether the casino is coming or not. She stated that she will vote for the bill but does appreciate that maybe somebody should vote against the bill just to represent that voice. What she heard from her district is that this plan and casino is something they want to see.

Council President Tim Scott thanked the councilmembers for doing their due diligence on this issue. He thanked everyone who came out for and against the issue for being respectful. This is a democratic process, not everyone is going to be happy with the outcome, but it is the process. This is the beginning and not the end of this conversation and this negotiation with the Band.

Councilmember Oliver Davis made a motion to adopt Bill 16-32. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of eight (8) ayes.

BILLS FIRST READING

20-16

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

Councilmember Oliver Davis made a motion to send Bill 20-16 to Area Plan and set public hearing for May 23rd. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

21-16

FIRST READING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 803 WEST WASHINGTON STREET,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF
SOUTH BEND, INDIANA

Councilmember Oliver Davis made a motion to send Bill 20-16 to Area Plan and set public hearing for May 23rd. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of eight (8) ayes.

22-16

FIRST READING AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 6100 NIMTZ PARKWAY, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND.

Councilmember Dr. David Varner made a motion to send Bill 20-16 to Area Plan and set public hearing for May 23rd. Councilmember Oliver Davis seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

Councilmember Oliver Davis asked if the Council could get some communication on the specifics of the new yard waste pick up because some residents have come to him saying it is unclear about what they can and cannot put out. They are upset they got the pre-approved bag and now need a pre-approved bin.

Council President Scott stated he would follow up on that because he is meeting with Eric Horvath because people in his district have not had clear communication on what is one (1) cubic yard. Every resident does get one (1) free pickup per month as he understands it.

Councilmember Dr. David Varner stated he encourages the City to do one more city-wide spring pickup because one last pickup on the old rules would help clean up a lot of confusion.

Councilmember Jo M. Broden asked Chief of Staff James Mueller to find out if people have physical hindrances if there is any support for yard cleanup.

NEW BUSINESS

Councilmember Karen White announced that on Wednesday April 13th at 6:00 p.m. the last meeting of the Special Elbel Committee will be held in the Council Chambers.

Councilmember Dr. David Varner stated the City has a huge problem with the Sewage Overflow Issue and the potential \$1 Billion price tag that comes with it. To help get the new Council up to speed on the issue and Federal requirements he is going to hold a Utilities Committee Meeting during the first or second week of May. The public is certainly welcome to attend that meeting as well. It is a circumstance that a number on the Council believe the City cannot afford.

PRIVILEGE OF THE FLOOR

Janet Petchuski 1117 S. 31st St., spoke against the proposed fire station at Potawatomi Park. While she appreciates the work the Fire Dept. does using public green space for the new station is foolish. Yes this facility location would be ideal but there need to be considerations for the park. There are very valuable places in this City and the parks should be off limits. A park is an area where people can get away from the intensity of urban life. A fire station and its accompanying noise and activity would damage the serenity of the current park.

Samuel Brown, 222 E. Navarre St., thanked the Administration and Mayor for helping relocate the radio antenna on top of the Chase Tower and moved to a proper place. That radio station is important to members of this community, it is work like that done behind the scenes that is really important and he is proud of the City of South Bend for their efforts. Mr. Brown also stated his approval of the South Bend Tribune Editorial in support of the new MLK St. The City needs to come together, just like they did for the antenna, and find a proper street for the memory of Dr. Martin Luther King Jr.

Mike Pechulski, 1117 S. 31st St., stated he recently attended the presentation by the Fire Dept. on their plan to obtain part of Potawatomi Park. Yes he understand the importance of the Fire Dept.

and the work they do but they should not use the park. That is a beautiful park and should not be ruined. They have been looking at this for ten (10) years and that is the best they found. Maybe ideally the park works location wise except that is community property and you don't take that property for other things. This is not a perfect world and there are other places they could find for that facility. He urged the Council to try to stop the building of that facility on the park and use the pressure available to them. We need to save our green spaces.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 9:45 p.m.

