

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 26, 2022, at 7:00 p.m. Council President Sharon L. McBride called the meeting to order. Evangelist Mary Winters of the Pentecostal Cathedral Church of God in Christ 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 st District, Committee of the Whole
Sharon L. McBride	3 rd District, President
Troy Warner	4 th District
Sheila Niezgodski	6 th District, Vice-President
Karen L. White	At-Large
Lori K. Hamann	At-Large
Rachel Tomas Morgan	At-Large

COUNCIL MEMBERS ABSENT:

Henry Davis Jr.	2 nd District
Eli Wax	5 th District

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

22-44

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING THE WEEK OF SEPTEMBER 9-18, 2022, AS WELCOMING WEEK IN SOUTH BEND, INDIANA

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Council Vice-President Sheila Niezgodski made a motion to resolve into the committee of the whole, which was seconded by Councilmember Rachel Tomas Morgan. The motion carried by a vote of seven (7) ayes.

PUBLIC HEARINGS

BILL NO.

134-21

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 2701 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

This bill has been tabled until October 24, 2022.

30-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1335 EAST IRELAND AND 4427 SOUTH BROOKTON, COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

This bill has been tabled until October 24, 2022.

41-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1345 N. MICHIGAN ST., COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

This bill has been withdrawn by the petitioner.

44-22

PUBLIC HEARING 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.

Council Vice-President Sheila Niezgodski made a motion to send Bill No. 44-22 to the full council with a favorable recommendation, which was seconded by Councilmember Lori Hamann, and carried by a vote of seven (7) ayes.

45-22

PUBLIC HEARING 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 full council with a favorable recommendation, which was seconded by Council Vice-President Sheila Niezgodski, and carried by a vote of seven (7) ayes.

46-22

PUBLIC HEARING 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)

Councilmember Rachel Tomas Morgan made a motion to send Bill *No. 46-22* to the full council with a favorable recommendation, which was seconded by Councilmember Karen White, and carried by a vote of seven (7) ayes.

47-22

PUBLIC HEARING 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

Councilmember Lori Hamann made a motion to send Bill *No. 47-22* to the full council with a favorable recommendation, which was seconded by Council President Sharon McBride, and carried by a vote of seven (7) ayes.

48-22

PUBLIC HEARING 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 (PUBLIC HEARING ONLY, THIRD READING ON 10-10-2022)

Council Vice-President Sheila Niezgodski made a motion to send Bill *No. 48-22* to the full council with a favorable recommendation, which was seconded by Councilmember Troy Warner, and carried by a vote of seven (7) ayes.

49-22

PUBLIC HEARING 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 (PUBLIC HEARING ONLY, THIRD READING ON 10-10-2022)

Councilmember Rachel Tomas Morgan made a motion to send Bill *No. 49-22* to the full council with a favorable recommendation, which was seconded by Council Vice-President Sheila Niezgodski, and carried by a vote of six (6) ayes (Councilmember Troy Warner was not present during the vote).

RISE AND REPORT

Councilmember Lori Hamann made a motion to rise from the Committee of the Whole and report back to the full council, which was seconded by Council Vice-President Sheila Niezgodski, and carried by a vote of seven (7) ayes.

REGULAR MEETING RECONVENED

BILLS ON THE THIRD READING

BILL NO.

44-22

THIRD 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 Lori Hamann made a motion to pass Bill *No. 44-22*, which was seconded by Councilmember Karen White, and carried by a vote of seven (7) ayes.

45-22

THIRD 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 pass Bill *No. 45-22*, which was seconded by Councilmember Canneth Lee, and carried by a vote of seven (7) ayes.

46-22

THIRD 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)

Councilmember Karen White made a motion to pass Bill *No. 46-22*, which was seconded by Councilmember Rachel Tomas Morgan, and carried by a vote of seven (7) ayes.

47-22

THIRD 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

Councilmember Lori Hamann made a motion to pass Bill *No. 47-22*, which was seconded by Councilmember Karen White, and carried by a vote of seven (7) ayes.

RESOLUTIONS

22-43

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE KENNEDY PARK NEIGHBORHOOD PLAN

Councilmember Rachel Tomas Morgan made a motion to adopt Resolution *No. 22-43*, which was seconded by Councilmember Canneth Lee, and carried by a vote of seven (7) ayes.

BILLS ON FIRST READING

BILL NO.

52-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO

RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS KELLER PARK NEIGHBORHOOD

Councilmember Karen White made a motion to send Bill *No. 52-22* to the Public Works and Property Vacation Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Council Vice-President Sheila Niezgodski and carried by a vote of seven (7) ayes.

53-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF DEPUTIES AND NON-BARGAINING EMPLOYEES APPOINTED BY THE CITY CLERK OF THE CITY OF SOUTH BEND, INDIANA FOR THE CALENDAR YEAR 2023
(SUBSTITUTE)

Councilmember Troy Warner made a motion to send Bill *No. 58-22* to the Personnel and Finance Committee on September 27, 2022, and to the full council for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

54-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR THE CALENDAR YEAR 2023

Councilmember Lori Hamann made a motion to send Bill *No. 54-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

55-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEARS 2023 AND 2024

Councilmember Karen White made a motion to send Bill *No. 55-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

56-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEARS 2023, 2024, AND 2025

Councilmember Lori Hamann made a motion to send Bill *No. 56-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

58-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK

FOR THE CALENDAR YEAR 2023
(SUBSTITUTE)

Councilmember Rachel Tomas Morgan made a motion to send Bill *No. 58-22* to the Personnel and Finance Committee on September 27, 2022, and to the full council for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

59-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR THE CALENDAR YEAR 2023 IN CONFORMITY WITH ORDINANCE NO. 10863-22 AND AMENDING THE CITY RESIDENCY INCENTIVE AT SECTION II (I) OF THAT ORDINANCE

Councilmember Canneth Lee made a motion to send Bill *No. 59-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Troy Warner and carried by a vote of seven (7) ayes.

60-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2023

Councilmember Canneth Lee made a motion to send Bill *No. 60-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Karen White and carried by a vote of seven (7) ayes.

61-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE MAYOR FOR THE CALENDAR YEAR 2023

Councilmember Rachel Tomas Morgan made a motion to send Bill *No. 61-22* to the Personnel and Finance Committee for a public hearing and third reading on October 10, 2022. The motion was seconded by Councilmember Canneth Lee and carried by a vote of seven (7) ayes.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Councilmember Lori Hamann gave an update on the Neighborhood Fridge Program.

Council Vice-President Sheila Niezgodski stated there will be an eviction sealing event at the Downtown Public Library on September 26, 2022.

Councilmember Canneth Lee stated on October 8, 2022, there will be an event at the Kingdom Christian Center to celebrate his nephew, who recovered from being shot.

PRIVILEGE OF THE FLOOR

None.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:34 p.m.

DRAFT