

Disclaimer: Undergoing technology updates experienced some lost of video & audio recording for dictation.

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, March 10, 2014 at 7:00 p.m. The meeting was called to order by Council President Oliver Davis and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

Present:	Tim Scott	1 st District
	Henry Davis, Jr.	2 nd District
	Valerie Schey	3 rd District Chairperson Committee of the Whole
	Dr. Fred Ferlic	4 th District
	Dr. David Varner	5 th District
	Oliver J. Davis	6 th District, President
	Derek Dieter	At-Large, Vice President
	Karen L. White	At-Large,
	Gavin Ferlic	At-Large

OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember White made a motion that the minutes of the February 24, 2014, meeting of the Council be accepted and placed on file. Councilmember Scott seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

BILL NO. 14-20

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING AND HONORING WASHINGTON HIGH SCHOOL WRESTLER MICHAEL BATES FOR HIS ATHLETIC SKILLS AND DEDICATION IN REACHING THE 76TH ANNUAL STATE TOURNAMENT OF THE 2014 IHSAA WRESTLING STATE FINALS



RESOLUTION NO. 4325-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND PUBLICLY COMMENDING AND HONORING WASHINGTON HIGH SCHOOL WRESTLER MICHAEL BATES FOR HIS ATHLETIC SKILLS AND DEDICATION IN REACHING THE 76TH ANNUAL STATE TOURNAMENT OF THE 2014 IHSAA WRESTLING STATE FINALS

Whereas, the South Bend Common Council notes that the Indiana High School Athletic Association (IHSAA) was organized in 1903, and is charged with regulating and supervising interschool athletic activities among its member high schools as an integral part of the secondary educational program; and

Whereas, the Common Council further notes that the 2014 IHSAA Wrestling State Finals were held in the Bankers Life Fieldhouse in Indianapolis, Indiana, on February 21, 2014 and February 22, 2014; and

Whereas, the Council is proud to acknowledge that 170-pound Michael Bates of South Bend Washington High School, who is coached by Washington Wrestling Coach Tony McWilliams, is a two-time Triple Crown Champion in the Indiana State Wrestling Association, which is a competition for club wrestlers in the off-season and is the former ISWA Folkstyle Nationals runner-up; and

Whereas, Coach McWilliams, who has coached Michael Bates for the past 8 years, credits Michael for "rediscovering his passion for the sport of wrestling", despite many personal challenges, which resulted in this high school senior finishing 4th overall in his first appearance at the IHSAA State Tournament;

Whereas, the Common Council is proud to acknowledge that:

"The Michael Bates' story provides so many lessons for young athletes to learn, about the motivations they need to compete, the positive outlet that sports can provide, and what it takes to become the best at what they do."

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

Section I. The Common Council of the City of South Bend, Indiana, honors Washington High School Senior Michael Bates for his "self-discovery and personal growth" as a person and wrestler, who, with the assistance of his Coach Tony McWilliams, was able to "unlock the passion which is contained within all of us and do something constructive with it" by taking responsibility to "...go out there and get better".

Section II. The South Bend Common Council is proud to recognize that under the lights of Bankers Life Fieldhouse in Indianapolis, 224 best high school wrestlers in the State of Indiana wrestled in front of nearly 10,000 spectators. One of these wrestlers, Washington High School Senior Michael Bates, bested Kaine Luginbill of Adams Central 10-8 in overtime and Bennet Kempf of Evansville Mater Dei 6-5; and eventually in overtime, Michael "gives it everything he has" and takes 4th place in his 1st IHSSA Wrestling State Finals.

Section III. As noted in *The Fan Varsity Sports Network*: "Even though the wrestlers from northern Indiana were shut out of the top spot on the podium pyramid at Bankers Life Fieldhouse, their performance still inspires...it is the strength, dedication and passion of these athletes that continues to inspire massive crowds into a frenzy, year after year...." Congratulations Michael!

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

Tim Scott, 1st District

Henry Davis, Jr., 2nd District

Valerie Schey, 3rd District

Dr. Fred Ferlic, 4th District

Dr. David A. Varner, 5th District

Oliver J. Davis, 6th District Vice President

Derek D. Dieter, At Large; President

Gavin Ferlic, At Large

Karen L. White, At Large; Chair, Com. of Whole

Kathleen Cekanski-Farrand, Council Attorney

Attest:

John Voorde, City Clerk

Adopted this 11 day of March, 2014

Mark Neal, Deputy Mayor of South Bend

Councilmember Dieter- As a personal note, I have the opportunity to watch this young man grow as a person and a wrestler under Coach T. Coach T also coach my kids in wrestling in the south for those who never have participated in wrestling it is a very grueling sport, and most importantly the mental aspect of you on the mat against one person. In basketball you can hide in the court, in football you can take a player, you can do just about anything in any other sport

other than this. But if you're out there against another person everybody is looking at you, the coach is looking at you and it's a very demanding and mental sport for kids to succeed and Michael has had the opportunity to be with Coach T for a long period of time. I've witnessed him I saw some better things happening with this man at some point but between Coach T, his mother and everyone around him they made him the person that he is today. I expect for him to go to college, I expect him to be a great asset and come back to South Bend and possibly teach kids down the road, it is very gratifying to see this young man to get where he's at and the future is his. I wish you all luck.

SWEARING-IN/OATHS for the City of SB DIVERSITY UTILIZATION BOARD MEMBERS

Kareemah Fowler
Joseph Shabazz

REPORTS OF CITY OFFICES

ANNOUNCEMENT- DEPUTY MAYOR MARK NEAL

Deputy Mayor Mark Neal: Good evening council, thank you Council President Davis. First, I would like to thank you Mr. Davis for welcoming me, you reached out immediately for us to talk about on how we can work together to serve the office, citizens and the residents of South Bend. I thank you for that. I actually would like to thank all the councilmen who reached out like that to converse on how we can do business and serve the residence of South Bend. A couple updates for this evening, on housing, update on vacant and housing, the Mayor talked about 1,000 houses in 1,000 days. I would like to update you that we have taken action on 340 houses to date, 98 repaired, 43 having been demolished, 100 to be contracted to be repaired and 208 already contracted to be demolished. This Wednesday the city of the league sponsored the North Central Business conference of Saint Mary's College for women minority owned businesses. This is the city's third year participating in the conference. The President discussed programs and services available to help these businesses. The city will also provide information and training and helping women minority business to successfully compete for government contracts in the city of South Bend. In addition the city continue to review its wellness program for our employees, and we are formerly extract the liability of a city sponsored health clinic. Perhaps in coordination with other public entities, we began that discussion last year, we will continue to have it this year more formerly, as we look to see how we can maintain the health of our employees and their dependents. And also provide other services to manage the chronic conditions of some of our employees and their dependents improve the quality of care and the quality of life as well as controlling their healthcare costs. In addition, I think you are aware of the Parks and Recreation program is undertaking a 5 year master plan to guided development and maintenance of our 57 parks along with program and services. Many council members attended the open houses that were held last week. That work will continue during the month of April and May in which our consultants will be back to present their initial findings and recommendations again to the community through a series of meeting and focus groups, with the expectation that the master plan will be refined further for final approval in July, I look forward to that conversation with you. The parks master plan and the approval for that will be the basis of us looking at a bond in 2014 to address the top priorities tied to that effort we look to site that as best as we can, given the cities resources, knowing that we have not had a park bond for over 40 years. We are certainly excited to say that we are going to start this year to address some of these long standing capital needs as well as the program and services that we've identified for our parks on behalf of our residents. Finally, the city will participate in our annual Saint Patrick's Day parade this Saturday, March 15. Employees and their families are invited to gather at 10 o'clock on the corner of Jefferson and Francis as we prepare to march in the parade. Certainly we invite residents for the parade at 11 o'clock as we march and proceed down Jefferson Blvd. from Francis Street to Niles Avenue and we will green the river after the parade. I hope you can come out to join us. Thank you and I welcome any questions that you might have.

President O. Davis- Any questions for the Deputy Mayor:

Councilmember Dr. Ferlic- When do you project that contracted house for the 208, when will they be demolished, when do you project?

Deputy Mayor Mark Neal - So the 98 have been repaired already, and they have been taken off the list, 43 have been demolished and that was done last year, 208 that are contracted that work has to be done we will continue as they can get them down. Weather permitting through the course of the next few months we expect for those to be addressed. In addition there will be other houses that we will identify through process to either contract in addition for or to continue to seek repairs or rehabilitation.

Councilmember H. Davis- Thank you for your report, I appreciated it. One thing, I'm going to ask as I don't like to see homes come down, some of them might not need to come down. As we have homeless problems, and we have people looking for houses everywhere. My question is that because of what's in prepared for demo, we have contacted another agency to do some consultant work for us, is there another layer or action that will take place outside of just demolishing and repairing is there anything else that can happen with these homes?

Deputy Mayor Mark Neal - Part of that report, we continue to look for innovative ways for us to either to save those houses, repaired, rehabilitated and/or sold otherwise taken off the income tax rolls with the code violations addressed. But they can't be reoccupied, but there is a large number that are beyond repair that we will continue to demolish.

Councilmember H. Davis- So this is the part where we were talking about the beautification project, hopefully we can get that program going, I was talking with a friend earlier today about how when with these issues are happening how can the city help back or help back with loans for those that might be marginalized if they have opportunity to get back into home that could need to be repaired or has been repaired to help put people back in to the neighborhoods. One thing that I do know, is that everybody is not going to be able to hold a mortgage for \$150,000 or more or even \$100,000, some people may only be capable of holding a mortgage for \$50,000 or maybe even \$30,000. Is there any interest in participating or developing a program that will allow the city to help folks like that? You heard a report earlier that the majority of the people in the city are 35 years old most of them are on minimum wage or make something less. We can't clearly be going to a boutique style of housing around here as we don't have boutique money. How do we diversify the way we go about this to make sure that we keep some houses that would be critical for those that may not be able to get anything out of it to begin with?

Deputy Mayor Mark Neal- Councilman Davis, certainly, we want to support homeownership in our community. We are open to conversation with you, with some of area financial institutions on how we might have other programs made to make homeownership eligible for certain folks again, support based upon income limitations as well as housing surplus. We would be pleased to have a conversation about it.

Councilmember Henry Davis - We have had discussions before about residential neighborhoods. I would make a report from my files and thereafter. Let's talk about it, I think it is worthwhile. Thank you sir.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:28 p.m. Councilmember Varner made a motion to resolve into the Committee of the Whole. Councilmember Scott seconded the motion which carried by a voice vote of nine (9) ayes. Councilmember Schey, Chairperson, presiding.

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

Councilmember Schey stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

BILL NO. 03-14

PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED AT 1912, 1918, AND 1924 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Scott reported Zoning and Annexation met this afternoon we send Bill 03-14 to the full council with a favorable recommendation.

Presenter Krista Nader, Area Plan 11th Fl. County-City Building- This property is the located on the south side of Edison Road between Ironwood Road in the center there is a dentist office and on either side, single family home sole owned by the dentist. Back in 1987 it was originally re-zoned for dentist office in 1994 he purchased the property to the east to on lot 17 for special construction in the parking area behind the house, what he is asking me to do now is to re-zone the entire property to the office buffer district which the center piece already is in order to put an addition on to the dentist office. He also then asking for special instruction to keep the 2 single family homes as single family homes, as they are currently being rented but since they would be zoned off as a buffer than they could at some point in time turn into another sort of office. Then the parking lot would then extend to the west on to lot 17 behind the other single family home to the east is an insurance office zoned over the office district and to the North, West and South is single family homes. The city has received some a number of variances for setbacks and some landscaping from the plain commission. One neighbor that came asking questions as he lived to the south on the Oak Park Drive. Questions when signs would be to keep people from the residual property to coming on their property.

There were no questions from the Council for the presenter.

Mr. King- Here this evening on behalf of Dr. Paul Sergio who is planning in addition to the east sides of his building the addition is to be able extended his services and the number of doctors that will be at this facility. The addition is approximately 1,200 sq. ft. In addition the a new parking lot at the one story frame house at 1912 to the West is the only two pieces of construction that are planned for this piece of property. Dr. Sergio's parking is currently to the south of his office as well as to the east of the office. There are a currently a total of inadequate number of spaces but these additional spaces will be needed based on the doctors needs not based upon the amount required by ordinance for park C. In additions the drainage and everything has been submitted for final site plan. If there are any questions I would be more than happy to answer them.

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

Request to move in favorable recommendation for amended version motion made Councilmember Dieter, motion was seconded by Councilmember H. Davis. All were in favor Bill 03-14 sent to the full council with a favorable recommendation.

BILL NO. 13-14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 11 OF ORDINANCE 10192-12, TO ADD THE CATEGORY OF POLICE DEPARTMENT RECRUIT, AND TO FIX RECRUIT ANNUAL PAY

Councilmember Dieter- Health and Public Committee met earlier today and we discussed the pros and cons of this and after that we decided to send it to the full council with a favorable recommendation.

Presenter: Ron Teachman Chief of Police of the city of South Bend, IN. We are asking that this council allows this ordinance to add a sub-section to c 10192-12 for this purpose. Presently no one seems to know why. Our policy has to in recent history to swear in a new recruit as a police officer before we send that person to the city council on a plain field where they will study for 15 weeks. That wasn't always done at first. Many police officers, many who are still on the job that they were sworn in after they graduated from the academy. Here's why that's important to us. Indiana code 36-8-4-12 sets out a 12 month probationary period for police officers. We think it's in the best interest of the city of South Bend to in order to evaluate a new officer for the full 12 months while they are actually performing the duties of a police officer and don't have to include those 15 weeks that they spend down in the plain field academy. Although, the training may be challenging, the academy setting does not give us the opportunity to judge a police officer when dealing with all the members of community in all various situations and circumstances that they will be encountering in the community. So the main purpose is, is to give us a full 12 months of evaluation. Secondary purpose would be if they are not sworn members of the department it's easier to discipline them while they're in the academy per any the academy behavior and thirdly, currently since the situation that we are in we are assigning the seniority hypothetically for no better reason when they first start on the job going to the academy by swearing them in on the end we can include their academy performance for those 15 weeks and give seniority to the grade to the top performer we think this the fairest way. For all of those reasons we appreciate your recommendation.

There were no questions from the Council.

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

Councilmember White made a motion that Bill 13-14 move to the full council with a favorable recommendation. Motion seconded by Councilmember Dr. Varner, motion carried by nine (9) ayes to be sent to the full council with a favorable recommendation.

BILL NO. 15-14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA (HILL AND COLFAX STREETS)

Councilmember Ferlic- Community Investment Committee met earlier today. Community Investment Committee sends Bill 15-14 to the full council with a favorable recommendation.

Presenter Jitan Kain (Office of Community Investment)- I come before you for consideration for an ordinance which the recommendation made by the South Bend economic development commission regarding the declaration of a target area for the corner of Henry and Colfax. This is a lot that's owned by the redevelopment commission and has sat vacant for over 10 years. In December 2013 the redevelopment commission entered into a purchase agreement with Colfax hill partners to develop a mixed used building on this corner. The building is expected to be 22,000 sq. ft. it's about a \$3 million project. The developers propose to construct and mix this project with retail and apartments to be added. Its fits in with the plan of the South Bend central development area as well as the east master plan. I appreciate any questions and we ask for your full support in this ordinance.

Chairman Schey- With the zoning in this area is this a GP or what is the zoning?

Presenter- This is a CBD zoning, central building district which calls for mixed uses throughout the downtown area.

Chairman Schey- So the building itself would not have its own unlike multi family, single-family general business. That doesn't exist in the central business district.

Presenter- The central business district family allows for multiple uses, so this mixed used category fits in with what's allowable in the CBD zoning category.

Those who spoke in opposition:

Christopher Huff 1831 N College St. - Again, I'm not speaking in favor nor in opposition. Questions which were not answered by staff. 1. What is the total investment anticipated on the property and number 2. What is the initiation when it is schedule to commence construction? 3. Is there a phasing plan? These are most standard questions in most communities. Present phase.

Presenter Jitan Kain (Office of Community Investment): Project costs is estimated at \$3 million dollars. In regards to the starting of construction it's anticipated to begin sometime this spring certainly the weather has played a role, I've been assured by the developers it should be starting within the next couple of months. The phasing plan, the initial contract developer works to phase the project in they will be building the entire structure as one time. It is anticipated to take about 12 months from the time that they start.

Councilman Davis: My questions from earlier I just have two concerns about the amount of resources that the city has that has dished out for this particular project. Not that I don't want to see that happen I want to see that happen, however the city has from my recollection has built the building, in tax abatement, money from redevelopment as well access of \$1.8 million.

Motion for Bill 15-14, Councilmember Dieter made a motion for favorable recommendation, motion seconded by Councilmember White. Motion carried with (9) Ayes and sent to the full council with a favorable recommendation.

BILL NO. 16-14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA (LASALLE HOTEL)

Councilmember Gavin Ferlic- The Community Investment Committee met earlier today and how was their recommendation: Community Investment Committee send Bill 16-14 to the full council with a favorable recommendation.

Presenter Scott Ford/ Director 14th Fl.(Office of Community Investment): Good evening Council, I find pleasure bringing together the first of two items tonight that pertains to the revitalization of the LaSalle Hotel. First of which is confirming the designation of the LaSalle Hotel as economic development target area. This is the first necessary step in order to make it available for tax season, tax abatement. It should be noted that this parcel has been obsolete for over 10 years, it has been evicted partial in which the city has incurred a fair amount of current cost. Fortunately, after 10 years we have found a partner to redevelop the building and the redevelopment commission signed a development agreement in December of 2013 per project that would be approximately \$9.25 million in value. This project would bring 95 new residents downtown, introduces as many as 35 new jobs, in addition to 140 construction jobs. This represents over \$3.2 million dollars that would be recirculating downtown. And not to mention that all of this is on top the fact that it is an historic asset; it would be great to see that return to prosperity. With that I turn it over Rich and Brad to speak more specifics on the project.

Co-Presenter Rich Deahl (Barnes and Thornburg)- The council is aware that the ordinance before you is to approve the designation of the former LaSalle Hotel property as what has turned in to an economic development target area. This is the first required step for a special property like this to be considered for tax abatement. As the council is aware, there is a unique stature that sets forth for property that has a potential of growth or impossible for future development due to characteristics of the property, or history of no development with the property and/or properties that are on Indiana Registered Historic site. The property maybe designated as the development target area which would enable development on the property to be considered for

tax abatement. In particular in order to be considered for abatement multi-family housing as well as retail properties must be designated with this EDPA or Economic Development target area designation. This is the first step and we are happy to answer any questions the council may have taking this initial step. And can certainly address the council questions related to the proposed development either now or with the resolution. Which will be in front of the council within a matter of minutes.

Councilman Henry Davis- I just have concern that the city has stepped out considerably for the project and in the access of \$20 million inflation or close to. What I'm looking for is some form of guarantee as it relates to money out of the redevelopment can we get a PLA going and also what about investment because step 1 and step 2 come from the city and everything else comes from the city everything else comes from the project developer we can't get to step 3 or step 4 without the city stepping out first. So I want to make sure if at possible in supporting this if there are some guarantees that are local labors that can be offered or compensation that can be for the other side?

Co-Presenter Rich Deahl (Barnes and Thornburg)- Appreciate your question. I will take a first attempt to address it now then I will turn in over to Brad the managing principal of Great Lakes Capital. I think first for the council is well aware and some of the audience may not be quite as well as aware. I will provide more background on the project and address specifically some of your questions on guarantees of local labor, and some of the equipment's are related to the project to ensure that the city is part of its investment in this revitalization and reinvestment in downtown where there is some accountability for the benefits to flow to the city itself. Scott, kindly shared the project is a proposed investment of over nine and a half million dollars (\$9,500,000) to revitalize the former LaSalle to take the building that has a significant amount of obsolescence, require significant investment in improving and rehabbing the property to bring it to a level where it can actually be developed for multi-family housing and retail. Scott shared with you some of the anticipated construction jobs, over 140 jobs over the next year which will also lead to employment both to service the property as well as employment within the retail area of the new property. Specifically Mr. Davis questions Great Lake Capital development is a party to a development agreement with the Redevelopment Commission under that agreement it has various commitments one is which commitment to use all good faith and commercial in reasonable efforts to employ local labor for the project. The Redevelopment Commission has required under that contract that Great Lake Capital provide notices to local contractors of project specifications of all big requirements, and end of notices for all pre-big meetings. In addition to that under this contract, the developer has an obligation to report back to the Redevelopment Commission throughout the project as who has supplied services as well as outsourced that they have met their obligation to employ local labor. Now that is under the development agreement. The purpose for the tax abatement which we read before the council this evening.

Councilmember Henry Davis Jr.- Before you get too far, the number you just talked is that the total of \$9 to \$10 million or is that what the city has for 1.8?

Co-Presenter Rich Deahl (Barnes and Thornburg)- Under the redevelopment agreement that is the total project in addition to that, the purpose of the tax abatement. The developer come together to employ and engage contract with at least 75% of its overall project cost to local contractors in order to qualify it for up to the 10 year abatement designation that will be before the council later this evening. Both under the development agreement as well as the commitments made as part of the application for abatement, the developers are committing to employ at least 75% of its contractors from local contracting.

Councilmember Henry Davis- When you say local contracting, what does that mean? Where are we in terms of cities, does that qualify just South Bend or what?

Co-Presenter Rich Deahl (Barnes and Thornburg)-Under the tax abatement ordinance, local, the term local as contractors is defined as contractors that have a significant presence in St. Joseph

County. So at least 75% of those contractors will be employed on this project would have a significant presence in St. Joseph County.

Councilmember Henry Davis- How is going to be managed? I'm now comparing that to past practices with the city with construction contracts with past conversations that we have had in council about local labor, using outside the city or even outside the state, who is going to apply that and how is that going to be managed that is an actual 75%?

Co-Presenter Rich Deahl (Barnes and Thornburg)- If I made refer on addressing what their project management protocol is anticipating to be for managing the different aspects on the developing project.

Co-Presenter Rich Deahl (Barnes and Thornburg)- Thank you for the referral. For starters Councilman Davis, we are local and that is why we are doing this job, taking on this project. It's more than just a job it's a career a market building effort that we are now taking on for a third time, it's our third project and we take it very seriously from the risks that are involved both were much more articulate with the specifics as what is required of us in two areas one to become a tax abatement and one with our general development agreement. We managed our projects start to finish through the process, hand in hand with the city all the way through the completion. There are certain requirements of the tax abatement of the project agreement that are going to cause us to have to report the sub-contractors, general contractor all those involved with the project and who they employ on the project and we will be accountable to that all the way through process its required of us legally and we take that seriously and we have done work in the city and for the city.

Councilmember Henry Davis- This is a policy issue that I dealt some time since I've been on the council and have never heard of some of those things before redevelopment, I am glad you are saying that this is what you're doing. Just because you are capable of doing it doesn't mean that most people should be able to do it as well. Some time ago we put together a resolution that has account with public and private partnerships and happened all as to what took place in Chase Tower and all the ins and outs all the stuff that we did so this is going to be a completion of the acts of then as far as resolution purposes and policies so that we are in line. I don't know who I'm going to get the paperwork from.

Those in favor of Bill 15-14

Peter J Augustino: I would like to talk about physics and city development. I think that the city is going in the right direction right now in resulting a mass in the city. We are fortunate enough to be here last year myself, with my brothers, on the Hoffman project that the council was able to move us forward in the right direction that project is progressing. The LaSalle Hotel is right next door, we would like to continue to see a massive development downtown as we like to think that pulls people towards the center. I think we have momentum in the city for the moment, when you have momentum and things are moving lets not stop moving them. I'm not associated with Great Lake Capitals I have clients that are investors in Great Lake Capital, it is a local company. I am confident that they will be using locals it only makes sense. I would encourage the council to declare this a target area and keep the development moving forward. Thank you.

Art McDonald 115 W Colfax- 23 years ago I opened LaSalle Grill as a pioneer to things that were happening downtown, not a whole lot as to that was going on then. There is a lot of things going on now. I have seen developers come and go from various projects including the Chase Tower, and LaSalle Hotel and that people would come, that more people will live downtown someday is now becoming a reality. There are things that are happening across the river that we needed to happen on the west side of the river and continue to happen and with the 59 units that are projected to be here. That is a great boom to all the independent restaurants that are independently owned by local people here in the downtown area. Downtown has now become a haven for the downtown area, chains are all over there in Mishawaka. We have independently owned, locally owned businesses downtown. We need people to populate the seats in our restaurants and retail businesses. I once heard Brad say this, just this last year, you won't get retail until you have rooftops and people living downtown and a lot more apartment

development. These things are desperately needed, pointed that we are on a roll, with some momentum and that's a great thing, we waited a long time for in downtown South Bend. I whole heartedly support this as does many members of the downtown dining alliance in South Bend that was created a few years ago to bring things like restaurant week, plane walks and different activities downtown to bring people downtown, local as well as out of town people. I want to also point out that we welcome those of the Hoosier hospitality conference that is happening the next two nights and days bring over 300 people to South Bend from around the state. People who are involved in restaurants, hotels, and tourism. It's a great thing for South Bend to just continue the part of the roll that we are on. So please support this ordinance.

Rebecca Johnson 1454 Sorin St.- I am not for or against it, I just want to say something to Great Lake Capitals. I'm a Senior Citizen, what I have noticed since 1900's all the buildings that are going on with construction work black men have disappeared and has gone bye, bye. So what I want to know are any black men are going to be on the construction sites. That's what I want to know. I'm old, 65 old, I'm not racists, and I apologize for anyone offended. Since affirmative action didn't work the first time, every time the projects go down black folks disappear. That's all I want to know. State tax and state laws just want to say that the black men are always not there.

Christopher Huff 1831 N College St.- I'm neither in favor nor against it. This is precisely the type of project that this city needs and should have had over thirty (30) years ago. Thirty (30) years ago this is precisely the type of project that the tax increment finance as well as the tax abatement programs were set up years ago in this state to provide for. Working on the synergy downtown obviously, it distresses me greatly to hear that another 300 houses are coming down, just like the gentleman said earlier people want to build and develop retail that will count it so this is good for the immediate downtown. Thank you.

No one from the public spoke in opposition to the bill. Public portion now closed.

Co-Presenter Brad Toothaker- Two portions involved in the project from beginning to completion. Obviously we will be following all the guidelines that are contained in our rules from the city both the development agreement and the tax abatement agreement. So we will adhere to those and any requirements of those agreements and we bid projects to multiple contractors which includes sub-contractors, and people that work in a variety of different capacities and skills that are involved in a project. It really is up to those subs and general contractors and the people that they employ and those that win the job to hire and go through their appropriate hiring practices and folks that they hire and the contractors that we will select will be the ones that perform on the job.

Councilmember Henry Davis- Our ordinance of MBE/WBE inclusion is it being apply to this particular project

Council Attorney Kathy Farrand- The tax abatement will apply it does specifically apply to the type of sub-contractors and contractors. The operating of the diversity board and the city of South Bend is ongoing and that would complement anything that he would have as far as this project but as far as specifically guarantees to that I do not believe that it would. Again the key is the contractor.

Councilmember Henry Davis-So minority owned and women owned businesses will be applied? I'm not hearing a lot of details right now.

Councilmember Oliver Davis- Is there ever a discussion with them regarding the population makeup of South Bend and what you would like to see your workforce when you talk them or is that just something that you don't discuss and that they just automatically do.

Co-Presenter Rich Deahl (Barnes and Thornburg)- The reason we are here tonight is because this project is a very challenging project, from the stand point without the technical nature of the project and the financial nature of the project wouldn't be asking for a dime and that's why we haven't in the past. What we discuss with contractors when we have these contracts that we need

quality work and the best price that they can offer, it needs to be competitive, we need to get timing, and project scope and detail those are the type of conversations that we have with contractors.

Councilmember Dieter made a motion for a favorable recommendation, motion was seconded by Councilmember Gavin Ferlic. Motion carried (9) Ayes to be sent to the full council with a favorable recommendation.

MOTION TO RISE & REPORT TO FULL COUNCIL

Councilmember Dr. David Varner made the motion to rise and report. Councilmember Dieter seconded the motion. Motion carried (9) ayes.

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 8:12 p.m. Council President Oliver Davis, presided with nine (9) members present.

BILLS – THIRD READING

BILL NO. 03-14

THIRD READING ON A BILL AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED AT 1912, 1918, AND 1924 EDISON ROAD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Motion by Councilmember Dieter made a motion to amend the Bill from the Committee of the Whole. Councilmember Scott seconded the motion which carried by (9) ayes.

Motion by Councilmember Dieter to move for passage of amended bill. Councilmember Varner seconded the motion. The Bill passed by a roll call vote of nine (9) ayes

BILL NO. 13-14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 11 OF ORDINANCE 10192-12, TO ADD THE CATEGORY OF POLICE DEPARTMENT RECRUIT, AND TO FIX RECRUIT ANNUAL PAY

Motion by Councilmember Varner, motion seconded by Councilmember Dr. Fred Ferlic. All (9) nine were in favor: Roll call vote was given (9) nine ayes.

BILL NO. 15-14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA (HILL AND COLFAX STREETS)

Motion by Councilmember Tim Scott, motion seconded by Councilmember Dr. David Varner, All nine (9) were in favor: Roll call was given (9) nine ayes.

BILL NO. 16-14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA (LASALLE HOTEL)

Motion by Councilmember Henry Davis Jr., and seconded by Councilmember Dieter. All nine (9) were in favor: Roll call was given all nine (9) were ayes.

RESOLUTIONS

BILL NO. 14-19

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 117 N MAIN ST. SOUTH BEND, INDIANA

RESOLUTION NO. 4326-14

**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**

117 N Main St
South Bend, IN 46601

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

117 N Main St
South Bend, IN 46601

in order to permit

Tattooing and Body Piercing

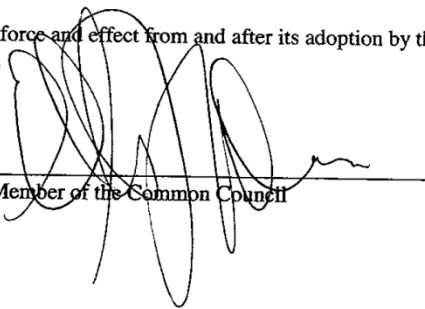
SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

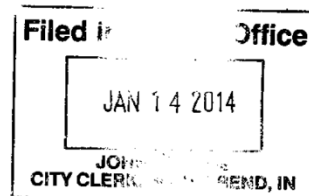
SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

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



Member of the Common Council

PRESENTED 3-10-14
NOT APPROVED
ADOPTED 3-10-14



Councilmember Scott- Annexation Committee has met and we send to the full council with a favorable recommendation.

Presenter-Mark Lyons, Building Department, states that the February 5, 2014 meeting Area Plan and Board of Zoning Appeals gives the bill a favorable recommendation, are there any questions.

David Martin 127 W Washington Street- My business is currently at 127 W Washington Street and we just want to move it to right across the street to 117 N Main Street, basically we have some issues with the building that we are in, and we just want to stay downtown and we are looking to move to a new spot.

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

Councilmember Derek Dieter made a motion for adoption of bill 14-19. Motion seconded by Councilmember Tim Scott, all in favor (9) nine ayes by roll call vote.

BILL NO. 14-17

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,
DESIGNATING CERTAIN AREAS WITHIN THE CITY
OF SOUTH BEND, INDIANA, COMMONLY KNOWN
AS 3201 WEST CALVERT STREET AN ECONOMIC
REVITALIZATION AREA FOR PURPOSES OF A (8)
EIGHT-YEAR REAL PROPERTY TAX ABATEMENT
FOR NOBLE AMERICAS SOUTH BEND ETHANOL
LLC

RESOLUTION NO. 4331-14

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

3201 West Calvert Street

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF UP TO AN
EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR

NOBLE AMERICAS SOUTH BEND ETHANOL LLC

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area commonly known as 3201 West Calvert Street, South Bend, Indiana, and which is more particularly described as follows:

Vac Sunset Pk SE ¼ Ex
Pt Sold to City S & Adj
& Mid Pt S1/2E of Rr
Cont 61.834 Ac +/-
Sec 16-37-2e

and which has Key Number 71-08-16-400-002.000-026, be designated as an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

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

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

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

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

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

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

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

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

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

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

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

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

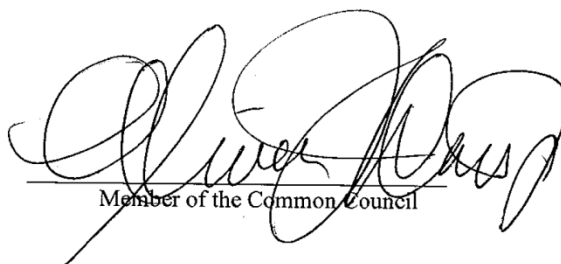
SECTION IV. The Common Council hereby accepts the report and recommendation of the Community and Economic Development Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes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

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

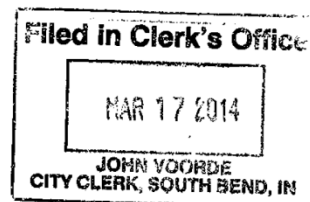
SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of up to an eight (8) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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


Member of the Common Council

PRESENTED 3-24-14 as substituted
NOT APPROVED
ADOPTED 3-24-14 as substituted



Motion to continue Bill 14-17, motion seconded. All were in favor. Motion to accept the substitute Bill. Motion seconded.

BILL NO. 14-18

A RESOLUTION OF THE COMMON COUNCIL

OF THE CITY OF SOUTH BEND, INDIANA,
DESIGNATING CERTAIN AREAS WITHIN THE CITY
OF SOUTH BEND, INDIANA, COMMONLY KNOWN
AS 237 NORTH MICHIGAN STREET AN ECONOMIC
REVITALIZATION AREA FOR PURPOSES OF A (10)
TEN-YEAR REAL PROPERTY TAX ABATEMENT
FOR GREAT LAKES CAPITAL DEVELOPMENT

RESOLUTION NO. 4327-14

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

237 North Michigan Street
AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10)
YEAR REAL PROPERTY TAX ABATEMENT FOR

GREAT LAKES CAPITAL DEVELOPMENT

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana requesting that the area located at 710-712 Niles Avenue which is more particularly described as:

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

And which has Key Numbers 71-08-12-107-005.000-026 and 71-08-12-107-006.000-026 presently at this point in time, be designated as an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

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

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

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

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

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

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

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

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

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

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

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

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

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

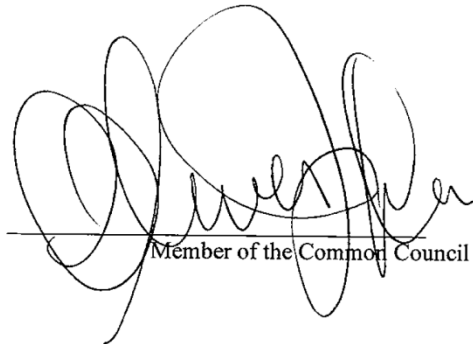
SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real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

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

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

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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


Member of the Common Council

PRESENTED 3-10-14 ^{2nd} as substituted
NOT APPROVED
ADOPTED 3-10-14 as a 2nd substitute

Filed in Clerk's Office
MAR - 7 2014
JOHN BRADY
CITY CLERK, SOUTH BEND, IN

Community Investments sends Bill 14-18 to the full council with a favorable recommendation.

Presentation: Good Evening President Davis and members of the council. My name is Rich Deahl, I am pleased to join the council again as well as Brad to answer any questions the council may have with respect to this resolution. I know we provided further detail with the former

ordinance but again this project relates to the LaSalle Hotel and a request for a 10 year tax phase in related to the investment of \$9.5 million to reinvest in this property into approximately 59 apartment units together with retail of about 10,000 sq. ft. we appreciate the councils consideration and appreciate any questions the council may have.

For the record would you please repeat section 6 since this an exception. The resolution before you has section 6 that identifies factors or facets related to this project separate from some others as well as the basis for a request the phase in schedule over the 10 years is altered from the Historic statue 10 year schedule in place by the Indiana statue before it changed over a year ago. Those factors which you will see in section 6 of this resolution identified it that this is a property that has been owned by the redevelopment commission for many years. I know it has been owned for over 10- years and during that time period has contributed to \$0 dollars to tax revenue, for the same period the city is burdened with upkeep management and maintenance expenses related in essences a vacant building. Third this is a project with your time and consideration has been designated as economic development target area which is a historic designated property which is indeed in need of some significant investment. The investment that is being proposed is going to be in excess of 9 times any tax savings related to this phase in and with your support the reinvestment in downtown to meet the goal of CDP will be met. We appreciate your appreciation and again will answer any questions that the city council may have.

Councilmember Henry Davis- Who all currently manages the property? Does the city manage the property or is there an outside agency that manages the property and who may that be?

Bradly Company-manages the building and they were contacted by the Redevelopment Commission

Councilmember Henry Davis- Could this project have been done without this special exception?

Co-Presenter Rich Deahl (Barnes and Thornburg)- That's a fair question and very much appreciated. I think history will bear out that it would not, if you look at the last most real-estate proposal that came forward in this building that was a proposal seeking \$3.2 million of direct public subsidy in addition to 7 year 100% tax abatement. This is certainly many steps back from that and a much better deal if you will for the public for the project.

Councilmember Henry Davis- My next question is that, since this helps so much we need to begin to talk about this particular action itself not necessarily of what we are doing with your company today, but what we are going to do, I appreciate your urge to develop underdeveloped poverty in the downtown area. So if a 10 year phase in works for him. Then it can work for any other developer building a building downtown that sort of needs that attention but also needs that investment. Are you here seeking to make that a part of public policy versus a special exception?

Co-Presenter Rich Deahl (Barnes and Thornburg)- I believe this will be a special exception we have outlined at least 5 to 7 elements in which this is an extraordinary circumstance in which through the policy with developments, with the forth coming development for example Colfax will come for tax.

Councilmember Henry Davis- What I don't what to happen is for it to start to look like that people are picking and choosing which is good for them? I'm not saying don't do it but what I am really looking at is into making this a public policy for across the board to whomever needs that support.

Co-Presenter Rich Deahl (Barnes and Thornburg)- Thank you very much, I appreciate that.

The following residents spoke in favor of the bill.

Peter J Agostino- For the reasons stated earlier I support the abate

Resident : About the jobs you want the money to do the work but then where are the people. It's just like Decoal if you go from Decoal all the way to Sunflower its 97% minorities. When the jobs fair in Granger and Mishawaka. How can a person stay across the street and through the

city to wash dishes and cut grass or whatever? But then they don't get out the opportunity all these people right across the street, always to Sunflower they didn't have no chance, and all these people want to say they want the money to do something but then they hire contractors. What minority contractors have a \$2 million bond there's very few. There's still good workers, good laborers that want to work and then that's what keeps them out of trouble, that's what keeps young people out of trouble. If you give them a job, just washing dishes or just showing them that you want to work with them because just like it's a temporary job, then you got people and 90% of people that get this job don't stay in South Bend and stay in Granger and Mishawaka and then like I said all the job fairs. I retired a long time ago I was an engineer for 30 years but like I said when I go to the job fairs and I just want to help the people tell the kids what to do and maybe next year you get something else and then they help you. Like I said right here today, I see people in suits that speak to how to get that money and that's their job. But if you are really concerned with the city of South Bend don't exclude the majority of people in South Bend, do the numbers on the minority people in South Bend they, I'm going to make sure. I got one sick one time, I haven't been before but it's time to speak. If you going to give money to these companies that already have money then have them see who really wants to work. If you give them a check to those that really want to work. 738 S Kentucky Street

Resident- Member of the St. Jo-Valley of Justice, so represent quite a few people that live downtown. I just want to clarify a question maybe, the agreement that the development committee makes. I know that you guys make positive labor agreements lately and that might address some of the questions about minority involvement on projects. I support the idea that we need the development downtown but maybe you can look at the labor parts that might put number on minority involvement on the project?

Councilmember Henry Davis- Are you asking that to the administration that question so that they can respond to that tonight?

Joe: Yes, thank you.

Anyone speaking in opposition, there were none. Anyone from the administration would like to respond.

Rebuttal: Thank you I would like to mention to the gentleman that spoke before last that we have three workforce development programs underway looking to start with working with councilman Schey as one on the issues related to at risk youth and those that are trying to get into the building trades. The smart workforce initiative where we created 48 scholarships to generate jobs for those who according to record are unable to find a job right now. As of the project lead agreements they're not specific in consideration of this project. We've heard from the developers that we are looking at 75% of the workforce being local.

Any questions about or comments from the council.

Councilmember Scott- I just want to thank you for your efforts and potential interest in the city. I don't feel that the city should be owed only real estate should be managing real estate, especially per really 10 or 20 years from the boiler room all the way up to the 9th floor best of luck to you in this project. There are some great historic good qualities that still linked back to the revenue and for people that work in Muncie. Thank you.

Councilmember Henry Davis- This a policy measure that I keep going back to. I don't have any questions for the developer. But when I asked earlier about the dollars the \$1.8 plus what the private person is bringing in we can't do public labor agreements on the private dollar but we can do it on the public dollar my question was the agreement was already made back when they took the money from redevelopment and redevelopment paid the money for a particular project. So as a policy matter and measure something A. needs to be implemented with those dollars that are being used for public and private partnership also there was a resolution out there that suggested we do baseline fee and it is still not binding. We need to put a policy measure in place that will allow the jobs that we are talking about that to ensure that those properties are being supplied to that which is also the equipment's to the south ordinance brought up was great but it was

assuming that no-one has the skills or the ability to work with private practice right now. Those are training programs, how about the folks that are already trained to do those sorts of jobs and I think that is the crust of the conversation. We assume that people don't know how to do it, I beg to differ we need to open that conversation up and make sure that becomes policy when we do things as its necessary.

Dr. Varner- Mr. McDonald, I have had the privilege of watching South Bend for the last 20 years or pretty close as I've been a member of the council for that long. We have been crying for private investment for the last 20 years in this town for private dollars to come in and do something productive or something that is downtown. We've tried public stimulus in form of baseball stadiums and halls of fame. I suspect we tried a number of things that I don't know about. I would caution the council, I see what Mr. Davis, on a truly public project I think that some strings attached maybe make some sense when it's all public dollars. But when you have a significant project investment I would hope that we would not get in the habit of attaching so many strings to get in the way of the project. The gentleman who talked about the momentum you see a lot of things going on downtown more so in the last 5 years than we've seen. I don't think we would be willing to subtract from anyone anything that they've done but I think you have to recognize the facts. I think when you have things like this going on, I think government to the extent that we can should support and get out of the way and let the private sector move forward and continue those developments. I think the more restrictive we become the less people are going to be interested in developing. That's my insight as I've been watching this for 20 year. I hope we take that into consideration, to consider the things that we try to add to projects.

Councilmember Dieter- Agree with Dr. Varner, whole heartedly there's a lot of people who have put in tons and tons of time all the business owners that have struggled and now they're doing very well and would like to do better. I think this is one thing that will help the downtown. As one of the few people that probably in this room that lives downtown I appreciate the hard work, and I think this is going to be a great project for South Bend and all of downtown so I will support it 100%.

Councilmember Gavin Ferlic- I just want to say thank you and I am truly excited about the project and what it can do for downtown.

Councilmember White- Likewise.

Move for favorable recommendation of the substitute motion made by Motion Councilmember Dieter. Motion seconded by Councilmember Gavin Ferlic. Role taken all (9) were ayes.

BILL NO. 14-21

**A RESOLUTION SUPPORTING THE FULL
EXPANSION OF MEDICAID IN INDIANA THROUGH
THE AFFORDABLE CARE ACT**

RESOLUTION NO. 4328-17

**SUPPORTING THE FULL EXPANSION OF MEDICAID IN INDIANA
THROUGH THE AFFORDABLE CARE ACT**

- WHEREAS, Indiana ranks poorly in measures of health. We are 41st out of all 50 States in overall health, with our position falling four spots since 2011.¹ We are a disgraceful 47th in infant mortality;²
- WHEREAS, Within Indiana, St. Joseph ranks 43rd out of all Indiana counties in overall health.³ Also, St. Joseph County's obesity and smoking rates are higher than goal rates set by the Indiana State Health Improvement Plan;⁴
- WHEREAS, Under the federal Patient Protection and Affordable Care Act (ACA), States have a choice to allow access to health insurance coverage through the Medicaid program for residents living under 138% of the Federal Poverty Level (currently \$27,310 per year for a family of three). Expanded Medicaid would cover screenings, doctor visits, prescriptions, dental and vision, mental health, and hospitalizations;
- WHEREAS, Because Indiana ranks poorly in measures of overall health, when considered in relationship to most other States, Indiana stands to gain more relative to other States in improved health outcomes by expanding Medicaid;
- WHEREAS, There are 801,000 uninsured Hoosiers. Approximately 182,000 of these uninsured Hoosiers do not qualify for traditional Medicaid and earn too little to be eligible for subsidies to purchase insurance in the Indiana Health Insurance Exchange.⁵ These are primarily working adults ages 19-64 who work in retail, education, temporary agencies, home health, childcare, and other jobs with lower wages and minimal benefits. Many are working more than one job. Without access to some version of Medicaid, these Hoosier neighbors will continue to have no option for health insurance;
- WHEREAS, An estimated 13,700 uninsured veterans in Indiana could qualify for the Medicaid expansion;⁶
- WHEREAS, The Medicaid expansion is 100% federally funded for the first three years (2014-2016) and at least 90% federally funded thereafter. The cost to Indiana taxpayers has been estimated to be between \$50 and \$150 million per year⁷ (this compares to Indiana's current annual cost of \$1.9 billion for traditional Medicaid);⁸
- WHEREAS, The State share of the cost of Medicaid expansion can be completely covered by other savings. The State currently collects cigarette taxes designated for the Healthy Indiana Plan (HIP). In 2013, these taxes amounted to \$122.9 million; furthermore, the balance of the HIP trust fund is currently \$320.2 million.⁹ These sources of HIP revenue alone would cover the State's share of Medicaid expansion. Any costs of expansion must be considered alongside expansion's savings, such as savings to off-site prisoner health expenses and the cost of the Indiana Comprehensive Health Insurance Association (the "high risk pool," which is being phased out);¹⁰
- WHEREAS, Costs are also outpaced by potential revenue. The federal share for Medicaid expansion would mean \$10.5 billion in revenue coming into Indiana through 2020 at a rate of \$1.5 billion a year. Spending by the federal government on Medicaid expansion would generate an estimated \$2.4 to \$3.4 billion in new economic activity in Indiana from 2014 to 2020, which could finance over 30,000 jobs through 2020.¹¹ Medicaid expansion would increase State and local tax revenue by \$108 million a year;¹²

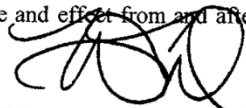
- WHEREAS, Uncompensated care cost Indiana hospitals nearly \$3 billion in 2011 (\$1.7 billion in uncompensated care, plus \$1.2 billion in bad debt). A recent study determined that Medicaid expansion would reduce the amount of uncompensated care provided in Indiana by \$2 billion from 2014-2019.¹³ If Indiana does not move forward to maximize coverage, planned Medicare payment cuts under the ACA could lead to the closure of Indiana hospitals, which would reduce access for patients and eliminate high-paying jobs in communities across the State. Indeed, Indiana hospitals are already announcing layoffs;¹⁴
- WHEREAS, Indiana is positioning itself to be a leader in health care, biotech, and life sciences industries. Expanding Medicaid will strengthen these industries by providing greater access to health care for those who would not otherwise seek it, thereby creating a greater demand for health-related services and products;
- WHEREAS, By declining to expand Medicaid, Indiana sends the message that we are hostile to the needs of some of our State's most vulnerable residents-an unfriendly message that could incentivize some residents and businesses to leave the State and may discourage others from locating here;
- WHEREAS, The Healthy Indiana Plan currently covers approximately 39,000 people, and does not meet the minimum requirements of the ACA in several areas, including pregnancy or dental care, the provision of annual (\$300,000) and lifetime (\$1 million) financial caps on coverage, and caps on enrollment.^{15,16} This presents significant problems with using HIP as a vehicle for Medicaid expansion;
- WHEREAS, All the States surrounding Indiana- Kentucky, Ohio, Michigan, and Illinois- have already elected to expand Medicaid, making us "an island of the uninsured."¹⁷ Other States that have expanded Medicaid include: Washington, Oregon, California, Nevada, Arizona, New Mexico, Colorado, North Dakota, Minnesota, Iowa, Arkansas, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and the District of Columbia;
- WHEREAS, As Indiana lawmakers have forfeited Medicaid expansion for 2014, this year, Indiana taxpayers' federal tax payments will be applied toward the expansion of Medicaid in *other* States;
- WHEREAS, A recent study of the Oregon Medicaid Experiment found that Medicaid coverage decreased rates of depression, increased use of preventative services, and nearly eliminated catastrophic-out-of pocket medical expenditures;¹⁸
- WHEREAS, A recent study in the *New England Journal of Medicine* concluded that for every 176 adults covered under expanded Medicaid, one death per year could be prevented.¹⁹ In 2010, there were 499 deaths in Indiana due to lack of health care coverage among persons age 25-64;²⁰
- WHEREAS, Illness and medical bills are the cause of 62% of personal bankruptcies nationally.²¹ In 2004 there were 55,177 bankruptcy filings in Indiana with 27,782 classified as medically related-- this translates into approximately 106 medical bankruptcy filings every business day.²² Another study found that a 10% expansion of Medicaid eligibility has been shown to reduce bankruptcies by 8%;²³
- WHEREAS, Governor Pence has thus far declined to expand Medicaid through the ACA, essentially rationing healthcare for poor working Hoosiers;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, THAT:

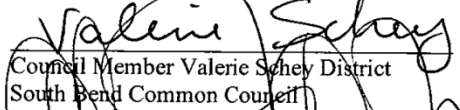
Section I. The expansion of Medicaid would be the largest increase in healthcare coverage in the State of Indiana since the initiation of Medicaid and Medicare in 1965. We call on the Governor to move forward as quickly as prudently possible to fully expand Medicaid under the requirements of the Affordable Care Act, in Order to benefit all people in Indiana. It is the right thing to do morally and financially, for patients and healthcare providers, and for children and their parents.

Section II. We direct the City Clerk to send a copy of this Resolution, duly adopted, to the Governor of Indiana and to members of the Indiana General Assembly representing South Bend.

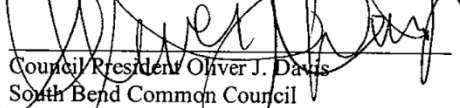
Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.



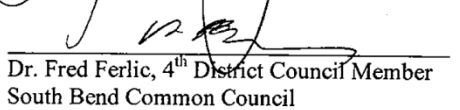
Council Member Henry Davis, Jr., 2nd District
South Bend Common Council



Council Member Valerie Schey District
South Bend Common Council



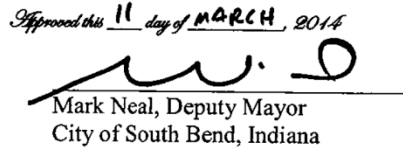
Council President Oliver J. Davis
South Bend Common Council



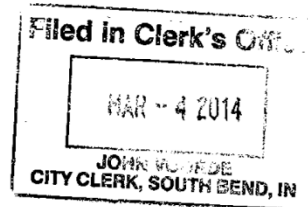
Dr. Fred Ferlic, 4th District Council Member
South Bend Common Council

Filed:

John Voorde, City Clerk

Approved this 11 day of MARCH, 2014

Mark Neal, Deputy Mayor
City of South Bend, Indiana

PRESENTED 3-10-14
NOT APPROVED
ADOPTED 3-10-14



Council Member Schey- Personal Finance Committee met earlier today and moves forward with a favorable recommendation.

Councilmember Henry Davis- Bill 14-21 before you right now I want to make that everyone has their hand out from earlier to receive the information in numbers. Right now we are dealing with a number things locally as well as nationally state wide when we are talking about Medicaid expanding. The Indiana policy has not taking form themselves to make sure this come up locally for public discussion, however we trying to work the upper hand of this right now here in the city of South Bend to make sure that the residents in this city as well as in this state have the ability to have access to the dollars that are out there for healthcare. We talked about how the government will pay 100% of the healthcare cost for the expansion of the first 3 years and no less than 90% in the future. We also talked about covering more people through Medicaid is estimated to created 30,000 jobs, we talked about it will bring Billions of dollars up to \$22 Billion dollars between now and 2020 to Indiana. We also talked about the same amount of people already have insurance who pay extra to cover the cost of people who are uninsured that means most folks that are gainfully employed the also says people with high rate insurance will save \$250 and families would save \$650 in premium per year. So I'm asking that the South Bend city council shows it hands and says that we want the expansion of Medicaid throughout the state of Indiana and more importantly for the city of South Bend because those are residence that we serve. We want to make sure that they're healthy, we want make sure that their Bills don't outweigh the cost of living and pushes them in a category that says they're poverty or being impoverished or unable to take care of themselves this is a good measure, this is a great measure and I ask for your support in this particular Bill and I welcome any questions that you may have.

President Oliver Davis- For the passage of this Bill what will be done with this resolution?

Councilmember Henry Davis- This resolution will obviously be documented and we will make sure that it goes down to the governor's office that folks really here from South Bend. There is another measure that saying that South Bend is for the expansion of Medicaid and Medicaid benefits throughout the state of Indiana and more importantly for the city of South Bend and so we want to make sure that letter is sent down to the folk in Indianapolis.

At this time we would like to open it up for the public.

Resident of 1454 Sorin- I agree with Councilman Davis. I'm not stuck on that, but I know that both my sons do not have insurance and they work. I think it is a pretty good deal. I'm a retiree of social security of a single home and we would be in bad shape. I can't figure out why the governor don't want to do this for the public and expand Medicaid for those without insurance. I taught for 20 years, anyway I'll let the other people that are really smart talk.

Resident of 56322 Eastview Dr.- We are saying that the governor has the choice to expand Medicaid or not? Given the evidence we are doing as well as the Governor thinks we are doing, that I would not have a problem expanding healthy the Indiana plan like he would like to do. But in Indiana we were 37th in the country out of 50 states on the infant mortality death rate for the doctors out there, I think that is pretty bad I think. Overall in Indiana we are ranked 32 out of 50 for delivering healthcare to our citizens. I have a nice healthcare package through my retirement plan thank God. As a lot of fast food employees out there that don't have healthcare. Several thousand Hoosiers would have healthcare if the governor were just to sign on for the Affordable care Act. The governors of Michigan who is republican also has signed on to taking the dollars. We are turning away over 30,000 new job opportunities in our state for healthcare over \$2.4 Billion dollars we are turning away from the government, tax dollars. Obviously I pay taxes every year. We are asking for a simple resolution that we send down to the governor that we have a point and that realistically that we are one of the bottom 10 in the delivery of healthcare to our citizens. Now I am asking your support of this resolution.

Resident of 202 E Angela- Politically and as far as our city is concerned I am proud that it's our city that is standing up saying that it is time that our state government does the right thing. But for individuals that don't have access to finances in their healthcare as well as a lot of institutions in our community it is also our medical providers that tend to lose tremendously by their failure

to expand Medicaid. People will receive the healthcare regardless that don't allow people to die in the streets in this society however, how do we finance that, whose paying for that. Currently hospitals have to pay for that and split that cost to the rest of us. The availability of Medicaid expansion in this state should be done with political parties put aside and do what is best for the community and best for the people in our communities. I am proud of city council, I proud of you bringing this issue, and I am certain that you will do the right thing and approve this. Thank you.

Resident of 1242 Woodward Ave.- I am hear on behalf of the service employee's international union in healthcare. We represent a number of home health care workers in the city and even though our members are healthcare providers many of them go without insurance because the premiums are prohibited so they're caught in the coverage gap as they make too much to qualify for Medicaid now but they don't make enough to qualify for the subsidies under the exchange and so not only does it affect so many Hoosiers that are in South Bend but like I said before it also effects hospitals and the healthcare industry as a whole. Currently, hospitals receive what is call dish money from the federal government to help cover the cost of people that go to the emergency room who cannot pay for it themselves. Under the affordable care act each year and year someone will be phased out because the understanding was that Medicaid would be expanded and that Medicaid money would cover those new cost. There would no longer be uninsured people. The fact of the matter is we have not yet accepted this expansion in Indiana forcing many safety net hospitals will be forced to close. Which will continue to make healthcare that much more inaccessible to Hoosiers. So I am urging you all to accept this resolution and to let the governor know that we need this Medicaid expansion. Thank you.

Resident of 20300 Richard St.- My hospital choice Memorial hospital of South Bend. I am trustee on my ACA organization and we represent 2900 lives in this area. I go to a lot of ACA trustee conference so I can learn from this. I just got back from a conference and one of the things I just learned and that you should make note of is this, most of these people that don't have this coverage they don't go the doctor because they want to they go to the doctor because they have to. They don't have a primary care physician, who's at the emergency rooms, that's a big tax on this community. If you took to the CEO of either Beacon Health or the St Joe regional med center you will find out how much charity care that they give away each year. Who pays for that charity care? Fortunately, I have a very good healthcare plan and I pay for those people who try to have that coverage. I ask that you rise and support this resolution so that these people that don't have this coverage can use doctors and get moved up to that next level. Thank you.

Resident of 131 S Taylor St.- I didn't realize that this issue was going to be on the agenda tonight but I felt compelled to come up here and talk when I saw this here because of a phone call that I received a couple weeks ago from my daughter's boyfriend a recent graduate of IU in Bloomington. He was looking for a job and considering where to work in the Bloomington area and then looking for Insurance coverage then he found out that he made too much for the Obama plan, too much for Medicaid and too little for the Obama plan and it brought to my attention the fact that keeping young people in this state, educated young people in this state I think this is important. There is a problem in this state with the situation and there was an article in the tribune I think it was on Sunday, you heard about it before about the flight train from the state in particular and I think there is a relationship between the quality of life and whether young people stay here and healthcare is a part of that. I think there a lot of problems with Obama Care I think it was a good idea but lots of problems on the way it's being implemented. And there is a gap a very significant gap on coverage and it effects young people and maybe we are overlooking that perspective. The future of this state, the future of this community relies on young people. We want young people to stay in this community to stay in this state, to raise their families here, to work here, and to pay their taxes here. We don't want to chase them out for something silly like a gap like this in insurance coverage. I'm not 100% that the solution here is Medicaid but there is a gap and it needs a solution and I think speaking up is going to bring attention of people to it, I think to this community and other communities need to do that. Thank you.

Resident of 1787 Ireland Rd.- I had the privilege of working with Roland Champ and Dr. Bing at street clinics back when it was across the street and the newer which was much nicer. During that time as a volunteer. I got to see the front line of medicine and what I saw that people that were working a 40 hour shift that didn't have healthcare insurance in fact, when I was working at the clinic a co-worker of mine came in to the street clinic and I know this guy he was about 30 years old and I know that he had a job and that he was working just as hard as I was and that's the one that really hit home. These are not slackers these are people that have jobs, not just the ones that are on income and food support. I think we should let the governor know. Thank you.

Deputy Mayor Mark Neal- I'm in support of the ordinance for the council resolution. I think it is appropriate public policy that we try to ensure that all Americans provide that healthcare coverage that they can afford and take advantage of rather than have them rely upon simply charity care or other less than honorable means. About the total care package, total care does not reflect legislation. I do think that our pursuit of improving the quality of healthcare and the quality of affordable and access to healthcare is an important one. I think this resolution is a good step in that direction. Thank you.

Anyone looking to speak in opposition to this resolution.

Resident of 821 Gardener- I very much against Obama care and Medicaid the reason for that is. I think that we've been lied to a lot. I read the ads and it is shocking, there have been many people who like their insurance that have lost their insurance. People who depend on it maybe in the middle of receiving treatments that their coverage has been cut-off. The coverage needs you to be covered for everything and everybody has to be covered for everything, which means that a man has to have pediatric galactic care I don't think a man will ever be needing either of those types of medicine. They're depending on the young people to pay for it they're going to be shocked to find out how much they will have to pay. The insurances have been told that you can keep your doctors that is not true. Doctors are going to be leaving the field or at least not working for Obama care because they're paid so little, they're going to be worked to death, it is taking away that patient doctor relationship. It's just a very, very bad Bill, no patient has been turned away from emergency care, so they've always had the care. It was originally stated that this was devised to help 50% of the people, even though 50% of the people don't want this Bill. And why is this a congress that wrote in the Bill that they will not be using it, then it was stated that they had to have it, they started screaming that they couldn't afford it and that they had to be subsidized because of the total expenses. These people that make six figures and they can't afford it, there's something really wrong. There are ways that insurance can be afforded, but it is being blocked in congress and we all know there's a big problem with congress, that's no secret. If you put a cap on these huge amounts of insurance losses. If you are able to buy insurance across state borders, there are so many ways that you can lower the cost. But these aren't brought up so we have this giant Bill that has not only medical parts of Bill but all these other laws written into the Bill that have nothing to do with medicine. It is a very frightening Bill and a lot of people do not realize what is in the Bill and most people haven't read anything about the Bill. It is a very scary Bill and we have a President that with his pen is changing and changing it and changing the Bill illegally at that point. There's something that is very wrong and when you try to add all these people who don't have to have the Obama Care it makes you wonder what is going on but they don't realize that they're going to have to have it anyway. Well anyway that is my point of view. I am very much against it and a lot people don't realize what it is really all about.

Rebuttal: I think and I appreciate the comments however, the ACA is obviously a part of it, the Medicaid expansion is a part of that law. The monies from the ACA came from each individual state that wanted to participate in that program. We're asking that those dollars that was given by the federal government to individual states, more importantly Indiana will be used to help subsidize for the folks who need it the most in the state of Indiana, while creating jobs, while making sure that people are having a healthier lifestyle as well. Although I do understand what she is saying, I get what she is saying that law has already passed, that law has already allowed the state to behave on the level of making sure that their people the citizens within that state

while have the opportunity at affordable healthcare. The citizens within that state will have the opportunity at affordable healthcare and that's the only thing that we are talking about right now or at least the money that is already there in the bank account to the folks of that are in the state of Indiana

Comments from the council.

Councilmember Schey- Although, that I complete agree that there are huge issue with healthcare in the country and that there aren't any easy solutions. I personally think that one of the biggest issues with healthcare and many other things in Washington are the politics or the audience and when it comes to healthcare the pharmaceuticals and the insurance have and unfortunately have more power to influence legislation than they should. The way this Bill was structured unfortunately, is a reflection of that as well as other Bills such as Medicare part b which prevents the department of health and human services from negotiating from the preferred pricing on the drugs available and I could just go on and on so I completely agree with you on that there are some really issues on how policy is crafted in Washington and I would point a finger at our corporate lobbies and that includes policies. Meanwhile to Councilman Davis' proposal before of us, there are millions of millions of hardworking Americans that go every day without health insurance not because they're slackers not because they're just taking advantage of the system there are good hard working people, that don't have health insurance and more things. As you and I both know a trip to a hospital can leave them to bankruptcy. I have a vasectomy for \$28,000 that's a very routine procedure. So we need to be able to provide people with some form of coverage as it just the right thing to do. That's my comment. I will support your Bill councilman Davis. Although this isn't perfect I do recognize that we have to help those that are trying to make ends meet, and heaven forbid can be one hospital visit away from bankruptcy.

Dr. Ferlic- I support the resolution.

Dr. Varner- I appreciate Mr. Davis' proposal. I have to say that a long time ago I learned that in the essence of a perfect solution there is no reason to move forward and adopt a bad solution you keep looking to find the best solution. Miss mentioned a partisanship this is the most partisan Bill that has come out of congress. The suggestions that Ms. Schey mentioned in expanding part B, were never considered as it was never allowed to be considered. I think that there is a better solution out there. I remained concerned that the proposal which is on the table at this point and professor Wilson corrected me on it, it's a 100% for 3 years and its 90% thereafter but it is always subject to the whim of congress, which as you know creates things of their own nature. I respect the fact that our legislature and our governor are willing to say that we are not going to put ourselves in position where we find ourselves finding another affordable solution in the future, because the federal government changes the rules on us. If we can expand Hoosier health initiative or the HIP plan, I would be supportive of that. I hesitate and Professor Wilson will correct me, I believe that once when you opt in, it is nearly impossible to opt out of this. You are committing your state to fund this program whatever the federal support is forever. That concerns me greatly too. I don't think we adopt a bad solution, I think we work to get a better solution. I will not support, although I respect, I appreciate the concerns that people have and I respect the need that we have to get something accomplished collectively.

Motion to move for adoption. Motion seconded.

Thank you Mr. Davis. I appreciate your concerns a member came out of my church, a man who did not have health insurance and all the things that the attorney was talking about made me really think about that so thank you.

Move for adoption. Motion seconded. Roll call taken. 8 ayes and 1 nay Dr.Varner.

BILL NO. 14-22

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND SUPPORTING THE
RAISING OF FAIR MINIMUM WAGES AT THE
FEDERAL, STATE AND LOCAL LEVELS

RESOLUTION NO. 4329-14

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND
SUPPORTING THE RAISING FAIR MINIMUM WAGES AT THE FEDERAL, STATE
AND LOCAL LEVELS**

Whereas, the South Bend Common Council notes that on February 12, 2014, President Barack Obama issued a 3-page Executive Order establishing minimum wages for contractors and subcontractors, with it being issued in the interest of promoting "economy and efficiency" and

Whereas, that Executive Order addresses contactors and subcontractors who do business with the federal government, and increased the hourly minimum wage to \$10.10 effective January 1, 2015; and beginning on January 1, 2016, the Secretary of Labor is required to publish a new minimum wage based on the Consumer Price Index for Urban Wage Earners and Clerical Workers as determined by the Bureau of Labor Statistics; and

Whereas, the current minimum wage under the federal Fair Labor Standards Act is \$7.25 per hour, which results in a full-time employee earning \$15,000 per year; which is below the federal poverty line; and

Whereas, currently there are twenty-one (21) states who have their individual state's minimum wages above the federal rate; and it is reported that 76% of workers earning at or near the federal minimum wage are adults who are disproportionately women and people of color; and

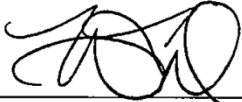
Whereas, Senate Bill No. 460 entitled the "Fair Minimum Wage Act of 2013" was introduced on March 5, 2013, and is currently pending in the U.S. Senate's Committee on Health, Education, Labor and Pensions. It calls for the minimum wage to be raised from \$7.25 to \$8.20 beginning the first day after the 3rd month after the Bill becomes law: and one (1) year thereafter being raised to \$9.15 and then raised to \$10.10 an hour two (2) years thereafter, with subsequent raises thereafter being based on the Consumer Price Index by the Secretary of Labor. The Bill proposes to raise the minimum wage for tipped employees from \$2.13 to \$3.00 the 3rd month after the Bill becomes law: with a formula being used for increase at the one (1) year; two (2) years and subsequent increase thereafter; and

Whereas, it has been reported that if Senate Bill No. 460 is passed by Congress that more than 27 million Americans would benefit; that more than \$22 billion in GDP would be generated, increasing consumer spending and boosting the demand for goods and services in our local economies.

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

Section I. The Common Council supports the Fair Minimum Wage Act, which would raise and index the federal minimum wage to restore it to its historic value and raise the subminimum wage for tipped workers, and calls upon Congress to pass this legislation and send it to the President for signature.

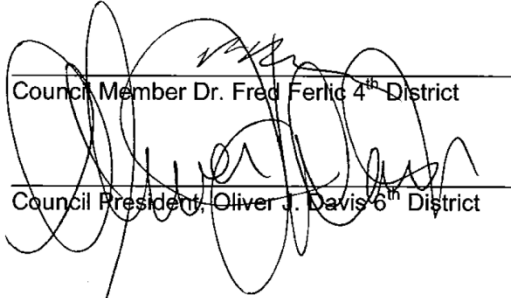
Section II. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.



Council Member Henry Davis, Jr. 2nd District



Council Member Valerie Schey 3rd District



Council Member Dr. Fred Fertic 4th District

Council President, Oliver J. Davis 6th District

Attest:

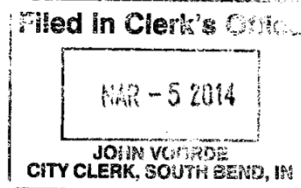


John Voorde, City Clerk



Mark Neal, Deputy Mayor
City of South Bend, Indiana

PRESENTED 3-10-14
NOT APPROVED
ADOPTED 3-10-14



Read resolution 14-22 A resolution of the common council of the city of South Bend supporting the raising of fair minimum wages at the federal, state and local levels.

The personal finance committee report: The personal finance committee met earlier today and sends this Bill to the council with a favorable recommendation.

Councilmember Henry Davis- I'm going to try and be as brief as possible so I am not going to read through the resolution. What I am going to call attention to before we go any further on the impact on the lobby on the city of South Bend, Indiana. What I want to make sure that we do, is that we pay attention to the populations that we do represent and that we also do serve and so if we don't do that and we have all these statewide initiatives or statewide laws or programs and also federals and we are not going to support these things. We have to listen to what is actually going on locally. I want to put some numbers before you, we want to start right now with a federal mandate. The federal guidelines, I'm sorry for your family. If you are need of some of these benefits, one person family you have to be making \$15,000 or less, 2 person persons within a family unit \$20,000 or less, 3 \$25,975, 4 \$31,3222, 5 \$36,658. I tell you folks, I don't know anyone that can raise a family of 6 or 5 on \$36,000 doing a job. I'm going to tell you right now that you would probably or going to be in big trouble. Here in South Bend, Indiana you have the impact on race on poverty, you have children under the age of 6 who are African American that are impoverished at 48.5%, white children are at 14.5%, if you go with the total population of African Americans here in the city of South Bend you have 26.6% Hispanic and Whites 9.9%. These are the ones that are taken over the country for us that are impoverished in South Bend, Indiana. We can even go back to the school report, on how many are on free or reduced lunch, right now in South Bend you have 72.6% who receive a free and reduced lunch, some schools have 100% of free and reduced lunch, this is why we have this in council meeting, this is why these things are vitally important to the success of the city of South Bend. Poverty impact on education, children spend even more on poverty accounted for 38% of all children but they account for 70% of all children who do not graduate high school. So this Bill is poverty which you have before you right now has a lot to do with raising our minimum wage guidelines making sure that folks who are making minimum wage in South Bend, Indiana the average age is 35, the average age of minimum wage worker is 35 years old. Let's go back to it, more people who are 35 years old in-between probably 37-42 people are working minimum wage jobs. That is the majority of our population besides Senior citizens. You have to pay attention to what we are looking at right now. So right now this particular Bill itself is acting that we support the federal mandate to raise the minimum wage so that folk will not only be able to take care of themselves but get off the subsidies that the federal government and the state government are offering. We are looking to make sure they are going to have a positive impact with citizens that come in here that we have spending power, folk that will hinder you may cause inflation, perhaps, but right now let's work on doing the right thing, let's making sure that people are being compensated properly and being able to exist in community that we call South Bend, so that they can and will raise a healthy family. I'm going to digress, I'm sure have a couple of guys that want to speak about it.

President Oliver Davis- Now we open it to the public for those that would like to speak in favor.

Resident of 809 Park Ave- I teach Economics at Notre Dame and I am also the Director the Labor of Study program there. I urge the council to support this solution for the basic reason that everyone should have the right if they work hard to be able meet their basic needs and currently if you receive minimum wage you cannot do that. If you work full time at the minimum wage you would still be below the poverty line for the minimum wage for a family of 2 and we know that many minimum wage worker do not work full time, they're working part-time, they're temps, they're on call, and they have other intermittent work schedules. The real value of the minimum of wage has declined and the really value of what I mean is what you can actually buy with the money that you receive. This has declined, it was at its peak way back in 1968, where it was worth in today's dollars about \$10.74 it now stands at \$7.25 the Bill being considered in congress that is seeking your support would raise the minimum wage from \$7.25 gradually over the next three years to \$10.10 per hour it would also by the way address, what is called sub-minimum wage and that is the wage that tip workers get, which is \$2.13 per hour and although

the minimum wage itself has been raised several times the wages for tip workers have remained constant for 22 years, there is a certainly a time for that to be raised. The Bill at congress would raise that to 70% of the minimum wage and they would index both the minimum wage as a wage for tip workers to inflation, so you wouldn't need an act of congress in the future to raise it, in line with prices of inflation. There are two reasons that people hesitate about the prices of minimum wage, first they think that it is not all that important because what we are really talking about some high school kids that are working after school at McDonald's to get some extra spending money. This is simply false, that the people who work at minimum wage do work in fast-food, but they also clean offices, they make beds in hotel rooms, they prepare and serve food and wash dishes in restaurants, they make change as cashiers, they sell products at Wal-Mart, Target, JC Pennies and other department stores so they are everywhere. They are our friends and neighbors, they are our sisters and brothers, and they are our sons and daughters. The second argument is that they may raise wages but it will really hurt the people that it will effect and may cause unemployment, a view that many people believe but this is a misunderstanding as well. There has been 100's of studies that have been done about this issue. Some have found that there would be a slight increase in unemployment, some have found that there would be a slight increase in employment, but by in large the studies cluster around the finding that the fact that unemployment is negligible these are majority of studies find this. There are many reasons for this because the minimum wage by improving morale can lower you cost so that companies like Costco's who are in competition with Sam's Club find that they can compete successfully by paying their workers decent wages. But ultimately what it comes right down to it, the question of what is the effect on unemployment of raise increases on minimum wages is really not the point, so many policies that effect employment.

Resident of 202 E Angela- Obviously help Wilson finish some of that but he has laid out the economic arguments and Henry Davis' resolution contains an awful lot of that material. Again, I want to say that I am proud of our city for bringing up an issue like this because in the state of Indiana the city of South Bend cannot do anything to effect the wage level within its own community because that is illegal in the state of Indiana. The state of Indiana has decided that its policy should be that the minimum wage for the majority of workers is tied solely to the federal minimum wage. So it's a very important thing that what you are doing saying that state wide we need to address this. Rather than talk about solely the economic condition I want to emphasize that one of the most important features in the federal wages Bill that you are being asked to express your support for, that the first time since 1938 the minimum wage will be indexed to inflation, now in our country we have indexed the pensions of seniors and social security so that they are not losing standard living from the ravages of inflation and we have done that for decades. And we all recognize that, that is an important value in our community, it's about time that we recognize that the lowest paid workers are also protected against inflation because what happened in the 28's since we have changed the minimum wage since 1938. There has been too periods in which for years and years the minimum wage wasn't change so that finally that one act of congress comes about and the minimum wage rises it never recovers what it lost. Maury pointed out that in 1968, that \$1.60 minimum wage provided you almost a standard of living that was decent but we allowed that to take charity over the past 45 years, so that now that the minimum wage is sub-standard. This Bill will finally address that, so that the floor in our economy is one that is respectable for our society. So what you are doing today is significant and I strongly urge you to do that. From ASCIL, all the membership, union members generally don't face the minimum wage, but we are here to be the voice of the working people who can't do that and if there is anybody in our society who can't raise their voice about getting a pay raise, is those people who are in that. It is about time that begin to address the unacceptable inequality in our society, that it seems all policies are being driven to benefit those that are doing absolutely fantastically, and it's about time how people, millions people who live at minimum wage and near minimum wage, it's about time they got a raise, so again, I'm proud of our city council bringing this up and I am sure you will do the right thing. Thank you.

Resident of 1242 Woodward Ave.- Again, thank you to those that have already commented. I just want to throw a few numbers out there, there are about 93,000, minimum wage workers in

Indiana and approximately 687,000 low paid Hoosiers that would get a raise if the federal minimum wage was raised to \$10.10. Although, this issue really effects women. Women represent nearly two-thirds of minimum wage workers and nearly four in ten female minimum earners are women of color, so this also very important to people in minority communities and women who are to trying to raise families like myself. And beyond economics and beyond the numbers this is a moral issue. I don't think that anybody who is working is less than anyone else, people should be afforded dignity in their work, because they are working. Just because you are cleaning toilets as opposed to sitting on the city council doesn't make you less than a human. If you are working your wage ought to support yourself and your family. I think we all say that we care about life and that we are pro-life and all these other things but if you are pro-life you should be pro-life in every issue in every arena, from the wound to the tomb and I think that includes dignity of work because people are working hard and still living in poverty and don't know how to feed their children and that is also a life issues. Thank you very much.

Resident of 5623 East View Dr.- I am here speaking in behalf of the resolution, I want to thank Henry Davis for being with us on December 5th when we did a press conference on the same issue on the fast food workers. Just one number that you have not heard from the rest of these folks that this study happened in Indiana this year 50% of fast-food workers and Wal-Mart workers in the state of Indiana are on federal subsidies. When I started work in the 70's GM was the drift line of the economy and they drove the economy and wages were based upon the contracts that were won in the other plants. Since the 70's and the down turn. We've gone to an eternity of service workers the Wal-Mart model is what is commonly referred to, you have two corporations Costco that doesn't provide a minimum wage and other companies who provide a pathway to government subsidies. In fact when they do the employment, when they are hiring at Wal-Mart they actually explain to you and also at McDonalds' how to apply for federal subsidies now I don't want to subsidize corporations that don't pay minimum wages and I don't use those. I don't support McDonald's and I don't go to the Wal-Mart's of the world. Typically, those that work, that if person spends 40 hours a week should be able to survive and raise a family. It was said that waitress wages, I met my second wife now 25 years ago now, oh God, when I met her she was working 3 waitresses jobs in order to survive and keep her family together. She was able to quit those jobs because of my one well-paid job at AT&T. That not only paid the living wage but I had disposable income to spend in the community and that's what we are really talking about today. There's a new wage that is ridiculously so low that people are being paid it cannot even live off that and they have to work two or three jobs and you see kids on the street. One things that happens when several parents work is that they're kids stay home and they called bad kids or whatever you want to call it. But sometimes if you are like me and when you took off and I wasn't around for a couple days at a time. Society would be more accepting if work would be paid a livable wage that's why we are here today. I would like you to tell the folks down in Indianapolis that we need the support of the government. And it is not a hand out people when we talk government they don't operate on things we allow corporations to do what they want and that's where we are today, charities don't want to pay taxes to support corporations and nobody does, and that's what we are talking about here the minimum wage that pays poverty and we won't have to pay taxes in order to support the working poor in this country. Thank you.

Resident of 139 Camden- That gentleman there pretty much hit, right on, on what that I was thinking. Subsidies use to be for people who for one reason or another couldn't work or couldn't find work and they were subsidized they were poor. The people that work, most of the people who work are subsidized and have to be because they can't make enough money to live. Corporations have found ways to take the work load from us, ship overseas everything is cheap now, you know how it is and there's no work in this country and the work that you do get they don't want to pay you, then they cut your hours when you ask for full time. I think not only should we not limit the minimum wage being raised but also maybe we can look at, some kind of service thing, where if they give you full time work benefits, they can pay you a little less, but if they give you work working 25 hours, 26 hours than they have to pay you a lot more. Something

like that, bring the jobs back home and let's get on with it, get this country back on its feet and quit subsidizing everything for now.

Those that would like to speak in opposition.

Resident of 821 Gardner Ave I think that there are a couple things that people are overlooking. First of all raising a minimum wage would put the burdens on the business owners they are the ones that would provide the jobs. It may seem funny to some people but you have to think about that. It's a problem, if you are putting all these burdens and they're being taxed death, you can't keep putting extra burdens and keep piling and piling on all these burdens on these business people or else their won't be the jobs. It is very important to think about things like that. The other thing is, I remember we read when bread was \$0.10 a loaf and Campbell's tomato soup was \$0.10 a can. Then minimum wage was brought in and I remember saying to myself, oh my gosh, everything is going to go up in price and everything started to go in price. Of course there are other variable in there, but prices have gone up and gone up and minimum wage has gone and up and gone up. It stands one reason that's economics. But there a lot of things to think about without just rushing in a paying, and paying people a higher wage. When I go to a store and I give somebody \$10.50 I expect to have a little bit of change back, and that person cannot even make the change. You know it's just concerting, very disconcerting and there are a lot of things to think about before you just rush in and just automatically raise the price. I raised four children on very low pay and I know what it is like to not to have money. So it's certainly isn't that I'm just saying this without having sympathy for people who do not have money.

Resident of 921 W Colfax- This is my first meeting here and I am excited to have the opportunity here. I am excited to see that you have members here are speaking of economics, and speaking to how minimum wage effect our economy having studied at Indiana University, University of Arkansas and most recently the University of Arizona, I have yet to find an Economic instructor that would agree with that, most economic instructors that I have met, would tell you that it directly correlates with unemployment that the cost of living would also continue to rise and I just want to address a couple of things here as I was taking notes that. That when our founders founded this country the last three lines, the last part of the constitution the words that I'm looking for there are life, liberty, and pursuit of happiness. And if we look at scripture, even scripturally it says that the fort will always be a muck. I'm not saying that we shouldn't help those who are unable to make a wage, the handicap, the elderly, we should definitely be able to do that. But we can't do that by just raising minimum wage. Our recession was interesting because what we called the recession was a cell phone and an HBO package. Having traveled with Marine Corp and visited over 15 different countries we have it pretty good here with our poverty rate. The other part of that is that we as Americans have the ability to design our own course. My mom was a single parent raising two boys driving from downtown South Bend to Elkhart, in Middlebury to work in the trailer factories in the 70's and 80's. I know if she can do it, just about anybody else can. I was able to have the privilege of making my way through the United States Marine Corp. they taught me hard work and discipline, coming out of that I'm an entrepreneur, which is what I was talking about entrepreneurship. Once upon a time we were all entrepreneurs, we all wanted a bigger piece of the pie you grew a little bit more of business in. 80% of our economy is driven by small business owners. Small business being defined as 100 or less employees. We've already seen the impacts of what Obama care is having on the economy to corporate employees UPS is a prime example. They decided to drop coverage on thousands, which is a serious economic impact on policy right now. You mentioned raising minimum wage for tip earners, but one of the things that happened of January this year, is that tip earners now have to pay a mandatory tax on their total sales. Before they would average it out and say that is was 8% as an industry kind of standard but now they're total sales will be effected and what they are base is and what they are being taxed on now. So we can already see the negative impact of what a potential raise and unemployment can do. Yes there are program and opportunities to make more than the minimum wage, there are opportunities to help those that serve our country in supplementing their income while they do what they need to do. A job as we all know, pays what the job pays, it's not necessarily paid the abilities of the individual. Whether that individual is working a McDonald's or is a Senior Financial Analyst at one of our

top five corporations. If you want to really effect, as far as economic and moral goes, you need ability to employ people small business owners for where you have that modern property. Just looking at some of the people that were here tonight, and the impact that we want to have in downtown with the restaurants by bringing new money in for the LaSalle building a lot of those businesses are going to be small business owners so I strongly oppose to this proposition.

Rebuttal: 600 Congressman gave a thumbs up on this, out of the 600, 6 of them were Nobel peace prize winners. I can go all day long with statistics and stats but the reality of this here is what I read off to your earlier about 1 in 2 children are in poverty in South Bend, Indiana, 1 out of 4 adults are impoverished, talked about the free and reduced lunch program that 72% of our students are free and reduced lunch program. Those are our students, those are the people that we serve. There are schools that are on 100% of free and reduced program all together. Out of those we spoke to the folks that aren't going to graduate statistically and the ones who do graduate statistically. So I'm talking about South Bend right now and the ones that we do all serve. These things affect us greatly when we are talking about later on police raise, fire raises, and making sure that we even have the services for the people that live in this city that are working and have the ability to pay out. So we can go round and round on statistics national and world-wide, but right now South Bend is in need of some injections on dollars, and I hope that you support this.

I move for adoption, motion seconded. Roll Call 8 ayes and 1 nay Dr. Varner.

BILLS - FIRST READING

BILL NO. 18-14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 4, ARTICLE 4, SECTION 38 OF THE SOUTH BEND MUNICIPAL CODE TO REVISE PROVISIONS FOR LICENSING OPEN AIR BUSINESSES AND TO INCLUDE DONATION BOXES AND OTHER CONTAINERS DESIGNED TO ACCEPT OR TO DISTRIBUTE USED ITEMS

Councilmember Henry Davis made a motion Bill 18-14 go to a third public hearing on March 24th to the personal and finance committee. Motion seconded by Councilmember Ferlic carried by a voice vote of (9) Ayes..

BILL NO. 19-14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2014 OF \$106, 684 FROM CENTURY CENTER CAPITAL FUND (#671)

Councilmember Henry Davis made a motion that Bill 19-14 goes to Park and Recreation Committee for second and third reading public hearing on March 24, 2014. Motion seconded by Councilmember Scott carried by a voice vote of (9) Ayes. and all were found in favor.

BILL NO. 20-14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS

DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR YEAR 2014

Councilmember Schey made a motion to move the bill to the Personal and Finance Committee for second and third reading on March 24th. Motion seconded by Councilmember H. Davis all those were in favor.

BILL NO. 21-14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATION IN 2014 OF \$41,919 FROM GENERAL FUND (#101), \$17,100 FROM GIFT, DONATION, BEQUEST FUND (#217), \$240,500 FROM CENTRAL SERVICES FUND (#222), \$830,000 FROM EMS CAPITAL FUND (#288), \$138,060 FROM POLICE GRANTS FUND (#292), AND \$217, 083 FROM COUNTY OPTION INCOME TAX FUND (#404)

Councilmember Henry Davis made a motion to accept the substitute Bill. Motion seconded, all those were in favor.

Councilmember Henry Davis made a motion that Bill 21-14 goes to personal finance joint committee with the help of Public Safety committee for and second and third reading public hearing on 3/24/2014. Motion seconded by Councilmember Schey, all those were in favor.

BILL NO. 22-14

FIRST READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY SOUTH OF VINE STREET, FROM THE EAST RIGHT OF WAY OF 20TH STREET, EAST TO THE FIRST NORTH/SOUTH ALLEY FOR A DISTANCE OF 133 FEET AND WIDTH OF 14 FEET

This Bill had first reading. Councilmember Schey made a motion to refer this Bill to the Public Works and Property Vacation Committee and set for Public Hearing and Third Reading on March 24, 2013. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

UNFINISHED BUSINESS

Council Attorney- Council President Davis you asked for an update on from Roberts's role at the earlier informal meeting. There are two applicants for the redevelopment commission, Robert's roles does allow accumulative voting where Mr. Voorde as city clerk would go by each council member calling your name where you would either vote per either council member Schey or Gavin for the sole remaining appointment on the redevelopment commission. It is my understanding that the next redevelopment meeting is March 13th.

President Oliver Davis- Are the events just one at a time, one person would vote at time?

One person would say the name of the person they would be voting for.

Councilmember Henry Davis- From my attorney I've also understand that you can have a tie breaker with the chairman of that particular committee, my question why is the cumulative form of voting on the table as opposed to any other voting?

Council Attorney- Because it was an informal meeting at the common council, the president is permitted to vote as part of the informal meeting as well as a regular meeting.

Councilmember Henry Davis- So do we apply that to everything else that we do, I mean if we are going to go in that way.

Council Attorney Kathy Farrand- To my knowledge this is the first time that this has come up where there was a tie for.

Councilmember H. Davis- The tie breaker usually relies with the council President

Council Attorney- It was for a committee but not for the private council.

President Davis- Mr. Voorde will you please call the role:

Councilmember H. Davis: deferred,

Councilmember Schey: Valerie Schey,

Dr. Varner: Valerie Schey

President Davis: deferred

Councilmember Dieter: Valerie Schey

Councilmember Ferlic: Gavin Ferlic

Councilmember White: Gavin Ferlic

City Clerk Voorde- Vote comes back around to

Councilmember H. Davis: vote count was 3 for Valerie Schey, 4 for Gavin, to put the pressure on Oliver I vote for Valerie Schey,

President Oliver Davis- Valerie Schey.

City Clerk- Valerie Schey prevails by a vote of 5 to 4.

Council Attorney- Dr. Varner has had discussions of the council rules committee at the last rules committee matter of investigation with regards to a report that was referred to me for the reports this week. From my understanding that the council rules committee will be meeting this Friday March 14th at 3:30pm.

President Oliver Davis- Common Council chambers and notice will need to be given. Thank you.

Councilmember Henry Davis- I just want to make a remark from earlier. I do not want to go through another voting with council like that. It polarizes us we need to be able to work together and so what other policies changes that need to be made when it comes voting policies to moving a council member on to a particular committee that determines it I am all for it because that it is unfair and it makes me uncomfortable. I have to work with you all, I find that going through all these changes that it is counterproductive it really is.

NEW BUSINESS

None

PRIVILEGE OF THE FLOOR

Dave Golsen- I received a card in my mailbox the other day that was sent out by the company that apparently that is tearing your home down in South Bend. On the front of this is my address on this home, I have lived in this home for 45 years and that is not my home, on the back of it, it says the city of South Bend has your property on the abandoned house demolition list, action by the city could cost \$8,700 or more, and they say that they can buy the house if I didn't do anything about it. I contacted my council lady and she got why she was doing that. I went to the company that is tearing these homes down and he said, apparently what happened was there was a mistake made at their office, and that is not my home, and he said that he has never been out there and took that picture, he's the one that takes the picture, but he said he's never been out 21st to take pictures. The thing I want to know is it really \$8,700 to tear these homes down?

ADJOURNMENT

There being no further business to come before the Council, President Oliver Davis adjourned the meeting at 9:48 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Derek D. Dieter, President

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, March 10, 2014 at 7:00 p.m. The meeting was called to order by Council President Dieter and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

Present:	Tim Scott	1 st District
	Henry Davis, Jr.	2 nd District
	Valerie Schey	3 rd District
	Fred Ferlic	4 th District
	David Varner	5 th District
	Oliver J. Davis	6 th District, Vice-President
	Derek Dieter	At-Large, President
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice I. Talboom	Deputy
Mary Beth Wisniewski	Chief Deputy

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Scott made a motion that the minutes of the February 24, 2014, meeting of the Council be accepted and placed on file. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

SPECIAL BUSINESS

Council President Dieter announced that the City Administration will highlight a department and present an update at Council Meetings.

STANDING COMMITTEES OF THE COMMON COUNCIL 2013

Council President Dieter asked the City Clerk John Voorde to place on file the 2013 Common Council Standing Committee List under what is entitled "Spread of Records." He advised that the Council has eleven (11) standing committees as part of the Common Council Standing Committee structure and asked any citizen interested in participating in serving on one of these committees to contact the City Clerk's Office.

2013 COMMON COUNCIL STANDING COMMITTEES

COMMUNITY INVESTMENT COMMITTEE

Gavin Ferlic, Chairperson	Valerie Schey, Member
Henry Davis, Jr., Vice-Chairperson	Dr. Fred Ferlic, Member
Citizen Members: Jeneen Crane; Patrick Mullin	

COMMUNITY RELATIONS COMMITTEE

Oliver Davis, Chairperson	Valerie Schey, Member
Tim Scott, Vice-Chairperson	Dr. David Varner, Member
Citizen Member: James Burns	

COUNCIL RULES COMMITTEE

Derek D. Dieter, Chairperson	Dr. Fred Ferlic, Member
Dr. David Varner, Vice-Chairperson	Karen L. White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Karen L. White, Chairperson	Dr. David Varner, Member
Dr. Fred Ferlic, Vice-Chairperson	Tim Scott, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Tim Scott, Chairperson	Gavin Ferlic, Member
Dr. David Varner, Vice-Chairperson	Henry Davis Jr., Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Henry Davis Jr., Chairperson
Dr. Fred Ferlic, Vice-Chairperson

Gavin Ferlic, Member
Tim Scott, Member

PERSONNEL AND FINANCE COMMITTEE

Dr. David Varner, Chairperson
Karen L. White, Vice-Chairperson
Citizen Member: Jack Smith

Valerie Schey, Member
Henry Davis, Jr., Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oliver J. Davis, Chairperson
Valerie Schey, Vice-Chairperson

Dr. David Varner, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Tim Scott, Chairperson
Karen L. White, Vice-Chairperson
Citizen Member: Christine Sopczynski

Dr. Fred Ferlic, Member
Oliver Davis, Member

UTILITIES COMMITTEE

Valerie Schey, Chairperson
Oliver Davis, Vice-Chairperson
Citizen Member: Carol Davis

Henry Davis Jr., Member
Karen L. White, Member

ZONING AND ANNEXATION COMMITTEE

Dr. Fred Ferlic, Chairperson
Henry Davis Jr., Vice-Chairperson
Citizen Members: Kyle Chamberlin; Marcus Ellison

Oliver J. Davis, Member
Gavin Ferlic, Member

SUB-COMMITTEE ON MINUTES

Derek D. Dieter, Chairperson
Dr. David Varner, Vice-Chairperson

Council President Dieter announced that the Council has appointed the following individuals to the various boards/commissions.

Century Center Board of Managers

Dennis Andres, Jr.
Michael Neises
Valerie Schey
David Varner

Human Rights Commission

Muhammed Shabazz

Redevelopment Commission

Valerie Schey
David Varner

Urban Enterprise Association

Pong Yin (Amy Le) Le

RESOLUTION NO. 4241-13

A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,

DECLARING THE MONTH OF MARCH 2013
AS DISABILITY AWARENESS MONTH IN THE
CITY OF SOUTH BEND & COMMENDS IU
SOUTH BEND'S DISABILITY SUPPORT
SERVICES FOR ALL OF THEIR SERVICES

Whereas, the Common Council of the City of South Bend, Indiana, notes that this July 26th will mark the 21st anniversary of the enactment into law of the Americans With Disabilities Act (ADA) which aims to give all people “the opportunity to live with dignity, work productively and achieve their dreams”; and

Whereas, the Common Council recognizes that today there are approximately 50 million Americans living with disabilities, with 80% of the people who take on the role of primary helper to persons with disabilities being relatives and nearly half of that number living with the person who has a disability; and

Whereas, the Common Council notes the economy has been especially hard on individuals with disabilities, with approximately 16.1% of all disabled Americans being unemployed; and

Whereas, the Common Council further notes that the Indiana Governor’s Council for People with Disabilities works “...to advance independence, productivity and inclusion of people with disabilities in all aspects of society through planning, evaluation, collaboration, education and advocacy”; and

Whereas, approximately 19% of Indiana’s population has a disability. This year the Governor’s Council theme is “Community Connections” which focuses on a “...fully connected, livable community with appropriate housing, supportive and accessible community services, and physical and environmental features...” which foster independent living; with IU South Bend’s Disability Support Services (DSS) being a great local example of their commitment to individuals with disabilities.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, on the 11th day of March, 2013, as follows:

Section I. On behalf of all of the citizens of the City of South Bend, Indiana, the Common Council hereby declares the month of March, as DISABILITY AWARENESS MONTH, and urges all of our residents, governmental officials and employers to celebrate the many contributions individuals with disabilities have made and continue to make to our community and to our country.

Section II. The South Bend Common Council publicly honors and thanks IU South Bend’s Disability Support Services (DSS), under Director Dr. Jim Hasse, for their ongoing dedication and commitment to ensuring that students with disabilities have equal opportunity to participate in, contribute to, and benefit from all University programs, services and activities.

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

s/Tim Scott, 1st District
s/Henry Davis, Jr., 2nd District
s/Valerie Schey, 3rd District
s/Dr. Fred Ferlic, 4th District
Dr. David Varner, 5th District
Attest:
s/John Voorde, City Clerk

s/Oliver J. Davis, 6th District
s/Derek D. Dieter, At Large
s/Gavin Ferlic, At Large
s/Karen L. White, At Large
Kathleen Cekanski-Farrand, Attorney
Approved this 11th day of March, 2013
s/Pete Buttigieg, Mayor of South Bend

Councilmember Karen White, 1912 Malvern Way, South Bend, Indiana, made the presentation for this Resolution by reading it in its entirety and presenting it to Dr. Jim Hasse, Director, IU South Bend's Disability Support Services (DSS).

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

There was no one present wishing to speak to the Council either in favor of or in opposition to this Resolution.

Dr. Hasse thanked the Council for this Resolution. He stated that he wants to ensure that every student with disabilities has equal opportunities to participate, contribute and benefit from all programs, services and activities.

Councilmember Varner made a motion to adopt this Resolution by acclamation. Councilmember Scott seconded the motion which carried.

REPORTS OF CITY OFFICES

There were no reports from City Offices at this time.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:16 p.m. Councilmember Scott made a motion to resolve into the Committee of the Whole. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes. Councilmember White, Chairperson, presiding.

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

Councilmember White stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

BILL NO. 13-12

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 20-20 OF ARTICLE 1, CHAPTER 20 VEHICLES AND TRAFFIC OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING SAFETY REGULATIONS WHEN PASSING BICYCLES

Councilmember White, Chairperson, Health & Public Safety Committee, reported that this Committee met this afternoon and it was the consensus of the Committee to send this Bill to the full Council with a favorable recommendation.

Councilmember Gavin Ferlic, 1109 Duey St., South Bend, Indiana, made the presentation for this Bill.

Councilmember Gavin Ferlic thanked co-sponsors of this Bill Councilmember's Tim Scott and Valerie Schey. He advised that the City is dedicated to seeing that individuals have the opportunity to enjoy bicycle riding throughout the city in as safe a manner as possible. He stated that this Bill would implement additional safety regulations which would require a minimum of three feet (3') minimum distance from a bicyclist when passing such bicyclist by an operator of a motor vehicle.

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

Ron Teachman, South Bend Police Chief, 701 W. Sample Street, South Bend, Indiana; Judy Lee, 66841 Walnut Road, Walkerton, Indiana, representing Bike Michiana Coalition; Tim Maher, Barnes & Thornburg, 600 1st Source Bank, South Bend, Indiana; Paul Taylor, 51590 Ridgewater, Mike Watkins, 528 W. Angela, South Bend, Indiana; J.V. Peacock, Outpost Sports, Eddy Street Commons, South Bend, Indiana; Jitin Yoshi, representing Bike the Bend, spoke in favor of this Bill.

Councilmember Dieter asked if there was a significant amount of vehicle/bike accidents.

Councilmember Gavin Ferlic stated that he did not have those statistics.

There being no one else present wishing to speak to the Council either in favor or in opposition to this Bill, Councilmember Scott made a motion for favorable recommendation to full Council concerning this Bill as substituted. Councilmember Schey seconded the motion which carried by a voice vote of nine (9) ayes.

BILL NO. 08-13

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 11 ENTITLED BLOCK PARTY REGULATIONS

Councilmember Schey made a motion to hear the amended version of this Bill. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver J. Davis, Chairperson, Public Works and Property Vacation Committee, reported that this committee held a Public Hearing on this amended Bill this afternoon and sends it to the full Council with a favorable recommendation.

Councilmember Tim Scott, 711 Forest Avenue, South Bend, Indiana, made the presentation for this Bill.

Councilmember Scott advised that the Bill would amend a 2011 ordinance which established procedure governing block parties. He stated that this proposed ordinance would incorporate the current regulations into the City Code so that they are readily accessible from the City's website. He stated that this Bill would create a fee waiver process for legitimate 501(c) (3) nonprofit organizations which would require such an organization to provide proof of that status from the IRS and filing a copy of their most recent Form 990 or Form 990-EZ return. He noted that all other block party regulations governing residential and non-residential block parties would apply to all applicants, including those who may have received a fee waiver. In this way the public safety regulations would be enforced uniformly, with the fees charged to help off-set the actual cost to close a public street when accommodating a block party. An electronic summary from the Clerk to the Board of Public Works would also be required to be sent to the Office of the City Clerk summarizing block party requests made to the Board during each calendar year.

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

Jesse Davis, P. O. Box 10205, South Bend, Indiana, spoke in favor of this Bill.

Councilmember Henry Davis asked if there were grants or some other kind of funding for non-profit organizations.

Councilmember Dieter asked if an accounting mechanism could be added to the Bill.

Council Attorney Kathleen Cekanski-Farrand stated that there is an accounting mechanism in the Bill under Section 14-65.

Councilmember’s Henry Davis, Dr. Fred Ferlic, Oliver Davis and Dr. David Varner stated that they would not be voting in favor of this Bill.

There being no one else present wishing to speak to the Council either in favor of or in opposition to this Bill, Councilmember Dieter made a motion for favorable recommendation to full Council concerning this Bill as amended. Councilmember Schey seconded the motion which carried by a voice vote of five (5) ayes and four (4) nays (Councilmember’s Henry Davis, Jr., Dr. Fred Ferlic, Dr. David Varner, Oliver J. Davis)

RISE AND REPORT

Councilmember Gavin Ferlic made a motion to rise and report to full Council. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

Karen L. White, Chairperson
Committee of the Whole

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:56 p.m. Council President Derek Dieter, presided with nine (9) members present.

BILLS – THIRD READING

ORDINANCE NO. 10223-13

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 20-20 OF ARTICLE 1, CHAPTER 20 VEHICLES AND TRAFFIC OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING SAFETY REGULATIONS WHEN PASSING BICYCLES

This Bill had third reading. Councilmember Oliver J. Davis made a motion to amend this Bill as in the Committee of the Whole. Councilmember Varner seconded the motion which carried by a voice vote of nine (9) ayes. Additionally Councilmember Gavin Ferlic made a motion to pass this Bill as amended. Councilmember Dr. Fred Ferlic seconded the motion. The Bill passed by a roll call vote of nine (9) ayes.

ORDINANCE NO. 10224-13

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 11 ENTITLED BLOCK PARTY REGULATIONS

This Bill had third reading. Councilmember Dieter made a motion to amend this Bill as in the Committee of the Whole. Councilmember White seconded the motion which carried by a voice vote of nine (9) ayes. Additionally, Councilmember Oliver J. Davis made a motion to defeat this Bill. Councilmember Henry Davis, Jr., seconded the motion. The motion was defeated by a voice vote of four (4) ayes (Councilmember’s Dr. Fred Ferlic, Dr. David Varner, Oliver J. Davis, Henry Davis, Jr.) and five (5) nays. Councilmember Gavin Ferlic made a motion to pass this Bill as amended. Councilmember Dieter seconded the motion. The Bill passed by a roll call vote of five (5) ayes and four (4) nays (Councilmember’s Dr. Fred Ferlic, Dr. David Varner, Oliver J. Davis, Henry Davis, Jr.)

RESOLUTIONS

RESOLUTION NO. 4242-13

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 2221 PRAIRIE AVENUE, SOUTH BEND, IN, 46619

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council pursuant to I.C. 36-7-4-918.6; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the South Bend Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

In order to permit: in order to permit the removal and reconstruction of Fire Station #5 located at 2221 Prairie Avenue, South Bend, Indiana 46614

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the South Bend Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

4. The proposed use is compatible with the recommendation of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Board of Zoning Appeals which are on file in the office of the City Clerk.

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

s/Derek D. Dieter
Member of the Common Council

Councilmember Dr. Fred Ferlic, Chairperson, Zoning & Annexation Committee, reported that this committee held a Public Hearing on this Bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Mark Lyons, Assistance Zoning Administrator, Building Department, 125 S. Lafayette Blvd., Suite 100, South Bend, Indiana, presented the report from the Area Board of Zoning Appeals.

Mr. Lyons advised that the petitioner is seeking a special exception to allow a Fire Station in a “MU” Mixed Use District, on property located at 2221 Prairie Avenue. He stated that the Area Board of Zoning Appeals held a public hearing on February 6, 2013 and sends it to the Common Council with a favorable recommendation.

Fire Chief Steve Cox, 1222 S. Michigan Street, South Bend, Indiana, made the presentation for this Bill.

Chief Cox advised that this Bill would allow for the demolition and reconstruction and operation of Fire Station #5 on the existing property.

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

Greg Brown, 1238 Diamond, South Bend, Indiana, spoke in favor of this Bill. He stated that the SBFD has always been there when he needed them. He urged the Council to adopt this Resolution.

There was no one else present wishing to speak in favor or in opposition to this Resolution, Councilmember Oliver J. Davis made a motion to adopt this Resolution. Councilmember White seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

RESOLUTION NO. 4243-13

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3340 DOUGLAS ROAD AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A THREE (3) YEAR REAL PROPERTY TAX ABATEMENT FOR HARRINGTON ORTHODONTICS

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

WHEREAS, a Declaratory Resolution designated the area located at 3340 Douglas Road and which is more particularly described as follows:

A parcel of land being a part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said section 32, thence North 89 degrees 16' 18" East along the North Line of said Section 32, 140.70 Feet; Thence South 00 degrees 12' 28" West, 45.01 Feet to the point of beginning; thence North 89 degrees 16' 18" East parallel to the North Line of said Section 32, 188.55 Feet to a point on the West Line of Douglas Road Partners Minor, recorded in Instrument Number 0917426 in the Office of the Recorder of St. Joseph County, Indiana; thence South 00 degrees 29' 43" East along said West Line of said Minor, 175.00 Feet; thence South 89 degrees 16' 18" West along the Northerly Line of Lot 3 in said Minor, 187.70 feet to the East Line of a parcel of land recorded in Deed Record 784, Page 80 in said Recorders Office; thence North 00 degrees 12' 28" East along said East Line, 175.02 Feet to the point of beginning, said parcel containing 0.75 acres, more or less, and subject to all right- of- way, easements, covenants, and restrictions of record.

and which has Key Numbers 02-2023-054801 presently at this point in time, be designated as an Economic Revitalization Area; and

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

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

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

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

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

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

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of three (3) years, and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

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

s/Derek D. Dieter
Member of the Common Council

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

Andrew Nemeth, 211 W. Washington, South Bend, Indiana, made the presentation for this Resolution.

Mr. Nemeth advised that when they first submitted their petition, the petition said that the cost of improvements would be \$850,000 he explained that the cost would now be \$600,000. He stated that previously they had included the cost of the land in their estimate.

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

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

RESOLUTION NO. 4244-13

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 1902 SOUTH MAIN STREET AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR GENERAL SHEET METAL WORKS, INC.

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1902 South Main Street, South Bend, Indiana, and which is more particularly described as follows:

PARC OF LAND BEG APPROX 140' E OF CENTERLINE OF CALVERT & LAFAYETTE ST & BEING PT OF W ½ SW ¼ SEC 13-37-2E CONT 1.94 AC +-

573' ON E SIDE LAFAYETTE ST ETC BEG SE COR CALVERT ST CONT APPX 1.2216 ACRS SEC 13-37-2E

LOTS 35, 36 & N 18' VAC BOWMAN ST & 14' VAC ALLEY W & ADJ & S ½ VAC ALLEY N & ADJ TO LOT 35 BOWMAN'S 1ST ADDN

LOT 10 & VAC ALLEY BET LOTS 10 11 LOT 11 & EX 15 FT FOR ST STOVER & WITWER ADD

LOT 34 & E ½ VAC ALLEY W & ADJ & N ½ VAC ALLEY SO & ADJ BOWMANS 1ST ADD

LOTS 18 THRU 22 & E ½ VAC ALLEY W & ADJ & E-W VAC ALLEY BET LOTS 18 & 19 STOVER & WITWER ADD

and which has Key Numbers 18-8010-0451, 18-8010-046601, 18-8010-0453, 18-8011-048901, 18-8012-0567, 18-8012-056701, be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

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

WHEREAS, the Community and Economic Development Committee of the Common

Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

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

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

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

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

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

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years.

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

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

s/Derek D. Dieter
Member of the Common Council

Councilmember Gavin Ferlic, Chairperson, Community Investment Committee, reported that

this committee held a Public Hearing on this Bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Kevin Kruggel, Kruggel & Lawton CPA, 210 S. Michigan Street, Suite 200, South Bend, Indiana, made the presentation for this Bill.

Mr. Kruggel advised that the proposed project is the purchase and installation of new equipment to increase their production capacity to meet the growing demands of their customers. He stated that the total project cost is estimated at \$1,730,000. He stated that total taxes to be abated during the abatement period are estimated at \$17,079. He stated that per the petition, it is estimated that the total project will create 9 permanent, full-time jobs, representing a new annual payroll of \$389,673 and maintain 112 existing permanent full-time jobs representing an annual payroll of \$4,850,000.

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

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

RESOLUTION NO. 4245-13

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, CALLING
FOR AN END TO DOMESTIC VIOLENCE AND
VOICING ITS SUPPORT TO THE
REAUTHORIZATION OF THE FEDERAL “VIOLENCE
AGAINST WOMEN’S ACT”**

Whereas, the Common Council of the City of South Bend, Indiana, acknowledges that recently a bi-partisan majority of the House of Representatives joined the United States Senate in approving reauthorization of the “Violence Against Women’s Act” and sent it to the President for review and approval; and

Whereas, the Common Council notes that unfortunately, domestic violence affects all communities, with data showing that three (3) women die each day from domestic violence which clearly shows that perpetrators of such violence should be brought to justice; and

Whereas, the federal legislation would give new powers to Tribal Courts to help protect Native American Women, where the statistics reveal that one in three are the victims of such crimes; and

Whereas, the Council recognizes that on February 28, 2013, the Department of Justice’s Office on Violence Against Women (OVW) announced that \$12.6 million would be made available in grants to twenty (20) communities as part of a new “consolidated program designed to more effectively reduce dating violence”; and

Whereas, the Council also notes that in 2004, DOJ’s Office of Violence Against Women identified St. Joseph County as one of fifteen (15) pilot sites nationally out of 400 applicants, to receive federal financial support to “eradicate all forms of domestic violence” and that the Family Justice Center of St. Joseph County located at 533 North Niles Avenue in South Bend serves “as a one-stop help center for victims of domestic violence and their children”; where “providers from any organizations – domestic violence victim services, prosecution, probation, law enforcement, medical services, civil legal assistance, chaplains, and other community-based services” are brought together under one roof; and

Whereas, it is reported that “in St. Joseph County, police respond to approximately 8,000 domestic violence calls a year” with the DOJ estimating that “only 54% of the intimate partner

violence is reported to authorities” and that “victims come from all walks of life, income levels, races and religions”.

Now, Therefore, be it resolved by the Common Council of the City of South Bend, Indiana, on the 11th day of March, 2013, as follows:

Section I. The Common Council calls upon the residents of South Bend, Indiana to work together to end domestic violence in our community.

Section II. The Council notes that soon the President will be signing into law the recently approved bi-partisan reauthorization of the “Violence Against Women’s Act” which will expand authority in seeking justice against perpetrators of such crimes.

Section III. The Council pledges its support to the many agencies in the City of South Bend, Indiana, who work on a daily basis providing assistance on crisis intervention, counseling criminal investigations, spiritual care, prenatal counseling, and the many highly trained volunteer advocates who work on the 24-hour S-O-S Crisis Line, the police officers called to respond to domestic violence calls; who are working to curb domestic violence locally, and in particular the Family Justice Center of St. Joseph County.

Section IV. The Council also acknowledges that the YWCA North Central Indiana, is a leading provider of domestic violence services such as emergency shelter and services to approximately 1,500 women and children annually. Food, clothing and safe shelter as well as the support and tools which these individuals need to begin rebuilding their lives, are examples of this agency.

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

s/Henry Davis, Jr.
2nd District Councilmember

Councilmember Karen White, Chairperson, Health & Public Safety Committee, reported that this committee held a Public Hearing on this Bill this afternoon and voted to send it to the full Council with a favorable recommendation.

Councilmember Henry Davis, Jr., 5117 Idlewood Dr., South Bend, Indiana, made the presentation for this Resolution.

Councilmember Henry Davis, Jr., advised that he is introducing this Resolution to raise awareness about domestic violence in our community and to support those individuals and agencies and who provide daily services to such victims. He stated that on February 28, 2013 the House of Representatives voted 286-138 and sent to President Obama the reauthorization of the Violence Against Women Act, which had been approved by the U.S. Senate two weeks earlier. The federal law had been allowed to lapse over a year earlier by Congress. The new federal legislation would give access to Violence Against Women Act programs to all individuals including Native Americans, gays, lesbians, and immigrants. He noted that according to the Department of Justice, the Violence Against Women Act has helped reduce such crimes by approximately two-thirds over the past two decades. The website for the Family Justice Center of St. Joseph County notes that risk reduction programs to students in our community have reached “over 20,000 students each school year.” He stated that it also notes that “presentations and training reach community groups, law enforcement and medical personnel rounding out S-O-S comprehensive services.” Councilmember Davis Jr., stated that he believes that as elected officials of South Bend should support these proactive measures which are aimed at improving the quality of life in our City. He asked the Council for their support of this Resolution.

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

Sareen Dale, 1731 Thornhill Dr. South Bend, Indiana, spoke in favor of this Bill. She thanked the Council for this Resolution. She stated that she is the Director of the St. Joseph County Family Justice Center. She stated that the Family Justice Center is responsible for on-site services, partnerships and community outreach. She stated that the Family Justice Center is a collaboration and cooperative spirit between agencies and entities working together to help survivors on their journey towards safety.

Becky Callendar, SOS, Project Coordinator Family Justice Center, 533 North Niles Avenue, South Bend, Indiana, spoke in favor of this Bill. She stated that she has worked with S-O-S since the 1990's helping to coordinate risk reduction programs in the local schools. She stated that they provide advocacy to survivors of sexual and domestic violence. She thanked the Council for this Resolution.

Linda Baechle, President & CEO, YWCA, 1102 S. Fellows, South Bend, Indiana, spoke in favor of this Bill. She advised that since 1903, the YWCA has been the leading advocate for women and children in our community. She stated that through a combination of service and social action they reach out to women who are seeking solutions to abusive situations, women who are fighting chemical dependency and women who are in need of job training and education and who want to improve their lives for themselves and their children. She stated that the YWCA was created by women for women, and pledge all of their resources, talents and skills to ensure the success of the mission of the YWCA: "Eliminating racism empowering women." She thanked the Council for this Resolution and urged their favorable consideration.

Jesse Davis, P. O. Box 10205 South Bend, Indiana, spoke in favor of this Bill. He stated that he supports all the agencies who work on a daily basis helping to curb domestic violence.

There was no one else pressing wishing to speak in favor of this Bill and there was no one present wishing to speak in opposition to this Bill.

Councilmember White made a motion to adopt this Resolution. Councilmember Scott seconded the motion which carried and the Resolution was adopted by a roll call vote of nine (9) ayes.

RESOLUTION NO. 4246-13

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 2013 PURSUANT TO SECTION 4-51 OF THE SOUTH BEND MUNICIPAL CODE

WHEREAS, Section 4-51 of the South Bend Municipal Code sets forth the regulations addressing the licensing of scrap metal dealers, junk dealers and recycling operations; and

WHEREAS, on April 15, 2024 the Ordinance Violation Bureau Clerk provided written notice to the City Clerk that the following businesses:

Alternative Two LLC 700 W. Chippewa

US Scrap LLC 1420 S. Walnut St. (ACME)

have been approved for Scrap Metal Dealer, Junk Dealer, Transfer Station, Recycling Operations Licenses for the year 2013.

WHEREAS, the license applications for all above-referenced businesses received favorable recommendations from the Department of Code Enforcement, Police Department, and the Fire Prevention Bureau.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. The license applications for the following businesses:

Alternative Two LLC 700 W. Chippewa

US Scrap/SB Bailing 1420 S. Walnut St. (ACME)

Are approved in conformity with South Bend Municipal Code Section 4-51 and based upon the satisfactory review and inspection of the properties by the Department of Code Enforcement, Police Department, and the Fire Prevention Bureau as evidenced by the Ordinance Violation Bureau Clerk's communication to the City Clerk dated April 15, 2024.

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

s/Derek D. Dieter
Member of the Common Council

Councilmember Varner, Chairperson, Personnel & Finance Committee, reported that this committee held a Public Hearing on this Bill this afternoon and voted to send it to the full Council with a favorable recommendation.

City Clerk John Voorde, 4th Floor County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, made the presentation for this Resolution.

Clerk Voorde advised that there were two properties that needed to be re-inspected, Alternative Two LLC 700 W. Chippewa, by the Fire Department and US Scrap LLC/AMCE, 1420 S. Walnut St., by the Department of Code Enforcement. Both have received favorable recommendations. He asked the Council for their favorable consideration of this Resolution.

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

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

BILLS – FIRST READING

BILL NO. 09-13

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 12 ENTITLED CHRONIC PROBLEM PROPERTY REGULATIONS

This Bill had first reading. Councilmember Varner made a motion to refer this Bill the Residential Neighborhoods Committee and set it for Public Hearing and Third Reading on March 25, 2013. Councilmember Scott seconded the motion which carried by a voice vote of nine (9) ayes.

BILL NO. 10-13

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE, CHAPTER 6, ARTICLE 1, SECTION 6-4.4(b)(3); RENUMBERING CERTAIN SECTIONS OF CHAPTER 6, ARTICLE 2; AND ADDING A NEW, RENUMBERED SECTION 6-6.2, CERTIFICATE OF OCCUPANCY, TO CHAPTER 6, ARTICLE 2

This Bill had first reading. Councilmember Varner made a motion to refer this Bill the Health & Public Safety Committee and set it for Public Hearing and Third Reading on March 25, 2013. Councilmember Scott seconded the motion which carried by a voice vote of nine (9) ayes.

BILL NO. 11-13

FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 3801 W. WESTERN AVENUE, COUNCILMANIC DISTRICT 2 IN THE CITY OF SOUTH BEND, INDIANA

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

UNFINISHED BUSINESS

Councilmember Henry Davis, Jr., stated that he would like a breakdown of the City's workforce.

Kathy Cekanski-Farrand stated that she is waiting for the Board of Public Works on Block Party information.

Council President Dieter stated that they are waiting to a breakdown of business along the Western Avenue corridor from Community Investment.

Councilmember Oliver Davis stated that he requested information from the Mayor on TIF funding regarding vacant & abandoned homes. He also noted that on March 25, 2013 there will be an update on the Ethanol (New Energy) Plant. He also noted that the 1st Annual Schuyler Colfax Day Commemorative Service will be held on March 23, 2013 at 3:00 p.m. at 601 W. Colfax Avenue, which is the site where Colfax's home was located. He noted that at the conclusion of the service, a memorial wreath will be placed on the grave of Vice President Colfax, which is located in the South Bend City Cemetery, located at 214 Elm St., South Bend, Indiana.

NEW BUSINESS

APPROVAL OF 4 APPOINTMENTS TO THE TRANSPO BOARD

- MATTHEW C. WILSON
- EMIL W. "LUCKY" REZNIK
- OLIVER J. DAVIS, JR.
- ANTONIUS M. NORTHERN

REQUIRED PER IC 36-44-1-3 UNIFORM CONFLICT OF INTEREST

Councilmember Dieter made a motion to accept the uniform conflict of interest forms for the Council's appointments to the TRANSPRO Board. Councilmember Scott seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Henry Davis, Jr., noted that ABC 57 will be airing a story on Mini-Marts in South Bend. He also asked if the Council is enforcing the cell phone/electronic devices being used during South Bend Common Council meetings. He stated that he see Councilmembers using devices and wants to make sure that they are treaty everyone equally & fairly. He stated that the Police Chief was given time to speak at the Greater St. John Missionary Baptist Church recently. He stated that it has come to his attention that Chief Teachman's speech was out of order. He feels that the Police Chief needs to apologize.

PRIVILEGE OF THE FLOOR

Jesse Davis, P. O. Box 10205, South Bend, Indiana, stated that he took the new Police Chief's comments on gun control on a public television program as very offensive. Mr. Davis commented Mayor Buttigieg joining other Mayor's against gun violence. He also commented on the vacant & abandoned housing in South Bend.

Sam Brown, Citizen United for a Better Government, 1405 LaSalle, South Bend, Indiana, questioned police cars going to certain properties.

Lenny Grummel, 1919 S. Carlisle, South Bend, Indiana, commended Councilmember Henry Davis, Jr., for helping him and to address his concerns. He welcomed new Police Chief Ron Teachman to South Bend. He stated that he was concerned about Chief Teachman's comments regarding gun control on WNIT.

Tony Trinca, 139 Camden, South Bend, Indiana, asked the Council to speak into their wireless microphones. He stated that when then sit back in their chairs and cover their mouths when speaking the audience cannot hear them clearly. He urged them to pick the mic's up and speak clearly into them.

Joseph Wiltfong, 2405 Erskine Blvd., South Bend, Indiana, stated that regarding gun control, the U.S. Constitution states that we all have the right to bear arms.

Greg Brown, 1238 Diamond, South Bend, Indiana stated that Wal-Mart is still selling ammunition. He stated that he witnesses a seventeen year old purchase and leave the store with numerous boxes of ammunition. He stated that Teachman came in and started doing DUI Checkpoints, and there are people still getting shot in the neighborhoods. He stated that if he can't wake you up, he going to shake you up.

ADJOURNMENT

There being no further business to come before the Council, President Derek D. Dieter adjourned the meeting at 8:55 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Derek D. Dieter, President