

Be it remembered that the Common Council of the City of South Bend, Indiana, met in person and via the Microsoft Teams app on Monday, September 12, 2022, at 7:00 p.m. Council President Sharon L. McBride called the meeting to order. Pastor Mark Lantz of the Christian Center Church gave the invocation.

City Clerk Dawn M. Jones announced: good evening, members of the public. For audio quality, we will be muting everyone not speaking by default to maintain good audio quality for the Council and yourselves. If you would like to speak during the meeting on a specific agenda item, please submit your request in the chat - directions to do so are in the chat. We ask that you provide your [FULL NAME] and [ADDRESS], as those are required for all speakers at in-person Council meetings.

Full audio dialogue of the update is available upon request from the City Clerk’s Office.

**Please note the attached link for the meeting recording:**  
<https://docs.southbendin.gov/WebLink/0/fol/349067/Row1.aspx>

ROLL CALL

COUNCIL MEMBERS PRESENT:

Canneth Lee	1 <sup>st</sup> District, Committee of the Whole (Virtual)
Henry Davis Jr.	2 <sup>nd</sup> District
Sharon L. McBride	3 <sup>rd</sup> District, President
Troy Warner	4 <sup>th</sup> District (Virtual)
Eli Wax	5 <sup>th</sup> District
Sheila Niezgodski	6 <sup>th</sup> District, Vice-President
Karen L. White	At-Large (Virtual)
Lori K. Hamann	At-Large
Rachel Tomas Morgan	At-Large

COUNCIL MEMBERS ABSENT:

OTHERS PRESENT:

Dawn Jones	City Clerk
Victoria Trujillo	Chief Deputy Clerk
Kenneth Hardy	Deputy Director of Policy
Justin LePla	Director of Special Projects
Bob Palmer	Council Attorney

SUBCOMMITTEE MINUTES

None.

SPECIAL BUSINESS

22-40

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING AND CELEBRATING THE LIFE AND PUBLIC SERVICE OF CONGRESSWOMAN JACKIE R. WALORSKI

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Lori Hamann made a motion to resolve into the committee of the whole, which was seconded by Councilmember Karen White. The motion was carried by a vote of nine (9) ayes.

PUBLIC HEARINGS

BILL NO.

32-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Eli Wax made a motion to table Bill No. 32-22 until September 26, 2022, which was seconded by Councilmember Lori Hamann and was carried by a vote of nine (9) ayes.

40-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1702 W WESTERN AVE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Troy Warner made a motion to send Bill No. 40-22 to the full council with a favorable recommendation, which was seconded by Councilmember Henry Davis Jr., and was carried by a vote of nine (9) ayes.

42-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REPLACING AND AMENDING CHAPTER 2, ARTICLE 1, SECTIONS 2-1 THROUGH AND INCLUDING 2-9, OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE AND CLARIFY PROCEDURES FOR THE SOUTH BEND COMMON COUNCIL AND THE OFFICE OF THE CITY CLERK  
**(SUBSTITUTE)**

Councilmember Karen White made a motion to accept Substitute Bill No. 42-22, which was seconded by Councilmember Lori Hamann, and was carried by a vote of nine (9) ayes.

Councilmember Rachel Tomas Morgan made a motion to send Substitute Bill No. 42-22 to the full council with a favorable recommendation, which was seconded by Council Vice-President Sheila Niezgodski, and was carried by a vote of eight (8) ayes and one (1) nay (Councilmember Henry Davis Jr. voted nay).

43-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS ARTICLES AND SECTIONS OF CHAPTER 17 OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS LATE FEES FOR CITY UTILITY CUSTOMERS AND RENAMING THE “LOW-INCOME CUSTOMER ASSISTANCE PROGRAM” (LICAP) AS THE “UTILITY ASSISTANCE PROGRAM” (UAP)

Councilmember Lori Hamann made a motion to send Bill No. 43-22 to the full council with a favorable recommendation, which was seconded by Councilmember Karen White, and was carried

by a vote of seven (7) ayes and one (1) nay (Councilmembers Henry Davis Jr. and Eli Wax voted nay).

RISE AND REPORT

Councilmember Eli Wax made a motion to rise from the Committee of the Whole and report back to the full council, which was seconded by Councilmember Henry Davis Jr., and was carried by a vote of nine (9) ayes.

REGULAR MEETING RECONVENED

BILLS ON THE THIRD READING

BILL NO.

32-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

This bill has been tabled until September 26, 2022.

40-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1702 W WESTERN AVE COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lori Hamann made a motion to pass Bill *No. 40-22*, which was seconded by Council Vice-President Sheila Niezgodski, and was carried by a vote of nine (9) ayes.

42-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REPLACING AND AMENDING CHAPTER 2, ARTICLE 1, SECTIONS 2-1 THROUGH AND INCLUDING 2-9, OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE AND CLARIFY PROCEDURES FOR THE SOUTH BEND COMMON COUNCIL AND THE OFFICE OF THE CITY CLERK  
**(SUBSTITUTE)**

Council Vice-President Sheila Niezgodski made a motion to pass Substitute Bill *No. 42-22*, which was seconded by Councilmember Rachel Tomas Morgan, and was carried by a vote of eight (8) ayes and one (1) nay (Henry Davis Jr. voted nay).

43-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING VARIOUS ARTICLES AND SECTIONS OF CHAPTER 17 OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS LATE FEES FOR CITY UTILITY CUSTOMERS AND RENAMING THE “LOW-INCOME CUSTOMER ASSISTANCE PROGRAM” (LICAP) AS THE “UTILITY ASSISTANCE PROGRAM” (UAP)

Councilmember Rachel Tomas Morgan made a motion to pass Bill *No. 43-22*, which was seconded by Councilmember Lori Hamann, and was carried by a vote of seven (7) ayes and two (2) nays (Councilmembers Henry Davis Jr. and Eli Wax voted nay).

RESOLUTIONS

22-39

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 2722 W. TUCKER DRIVE, SOUTH BEND, IN 46619 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR STEEL WAREHOUSE COMPANY LLC

Councilmember Eli Wax made a motion to adopt Resolution *No. 22-39*, which was seconded by Councilmember Henry Davis Jr., and was carried by a vote of nine (9) ayes.

22-42

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AFFIRMING THE SOUTH BEND COMMON COUNCIL'S SUPPORT OF EXECUTIVE ORDER 03-2022 ENTITLED "COMMITMENT TO DESIGNATION OF SOUTH BEND AS A "BROADBAND READY CITY"; THE COUNCIL'S COMMITMENT TO WORKING COLLABORATIVELY WITH THE CITY ADMINISTRATION TOWARDS THE DESIGNATION OF SOUTH BEND AS A "BROADBAND READY CITY"; AND THE ADOPTION OF PROCEDURES UNDER IND. CODE 5-28-28.5-7

Council Vice-President Sheila Niezgodski made a motion to adopt Resolution *No. 22-42*, which was seconded by Councilmember Canneth Lee, and was carried by a vote of nine (9) ayes.

BILLS ON FIRST READING

BILL NO.

44-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, STREET VACATION – A PORTION OF THE LASALLE AVENUE CONNECTOR LYING NORTH OF COLFAX AVENUE AND WEST OF THE EAST LINE OF THE CITY CEMETERY EXTENDED SOUTH TO COLFAX AVENUE, SOUTH BEND, INDIANA.

Councilmember Henry Davis Jr. made a motion to send Bill *No. 44-22* to the Public Works and Property Vacation Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Councilmember Rachel Tomas Morgan and was carried by a vote of nine (9) ayes.

45-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2022

Councilmember Karen White made a motion to send Bill *No. 45-22* to the Personnel and Finance Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Council Vice-President Sheila Niezgodski and was carried by a vote of nine (9) ayes.

46-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2022 OF \$110,000 FROM THE GENERAL FUND (#101), \$3,348,550 FROM THE DCI FEDERAL GRANT FUND (#212), \$25,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$475,000 FROM THE MVH RESTRICTED FUND (#266), \$10,000 FROM THE INDIANA RIVER RESCUE FUND (#291), \$161,819 FROM THE LOCAL INCOME TAX ECONOMIC DEVELOPMENT FUND (#408), \$332,253 FROM THE URBAN DEVELOPMENT ACTION GRANT FUND (#410), \$314,270 FROM THE PROFESSIONAL SPORTS CONVENTION DEVELOPMENT AREA FUND (#413), \$1,100,000 FROM THE WATER WORKS OPERATIONS (#620), \$240,000 FROM THE SEWER REPAIR INSURANCE FUND (#640), \$785,000 FROM THE SEWAGE WORKS OPERATING FUND (#641), AND \$8,000 FROM THE FIRE PENSION FUND (#701)

Council Vice-President Sheila Niezgodski made a motion to send Bill *No. 46-22* to the Personnel and Finance Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Councilmember Eli Wax and was carried by a vote of nine (9) ayes.

47-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING TIPPING AND LOADING CHARGES FOR YARD WASTE CUSTOMERS WITHIN TWO SECTIONS OF CHAPTER 16, ARTICLE 4 OF THE SOUTH BEND MUNICIPAL CODE

Council Vice-President Sheila Niezgodski made a motion to send Bill *No. 47-22* to the Personnel and Finance Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Councilmember Rachel Tomas Morgan and was carried by a vote of nine (9) ayes.

48-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING, AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2023 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, 2023

Councilmember Lori Hamann made a motion to send Bill *No. 48-22* to the Personnel and Finance Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Council Vice-President Sheila Niezgodski and was carried by a vote of nine (9) ayes.

49-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL 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, 2023, AND APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

Council Vice-President Sheila Niezgodski made a motion to send Bill *No. 49-22* to the Personnel and Finance Committee for a public hearing and third reading on September 26, 2022. The motion was seconded by Councilmember Rachel Tomas Morgan and was carried by a vote of nine (9) ayes.

50-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 832 SOUTH BEND AVE. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lori Hamann made a motion to send Bill *No. 50-22* to the Zoning and Annexation Committee for public heading and third reading on October 10, 2022. The motion was seconded by Council Vice-President Sheila Niezgodski and was carried by a vote of nine (9) ayes.

51-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 506 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lori Hamann made a motion to send Bill *No. 51-22* to the Zoning and Annexation Committee for public heading and third reading on October 10, 2022. The motion was seconded by Councilmember Henry Davis Jr. and was carried by a vote of nine (9) ayes.

UNFINISHED BUSINESS

Councilmember Henry Davis Jr. stated the mayor and department heads are doing a budget hearing with the public and asked why this is happening due to the budget process having already started.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

None.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:46 p.m.

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