

**REPORT OF SUB-COMMITTEE ON MINUTES**

**TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:**

**THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE**

**DATE: 10-23-2023**

**MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.**

**THEREFORE, WE RECOMMEND THE SAME BE APPROVED:**

  
\_\_\_\_\_  
ELI WAX

  
\_\_\_\_\_  
TROY WARNER

**APPROVED BY THE COMMON COUNCIL ON:**

**ATTEST:**

  
\_\_\_\_\_  
DAWN M. JONES, CITY CLERK

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 23, 2023 at 7:00 p.m. The meeting was called to order by Council President Sharon L. McBride and the Invocation by Dawn Jones and Pledge to the Flag were given.

OR-

Be it remembered that the Common Council of the City of South Bend, Indiana met via Microsoft Teams app on Monday, October 23, 2023, at 7:00 p.m. The meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Dawn Jones.

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 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. The full recording of the South Bend Common Council meetings is available upon request from the Clerk's Office or can be found at the following link:

<https://docs.southbendin.gov/WebLink/0/fol/360589/Row1.aspx>

**INVOCATION**

Pastor Jason Miller – South Bend City Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**COUNCIL MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Dawn M. Jones	City Clerk
Victoria A. Trujillo	Chief Deputy Clerk
Shayla Kimbrough	Deputy Clerk
Bianca Tirado	Council Consultant
Bob Palmer	Council Attorney

Members marked with an asterisk (\*) are in virtual attendance.

**REPORT FROM THE SUB-COMMITTEE ON MINUTES**

**SPECIAL BUSINESS**

Approval of 2024 South Bend Common Council Meeting Dates & Deadlines

**REPORTS FROM CITY OFFICES**

**RESOLVE INTO 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, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Councilmember Canneth Lee, Chairperson, presiding.

Councilmember Canneth Lee explained the procedures for the meeting per Article 1, Section 2-11 of the South Bend Municipal Code.

**PUBLIC HEARINGS**

**BILL NO.**

[68-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE 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 2024  
**(SUBSTITUTE)**

Councilmember Troy Warner made a motion to accept the Substitute Bill No. 68-23 which was seconded by Councilmember Sheila Niezgodski, and the motion carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Councilmember Sheila Niezgodski stated Bill No. 68-23 was previously heard in the Personnel & Finance Committee and it comes to the Committee of the Whole with a favorable recommendation.

Dawn Jones, City Clerk, with offices on the 4<sup>th</sup> floor of the County City Building presented Bill No. 68-23. Jones indicated the salary of the City Clerk was removed due to the Ordinance being for Clerk Non-bargaining employees. Jones indicated there were no other changes.

Councilmember Canneth Lee opened the floor to the public for comments.

There was no one from the public expressing to speak in favor or in opposition of Bill No. 68-23. Councilmember Troy Warner made a motion to send Bill No. 68-23 to the full council with a favorable recommendation which was seconded by Council Vice-President Sheila Niezgodski, and the motion carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Substitute Bill No. 68-23 moves to the full council with a Favorable recommendation.

[70-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10893-22, WHICH FIXED MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEAR 2023, TO CORRECT A SCRIVENER’S ERROR IN THE WAGE TABLES FOR THE EQUIPMENT SERVICES WORK GROUP, INCLUDE ADDITIONAL GROUP LEADER POSITION TITLES FOR THE VENUES PARKS & ARTS WORK GROUP, AND ADD NEW POSITIONS FOR THE WATER WORKS CUSTOMER SERVICE WORK GROUP

Councilmember Sheila Niezgodski stated Bill No. 70-23 was previously heard in the Personnel & Finance Committee and it comes to the Committee of the Whole with a favorable recommendation.

Kyle Willis, City Controller, with offices on the 14<sup>th</sup> Floor of the County-City Building presented Zoning Special, presented Bill No. 70-23. The bill aims to amend the Salary Ordinance, specifically targeting the wage rates for machinist 5 and mechanics 5. Additionally, Willis mentioned the inclusion of two new positions within the Water Works—Billing and Account Specialist 1 and 2. These positions will be integrated into the Innovation and Technology 311 Department as part of the Water Works' reorganization. Furthermore, three new VPA (Venues, Parks, and Arts) positions have been introduced to clarify job titles, aligning their salary rates with other leadership roles in VPA.

Councilmember Canneth Lee opened the floor the public for comments.

There was no one from the public expressing interest to speak in favor or in opposition of Bill No. 70-23.

Councilmember Rachel Tomas Morgan made a motion to send Bill No. 70-23 to the full council with a favorable recommendation, which was seconded by Councilmember Troy Warner, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

[71-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS; AUTHORIZING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THIRTY-SIX MILLION DOLLARS (\$36,000,000) TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS; ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

Councilmember Sheila Niezgodski stated the Bill No. 71-23 was previously heard in the Personnel and Finance Committee and it comes to the Committee of the Whole with a favorable recommendation.

Eric Horvath, Director of Public Works, with offices on the 13<sup>th</sup> Floor of the County-City Building provided presented Bill No. 71-23. Mr. Horvath highlighted that the ordinance seeks to grant authorization to the Department of Public Works for the issuance of sewage works revenue bonds. The primary objective is to fulfill the long-term controlled planned consent decree requirements for Combined Sewer Overflow (CSO). The initial projects under consideration are twofold, involving efforts to bring the treatment plant capacity to 100 million gallons per day (mgd). This includes addressing bottlenecks and constructing a 3 million gallon equalization basin at the treatment plant. The proposed bonds could amount to a maximum of \$36 million, and the aim is to finalize the bond closure by the end of November.

Councilmember Canneth Lee opened the floor to the public for comments.

There was no one from the public expressing interest to speak in favor or in opposition of Bill No. 71-23.

Councilmember Henry Davis, Jr. inquired about Mr. Horvath's update on the curb and sidewalk program, specifically seeking information on its outlook for the upcoming year. This inquiry is pertinent as the Council is expected to submit their addresses in relation to the program.

Mr. Horvath noted that there have been delays in the curb and sidewalk program due to the comprehensive inventory process of every sidewalk in the City, a historical first. He anticipates receiving the data soon but acknowledges the potential need to provide some information to the Council before that. To assist the Council in compiling their list, he intends to send over the relevant information by the end of the week.

Councilmember Henry Davis, Jr. made a motion to send Bill No. 71-23 to the full council with a favorable recommendation, which was seconded by Councilmember Sheila Niezgodski, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

[72-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2024

Councilmember Sheila Niezgodski stated the Bill No. 72-23 was previously heard in the Personnel and Finance Committee and it comes to the Committee of the Whole with a favorable recommendation.

Sharon McBride, Council President, with offices on the 4<sup>th</sup> floor of the County-City Building presented Bill No. 72-23. President McBride clarified that the bill in question is an ordinance outlining the yearly salaries for members of the South Bend Common Council. The proposed standard is a 3% salary increase, consistent with the prevailing trend in council member compensations in other cities.

There was no one from the public expressing interest to speak in favor or opposition of Bill No. 71-23. Councilmember Henry Davis, Jr. inquired of President McBride whether she would contemplate a 5% salary increase, suggesting that it aligns with the principles of a transparent public process. He expressed the view that the current compensation for councilmembers, situated in the lowest salary category in the City of South Bend, does not reflect the significance of their roles, despite the fact that crucial decisions hinge on their actions.

Furthermore, Davis argued that a higher salary imparts greater seriousness to the position and may encourage prospective candidates to seriously consider running for office, as it would be financially worthwhile. He emphasized that council members deserve a more substantial pay rate, citing his research on salaries in other Indiana cities, where increases have been deemed necessary due to the time-intensive nature of the job.

Council President McBride expressed her appreciation to Councilmember Davis for his question and mentioned that several other council members have also raised inquiries about a potential increase. However, she highlighted that during the initial ordinance presentation, it was agreed that the council would defer the appropriation until the following year's budget cycle, given that the current meeting focused on passing the 3% increase. McBride welcomed her colleagues to share their insights and perspectives on the matter.



Council Vice-President Sheila Niezgodski expressed her belief that the 3% increase was determined based on the approved budget. She noted that the council had already accounted for this budget in their overall budgetary planning. After gathering input from council members, it was evident that most were content with aligning their compensation with that of other non-bargaining employees. McBride acknowledged the interest in a salary increase. However, she clarified that the budget discussions occurred after the budget had already been passed. There was consideration of revisiting and potentially amending the budget to accommodate the desired increase next year.

Councilmember Canneth Lee sought confirmation on whether there would be a comprehensive review of salaries and a process of right-sizing for the entire city.

President McBride deferred his question to the Finance Department representative.

Mr. Willis, City Controller, with offices on the 12th floor of the County-City Building indicated Mr. Lee is correct and they do plan to have a study conducted on city-wide salaries in comparison to cities of their size elsewhere and also a study done on the departments budgets as well.

Councilmember Davis clarified that despite public perception, council members are not city employees; rather, they are elected officials. He emphasized the authority of council members to make changes and expressed the belief that a salary increase would contribute to the advancement of democracy. Davis argued that the current annual compensation of \$23,000 is below the minimum wage, a concern he has raised consistently since 2010. Expressing his support, Councilmember Davis indicated he would be in favor of a 10% increase and subsequently making a motion regarding the initially proposed 3% increase ahead of the public hearing portion.

Councilmember Canneth Lee opened the floor the public for comments.

There was no one from the public expressing interest to speak in favor or in opposition of Bill No. 72-23.

Councilmember Rachel Tomas Morgan made a motion to send Bill No. 72-23 to the full council with a favorable recommendation, which was seconded by Councilmember Sheila Niezgodski, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

[50-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ANNEXING AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 23114 LINCOLNWAY WEST, COUCILMANIC DISTRICT NO. 1, IN THE CITY OF SOUTH BEND, INDIANA – **SUBSTITUTE BILL (PH ONLY)**

Councilmember Troy Warner made a motion to accept the Substitute Bill No. 68-23 which was seconded by Councilmember Sheila Niezgodski, and the motion carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Councilmember Lori Hamann stated Substitute Bill No. 50-23 was previously heard in the Zoning and Annexation Committee and it comes to the committee of the whole with no recommendation.

Amani Morrell, Zoning Specialist, with offices on the 13<sup>th</sup> floor of the County-City Building presented Substitute Bill No. 50-23. Morrell indicated the property is in unincorporated St. Joseph County and the owner is the St. Joseph County Airport Authority. He indicated they are looking to annexing and re-zoning from C-Commercial to I-Industrial as they are looking to develop the land this into a carwash and detailing shop for other car rental businesses at the airport. The Bill comes to the Council with a favorable recommendation from the Planning Commission.

Councilmember Canneth Lee opened the floor the public for comments.

There was no one from the public expressing interest to speak in favor or against Substitute Bill No. 50-23.

The Public Hearing Portion of Substitute Bill No. 50-23 was closed.

**RISE AND REPORT**

Council President Sharon McBride made a motion to rise from the Committee of the Whole and report to back to Full Council, which was seconded by Councilmember Troy Warner, and carried by a voice vote of nine (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

**REGULAR MEETING RECONVENED**

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City building at 7:31 p.m. Council President Sharon L. McBride presided with nine (9) members present.

**BILLS ON THIRD READING**

**BILL NO.**

68-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE 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  
2024 (SUBSTITUTE)

Councilmember Canneth Lee indicated Bill No. 68-23 comes to the full council with a favorable recommendation from the Committee of the Whole.

Councilmember Karen L. White made a motion to adopt Bill No. 68-23, which was seconded by Councilmember Canneth Lee and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski - *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Bill No. 68-23 has been Adopted.

70-23

THIRD READING ON AN ORDINANCE OF THE  
COMMON COUNCIL OF THE CITY OF THE  
SOUTH BEND, INDIANA, AMENDING  
ORDINANCE NO. 10893-22, WHICH FIXED  
MAXIMUM WAGES OF TEAMSTER  
EMPLOYEES FOR CALENDAR YEAR 2023, TO  
CORRECT A SCRIVENER’S ERROR IN THE  
WAGE TABLES FOR THE EQUIPMENT  
SERVICES WORK GROUP, INCLUDE  
ADDITIONAL GROUP LEADER POSITION  
TITLES FOR THE VENUES PARKS & ARTS  
WORK GROUP, AND ADD NEW POSITIONS  
FOR THE WATER WORKS CUSTOMER  
SERVICE WORK GROUP

Councilmember Canneth Lee indicated Bill No. 70-23 comes to the full council with a favorable recommendation from the Committee of the Whole.

Council Vice-President Sheila Niezgodski made a motion to adopt Bill No. 70-23, which was seconded by Councilmember Canneth Lee and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. - *Aye*

Bill No. 70-23 has been Adopted.

71-23

THIRD READING ON AN ORDINANCE OF THE

COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE CITY'S SEWAGE WORKS; AUTHORIZING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THIRTY-SIX MILLION DOLLARS (\$36,000,000) TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS; ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN THE ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH.

Councilmember Canneth Lee indicated Bill No. 71-23 comes to the full council with a favorable recommendation from the Committee of the Whole.

Council Vice-President Sheila Niezgodski made a motion to adopt Bill No. 71-23, which was seconded by Councilmember Rachel Tomas Morgan, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Bill No. 71-23 has been Adopted.

72-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2024

Councilmember Canneth Lee indicated Bill No. 72-23 comes to the full council with a favorable recommendation from the Committee of the Whole.

Councilmember Canneth Lee made a motion to adopt Bill No. 72-23, which was seconded by Council Vice-President Sheila Niezgodski seconded the motion, and carried by a vote of (8) ayes and (1) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Nay*

Bill No. 72-23 has been Adopted.

**RESOLUTIONS**

**BILL NO.**

[23-63](#)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (AIRPORT-MOSS ANNEXATION AREA)

Councilmember Lori Hamann stated the Bill No. 23-63 was previously heard in the Zoning & Annexation Committee and it comes to the full council with a favorable recommendation.

Michael Divita, Principal Planner in the Department of Community Investment, with offices on the 14<sup>th</sup> floor of the County-City Building presented Bill No. 23-63, focusing on a 2.9-acre annexation area requested by a property owner at the Southeast corner of Lincolnway West and Moss Road. The proposed plan involves establishing a car wash and detailing facility to serve car rental businesses at the airport. No immediate capital improvements are planned, but water and sewer access is available along old Lincolnway West. The annexation includes short sections of old Lincolnway West and Moss Road, adding the area to the Common Council 1st District. Essential services, such as Police, Fire, Emergency Medic, Neighborhood Services, and Enforcement Area, will be provided within a year of annexation, with response times comparable to other city areas. Mr. Divita sought the council's adoption of the Resolution and offered to address any questions they may have.

Councilmember Eli Wax inquired about the amount of additional revenue the city would receive. Mr. Divita indicated it would be tax exempt as it is owned by the airport authority, another local unit of government even after the annexation.

Councilmember Canneth Lee sought confirmation regarding the observed growth in the 1st District and Mr. Divita agreed.

Council President Sharon McBride opened the floor to the public for comment.

There was no one from the public expressing interest to speak in favor or opposition of Bill No. 23-63.

Council member Sharon McBride opened the floor for final remarks by Councilmembers. There were no final remarks made by councilmembers which closed the Public Hearing portion of the Resolution.

Councilmember Troy Warner made a motion to adopt Bill No. 23-63, which was seconded by Councilmember Karen L. White, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

Bill No. 23-63 has been Adopted.

**BILLS ON FIRST READING**

**BILL NO.**

[74 - 23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED, 1023 QUIMBY STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Karen L. White made a motion to send Bill No. 74-23 to the South Bend Plan Commission on November 20, 2023 and to the Zoning and Annexation Committee for Public Hearing and Third Reading on December 11, 2023, which was seconded by Council Vice-President Sheila Niezgodski, and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

[75 - 23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1119 TWYCKENHAM DRIVE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Vice-President Sheila Niezgodski made a motion to send Bill No. 75-23 to the Zoning & Annexation Committee on November 13, 2023, which was seconded by Councilmember Rachel Tomas Morgan and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

[62-23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AN ORDINANCE TO

VACATE THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 2 EAST OF THE 2ND PRINCIPAL MERIDIAN, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 49 ON THE RECORDED PLAT OF NORTHWEST ADDITION 2ND PLAT IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 90°00'00" WEST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET; THENCE NORTH 0°05'13" WEST A DISTANCE OF 60.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KING STREET; THENCE NORTH 90°00'00" EAST ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 64.00 FEET TO THE POINT OF BEGGINING OF THE DESCRIPTION CONTAINING 3,840 SQUARE FEET

Councilmember Sheila Niezgodski made a motion to send Bill No. 62-23 to the Public Works & Property Vacation Committee on November 13, 2023, which was seconded by Councilmember Canneth Lee and carried by a vote of (9) ayes and (0) nays.

Councilmember Lee – *Aye*

Councilmember Warner – *Aye*

Councilmember Wax – *Aye*

Councilmember White – *Aye*

Councilmember Tomas Morgan – *Aye*

Councilmember Hamann\* – *Aye*

Council Vice-President Niezgodski – *Aye*

Council President McBride – *Aye*

Councilmember Henry Davis, Jr. – *Aye*

**UNFINISHED BUSINESS**

Councilmember Henry Davis, Jr. announced the commencement of the LaSalle Park Neighborhood Association and Planning meetings with the City of South Bend on Tuesday, October 21, 2023, at the Charles Black Recreational Center. These meetings mark the beginning of a series, and the council is extended an invitation to participate.

Councilmember Canneth Lee took a moment to express appreciation to Portage Township Trustee Jason Critchlow for organizing a coat giveaway at Meijer in the 1st District. He noted the positive impact on hundreds of families who were able to acquire coats for the upcoming season. Additionally, Lee reminded everyone about the Cops and Goblins trunk-or-treat event scheduled at the Four Winds Field on Tuesday, October 24, 2023, from 5:00 to 7:30 P.M.

**NEW BUSINESS**

**PRIVILEGE OF THE FLOOR**

Logan Foster, residing at 1138 College in South Bend, IN, 46628 distributed handouts to the Common Council and voiced his apprehension regarding his request for a meeting with the Mayor.

Additionally, he is eagerly awaiting a response from the Common Council concerning the recording he submitted. Foster offered additional background information to provide context to his concerns.

Council President Sharon McBride responded to Mr. Foster's concerns, pointing out that some of the information provided is unrelated to his requested meeting with the Mayor. McBride noted that since his initial visit with the council, she has met with Mr. Foster, along with his District representative, Councilmember Lee, Councilmembers Wax, and White. Following their meeting, there was an immediate discussion with the Chief of Police and his Chiefs within the next 24-48 hours.

McBride further explained that Mr. Foster had the opportunity to meet with the Mayor at the last Mayor's Night Out event and also spoke with the Mayor and Chief Ruskowski. McBride mentioned that the council was copied on emails with Chief Skibbins, and certain points raised by Mr. Foster were acknowledged for investigation by the South Bend Police Department.

She clarified that Mr. Foster went beyond the previous issues discussed in a council meeting, and she is not aware of his additional requests. McBride stated that she has addressed his concerns like any other citizen member and will continue to do so. However, she emphasized that the allegations against Ms. Micou will need to be discussed with the City Legal Department, as there is a separate branch between the City and the County. Due to a formal complaint against a councilmember on file, McBride informed Mr. Foster that the Council could no longer discuss his concerns in light of the filed complaint.

Mr. Foster inquired about the meaning behind Council President McBride's statement that no one from the Council could engage in further discussions with him due to a complaint against Councilmember Henry Davis, Jr. He mentioned seeking clarification from the parliamentarian, who indicated that McBride's statement was not accurate.

McBride clarified that her remarks originated from when Mr. Foster initially filed a complaint against her colleague. At that time, he was informed that the council, as a body, would no longer communicate with him. However, she emphasized that each council member is independent and can choose to respond individually if they wish.

Mr. Foster sought to clarify for the record that, in his conversation with the parliamentarian, he was informed that the council is permitted to communicate with him, albeit not concerning his complaint about Councilmember Davis. Subsequently, there was additional discussion between Foster and McBride regarding the specifics of his new grievances.

Don Foster, who lives at 132 Chapin Street, South Bend, IN, 46601 shared his insights regarding Mr. Foster's concerns about his efforts to request a meeting with the Mayor. He emphasized the importance of raising awareness among residents about how they can contribute to the City of South Bend. Don highlighted the need for unity among the people in the city and he believes that Mr. Foster's actions are motivated by a desire to foster community assistance.

President McBride responded that she has laid out what Mr. Foster's concerns were after their meeting and acted immediately upon his concerns by scheduling a meeting with the Police Department. She stated correspondence and concerns from Mr. Foster were sent to the legal department by her colleague. Mr. Don Foster acknowledged his understanding of her efforts to address Mr. Logan Foster's concerns. McBride then expressed gratitude to Don Foster for attending the Council meeting.

The meeting was adjourned at 7:59 P.M.