

**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 Wednesday, May 28, 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 <sup>st</sup> District
	Henry Davis, Jr.	2 <sup>nd</sup> District
	Valerie Schey	3 <sup>rd</sup> District, Chairperson Committee of the Whole
	Dr. Fred Ferlic	4 <sup>th</sup> District
	Dr. David Varner	5 <sup>th</sup> District
	Oliver J. Davis	6 <sup>th</sup> District, President
	Gavin Ferlic	At-Large
	Karen L. White	At-Large

Absent:	Derek Dieter	At-Large, Vice President
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**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 made a motion that the minutes of the May 12 2014, meeting of the Council be accepted and placed on file. Councilmember seconded the motion which carried by a voice vote of nine (9) ayes. (No Audio on file for this portion of the meeting)

**SPECIAL BUSINESS**

**BILL NO. 14 -54**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING JONATHAN BURKE FOR HIS DEDICATED SERVICE AS THE CITY'S 1ST DIRECTOR OF THE MUNICIPAL ENERGY OFFICE

RESOLUTION NO. 4367-14

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND PUBLICLY COMMENDING JONATHAN BURKE FOR HIS DEDICATED SERVICE AS THE CITY'S 1<sup>ST</sup> DIRECTOR OF THE MUNICIPAL ENERGY OFFICE**

*Whereas*, the South Bend Common Council notes that its' Municipal Energy Office is dedicated to "...make a positive impact on energy consumption and usage..." by focusing on the following key components: renewable energy, building efficiency, transportation efficiency & innovation, municipal regulations, and recycling and waste management; and

*Whereas*, the Common Council further notes that implementation of such initiatives by the Municipal Energy Office has improved the overall sustainability, health and conscientious design of the city; and

*Whereas*, the City of South Bend is currently transitioning from a Municipal Energy Office to a broader Office of Sustainability, with the foundation of these programs being started and implemented by Jonathan Burke, when he was named as the first Municipal Energy Director in 2010; and

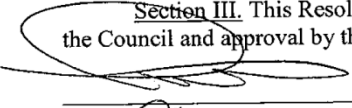
*Whereas*, some of the many initiatives championed by Jonathan Burke included: development of the plan for the 1<sup>st</sup> hydroelectric turbine; advancement of the CNG program to support cleaner burning; promoting cost-effective CNG vehicles; implementing numerous energy-saving projects in several municipal buildings; and generating countless collaborations with the South Bend Community School Corporation, TRANSCO, Logan Center, IU South Bend, Greening the Bend – just to name a few.

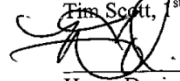
*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

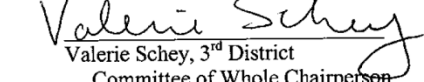
Section I. The Common Council of the City of South Bend, Indiana, publicly thanks and honors **Jonathan Burke**, the city's 1<sup>st</sup> Municipal Energy Director, who served in this capacity with distinction since 2010.

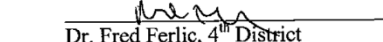
Section II. The Common Council wishes **Jonathan Burke** the very best as he embarks upon a new career path as a private sector energy consultant.

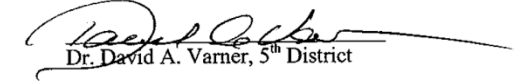
Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

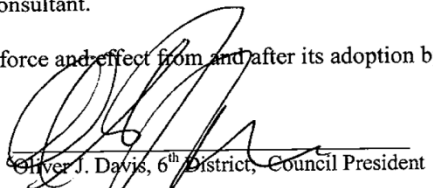
  
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Tim Scott, 1<sup>st</sup> District

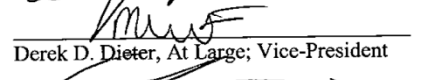
  
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Henry Davis, Jr., 2<sup>nd</sup> District

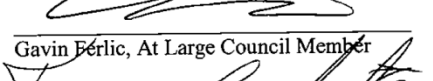
  
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Valerie Schey, 3<sup>rd</sup> District  
Committee of Whole Chairperson

  
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Dr. Fred Ferlic, 4<sup>th</sup> District

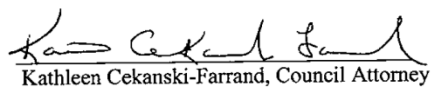
  
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Dr. David A. Varner, 5<sup>th</sup> District

  
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Oliver J. Davis, 6<sup>th</sup> District, Council President

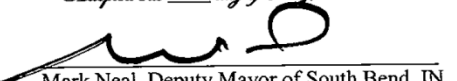
  
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Derek D. Dieter, At Large; Vice-President

  
\_\_\_\_\_  
Gavin Ferlic, At Large Council Member

  
\_\_\_\_\_  
Karen L. White, At Large Council Member

  
\_\_\_\_\_  
Kathleen Cekanski-Farrand, Council Attorney

*Filed:*  
  
\_\_\_\_\_  
John Voorde, City Clerk

Adopted this 9<sup>th</sup> day of JUNE, 2014  
  
\_\_\_\_\_  
Mark Neal, Deputy Mayor of South Bend, IN

No audio on file from this portion of the meeting.

ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE CHIEF OF STAFF – KATHRYN ROOS

**REPORTS OF CITY OFFICES- DEPUTY MAYOR MARK NEAL**

(No audio on file from this portion of the meeting)

**RESOLVE INTO THE COMMITTEE OF THE WHOLE**

At 7:03 p.m. Councilmember made a motion to resolve into the Committee of the Whole. Councilmember seconded the motion which carried by a voice vote of eight (8) ayes. Councilmember Schey, Chairperson, presiding.

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

Council President Oliver Davis stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

**PUBLIC HEARINGS**

**BILL NO.17 -14**

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 5 OF THE SOUTH BEND MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 5 ENTITLED RESPONSIBLE ANIMAL AND PET OWNERSHIP CARE AND CONTROL REGULATIONS AND AMENDING SECTION 2 -213 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

Councilmember Schey made a motion to hear the substitute version of this bill as amended. Councilmember Dr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Dr. Ferlic, Chairperson, reported that the Health and Public Safety Committee met this afternoon and sends this bill to the full Council with no recommendation.

Council Attorney Kathy during the committee meeting this afternoon stated there were various amendments during the committee meeting and after the meeting. The new language amends definition, and now going back to original one, page 28 concern with Section 5 is now being limited to a domestic animal or large animal, daily record by limited, they ask that they accept the amended pages 12, 28, 64, 36 for the third substitute bill as amended. Sole moved by Dieter, seconded by Mr. Ferlic which carried with a voice vote of eight (8) ayes.

Presenter: Councilmember Valerie Schey- 1314 E Wayne St N- For the purpose of record keeping although V.P. Dieter is not with us he did send a letter in support of bill 17-14. The process that we followed was open and included 14 meetings, and continued to reach out from the Council and feedback has been reflective of that. It will serve our community well, it enhances community safety, strengthens punishment for repeat offenders, makes South Bend policies more humane and up to date. I highlighted the time line, process began April 25, 2013 where committee member met with health and public safety committee, with councilmember White to share our goals, and we have had a number of public discussions. I want to thank the media as they have done a great job as well. The third substitute bill was filed on May 1<sup>st</sup>. We want to thank the members of the special committee of drafting this bill for over the last year. Pet ownership is a significant quality of life issue for 67% of our residence. However, irresponsible pet owners can have a negative effect on our quality of life. She explained the dangerous dog laws, along with the definitions. Councilmember highlighted Section 5. Regulations animals that are vicious must be spayed or neutered, muzzled, registration, \$300,000 of liability homeownership, post warning of dangerous dogs. Breeding is not allowed for vicious animals, leash length may not be longer than 3 feet in length. Councilmember discussed the anti-tethering ordinance, habitual offender, proposed pet licensing, mandatory sterilization laws, and trap-neuter return.

Councilmember Scott, under the dangerous dog's laws, if it's under 120 feet you don't need a building permit, if they have an out structure like a shed or something, it's something we need to look at? It may need a minor change down the road, and it's not a deal breaker right now.

Councilmember Varner, in regards to T and R how do you deal with that situation, in this example it's a woman fixing random animals in the neighborhood? Councilmember Schey it's a woman feeding roaming cats without any concerns for her neighbors. We've amended language that animal control is empowered to intervene under public nuisance. Councilmember Varner what in this ordinance gives authority control along with the measures used for compliance in a neighborhood? Councilmember Schey, I will need to call on Matt Harman

Matt Harmon- we are addressing this situation as someone harboring animals, is address is as if the woman has too many animals, when it comes to T & R that animal control has the power to regulate the neighborhoods. There is a science behind how to defeat the colonies and beat the animals coming in. The main goal is holding people accountable so we don't have cats running ramped.

Councilmember Mr. Ferlic, as animal control expert do you think this will result in fewer dog bites, serious dog bites in a cost effective manner? Petitioner responded we are addressing the tethering, fighting, and spraying, which 80% of dog bites are from unaltered males, we're focusing on what makes an animal bite.

Council President Oliver Davis, growing up it was the Doberman Pinscher, that the German Shepherd, and now the Pit Bull, this legislation talks about eliminating breed specific language what gives you the confidence that will provide safety and security for our community? Councilmember Schey responded a licensed Veterinarian that will be speaking later. There are 5 factors that influence a dogs behavior heredity, early experience, later social training, medical & behavioral health and victim behavior. Those are the main motivators for dog's causes for aggression. Council President Davis what happens to the dogs that were already on chains or exposed to those conditions, do we now just take them off their chains, what happens? Councilmember Schey responded unfortunately you are fight, there will be 2 incidence where a neighbor or resident felt threaten, all of the regulations would then apply. Council President there would be dangerous dogs off tethers is there any educational materials that you have in the meantime while people get in compliance? Matt responded year to date we are still working on them, in changing the culture on educating owners and change the perspective on citizens. We are starting right now with programs with kids. Every time officers go out to the field they will have brochures and educating in the field. Council President Davis, how are you able to enforce this? Matt responded providing our staff with that training, equip with them with the tools, and volunteers, it's going to be a long process at the same time we're doing a lot of things we're already doing. It's not extra work, it's replacing certain behaviors and enforcement along with education. Councilmember Schey, we are ultimately making the officer's jobs easier, Councilmember Henry Davis and I were talking earlier that laws should never be in subjective terms but written clearly so that the end user can know what's expected and the officers can enforce them. In the new ordinance we went through great lengths to ensure the language is clear to eliminate ambiguous terms. It will now be easier for them to force as the laws are now clearer.

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

The following individuals spoke in favor of this bill.

Dr. Coby, DDM- 1202 E Donald- I'm a veterinarian with 8 years of practice, it enhances the ordinance and reduces the state liability, and improves the lives of our animals while enhancing our public safety. In my years of experience that Pit Bulls are just like any other happy breed it is the behavior of their surroundings and they should not be punished. I hope you will support this bill.

Tam Palmer- President of Pet Refuge, 4626 Burnet Drive- the refuge is a facility to help rescue animal and spay/neuter animals. We have done over 25,000 surgeries within the four years

we've been open. We firmly believe that this bill will improve the lives of our animals and empowers our animal control officers to protect public safety. This will make South Bend a more humane city.

Gabrielle Thompson- 1121 Stanfield- Co-founder of Pit Bull South Bend, I do want to reiterate this is not just about discrimination of Pit Bull but it is beneficial to all of our causes. These exploited animals are part of a bigger problem safety and efficiency. All dogs can bite if they have corrupt owners. It's up to you to support this bill.

Jen Global- 5369 Maple St. - I am here as I'm a police officer and founder and director of 360 project, and an animal advocate. Nine years ago I was in an abusive relationship, where my dog was also abused. I'm here today as the animals don't have a voice, I'm here to speak for them. I ask that you pass this ordinance and give these animals a voice.

Sam Pawlowski- 1102 S 32<sup>nd</sup> St. - I'm also the Director of Michiana Cat Initiative and are a neuter trap and release group. I want to compare and contrast what T & R can do for the community, and has been practiced since the 1970's. The successes happens in an reduction in the intake rate. When people do this, they do it with their own money to help improve our neighborhoods.

Michelle- 19447 Firm Rd, County- My husband and I support this law. We were taken by surprise when the Humane Society showed up and said that we were over our pet limit. We were surprised as we lived in our home for 22 years with multiple pets and never had a formal complaint from neighbors, we have 6 dogs and 4 cats that have all been rescued all indoor pets, licensed, our home and yard is sanitary and safe. They are currently 1 of 10, where as in a shelter they would be 1 of 100. We make the necessary sacrifices for our pets. Your vote today will create a legacy of a law of heart.

Becky Kaiser- 913 Diamond Ave. - I was asked to be on the commission, we were lucky to get Matt Harmon on the commission and the culture has changed significantly. It's about a logical tool to do what needs to be done about quality life issues. A normal human being will not allow an animal to die. We need to give our community the tools that are needed. This gives us the chance to do that.

Melissa Minesberg- 20388 Keeper Way- I learned about Smokey 7 months ago a dog that is being poorly kept. I've brought the issue to the group last week, on recommendations as what we can do about this dog.

Earl Sykes-18927 Garden Rd.- Melissa is right I got a message from her on Facebook and she told me about Smokey on Scott St. in South Bend, I was taken back, I took my own pictures as a representation of the dog, I notified animal control an officer came out stated it wasn't a good situation but because he has a water bowl and food bowl and some form of shelter there's not a whole lot we can do, the new re-write addresses these issues of the tether the type of shelter and the length of the chain. I have included signatures over 2,000 signatures from this county and bordering counties and are hoping that South Bend will pass this ordinance.

Nancy Meyer- 1835 Southern View- this may not be perfect but please don't let that stand in the way of doing the right thing, we need it for the people and the animals. We pay for people to get their animals spayed and neutered, this is because cats are overrunning the country. We do need to co-exist but not get it out of hand. Don't let one objection keep you from doing the right thing in South Bend.

Councilmember White- I appreciate the communication and transparency that gave to this issue, I would like to thank the citizens for your input, as the committee started over a year ago and using the media to buy in to share their viewpoints and concerns. To allow the community to have a significant input. Thank you.

Councilmember Gavin Ferlic- thank you, I also want to recognize Dr. Ferlic he may still have some objections but he put in a lot of time in to make this law even better so thank you to him as well.

Councilmember Dr. Varner if this adopted what can you do for Smokey at that point? Councilmember Schey responded we have a 50 day ramp up period and Smokey is tethered, to answer your question. Matt responded, I was not aware of this situation of Smokey there are state laws that we can enforce. Councilmember Varner- this summary goals works as long as it is enforced and going forward the enforcement lies with the city not the Council as we are not granted the authority to enforce them. Councilmember Schey, we have several city advocates that Matt is enforcing them.

Councilmember Dr. Ferlic- I have a number of positions that come tonight, I have gone down that route before, I appreciate Valerie’s efforts. Our dog bites will go up, I appreciate the efforts the whole situation is multi-factorial. I want to offer amendments, Pit Bulls should not have any higher euthanasia rate but they were raised and bred by bad people, all I’m asking for we muzzle and a fence resolution or law about Pit Bulls, in the long run people will be safer. Some of the facts need to be told 50% of hospital admissions is because of a Pit Bull bites, with a cost of \$1 billion dollars 30-40 deaths due to dogs and 50% were due to Pit Bull type breeds. I will vote but ask for a resolution in the next 3-4 weeks. The second is that last year’s expenditures were \$700,000, Mishawaka pays the Humane Society \$160,000 a year, so what I would propose is over the next 8 years we become revenue neutral, only 3% of our dogs are licensed in this city. I propose every 2 years Matt improves his revenue stream to be revenue neutral by 2022. I congratulate you for your enthusiasm and overall it will be good if we can approach those two things. Thank you and I appreciate each and every one of you.

Councilmember Henry Davis, I thought it was an audacious daunting task that you took upon yourself, I told you was in favor of it. Congratulations I hope that this passes, I will sign on as a co-sponsor, and you already have my vote and support. Thank you for your commitment to our animals and our city of South Bend, Good Job.

Councilmember Tim Scott, I want to thank Councilmember Schey as well you sold me on the first committee when you gave an example of what a shelter should be defined as versus what we had in our bill before. Clear and precise definitions our key, I want to thank you and all the Councilmembers that gave their input, Matt and Crystal, and Dr. Varner is right it has to be enforced and I think it will be. I also want to thank the member of the team that help me with writing out section. I need someone in my neighborhood to help trap cats. But I think this will help with law enforcement going after the dog-fighting rings. I think education and policy on so many people working together working with animal control to help change the results of our animals around here. I’m in favor of this, good job.

Councilmember Schey- I totally support it.

Council President Oliver Davis- when I was going around on Calvin Street I ran in to a home where a neighbor had two Pit Bulls, when she opened the door I jumped back, she responded, “oh no, this is a friendly dog.” Before, that I would agree that they would be muzzled and chained. It was the friendliest dogs that I’ve ever seen, that the owner raised that dog correctly and I would go and pet that dog without a muzzle.

Councilmember Mr. Ferlic made a motion for favorable recommendation to full Council concerning this bill. Councilmember Henry Davis, Jr. seconded the motion which carried by a voice of eight (8) ayes.

**RISE AND REPORT**

Councilmember Scott made a motion to rise and report to full Council. Councilmember Dr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

ATTEST:

ATTEST:

\_\_\_\_\_  
John Voorde, City Clerk

\_\_\_\_\_  
Valerie Schey, Chairperson  
Committee of the Whole

REGULAR MEETING RECONVENED (time stamps inaccurate, due to audio in first half)  
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 8:43 p.m. Council President Oliver Davis, presided with eight (8) members present.

**BILLS - THIRD READING**

**BILL NO. 17-14**

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 5 OF THE SOUTH BEND MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 5 ENTITLED RESPONSIBLE ANIMAL AND PET OWNERSHIP CARE AND CONTROL REGULATIONS AND AMENDING SECTION 2 -213 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

This bill had third reading. Council Attorney Kathy a motion to amend as it was in the committee. Sole moved by Councilmember Scott, Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Henry Davis, Jr. made a motion to pass third substitute bill 17-14 as amended. Councilmember Schey seconded the motion which carried a roll call vote of eight (8) ayes.

Council President Oliver Davis requested a motion for a five minute recess. Sole moved by Councilmember Henry Davis, Jr., Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

**RESOLUTIONS**

**BILL NO. 14 -57**

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 525 EAST COLFAX AVENUE AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR COLFAX HILL PARTNERS, LLC

RESOLUTION NO. 4362-14

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

**525 East Colfax Avenue**

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

**COLFAX HILL PARTNERS, LLC**

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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 525 East Colfax Avenue which is more particularly described as:

Lots 89-90 55 Ft W End Ea  
O P Lowell and

Lot 89  
44' N Side  
Ex 55' W End  
O P Lowell and

110 Ft E End Lot 90 22X110  
Ft S Side E End Lot 89  
O P Lowell

And which has Key Numbers 018-5005-0128, 018-5005-0129, and 018-5005-0130 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.

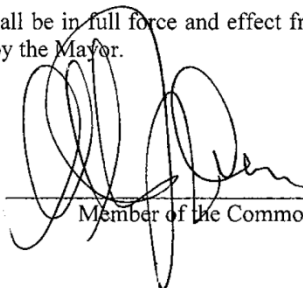
SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real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

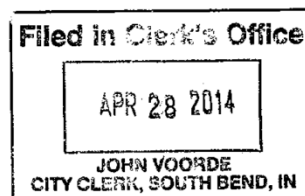
SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of eight (8) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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 5-12-14  
NOT APPROVED  
ADOPTED 5-12-14



Presenter- 100 N Michigan- This is a request for an 8 year abatement on a construction for a multi-use project with approximately 13 units for retail with an excess of \$3 million which this will add some density to that area.

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

Those wishing to speak in favor:

Paul Mason- 31 Pauley St. - I neither speak in favor or against, I would expect the petitioner to show the public exactly what they're proposing to do if there's a rendering we would like to see it.

Rebuttal: I'm certain that we worked on our design and presented drafts early on in our process, and we are willing to share our current designs as they stand now.

Councilmember Mr. Ferlic made a motion for adoption to full Council concerning this bill. Councilmember Scott seconded the motion which carried by a roll call count of seven (7) ayes.

Councilmember Henry Davis we can request some updating and rendering. Petitioner responded we will have updated rendering on design will make it public as it is approved by the city, neighbors, and corporation.

**BILL NO. 14 -58**

A RESOLUTION WAIVING THE REQUIRED FILING DATE OF MAY 10, 2013 AND ACCEPTANCE OF THE DEDUCTION APPLICATION OF THE LATE FILING OF DEDUCTION APPLICATION FOR THE NEW MANUFACTURING EQUIPMENT LOCATED IN AN ECONOMIC REVITALIZATION AREA FILED UNDER RESOLUTION 4198 -12 FOR THE TIRE RACK LOCATED AT 7101 VORDEN PARKWAY

RESOLUTION NO. 4365-14

**A RESOLUTION WAIVING THE REQUIRED FILING DATE OF MAY 10, 2013 AND ACCEPTANCE OF THE DEDUCTION APPLICATION OF THE LATE FILING OF DEDUCTION APPLICATION FOR THE NEW MANUFACTURING EQUIPMENT LOCATED IN AN ECONOMIC REVITALIZATION AREA FILED UNDER RESOLUTION 4198-12 FOR THE TIRE RACK LOCATED AT 7101 VORDEN PARKWAY**

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Whereas, The State of Indiana, County of St. Joseph, Adopted by the Common Council of the City of South Bend, Indiana commonly known as 7101 Vorden Parkway, South Bend, Indiana had adopted RESOLUTION 4198-12, pursuant to Indiana Code 6-1.1-12.1 to be an economic revitalization area for purposes of a five (5) year real tax abatement for the Tire Rack.

Whereas, Resolution 4198-12 was presented and adopted by the Common Council on August 13, 2012.

Whereas, Mr. Joseph Iams states that the Application for Deduction from Assessed Valuation for New Manufacturing Equipment in Economic Revitalization area ( Form 322) was not filed by the Company by the due date.

Whereas, the Auditor's Office states that it has never received the required Form 322.

Whereas, the tax bill which was to have been abated results in a tax being due of \$95,333.24. With the abatement, the tax bill would be \$5,583.03.

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

SECTION 1. The petitioner has presented testimonial evidence of the following facts in support of this resolution:

A. The petitioner states that they were unaware that the Form 322 needed to be filed with the Auditors Office.

B. The stated property cannot afford this large tax bill at the present time.

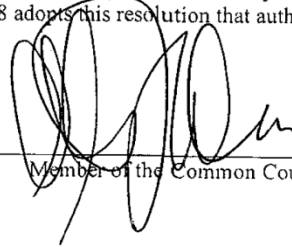
C. The Tire Rack has met the project cost goal stated in their original petition for a tax abatement. The initial cost of the project was estimated to be \$4,700,000 and the actual cost was \$5,459,792. Thirty new positions have been created with a payroll of \$1,755,220. The new payroll goal was \$1,600,000.

E. The project is an outstanding asset to this community.

F. All other required documentation has been received from The Tire Rack by the required due dates.

SECTION II. The foregoing facts, taken together, lead the Common Council to conclude that compelling reasons exist to waive the filing deadline.

SECTION III. The Common Council hereby waives the filing deadline of May 10<sup>th</sup> 2011 and pursuant to Indiana Code 6-1.1-12.1-4.8 adopts this resolution that authorizes acceptance.



Member of the Common Council

PRESENTED 5-28-14  
NOT APPROVED  
ADOPTED 5-28-14

**Filed in Clerk's Office**  
MAY -9 2014  
JOHN VOORDE  
CITY CLERK, SOUTH BEND, IN

Councilmember Gavin. Ferlic- Community Investment sends 14-58 to the full council favorably.

Presenter- Gerald Rains- 7101 Vorden Parkway- I'm here to request the filing under resolution 4198-12 for the tire track as filed, we met and exceeded all the capital signature project costs as well as the job creation bills, we ask for favorable recommendation

Councilmember Dr. Varner- what is the annual filing you need to make? Petitioner responded 322.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Mr. Ferlic made a motion for adoption to full Council concerning this bill. Councilmember Scott seconded the motion which carried by a roll call count of seven (7) ayes.

**BILL NO. 14 -60**

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 914, 918, 923, 925, 927, 930, 932, 1024, 1030 OAK ST, 922, 930, 1002 ½ , 1014, 1018, 1020 FUERBRINGER, 417, 418, 500 BLK SHERMAN, 501 HARRISON ST, 423, 429, 431 COTTAGE GROVE, 327, 329, 331, 408, 412, 417, 403 CUSHING ST. AS RESIDENTIALLY DISTRESSED AREAS FOR PURPOSES OF A FIVE (5) YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR LINCOLN PARK DEVELOPMENTS LLC

RESOLUTION NO. 4366-14

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

**914, 918, 923, 925, 927, 930, 932.5, 1024, & 1030 OAK; 922, 930, 1002.5, 1014, 1018, & 1020 FUERBRINGER; 418, 417, and 500 BLK SHERMAN; 501 HARRISON; 423, 429, & 431 COTTAGE GROVE; 327, 329, 331, 408, 412, 417, & 403 CUSHING**

AS RESIDENTIALLY DISTRESSED AREAS FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR

**LINCOLN PARK DEVELOPMENT LLC**

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WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and 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 , 914, 918, 923, 925, 927, 930, 932.5, 1024, & 1030 Oak; 922, 930, 1002.5, 1014, 1018, & 1020 Fuerbringer; 418, 417, and 500 blk Sherman; 501 Harrison; 423, 429, & 431 Cottage Grove; 327, 329, 331, 408, 412, 417, & 403 Cushing South Bend, Indiana, and which is more particularly described as follows:

- 1) 914 Oak South Bend IN  
Parcel ID: 18-1029-1276  
Legal Description: Lot Numbered Four (4) as shown in the recorded Plat of Lorenz Fuerbringer's Addition
  
- 2) 918 Oak South Bend IN  
Parcel ID: 18-1020-1278  
Legal Description: West 17 and 4/5 feet of Lot 5 and the East 17 and 4/5 feet of Lot 6 Fuerbringers 1<sup>st</sup> Addition
  
- 3, 4) 923 Oak, 925 Oak, 927 Oak, South Bend IN  
Parcel ID: 923 Oak- 18-1030-1345  
              925 Oak- 18-1030-1344  
              927 Oak- 18-1030-1343

Legal Description: 923 Oak- 35 Feet E Side lot 11 Fuerbringers 2<sup>nd</sup> addition  
925 Oak- 17.5 feet East side lot 10 and 17.5 feet West side Lot 11 Fuerbringers 2<sup>nd</sup> Addition 927  
Oak- Except 17.5 Feet West Side Lot 10 Fuerbringers 2<sup>nd</sup> Addition

5) 930 Oak and 932.5 Oak South Bend IN  
Parcel ID: 930 Oak – 18-1029-1281  
932.5 Oak 1801029-1281.01

Legal Description: 930 Oak- Part of lot 8 of the recorded plat of Fuerbringer's beginning at the Northeast corner of said Lot 8; running thence South along the East line of said lot, 132 feet to the Southeast corner thereof, thence West along the South line of said lot, 26.825 feet; thence North 132 feet to the North line of said lot; thence East along the North line, 26.65 feet to the place of beginning  
932.5 Oak- W ½ Lot 8 Fuerbringers 1<sup>st</sup> addition

6) 1024 Oak South Bend IN  
Parcel ID: 18-1033-1449  
Legal Description: Lot 6 William Millers

7) 1030 Oak St South Bend IN  
Parcel ID: 18-1033-1447  
Legal Description: Lot 8 William Millers

8) 922 Fuerbringer South Bend IN  
Parcel ID: 18-1030-1334  
Legal Description: Lot Numbered 22 as shown on the recorded plat of Furebringer's Second Addition to South Bend, except 10 feet off of the West side thereof and except a parcel described as beginning 18 inches West of the Northeast corner of lot 22: thence East 18 inches to the Northeast corner; thence South to the Southeast corner of lot 22; thence West 1 foot 9 inches, thence Northeast to the place of beginning

9) 930 Fuerbringer South Bend IN  
Parcel ID: 18-1030-1333  
Legal Description: All of Lot numbered 29 and part of Lot numbered 22, of Fuerbringer's 2<sup>nd</sup> Addition, described as beginning at the Northwest corner of said lot numbered 23; running thence East along the South line of Fuerbringer St 50 feet; thence Southerly 120 feet to a point on the North line of a public alley, which point is 10.58 feet east of the Southeast corner of said lot numbered 23; thence West 50.58 feet to the Southeast corner of lot number 23; thence North 120 feet to the place of beginning

10) 1002.5 Fuerbringer South Bend IN  
Parcel ID: 18-1030-1332  
Legal Description: Lot 24 Fuerbringers 2<sup>nd</sup> Addition



11, 12, 13) 1014 Fuerbringer, 1020 Fuerbringer, 418 Sherman, 1018 Fuerbringer, 418 Sherman  
South Bend IN

Parcel ID: 1014 Fuerbringer- 18-1034-1499

1020 Fuerbringer- 18-1034-1497

418 Sherman- 18-1034-1497.02

1018 Fuerbringer- 18-1034-1498

418 Sherman- 18-103401498.02

Legal Description: Wunderlich Subdivision lots 1-3 and 5 of Witherill's addition

14) 417 Sherman South Bend IN

Parcel ID: 18-1034-1490

Legal Description: Lot 4 Witherill's

15) 500 Blk Sherman South Bend IN

Parcel ID: 10-1034-1480

Legal Description: Lot 16 O.S Witherills 2<sup>nd</sup> Addition

16) 501 Harrison South Bend IN

Parcel ID: 18-103001311

Legal Description: Lot numbered 6 as shown on the recorded plat of Rockstroh and Nickel's  
First Addition

17) 423 Cottage Grove South Bend IN

Parcel ID: 18-1030-1329

Legal Description: Lot 27 of Fuerbringer's 3<sup>rd</sup> Addition

18) 429 Cottage Grove South Bend IN

Parcel ID: 18-1030-1327

Legal Description: Lot 29 Fuerbringers 3<sup>rd</sup> Addition

19) 431 Cottage Grove South Bend IN

Parcel ID: 18-1030-1326

Legal Description: Lot 30 Fuerbringer's 3<sup>rd</sup>

20) 327 Cushing and 329, 331 Cushing South Bend IN

Parcel ID: 327 Cushing- 18-1028-1254

329 and 331 Cushing- 18-1028-1253

Legal Description: 327 Cushing- the south 34 feet of Lot 18, Heintzman's 329 and 331 Cushing-  
The north 30.57 feet of lot 18, Heintzman's addition

21) 408 Cushing and 412 Cushing South Bend IN

Parcel ID: 408 Cushing- 18-1028-1266

412 Cushing- 18-1028-1265

Legal Description: 408 Cushing- S ½ Llot 6 Heintzman's Addition ,

412 Cushing- the North ½ of lot 6 Heintzman’s Addition

22, 23, 24) 417 Cushing and 403 Cushing South Bend IN

Parcel ID: 417 Cushing- 18-1028-1249

403 Cushing- 18-1028-1252

Legal Description: 417 Cushing – the South ½ Llot 15, Heintzman’s Addition

403 Cushing- lot 16 and 17 Heintzmans addition

and this property has Tax Key Numbers 018-1029-1276, 018-1029-1278, 018-1030-1345, 018-1030-1344, 018-1030-1343, 018-1029-1281, 018-1030-1281.01, 018-1033-1449, 018-1033-1447, 018-1030-1334, 018-1030-1333, 018-1030-1332, 018-1034-1499, 018-1034-1497, 018-1034-1497.02; 018-1034-1498, 018-1034-1498.02, 018-1034-1490, 018-1034-1480, 018-1030-1311, 018-1030-1329, 018-1030-1327, 018-1030-1326, 018-1028-1254, 018-1028-1253, 018-1028-1266, 018-1028-1265, 018-1028-1249, and 018-1028-1252 be designated as a Residentially Distressed 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 a Residentially Distressed 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 a Residentially Distressed 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 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 that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

- A. The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or
- B. Any dwellings in the area are not permanently occupied and are:
  - i. the subject of an order issued under IC 36-7-9; or

- ii. evidencing significant building deficiencies; or
- C. Parcels of property in the area:
  - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
  - ii. are owned by a unit of local government; or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E. A significant number of dwelling units within the area are:
  - i. the subject of an order issued under IC 36-7-9; or
  - ii. evidencing significant building deficiencies; or
- F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or,
- G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

**SECTION III.** The Common Council also hereby determines and finds the following:

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. 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.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

**SECTION IV.** The Common Council hereby determines and finds that the proposed described redevelopment can be reasonably expected to yield benefits identified in the Statement of Benefits and the petition for real property tax abatement consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

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

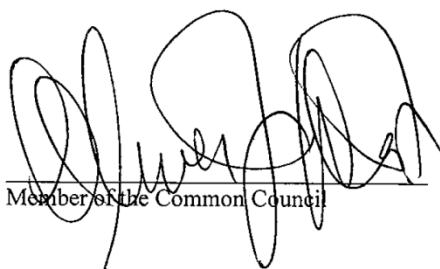
SECTION VI. The designation as a Residentially Distressed Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VIII. 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 IX. Pursuant to Indiana Code 6-1.1-12.1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. 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  
~~NOT APPROVED~~  
ADOPTED

**Filed in Clerk's Office**  
MAY 28 2014  
JOHN VOORDE  
CITY CLERK, SOUTH BEND, IN

Councilmember Gavin. Ferlic- Community Investment sends 14-58 to the full council favorably.

Presenter- Anne Madyix- 724 W Washington- We propose to build 24 single family homes, affordable managed by a housing cooperative, total project cost \$14.7 million, we are applying for credit and expect to hear on August 27, 2014.

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

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Mr. Ferlic made a motion for adoption to full Council concerning this bill. Councilmember Dr. Ferlic seconded the motion which carried by a roll call count of seven (7) ayes.

**BILLS - FIRST READING**

There were no first readings held before the full Council.

**UNFINISHED BUSINESS**

**REPORTS FROM THE AREA BOARD OF ZONING APPEALS**

BILL 14 -59 - SPECIAL EXCEPTION -2324 ELWOOD

**REPORTS FROM AREA PLAN COMMISSION**

BILL 27 -14 - REZONING - 1022 20T" STREET

BILL 28 -14 - REZONING & SPECIAL EXCEPTION - 605 N. HICKORY RD.

BILL 30 -14 - REZONING - 1707 SOUTH BEND AVE

Councilmember Henry Davis, Jr. made a motion that bill 14-59, bill 27-14, bill 28-14, bill 30-14 be sent to Zoning and Annexation Committee for a Second and Third reading on Public Hearing on June 23, 2014. Councilmember Mr. Ferlic seconded the motion which carried by a voice vote of seven (7) ayes.

**NEW BUSINESS**

**RULES COMMITTEE**

Councilmember Dr. Ferlic- I would like to suggest that we meet Tuesday, Wednesday, or Thursday next week at 5:30pm, as a continuation of the Executive Session where anyone can join.

We will meet on Tuesday, June 3, 2014 at 5:30pm to continue the Executive Session for the Rules Committee, advanced notice has been given.

**PRIVILEGE OF THE FLOOR**

No one wished to present before the full Council.

**ADJOURNMENT**

There being no further business to come before the Council, President Oliver Davis adjourned the meeting at 8:58 p.m.

ATTEST:

ATTEST:

\_\_\_\_\_  
John Voorde, City Clerk

\_\_\_\_\_  
Oliver Davis, President