

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

April 25, 2016

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:

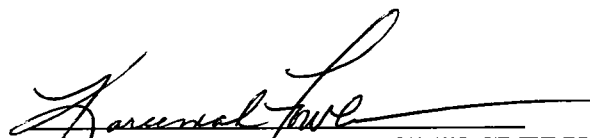
TIM SCOTT



DAVID VARNER

APPROVED BY THE COMMON COUNCIL ON: May 9, 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 25th 2016 at 7:00 p.m. The meeting was called to order by Council Vice President Oliver Davis and the Invocation was given by Rabbi Michael Friedland from Sinai Synagogue and Pledge to the Flag was given.

ROLL CALLCOUNCIL MEMBERS:PRESENT:

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
Gavin Ferlic	At-Large, Chairperson Committee of the Whole
Karen L. White	At-Large

ABSENT:

Tim Scott	1st District, President
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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 April 11th 2016 meeting of the Council be accepted and placed on file. Councilmember Randy Kelly seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

Council Vice President Oliver David recognized Boy Scout Troop 572 for attending the meeting of the Common Council.

REPORTS OF CITY OFFICES

Representing the city administration will be John Murphy.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:06 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 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

09-16

PUBLIC HEARING 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

Council Vice President Oliver Davis reported that the Zoning & Annexation Committee met and sends this bill forward with a favorable recommendation.

Matthew Chappuies, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the presenter for this bill. This is a petition to rezone and annex the Cataldo property to a CB (Community Business District) into the City of South Bend. The property is surrounded by agricultural fields to the north and west. To the east are Light Industrial complexes. Mr. Chappuies provided a proposed site plan of what the plot may look like in the future, the site plan is on file in the City Clerk's Office. The Area Plan Commission sends Bill 09-16 to the Council with a favorable recommendation.

Brian McMorrow, 750 Lincolnway East, served as the petitioner for this bill. Their firm was retained by the Cataldo's last year in response to a letter from the City that the sewers may be extended onto their land. Also, in light of some of the business activity planned in that area the Cataldo's wanted to have the opportunity to act on any possible business in the future.

Council Vice President Oliver Davis asked Mr. McMorrow if the pizzeria would be closing.

Mr. McMorrow responded there are no plans to close the pizzeria.

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

Councilmember Dr. David Varner made a motion to send Bill 09-16 to the full Council with a favorable recommendation and have third reading on May 9th 2016. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

13-16

PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 424, 426 & 430 CUSHING STREET AND 726 & 736 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

Council Vice President Oliver Davis reported that the Zoning & Annexation Committee met and sends this bill forward with a favorable recommendation.

Matthew Chappuies, Area Plan Commission with offices on the 11th Floor of the County-City Building, served as the present for this bill. The site is currently several commercial and residential parcels divided by a recently vacated alley. To the north of the property is the TCU Bank and to the east is the Tuxedo Shop. Mr. Chappuies provided a site map and pictures of the

area which are now on file in the City Clerk's Office. The proposed site plan identifies an 8,200 square foot retail store with access from both Lincolnway and Cushing. There will be a substantial amount of landscaping on all four (4) sides of the property. The petitioner has work with both the Area Plan Commission and Community Investment throughout the process to ensure good site design and quality development. The Area Plan Commission sends Bill 13-16 to the full Council with a favorable recommendation.

Jordan Liss, 19 South Lasalle Chicago Illinois, served as the petitioner for this bill. They are looking to redevelop this property for a Family Dollar store. When this plan was conceived it was originally a more vehicle friendly design with parking in the front, but after discussions with the Area Plan Commission they determined it would be better to rezone the property in order to comply with the West Side Main Streets plan for more of a pedestrian orientated usage.

Councilmember Karen White asked if anyone from the public spoke at their meeting on this bill.

Mr. Chappuies responded the only person who spoke was the representative from the Department of Community Investment, no one from the public spoke at the meeting.

Councilmember Karen White asked about the proposed parking.

Mr. Chappuies responded the parking is on the side of the street in compliance with the Mixed Use District which requires the building be placed no further than twenty (20) feet from the lot line to develop a more walkable urban development. They still do meet the required parking spaces for this proposed building.

Councilmember Regina Williams-Preston asked if this is the same business venture that owns the Family Dollar just twelve (12) blocks up the street.

Mr. Liss responded all the Family Dollar stores are corporately operated, owned and leased to Family Dollar by third party private owners.

Councilmember Williams-Preston expressed concern about the many Family Dollar facilities across the city that seem to be poorly maintained on the inside and out. She stated the plan may look pretty now but what if the facility is not kept up in the future.

Mr. Liss responded he understands the concern and will speak with the operations to keep the store in line and recommends the best course of action really is to fine the store if they are not keeping up the property.

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

Councilmember Karen White made a motion to send Bill 13-16 to the full Council with a favorable recommendation. Councilmember Jo M. Broden 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

Council Vice President Oliver Davis served as the Chair of the Committee of the Whole during the public hearing of Bill 07-16.

Councilmember Karen White made a motion to accept Substitute Bill 07-16. Councilmember John Voorde seconded the motion which carried by voice vote of eight (8) ayes.

Councilmember Regina Williams-Preston reported the Community Relations Committee met and sends this bill to the full Council with a favorable recommendation.

Councilmember Gavin Ferlic was the presenter for this bill. He thanked all the people who came out to support the new city flag and also the SB150 and Committee that put together this inclusive and comprehensive process. This is an open source design that can be used and

interpreted by anyone for free and for any purpose. The Council passed a resolution that set the frame work for this process and the final step is to bring it to the Council for final approval. They filed a bill almost two (2) months ago and since it has been a while since it got a hearing the public has really run with this design such as T-Shirts, Flags and some other great community response.

Aaron Perri, Director of SB150 217 S. Michigan, served as the petitioner for this bill. Mr. Perri expressed the honor it was to be a part of this process and chair the yearlong celebration. Last fall a committee was formed to discover what it would take to introduce a new flag. A public meeting was held to get people's ideas and then the contest was developed which produced over two-hundred (200) designs from the community. This ad-hoc committee, of which Council President Tim Scott was a member, met and was composed of professional marketers, graphic designers and other folks from the public to evaluate the two-hundred (200) designs. They narrowed it down to around twelve (12) designs and met with those designers to learn more about the themes involved in the individual flags. Ultimately three (3) final designs were unveiled to the public and the public gave their comments and provided feedback online or in person. There were elements of all three (3) that the public liked and no clear winner, so designs from all three (3) of the final flags were incorporated into this flag. Mr. Perri invited Garret Gingerich, the final designer of the flag, to explain the elements of the new flag.

Mr. Gingerich stated as with any creative project the result is going to be subjective but the North American Vexillological Association has a guide of best practices anyone creating a flag can follow. The first guide is to keep the flag simple, a child should be able to recognize the flag at a distance and be able to draw the design. It should also be reversible so no matter which way it flies it is recognizable. There should be two (2) to three (3) basic colors, nothing too extravagant. They recommend no lettering or seals on the flag. Words defeat the purpose of a good flag or sign. You cannot read words from a distance and it is also hard to replicate them when they are scaled down. Most importantly the flag should have meaningful symbolism.

The six-pointed star represents the six (6) districts of the Council and the diverse heritage of the people who make up each of those districts. The red color is symbolic for the passion and energy behind the City. The river is represented very literally, which the public in the feedback portion wanted to see, in the center of the flag. This makes the flag very unique. The city is represented flowing through the City in the white stripe, this color is associated with the color of peace and also taken from the City Seal. The second thin blue stripe serves as a bridge to the future to keep the City moving. The yellow dominant color represents the City's generosity and the warm accepting nature of South Bend and was taken from the current city flag.

Mr. Perri stated when this ordinance was filed the design became public domain and we are starting to see it in the usual places such as on bumper stickers and lapels. Mr. Perri stated he has been most excited about seeing the public really adopt the flag as their own, flying outside of businesses, at Four Winds Field, t-shirts are starting to be produced and so on. These are really purposes that the old city flag was not a good vehicle for because it was not as adaptable. People are putting it as the background of their Facebook pages and the Human Rights Commission used it to advertise an upcoming event. There is a bicycling team that has put the flag on the back of their jerseys and the South Bend Lacrosse team has put it on the back of their jerseys as well. Mr. Perri invited the lacrosse team, who were in attendance, to stand up to show their jerseys. At so many locations and areas the community has really used this flag to show their pride in South Bend. People are really starting to identify this design and this flag with South Bend. Mr. Perri thanked the Council for supporting the resolution last fall which outlined the selection process and appreciated their support going forward.

There were no questions from the Council at this time.

Those wishing to speak in favor of the bill:

Chad Crabtree, 2135 East Dash Maple Lane Elkhart IN, spoke in favor of the bill as a member of the North American Vexillological Association. He consulted on this project and has done so for other municipalities and organizations as well. This flag clearly meets all the guidelines for a very successful flag as can be seen by all the merchandise and creative adaptations the community is already developing.

Carter Chambers, 52055 Oak Past Granger IN, spoke in favor of the bill. He stated he is on the South Bend Lacrosse team and the flag and star represents to him passion, energy and determination. This gives the South Bend School Corporation elementary and middle school kids a chance to play under a great symbol.

Willow Wetheral, 1741 Wall St., spoke in favor of the bill. She was part of the public process to give input on the flag. She thinks the process was handled very well even though whenever you are doing something with so many different opinions it is going to be difficult. It really is a great design and is already doing what it was intended to do by being adapted by the community so quickly. Ms. Wetheral expressed she loves wearing her shirt (which was inspired by the flag design) around the City. She stated people love the shirt and ask her where they can purchase one and at the St. Patrick's parade she handed out many flags because children especially were so enthusiastic about the design. Ms. Wetheral presented several names of people who could not be at the meeting but expressed support of the flag. This design is clearly working and she hoped that it is passed unanimously tonight.

Johnathan Anderstrom, 526 W. Western Ave, spoke in favor of the bill. This flag meets all the criteria that you would want in a city flag. It has distinct characteristics and a unique design as well as projecting the heritage, solidarity, innovation and consecutiveness of our great City. Mr. Anderstrom expressed that flags are incredibly powerful symbols that can offer hope and rally groups of people together of varying backgrounds and heritages. We are seeing these positive attributes of a flag with what the community is already doing.

Lisa Gallagher, 54384 Ivy Rd., spoke in favor of the flag. She stated her favorite part of the flag is that the community was involved in the entire process. To have a city that solicits input from the community members is inspiring and she really likes the design.

Chuck Bueder, 15893 Ashville Lane Granger IN, spoke in favor of the flag. He stated flags express symbols that represent our greatest ideals and the symbol of a star is perfect to do so. Mr. Bueder asked the Council to also remember to protect the real stars through good outdoor lighting practices.

Those wishing to speak in opposition of the bill:

Marguerite Taylor, 714 E. Corby Blvd., spoke against the bill and represented the North East Neighborhood Council. She stated the flag is great and she was one of the people who voted online however; at their meeting they had a very long conversation about the history of the six-pointed star and its symbolism to the Jewish Community. Ms. Taylor read a letter from the President of the North East Neighborhood Council which requested the Council reject the flag design with the six-pointed star. Ms. Taylor submitted the letter which is on record in the City Clerk's Office.

Gary King, 730 N. Hill St., spoke against the bill. Mr. King referenced the classic story "The Emperor's New Clothes" and how he is the only person who can see what is really going on. Unfortunately we have all these people who think this is a great flag and are really getting involved with spreading the flag but last November the Council passed a resolution that had criteria for the flag including symbols of connectivity, ethnic heritage and innovation. Mr. King believes this design does not meet the criteria that the Council set forth and the Council should vote no. The six-pointed star, representing the six (6) Council districts, is nowhere referenced in the resolution. The process was flawed because instead of displaying all the flags they narrowed it down to only three (3) that had essentially the same design and all had the six (6) pointed star. The Chicago Flag is the only flag in the United States that has that red star and every time we look at that flag we will think of Chicago and not South Bend. Mr. King presented his idea to replace the star with the torch of Indiana.

Charles Smith, 2023 S. Taylor, thanked the little kid for coming and speaking. He stated he is not for the flag or against the flag but the City should have had a more inclusive process in picking the flag.

Ann Puzello, 1247 E. Lasalle, stated as a private citizen she can change her mind about her opinions and this is an instance where that happened. She stated she has spoken to people since the Committee meeting, including the Invocator for tonight, and learned that the Star of David is

such a different design it would never be mistaken for this star on the proposed flag. She still expressed hope that the star not represent six (6) Council districts but rather represent something else someone could come up with and it should be easy to come up with the six (6) things South Bend excels at.

Councilmember Gavin Ferlic gave the rebuttal. He expressed the design of the star is to symbolize a number of different things among them ethnic diversity and unity. He understands not everyone thinks the flag is perfect and that is just part of the process when doing something like this with so many different voices being heard. What is inspiring is the way the community has responded to this design and this process.

Councilmember Karen White thanked everyone for their participation as she knows it has been a long process. She wished before the flag had been publicly shared the Council could have had a different type of discussion but she is excited to see how well the public has embraced the flag. It speaks to a lot of energy and passion in this community and the star represents different things to different individuals. She stated she supports the flag but it was unfortunate that they had to delay the discussion.

Councilmember Gavin Ferlic thanked everyone for coming out to support the flag and this great process.

Councilmember John Voorde stated he too is in support of the process and the flag.

Councilmember Dr. David Varner thanked everyone who was involved as well. He stated he agrees not everyone will agree with the design and he has a personal objection to the use of the six-pointed star. If the best the city can do is a six-pointed star representing the six (6) Council districts then the City really missed on symbolism desperately. He stated he does not mean to be critical but if this is going to be a flag imbued with symbolism then the red star is woefully short. He stated he would like to see it rethought a bit but he has been impressed by the reaction it has had so far. He does not plan on supporting it but not because he does not appreciate everyone's efforts.

Councilmember Jo M. Broden asked if it is possible to amend the existing resolution before the Council to get at the ideas put forth tonight in terms of rethinking the symbol behind the six districts. Maybe we could get at a different symbolism for the same symbol. She stated she does not know where the idea for six (6) districts comes from but there has to be a better idea.

Council Attorney Kathleen Cekanski-Farrand responded any bill can be amended on the floor with specific language.

Councilmember Jo M. Broden stated she is just thinking of posterity and if it goes into the City Code with that language then it is final about what the star means.

Councilmember Gavin Ferlic stated it is very important to adopt the design, people are not necessarily going to read the City Code as we heard from a number of people today about what the star means to them. He stated he does welcome the opportunity to continue discussions after passage about more language regarding what the star means.

Councilmember Regina Williams-Preston asked if they could change more than just the language and change the design itself at this meeting.

Council Attorney Cekanski-Farrand stated as with everything in a bill, anything in the proposed ordinance is subject to amendment.

Councilmember Jo M. Broden asked if the sponsors of the bill would be supportive of an amendment and further conversation about what the symbolism of the star means.

Councilmember Gavin Ferlic stated continuing the discussion is fine but it is important to pass the design.

Councilmember Randy Kelly echoed everyone's comments who spoke about what a wonderful process this was, the reaction and involvement of the City was remarkable. He stated he appreciated Ms. Puzello coming and her comments. Art is open to interpretation and he does not think we need to say what anything represents as that young man came and said the star

represents passion and fire but that is not written anywhere. It is a great design and that is shown by the community really embracing the flag and used in so many different ways.

Councilmember Regina Williams-Preston asked the petitioners if they would be okay with changing the design of the star.

Councilmember Gavin Ferlic stated he is in favor of keeping the star as the community has really rallied around it but as with every ordinance anything can be changed. He wishes to keep the design as it has been embraced by the community.

Councilmember Williams-Preston stated she is excited to see how a certain group of the community has embraced this. It is a beautiful design especially when it is placed on different avenues of art. She stated she does have reservations because of possible concerns by the Jewish Community. Enough people have expressed concerns regarding the star that the Council should take notice. Perhaps there is a way to design the flag to be more reflective of our cultural heritage and diversity. This process has been a good process as there were a lot of places where people could give input but where our City has struggled in communicating that information out to everyone.

Council Vice President stated South Bend used to be the money engine of Indiana. He stated when he thinks of a star he thinks of the Dallas Cowboys. There are twenty-three (23) other cities in the State of Indiana that have six (6) Council districts, having that star does not make us unique. There are many things in South Bend that are wonderful and have no representation in this flag, we gave a recommendation about what this flag should be and this flag does not meet those criteria. There is no real history on this flag. Council Vice President Davis also expressed concern that we started everything with 1865 for the SB150 because that leaves out the City Cemetery that started in 1831. Our true sources of our history were between 1831 and 1865, if you eliminate those years you eliminate the history of this City. People should be able to go to our City Cemetery and match it with the flag and they should be equal. You should be able to go to the historical spots in South Bend and find them in the flag, this flag does not match up with our historical spots. Council Vice President stated this flag does not match with the Pokagons, Studebaker, Colfax, or the fact we are a college town. He stated he does not want to match up with Chicago.

Councilmember Jo M. Broden made a motion to strike the language “the six points of the star represent the six Council districts while” from the bill. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Gavin Ferlic made a motion to send substitute Bill 07-16 to the full Council as amended with a favorable recommendation. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

RISE AND REPORT

Councilmember Karen White made a motion to rise and report to full Council. Councilmember Regina Williams-Preston 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 8:18 p.m. Council President Tim Scott presided with eight (8) members present

BILLS – THIRD READING

07-16

THIRD READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 1 OF THE SOUTH

Councilmember Gavin Ferlic made a motion to amend Bill 07-16 as it was in the Committee of the Whole. Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

13-16

THIRD READING ON AN ORDINANCE AMENDING
THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 424, 426 & 430 CUSHING STREET AND
726 & 736 LINCOLN WAY WEST, COUNCILMANIC
DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,
INDIANA

RESOLUTIONS

Councilmember Gavin Ferlic made a motion to continue Bill 15-106 to May 9th 2016.
Councilmember Karen White seconded the motion which carried by a voice vote of eight (8) ayes.

John Murphy, City Controller with offices on the 12th Floor of the County-City Building, served as the presenter for this bill. For a couple of months, City officials from South Bend and Mishawaka have met with St. Joseph County officials in a joint effort to share resources and coordinate efforts in respect to certain tax appeals. This is the “dark store issue” that has been talked about recently on the news. The County Council and the City of Mishawaka have already passed this interlocal agreement. This is not an additional appropriation and they are hoping to work some of these costs into the regular budget but it is possible during the quarterly budget reviews an additional appropriation will be requested. In the agreement there is a reporting requirement that the County Auditor should give us updates on the status of the appeals and the cost incurred and that information will be forwarded to the Council.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion to adopt Substitute Bill 16-35. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

16-36

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN PORTAGE TOWNSHIP (CATALDO ANNEXATION AREA)

Council Vice President Oliver Davis reported that the Zoning and Annexation Committee met and sends this bill forward with a favorable recommendation.

Michael Divita, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. This fiscal plan is for a 12.8 acre voluntary annexation area. This site is proposed to be redeveloped for commercial uses. No capital improvements are planned by the City on part of this annexation, sewer and water are both available to the northeast along Prairie Ave. Extension of the project site would be done at the petitioners expense. The portion of State Road 23 to be annexed will still be maintained by the Indiana Department of Transportation. The area will be added to the Common Council Sixth District, served by Police Beat twenty-five (25), Fire Station Five (5) located on Prairie Ave., Emergency Medic Two (2) and Code Enforcement Area Six (6). These and other non-capital services will be in place within one (1) year of the effective date of the annexation with response times comparable to other areas of the city.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion adopt Bill 16-36. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

Councilmember Gavin Ferlic served as Chair of the Common Council meeting for the hearing on Bill 16-37

16-37

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA IN SUPPORT OF REDISTRICTING REFORM FOR INDIANA

Councilmember Regina Williams-Preston reported that the Community Relations Committee met and sends this bill to the full Council with a favorable recommendation.

Councilmember Oliver Davis, 1801 Nash St. South Bend, served as the petitioner of this bill. This is to request that the Council supports a resolution establishing an interim committee on redistricting to be comprised of legislators and private citizens to study the redistricting process. Councilmember Davis introduced representatives from the League of Women Voters who have spearheaded this bill.

Gerri Pawelski, 16402 Berry Knoll Way Granger IN, spoke in favor of the bill and as the president of the League of Women Voters for the South Bend area. The League is a ninety-six (96) year old political organization and they encourage the informed and active participation in government. They use education and advocacy to influence public policy on issues where they have taken a position after in-depth study. They never support a political candidate or a political party and their membership is open to both women and men.

Elizabeth Bennion, 1507 Sunnymede Ave., stated there is an interim study committee in place looking to see whether we should redistrict in a different way. We ask the South Bend Common Council to urge the Special Interim Committee on Redistricting to produce a final report that

supports comprehensive redistricting reform including: The establishment of a citizen-led commission, the requirement that district boundaries respect: One Person, One Vote; The Voting Rights Act (VRA); Contiguity (draw districts as one connected area); Communities of interest, city and county boundaries; Political competition; Compactness, and the requirement that redistricting decisions disregard individual addresses, including incumbent addresses and those of political rivals.

Because of population changes, the state does need to redistrict every ten (10) years after the census but we do not have to do it the way we do now. Currently, the Indiana General Assembly prepares and adopts redistricting plans. For Congressional districts only, a backup commission prepares and adopts plans if the state legislature fails to do so. In this system, The players are the umpires. Having elected officials draw the maps encourages gerrymandering and both Republicans and Democrats do this. Depending on how you draw a district, it can drastically affect the outcome of an election. Ms. Bennion provided examples of malapportionment in the previous elections in Wisconsin and in Pennsylvania. In states where Republicans controlled the process, their candidates won roughly 53 percent of the vote and 72 percent of the seats. In the states where Democrats controlled the process, their candidates won about 56 percent of the vote and 71 percent of the seats. In states where courts, commissions or divided governments drew the maps, there was a much smaller disparity between the share of the popular vote and the number of seats won in Congress. In those states: Democrats won slightly more than half the vote and 56 percent of the seats. Republicans won 46 percent of the vote and 44 percent of the seats.

In Indiana, Republicans generally win between 53 percent and 57 percent of the votes in state legislative races, but they have drawn the maps with such surgical precision that they now find themselves with 71 percent and 80 percent of the seats in the Indiana House and Senate, respectively.

This happens under both Democrats and Republicans. Gerrymandering reduces competition: In 2014, 44 of 100 House candidates and 10 of 25 Senate candidates ran unopposed. Gerrymandering also discourages voting: Indiana's 2014 voter turnout was 28%, the lowest in the nation.

Councilmember Dr. David Varner asked what the League's expectations are for the committee put together by the Legislature.

Ms. Bennion responded it is a bi-partisan committee and there are both Republican and Democratic Co-Chairs. There are people who support and oppose redistricting reform on the committee in the past and the League would like them to take this issue seriously and look at these facts. The League is not pushing for a constitutional amendment to the state constitution, although that would be one option, but they are suggesting the Legislature itself create the Commission and then ratify the Commission's maps.

Councilmember Dr. David Varner asked what makes the League think that the Legislature could create a true non-partisan commission that won't be biased.

Ms. Bennion responded the key is that we have examples of commissions in other states that are non-partisan and have GIS specialists that have developed much fairer districts in the past than legislatures have. There are always going to be politics in these decisions but when the maps are drawn by elected officials we see such horribly drawn districts. You will never have a perfect match but we would expect the numbers to be closer than they are now.

Councilmember Jo M. Broden asked what the public can do to engage in this process.

Ms. Bennion responded the public can contact members of the interim study committee. The League had brochures available for contact information on who members of this committee are. Those brochures are on file in the City Clerk's Office.

Councilmember Dr. David Varner stated in South Bend we see voter turnout around fifty-five (55) percent Democrat and forty-five (45) percent Republican, yet the City Council seats are eight (8) to one (1) Democrat advantage and have been for twenty (20) some years. Councilmember Dr. Varner asked if that would be considered malapportionment.

CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3605 W. CLEVELAND RD, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: FEDERAL-MOGUL POWERTRAIN, LLC

Councilmember Gavin Ferlic reported that the Community Investment Committee met and sends this bill forward with a favorable recommendation.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. This is a personal property tax abatement for Federal Mogul. They are looking at investing \$11,315,200 on new equipment. The total estimated taxes abated will be \$447,200. This equipment will not create any new jobs but it will help retain 544 full time jobs with an annual payroll of over \$23 million.

William Maki, Controller at Federal Mogul 1919 Eagle Point Court South Bend, stated \$8 million is for equipment for Chrysler products as they are mostly GM currently. They are expecting increased sales in about a year to a year and a half. The company has invested a lot of money at the plant for the past six (6) years, the automotive market is very competitive even though business is good. The reason we are not adding jobs is we just need to increase sales just to retain jobs nowadays, which is a challenge with Mexico and other foreign companies competing against us. This is an investment in South Bend and the company enjoys being here.

There were no questions from the Council.

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

Councilmember Dr. David Varner made a motion to adopt Bill 16-40. Councilmember Gavin Ferlic seconded the motion which carried by a roll call vote of eight (8) ayes.

16-41

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 4004 TECHNOLOGY DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: THE LEBERMUTH COMPANY, INC.

Councilmember Gavin Ferlic reported that the Community Investment Committee met and sends this bill forward with a favorable recommendation.

Sarah Heintzelman, Community Investment with offices on the 14th Floor of the County-City Building, served as the presenter for this bill. This is a personal property abatement for Lebermuth, they are planning on investing \$1.2 million for new equipment. Total estimated taxes abated will be \$47,436. This project will create five (5) full time new jobs with an annual payroll of \$208,000 and will help to retain seventy (70) current jobs with an annual payroll of near \$4 million.

Allen Brown, CEO of Lebermuth Co., served as the petitioner for this bill. The Lebermuth Co. helps the world taste and smell better, they manufacture flavors and fragrances and are in the essential oils business. This new equipment will let us develop our fragrances in a more technologically efficient manner to continue to be competitive with other companies around the world. This will include one (1) robotic dispensing unit and one (1) semi-automatic unit as well as some additional construction that will occur inside their current building.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion to adopt Bill 16-41. Councilmember Karen White seconded the motion which carried by a roll call vote of eight (8) ayes.

16-44

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, APPROVING
THE ISSUANCE OF SCRAP METAL/JUNK
DEALER/RECYCLING OPERATION LICENSES FOR
CALENDAR YEAR 2016 PURSUANT TO SECTION 4-
51 OF THE SOUTH BEND MUNICIPAL CODE

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

Councilmember Karen White made a motion to strike from the bill A1 Auto Parts 2014 S. Lafayette Blvd. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Kareemah Fowler, City Clerk of the City of South Bend with offices on the 4th Floor, served as the presenter for this bill. This is an annual procedure where these entities receive approval from the Police Department, Code Enforcement and the Fire Department.

There were no questions from the Council.

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

Councilmember Gavin Ferlic made a motion to adopt Bill 16-44 as amended. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of eight (8) ayes.

16-45

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, APPROVING
THE ADVISORY SPECIAL COMMITTEE'S
RECOMMENDATIONS ADDRESSING ELBEL GOLF
COURSE AS A SHORT AND LONG-TERM ASSET OF
THE CITY OF SOUTH BEND, INDIANA

Councilmember Randy Kelly reported that the PARC Committee met and sends this bill forward with a favorable recommendation.

Councilmember Jo M. Broden, Fourth District Councilmember, served as the petitioner and presenter of this bill. Councilmember Broden thanked the Co-Sponsors of the bill as well as everyone who put so much work into this process. We are in a much different place with regard to this park not only as a valued golf course but also as a truly vital and unique environmental asset. The Committee conducted its work over the course of four (4) meetings with an average time of two (2) hours each. The highlight was the amount of public participation and the transparency that developed in the meetings as well as the documentation that has been submitted to the Clerk's Office and is now available to the public. That information allowed the committee to get some baseline facts out regarding the course that did not exist when this discussion on Elbel began. Councilmember Broden specifically thanked Elbel for Everyone and the golfing community for all their sustained work in this process.

The first recommendation is to engage a golf course consulting firm for all three (3) city run golf courses. The Committee found out through this process that the three (3) courses really need to be analyzed together and this recommendation will commence rather soon.

The second recommendation is to engage with ecological assessment consultants not just with Elbel but with all the major parks in the City. The purpose of this recommendation is to flush out the valuable assets in all of our parks. There are some endangered species at Elbel and we really need more information regarding them and the wetlands.

The third recommendation is that the existing work product developed in the advisory committee on Elbel such as the ongoing engagement with local experts, City Departments, key stakeholders, and the public be integral in the contractual terms of the City hired consultants. We want to make sure the work done already is available to these consultants going forward. One of the strong things which prompted this recommendation was the large level of public involvement.

The fourth recommendation is that the Park Department and Park Board, in conjunction with public input, update the City of South Bend five (5) year Park Master Plan. A advisory or standing committee must be formed. Throughout the entire process, it was invaluable how much information was brought out from the community and other groups and it is important to use that information to update the Master Plan to get everyone working from the same page. An advisory or standing committee would serve as a resource for the Park Board and Park's Staff.

The fifth recommendation is that the Parks Department maintains and manages Elbel Golf Course throughout 2016 and funds be designated as such for Fiscal Year 2017. The future use question was differed at this time and will be contingent/informed by findings and outcomes of Recommendations one (1) through four (4). Regardless of the outcome, public access must be guaranteed and ecological integrity assured.

The sixth recommendation is that monthly progress reports be provided on Recommendations one (1) through five (5) for both the Park Board and the PARC Committee by the Park's Department.

Councilmember Jo M. Broden asked that the minutes of the Special Elbel Advisory Committee be entered into record as well as the supporting documentation and that the documents continue to be online and in the Clerk's Office for public inspection as well as for the consultants. Those documents are as followed:

02-29-16 Special Advisory Committee for Elbel Minutes

03-07-16 Special Advisory Committee for Elbel Minutes

03-21-16 Special Advisory Committee for Elbel Minutes

04-13-16 Special Advisory Committee for Elbel Minutes

Park Board Minutes 2013 through 2015

2016 Parks Department Budget – Questions and Responses

2016 Budget Ordinances

2015 Budget Book

2016 Golf Division Budget

2014 Budget Final

Elbel Appraisal Document

Special Elbel Committee Meeting Notices

2015 Monthly Parks Foundation Financial Reports

PARC Committee Minutes 2013-2015

Park Bond Documents

Parks and Recreation Financial Reports 2012-2014

2006 to 2015 Ten Year Elbel Golf Financial Packet

2016 Approved Park Projects

Elbel Golf Course Zoning Flood Wetland Map

Elbel with Labeled Holes

Isolated Wetlands Program

Law Water Rights

Parks Master Plan 2014-2018

Remarks as prepared for delivery by Mayor Buttigieg at 2016 State of the City

Section 401 Water Quality Certification

State Laws Cited in Bill No. 16-08 Establishing an Elbel Advisory Committee

Survey Wetlands Area Calculated

TJ Mannen- Status updates for the Golf Division

All documents are available online through the Council Dropbox Link as well as on file in the City Clerk's Office.

There were no questions from the Council.

Those wishing to speak in favor of the bill:

Aaron Perri, Director of the Parks Department with offices at 322 Walter St., thanked Councilmember Broden and the other Committeemembers for their service and leadership during this process. Mr. Perri expressed his agreement with all of the recommendations and also the Parks Board unanimously approved the recommendations as well. The process of community engagement and hiring consultants is moving along and there will be reports to the Council shortly.

Jennifer Betz, 511 South Saint Joseph Street South Bend, thanked the Special Advisory Committee and the Council for all of their work on this issue. It has been a very long process and it is still ongoing. She stated that Resolution Six was not approved unanimously it was approved three (3) to two (2). She expressed concern about the work going back to the Park Board and PARC Committee because of the broken public trust and stressed she would rather the work continue at the Special Committee. It is also harder to follow this process when it is at multiple levels. She also thought the Elbel Specific language was missed in Recommendation Two.

Paul Blasko, 322 E. Colfax Ave Apt 209 South Bend, spoke in favor of the resolution and thanked the Special Advisory Committee. He stated his encouragement of the process and is excited to see what Aaron Perri and the Park Board will come up with for Elbel including the ecological study and integrity.

Sally Durengozski, 17888 Amberwood Ln. South Bend, thanked the Advisory Committee and their efforts. She questioned whether the Committee could disband on its own because it was formed by the Council. It should be up to the Council whether their work is done. The community has reason to still be concerned about what will happen with the work of the consultants and work of management. It would be difficult to forget how rattled the community is from the breach of trust from the Mayor's Office, the Park Board and even the PARC Committee. All of this does not give the community a good feeling to see what will happen six (6) months from now. She suggested the Special Advisory Committee continue because they were the ones to step up and really do the work the community wanted.

Those wishing to speak in opposition:

Ricky Klee, 2010 Hollywood Place South Bend IN, thanked the members of the Special Advisory Committee and commend their hard work. His concern is that the Mayor stated the Special Advisory Committee should be exemplary in its inclusion of diverse community voices and perspectives. The artificially limited time of the Committee resulted in many voices in the community not being heard especially racially and then also economic diversity. That is a serious omission and should cause the Council to send the Committee back. There was also no school involvement in the process. There was also no presentation given to the Committee about turning Elbel into a nature preserve and that idea should have been addressed.

Councilmember Jo M. Broden gave a rebuttal as the petitioner. There should be a correction of the record in regard to the unanimous vote, it was a three (3) to two (2) vote on the sixth recommendation and she was on the losing end of that vote. The intention of the wording of the recommendations when including key stakeholders is to work with educators going forward. The public is certainly invited to and encouraged to follow this process and the intent is to have as much community involvement as possible. The park wide natural resource plan does include Elbel and that is the intention. Councilmember Jo M. Broden stated it was her belief as well that the Committee should continue but again she was on the losing end of that vote. There was an outstanding level of expertise and public involvement in this Committee and that should be taken into account.

Councilmember Regina Williams-Preston thanked everyone for their work but we should look into the Committee continuing.

Councilmember Randy Kelly thanked everyone involved in the process. It was his feeling that the Special Advisory Committee did do their job and submit some solid recommendations that now the Park Department and Park Board need to run with. For the Committee to continue is in some degree stepping on the toes of the people who have the Parks and Elbel as their purview and he has complete faith in Aaron Perri and his team. It will continue to be an open and transparent process that will engage golfers, ecologists and educators.

Councilmember Dr. David Varner also thanked everyone for participating in the process and stated there is a lot of emotion out there. If this is going to be continued it is his opinion that you need to add a resources committee to see how these ideas would be funded. It would be a shame to get into all these great ideas and then not have the planning to fund them. There are options such as grants and it is something that needs to be looked into. As a City, ultimately we can only fund what we can fund.

Councilmember John Voorde thanked the Elbel for Everyone group for saving Elbel Park. When he first heard of the City's proposal to sell the park he was taken aback and was disappointed. Through this process he now understands and appreciates how special Elbel Park really is to this City. The people who came together to share their concern and passion opened his eyes to what a priceless resource Elbel Park is. The effort to keep an eye out for what is going on whether it is this Committee or another effort is important because trust has been breached and the City has admitted they made a mistake for proposing the sale. The question of who has the authority to lease is still not answered. State law seems to have some ambiguity if it is the Council or the Park Board. It was also his opinion that this Council consider looking into using the state law on the books to give the Common Council more muscle and oversight over the Park Board. A Park Board that consists of members appointed by one (1) elected person and a department run by a department head also appointed by one (1) person does not necessarily have the range of opinions that can come from a group like this. Councilmember Voorde did express faith in Aaron Perri and the new members of the Park Board he met during this process. He attended all four (4) of these meetings and could not be more gratified by the public response and participation. There does need to be continuing oversight because he is not ready to turn it back over to the Park Board because we need to keep an eye on things as the trust needs to be earned.

Councilmember Gavin Ferlic thanked the members of the public for all their input during this process. He supports the resolution and Aaron Perri's efforts but that does not mean we become disconnected we need to monitor what is going to happen in the future.

Councilmember Karen White thanked everyone for their great participation and it's a great start. Everyone came with openness, good questions, concerns as well as frustrations. The issue of continuing the Committee was three (3) to two (2) and she was on the losing side. The Council must maintain communication and remain engaged in the process. We cannot be kept abreast after the fact. The work of the Advisory Committee was phenomenal and people really did want to work together. There is still much work to be done and it is very important the Council identifies some mechanism by which information can flow horizontally as well as vertically. All partners involved need to maintain a level of communication and honesty as we move forward. Councilmember White also wished to thank the Clerk's Office who did an awesome level of

work for the Committee, minutes were very comprehensive and made available. The information they gathered on Drop Box is tremendous and that is a model to move forward as well.

Council Vice President thanked everyone for their work in this process as we have come such a long way from when this all started. The recommendations lead us to a safer and more productive plan to take care of Elbel and the parks. He also thinks it is not time to say goodbye to the Committee. The Council was the group that formed the Committee and it is not up to the committee to disband themselves it is up to the Council. The issue of the forty-five (45) days was just to make sure we were going to have Elbel running this year. It was his understanding and hope that it would be a much longer process. There is nothing wrong with having more committees as a Council because we need more time for many of these decisions. This process has allowed people to come and not only focus on the parks but a specific park and you cannot do that at a normal Common Council meeting. We have a group of interested citizens in this community on this issue and we should use that knowledge. If we use this committee process we will have a stronger city. We need to look at passing this resolution and then also vote to see whether we should disband this Committee or not. He recommended that the vote to disband this Committee be on the agenda for May 9th 2016.

Councilmember Jo M. Broden stated in the original resolution there was a forty-five (45) day time period identified. That time expired on April 15th 2016 so the opportunity may be to create a new resolution to extend the Committee.

Council Attorney Kathleen Cekanski-Farrand stated any member of the Council can ask for a new resolution to extend the Committee.

Council Vice President stated we do not have to make this decision tonight but his opinion in accepting this resolution tonight does not disband the Committee.

Councilmember Gavin Ferlic made a motion to adopt Substitute Bill 16-45. Councilmember Randy Kelly seconded the motion which carried by a roll call vote of eight (8) ayes.

Councilmember Gavin Ferlic served as Chair of the Common Council meeting for the hearing on Bill 16-46

16-46

A RESOLUTION TO ESTABLISH A 9-MEMBER
ADVISORY SPECIAL COMMITTEE TO STUDY AND
RECOMMEND ALL REASONABLE AND VIABLE
OPTIONS FOR MULTIPLE OFF LEASH DOG PARKS
TO BE LOCATED IN THE CITY SOUTH BEND,
INDIANA

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

Councilmember Oliver Davis served as the presenter and petitioner for this bill. This bill would establish a nine (9) member advisory special committee to study all viable and reasonable options for multiple off leash dog parks. Other cities in Indiana have multiple dog parks and South Bend only just opened our first one. We as a City need to study our own park lands and see what areas should be used for certain purposes. We hope that we can have multiple dog parks for large and small dogs possibly. Councilmember Oliver Davis thanked his co-sponsors as well.

Councilmember Regina Williams-Preston stated she thought this is a good opportunity to engage people and see what their interests are on this type of park.

Councilmember Dr. David Varner stated this has been done in other communities and looks like if it is run properly it can be very successful and we should try to do it right which necessitates getting as much information as possible.

Councilmember Karen White stated she likes that this calls for multiple dog parks and Mr. Perri has expressed his support for this initiative as well.

Councilmember Oliver Davis stated he does not mind if he was to be on this Committee and he looks forward to the possibility.

Those wishing to speak in favor of the bill:

Charles Smith, 2023 South Taylor St. South Bend, stated there is a lot of interest in the community for having more dog parks. The temporary dog park is a good start and there should certainly be more permanent locations. South Bend should meet the needs of the community for both the people and dogs and this resolution does that.

Jesse Davis, P.O. Box 10205 South Bend IN, stated Mishawaka has at least one (1) dog park already and its time South Bend got one too. For people who don't have a fenced in lot it is very hard for their dogs to live on a leash the whole time. They need to be able to interact with other dogs and so many people cannot put up fences for their dogs. Dogs are just like people they need to socialize with other dogs and don't do well if they are not well. Yes there needs to be rules and we can definitely sort that out.

No one wished to speak in opposition to the bill.

Councilmember Dr. David Varner made a motion to adopt Bill 16-46. Councilmember Regina Williams-Preston seconded the motion which carried by a roll call vote of seven (7) ayes and one (1) nay. (Councilmember Jo M. Broden).

BILLS FIRST READING

23-16

FIRST READING ON AN ORDINANCE OF THE
COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING VARIOUS SECTIONS
CHAPTER 17, ARTICLE 10 OF THE SOUTH BEND
MUNICIPAL CODE TO INCLUDE NEW RULES AND
REGULATIONS FOR ASSESSMENT OF
INSTALLATION CHARGES

Councilmember Dr. David Varner made a motion to send Bill 23-16 to the Utilities Committee and set public hearing for May 23rd. Councilmember Regina Williams-Preston seconded the motion which carried by a roll call vote of six (6) ayes and two (2) nays. (Councilmember Gavin Ferlic and Councilmember John Voorde)

UNFINISHED BUSINESS

16-38

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 2926-
3302 WEST SAMPLE STREET SOUTH BEND, IN 46628

Councilmember Dr. David Varner made a motion to send Bill 16-38 to the Zoning and Annexation Committee and set public hearing for May 9th 2016. Councilmember John Voorde seconded the motion which carried by a voice vote of eight (8) ayes.

PENDING INACTIVE/DORMANT BILLS

22-96

AN ORDINANCE AMENDING THE ZONING
ORDINANCE FOR PROPERTY LOCATED ON THE
SOUTH SIDE OF RUSKIN STREET (BETWEEN
ROBERTS & EMERSON STREETS) IN THE CITY OF
SOUTH BEND, INDIANA 46615

- 38-96 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 601 BLAINE AVE IN THE CITY OF SOUTH BEND, INDIANA
- 33-02 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 CERTAIN LAND IN PORTAGE TOWNSHIP CONTIGUOUS THEREWITH; (RAITT CORPORATION, AN INDIANA CORPORATION) (22, 500 BLOCK OF S.R. #23, SOUTH BEND, INDIANA 46619)
- 72-03 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1314 CALIFORNIA AVE. IN THE CITY OF SOUTH BEND, INDIANA
- 68-05 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 CLAY TOWNSHIP CONTIGUOUS THEREWITH: COUNCILMANIC DISTRICT #4, RICHARD & MARSHA PULLIN AND SHIRLEY COMBS APPROXIMATELY 200 FEET EAST OF THE NORTHEAST CORNER OF S.R. #23 AND MCERLAIN STREET, SOUTH BEND, INDIANA
- 08-08 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY BETWEEN 3515 MCKINLEY AVENUE AND APPROXIMATELY 125 FEET EAST OF PRESTON DRIVE, COUNCILMANIC DISTRICT 4 IN THE CITY OF SOUTH BEND, INDIANA
- 70-10 AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 101 NORTH KENMORE STREET, COUNCILMANIC DISTRICT 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember John Voorde made a motion to strike Bills 22-96, 38-96, 33-02, 72-03, 68-05, 08-08 and 70-10. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

NEW BUSINESS

There was no new business.

PRIVILEGE OF THE FLOOR

Linda Wolfson, 809 Park Ave. South Bend, spoke about the two bills that are no longer being considered regarding the increased South Bend's code violation fees by 11.5%. The bills were withdrawn before they could be thoroughly discussed and acted upon by Council members. At the Community Forum for Economic Justice they have repeatedly heard resident's questions and comments about the policies and practices of the Department of Code Enforcement. One concern is a perception of inequity, especially with regard to residents of the West Side. On the one hand, residents are concerned that Code Enforcement ignores violations that should be addressed. On the other hand, we also are being told of examples where Code Enforcement unfairly targets some homeowners with excessive violations and fines that are far beyond the ability of the homeowners to pay. Since many of the neighborhoods affected are low income and or communities of color, there is a concern that Code Enforcements policies are discriminatory and inequitable. If inequity exists, increasing fees will only magnify that inequity. She shared some of their concerns at the Health and Public Safety Committee Meeting on January 19th, the day that the bills first were on the Council agenda. Councilman Voorde asked us to prepare a list of written questions and the issue was tabled. We provided that list the following week. Additional questions were submitted by individual council members and by at least one local developer. These questions were to be discussed at the new committee meeting on February 8th. However, that discussion was postponed at the request of Mr. Wilkerson, Code Director. A special committee meeting to discuss the bills was finally scheduled for April 6th. The Council's small meeting room was filled. However, no one from the Department of Code Enforcement was in attendance. An email, received by Mr. Voorde that afternoon, informed him that both bills would be withdrawn. It is not my intent to repeat the testimony of the many community members who testified at the meeting, since five (5) Councilmembers were present and minutes were taken. Also, there are additional community members here today to share their personal interactions with Code with regard to illegal dumping, excessive code fees, and the deterioration of their neighborhood quality of life. We are concerned that the questions submitted to the Director of Code Enforcement were never answered. We are especially concerned about the consequences that would occur if inequities in Code Enforcement are documented. We ask your assistance, as our elected representatives, to initiate a public investigation of the policies and practices of South Bend's Code Enforcement. Ms. Wolfson submitted her typed comments to the City Clerk's Office to be added to the public record.

Johnathan Anderstrom, 526 W. Western Ave, a recent article in the South Bend Tribune announced a potential charter school that may come to the downtown area. Mr. Anderstrom is the chair of the board for the proposed school. People either love charter schools or they hate them. Mr. Anderstrom stated he is not against traditional public schools and does not believe that the teachers are to blame. In addition to his wife being a first grade public school teacher, he has worked hard to connect students to after school tutoring programs from his center and partner with SBCSC. Unfortunately many issues plaguing our school system are bigger than what our city can handle alone. Many issues are the direct results of federal or state mandates for public schools. Every charter school is different than the next. We have chosen a supporting organization, Team CFA, which will not control the legislative body of the school as an educational management organization but rather as a non-profit organization. Additionally they have chosen to go through the most stringent charter school authorizer in the state of Indiana. They have submitted their application about a month ago and are in the public hearing portion of the process. They have held public meetings, door to door community surveys, provided the community with an online survey and a public forum is scheduled next Monday May 2nd at 5:30 p.m. at the St. Joseph County Public Library opened to all. Mr. Anderstrom also provided information on the school to be on file in the Clerk's Office.

Samuel Brown, 222 E. Navare St., informed the Council they will soon get a letter from him concerning the Martin Luther King Street. This is a historical event and we need to recognize that. He stated he has some issues with Code Enforcement that he will talk about on a later date. He believes in 2017 a woman will be president of this country.

Jason Banicki Critchlow, 3822 West Ford St. South Bend, stated he was embarrassed by the process tonight. Usually when we see people speaking for an initiative by the Mayor, they

typically seems to be young white and affluent. This leaves out the large scope of diversity in our city we talk so proudly about all the time. We wasted a lot of time today on that issue, yet we just had a report come out last week that violent crime is up thirty (30) percent this year. At what point do we say is it worth wasting an hour for a flag when people cannot walk around their neighborhoods? The only way we are really going to shed that dying city label is by providing good paying economic jobs that allow people to support their families and by a safe friendly and inviting city and we are failing on those fronts. Yes we are adding jobs but a lot of time they are low paying part time jobs. These are challenges as we move forward we have to turn that tide to make the city better for everybody. Mr. Banicki Critchlow asked as budget time begins soon we have to come up with a plan to address our infrastructure needs.

Jan Maciulski, 1117 S. 31st South Bend IN, spoke against the proposed fire station being planned at Potawatomi Park. The demonstration given by the Fire Dept. tells people that there are no alternative sites and that presentation is not fair, there are other alternatives. We could renovate the historically landmarked old fire station which is only five (5) blocks different. A fire station in a park with change the entire dynamics of that park. The park should stay a park because once it's gone it's gone for good. There are still many questions concerning the noise and how that will affect the zoo and other concerns by the residents.

Chuck Buder, 15893 Ashville Lane Granger IN, spoke about protecting the night's sky. He asked the Council to strive to protect the real stars themselves. He has shared information with the Mayor and would like to share it with the Council as well. As the City invests tax payer dollars into lighting schemes and in all future city projects, the City should insist on adhering to three (3) basic principles the first being all outdoor lighting should be full cut off or fully shielded. Second, lights should minimize glare and light trespass. Third, if LED lights are used they should be temperature rated under 3,000k. Supporting documents to his comments can be found at nightwise.org.

Marvin Crayton, 305 S. Lake St. South Bend, spoke about his concerns with Code Enforcement. Two (2) of his neighbors got a ticket for having a mattress outside for one-hundred (100) dollars. Code Enforcement officers with no experience are always placed on the West Side where there are the most problems. People are building privacy fences on the right of way but where is Code Enforcement? The thing we need to write tickets on we don't but then target two (2) seniors to remove that one mattress is horrible.

Huey Scoby has been working on making Martin Luther King Street for seven (7) years and the Council appointed him. He is concerned about the MLK Committee and how it is working. How can you make a street committee to overrule his street committee? He turned in to the City Clerk's Office more than seven-hundred (700) signatures of people protesting the proposed street route. Martin Luther King deserves better than what that Committee put together.

ADJOURNMENT

There being no further business to come before the Council, President Tim Scott adjourned the meeting at 10:34 p.m.

