

Disclaimer: Undergoing technology updates experienced some loss 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, September 8, 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
	Valerie Schey	3 rd District
	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
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

Absent: Henry Davis, Jr. 2nd District (Medical Leave)

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 Varner made a motion that the minutes of the August 25, 2014, meeting of the Council be accepted and placed on file. Councilmember Scott seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE DEPUTY MAYOR – MARK NEAL

REPORTS OF CITY OFFICES- DEPUTY MAYOR MARK NEAL

Deputy Mayor reported that the Smart Streets Initiative is making progress. The William Street conversion to two-way will be done Friday before 6am, Lafayette Blvd. is scheduled to come to an end by early October ahead of schedule. We are having the Annual United Way Campaign selling hot dogs and chips with a free drink for \$3.00. On September 11th 2014 at 8:30am. We will be having our annual service to honor firefighters and public servants. At 6pm. on Friday we will the Annual Parks and Recreation event. Lastly the 2015 budget is scheduled for Thursday, September 24, 2014 with a public hearing to be held next meeting Monday, September 22nd.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

No need to resolve into the committee of the whole no public hearing before the Council today.

PUBLIC HEARINGS

No public hearings to present before the Council.

BILLS – THIRD READING

There were no third readings on the agenda tonight.

RESOLUTIONS

BILL NO.14 -77

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 1827 BENDIX ROAD, SOUTH BEND, INDIANA

RESOLUTION NO. 4386-14

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 1827 Bendix Rd. South Bend, IN 46628

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:

1827 Bendix Rd. South Bend, IN 46628

in order to permit

A retail operation for St. Vincent De Paul Society

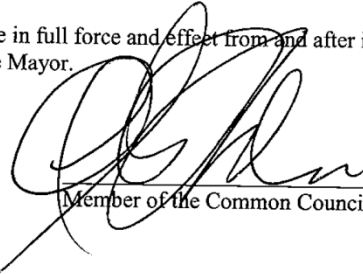
SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

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 9-22-14
NOT APPROVED
ADOPTED 9-22-14

Filed in Clerk's Office
JUL 14 2014
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

Councilmember Tim Scott, states the Zoning and Annexation Committee met earlier this afternoon and sends this bill to the full Council with a favorable recommendation.

Presenter, Ann Watson was not present, Councilmember Gavin Ferlic made a motion to continue this matter and have the presenter contacted by the City Clerk's office for the next meeting. Motion seconded by Councilmember Tim Scott, and carried forth by a voice vote of eight (8) ayes.

BILL NO. 14 -80

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 501 WEST SOUTH STREET AN
ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF AN EIGHT (8) YEAR REAL
PROPERTY TAX ABATEMENT OF SWING- BATTER-
SWING, LLC

RESOLUTION NO. 4385-14

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

501 West South Street

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

SWING-BATTER-SWING, 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 located at 501 West South Street which is more particularly described as:

Pt Lots 5-8 & 13-16 Blk 7 Lot 7
& Lot 15 Blk 8 Pt Lots 31-39 Blk 9
Lot 9-13 Pt 14 Blk 10 Vails Sw Add
& Pt Lot 68 69-72 Martin's Add & Vac
Alleys & Sts Cont. 4.834 ac+-

and which has Key Number 018-3014-051501 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.

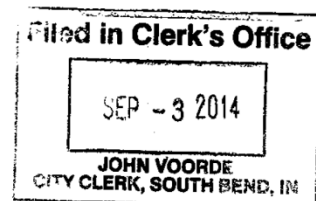
SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the 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 9-8-14
NOT APPROVED
ADOPTED 9-8-14



Councilmember Gavin Ferlic states Community Investment met and sends this bill to the full Council with a favorable recommendation.

Councilmember Dieter stated that I work for Swing Batter Swing I have no monetary compensation on this matter and recuse myself from voting on this matter.

Presentation Kathy Hahn- Department of Community Investment 14th FL, states this petition has requested an eight (8) year real property tax abatement. The total project cost of \$1 million, tax abated \$103,256, and taxes paid \$143,508 with 1 job creation with a salary of \$30,000. Joe Hart and Richard Gill are here to answer any questions.

Joe Hart- President of South Bend Silver Hawks, 501 W South St. South Bend- States we are looking to construct an indoor batting center to be used by our local team and those visiting in town. It will be open annually for the youth organizations, high schools, and athletic team along with individual. Softball and baseball, something for an annual basis and bring more people to South Bend outside of the 5month baseball season.

Councilmember Dr. David Varner, ask what are the proposed uses for the square footage?

Petitioner David (inaudible), 412 S Lafayette Blvd. - The modifications have been made and the foot print is about 14,000 usable square feet.

Councilmember Varner what are the other proposed uses?

Petitioner David's response, we will be able to use it for banquets, birthday parties, and open space for events outside of baseball, so multi-purpose.

Councilmember Varner states, the petition on file shows 11,200 square feet, can you update your petition to the correct footage?

Councilmember Varner, ask is this structure built with all the fixtures, with weight room equipment? Petitioner David stated, the team's sponsors will supply the equipment, everything else we will supply, all the furnishings. Council members and petitioner stated that the documentation needs to be updated with the furnishings and square footage, and all agreed to allow another (2) two weeks to get all the documentation.

Council Attorney Kathy Cekanski Farrand, stated that we can still proceed tonight as this is step one in three phase process, so additional documentation can still be sent in and requested.

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.

Comments from Councilmembers:

Councilmember Scott, states on the record to Scott Ford director of Community Investment, I feel we are getting information late or not quite correct, that is my main concern as this is a reoccurring theme. We need it correctly and on time.

Councilmember Dr. Varner, states I think you will not have a lot of request for banquet space, we don't need another, the bill is all in the details, once we have more information I will be able to make a decision.

Councilmember Gavin, I think it is a great thing you are doing it, you will get a lot of people to use this facility, and softball players now have a facility to use. Great for a positive addition to the town.

Councilmember Schey I look forward to utilizing the facilities as we will be adding more sports teams, one which will be baseball.

Councilmember Karen White, I look forward to this and will forward information to IU, since their expanding and baseball is included baseball.

Councilmember Scott made a motion to adopt this Resolution. Councilmember Derek Dieter seconded the motion which was adopted by a roll call vote of eight (8) ayes.

BILLS - FIRST READING

There were no first bill readings to present before the Common Council.

UNFINISHED BUSINESS

There was no unfinished business to come before the Council at this time.

NEW BUSINESS

There was no new business to come before the Council at this time.

PRIVILEGE OF THE FLOOR

Jesse Davis- P.O. Box 10205 South Bend- In between here and Mishawaka, there were city workers that were used for private property to do city officials personal property for private gain. There needs to be an investigation on this and who sent them. Watch the news tonight as it will be on there.

Charles Taylor- 3803 S Cole South Bend- I'm here for People United for a Better Government, to have an investigation with a number of people. There has been several reports of city workers doing work for city officials and misusing tax payer's dollar. 24-25-62 there is several examples of misconduct, Boykins fired others fired, the citizens have a right to all of that, and we want transparency.

Pastor Melvin Townsend- 608 S St. Joseph St. - I'm here to back up Mr. Taylor, everything that you do in here is not legal, according to the constitution article 4 section 3 no new state should be directed, this is Indiana everything you do is illegal, with that flag.

David Flagg-505 Tolbert Drive- I'm a founder of Citizens United for a Better Government, founded because we have been watching our community go down the toilet for the last 50 years. Consistently nothing has gotten done, there is no plan for the citizens. We only want to make the community better and use the funds to build a local issues database, no transparency without communication and it would fulfill the dream of Dr. Martin Luther King. I hope you get back with us to discuss this to move forward.

Jerry King- 730 N Carol St- I was happy to see Deputy Mayor Neal article in the paper and there are many good things going on in the city. An incident I encountered a city worker was operating a tilted plow, was questionable the work he was doing as it was already level, just make sure your workers are doing relevant work.

Susan Moore- 2203 Mayor St. - I'm here with an issue that is ongoing for 2 years, the house has multiple code violations at 2201 Mayor St. I left messages, spoke with green code person Wendy, legal went to a hearing, most people that I spoke with basically, I have been blown off. The media came out this morning and hopefully something will be done.

220 Swanson Blvd. - I'm the President at Ivy Tech School, we believe in building technology that will benefit everyone. The water will be easy to use to detect viruses in water, we will be believe that this will help with determining water in commercial and public water to warn prior to any harms. We are looking for financial support to help the community. We are asking \$20,641 to cover materials and supplies.

Councilmember White, for the record Mr. Davis has asked council to pursue an investigation, is this within the council jurisdiction?

Council Attorney Kathy Cekanski-Farrand and Councilmember Dr. Varner noted there will be an update in two weeks we are following the proper channels.

Councilmember Varner, I appreciate the science project and their endeavors but the council is not the appropriate place.

ADJOURNMENT

There being no further business to come before the Council, President Oliver Davis adjourned the meeting at 7:39 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Oliver Davis, President