

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: 09-12-2022

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED.

**THIS RECOMMENDATION FOR APPROVAL IS MADE RECOGNIZING
THAT 3 CURRENT MEMBERS OF COUNCIL WERE NOT SEATED IN 2022
OR 2023 AND AS SUCH WILL BE ABSTAINING FROM ANY FORMAL
APPROVAL OF OLD MINUTES.**



TROY WARNER

SHERRY BOLDEN-SIMPSON

APPROVED BY THE COMMON COUNCIL ON: 03-25-24

ATTEST:



BIANCA L. TIRADO, CITY CLERK

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

COUNCIL MEMBERS ABSENT

None.

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

SUB-COMMITTEE ON MINUTES

None.

SPECIAL BUSINESS

<u>22-40</u>	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
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Councilmember Eli Wax read Bill No. 22-40.
Councilmember Warner thanked Councilmember Wax for putting together the resolution.
Councilmember Lori Hamann thanked Councilmember Wax and Councilmember Warner.
Councilmember Henry Davis Jr. stated that Zachery Potts and Jackie Walorski were warm and welcoming people.

Council President McBride stated that her heart goes out to all those affected by this tragedy.

Councilmember Karen White thanked Councilmember Wax and Councilmember Warner and stated that her heart goes out to everyone affected by this tragedy.

Councilmember Canneth Lee thanked Councilmember Wax and Councilmember Warner. Councilmember Lee stated that this tragedy should serve as a reminder that tomorrow is not promised, and that everyone should focus on helping and loving one another.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill for its second (2nd) reading.

Councilmember Hamann stated that Bill No. 32-22 came before the Zoning and Annexation Committee and comes with no recommendation.

Councilmember Lee requested that the petitioner(s) state their name and address and share key points before the council.

The petitioner was not present.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill for its second (2nd) reading.

Councilmember Hamann stated that Bill No. 40-22 came before the Zoning and Annexation Committee and comes with a favorable recommendation.

Councilmember Lee requested that the petitioner(s) state their name and address and share key points before the council.

Angela Smith, Zoning Administrator, with offices on the 14th floor of the County-City Building, stated that Bill No. 40-22 enacts a special exception to allow a retail establishment in an Urban Flex (UF) district. Bill No. 40-22 comes from the Board of Zoning Appeals with a favorable recommendation.

Andrew Hoffman, petitioner, 16925 Londonberry Lane South Bend IN 46635, stated that he intends to sell the property, and that he has found a potential buyer.

Councilmember Lee requested questions from the Council and nobody spoke.

Councilmember Lee held the public hearing, and no members of the public spoke.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

Clerk Jones read the substitute bill for its second (2nd) reading.

Council President McBride stated that Bill No. 42-22 came before the Rules Committee and comes with a favorable recommendation.

Councilmember Lee requested that the petitioner(s) state their name and address and share key points before the council.

Bob Palmer, South Bend Common Council Attorney, with offices on the 4th floor of the County-City Building, stated that Bill No. 42-22 modernizes the procedures used by the South Bend Common Council to operate.

Councilmember Lee requested questions from the Council.

Councilmember Hamann requested clarity on the ordinance regarding the Administration.

Attorney Palmer stated that Section Five (5) of the ordinance outlines that the Administration shall confer with the committee chair whenever possible.

Councilmember Hamann stated that the ordinance does not include the terms “whenever possible” in that context.

Council Vice President Sheila Niezgodski stated that the language had been changed from “should, when at all possible” to “shall” because most of the time in these situations the Administration already knows who to speak with and has usually already contacted the committee chair. This change of language also allows for items that need to occur on shorter notice to be completed without unnecessary delays.

Councilmember Davis Jr. does not agree with the ordinance because there are already filing deadlines and the responsibility should be the responsibility of the Councilmembers to read the legislation and argues that this ordinance would make Councilmembers subservient to committee chairs when wanting to pass legislation.

Council Vice President Niezgodski stated that there has been consistent discussion regarding whether committee chairs are notified of legislation, and that this bill will formalize the process.

Councilmember Rachel Tomas Morgan asked for clarification regarding special proclamations.

Attorney Palmer stated that special proclamations are on behalf of one (1) or more Councilmembers presented outside of any Council meeting.

Councilmember Davis Jr. asked what would occur if a committee chair refused to sign-off on whether they were presented a bill to be put on their committee’s agenda.

Attorney Palmer stated that the sponsor of the bill would need to request that the legislation go to another committee or go to the Council President to seek a remedy.

Council President McBride stated that this bill helps to address a problem the Council has faced of having legislation filed after the filing deadline.

Councilmember Davis Jr. stated that the issue should be resolved by working with the City Clerk’s Office and not by requiring Councilmembers to receive signatures from Committee Chairs before allowing them to put legislation on a committee’s agenda.

Councilmember Lee opened the public hearing.

Reverend Henry Davis Sr, 215 North Sheridan Street South Bend IN 46619, stated that this is not a procedural problem, this is a managerial problem.

Dawn Jones, City Clerk, with offices on the 4th floor of the County-City Building, stated that bills that are filed come to the Clerk’s Office before noon filing days, but resolutions have been allowed to arrive after the noon deadline. The agenda goes to the Council before it goes to the public.

Councilmember Lee closed the public hearing and asked Councilmembers if they would like to make any statements.

Councilmember Hamann stated that the Council needs to be careful in diluting the structure of the City Government.

Councilmember White requested clarity regarding the different standards for ordinances and resolutions.

Councilmember Tomas Morgan thanked the Rules Committee and stated that she has already held the view that resolutions along with ordinances were due before noon on filing day.

Councilmember Davis Jr. stated that it seems the issue at hand is between the Council and the Clerk’s Office, and not the Council and the sponsors of bills. This bill will only increase Attorney Palmer’s workload.

Councilmember Wax stated that the bill is a start to fixing Article Two (2) and a start to improving the processes of which the Council follows.

Council Vice President Niezgodski stated that this bill was created after viewing the processes of other cities and states to improve Council procedures and promote a positive dialogue.

Council President McBride stated that she agrees with Council Vice President Niezgodski.

Councilmember Lee stated that this bill will help streamline the processes and can be changed in the future if need be.

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).

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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)

Clerk Jones read the bill for its second (2nd) reading.

Council Vice President Niezgodski stated that Bill No. 43-22 came before the Personnel and Finance Committee and comes with a favorable recommendation.

Councilmember Lee requested that the petitioner(s) state their name and address and share key points before the council.

Eric Horvath, Public Works Director, with offices on the 13th floor of the County-City Building, stated that Bill No. 43-22 updates Chapter Seventeen (17) of the South Bend Municipal Code.

Councilmember Lee requested comments from the Council.

Councilmember Lee thanked Eric Horvath and requested ideas regarding ways in which information regarding City programs can be relayed to residents.

Councilmember Wax requested information regarding the qualifications for the program.

Eric Horvath stated that the eligibility cut-off is based on area median income (AMI) and has four (4) tiers.

Councilmember Wax stated that there should be audits done to certify that residents in the program should be in the program.

Denise Riedl, Chief Innovation Officer, with offices on the 12th floor of the County-City Building, stated that there is a plan to do a randomized audit early next year of program members.

Councilmember Hamann asked what the current area median income is.

Eric Horvath stated that the AMI is dependent on household size, and is forty-two thousand dollars (\$42,000) for an individual.

Councilmember Lee held the public hearing and nobody spoke.

Councilmember Wax stated that if the City wants to subsidize utilities, then it should come out of the general fund rather than increasing charges for residents.

Councilmember Davis Jr. agrees with Councilmember Wax.

Councilmember Hamann stated that the City has subsidized tax abatements for years and utility subsidies should be less controversial.

Councilmember Tomas Morgan thanked Public Works for helping residents.

Council President McBride thanked Public Works for helping residents.

Councilmember White thanked Public Works for helping residents.

Council Vice President Niezgodski thanked Public Works for helping residents.

Councilmember Lee is glad that renters will be helped with this legislation.

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 two (2) nays.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Nay</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its third (3rd) reading.

After the third (3rd) reading, President McBride requested a committee report.

Councilmember Lee stated Bill No. 40-22 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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)

Clerk Jones read the substitute bill to the Council for its third (3rd) reading.

After the third (3rd) reading, President McBride requested a committee report.

Councilmember Lee stated Bill No. 42-22 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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)

Clerk Jones read the bill to the Council for its third (3rd) reading.

After the third (3rd) reading, President McBride requested a committee report.

Councilmember Lee stated Bill No. 43-22 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Hamann made a motion to pass Bill No. 43-22, which was seconded by Councilmember Tomas Morgan, and was carried by a vote of seven (7) ayes and two (2) nays.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Nay</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated Bill No. 22-39 was heard in the Community Investment Committee and comes to the Full Council with a favorable recommendation.

President McBride requested that the petitioner(s) state their name and address and share key points before the council.

Erik Glavich, Director of Growth and Opportunity, with offices on the 14th floor of the County-City Building, stated that Steel Warehouse Company, LLC is investing in the Westside of South Bend, creating twelve (12) new full time employees, and retain five hundred and thirteen (513) full time employees.

Councilmember Hamann asked what the community investment benefit would be with this abatement.

Caleb Bauer, acting Executive Director of Community Investment, with offices on the 14th floor of the County-City Building, stated that the addition of jobs by a model employer brings great benefit to the community.

Councilmember Davis Jr. requested more information regarding the benefits to justify a tax abatement.

Caleb Bauer stated that without this abatement the employer may not seek to pursue their investment, which would result in them not creating twelve (12) new jobs which would increase the tax base.

Carl Parker, President at Steel Warehouse, stated that part of the investment is to buy products from local suppliers which would benefit the community.

Jerry Lerman, 1121 East Woodside Street, South Bend IN 46614, stated that South Bend had lost industrial jobs in the past, and this resolution will help to bring industry to South Bend.

Councilmember Wax asked what the potential useful life of the equipment that will be purchased.

Carl Parker answered between twenty-five (25) and thirty (30) years.

Councilmember Wax requested clarification regarding jobs, and asked what the annual tax would be after the abatement.

Carl Parker stated that should the tax abatement not be passed there would be a loss of ten (10) current jobs as well as the loss of twelve (12) future jobs.

Erik Glavich stated that the annual taxes would be tens of thousands of dollars.

Council President McBride held the public hearing, and nobody spoke.

Councilmember Davis Jr. stated that community benefit should be defined as a specific need.

Councilmember Tomas Morgan thanked Steel Warehouse.

Council Vice President Niezgodski recognized that Steel Warehouse is a family-owned business and thanked them for their investment into South Bend.

Councilmember Warner thanked Steel Warehouse for their support of South Bend.

Councilmember Lee thanked Steel Warehouse for their investment in South Bend.

Clerk Jones thanked Steel Warehouse for their investment in South Bend.

Councilmember Wax thanked Steel Warehouse for their investment in South Bend.

Councilmember White thanked Steel Warehouse for their commitment to South Bend.

Councilmember Hamann thanked Steel Warehouse for their investment in South Bend and stated that the idea of community benefit is antiquated and needs to be revitalized.

Councilmember Davis Jr. agreed with Councilmember Hamann.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated Bill No. 22-42 was heard in the Innovation and Technology Committee and comes to the Full Council with a favorable recommendation.

President McBride requested that the petitioner(s) state their name and address and share key points before the council.

Rachel Tomas Morgan, Councilmember, with offices on the 4th floor of the County-City Building, stated that this resolution will help to modernize South Bend and show the state of Indiana that the South Bend Common Council supports the City's decision to become a broadband ready city.

Councilmember Warner stated that this bill will help to modernize South Bend.

Councilmember Lee stated that this resolution will help South Bend overcome the digital divide.

Councilmember Tomas Morgan thanked the Administration.

Councilmember Davis Jr. hopes that there will be connection in poorer communities.

Council President McBride stated that she is glad the City has made strides in increasing connectivity and stated that she is happy to work with Councilmember Davis Jr.

Denise Riedl, Chief Innovation Officer, with offices on the 12th floor of the County-City Building, thanked Council for their work on this legislation.

Councilmember Warner requested clarification regarding an increase of open Wi-Fi spots.

Denise Riedl stated that there are plans to increase the number of open Wi-Fi spots to over one hundred and eighty (180).

Council President McBride held the public hearing, and nobody spoke.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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.

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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)

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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

Clerk Jones read the bill to the Council for its first (1st) reading.

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.

Council President Sharon McBride – <i>Aye</i>	Council Vice President Sheila Niezgodski – <i>Aye</i>
Councilmember Canneth Lee – <i>Aye</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

UNFINISHED BUSINESS

Councilmember 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. Councilmember Davis Jr. stated that there haven't been any employee surveys received.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

None.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:45 p.m.