

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, October 10, 2022, at 7:00 p.m. Council President Sharon L. McBride called the meeting to order. Francois Bayingana 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/foi/349067/Row1.aspx>

ROLL CALL

COUNCIL MEMBERS PRESENT:

| | |
|---------------------|--|
| Canneth Lee | 1 st District, Committee of the Whole |
| Henry Davis Jr. | 2 nd District |
| 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:

| | |
|---------|--------------------------|
| 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

JULY 11, 2022 & JULY 25, 2022

AUGUST 06, 2022 & AUGUST 22, 2022

Councilmember Karen White made a motion to accept the minutes for the July 11, 2022, July 25, 2022, August 06, 2022, and August 22, 2022 common council meetings. The motion was seconded by Councilmember Lori Hamann and was carried out by a vote of eight (8) ayes.

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Karen White made a motion to resolve into the committee of the whole, which was seconded by Council Vice-President Sheila Niezgodski. The motion was carried out by a vote of eight (8) ayes.

PUBLIC HEARINGS

BILL NO.

50-22

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 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 full council with a favorable recommendation, which was seconded by Council Vice-President Sheila Niezgodski and was carried out by a vote of eight (8) ayes.

51-22

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 506 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

This bill has been tabled until December 12, 2022.

52-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VACATED 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 THE KELLER PARK NEIGHBORHOOD

Councilmember Karen White made a motion to table Bill No. 52-22 until November 14, 2022. The motion was seconded by Councilmember Henry Davis Jr. and was carried out by a vote of seven (7) ayes and one (1) nay (Councilmember Rachel Tomas Morgan voted nay).

53-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, 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 (3RD SUBSTITUTE)

Council Vice-President Sheila Niezgodski made a motion to accept the third Substitute Bill No. 53-22, which was seconded by Councilmember Rachel Tomas Morgan. The motion was carried out by a vote of eight (8) ayes.

Councilmember Troy Warner made a motion to send the third Substitute Bill No. 53-22 to the full council with a favorable recommendation, which was seconded by Councilmember Lori Hamann. The motion was carried out by a vote of eight (8) ayes.

54-22

PUBLIC HEARING 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

Council President Sharon McBride made a motion to send Bill *No. 54-22* to the full council with a favorable recommendation, which was seconded by Councilmember Lori Hamann. The motion was carried out by a vote of eight (8) ayes.

55-22

PUBLIC HEARING 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 THE CALENDAR YEARS 2023 AND 2024

Councilmember Troy Warner made a motion to table Bill *No. 55-22* until October 24, 2022, which was seconded by Councilmember Henry Davis Jr. The motion was carried out by a vote of eight (8) ayes.

56-22

PUBLIC HEARING 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

This bill has been tabled until October 24, 2022.

58-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SUBSTITUTE SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR THE CALENDAR YEAR 2023 (2ND SUBSTITUTE)

Council Vice President Sheila Niezgodski made a motion to accept the second Substitute Bill *No. 58-22*, which was seconded by Councilmember Rachel Tomas Morgan. The motion was carried out by a vote of eight (8) ayes.

Councilmember Troy Warner made a motion to send the second Substitute Bill *No. 58-22* to the full council with a favorable recommendation, which was seconded by Councilmember Lori Hamann. The motion was carried out by a vote of eight (8) ayes.

59-22

PUBLIC HEARING 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 (1) OF THAT ORDINANCE

Councilmember Troy Warner made a motion to send Bill *No. 59-22* to the full council with a favorable recommendation, which was seconded by Council Vice-President Sheila Niezgodski. The motion was carried out by a vote of eight (8) ayes.

60-22

PUBLIC HEARING 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 (SUBSTITUTE)

Council Vice President Sheila Niezgodski made a motion to accept Substitute Bill No. 60-22, which was seconded by Councilmember Karen White. The motion was carried out by a vote of eight (8) ayes.

Councilmember Troy Warner made a motion to send Substitute Bill No. 60-22 to the full council with a favorable recommendation, which was seconded by Councilmember Rachel Tomas Morgan. The motion was carried out by a vote of seven (7) ayes and one (1) nay (Councilmember Henry Davis Jr. voted nay).

61-22

PUBLIC HEARING 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 full council with a favorable recommendation, which was seconded by Councilmember Canneth Lee. The motion was carried out by a vote of eight (8) ayes.

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. The motion was carried out by a vote of eight (8) ayes.

REGULAR MEETING RECONVENED

BILLS ON THE THIRD READING

BILL NO.

48-22

THIRD 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 TO RAISE 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 adopt Bill No. 48-22, which was seconded by Council Vice-President Sheila Niezgodski. The motion was carried out by a vote of eight (8) ayes.

49-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION TO RAISE REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING

DECEMBER 31, 2023, AND APPROPRIATING MONIES TO DEFRAID 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
(SUBSTITUTE)

Councilmember Canneth Lee made a motion to adopt Bill *No. 49-22*, which was seconded by Council Vice-President Sheila Niezgodski. The motion was carried out by a vote of eight (8) ayes.

50-22

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 832 SOUTH BEND AVE. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Canneth Lee made a motion to adopt Bill *No. 50-22*, which was seconded by Council Vice-President Sheila Niezgodski. The motion was carried out by a vote of eight (8) ayes.

51-22

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 506 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

This bill has been tabled until December 12, 2022.

52-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, 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 THE KELLER PARK NEIGHBORHOOD

This bill has been tabled until November 14, 2022.

53-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, 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 **(3RD SUBSTITUTE)**

Councilmember Lori Hamann made a motion to adopt the third Substitute Bill *No. 53-22*, which was seconded by Councilmember Rachel Tomas Morgan. The motion was carried out by a vote of seven (7) ayes and one (1) nay (Councilmember Henry Davis Jr. voted nay).

54-22

THIRD 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

Council Vice-President Sheila Niezgodski made a motion to adopt Bill *No. 54-22*, which was seconded by Councilmember Canneth Lee. The motion was carried out by a vote of eight (8) ayes.

55-22

THIRD 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 THE CALENDAR YEARS 2023 AND 2024

This bill has been tabled until October 24, 2022.

56-22

THIRD 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

This bill has been tabled until October 24, 2022.

58-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, SUBSTITUTE SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR the CALENDAR YEAR 2023

Councilmember Rachel Tomas Morgan made a motion to adopt Bill *No. 58-22*, which was seconded by Councilmember Troy Warner. The motion was carried out by a vote of eight (8) ayes.

59-22

THIRD 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 Troy Warner made a motion to adopt Bill *No. 59-22*, which was seconded by Councilmember Canneth Lee. The motion was carried out by a vote of eight (8) ayes.

60-22

THIRD 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 (SUBSTITUTE)

Councilmember Rachel Tomas Morgan made a motion to adopt Substitute Bill *No. 60-22*, which was seconded by Councilmember Troy Warner. The motion was carried out by a vote of eight (8) ayes.

61-22

THIRD 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 adopt Bill *No. 61-22*, which was seconded by Councilmember Lori Hamann. The motion was carried out by a vote of eight (8) ayes.

RESOLUTIONS

None.

BILLS ON FIRST READING

BILL NO.

62-22

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, VACATING THE FOLLOWING DESCRIBED PROPERTY: ALLEY VACATION – N-S ALLEY STARTING FROM HILL ST TO FIRST E-W ALLEY BETWEEN CORBY AND KALORAMA

Councilmember Karen White made a motion to send Bill *No. 62-22* to the Public Works and Property Vacation Committee for a public hearing and third reading on October 24, 2022. The motion was seconded by Councilmember Lori Hamann and was carried out by a vote of eight (8) ayes.

63-22

FIRST READING ON AN ORDINANCE 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 GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 21275 CLEVELAND ROAD, SOUTH BEND, INDIANA

Councilmember Lori Hamann made a motion to send Bill *No. 63-22* to the Area Planning Commission on November 21, 2022, to the Zoning and Annexation Committee for public heading and second reading on December 12, 2022, and for council discussion and third reading on January 09, 2023. The motion was seconded by Council Vice-President Sheila Niezgodski and was carried out by a vote of eight (8) ayes.

UNFINISHED BUSINESS

Councilmember Henry Davis Jr. asked for updates regarding the Citizen’s Review Board, which was given by Attorney Bob Palmer.

NEW BUSINESS

Council-Vice President Sheila Niezgodski stated there will be an Eviction Sealing Clinic at Howard Park on October 11, 2022.

PRIVILEGE OF THE FLOOR

None.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:10 p.m.