

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, November 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 |
| | 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 |
| Absence: | 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 |
| Kareemah Fowler | Chief Deputy |

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Dieter made a motion that the minutes of the October 27, 2014, meeting of the Council be accepted and placed on file. Councilmember Gavin Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

BILL NO. 14 -101

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY THANKING AND HONORING HOME WORKS CONSTRUCTION & HOME MAINTENANCE LOCATED AT 1511 PULASKI IN THE CITY OF SOUTH BEND FOR THEIR HUMANITARIAN AND CARING EFFORTS IN ASSISTING A SOUTH BEND RESIDENT

Councilmember Dieter made a presentation to Home Works Construction,

RESOLUTION NO. 4403-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY THANKING AND HONORING HOME WORKS CONSTRUCTION & HOME MAINTENANCE LOCATED AT 1511 PULASKI IN THE CITY OF SOUTH BEND FOR THEIR HUMANITARIAN AND CARING EFFORTS IN ASSISTING A SOUTH BEND RESIDENT

Whereas, since early 2013, the South Bend Common Council has had a Facebook page to provide information about City and Council activities, as well as making available another mechanism for constituents to report problems or concerns in their neighborhoods. As a result, improved communications with residents has been ongoing and potential solutions are being timely pursued; and

Whereas, the Council’s Residential Neighborhoods Committee and the Council’s Health and Public Safety Committee has had the opportunity to conduct six (6) “hitting the pavement” walking tours throughout the City of South Bend so far this year, and on one of these tours they became aware of a seasoned citizen who was in desperate need in light of the condition of her roof; and

Whereas, thanks to the collaborative efforts of the homeowner, the Riverpark Neighborhood Association, several members of the Common Council who were on the walking tours, and especially the dedicated staff and employees of Home Works Construction -- everyone jumped into action; and

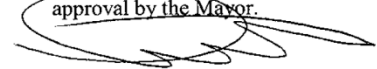
Whereas, the Common Council would like to publicly recognize that in 2003 Joe Colvin founded Home Works Construction & Home Maintenance located at 1511 Pulaski in the City of South Bend. This company focuses on “putting together great teams of honest and passionate people” who are building a reputation of being a “single source solution for clients”. Under the guidance of Adam Brown, President, Kevin Hermann, and a team of thirty (30) men and women, they volunteered over six (6) hours of their time on a Saturday - tearing off four (4) layers of shingles, removing and replacing rafters, re-decking the entire roof and then installing new shingles provided by one of their vendors, North Coast, on the home of this senior citizen in need.

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


Section I. On behalf of all of the residents of the City of South Bend, Indiana, the Common Council is proud to publicly honor and commend the owners, officers and employees of Home Works Construction and Maintenance for going that extra mile in not hesitating to become involved in helping “change a life” of a South Bend resident, who was truly in need.

Section II. The Common Council believes that the dedication of persons like those at Home Works Construction, quietly set the example of how great so many people are who work in the City of South Bend and come together without hesitation to help others in need.

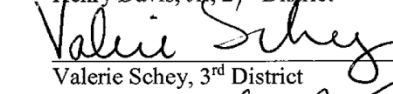
Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.



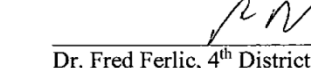
Tim Scott, 1st District



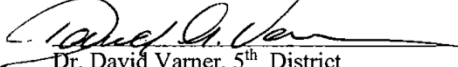
Henry Davis, Jr., 2nd District



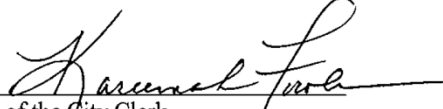
Valerie Schey, 3rd District



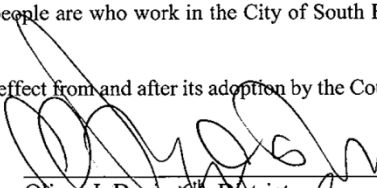
Dr. Fred Ferlic, 4th District



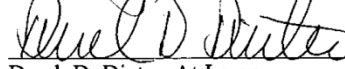
Dr. David Varner, 5th District

Attest: 

Office of the City Clerk




Oliver J. Davis, 6th District



Derek D. Dieter, At Large



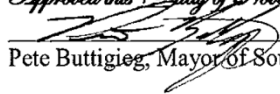
Gavin Ferlic, At Large



Karen L. White, At Large



Kathleen Cekanski Farrand, Council Att’y

Approved this 10th day of November, 2014.


Pete Buttigieg, Mayor of South Bend

Councilmember Dieter thanked them on behalf of the council. The honorees spoke and thanked the Council for their support and reported it feels great to give back and be part of that.

Councilmember Scott thanked Home Works for their commitment and positive impact on the city.

Councilmember Davis told the honorees great job and thank you for your service to the community

Councilmember Schey thanked the honorees for their work in the city.

Councilmember Ferlic, thanked Dieter for taking the lead on this told the honorees he wished they were on the Council as are tremendous people.

Councilmember Henry Davis thanked them for looking out for the community.

Councilmember Dr. Ferlic thank you for all of your efforts.

Councilmember Dieter made a move to adopt this by acclamation. Councilmember White seconded the motion, which carried by a voice vote of eight (8) ayes.

At this time we would like to announce there will be only one Council meeting in December, which will be December 8, 2014, no meeting December 22, 2014.

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

REPORTS OF CITY OFFICES- MAYOR PETE BUTTIGIEG

The Mayor thanked the Council for their hard work for the 2015 budget along with the Personnel and Finance Committee. As it helps to keep the city's AA rating. The legislation for the Tiff laws were endorsed unanimously. The Mayor stated the work on Lillian Street will be complete in less than 2 weeks. As a city we celebrated the completion on Jefferson Street. Updates to Lafayette will be done in less than 2 weeks. We are glad to report that the Economic Development team has announced over 1,300 jobs which 400 of them will be someone new. Update on the Smart Streets Program has had several successes and an impact on lower the unemployment rate. Public Safety initiatives have had a deduction of 50% since they launched in May, I do acknowledge that we still have a long way to go. You can now check online for the scoreboard for abandoned properties, we are at 612, which puts us right on track. In 2015, there will be a lot more work as well as our 150th anniversary to look forward to. We look to prioritize the many new ideas and hopeful to make good decisions and see some growth.

Councilmember Davis, I am a little dismayed on our ongoing issues, and I am not blaming you for this, I just want to call some of these things to your attention. I voted against the budget, because it did not reflect what you were talking about with property. Wealth is built with land, if we are looking to demolition 1,000 in a 1,000 days if we are not giving them the opportunity to acquire these home or allow them to stay in their homes. Our EOC levels are always lop-sided, with our average working roles, none of those numbers ever shift and change. Too many times we state that we will get to it next year. We have an issue with hiring minority contractors, with such diversity how I only see one minority worker out of hundreds. The way in which we apply total tax abatements, an African males only 14% likely to be hired by an employer to be hired by a white counter-part that might even have a record. Our police department does racial profiling. There are numerous issues going on in our city, I'm talking about fairness. I'm seeing more of a divide than I've ever seen before. I'm willing to work with you on these issues.

Mayor Pete can we have a pro-active plan that is set in place, for any issues that may occur. We want to make sure that you guys are equipped with the official responses.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:28 p.m. Councilmember Dieter 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. 56 -14

PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST E/W ALLEY SOUTH OF COLFAX AVENUE FROM LAFAYETTE BLVD. TO THE FIRST N/S ALLEY

Councilmember Henry Davis Public Works and Property Vacation met earlier today and we send bill 56-14 to the full Council with a favorable recommendation.

Presenter: Baker- 227 S Main St- we request the vacation of this alley as is has not been an alley for a perceivable past and we ask for your favorable recommendation.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember Ferlic made a motion for favorable recommendation to full Council. Councilmember seconded the motion which carried by a voice vote of eight (8) ayes.

BILL NO. 47 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 11, DEFINITIONS TO REVISE THE DEFINITION OF ACCESSORY - STRUCTURE, BUILDING, OR USE

Councilmember Oliver Davis reported Zoning and Annexation met earlier today and we send bill 47-14 to the full Council with a favorable recommendation.

Presenter: Angela Smith- Office on the 11th floor of this building- the bill before you is a tax abatement change based on the changes in the structure of the building, a question was raised when they were looking at properties in the city. We would like to change the definition and language.

Councilmember Schey stated I would like to thank Angela, this came about in the park area with the community interest. We have started a pilot program in three different parks. Thanks to Davon and suppliers, and the boy scouts who are building these

There being no one 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. Councilmember Schey seconded the motion which carried by a voice vote of eight (8) ayes.

BILL NO. 48 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3, COMMERCIAL /MIXED USE DISTRICTS, TO ADD A NEW SUBSECTION TO COMMUNITY BUSINESS DISTRICT AND GENERAL BUSINESS DISTRICT RELATIVE TO THE OUTDOOR DISPLAY AND SALES OF AUTOMOBILES

Councilmember Oliver Davis reported Zoning and Annexation Committee met earlier today and we send bill 48-14 to the full Council with a favorable recommendation.

Presenter: Angela Smith- 227 S Main St- we are looking to address the subsection to bust the sales of the automobiles to add more room to prevent staking of automobiles. This comes from the Area Plain division with a favorable recommendation.

Councilmember Davis, what comes to mind, is there a signage close to be out front? I would like for there to be an official sign for esthetics, but I am also in full support. Petitioner replied I will take that back to the division of the ordinance.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember made a motion for favorable recommendation to full Council. Councilmember seconded the motion which carried by a voice vote of eight (8) ayes.

BILL NO. 59 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 6 -37.1 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING VACANT BUILDING MAINTENANCE AND REGISTRATION

Request to continue Bill 59-14 to move to December 8, 2014. Councilmember Dieter made a motion to continue bill 59-14 until December 8th. Councilmember Ferlic seconded that motion, which carried by a voice vote of eight (8) ayes.

BILL NO. 60 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS SECTIONS OF ARTICLE 12 OF CHAPTER 13 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING CHRONIC PROBLEM PROPERTY REGULATIONS

Councilmember Karen White, Chairperson, Health & Public Safety Committee, reported that this committee discussed the pros and cons this afternoon and sends it to the full Council with a favorable recommendation.

Presenter Tim Scott- 711 Forest Ave South Bend, Indiana- this is a text change amendment to correct this ordinance which is doing fairly well. We have examples that large developments that have large amounts of tenants, had a problem if the building was fined that they were all fined, but to hold the tenant responsible under the P & D.

Those wishing to speak in favor:

Jesse Davis- P.O. Box 10205 South Bend- I think this is a good bill as long as it is enforced properly, I'm in favor but have a question is the actual tenant held liable and not the manager, what happens if you don't or can't get rid of the tenant.

There were none wishing to speak in opposition:

Rebuttal: Councilmember Scott you have two hundred stores in the Mall, you would have one tenant that would be responsible for the abatement. The landlord would know what it is going and enforcing but the tenant would be financially responsible.

Councilmember Davis, I got a phone call earlier today from a landlord, the tenant vacated, there is a water bill that the previous tenant did not pay, and now the landlord is held responsible to pay in order to turn the water back home. This same principle should be applied across the board with regards to tenants, when the tenant ran up the water bill.

Councilmember Scott, the landlord should not be held responsible and if so that comes down to a civic matter.

Councilmember Scott made a motion for favorable recommendation to full Council.
Councilmember Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

RISE AND REPORT

Councilmember made a motion to rise and report to full Council. Councilmember seconded the motion which carried by a voice vote of eight (8) 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 7:48 p.m. Council President Oliver Davis, presided with eight (8) members present.

BILLS – THIRD READING

BILL NO. 42 -14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN CLAY TOWNSHIP, CONTIGUOUS THEREWITH COUNCILMANIC DISTRICT 4, RAINBOW CHILD DEVELOPMENT, 17316 & 17288 STATE ROAD 23, SOUTH BEND, INDIANA

This bill had third reading. Councilmember Schey made a motion to amend this bill to the in Committee of the Whole. Councilmember Dieter seconded the motion which carried by a voice vote of eight (8) ayes.

Councilmember Schey made a motion for the passage of amended of bill 42-14, Councilmember Ferlic seconded the motion, which carried. The bill passed by a roll call vote of eight (8) ayes.

BILL NO. 56 -14

THIRD READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST E/W ALLEY SOUTH OF COLFAX AVENUE FROM LAFAYETTE BLVD. TO THE FIRST N/S ALLEY

This bill had third reading. Councilmember Dieter made a motion for the passage for the amended of bill 56-14 with regards to access described in the full Common Council, councilmember Davis seconded the motion, which carried. The bill passed by a roll call vote of eight (8) ayes.

BILL NO. 47 -14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND

MUNICIPAL CODE, ARTICLE 11, DEFINITIONS TO
REVISE THE DEFINITION OF ACCESSORY
- STRUCTURE, BUILDING, OR USE

This bill had third reading. Councilmember Schey made a motion for passage of this bill. Councilmember Varner seconded the motion. The bill passed by a roll call vote of eight (8) ayes.

BILL NO. 48 -14

THIRD READING ON A BILL OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 21 OF THE SOUTH BEND
MUNICIPAL CODE, ARTICLE 3, COMMERCIAL
/MIXED USE DISTRICTS, TO ADD A NEW
SUBSECTION TO COMMUNITY BUSINESS
DISTRICT AND GENERAL BUSINESS DISTRICT
RELATIVE TO THE OUTDOOR
DISPLAY AND SALES OF AUTOMOBILES

This bill had third reading. Councilmember Schey made a motion for passage to this bill as amended. Councilmember Scott seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes.

BILL NO. 59 -14

THIRD READING ON A BILL OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING SECTION 6 -37.1 OF THE SOUTH BEND
MUNICIPAL CODE ADDRESSING VACANT
BUILDING MAINTENANCE AND REGISTRATION

This bill had third reading. Councilmember Schey made a motion for passage of this bill. Councilmember Varner seconded the motion. The bill passed by a roll call vote of eight (8) ayes.

BILL NO. 60 -14

THIRD READING ON A BILL OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING VARIOUS SECTIONS OF ARTICLE 12 OF
CHAPTER 13 OF THE SOUTH BEND MUNICIPAL
CODE ADDRESSING CHRONIC PROBLEM
PROPERTY REGULATIONS

This bill had third reading. Councilmember Schey made a motion for passage of bill 60-14. Councilmember Varner seconded the motion. The bill passed by a roll call vote of eight (8) ayes.

RESOLUTIONS

BILL NO. 14-102

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING
CERTAIN AREAS WITHIN THE CITY OF SOUTH
BEND, INDIANA, COMMONLY KNOWN AS 2820
VIRIDIAN DRIVE AS AN ECONOMIC
REVITALIZATION AREA FOR PURPOSES OF A (5)
FIVE -YEAR PERSONAL PROPERTY TAX
ABATEMENT FOR MACK TOOL & ENGINEERING,
INC.

RESOLUTION NO. 4396-14

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

2820 Viridian Drive

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR

MACK TOOL & ENGINEERING, 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 2820 Viridian Drive, South Bend, Indiana, and which is more particularly described as follows:

Beg. 1242.51' W Ne Cor Se ¼
Sec 28-38-2e On S Line
Boland S 293' W 260'
N 293' E 260' To
Pob 1.75 Ac

and which has Key Numbers 025-1010-040029, 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 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.

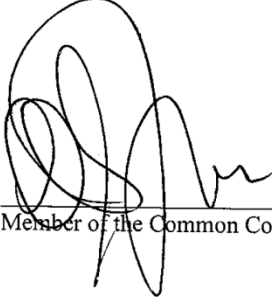
SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property 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 as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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.



Member of the Common Council

~~PRESENTED~~ 10-27-14
~~NOT APPROVED~~
ADOPTED 10-27-14

Filed in Clerk's Office
OCT 22 2014
JONAS V. GIBSON
CITY CLERK 300 N. LAUREL, IN

Presenter: Chris Trusel, Director of City Reports- Mack Tools are looking to purchase approximately \$5 million in new equipment with \$1.9 million just this year to create 35 new jobs and maintain the 60 jobs currently. This is a 5 year personal property tax abatement with total taxes abated of \$126,000.

Councilmember Henry Davis, Chris in your expertise, what do you think will happen to tax growth if we did not offer any tax abatements? Chris responded the economy will come to a halt the economy of this country is competitive, we are competing against different states, the fact that we are doing this well it is on account of the incentives to the employers. Councilmember Davis we wouldn't have any issues with employers if we weren't policing them, so my question why aren't we making sure the non-compliant companies are paying out as they should? I found they have not been charged when they are out of compliance and not matching up to their promises. Chris responded tax abatement is not governed by this body at the end of the day, the state handles the abatement. Councilmember Davis so we need to call the state when they are out of compliance. Chris responded absolutely.

Councilmember Varner do we get a report from the state on these? Petitioner responded we get a report on all tax abatements that were approved for that one year.

Councilmember Schey you stated this is an aerospace industry, I thought it was a tool manufacturer. Petitioner responded that they diversified the products that they offer, they work fifty to hundred parts, so they are higher level, higher tools.

Councilmember Davis are we going to start offering tax abatements for traditional tax abatements, such as Michigan Ave. not having the ability? Underdeveloped, under depreciated areas wouldn't it bring in taxes and new growth? Petitioner responded tax abatements are available in any redevelopment districts anything outside would be an exception, in my understanding we have never denied one.

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 seconded the motion which carried and the Resolution was adopted by a roll call vote of eight (8) ayes.

BILL NO. 14 -103

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5233 DYLAN DRIVE AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE -YEAR PERSONAL PROPERTY TAX ABATEMENT FOR CHASE PLASTICS

RESOLUTION NO. 4397-14

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

5233 Dylan Drive

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR

CHASE PLASTICS

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 5233 Dylan Drive, South Bend, Indiana, and which is more particularly described as follows:

613.6' E.n. N.e. & 613.6'
E Side S.e.n.e Ex: 4.718 Ac to
State and Ex Irr Tract Nel/4 Nel/4
And ex Irr tract cont 5.26 ac +/-
18-38N-2E 9.155 ac tot

12/13 split to 025-1010-017002
Per 1111301/08/09 missed and fixed in 2013
Split to 04-1010-017001
00-01 Split Trans 12204 2/9/1998
Annxd 06-07 per Ord 9587-05
09/10 Pt to Ptg Prairie Manor #2
10/11 pt to ptg Prairie Minor #3

Beg 910.31' from the NW ¼ of
38 2e thence Ne 345.46'
Thence Se 919.19 thence SW 958.27'
Thence Nw 731.96 thence Ne 445.17'
Thence Nw 187.23' thence Ne 167.04
To point of Beg cont 5.26 Ac +/-

Lot 1 Portage Prairie
Minor #2

RP 1732 04-03-08
09/10

and which has Key Numbers 025-1010-016902, 025-1010-017002, 025-1010-0170 , 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 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.

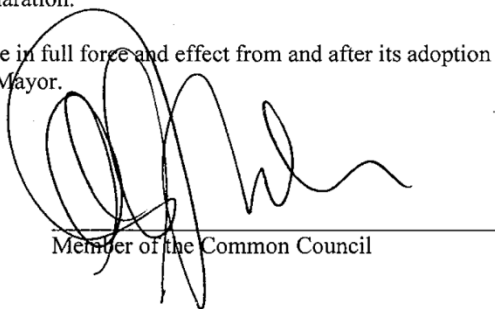
SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property 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 as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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.



Member of the Common Council

PRESENTED 10-27-14
NOT APPROVED
ADOPTED 10-27-14

Filed in Clerk's Office
OCT 22 2014
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

Councilmember Dieter made a motion to combine bill 14-103 & 14-104. Councilmember Ferlic seconded that motion which carried by a voice vote of eight (8) ayes.

BILL NO. 14 -104

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5233 DYLAN DRIVE AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (10) TEN -YEAR REAL PROPERTY TAX ABATEMENT FOR CBK LAND DEVELOPMENT LLC

RESOLUTION NO. 4398-14

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

5233 Dylan Drive

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

CBK LAND DEVELOPMENT 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 5233 Dylan Drive which is more particularly described as:

613.6' E.n. N.e. & 613.6'
E Side S.e.n.e Ex: 4.718 Ac to
State and Ex Irr Tract Nel/4 Nel/4
And ex Irr tract cont 5.26 ac +/-
18-38N-2E 9.155 ac tot

12/13 split to 025-1010-017002
Per 1111301/08/09 missed and fixed in 2013
Split to 04-1010-017001
00-01 Split Trans 12204 2/9/1998
Annxd 06-07 per Ord 9587-05
09/10 Pt to Ptg Prairie Manor #2
10/11 pt to ptg Prairie Minor #3

Beg 910.31' from the NW ¼ of
38 2e thence Ne 345.46'
Thence Se 919.19 thence SW 958.27'
Thence Nw 731.96 thence Ne 445.17'
Thence Nw 187.23' thence Ne 167.04
To point of Beg cont 5.26 Ac +/-

Lot 1 Portage Prairie
Minor #2

RP 1732 04-03-08
09/10

and which has Key Numbers 025-1010-0170, 025-1010-016902, and 025-1010-017002 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.

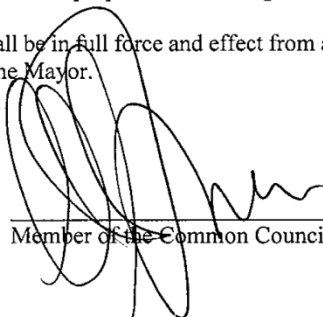
SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real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

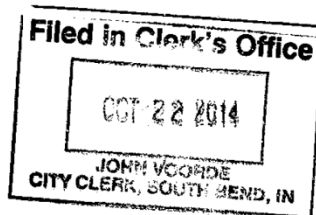
SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the 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 10-27-14
NOT APPROVED
ADOPTED 10-27-14



Presenter: Chris Trusel- Department of Community Investment-14th floor of this building- I'm here to present the 5 year personal tax abatement and real property tax abatement for ten year abatement, they are a distributor in the North and Central North America, there design is to build one in South Bend in Ameriplex, 9.5 acres over 125,000 sq. ft. facility with approximately \$6 million investment properties taxes abated on 5 year personal property would be \$10,788, total taxes abated on the 10 year real property tax for \$546,000.

Those wishing to speak in favor of this bill:

Audio is construed on businessman looking to speak in favor

There were none wishing to speak in opposition of this bill.

Councilmember Scott, I move for adoption on bill 14-103, motion was seconded by Councilmember Ferlic, which was carried by a roll call vote of eight (8) ayes.

Councilmember Scott, I move for adoption on bill 14-104, motion was seconded by Councilmember Ferlic, which was carried by a roll call vote of eight (8) ayes.

BILL NO. 14 -105

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 802 NAPOLEON AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A (5) FIVE -YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR LAURA CARLSON & ROBERT WEST

RESOLUTION NO. 4407-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

802 Napoleon

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

Laura Carlson & Robert West

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 802 Napoleon, South Bend, Indiana, and which is more particularly described as follows:
LOT 53 EXCEPT EAST 140 FEET, SORIN'S 2ND ADDITION, SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

and this property has Tax Key Number 018-5104-3634, 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.

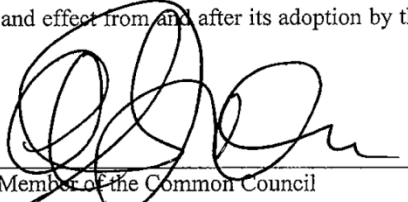
SECTION VI. The designation as a Residentially Distressed Area shall be limited to five (5) calendar years from the date of the adoption of this Resolution by the Common Council as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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.

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 11-10-14
NOT APPROVED
ADOPTED 11-10-14

Filed in Clerk's Office
NOV - 4 2014
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

Councilmember Gavin Ferlic reported the Committee on Community Investment sends this forward with a favorable review.

Presenter- Department of Community Investment- 14th floor of this building- looking for approval on a real property tax abatement. It is estimated taxes to be of \$1893, and estimated taxes to be paid are \$186550.

Dwight- 178 State Rd 23- homebuilder representing Lara Carlson & Robert West, the property has been vacant for quite some time, it is a smaller lot. We are looking to build about 11 houses in that area.

There being no one present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember Ferlic made a motion to adopt this Resolution, motion was seconded by Councilmember Dieter, which was carried by a roll call vote of eight (8) ayes.

BILL NO. 14 -100

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOGNIZING THE 2ND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES DAY ALSO TO BE KNOWN AS NATIVE AMERICANS DAY

(DOCUMENT NOT AVAILABLE)

Councilmember Davis made a motion to continue 14-100 to January 26, 2015, councilmember seconded Varner, which carried by a voice vote eight (8) ayes.

BILLS – FIRST READING

BILL NO. 61-14

FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 9 -17 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING EMS OPERATING ENTERPRISE FUND 4288; CREATING NEW SECTION 9 -17.1 EMS CAPITAL ENTERPRISE FUND 4287 AND CREATING NEW SECTION 2- 170.15 CENTRAL SERVICES CAPITAL FUND 4224

Councilmember Henry Davis requested who filed the bill prior to making a motion.

This bill had first reading. Councilmember Henry Davis made a motion to send bill 61-14 to the Health & Public Safety Committee and Personnel & Finance Committee. Councilmember Scott seconded the motion which carried by a voice vote of eight (8) ayes.

UNFINISHED BUSINESS

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

NEW BUSINESS

Councilmember Henry Davis Jr. stated he wanted to find if there is a conversation the Assessor's Office and the state have on how money is collected in the Tiff Districts, the market values are thrown off with unadjusted taxes, so that they can match market values. We need to correct these things.

PRIVILEGE OF THE FLOOR

Name and Address were poor on the audio- Former worker of State of Indiana, I do a lot of work for the Criminal Justice problem, and we talked about funding for schools and the graduation rate. We are working on a program with Goodwill Industries to help educate our community to provide training for those in the community.

Dell Robert- 2617 Michigan St.- I want to address the complaints against the Chief of Police and the corruption of our police department and our government.

Rhonda- 963 South Bend- this council as a whole is not working together, what are you willing do for the citizens of South Bend. What are you doing now to show that you deserve your seats on the city council?

Councilmember Henry Davis stated to the Council President can we ensure that Rhonda gets the information as she comes each time with the same question, can we make sure that we have her response.

Adam Thomas- 4720 Belleview Circle apt. 6 South Bend- for two-years I have been trying to get a response, and haven't had any success. I talk to my district council and I got no response. I went to the clerk's office to fill out a form about 3 pages. What do I do now?

Dave Wilson- 1109 21st Street- I've come to bring up old business, I want to know why the Mayor will not release the tapes, I think that there is a racial thing on those tapes that will hurt the democratic party. I also want to tell him that people on the Eastside pay taxes too.

Bennett-2818 Cravix South Bend- we have had large problems on the Westside and fighting with the city, on the streets, we have roughly 20 little kids, elderly, and handicap. We also have to dodge the cars that are going 60-90 miles down our street. I don't see anything funny about it. There's a problem we have had 15 close calls, we have to do something about our streets.

Jesse Davis- P.O. Box 10205 South Bend- My suggestion is that we should fix our equipment as opposed to the new chairs in the room, it is unimportant if we can't hear what you are saying. On the tax abatement, can you look to see if there were extra money on that and I notice that you are not getting the reports. If that is true than that is endangering the citizens.

ADJOURNMENT

There being no further business to come before the Council President Oliver Davis adjourned the meeting at 8:29 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Oliver Davis, President