

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, October 12, 2015 at 7:00 p.m. The meeting was called to order by Council President Tim Scott and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

Present:	Tim Scott	1 st District, (President)
	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
	Derek Dieter	At-Large, (Vice-President)
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole

OTHERS PRESENT:

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

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Dr. David Varner made a motion that the minutes of the September 28th, 2015, meeting of the Council be accepted and placed on file. Councilmember Valerie Schey seconded the motion which carried by a voice vote of eight (8) ayes and one (1) nay by Councilmember Derek Dieter.

SPECIAL BUSINESS

Council President Tim Scott announced that bills 41-15, 42-15, 43-15, & 44-15 will only be heard in the Council Portion; meaning there will be no public input on these four (4) bills. Also bill 19-15 on Municipal ID is continued indefinitely and bill 40-15 is continued until November 9th, 2015.

Councilmember Oliver Davis inquired what does continued indefinitely mean on bill 19-15? Council President Tim Scott responded until the sponsor wants to bring it back. Council Attorney Kathy Cekanski-Farrand replied procedurally it would have to be placed under unfinished business on the Council meeting agenda. The Council, by majority of vote would need to set a specific date for another hearing. Councilmember Oliver Davis asked, if during the privilege of the floor, can the public speak to this since its being delayed. Council Attorney Kathy Cekanski-Farrand clarified not until the next council meeting in two (2) weeks. Councilmember Oliver Davis asked if they have any questions regarding this bill who should they contact. Council Attorney Kathy Cekanski-Farrand stated the sponsor of this bill who would be Councilmember Henry Davis.

15-93	A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA PUBLICLY HONORING COMMENDING AND THANKING ANGEL HERNANDEZ FOR HIS MORE THAN 35 YEARS OF DEDICATION AND EXCELLENCE IN THE BROADCASTING AND VIDEO PRODUCTION FIELDS
-------	---

Councilmember Henry Davis, Jr. requested that Mr. Angel Hernandez and his wife join him at the podium.

Councilmember Davis Jr. - I would like to start off before reading this lengthy resolution prepared by our Council Attorney to talk about Angel and his spirit. I had the opportunity to work with Angel, well we all did, during the course of WNIT relocating here downtown South Bend. Upon meeting him, I just had an awesome experience with him. From not only meeting him, but him making sure our Council meetings were being held live to making sure that there was space on public access for others to have their own TV shows. Just the overall kindness, where he saw the division from folks that may not understand why you would need to be at a Council meeting to giving them the opportunity to be included to help the community be a part of this process. Every time I see him he always has a smile. I've never seen him unhappy; I thought that was something that was great. I think WNIT has probably lost someone that they are going to miss for a very long time. Councilmember Henry Davis read in its entirety Bill 15-93.

Angel Hernandez - Mr. Davis are you sure you were speaking about me? I am so honored to be chosen for this. I thank each and every one of the Councilmembers for adopting this resolution. It has been my honor to serve this community. It's been my honor to work for such a great organization such as public broadcasting for many years. Public broadcasting brings to the community things that are prestigious but also things the community might not know anything about. That way it honors the community in a unique way. I thank you for my participation in WNIT and being able to do all of this. Back in 1953 my mom and dad came here from Cuba; we had no friends here. We settled in New York. There were no Hispanics there; it was just my family. My mom would cry many nights as she felt so alone. She quickly befriended a lady by the name of Anne Lucas, who happened to be African-American. My dad changed his name from Angel to Angelo as back then Angel was a female name. My mom and Ms. Lucas would get together on Saturday mornings and have a wonderful time. Ms. Lucas taught me a lesson and stated, don't you ever let anyone tell you that you can't do something. I've had that in my heart ever since then. For all of us Hispanics and minorities, who go through a lot of trial and error and sometimes feel a little distraught as we can't get ahead, don't you ever let anyone tell you, you can't do nothing because you can do it with hard work, persistence, love, and compassion. I thank God for giving me this passion, and giving me this love and bringing me here.

Councilmember Valerie Schey – Thank you so much for what you've done for our community. Certainly public broadcasting has been under fire for the last few years. I am personally thankful for the quality programming that public broadcasting provides and the educational component that you have certainly contributed to our community, so thank you so much.

Councilmember Dr. Fred Ferlic – Angel we are a better community because of you. Thanks.

Councilmember Dr. David Varner – One quick story that the people may not know. The public access channel disappeared a few years ago. There were few people that wanted to see it back. It took a lot of folks on the Council over a number of years stating that we would continue to support him if he could get the job done. We tried to negotiate a contract with someone who didn't want to negotiate the contract, which wasn't easy. But he got it done. For the last six (6) years we've had the Council on public access channel and to think it was almost gone, but between Angel and the Council's hard work its back up and running. You don't have to always like the content or like what's on it but the fact is that it is available to the public and we were able to get it done with Angel's help. Thank you for all those efforts Angel.

Councilmember Oliver Davis – You have truly been an angel of light and you have shined in this community. I want to thank you. I remember those days that Dr. Varner was talking about, those were certainly some challenging days but you're light still shined brightly. We are grateful for you. That speech that you just gave, I hope you can give that to the Chicago Cubs and we can go ahead and win it.

Councilmember Derek Dieter – Thirty-five years in any profession is a long time, especially with what you've done over the decades of service to the community. In the venue of public television you are always hustling to get people to donate. I credit the Council to that, and that is one of the things that we've done to get it back on the air for people to view, besides that, hopefully the other shows the public will look at. I appreciate your time and effort and good luck in your next venue.

Councilmember Karen White – Everything I would say has been said, but I want to say thank you for your many years of public service but also your commitment to public television. Again you have done a wonderful job and you will truly be missed.

Councilmember Tim Scott – Angel, it has been a pleasure getting to know you. Honestly, I can't possibly say any more than what my colleagues have said. Thank you so much for what you have done.

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

Those wishing to speak in favor of:

Jesse Davis, P.O. Box 10205, South Bend – I've been in Angel's studio across the street many times. I just want to say thanks a lot because not only do we get to view the Council meetings but there are several shows that are broadcasted on there. Many have very interesting topics and interesting people. If anyone hasn't viewed the public access channel, I suggest you do so and check out some of the shows that are on there. They do give South Bend citizens a voice.

Samuel Brown, 222 E. Navarre St., South Bend – I would like to say thank you as we have a program on public access that is broadcast called the Watchdog. So thank you.

Greg, 300 W Jefferson Blvd., South Bend – I am the President and General Manager of Michiana Public Broadcasting Corporation which operates WNIT and extended contract with South Bend to operate the public access channel. We really hate to lose Angel as everyone has expressed. I have known a lot of terrific people in the business over the last 25 years and Angel is right there with him. I hate to see him go, and hope to see him doing things occasionally. He just has a magic touch. I just want to compliment him on his work for the public access channel. This fits into public broadcasting, as I believe every citizen needs a voice and television is the most powerful medium in the world in terms of persuasiveness. Every citizen needs that opportunity to use that medium to express their opinions. I congratulate the Council on its wisdom to reactivate. I hope since it's going again that you can continue to support it and even see it grow. Congratulations Angel and thank you Council for the support.

There being no one present wishing to speak to the Council in opposition to this bill, Councilmember Derek Deter made a motion to adopt Bill 15-93 by acclamation. Councilmember Oliver Davis seconded the motion which carried and the Resolution was adopted by a voice vote of nine (9) ayes.

REPORTS OF CITY OFFICES- MAYOR PETE BUTTIGIEG

There were no reports from City Office

ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE CHIEF OF STAFF – JAMES MUELLER

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:21 p.m. Council President Tim Scott requested a motion to resolve into the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Mr. Gavin Ferlic 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.

61-15 PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY A LESS THAN FULL WIDTH PORTION OF SOUTH MAIN STREET FORMERLY LAFAYETTE BOULEVARD THAT LIES ADJACENT TO PROPERTY OWNED BY GATES AND GATES REALTY, LLC LOCATED AT 4418 SOUTH MAIN STREET FORMERLY LAFAYETTE BOULEVARD

Councilmember Dr. David Varner, Public Works and Property Vacation Committee met and there was no quorum present for the committee meeting this afternoon, presentation was given and comes to the Council with no recommendation.

Aaron Blank, 525 W. Washington, South Bend – Before you in this resolution we are asking the Council to vacate the right of way formerly known as Lafayette Blvd. The reason to vacate stems from the realignment and reconstruction of South Main Street. This is no longer an approved road way and we are seeking this position to bring this property into private ownership.

This being the time heretofore set for the 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 Valerie Schey made a motion for favorable recommendation to full Council. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

62-15 PUBLIC HEARING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY A FULL WIDTH PORTION OF OLD SOUTH MAIN STREET FORMALLY SOUTH MAIN STREET THAT LIES BETWEEN LAFAYETTE BOULEVARD AND SOUTH MAIN STREET ADJACENT TO PROPERTY OWNED BY CITY OF SOUTH BEND BOARD OF PUBLIC WORKS LOCATED AT 4201, 4219 SOUTH MAIN STREET

Councilmember Dr. David Varner, Public Works and Property Vacation Committee met and there was no quorum present for the committee meeting this afternoon, presentation was given by Mr. Blank and comes from the council with no recommendation.

Aaron Blank, 525 W. Washington, South Bend – Before you in this resolution due to the realignment, this property is no longer approved by roadway. There are three adjacent property owners that this full right away would go to. Any questions?

This being the time heretofore set for the 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 Valerie Schey made a motion for favorable recommendation to full Council concerning this bill. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

54-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA RE AFFIRMING ORDINANCE NO. 10332-14 AND FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEAR 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing and we send this to the full Council with a favorable recommendation.

Councilmember Derek Dieter made a declaration that my wife is a member of the South Bend Police Department. Upon talking to the Council Attorney Kathy Cekanski-Farrand, I can vote today.

John Murphy, City Controller Offices on the 12th Floor – The police department has a two (2) year collective bargaining agreement in place. This ordinance reaffirms the salaries for the calendar year 2016.

Councilmember Henry Davis, Jr. – I would like to ask this question to the Police Chief.

Scott Ruszkowski, Chief of Police, 701 W Sample St., South Bend – Yes I do live there most of the time.

Councilmember Davis Jr. - Congratulations to you on your new post. I want to ask a few questions, regarding the budget. I have a concern, we have a lot of crime in South Bend; gun shots like people are popping firecrackers on the fourth of July. More recently we've seen a lot of deaths from April and this past Sunday a man was found in the parking lot dead. I'm not suggesting that there is no fierce activity that is happening with those deaths. But I am concerned about our level of crime, our level of poverty and that there is a conversation about a comprehensive plan for crime in the city of South Bend.

Chief Scott Ruszkowski - that is an everyday conversation Mr. Davis. One of the things I have made as a priority is my operating number is zero when it comes to any level of violence, anything above that makes me sick. I've asked Ms. White and Council President Scott to open the door to have these types of conversations. It may not have happened in the past but it needs to happen now. My door is always open to any councilmember at any time to have these conversations. My phone is always on, anything that we can do to get that down to zero, I am all for it.

Councilmember Davis - I appreciate that, one thing I want to add. Our willingness to decrease crime doesn't always have to mean more police or police presence. It could be something on the front end as opposed to the back end instead of being reactive to the issues that are out there. I am really interested on how we can tackle that. The last thing, we've had a lot of conversations over the past years about rank progression for officers of color in the department. I just realized you or the former police chief just promoted someone of color to uniform chief. I'm glad that has happened, but how can we begin to see officers of color that have been there for a number of years, you know 30 years or 20 years or whatever, become division chiefs and move up in the ranks. We haven't had that in quite a long time. I think that would help out with the crime and even the relationships with the officers and the community. I think that is sorely needed.

Chief Ruszkowski - I think you are right, as there is a variety of things here concerning demographics alone. We are only as good as the public believes we are, they see we are. Our effectiveness is not by seeing police cars up and down the street, our effectiveness is actually not by seeing police cars up and down the street. I can't help with what happened previously, but I can help with what happens as of Oct. 1st, performance evaluations, mayor hypocrisy things I've been personally looking into how can we make things better. Good stands in the way of great, I'm looking for greatness with not just promotions but with hiring too.

Councilmember Davis - Thank you, anything that I can do to help promote that I will. We definitely need officers of color and minority classification to be at the table when decisions are being made. We have to have those progressions in the ranks, if we don't have that we're not giving a lot of people who want to be a police officer the thought of wanting to be as they don't see that as a good career, or a progressive career.

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

Those wishing to speak in opposition to:

Antonius Northern, nPower, 103 Wayne St, South Bend – My question is still related to the salaries. My main question, I am in support of funding law enforcement of our time, can the Council begin to ask the police force how they are going to combat the image that the police force has for black youth, who might be willing to be candidates for the police department but have dealt with the police department and the laws that it represents? If there is a plan in place for that, then it sounds more feasible and a much more reasonable thing to do. I don't know if that issue is being taken into account, just with the history of the police department with regards to black youth. So I ask that the Council make sure that is one of the stipulations before funding.

Councilmember Dr. Fred Ferlic – Chief Cox this addresses that young man's question and also what Councilman Davis said, both the Mayor and previous Chief Teachman endorsed a minority recruitment officer.

Chief Scott Ruskowski - That partially addresses it. I am 100% solid with that. Anything that we can to help to not just promote within the department but on our department, I am all for it. Any help that we can get I'll take. Concerning the other issue that was brought before the Council, we are already in the process. We already started this process actually a few months ago about push instead of shove. The legitimacy, procedural justice, and rightful policing. The common rumor is that the people distrust the police; that is not true. There's a huge disconnect, I will be the first to admit it. We need to connect and reconnect and that's one of the huge pushes right now. All the councilmembers know me, you know how many kids and grandkids that I have. You've met my family, but how many other police officers can you say that about. That's what I'm looking for. This just isn't a uniform, there's a human being underneath the uniform. That's what we need to put out, doesn't matter what skin color, what gender we need to know that there are human beings underneath these uniforms. That is one of my biggest priorities as well.

Councilmember Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

55-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA RE AFFIRMING ORDINANCE NO. 10333-14 AND FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEAR 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing we send this to the full Council with a favorable recommendation.

John Murphy, City Controller offices on the 12th floor – The Fire Department has a three (3) year collective bargaining agreement in place from 2015-2017. This ordinance implements the 2016 portion of that ordinance. If you have any questions, I would be able to answer those.

Councilmember Henry Davis, Jr – We are approving fringe benefits and budget for next calendar year. Can you please explain to us the steps of the Fire Department to decrease their numbers for a more inclusive workforce and the recruitment plan that has dropped the age limit from 21 to 18? Can you touch upon those points?

Steven Cox, Fire Chief for South Bend, 1222 S. Michigan St, South Bend – This has been a big priority for the department to increase the diversity and inclusion in our department. Number one you can't begin to have the conversation moving up in the ranks if they don't exist in the department. So for us it's going back to the basics bringing in minorities and women recruits. We have developed a recruitment committee that consists of a diverse group of ages, seniority levels, and ethnic backgrounds. We have canvased different local groups in the city to talk to them directly about barriers with them being employed within the Fire Department. We went out to other departments that have had success in the Midwest such as Lansing, MI to put together a plan. We did some research in ways that we can adjust the traditional age of 21 to hire in and didn't find

any legal barrier to that. On November 1st, we will be dropping the age down from 21 to 18. In the past, we might have missed applicant's right of high school that might not have considered us before because of the qualifications. We have already engaged hundreds of individuals that we will be joining the application process through our research and addressing what our limitations were. We also knew we needed to get out the people that looked like the population that we are trying to recruit to generate a level of trust. I do believe we will have some tremendous success with this for our November 1st date.

Councilmember Henry Davis – That really needs to be celebrated. I already knew the answer to the question. We can talk about what is not being done, which there's a lot not being done, but when those things happen I want those things to be communicated so the people know that the work is being done. I want to say congratulations and thank you. What is the starting salary for a first year fireman?

Chief Steven Cox – the starting salary is a little more than \$38,000 a year.

Councilmember Davis - How many days out of the year do you work?

Steven Cox - We work 24 hour shifts, about 56 hours a week that comes to about 10 days a month.

Councilmember Davis - For a new career you can start at \$38,000 a year in South Bend, that's awesome.

This being the time heretofore set for the 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 Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

56-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing and we send this to the full Council with a favorable recommendation.

Council President Tim Scott, 711 Forest Ave, South Bend – The salary ordinance before you is a 2% increase in line with all other city salaries that is a part of the budget.

This being the time heretofore set for the 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 Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

57-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing we send this to the full Council with a favorable recommendation.

John Voorde, City Clerk, 1029 Clermont Drive – The city clerk salary proposal for 2016 mirrors recommendations for salary increases for other city employees, Council, and the Mayor on down and is at a proposed 2%. I ask for your support.

This being the time heretofore set for the 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 Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Valerie Schey seconded the motion which carried by a voice vote of nine (9) ayes.

58-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE MAYOR FOR CALENDAR YEAR 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing we send this to the full Council with a favorable recommendation.

John Murphy, City Controller Offices on the 12th floor – The Mayor’s salary is also a 2% increase consistent with the City Clerk, Police Chief, Fire Chief, and Council President.

Councilmember Henry Davis, Jr. – Where is the Mayor at tonight?

John Murphy - I am not sure.

Councilmember Derek Dieter – Unfortunately I don’t know why; but the Chief of Police is here, the Fire Chief is here, Council President is here, and the Clerk is here to ask for their raises. I don’t know why the Mayor didn’t show up to ask for his.

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

Those wishing to speak in opposition to:

Jesse Davis, P.O. Box 10205, South Bend – Obviously they just made a point, the Mayor again is not here. He is very sparse at these meetings for some reason. Until we see some transparency in his administration, that he said we would see, I don’t think he deserves a raise.

Jason Banicki-Critchlow, 3822 W. Ford St., South Bend – I just want to echo the same sentiments, all of our public officials are here; many of our department heads are here. Yet our Mayor on what should be the most important council meeting of the year in terms of setting the budget for the next year, can’t take time out of his own schedule to be present with us and be a part of the public record. Just in general when we talk about 2% raises clear across the board, we’ve projected flat tax revenues again for the year. Yet in a couple weeks we are going to take up raising the trash service fee again, so we can raise more revenue. But then we’ll take certain percentages off to the Clerk’s Office, to the Council’s office, then to the Mayor’s office. While the Council and Clerk have done their part to be a part of the public process, the Mayor’s not here. So at times we got to question, if he is making enough already, what does he need another 2% for?

Marvin Crayton, 305 S. Lake St, South Bend – I am in agreement with the other two (2) gentleman, if the Mayor can’t come to these meetings. We have invited him to the Westside LaSalle Park Association, he hasn’t showed up. Those are questions that we need to ask him. I agree with these gentleman that I don’t think the Mayor should have a raise until he starts doing some of those things.

Rebuttal: John Murphy, City Controller commented the Mayor has been very involved in the budget process. Over a series of two (2) weeks, we’ve had a series of meetings that the Mayor led behind the scenes but not out in public. But he’s been very involved in every aspect of the budgeting process.

There being no one present wishing to speak to the Council either in favor of this bill, Councilmember Mr. Gavin Ferlic made a motion for favorable recommendation to full Council

concerning this bill. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of six (6) ayes and three (3) nays by Councilmember Henry Davis, Jr, Councilmember Oliver Davis, and Councilmember Derek Dieter.

59-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, RE-AFFIRMING ORDINANCE NO. 10328-14 FIXING THE MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEARS 2014, 2015, AND 2016

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing we send this to the full Council with a favorable recommendation.

John Murphy, City Controller Offices on the 12th floor – The teamsters have in place a three (3) year collective bargaining agreement for 2014, 2015, and 2016. This ordinance implements the final year of that.

This being the time heretofore set for the 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 Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Oliver Davis seconded the motion which carried by a voice vote of nine (9) ayes.

60-15 PUBLIC HEARING ON A BILL FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, INDIANA FOR THE CALENDAR YEAR 2016

Councilmember Karen White requested a motion to accept the substitute version of bill 60-15. Sole moved by Councilmember Derek Dieter. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing we send this to the full Council with a favorable recommendation.

John Murphy, City Controller Offices on the 12th floor – This ordinance sets the non-bargaining and appointed officers of the city. It is a 2% increase for most positions. There are a few exceptions based on job qualifications or if job duties have changed. But generally speaking it's a 2% increase for all employees.

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

Those wishing to speak in opposition to:

Jason Banicki-Critchlow, 3822 W. Ford St., South Bend – I am going to step out on a limb here, when talking about non-bargaining employees. I would think this would include the two (2) new positions that the Mayor is asking for in terms of the diversity inclusion officers and the HR specialist in this section. I boasted serious concerns about it last meeting that in regards to when you have these specialized positions, you open yourself up to reverse discrimination lawsuits. Such as the New Haven Connecticut firefighters in 2010 and there are several other examples. I work in mid-management in retail, I'm responsible, I'm held accountable for my employees. I believe that's what we need more of is the accountability of the leadership here. Instead of hiring more positions creating a bigger bloated government, we don't need to create more layers of bureaucracy, more layers of hiring. When we know the budget is tight, when that means eventual cuts in resources, cuts in services, or increased fees like we're talking about. At some point we have to say that enough is enough. It's nice for the Mayor to say hey lets create two (2) new positions to try and help this problem. But he is not leading from the front. Every time

you see new appointments or new hires from him in his key positions, they are not minority hires. His staff doesn't reflect the community at large, yet he's trying to create new positions to reflect the community at large. I think at some point it comes time where we hold our leadership accountable and I think the answer is to not create new more expensive government positions to do so. Let's think about that as we go forward that we don't grow government just to create another problem.

Rebuttal: John Murphy, City Controller - I think many of you have seen the chart that we did for total full time positions over the years and the trend on those have been down. There has not been many new positions in the budget at all, we have actually cut some positions in the budget as well. So we are concerned about limiting the growth of the government and we are trying to be cognizant of that matter.

Councilmember Henry Davis, Jr. - Those two (2) positions that Mr. Banicki referred to are those two (2) in the budget?

John Murphy - They are in the budget and are in the non-bargaining salary range.

Councilmember Henry Davis - I asked that as I want to make a motion to extract those two (2) positions from our budget to be brought up at a later time and day. Councilmember Oliver Davis seconded the motion.

Council Attorney Kathy Cekanski-Farrand - For confirmation you would like to delete those from bill 60-15 from the salary ordinance?

Councilmember Derek Dieter - Would that pertain to extracting that out of 43-15?

Council Attorney Cekanski-Farrand - That this only applies to the current bill. That would need to be a separate motion.

Council Attorney Kathy Cekanski-Farrand - The motion is to delete the two (2) positions one being the diversity and compliance inclusion officer and the second one being the senior HR generalist, which was defeated by a roll call vote of three (3) ayes by Councilmembers Henry Davis, Oliver Davis, Derek Dieter and six (6) nays.

Councilmember Mr. Gavin Ferlic made a motion to send the substitute version of bill 60-15 to full Council for favorable recommendation. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of six (6) ayes and three (3) nays by Councilmembers Henry Davis, Oliver Davis, and Derek Dieter.

40-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 17 ARTICLE 1 BY UPDATING SECTION 17-4 ADDRESSING DRAIN AND DOWNSPOUTS DISCONNECTION REQUIREMENTS

Councilmember Dr. David Varner made a motion to send bill 40-15 back to the Utilities Committee for November 9th, 2015. Councilmember Valerie Schey seconded the motion which carried by a voice vote of eight (8) ayes and one (1) nay by Councilmember Derek Dieter.

63-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING IN IT'S ENTIRELY ARTICLE 7 ENTITLED NOISE CONTROL OF CHAPTER 13 OF THE SOUTH BEND MUNICIPAL CODE AND AMENDING SECTION 2-213 ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

Councilmember Derek Dieter Chairperson, Health & Public Safety Committee, reported that they met this afternoon on this bill and sends it to the full Council with a favorable recommendation.

Councilmember Derek Dieter, 1740 Portage Ave, South Bend – This is regarding taking away one (1) of the two (2) ordinances we have in South Bend regarding loud noise. There has been a lot of confusion from police officers over the years on this. The one (1) I want to take away has

to do with the decibel meter, it has not been used that I'm aware of statistically in at least three (3) or four (4) years. I'll let our attorney speak on the legalities of that. Bottom line we don't want loud noises in South Bend or at any functions that go on in the City; we want those to stop. We want the neighbors to call in on those things that disturb them any time day or night. The current ordinance on the books, 13-57 states if the police officer hears noise within 50 feet a citation may be written. That's what we want to be able to do. Just like in any incidence the police officer uses his discretion whether to have them turn it down or if he needs to write a citation. The bottom line with this is we want noise to stop. So if I get a ticket, I either have to pay or go to court which sends a message to me that I can't keep doing that. I know there's been several incidences in a scenario that has been going on for over a year; not being able to correctly look at this and provide the citizens a way to make a complaint where it gets to our legal people so they can go on. We did talk to legal and they will work with myself and our attorney and if there is any other tweaking that we need to do for this ordinance to make it good for both the officers that go on the calls. Also for the enforcement through the Legal Department and again the main point is for the citizens to have faith in the police when there is noise the police can come out and deal with it. I will turn it over to the attorney to talk about that.

Council Attorney Kathy Cekanski-Farrand - The proposed ordinance would delete an ordinance that's been on the books for 33 years that requires the use of a decibel meter. The ordinance that would remain on the books is an ordinance that was redrafted after the Indiana Court of appeals ruled the Indianapolis City ordinance on noise unconstitutional. The City Council back in 2005 worked closely with the City Attorney's office as well as the Police Department to redraft the ordinance that is codified into the city code in 13-57, which Councilmember Dieter accurately summarized with regards to unreasonable noise. The Council in their recommendation sends this to the Council favorably, specifically recommending the City Attorney's office and myself work together to see if that can be further fine-tuned to address the concerns so that it can be properly enforced and also address the best interest of the citizens of South Bend.

Council President Tim Scott – With the new stipulation of the City Attorney and the Council Attorney working together would that go in effect immediately or would there be a delay in the start date?

Council Attorney Kathy Cekanski-Farrand - The proposed ordinance of 63-15 would be repealed immediately upon the Mayor taking action for approval. With regard to the other one I'm happy to work with our Corporate Council and her staff and begin those discussions as soon as possible.

Councilmember Mr. Gavin Ferlic – I would like to ask the presenter would you be open to extending the repeal date to 30 days or 45 days to allow City Attorney and Council Attorney to work out a best case situation for noise ordinance.

Councilmember Derek Dieter - I think by repealing this and working with them I don't think we need a timeline. I think we are all capable and good people to work together to get any caveats that we need to get in to this, as this is something that needs to go out to the public and the police officers will take care of the issues.

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

Those wishing to speak in opposition to:

Tasha Reed-Outlaw, Assistant City Attorney, Offices on the 12th floor – I think it is our position that this discussion or particular amendment should be tabled, just for the opportunity to look at some alternatives to be a win/win situation for all those involved. This is like putting the cart before the horse. We do not have an alternative amendment that addresses any objective standards as it relates to noise if this ordinance would pass. With that being said, if you table it and give us an opportunity to work with the Council Attorney it would be more prudent for the Council to have an alternative plan in place in addition to repealing this ordinance. I think those two (2) things should go hand in hand.

Antonius Northern, Power, 103 Wayne St, South Bend – The first issue is that's it's not just the decibel but the intention of the law that came in to question with the unconstitutional finding from Indianapolis. The Council should seriously consider what the court was trying to do. It really calls in to question if we want to give our police officers even more discretion and how that creates accountability and trust for the Police Department. Where you can have a police officer that has a decibel reader in place and they can say look this is actually the law, I'm not necessarily making this my choice. The reason that factors in is because of the cultural practices that you're going to see amongst different communities where their celebrations are going to be a little loud. I'm speaking not only on behalf of the blacks but also the browns; we both enjoy a nice festive gathering. It's sounding like what this will be is whether or not our gatherings can be heard within 50 feet. That can be a detriment and disservice to the intention of the Council to bring back a cohesive nature between citizens and the Police Department. Last question why not use the one that has the hard face until you find something that will be more favorable. Don't take away the discretionary one until you have a better option in place. Give us a better option as opposed to giving them license for them to show up and say the party is over. That's not what I consider as representing the freedoms of what every citizen in South Bend would want.

Linnie Caye, 821 S Walnut, South Bend – I disagree with tabling this. I've been fighting this for almost two (2) years now. Decibel count doesn't work; the meter doesn't work, 50 feet away if you can hear the noise that works. By the way 79 decibels is what they can cite you for prior to 11pm, 72 decibels after 11pm, 80 decibels is equivalent to a garbage disposal, and 70 decibels is equivalent to a vacuum cleaner. We don't need a gage for this. If you can hear the noise 50 feet away and you're complaining that should be enough to cite. Stop the decibel thing, you cannot get it; it's impossible to get it. If you're trying to get a gage the music goes down as soon as the police show up. I know this for a fact as I've been fighting this exact issue for two (2) solid summers, do not table this. Give the police the opportunity to say you live 50 feet away you can hear the noise you're getting a citation.

Rebuttal: Councilmember Derek Dieter responded the current ordinance on the books, 13-57 which gives the police office discretion. A police officer's life is based on probable cause and discretion. This ordinance is based on sound, not based on race, not on where you live but based on whether a police officer can hear it within 50 feet, whether a car, a house, or a vacant lot with music and so on and so forth. Regarding the tabling, this ordinance is on the books and gives the officer the discretion to tell someone to please turn it down or if they don't turn it down they can get a ticket. It gives officers which they do as I've written dozens of tickets for this violation, that has to do with noise and citizens calling the police with noise that exists in their neighborhood. Again I ask for favorable recommendation on this.

Councilmember Henry Davis, Jr - I want to applaud Councilmember Dieter for bringing this forward. There has to be a two-way street with this. We want our officers to be accountable but we have to start trusting some of them. Every officer that we have in South Bend or in America is not bad. There are more good officers than there are bad. It's just terrible when you run into that bad one. This issue has foregone any type of conclusion that was even reasonable before it got started. Ms. Caye is a 2nd district resident and I feel terribly bad for her and her neighbors for what they have to suffer through. The City Departments with this particular issue have been less than valuable. I don't know how many times I've gone down this street trying to get some action, trying to get the law enforced. We came into a brick wall a few months ago that we couldn't do anything, we couldn't enforce our own law. The particular business was imposing their will on the residence relentlessly, they were ticketed for other issues; they still keep doing it. It has turned into an us against them scenario. Now we have people wanting to impose physical harm against others. We can't have those situations, it's terrible when a city can't enforce its own laws. Until there's a more reasonable or better way of handling business this has been the best way of getting it done. If the Administration feels like there's something better down the line or next week, great. But those folks need some relief. I don't want anybody having their drunks sit on my front porch, banging all night long. None of us have to live like that so why do they have to live like that. Then when you call the police they can't do anything because they have the decibel meter up, then they leave and they get back to banging on their drums. No one should have to live like that and thank you Councilmember Dieter for it.

Councilmember Dr. Fred Ferlic - I congratulated Councilmember Dieter for bringing this up before. But the real question is what's legal and what isn't. The problem that I have with this is

that Ms. Outlaw, a City Attorney wants to check into the legality without checking on the decibel meter, which I have for Notre Dame's parties. So the question is if our Council Attorney is in agreement with our City Attorney and there are no legal issues here, then Derek can go and say well you have to close this party down as I can hear the noise from 50 yards away. If you don't have to have documentation, then I concur with it completely. I can't tell a patient they have hyper-tension unless I measure their blood pressure. I'm not sure how legal it is and I'm not a lawyer. I think we have to make sure our Council Attorney and City Attorney have to agree that this is legal and that they can do that or if they have to have a measurement. I applaud Derek's efforts of course nobody wants noise and this lady has lived with it for a year and a half. If our Council Attorney and our City Attorney get together and agree, I agree with this.

Councilmember Dr. David Varner - I've been keeping up on email on Ms. Caye with the letters going back and forth. One of the things that we fail to understand while one person has the right to party the other has the right to peace and quiet. If you are right next door to each other there has to be an accommodation or an enforcement mechanism. If people aren't willing to accommodate then you have to use an enforcement mechanism. I don't know if this is the best. Officer Dieter has worked with it and he has done it and it was successful. If there are legal challenges in the future then we can deal with that. No one should have to suffer for a year and a half frustration because their rights don't seem to mean as much to those who want to party. That's an example, I'm sure there are others just like it. We just need to remember with every right comes responsibility. If you have the right to party, you also have the right to keep your neighborhood sane and quiet. I applaud Mr. Dieter for taking this on and working on it and Mr. Davis and it might make life in other districts better because it has been addressed.

Councilmember Oliver Davis - First of all where Ms. Caye lives is right next to the 6th district, it was the 6th district before we redistricted so I clearly understand her issue. So I am in support of what Councilmember Derek Dieter has said. With all due respect to Dr. Ferlic if he was worried about the legality of it then I don't see how he would of voted for the issue when it came down to the bill that Mr. Banicki talked about with the diversity issue because of the fact that we are more likely to get sued with reverse discrimination with that than this. That's the way I feel.

Councilmember Mr. Gavin Ferlic - So currently there are two (2) ordinances on the books and an enforcement agency can use either ordinance (this was confirmed by the Council Attorney Kathy Cekanski-Farrand). Right now we have the ability to use subjective criteria from what you can hear from 50 feet away and objective criteria. By passing this ordinance we would be taking away the ability to use objective criteria. When I get a speeding ticket I rather not have him tell me I think you were going too fast, I rather have him show me a radar gun that I was going too fast. I applaud Derek's efforts as I think this is important maybe lower some decibel levels if that's necessary, I'm not an expert on this subject. Again this ordinance seems like it would certainly encourage more use of the subjective criteria but it's not necessary, all it does is eliminate the ability to use a very objective criteria which is the decibel meter. I rather see this continued and for the Administration and our Council and City Attorney to work together to use both objective and subjective criteria to make the best ordinance. That's just my thought.

Council President Tim Scott - I said in Council Committee what we are doing here is debating accuracy and tolerance of the tools to make a decision. One you have a decibel meter the other you have a person's ear. Can you hear a Kid Rock song from 50 feet or 500 feet away and know the lyrics? The thing that I say is both of them are defensible in court, both of them can be refuted in court. Just like a radar gun, which I had my college roommate throw out many times; where you subpoena the radar gun or decibel meter, if it's calibrated too many times then it has an issue, if it's not calibrated enough then it has an issue as well. You can do the same with the officer. I suggested in some improvements and drafts where you can have a supervisor or someone else there where you can have more than one witness to take out some of the subjectivity. I like the idea of the decibel meter but the thing about it is, there's only one of them and it's locked up at the Police Department most of the time. When you have an objective tool that's not being used how credible is that to make a case. If it's sitting and collecting dust somewhere it's not going to do any good. I don't think either one of these are good. But the three (3) years almost four (4) that I've been on Council it has been a quality of life issue with neighborhoods. I think what we need to do is be expeditious with Council and with the Police Department to allow them to make their call on whether it is noise or not noise. What I will do is be in favor of this with the idea that an officer and/or decibel meter is put in place. What I would

like to see if we could, is to get decibel meters out to at least the supervisor level and get them out and have them calibrated. We can get them on personal phones, what officer would want to give up their phones if we give them a subpoena for the decibel meter on their phone? Then how accurate is the app and the decibel meter that's on the phone. There is a lot of subjectivity in the objectivity of decibel meters. I will be in support of this but I will be watching closely and willing to work with Councilmember Dieter on any improvements on this.

Councilmember Derek Dieter made a motion for favorable recommendation to full Council concerning this bill. Councilmember Valerie Schey seconded the motion which carried by a voice vote of eight (8) ayes and one (1) nay be Councilmember Mr. Gavin Ferlic.

19-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CALLING FOR THE ESTABLISHMENT OF A SOUTH BEND MUNICIPAL ID CARD PROGRAM

Councilmember Derek Dieter made a motion to continue bill 19-15 indefinitely as requested by the petitioner. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

BILLS 44-15, 41-15, 42-15, 43-15 COUNCIL PORTION ONLY FOR PUBLIC HEARING

Councilmember Karen White explained all of these bills were continued at the last Council meeting in the Council portion, meaning these bills will not be open for public input. Each of these bills have had second readings and opportunity for members of the public to speak at the last Council meeting.

Councilmember Karen White Chairperson, Personnel & Finance Committee, reported the committee held a public hearing for the 14th time today on the budgets and send bill 44-15 and amended bills 41-15, 42-15, and 43-15 to the full Council with a favorable recommendation.

44-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATIONS 2016 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION SOUTH BEND, INDIANA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

Councilmember Henry Davis made a motion for favorable recommendation to full Council concerning this bill. Councilmember Derek Dieter seconded the motion which carried by a voice vote of nine (9) ayes.

41-15 PUBLIC HEARING ON A BILL OF THE CITY OF SOUTH BEND, INDIANA LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

Councilmember Karen White requested a motion to accept the substitute version of bill 41-15. So moved by Councilmember Mr. Gavin Ferlic. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

John Murphy, City Controller Offices on the 12th floor – This bill sets the property tax rates for 2016. As you may know the department of local government and finance actually sets the property tax rates for all local government in the state of Indiana. But we won't know what the rates are until February or March of next year. I will be happy to answer any questions that you may have.

Councilmember Henry Davis - I've been riding this question for months. The tax rate is based upon the assessed property value, right?

John Murphy confirmed that was correct, that's one of the components.

Councilmember Davis - let's stay there. I've been asking about the way the city of South Bend works with our County Assessor and how some of our properties have been over assessed in downtown and throughout Portage Township. It's a known story, this is something that has been proven. How often do we connect in that conversation to make sure that these properties are being fairly assessed, because if they're not then we begin to talk about higher taxes and foreclosure or demolition?

John Murphy - We're interested in the assessment as well. Various people on the City Administration team reach out to the County Assessor all the time with the give or take on that issue. We track the assessments and track gross assessments, so that's an interesting topic that we have. We are in constant communication, but we don't actually do the assessing in the City the County does that.

Councilmember Henry Davis - I am aware of that but the conversation has to happen. I can talk about the 2nd District, you find pockets of blocks, neighborhoods that are gone that are hanging on by a thread. I know there are a lot of other components attached to this. My issue is that a lot of areas that are in older South Bend or minority communities are being abandoned literally, because of the abandonment the other folks in the same areas that do pay taxes are paying higher taxes as the money has to be made up somewhere. Which could bring in a conversation about gentrification, I'm not saying that's what it is sir. But that's how we get to those different conversations. I think it is vitally important that conversation not only happens but happens in a way that is acceptable. It's not on you sir, but thank you.

Councilmember Valerie Schey - Just to point out for our guests tonight, that this bill sets the rate but ultimately as we discussed in prior years the actual tax rates that the residents will pay is determined by the property tax caps.

John Murphy - Good point I forgot to mention that.

Councilmember Schey replied thank you. Just in case anyone is reviewing the bill please know we are studying the rate, but your effective rate that you will pay will be determined by property tax caps.

Councilmember Dr. Fred Ferlic - Maybe Erin Blasko can comment on this. There was an article in the South Bend Tribune about property assessments and how they have gone down almost 80% on certain areas on the Westside and certain areas on the Eastside. This is up to Henry's point there has to be some uniformity. We just sent that article to everyone. Councilmember Henry Davis stated it's going down because the area is barren.

Council Attorney Kathy interjected all three (3) bills are combined for discussion. The next steps would be to accept the appropriate versions to allow for proper debate.

42-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1 2016 AND ENDING DECEMBER 31 2016 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Councilmember Mr. Gavin Ferlic requested a motion to accept the substitute version of bill 42-15. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of six (6) ayes and three (3) nays by Councilmembers Oliver Davis, Henry Davis, and Derek Dieter.

John Murphy, City Controller, Offices on the 12th floor - I think we went through the changes in the committee meeting very thoroughly. The largest change being the addition of money to the curb and sidewalk program of \$750,000 to bring that up to \$1.5 million which is what the budget was for 2015. That was the largest change in the civil city budget.

43-15 PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND INDIANA APPROPRIATING MONIES FOR THE

PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1 2016 AND ENDING DECEMBER 31 2016 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Council Attorney Kathy Cekanski-Farrand stated a motion is needs to accept the amended pages of the attachment of 43-15. Councilmember Oliver Davis made a motion to defeat.

Councilmember Henry Davis seconded the motion which was defeated by a voice vote of three (3) ayes by Councilmembers Oliver Davis, Henry Davis, and Derek Dieter and six (6) nays.

Councilmember Mr. Gavin Ferlic requested a motion to accept the amended version of bill 43-15. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of six (6) ayes and three (3) nays by Councilmembers Oliver Davis, Henry Davis, and Derek Dieter.

Councilmember Karen White - We are now moving to the question portion, then we will have statements after the questions. Each Councilmember will have ten (10) minutes. We will then have ten (10) minutes for comments. Council Attorney and Councilmember White clarified that the ten (10) minutes is to address all three (3) bills at the same time. We are now at 42-15.

Question Portion:

Councilmember Oliver Davis - Asked for John Murphy to share how he was advised regarding Mr. Banicki's question regarding the diversity issue; if we are dealing with issues of reverse discrimination. There's a case that I sent that he's talked about, that's in this budget regarding that. Can you please tell me how you would advise or if your Corporate Attorney would like to share with us how we would deal with that matter? Secondly on that issue is I would like to ask you what is the administrations difference to Chief Cox is leading an excellent role in getting diversity himself? Why would we need to do something in place of Chief Cox from that standpoint? My greatest concern is that we are dishing off the responsibility. If the Mayor gives the order that we have a diverse work force why in the world do we have to go back to old philosophies in the olden days. I thought the Mayor was quoted in the debate that he didn't want to go back to old practices, so why are we going back to old practices especially given the law. I mean we like lawsuits in this town.

Cristal Brisco, Corporate Council, Offices on the 12th floor – First I would like to say if it is not obvious already I'm an African American female, I am the head of the Legal Department. Under my leadership I have diversified the Legal Department not looking at race but looking for qualified individuals. Through that I had an African American male who now has been promoted to a judge. Two African American females, an Asian female, and a host of female attorneys. I want to point out that when you are marketing and advertising in all locations and when you are looking at the qualifications of an individual, it's certainly a benefit if they are a diverse candidate and can bring diverse experiences to the City. I am not here to speak in favor or against the position that the Mayor has put in the budget, but what I will do as my capacity as an attorney, as a law graduate, and formerly working at a national law firm practicing labor and employment law in defense of corporate litigation, age discrimination, race discrimination, and discrimination in general. I believe the Mayor provided you with a copy of my memo dated October 7th that addressed a question that you phrased regarding the positions. In case you don't have a copy I will read it in to the record if I may: Councilmember Oliver Davis describes the Administration's proposals to create the position of a diversity inclusion officer and position of senior HR generalist as affirmative action. This description is inaccurate. The proposed positions are in furtherment of the City's commitment to providing equal employment opportunities for all employees and applicants. As always the City is committed to complying with applicable federal, state, and local laws governing non-discrimination and employment in every location that the City has operations or facilities. Then I referred you to the March 1st, 2015 handbook regarding the case law. I know there have been a lot of cases that have been cited from 2004. I would like to point out to the Council a 2015 case, a federal court case. It is in the U.S. City of New York where federal district court expressly approved the creation of two (2) positions of the chief diversity inclusion officer and diversity advocate in the city of New York Fire Department to, "facilitate an environment of diversity of inclusion." In the New York

Fire Department the Chief diversity and Inclusion Officer is responsible for promoting diversity and full inclusion within the department and the diversity advocate is responsible for ensuring and promoting fairness and transparency during the hiring process. In upholding the creation of the two (2) positions, the district court reasons, “the CDIO’s mission is to promote full inclusion of firefighters from all racial and ethnic groups accordingly this provision does not unnecessarily trample the interest of any third parties.” The court further stated the CDIO’s position is an appropriate way to promote diversity within the Department by improving the city’s equal employment opportunity system. In addition the court described the diversity advocate position as an, “excellent idea” knowing that all the diversity advocates are responsible for advocating for underrepresented groups, members of any race or ethnicity, man or woman can bring concerns to the advocate; thus, ensuring confidence and equal treatment within each Department. We cannot prevent whether someone is going to file a reverse race discrimination claim, but I can tell you if a reverse discrimination case claim is filed we have a qualified and diverse legal staff that is up to the challenge to defend the case.

Councilmember Oliver Davis - You said that you are an African American as we can see and that you have a diverse team and you did that. Chief Cox is establishing himself and testified tonight that he is working on diversity. Councilman Henry Davis already did that and ensured that. So then even though I disagree with you about the affirmative action issue, I’m also a college professor so I can debate that, but we are not going to deal with that. The issue is, you stated your credentials too that’s why I shared that. The issue we have to deal with is when you’re already doing this from that standpoint, this is a waste. When you are already doing this, if you are diversifying your department and he is diversifying his department, what’s the need of us having to do this? Are we as bad as New York was in their issue, because you have to look at the parameters, are we really having the same issues as New York?

Cristal Brisco - I am here to speak towards the case law, and the legality of the issue.

Councilmember Oliver Davis - You used an example and if you bring up a case law, then you need to answer the question, I do have the right to ask my questions.

Cristal Brisco - I’m here for the legality so the question has been asked and answered.

Councilmember Karen White interjected with her being in the Chair, each councilmember has the right to ask two (2) questions then move on to the comments portion.

Councilmember Oliver Davis responded with all due respect Ms. Chair; we never established the two (2) questions that has not been said.

Councilmember White reread the parameters of the Council portion: “In light of the fact that we had three (3) offsite committee meetings, and eleven (11) on site personnel and finance committee meetings all the questions received from the public and the proposed ordinance has been posed. Each councilmember upon being recognized may ask two (2) initial questions pertaining to these bills. After each councilmember has the opportunity for questions, each councilmember upon being recognized by the chair may address these bills for a total of ten (10) minutes.

Councilmember Oliver Davis - That’s not what you said, this afternoon.

Councilmember Karen White - I read it directly from here.

Councilmember Oliver Davis - I heard you what you read and that’s not what you said.

Councilmember Karen White - I apologize if you heard differently.

Councilmember Oliver Davis remarked I know what I heard we can ask John Voorde to print the minutes. You only mentioned the ten (10) minutes rule so I’ll finish with my standpoint. When you look at it when you quote a case law like that are we as bad as New York?

Cristal Brisco - I would need for the NYFD Chief and the SBFD Chief to speak to the demographics of the Fire Departments.

Councilmember Oliver Davis stated, so therefore you misquoted a case out of context.

Councilmember Henry Davis - I'm trying to put this together as I only get two (2) questions and I have about fourteen (14). Mr. Murphy, you stated earlier the need for these positions as overtime you've seen a decrease in the number of minorities being hired.

John Murphy - What I said was overtime we've seen a decrease on the full time number of employees for South Bend.

Councilmember Davis - Let me get to my point; I have noticed a decrease in minorities on the EEO report every year that it's filed. I have also noticed that over the last couple of years minorities have gotten less than 1% of contracts when it comes to vending or construction contracts, when you're talking about \$200/\$300 million dollars. I've also noticed that we are using these two (2) particular positions as a way of increasing. My issue is you have a recruiter in the Police Department already and you're trying to add another person in, when we already have HR representatives as well. My question is how can we make sure the community is confident that this thing is going to work for them because the same person that gives the orders will have this person or people report directly to them? Can we have a board of folks from the community interview with folks so that they can come in and apply for this position? There has to be a change of heart Mr. Murphy. We can't just throw money at a problem and think it is going to be corrected. South Bend has an issue with parenting and racial disparity for a very long time. If we just take close to \$200,000 and say voila it's going to change we would be fooling ourselves. Since we want to have this conversation, I'm glad we're having it. How can we ensure the community that these two (2) folks that will be, in fact be working for them and not just the administration? I hate that the Mayor is not here, and I hate to ask you that question, but I have to because you're here and he's not.

John Murphy - I agree totally with the excellent work that Chief Cox is doing. These positions will help him with his work. I'm sure he is very busy and that he could use some help and that's a part of it. In our department, I think we're very diverse as well. We're all working towards that, it's just not one person. These are additional resources to help that effort.

Councilmember Davis - Is there any way to continue this particular bill itself until the Mayor is able to show up and talk about his vision for the program? I think the council's representatives of the people; I do know the people that I work for want to see more people that look like them in these positions or getting contracts. We can't get a clearer answer about what this program is or even the title or the outcome. The only person that has the answer is the Mayor but he is absent today. Just for clarity is there any hesitation on the council's end to have that discussion with the Mayor, he owes us it to us, he's asking for it. He's asking for the money for it which is close to \$200,000. What's the rush as we have until the end of October to approve this so we have one more meeting? So we just have a question about something that is going to profoundly change the culture here in South bend, as we all want a diverse workforce, an inclusive workforce. The answers aren't there the examples aren't there, the suggestions aren't there. No-one can answer the questions but the Mayor but he's not here.

Councilmember Valerie Schey - My question is an easy one but is directed at Eric Horvath. My question has to do with the curbs and sidewalk program that obviously has been a popular program with residents so I appreciate your department and the Mayor's office increasing the funding. I know the Council allocation portion last year, was also very popular. Do you know if the budget is approved tonight, how many lineal feet each representative would have if they selected strictly sidewalks?

Eric Horvath, Public Works Director, offices on the 13th floor – There is a number of different sidewalk programs that we have as part of the funding included in your overall budget, including match money to federal grants if you are able to secure for school areas, which amount to 60,000 feet of sidewalks which is tremendous because as we discussed before there is significant need out there. We also have a cost reimbursement program that we will continue to do which will be about \$250,000 that is allocated that goes to the MBH. The remainder of the \$1.25 million that goes to MBD will be allocated to the Council allocation program that we'll generate. We got forms that we will get out as soon as the budget passes, so we can start populating list like we did last year, and start a little earlier this year to get it done before the winter. It will be 1,000 feet of

sidewalks and 500 feet of curbs. I did not do the calculation if it would just be sidewalks. I can't recall off hand I think last year was 700 sidewalks and 900 curbs is what we had.

Councilmember Schey - I think what we ended up with 1,100 lineal feet.

Eric Horvath replied it will be more than that.

Councilmember Valerie Schey - Wonderful, so assuming the budget passes tonight, notification will go out when we need to submit our requests?

Eric Horvath - We have a form to fill out as easy documentation and we will get it to you right away.

Councilmember Derek Dieter requested for Corporate Council to step up in regards to the two (2) new minority positions. He asked, were you hired as the Corporate Council for the City of South Bend for your race or for your legal expertise?

Cristal Brisco responded my qualifications speak for themselves. So I would think for anyone who had the pleasure to hire me would do so because of my qualifications. I would also like to add as an African American woman I do bring my life experiences to the table with everything that I do. So my culture and my diversity enhance the job that I do.

Councilmember Dieter - So were you primarily hired for your legal expertise?

Cristal Brisco stated I would hope so.

Councilmember Dieter – With that being said, just quickly to put in the mind-set with what you've done with your staff, and Chief Cox and his efforts who is respected all over the city, I see a great influence in recruiting. If there was an African American applicant, Hispanic Applicant, and European Applicant and the European Applicant had the highest test scores who would be hired?

Cristal Brisco - I can only speak to my department.

Councilmember Dieter requested for John Murphy to answer the question.

John Murphy - I would hire the most qualified applicant but looking at all aspects of their career and who's the best for your team.

Councilmember Dieter replied that's all that I need for that. So you're saying that you're going to hire the best applicant. It just leads to the fact that currently our Legal department is doing a fantastic job with hiring people, Chief Cox is doing a great job, Chief Ruskowski, so that was my question and I already answered it.

Councilmember Karen White explained at this time we are at the council portion for comments. I want to make sure that I read in to the record this afternoon on personnel and finance committee and make mention of two (2) questions and mentioned this on two (2) occasions Mr. Voorde? (Mr. Voorde confirmed that to be true). I don't want anyone to think that I am being disrespectful, I did make mention of this on two (2) occasions. So we now go to comments.

Councilmember Oliver Davis requested a point of order that it would be respectful of the Chair person if they would have announced her two (2) questions right before we started, instead of while I'm talking and didn't do that. There's something that's courtesy.

Councilmember Karen White apologized publicly; we stated that on two (2) occasions so I assumed that Councilmembers knew. So I apologize for that.

Councilmember Derek Dieter asked, if after the ten (10) minutes, if we are able to make specific motions on each one of those bills? Councilmember Karen White stated that is correct. Are there any other questions?

Council Portion for Comments:

Councilmember Henry Davis commented I have not enjoyed this particular budget session out of eight (8) that I've been a part of. I've had the opportunity for the first budget session to learn, second budget session to learn. I think it took me about three (3) years to really learn what was going on. I just had a difficult time understanding where South Bend will be a year later or two (2) or three (3) years later based on the context of the conversations that we had over the last several months through budgeting. That had a lot to do with who was showing up and who was not showing up. That had a lot to do with the department heads or whoever wasn't feeling like their presentation had to project what the future outcomes look like. We heard a lot about what happened the last year or two (2) years prior to. There was really nothing of substance that would support that these things here are going to change whatever those variables were. I don't know how we can even pass a budget without understanding what our next steps are. The diversity officer positions, I've been a torch bearer for those conversations for quite some time. And yes, I want to see a more diverse and inclusive workforce but not at the expense of city services but to support a healthier economic South Bend. Our poverty rate is 44-45%, 75% of our kids are on free and reduced lunch, again I go over this static as well, less than 1% minority contractors or vendors have gotten contracts (less than 1% of all the money that has gone out for contractors for supplies, pens, t-shirts, demolition, paper contracts...). Our police force, there's a newspaper article today, Erin Blasko put out the minority community is 44% out of 100% of Indiana but only 16% is represented in the city's employment workforce. We have a clear problem and \$200,000 will not change it. There's no way possible it will change it. There has been a long set of goals to ensure that some people get the jobs and that some people don't. It's the truth, I've been paying attention to it. I've been here long enough to say that it is factual. My issue is at this point, I am more interested in the Mayor's office, the Mayor himself telling me that he's not interested in hiring any minorities, rather than show up and say we are going to try or this may work or here's \$200,000 and your problems are solved. I'd rather that happen. I haven't forgotten about the police tapes. That was the most offensive thing that I've seen in my life. We are still dealing with it, we are still paying for it and no one wants to act like it even exists. That was painful and we still want to talk about diversity inclusion. No, we need a healing we need a change of heart that's what we need. I'll go with what that brother said we need some Jesus. We have a problem here, I don't think it happens right now with this budget nor do I think it happens right now with the way that it's schedule. Crime is high, I haven't heard anybody give a comprehensive plan on crime. Homelessness is high; I still haven't heard anything about homelessness. Curbs and sidewalks, I would be happy to approve that but you only give us half a block to give to a whole entire district and I can go on. We are talking about raising trash rates with 44% poverty rate, we have a problem. Some people have higher and loftier goals in politics, stay here for a couple of years then go off. Some of us have bought homes and are raising families here, we are going to be stuck with the problem. I'm just asking that right now we have the appetite to continue this over so we can have a better discussion with our Chief or our CEO, or our Mayor so we can get some clearer understanding of what our next steps are. Whether he leaves and goes to be the lieutenant governor, become the governor or whatever it is, but that the city of South Bend is more, healthier because of the changes and the things that are being done here in this budget process and leading up to the next.

Councilmember Valerie Schey commented I will restrict my comments strictly to the budget. I see a number of our department heads if not all of our department heads here tonight. I thank you for the wonderful work that you do every day running our parks, paving our streets, defending our city in court, growing our economy, running our Morris performance arts center. I know that preparing budgets is not the job that you were hired to do but you are contributing a great deal to making this budget to one that works for the city and keeps things running. I thank you all for being here tonight, and for what you do on a daily basis; all the time and effort that you put in to preparing the 2016 budget. Thank you.

Councilmember Dr. Fred Ferlic commented I want to echo what Valerie just stated. We had fourteen (14) sessions and I've attended eleven (11) of them. A lot of those people out there attended all fourteen (14) of them, John Murphy and everyone on the left hand side of me. So congratulations. There wasn't a time where a question was not answered. It was made very clear economically where our Mayor wants our city to go, where he wants our Fire Department to go, where he wants the Police Department, the Morris etc. So I have to congratulate for putting in the amount of work that you did. I just want to make one comment about the diversity

officer for police and officer is absolutely essential in this city that we have this. Last year I was on the police negotiations, three (3) years ago I was on fire negotiations. The FOP lawyer for Indianapolis stated there a number of cities in the Midwest that can become a Ferguson, Missouri. He said the number one problem was the lack of diversity. He went on to state that, then he read the conclusions of the federal government's investigation of Ferguson, Missouri how their lack of diversity led to a number of problems and basically almost destroyed Ferguson, Missouri. That's why I am passionate about this subject. There's no question that other cities have adopted minority recruitment officers in their police and fire departments. I was recently with a policeman who was the head of the department in Virginia. City of the same size, same demographics 26% African American, 15% Latino and they have two (2) affirmative action officers in the police department that is the same size as ours. I think the lessons of Ferguson point to this. One thing we have to be clear on is this New Haven lawsuit about affirmative action quotas. The federal government states you can have all the affirmative action plans you need, it doesn't allow for quotas. The lawsuit that is quoted often times was about 18 firemen who were not promoted because of another person of color had much lower scores so they filed a lawsuit. They had nothing to do with the diversity officer that we want to have in South Bend. South Bend will be a better city if we can have a diversified workforce, not only police and fire but across the city whether private or public. I am passionate about that. Martin Luther King said, "injustice anywhere is a threat to justice everywhere." We have to address that. Thank you.

Councilmember Dr. David Varner commented first I have to say in all sincerity say that after 20 years of sitting through budgets, my respect for people like John Murphy, Ms. Brisco and other professionals on the City Staff, I think do a tremendous job. I think they should be recognized for that job. I've had many times when I looked at a tall glass and said is it half full or is it half empty and I just can't decide. But I would say in the last five (5) years there have been a number of things happen within the city of South Bend, which leads me to believe that it's half full and getting better. Some of its development, some of it's the physical things that you see that have happen. I think these two (2) positions... I've been here all my life, if you look at much of city's staff and I don't mean this to be critical, you are looking at South Bend diverse wise of the 1960's or of the 1970's. This city probably should in a better way reflect the diversity of the community as it's changed dramatically. The efforts in the form of these two (2) positions, I don't know will answer that problem. I don't think it will be answered over night, but I think it will be answered in time. This is the Mayor's choice on how he wants to address this. The record will show in one (1), two (2), or three (3) years whether it was an appropriate way to do it or not. I never wanted to be an administrator or Mayor. I appreciate the decisions that he has to make and other Mayors have to make. I am prepared to support him in those efforts as long as they're willing to listen to myself and the community when things aren't perhaps going the way they should be, and they look to us councilmembers for advice. I think it's half full, I think it's getting better. But I think this budget will continue to include those two (2) officers and we'll look back in a couple years and we'll see. Everyone will be a part of it and it will be a part of my record too; I can live with that. Let's move on.

Councilmember Oliver Davis commented I appreciate diversity. In 2011, this Council along with our administration talked about having a diversity officer to help us with purchasing and all of these other different things. We talked about that. Reverend Rouse talked about that. We put an ordinance in place, we have two (2) of the co-sponsors here. That was four (4) years ago. We can look back over four (4) years even though we bragged about it all over the place, it was a great political tool. It was really sweet, talking about the diversity that we have now, our compliance officer. That really has almost been a tremendous embarrassment in the since that look at the efforts for the last four (4) years. Since Dr. Varner said we can judge it in the next few years. We can judge for what we already did, for the last four (4) years it didn't happen. The diversity issue did not just come up on us really quickly. The reason why I challenged it, is to make sure that it isn't a little carrot that happens in an election year and we're all smiling and cheesy. As that's what happened four (4) years ago, well it did help us. It did help us have more people coming out here and doing a lot of things. Then they ask them will it be an African American will it be a Latino, I will put it in the paper today, and I'm glad they bought it at breakfast. Do you have to wait to have an African American to be hired as an African American, do you have to a Latino to hire a Latino? I mean do you really have to wait for all of that? This is an indictment on our Human Resource department, it's an indictment on our police department, and it's an indictment on our fire well I can't say that about the fire department as

you have been working your heads off. But it really is an indictment on all of that, if we are saying that all of sudden we are going to hire this African American person or Hispanic person to come in the area of human resources and magically everything will be wonderful. To me that command comes from the top. Whether you have an all-white human resources department or an all-black human resource department doesn't matter to me. It's the fact that you have that commitment that you're going to do it. That's the biggest issue to me is the commitment. I got hired by a white supervisor, therefore it doesn't matter. They want to say that wasn't affirmative action, yes it was affirmative action that's all it is. Those are the key things that I have to look at. I don't want to use these tools to say, oh yes we have all this for our Latino population or we got all this for this. We need a social service agenda in our budget. We have a homeless problem here in this town. There's not one penny going to that. We got all excited about knocking down 1,000 homes in 1,000 days but there was nothing to repair, nothing to help our homeless. We need to have a social agenda in that budget. When we went out to the Westside over there, that's what the people were asking for a social justice agenda and it's not there. My colleagues who have operated businesses do they have to hire a minority worker in their jobs. Do they really have to do that to make it diversified? I really think we have to be careful of having to do that. We cannot put somebody there just to say politically that we have to have it. Our Mayor needs to take the lead, therefore him not being here tonight is a shame. We said we would have a Martin Luther King St; the Council went ahead and did that. Yet the Mayor hasn't appointed his part of it. So we have our point we bragged all about it here as a council, yet it didn't go through. It's like we're playing around with racial issues. Martin Luther King St. has been played around for four (4) years. Mr. Schoby has been coming for four (4) years and we've been playing around with it. I'm tired of us using these political things, coming to African American churches during election time, smiling getting the vote then we leave them. Leave them in a corner and then we knock down our houses, Western Ave. is taking a longer time to get fixed. People are tired of having to deal with that issue going back and forth. We ask for streets to be done and then they put together a street plus knocking down houses together to get the African Americans and Hispanics mad at each other, which was stupid. We never put that into there and that all came out. That's why I'm concerned about racial issues to the fact that we talk about the racial issues that the Mayor is concerned with and how that whole police thing was changed and everything else. I'm glad for our new police chief, but we created a lot of our problems when the Mayor came in here himself. Then I was called to meetings as President of this council to help get rid of those tapes. No, I was not going to do that. Therefore we need to move forward in the way that we need to look at diversity has to be broaden than just looking at it from that standpoint. So I don't want these things to be used as political carrots so we can move forward but we need to build our city of South Bend. I yield the rest of my two (2) minutes.

Councilmember Derek Dieter commented first thank you all the departments, John Murphy, Jennifer, and everybody and all the work that you've done, century center, parks, and community development, legal, code, and all the others. I've been doing this for twelve (12) years, this is my last year. I've been Chair over personnel and finance, I think for four (4) budgets over the years. I think for me this has been the most frustrating one from forgetting information and asking for information. The City makes a presentation to a community at an off-site meeting and there's a question asked about what the administration is presenting when you ask to get information, you're asked to fill out a freedom of information act form. That is ridiculous that it would come to any member of this Council. I find that politicizing of the administration when asking questions. During this entire process, I asked Chairperson White two (2) questions for one an organizational chart by name and the other was information on shot spotter. It took President Scott at least a week for that information to finally seep so that I can have the information in front of me to look at the information that I've asked for. That's just one example, all the other councilmembers have eluded to that fact. Again, this budget when we got to the bottom of it, this isn't us as the media wants to portray us against Mayor Pete, Mayor Pete gets this... That's not it, this is from the council's perspective of us doing what we believe as elected officials should do. If we ask for questions or if we ask for information and again I believe the Council during this process has asked for 52 questions. Not as the administration said of hundreds and hundreds of questions that the department heads were at their wits end trying to put that information together. This does not and should never be an adversarial role during budget hearings. 95% that happens at budget hearings is always agreed on. If councilmembers and any of the other members have a question it shouldn't be an adversarial thing. Again, I'm very disappointed that the Mayor wouldn't be here to answer questions. I have specific questions on one the minority hiring. I will go to Dr. Ferlic and say that Ferguson had nothing to do with

race. Ferguson had to do with the incompetency of a Police Department. Ferguson didn't handle the situation correctly when the incident happened, the way they let the body lay on the street for hours, and the way they handled the community. It's not about race, it's about policeman wearing a blue uniform doing his job and after that policeman white, black, any color you take who had on riot gear in San Francisco, Los Angeles, and New York and across the country got pelted with rocks while some were shot because something that happened in Ferguson. The Ferguson had to do with the incompetency of the Police Department and the way they handled it. Getting back to this budget I'm not in favor at all of the diversity thing. Also we pulled a resolution tonight on the Municipal ID. I don't think I want the Municipal ID, \$18,000 in the budget because the administration has not shown us what the plan of the administration is. In theory I need to find out exactly what is going to happen, whose going to make it, who's going to be responsible for it, who has access to it, what it gets you? I don't want to approve something for \$18,000 even though it is money. When there's nothing that we've seen on a piece of a paper what the city is doing. It is the same thing that I asked the committee of the six figure minority recruiter is it going to be two (2) jobs, one being the old WBM in conjunction with a recruiter? So in essence you will have two (2) jobs and as everyone knows if you have two (2) jobs you're going to favor one over the other. We do not have a job description of that and that's a lot of money on that. Again I appreciate all the hard work; this is not an, us against the world or Council against the Mayor. When we have questions its unfair that suddenly you're not given information and suddenly it's said that you're politicizing this or you're doing this because you don't like this person. No, we are asking questions as that is our elected job to do. A lot of citizens don't have time to come to these meetings and God bless all the citizens who have come to this, especially to the off-site. I commend Karen White for putting in a lot of work. All councilmembers, Valerie a couple times, who has been a chairperson of personnel and finance, it is very a difficult job. You have a lot of information to digest but in the end, if I or another councilmember has a couple issues we should not be chastised, berated and saying that you just don't like this person, you're just doing that. It's a matter of us doing the job we were elected to do.

Councilmember Mr. Gavin Ferlic commented first I want to thank Karen for all of her effort. A lot of meetings, a lot of off-site meetings outstanding job providing an opportunity for Councilmembers to ask questions, providing an opportunity for the public to gain information. Also thank you to the administration and the department heads, I know this takes a lot of time and you stay a lot of nights. We really appreciate it. It's very beneficial for the community, it's very beneficial for us as councilmembers, you're there you're answering questions. We really appreciate it. Regarding just a couple of items I completely support the minority recruitment efforts of the administration in terms of hiring a diversity officer as well as the other HR position. I just want to make note I completely support the earmark for the Municipal ID program. I think that's a great step. I realize the plan isn't completely formalized but I like the fact that we do have some funding in the budget to be set towards that initiative. I think that would be really a positive thing for our community. I think it's a good budget, I think it continues some positive progress here in our community which we received national recognition for. There are some great initiatives regarding economic development, there's some great investments in public safety, and at the request of the Council there's continuing investment in neighborhoods and we really appreciate thank. Thank you again for all that you've done. Karen, thank you again and I look forward to supporting this budget.

Council President Tim Scott commented I too want to start off by thanking you for doing a wonderful job and for all the outreach. All the hard work by the Clerk's Office as well, being at all the meetings. All the department heads, Jenn and John Murphy for all the efforts that you put in to help us get to the budget. The budget, I've been involved with a lot of budgets over the 20 something years. The one thing about budgets they're just that, they're budgets. They're not invoices, they're not payments, they're not exact; they're budgets. Sometimes they're a grouping of money, an idea for a position, an idea for an operation or action or some type of implementation. Sometimes you have to have the money and the resources ahead of time to understand where you're going to go. The key to that is basically, the bottom line of what the budget is put up against and that's those actions and those end results. That's for us citizens the administration, I know department heads are held to KPI's and metrics, it's up to us as well to hold the city administration as well as the citizens hold us to our budget, our actions, our responsibilities. As well as the city administration the same way. If that money is there \$18,000 for a city id card, the details are not there, it's up to us to work with administration to hold them

accountable to get that done and get that done within the budget. I've been on budgets for privately held companies just smaller than this type of budget. I've been with publically held companies where what it comes down to is the end result; it's just that, what are your end results, what are the actions that came out of the actions that you put together. There are opportunities where you might not spend the money that you have, there are opportunities where you go over your budget. If you go over your budget you are held accountable for that. We certainly know allocation comes to us if we go over or money has to be moved. But when there's opportunities and gas prices drop by 50 cents you take advantage of that. That means you're not spending all the budget that you have. So just a little bit of perspective, it is the budget, but it's not the most exciting budget in the world and part of that is the 20% increase on health insurance for about 1,300 city employees. So a lot of people had to be creative in their budget to make sure that the people that are working for us are covered. I think that's kind of amazing. Does it mean it is the best and we should be happy with it; absolutely not. I wish we could do more where we can't. That's all I have to say, thank you.

Councilmember Karen White commented I would like to thank the councilmembers for your participation in the budget hearings. I would like to thank Jennifer and John Murphy for all the work you've done with working with the council, responding to the many questions and also for participating with the council at offsite meetings. To the department heads we thank you as well. This process started May of this year, it has been a long process, a lot of questions, debates and issues have been addressed. Again we are at this point of the budget hearing in terms of adoption. I would like to publically state that if I offended anyone during the process, Councilmember Oliver Davis I publically apologize for that. There was no intent to cut anyone off as we move forward. I do know that Councilmembers, each and every one of you, you feel very passionately about the budget in terms of the budget. Each and every one of you has the right to express where you are in terms of the budget process. As others have said I wish there was more in terms of support for the neighborhoods. The Council went on record when I did ask each councilmember for goals that you wish to be reflected in terms of this particular budget. Most of you did respond and your response was to make the neighborhoods better, stronger, and safer. The curbs and sidewalks program is very critical, public safety, as well as other quality of life issues. Again as we move forward that focal point from my perspective cannot stop we have to make sure our neighborhoods are strong, economic development, and that each district is treated the same in respect in terms of funds and support. I just want to thank everyone as we move forward. I want to have clarity and make sure that as we do move forward are there any items in the budget that you want to make sure for example, Councilmember Dieter asked where the diversity was? I want to make sure everything is clear. Councilmember Dieter was ready to make a motion and stated that everything was clear.

Councilmember Valerie Schey made a motion to send substitute bill 41-15 to the full Council with a favorable recommendation. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Derek Dieter made a motion to remove both the two (2) diversity jobs in bill 42-15 as amended. Councilmember Oliver Davis seconded the motion which was defeated by a roll call vote of (3) ayes by Councilmembers Oliver Davis, Derek Dieter, and Henry Davis, Jr. and six (6) nays.

Councilmember Derek Dieter made a motion remove the Municipal ID out of 42-15 as amended due to the lack of information. Councilmember Dr. David Varner seconded the motion which was defeated by a roll call vote of three (3) ayes by Dr. David Varner, Derek Dieter, and Henry Davis, Jr. and six (6) nays.

Councilmember Mr. Gavin Ferlic made a motion to send bill 42-15 as amended to the full Council with a favorable recommendation. Councilmember Dr. Fred Ferlic seconded the motion which carried by a roll call vote of five (5) ayes and four (4) nays by Councilmembers Dr. David Varner, Derek Dieter, Henry Davis, Jr., and Oliver Davis.

Councilmember Mr. Gavin made a motion to send 43-15 as amended to the full Council with a favorable recommendation. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

RISE AND REPORT

Councilmember White requested a motion to rise and report to full Council. So moved by Councilmember Mr. Gavin Ferlic. Councilmember Derek Dieter seconded the motion which carried by a voice vote of nine (9) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

Karen L. White, Chairperson
Committee of the Whole

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 9:43 p.m. Council President Tim Scott, presided with nine (9) members present.

BILLS - THIRD READING

34-15 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 PORTAGE TOWNSHIP CONTIGUOUS THEREWITH COUNCILMANIC DISTRICT 6 FOR 23530 S.R. 2; 56575, 56589, 56605, MAYFLOWER ROAD; 23562, 23580 HURON STREET, AND 56546, 56576, 56586, 56660 HOLLYWOOD BOULEVARD, SOUTH BEND, INDIANA

This bill had third reading. Council Attorney Kathy Cekanski-Farrand requested a motion to amend as it was in the Committee of the Whole. So moved by Councilmember Valerie Schey. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Derek Dieter requested a presenter along with a question. Council Attorney Kathy stated this was heard at the last meeting.

Councilmember Dieter - I was absent. So can I have a new question on this President Scott?

Council Attorney Kathy explained there are no presentations on third readings.

Councilmember Mr. Gavin Ferlic made a move for passage of bill 34-15 as amended. Councilmember Dr. David Varner seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Councilmember Derek Dieter.

61-15 THIRD READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY A LESS THAN FULL WIDTH PORTION OF SOUTH MAIN STREET FORMERLY LAFAYETTE BOULEVARD THAT LIES ADJACENT TO PROPERTY OWNED BY GATES AND GATES REALTY LLC LOCATED AT 4418 SOUTH MAIN STREET FORMERLY LAFAYETTE BOULEVARD

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion for passage of bill 61-15. Councilmember Dr. Fred Ferlic seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

62-15 THIRD READING ON A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY A FULL WIDTH PORTION OF OLD SOUTH

MAIN STREET FORMALLY SOUTH MAIN STREET THAT LIES BETWEEN LAFAYETTE BOULEVARD AND SOUTH MAIN STREET ADJACENT TO PROPERTY OWNED BY CITY OF SOUTH BEND BOARD OF PUBLIC WORKS LOCATED AT 4201, 4219 SOUTH MAIN STREET

This bill had third reading. Councilmember Dr. David Varner made a motion to move for passage of bill 62-15. Councilmember Valerie Schey seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

54-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA RE AFFIRMING ORDINANCE NO. 10332-14 AND FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEAR 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion for passage of bill 54-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

55-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA RE AFFIRMING ORDINANCE NO. 10333-14 AND FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEAR 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of bill 55-15. Councilmember Dr. David Varner seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

56-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of bill 56-15. Councilmember Dr. David Varner seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Council President Tim Scott.

57-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of bill 57-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

58-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA SETTING THE ANNUAL SALARY FOR THE MAYOR FOR CALENDAR YEAR 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of bill 58-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Councilmember Henry Davis, Jr..

59-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND RE AFFIRMING ORDINANCE NO. 10328-14 FIXING THE MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEARS 2014, 2015, AND 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of bill 59-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

60-15 THIRD READING ON A BILL FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, INDIANA FOR THE CALENDAR YEAR 2016

This bill had third reading. Council Attorney Kathy Cekanski-Farrand requested a motion to pass as amended in the Committee of the Whole. So moved by Councilmember Karen White. Councilmember Dr. David Varner seconded the motion which carried by a roll call vote of nine (9) ayes.

63-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING IN IT'S ENTIRELY ARTICLE 7 ENTITLED NOISE CONTROL OF CHAPTER 13 OF THE SOUTH BEND MUNICIPAL CODE AND AMENDING SECTION 2-213 ADDRESSING SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

This bill had third reading. Councilmember Derek Dieter made a motion to move for passage of Bill 63-15. Councilmember Dr. David Varner seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Councilmember Mr. Gavin Ferlic.

44-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATIONS 2016 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION SOUTH BEND, INDIANA FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of Bill 44-15. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

41-15 THIRD READING ON A BILL OF THE CITY OF SOUTH BEND INDIANA LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

Council Attorney Kathy explained as a point of order the department of local government and finance require an additional form to be filled out for each of these budget ordinances. She then passed them out in order of voting. It will require each councilmember to check how they voted and will need signatures of each Council member.

This bill had third reading. Councilmember Mr. Gavin Ferlic made a motion to move for passage of Bill 41-15. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Councilmember Henry Davis, Jr.

Council Attorney Kathy Cekanski-Farrand requested a motion to reconsider Bill 41-15. So moved by Councilmember Mr. Gavin Ferlic. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Council Attorney Kathy Cekanski-Farrand requested a motion to amend Bill 41-15 as it was in the Committee of the Whole. So moved by Councilmember Mr. Gavin Ferlic. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Mr. Gavin Ferlic made a motion to move for passage of Bill 41-15 as amended. Councilmember Derek Dieter seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Councilmember Henry Davis, Jr.

42-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING MONIES FOR

THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

This bill had third reading. Councilmember Oliver Davis requested a motion to defeat Bill 42-15. Council Attorney Kathy Cekanski-Farrand interjected they needed a motion to amend the bill first.

Council Attorney Kathy Cekanski-Farrand requested a motion to amend Bill 42-15 as it was in the Committee of the Whole. Sole moved by Councilmember Oliver Davis. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver Davis made a motion to defeat, Councilmember Mr. Gavin Ferlic made a motion to pass. Council President Tim Scott intervened Councilmember Oliver Davis has the floor.

Councilmember Oliver Davis made a motion to defeat Bill 42-15 as amended in the Committee of the Whole. Councilmember Dieter seconded the motion which was defeated by a roll call vote of four (4) ayes and five (5) nays by Councilmembers Valerie Schey, Dr. Fred Ferlic, Mr. Gavin Ferlic, Karen White, and Tim Scott.

Councilmember Mr. Gavin Ferlic made a motion to pass Bill 42-15 as it was amended in the Committee of the Whole. Councilmember Karen White seconded the motion which carried. The bill passed by a roll call vote of five (5) ayes and four (4) nays by Councilmember Dr. David Varner, Oliver Davis, Derek Dieter, and Henry Davis, Jr.

43-15 THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

This bill had third reading. Council Attorney Kathy Cekanski-Farrand requested a motion to amend as it was in the Committee of the Whole. So moved by Councilmember Oliver Davis. Councilmember Mr. Gavin Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

Councilmember Oliver Davis made a motion to defeat Bill 43-15 as amended in the Committee of the Whole. Councilmember Derek Dieter seconded the motion which was defeated by a roll call vote of three (3) ayes and six (6) nays by Councilmembers, Dr. Fred Ferlic, Dr. David Varner, Mr. Gavin Ferlic, Karen White, Valerie Schey, and Tim Scott.

Councilmember Mr. Gavin Ferlic made a motion to pass Bill 43-15 as it was amended in the Committee of the Whole. Councilmember Dr. Fred Ferlic seconded the motion which carried. The bill passed by a roll call vote of eight (8) ayes and one (1) nay by Henry Davis, Jr.

RESOLUTIONS

There were no Resolutions to come before the Council tonight.

BILLS - FIRST READING

BILL NO.

65-15 FIRST READING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1637 AND 1641 PORTAGE AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to the Area Plan Commission. Councilmember Dr. Fred Ferlic seconded the motion which carried by a voice vote of nine (9) ayes.

66-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROVING A RESOLUTION OF THE SOUTH BEND ECONOMIC DEVELOPMENT COMMISSION AND ESTABLISHING AN ECONOMIC DEVELOPMENT TARGET AREA FORMER CHASE TOWER AND ADJACENT PARKING LOT

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to Community Investment Committee for October 26th, 2015. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

67-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF CHAPTER 6 ARTICLES 1, 2, 4, 6, 7, AND 11 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING MINIMUM PERMIT FEES AND SERVICE CHARGES OF THE BUILDING DEPARTMENT

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to Public Works Committee for October 26th, 2015. Councilmember Dr. David Varner seconded the motion which carried by a voice vote of nine (9) ayes.

68-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTERS 6, 17 AND 18 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW RULES REGULATIONS AND SERVICE CHARGES FOR VARIOUS PERMITS AND REVIEWS IN CONNECTION WITH STORMWATER CONTROL AND CONSTRUCTION IN THE RIGHT OF WAY

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to Utilities Committee for November 9th, 2015. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

69-15 FIRST READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE NEW SERVICE CHARGES IN CONNECTION WITH THE DEVELOPMENT PLAN APPLICATION PROCESS

This bill had first reading. Councilmember Mr. Gavin Ferlic made a motion to refer this bill to Area Plan Commission for November 9th, 2015. Councilmember Karen White seconded the motion which carried by a voice vote of nine (9) ayes.

UNFINISHED BUSINESS

RESET BILLS 25-15 AND 26-15 TO NOVEMBER 9, 2015

Council President Tim Scott entertained a motion to reset bills 25-15 and bill 26-15 to November 9th, 2015. So moved by Councilmember Valerie Schey. Councilmember Mr. Gavin Ferlic seconded the motion which was carried by a voice vote of nine (9) ayes.

Council Attorney Kathy Cekanski-Farrand requested to hand out forms for two (2) councilmembers that have not filed them yet for the ethics compliance. I would like to hand those out now as they are related to the budget. Council President Tim Scott stated yes, please.

Councilmember Derek Dieter inquired did Council President Tim Scott get a reply from the 14th floor in regards to Martin Luther King Blvd? Council President Tim Scott responded no, I did not. I will follow up with up on that.

Councilmember Oliver Davis asked President Tim Scott - Our appointee is running out of time in October; they have a meeting with Matt. Should our part of the group go ahead and meet since we have the forum? Can the South Bend Common Council membership just go ahead and call a meeting and deal with that? Then the Mayor himself can send a representative as it's getting to the point where it's ridiculous.

Council President Tim Scott - That's a good question. I would like two (2) more days to follow up with the Mayor and then we can look at proceeding from there. Then I'll report after two (2) days I can report back to council.

Councilmember Oliver Davis - We are leaving them in this issue when you get back with us in the 26th meeting (Council President Tim Scott said I agree), which means we have to meet in November, and then Christmas, then their done.

Councilmember Derek Dieter - I met informally with all the members and explained the situation that they were picked by the council and we were waiting for the Mayor's office to pick three (3) people and until that happens we are in limbo.

Councilmember Henry Davis, Jr. inquired, when was that passed?

Council Attorney Kathy Cekanski-Farrand stated in May.

Councilmember Henry Davis stated this is May, this is October, that's five (5) months ago. Mr. Scott, President Scott I have a quick question. What answer are you expecting to get this time after five (5) months? Are you expecting to get a different answer?

Council President Tim Scott replied since I didn't get an answer, I would like to give it two (2) days and then report back and then we can proceed.

Councilmember Henry Davis - The reason why I ask that question as it has a lot to do with what we talked about during the budget session. It just appears to be... (Councilmember Oliver Davis interjected disrespect) I wouldn't say that I could say respect. It just appears as an unwillingness of the Administration, unless he's meeting with people individually on the Council that I don't know anything about or the Council just doesn't care or there is some sort of order that I haven't read or I'm unclear about. Again five (5) months is entirely too long, number one but it was two (2) years prior to five (5) months and we are still asking the same things. You know what I don't get this anymore. Council Attorney Kathy Cekanski-Farrand stated for the record the Council appointed their representatives in August after going through the process. So ours have to be in place since August.

Council President Tim Scott stated I would like to request two (2) more days out of the administration then I think we entertain actions from Mayor.

Councilmember Oliver Davis asked then can we have a word from the Chief of Staff as he represents the Mayor.

Councilmember Henry Davis stated he didn't want to do, it's clear.

James Mueller, Chief of Staff, Offices on the 14th floor – I am pleased to say that we have chosen our three (3) and we are going to announce it on Wednesday, perfect timing. We sent a letter to your inquiry last week. We were waiting to get all the budget questions through which we were working the process. Now that the budget is through, we would be happy to get back with you.

Councilmember Oliver Davis - Then will the meeting be set?

Council President Tim Scott stated your announcement is coming tomorrow.

James Mueller replied we can do whatever you like.

Councilmember Henry Davis stated hold on, stop, announcement; an announcement of what?

James Mueller responded we will send the letter to Council President Scott, who requested clarification of where we were with our appointees.

Council President Tim Scott responded we will know Wednesday and we'll go from there.

James Mueller responded, ok, sounds good, thank you.

Councilmember Henry Davis asked so will that go out to a press release or press conference?

James Mueller responded I don't believe that, at this time we'll see. At later date maybe.

Councilmember Henry stated, no please.

NEW BUSINESS

There was no new business to come before the Council.

PRIVILEGE OF THE FLOOR

Jesse Davis – P.O. Box 10205, South Bend – First off you should look at the maximum time length. Everybody that comes here and spends the night here should have the opportunity to speak if they want to. They've been allowed to since I've been coming here to these meetings for the last five (5) years. I think it is ridiculous to enforce this now out of nowhere just because you're in the presidency. Also for everyone who is still in the meeting tonight, apparently our Mayor decided that he wanted to watch the meeting in his office. I went up and banged on his door and Kara Kelly came out and headed me off of the path. Apparently he is up in his office and couldn't come down to answer your questions or our questions. That's why I said he didn't need a raise.

Samuel Brown – 222 E. Navarre St., South Bend – I met with Mr. Buttigieg. First I went to his office and he said that he is tied up on the budget, but as soon as he is done he is going to move quickly on the Martin Luther King Street. Now what I really want to talk about is that we had an election in May that didn't go to well with me. We had two (2) applicable candidates for the clerk's job an African American lady and White male both of them very qualified. The democratic machine messed up the election by deciding to go with one (1) candidate and throw a lot of money at them. I felt the citizens of South Bend were cheated. The candidate should be able to do their own thing without the democratic machine throwing a lot of money in there and messing that election up. We the people like to hear from the candidates. In the 2nd District I got this flyer where it is paid for by the Democratic Party. I would like for the candidates to raise their own money and pay for it themselves and leave the democratic machine out of it. The way this looks like is that the Democratic Party is endorsing only this candidate on the flyer. It appears like they are endorsing the candidate on this flyer and that's who they want you to vote for.

Jason Banicki-Critchlow – 3822 W. Ford St., South Bend – Reported on the game score, the Cubs are up against the Cardinals 2 to 1. As we continue to more pressing business with the trash ordinance raise, the press states that it is only \$1 a month, only \$12 total. When we are lagging behind in economic development, to not only the nation where we had only 2% GPP growth compared to the nation that had 2.4%. While the 0.4% seems small that's a 20% difference between us and the country, especially when we are on the verge of being passed up by Elkhart County now being known as the biggest economic engine in our region. We need to start thinking about our 50% working poor in this county and say yes it's only \$1 a month but if that \$1 is the difference between ten (10) packages of ramen noodles and your trash you shouldn't have to make that decision. All of us have budgets we live in. Sometimes we have to make those tough decisions as to where we need to cut back. The city doesn't seem to be making those decisions. They seem to say, well we'll just come back to you, like a crack head and say, I just need one more dollar. Well it is time to stop giving that one (1) more dollar and it is time for the city to start figuring out other ways to pay their bills just like the rest of us hard working individuals in this city do.

Sharon Banicki – 3822 W. Ford St., South Bend – I want to start out with privilege of the floor forms. I filled out one (1) in the beginning of the year and never heard back, filled out one (1) a month ago and never heard back. Why make a big to do about this is the procedure of what the City Council is going to do if someone is wall papering their house with my privilege forms. So needless to say I didn't fill one out today because why bother. Does anyone read the meeting minutes that you approve meeting after meeting. My son didn't wreck his brain he racks his brain. The typos and the misspelling and the grammar. No wonder we are the laughing stock of the state. Stop, read them, and look at them. I'm speechless with them. I spent days reading them. I meant to print them out. But I thought you people are reading them, you should know what you're approving. Has anyone sat down and read them. I applaud everybody who puts the time and effort in to making these ordinances and laws. The biggest problem I see is the lack of enforcement. Valerie spent a lot of time making the dog ordinance that you can't leave your dog outside. I have three (3) calls into animal control. My neighbor's dog lives in the garage, I called last winter; dogs still there, I called last spring; the dogs still there, I called this summer; the dogs still living in the garage. The dog has never been in the house, he moves from the garage to the back of the house. I talked to the building department because the neighbors are building up their house and was told they cannot work on their house after 6pm. I talked to a police officer, and asked if I called you after 6pm, if they are still banging the hammer can you help me? They stated no. So does any department work together in this city or does everyone march to the beat of their own drummer?

Joseph – 818 S. Harris St, South Bend – I'm going to follow up her complaints about the city not knowing what the heck is going on because the noise ordinance over there. That bar owner is making all of us looking like idiots. I've been fighting this for two (2) years already. I called up last year and stated that I wanted the decibel meter to come out and they wouldn't do it. Now they come up with the decibel meter, but they say 78 decibels until to 11 pm and after it goes to 72 decibels after 2:30 am when it closes down; I can hear the music in my house. The worse thing about it when you call the dispatcher, she says they have a decibel meter inside the tavern. They are monitoring themselves. It's like giving the fox the hen house and saying take care of it. The other part is they have a decibel meter. They should have one that records and put it in front of the tavern to record, as he might have a scanner in his tavern and monitor police calls, so when the police come he lowers the volume and tells the band to quit playing that loud. The code violations that he got away with, it's incompetent. The building department is incompetent. I don't know what the city is doing but they're making fools out of themselves by letting a bar owner get away with what he got away with. The new use property thing in the residential district and he is right in the middle of the residential district and he's making a lot of noise. I don't care what he does in his bar, make him sound proof the bar, so I can't hear it. But I can't sleep at night, last Friday I called up at 12:30 am to come back with another decibel meter because the low frequency of the boom, boom, boom kept me up and every five (5) minutes the singer would just scream out loud. I don't know what the hell is going on but I want it stopped. It's up to you people to stop it. You make laws that you can't even enforce.

Huey Schoby – 3415 Riverside Drive, South Bend – Coordinator for Dr. King Dr. I want to thank the Council for doing a good job thus far. I am real pleased to get a new Police Chief. God bless him, he's a real gentleman, he's a real man, and he's a family man. That's what we need more of in this city is family men. You can't do a good job with our boys and girls if we don't have good leadership. This man is a good leader. I've been around him for a few days. I happen to know good men when I see them. Councilmember Henry Davis is a good man, hardworking man and I can go on and on. Councilmember Oliver Davis he's a good man. We got my councilman up there, Tim Scott. All of you do a good job, but I just had to mention a few of you. I am the Coordinator for Dr. Martin Luther King Dr. and I walked Lincoln Way and I walked Portage Ave. So the decision has come to Portage Ave. I tried to get in touch with the Mayor but he's not coming to Council meetings. I can meet him out in the street and he doesn't want to speak to me. When he first came he was all over me but now he doesn't want to speak to me. He doesn't have the intelligence to invite me to his office to talk about Martin Luther King Dr. People have given up their lives and we are going to sit around here on Portage Street in town. First off it's not about a street it's about a bus boycott. It was about people riding the bus, that's the reason why I chose Portage Ave. Portage Ave has two (2) buses run out of it, bus 1A and 1B. We need to come up with a street committee, I got 70 people who started out when I started out. One of them is Ms. Karen White's spouse.

Linnie Caye – 821 S. Walnut St., South Bend – The battle of the bar has continued. The friendly confines located at 1502 Dunham continues to disturb the residential area near the bar. This past weekend two (2) calls were made regarding the noise. The dispatcher stated the bars are allowed to break the noise ordinance and the responding officer stated the City Attorney has given the bar permission to conduct business as usual, even though the noise was audible from 50 feet away. I don't think a citation was issued. We are exactly where we were one (1) year ago. In spite of the building department, department of code violations, and the code violations against the bar, as the building commissioner and director of code enforcement, and the city attorney all refuse to file any action against the bar as it is not mandatory to do so. We residents are left without the city enforcing its laws. Do we need to obtain our own legal representation since you will not help us, or do we need to create a vigilante group to do the job you can't do? 19 weeks have been taken from us with the bar noise this year alone. If the city can't resolve a bar noise issue how are we as citizens to believe they can address more serious issues. I respectfully request the Council to address the dual noise ordinances ASAP because the ability to choose is (Council President Tim Scott interjected you can't talk about the dual noise ordinance as it's on the agenda) is clearly not working. I also request the city officials to assist us as tax payers in resolving this issues. I challenge you to move your family into any of the vacant homes in my neighborhood and see if you and your children can tolerate the noise. I request that you represent the taxpayers that live in this neighborhood, even though we are low income Whites, Hispanics, and African Americans and stop siding with the millionaire bar owner who lives in Elkhart.

Marvin Crayton – 305 S. Lake St, South Bend – I am a former contractor, I was forced out in 2012 because I couldn't get any work. We sit here and talk about diversity, equal opportunities for all, good faith effort. Its hog washed in this city. I was forced out of business as I couldn't get any work. I was low bidding on the Robinson building in 2011, and I couldn't get the job. I was the low bidder and I know I was the low bidder. They stated I didn't have the experience to put windows in. I put windows in the hospital with patients inside the building. I've done other work in the hospital with patients in it. If you look at the housing authority you will see windows there, you will see porches built that I built as a sub-contractor. I had the experience but I didn't get the job. Today a friend of mine, DRC has given a price to community investment to put a border in for \$18k and he hasn't gotten the job yet, he is the low bidder on this. Are we going backwards or what? You talk about hiring diversity officers, like Councilman Davis said we need Jesus in our hearts. We need heart changes. You can make all the laws you want to, but if a person's heart isn't right it won't work.

Antonius Northern, nPower – 103 Wayne St, South Bend – I want to speak to the issue of jobs. It's an institutional issue that requires an institutional response. Not in the sense of an institution responding but in creating institutions that then create jobs. To the legal counsel, I wish she was still here so I can say to her one legal department doesn't change the dynamic that we have for African Americans. Even though there may be a legal department full of us that doesn't cover the full gambit of things that we need to have taken care of. The second question is if we were to create any position that's responsible for making sure all demographics are included, we need to ask the question of what exactly is that person going to do in order to change the standards so that the standards reflect what we want to get out of a minority candidate. Because what we are looking at right now is the question of, in that place called new something, someone not having the skill set in comparison to their fellow competitors. But if we are looking to be inclusive to the minority we have to find what we want from the minority, then create a standard that reflects that. If we have a person whose going to be helping to hire with any sort, than the responsibility should be to acclimate that standard because that's the issue at hand. Secondly these couple of jobs won't change our poverty rate. (Council President Scott interjected very careful Mr. Northern.) I am trying to do my best thank you sir. Those jobs in the public safety realm will not change our poverty rate but it will change the culture of hiring in our city. If we can change the way that we are looking at hiring or what we are trying to do for hiring then we can start to create a situation where minorities are being hired by minorities as an institution. Then it becomes what we want to see in terms of tax dollars. Then you are getting money out of the tax space that is us. The last part is what is most scary; we have two (2) African American champions Oliver and Henry that are both fighting against this bill because of its inclusion as an earmark. We have two (2) minority champions against this thing because it is secretly hidden in

there. What is that saying, is that saying that he is not competent in the abilities to navigate these guys or is that going to be a continuation of the former practices that we have seen?

Sam Centellas – 2740 Miami St, South Bend – I’m not going to talk about anything on the agenda so this will be easy for you Tim. I really am disappointed in the Council’s behavior tonight and from everybody. I am disappointed in the lack of professionalism in this room from everybody, from those who acted unprofessionally to those that allowed other people to act unprofessionally. Every time that I’m here every Council thing that comes forward, it’s been all year, we didn’t have quorum at this meeting so we don’t have a recommendation. Every meeting that happens. Then we come here to ask questions that you already have information on and claim you don’t have that information just so you can fugal your comments. I hope that the next Council, for those of you that are on that next Council will hold each other to a higher standard to have those conversations and be able to be more forth right with those conversations with the community. A lot of you have said that you have done outreach that you haven’t done and that’s on all sides. I’m not siding with anybody here. So I am really disappointed the way that this meeting has gone, the way that everybody has behaved. Some stuff was just down right childish. I am disappointed as a citizen in this town that even though some of the coins fell tonight on my side, I am disappointed because I still feel like I’ve lost. I really hope that the next Council does a much better job.

ADJOURNMENT

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

ATTEST:

ATTEST:

John Voorde, City Clerk

Tim Scott, President