

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: 03-11-2024

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:



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 on Monday, March 11, at 7:00 p.m. Council President Sharon McBride called the meeting to order. Reverend Tony McGraw of Faith Baptist Church gave the invocation.

City Clerk Bianca L. Tirado 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.

Please note the attached link for the meeting recording:

<http://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=381285>

Council meetings are also available at Michiana Access Channel on both their website and their Facebook page.

ROLL CALL

COUNCIL MEMBERS PRESENT:

Canneth Lee	1 st District, Committee of the Whole
Ophelia Gooden-Rodgers	2 nd District
Sharon L. McBride	3 rd District, President
Troy Warner	4 th District
Sherry Bolden-Simpson	5 th District
Sheila Niezgodski	6 th District, Vice-President
Dr. Oliver Davis	At-Large
Rachel Tomas Morgan	At-Large
Karen L. White	At-Large

OTHERS PRESENT:

Bianca L. Tirado	City Clerk
Danica Kulemeka	Chief Deputy Clerk
Elivet Quijada-Navarro	Deputy Director of Policy
Matthew Neal	Director of Special Projects
Bob Palmer	Council Attorney

SUB-COMMITTEE ON MINUTES:

October 24, 2022 February 26, 2024

Council President McBride requested reports from the Sub-Committee on Minutes.

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the February 26, 2024 Common Council meeting minutes and recommend they be approved.

Councilmember Dr. Oliver Davis motioned to approve the February 26, 2024 Common Council meeting minutes. The motion was seconded by Councilmember Troy Warner and carried by a unanimous vote of acclimation.

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the October 24, 2022 Common Council meeting minutes and recommended that they be approved. It is understood that Councilmembers who were not members of Council in 2022 will be abstaining.

Councilmember Troy Warner motioned to approve the October 24, 2022 Common Council meeting minutes. The motion was seconded by Councilmember Canneth Lee and carried by a vote of acclimation with six (6) members in favor and three (3) members abstaining.

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Dr. Davis motioned to resolve into the Committee of the Whole, which was seconded by Council Vice President Niezgodski and carried by a unanimous vote of acclimation.

PUBLIC HEARINGS

BILL NO.

11-24

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 737 BEALE STREET

Clerk Tirado read the bill to the Council for its second (2nd) reading.

After the second (2nd) reading, Councilmember Lee requested the committee report.

Councilmember Dr. Davis, chair of the Zoning and Annexation Committee, stated that Bill No. 11-24 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.

Skip Morrell, zoning specialist, with offices on the 14th floor of the County-City Building, stated that Bill No. 11-24 requests a use variance to allow for offices inside the building located at 737 Beale Street. The property is currently owned by the South Bend School Corporation, and they plan to demolish the southwest portion of the property and convert the rest from a school building to a new administration office. Bill No. 11-24 comes with a favorable recommendation from the Board of Zoning Appeals.

Councilmember Lee requested questions from the Council.

Councilmember Dr. Davis stated that he is an employee of the South Bend School Corporation.

Councilmember Sherry Bolden-Simpson stated that she is an employee of the South Bend School Corporation.

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

Councilmember Karen L. White motioned to send Bill No. 11-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

13-24

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 2024

Clerk Tirado read the bill to the Council for its second (2nd) reading.

After the second (2nd) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski, chair of the Personnel and Finance Committee, stated that Bill No. 13-24 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill No. 13-24 covers budget transfers for various departments.

Councilmember Lee requested questions from the Council. There were no questions from the Council.

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

Council Vice President Niezgodski motioned to send Bill No. 13-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

14-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10980-23, WHICH FIXED MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEAR 2024, TO CORRECT A SCRIVENER’S ERROR IN THE WAGE TABLES FOR THE EQUIPMENT SERVICES WORK GROUP

Clerk Tirado read the bill to the Council for its second (2nd) reading.

After the second (2nd) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski, chair of the Personnel and Finance Committee, stated that Bill No. 14-24 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill No. 14-24 corrects a scrivener’s error.

Councilmember Lee requested questions from the Council. There were no questions from the Council.

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

Council Vice President Niezgodski motioned to send Bill No. 14-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>

Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

15-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10978-23, WHICH FIXES MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2024, TO ESTABLISH TWO NEW FULL-TIME POSITIONS

Clerk Tirado read the bill to the Council for its second (2nd) reading.

After the second (2nd) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski, chair of the Personnel and Finance Committee, stated that Bill *No. 15-24* 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill *No. 15-24* would allow title changes for two (2) positions in the Legal Department, as well as raises which would be paid for with monies from the seasonal intern budget.

Councilmember Lee requested questions from the Council.

Council Vice President Niezgodski stated that Bill *No. 15-24* does not increase the budget, as it only works to help reorganize the structure of the department.

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

Council Vice President Niezgodski motioned to send Bill *No. 15-24* to the Full Council with a favorable recommendation, which was seconded by Councilmember Rachel Tomas Morgan and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

16-24

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 2024 OF \$337,792 FROM THE GENERAL FUND (#101), \$670,996 FROM THE PARKS AND RECREATION FUND (#201), \$456,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$100,000 FROM THE LIABILITY INSURANCE FUND (#226), \$150,000 FROM THE LOSS RECOVERY FUND (#227), \$32,157 FROM THE COVID-19 RESPONSE FUND (#264), \$360,500 FROM THE IT / INNOVATION / 311 CALL CENTER FUND (#279), \$1,500,000 FROM THE MORRIS PERFORMING ARTS CENTER CAPITAL FUND (#416), \$123,500 FROM THE PARKING GARAGES

FUND (601), \$1,100,000 FROM THE WATER WORKS CAPITAL FUND (#622), AND \$250,000 FROM THE SEWAGE WORKS OPERATIONS FUND (#641). *(SUBSTITUTE)*

Councilmember Dr. Davis motioned to accept Substitute Bill No. 16-24, which was seconded by Council Vice President Niezgodski and carried by a unanimous vote of acclimation.

Clerk Tirado read the bill to the Council for its second (2nd) reading.

After the second (2nd) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski, chair of the Personnel and Finance Committee, stated that Bill No. 16-24 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill No. 16-24 appropriates additional funds for certain departmental and city services operations for 2024.

Councilmember Lee requested questions from the Council.

Councilmember Warner requested clarification regarding an unexpected expense for biosolid trucking.

Kyle Willis stated that the biosolid trucking expense is due to a biosolid spreader machine needing repaired.

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

Council Vice President Niezgodski motioned to send Bill No. 16-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RISE AND REPORT

Councilmember Dr. Oliver Davis motioned to rise from the Committee of the Whole and report back to the Full Council, seconded by Councilmember Tomas Morgan and carried by a unanimous vote of acclimation.

REGULAR MEETING RECONVENED

President McBride stated the Full Council is now back in session. This portion of our meeting is where bills are given a third (3rd) reading and action is taken regarding bills that were heard during the Committee of the Whole.

BILLS ON THE THIRD READING

BILL NO.

11-24

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 737 BEALE STREET

Clerk Tirado 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. 11-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 11-24, seconded by Councilmember Lee, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

13-24

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 2024

Clerk Tirado 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. 13-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember White motioned for the passage of Bill No. 13-24, seconded by Councilmember Dr. Davis, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

14-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10980-23, WHICH FIXED MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEAR 2024, TO CORRECT A SCRIVENER’S ERROR IN THE WAGE TABLES FOR THE EQUIPMENT SERVICES WORK GROUP

Clerk Tirado 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. 14-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 14-24, seconded by Councilmember Warner, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

15-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10978-23, WHICH FIXES MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2024, TO ESTABLISH TWO NEW FULL-TIME POSITIONS

Clerk Tirado 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. 15-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Tomas Morgan motioned for the passage of Bill No. 15-24, seconded by Council Vice President Niezgodski, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

16-24

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 2024 OF \$337,792 FROM THE GENERAL FUND (#101), \$670,996 FROM THE PARKS AND RECREATION FUND (#201), \$456,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$100,000 FROM THE LIABILITY INSURANCE FUND (#226), \$150,000 FROM THE LOSS RECOVERY FUND (#227), \$32,157 FROM THE COVID-19 RESPONSE FUND (#264), \$360,500 FROM THE IT / INNOVATION / 311 CALL CENTER FUND (#279), \$1,500,000 FROM THE MORRIS PERFORMING ARTS CENTER CAPITAL FUND (#416), \$123,500 FROM THE PARKING GARAGES FUND (601), \$1,100,000 FROM THE WATER WORKS CAPITAL FUND (#622), AND \$250,000 FROM THE SEWAGE WORKS OPERATIONS FUND (#641).

(SUBSTITUTE)

Clerk Tirado 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. 16-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 16-24, seconded by Councilmember Dr. Davis, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RESOLUTIONS

BILL NO.

24-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE PURCHASE OF REAL PROPERTY LOCATED AT 1150 E MISHAWAKA AVE, SOUTH BEND, INDIANA

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated Resolution No. 24-04 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.

Joseph Molnar, Property Development Manager, with offices on the 14th floor of the County-City Building, stated that Bill No. 24-04 would authorize the Board of Public Works to purchase three parcels located at 1150 East Mishawaka Avenue, two (2) of which are parking lots and one (1) of which is Kelly’s Pub. Kelly’s Pub The reasons for purchasing Kelly’s Pub are to address concerns raised by residents in the neighborhood, to improve the safety of the neighborhood and the City overall, to give the City control over the future of the property, to provide a site for redevelopment in a growing area, and to ease the City’s process regarding improvements of Mishawaka Avenue. Also present is Caleb Bauer, Executive Director of Community Investment, with offices on the 14th floor of the County-City Building.

Council President McBride requested questions from the Council.

Councilmember Dr. Davis stated that Kelly’s Bar should be taken down, and believes the criteria used to determine the purchase of Kelly’s Pub should be an established criteria for the entirety of the City. Councilmember Dr. Davis asked if this can be the criteria used in future situations, and asked what will be done to prevent the individuals causing the problems at Kelly’s Pub from loitering there after the purchase.

Caleb Bauer stated that the resolution is not to establish a criteria for future situations, and stated that there will be improvements to the location to prevent vehicular traffic.

Councilmember Warner stated that the name “Market District” is an organic term, and that there are several exciting things happening in the area. Councilmember Warner stated that having this go through the Redevelopment Commission would create more obstacles in getting this project done.

Councilmember Bolden-Simpson stated that this is a great opportunity to help the residents in the neighborhood surrounding Kelly’s Bar safer but would also help the City as a whole with the expansion of Mishawaka Avenue.

Councilmember Tomas Morgan stated that it is exciting to see improvements in the Market District.

Councilmember Lee stated that the 2019 mass shooting at Kelly’s Pub was one of the worst in the City’s history, and this resolution will allow the City to turn the area into a better place.

Councilmember White thanked Councilmember Warner for his information. Councilmember White stated that she is excited to see the improvements in the Market District and hopes to see similar improvements in other districts as well.

Council President McBride opened the public hearing, and asked if there was anyone wishing to speak in favor of Bill No. 24-04.

Chet Zawalich, 1219 Longfellow Avenue, South Bend IN 46615, stated that he has lived near Kelly's Pub for nearly thirty-eight (38) years. Kelly's Pub has created a hostile and dangerous environment. Chet Zawalich thanks Rafael Morton, Sharon McBride, Caleb Bauer, and Joseph Molnar for their work on this situation.

Michael Krueger, 1434 Longfellow Avenue, South Bend IN 46615, stated that he has lived in the neighborhood for fifty-three (53) years and has seen many improvements in the area and the City as a whole. Kelly's Pub attracts violence, and its existence can lead to many downfalls in the neighborhood (vacancies, drug dealing, etc.).

Jill Lafountain, 1224 Longfellow Avenue, South Bend IN 46615, has lived in the neighborhood for more than thirty (30) years. Jill Lafountain stated that the 2019 mass shooting was very alarming and hopes that the Council will vote to pass Bill No. 24-04.

Monica Tetzlaff, 1232 Longfellow Avenue, South Bend IN 46615, stated that she moved to the area in 1994 and has lived through multiple shootings that have occurred at Kelly's Pub. Monica Tetzlaff has a fourteen (14) year old daughter and the closing of Kelly's Pub will help them sleep better at night.

Katie Elliot, 1223 Longfellow Avenue, South Bend IN 46615, stated that her daughter has been scared to sleep in her bedroom due to the gunfire at Kelly's Pub, and would like to see the City acquire and shut down more dangerous properties.

Council President McBride opened the public hearing, and asked if there was anyone wishing to speak against Bill No. 24-04.

Logan Foster, 1138 College Street, South Bend IN 46628, stated his appreciation for the residents that spoke in favor of Bill No. 24-04. Logan Foster stated that it is disingenuous to purport that this resolution is being done to combat crime because there are many other properties afflicted with worse crime that the City has not moved to purchase. Logan Foster requested to have this go through the Redevelopment Commission.

Don Foster, 132 Chapin Street, South Bend IN 46601, stated that because the City already owns five hundred and ninety-nine (599) properties it would be prudent to act more cautiously before spending large amounts of money to buy more properties. Don Foster stated that he is not particularly opposed to this resolution but rather would like to emphasize the importance of being financially responsible.

President McBride closed the public hearing and turned to the Council for further comments.

Councilmember Dr. Davis motioned to make this resolution a model for the City of South Bend.

President McBride asked Attorney Bob Palmer for clarification on what entails a proper motion.

Attorney Palmer stated that the only proper motions at this time would be to pass, reject, or amend the resolution.

Councilmember Dr. Davis motioned to amend this resolution, to the subject of the Council, to make this resolution a model for the City.

Caleb Bauer asked for clarification on the terms of the model being proposed.

Councilmember Dr. Davis stated that the model does not need to be restricted only to situations that match every aspect of this resolution.

Councilmember Ophelia Gooden-Rodgers requested clarification on the motion at hand.

Attorney Palmer stated that the motion is to amend this resolution to establish this as a model for other properties in the City.

Councilmember Warner seconded the motion, opening the amendment for debate.

Councilmember Warner stated that he believes amending this resolution to be a model for the City is an improper motion because there is not a model outlined in the resolution. Councilmember Warner stated that a better way to establish a model would be to write a bill specifying a set of criteria.

Councilmember Dr. Davis stated that because this resolution has moved quicker than normal, he sees the need to establish a model quicker than normal.

Council Vice President Niezgodski stated that she cannot support the motion because there is no clear model being presented and stressed that this resolution is to address a safety concern that residents have had to deal with for years.

Councilmember Tomas Morgan stated that she is not interested in codifying this resolution as a model to be used for other properties in the City, but rather would like to be able to assess these kinds of situations individually.

Councilmember Dr. Davis stated the importance of uniformity in decision making throughout the City.

Councilmember White stated that she would be willing to work with Councilmember Dr. Davis on a possible template for the City.

Councilmember Dr. Davis stated his appreciation for Councilmember White’s willingness to work together going forward.

Caleb Bauer stated that there had been inaccuracies regarding the origination of this resolution.

Councilmember Dr. Davis stated it was his understanding that members of the Administration cannot speak after the public hearing had been closed.

Council President McBride stated that members of the Administration are allowed to speak after the public hearing had been closed.

Councilmember Warner called the question.

Councilmember Bolden-Simpson stated that it is disheartening to know that children are feeling unsafe. Councilmember Bolden-Simpson stated that she understands Councilmember Dr. Davis, but that it is important this resolution gets passed.

Attorney Palmer stated that Councilmember Warner had called the question; consequently, the vote regarding the motion at hand now occurs without further debate.

Councilmember Dr. Davis’s motion to amend this resolution to establish this as a model for other properties in the City, which was seconded by Councilmember Warner, is lost with a vote of one (1) aye and eight (8) nays.

Council President Sharon McBride – <i>Nay</i>	Council Vice President Sheila Niezgodski – <i>Nay</i>
Councilmember Canneth Lee – <i>Nay</i>	Councilmember Ophelia Gooden-Rodgers – <i>Nay</i>
Councilmember Troy Warner – <i>Nay</i>	Councilmember Sherry Bolden-Simpson – <i>Nay</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Nay</i>
Councilmember Rachel Tomas Morgan – <i>Nay</i>	

Councilmember Warner motioned for the adoption of Resolution No. 24-04, seconded by Councilmember Bolden-Simpson, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Nay</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

24-05

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE ISSUANCE OF SCRAP METAL/JUNK DEALERS/RECYCLING OPERATIONS LICENSES FOR CALENDAR YEAR 2024 PURSUANT TO SECTION 4-51 OF THE SOUTH BEND MUNICIPAL CODE

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated Bill No. 24-05 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.

Michelle Adams, Business License Administrator, with offices on the 14th floor of the County-City Building, stated that Bill No. 24-05 approves the issuance of scrap metal / junk dealers / recycling operations licenses.

Council President McBride requested questions from the Council.

Councilmember Bolden-Simpson asked where the inspections for the establishments included in Bill No. 24-05 can be found.

Michelle Adams stated that the recommendations from the reviewing agencies can be found along with the applications, but to get the details of the inspections we would need to reach out to the reviewing agencies.

Councilmember Tomas Morgan asked if the licenses being discussed are annual licenses.

Michelle Adams stated that they are annual licenses.

Council President McBride held the public hearing, and no members of the public spoke.

Councilmember Warner motioned for the adoption of Bill No. 24-05, seconded by Councilmember Lee, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

24-06

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 510 SOUTH MAIN STREET, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT-YEAR (8) REAL PROPERTY TAX ABATEMENT FOR MOMENTUM DEVELOPMENT GROUP, LLC

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated Bill No. 24-06 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 Bill No. 24-06 is a declaratory resolution for an eight (8) year real property tax abatement for Momentum Development Group, LLC, for a property located at 510 South Main Street. The property is better known as the former Salvation Army Building. This project is another in a series of City supported projects on the southern area of downtown. This project is anticipated to generate sixty-seven (67) jobs and raise the current tax revenue from zero dollars (\$0) per year to three hundred and forty-eight thousand, four hundred and sixty-nine dollars (\$348,469) over the eight (8) year period.

Kristopher Priemer, 534 Kamm Island Place, Mishawaka IN 46544, stated that this project will bring an entrepreneurship hub to South Bend, create a place that drives talent retention for the City, and creates a welcoming environment for small businesses and freelancers.

Councilmember Lee reiterated that the City currently does not receive any revenue from the property in question, and this resolution will allow the City to begin making revenue from that property.

Council President McBride opened the public hearing.

Logan Foster, 1138 College Street, South Bend IN 46628, stated that the jobs being created will be at minimum wage, and laments that the proposed abatement schedule is for estimation purposes only and assumes consistent tax rates equal to those for 2022 payable 2023.

Council President closed the public hearing and turned to the Council for further comments.

Councilmember Dr. Davis requested clarification regarding the wages of the anticipated jobs.

Erik Glavich stated that the estimated average wage for the anticipated jobs is twenty-two dollars and fifty cents (\$22.50) an hour.

Councilmember Dr. Davis asked what is done if a company does not follow their commitments.

Erik Glavich stated that the Department of Community Investment, during an annual review, makes the determination of whether companies are meeting their obligations. After the Department of Community Investment makes their determination, it is brought to the Council.

Councilmember Gooden-Rodgers stated that it is difficult to find people willing to work for minimum wage; therefore, there is a natural incentive for companies not to set wages that low.

Council Vice President Niezgodski requested clarity on information in the meeting packet regarding Momentum Development Group, LLC’s support of local facilities including the Morris, Potawatomi Zoo, and Howard Park.

Erik Glavich stated that those are things in the community that Momentum Development Group, LLC has already supported.

Councilmember Warner motioned for the adoption of Bill No. 24-06, seconded by Council Vice President Niezgodski, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

24-07

A RESOLUTION APPOINTING THE INITIAL COMMUNITY POLICE REVIEW BOARD MEMBERS (*SUBSTITUTE*)

Councilmember Dr. Davis motioned to accept Substitute Bill No. 24-07, which was seconded by Councilmember Lee and carried by a unanimous vote of acclimation.

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Gooden-Rodgers stated Resolution No. 24-07 was heard in the Community Relations Committee and comes to the Full Council with a favorable recommendation.

President McBride requested that the petitioner share key points before the council.

Councilmember Gooden-Rodgers stated that each Councilmember selected their nominee for the Community Police Review Board, and the Community Relations Committee voted to send the list to the Full Council with a favorable recommendation.

Council President McBride requested Clerk Tirado read the nine (9) recommended members from Substitute Bill No. 24-07. for the Community Police Review Board.

- | | |
|----------------------------|---------------------|
| District One (1) | Sherria Williams |
| District One (2) | Komonique Thomas |
| District One (3) | Kelly Johnson |
| District One (4) | LuElla Webster |
| District One (5) | Dennis James Givens |
| District One (6) | Clara Davis |
| At-Large District Five (5) | Joseph Adams |
| At-Large District Six (6) | Otis V. Davis |
| At-Large District Five (5) | Cheryl Ashe |

Councilmember Dr. Davis asked who will organize the meetings for the Community Police Review Board.

Council President McBride stated that Pastor Charles King III is the Community Review Board Director.

Councilmember Dr. Davis stated his appreciation for former Councilmember Valerie Schey, former Councilmember Henry Davis Jr., former Councilmember Lori Hamann, Councilmember Karen White, former Mayor Pete Buttigieg, Mayor James Mueller, Chief of Police Scott Ruzzkowski, and the Board of Public Safety.

Council President McBride opened the public hearing.

Pastor Charles King III, 319 North Niles Avenue, South Bend IN 46617, stated that there will be much training before the Community Police Review Board becomes fully operational. Pastor Charles King III stated that he attended the Police Citizens Academy and looks forward to seeing the board attend the same training.

Council President McBride requested a formal meeting for introductions of the new Community Police Review Board and stated that Pastor Charles King III has the full support of the Council.

Jorden Giger, 302 South Falcon Street, South Bend IN 46619, stated that he is opposed to Substitute Bill No. 24-07 because the process has taken too long and now two (2) of the original sponsors are no longer on the Council. Jorden Giger stated that he believes it is unfair that the public did not have a chance to weigh in on the selection process.

Tiana Batteast-Waddell, 330 West Colfax Avenue, South Bend IN 46601, stated that she applied to be on the Community Police Review Board over a year ago and never was contacted regarding her qualifications or why she would like to be on the board. Tiana Batteast-Waddell feels as though the Council does not listen to residents.

Council President closed the public hearing and turned to the Council for further comments.

Councilmember Lee stated that he would like there to be a way for residents to engage with the Community Police Review Board.

Councilmember Gooden-Rodgers welcomes the Community Police Review Board and hopes the board members will be transparent and show the City that they care.

Councilmember Bolden-Simpson thanked all applicants, and requested the Community Police Review Board to reach out to Tiana Batteast-Waddell because she has a wealth of knowledge that would prove to be beneficial to the board.

Councilmember Dr. Davis requested clarification regarding the terms of office for the Community Police Review Board.

Councilmember Warner stated that the terms of office can be found in Section 2-12.1.13 of the South Bend Municipal Code, which states that the board shall be composed of three (3) members appointed to a one (1) year term, three (3) members appointed to a two (2) year term, and three (3) members appointed to a three (3) year term. The Director of the Community Police Review Board, Pastor Charles King III, will have discretion on which appointed members will serve which terms.

Councilmember Dr. Davis stated that he hopes Pastor Charles King III will provide the criteria for why he makes his decisions regarding term appointments.

Council President McBride stated that the Council will support the Community Police Review Board by providing appointees.

Councilmember Bolden-Simpson motioned for the adoption of Bill No. 24-07, seconded by Councilmember Lee, and 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

BILLS ON FIRST READING

BILL NO.

17-24

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 922 EAST COLFAX AVENUE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Dr. Davis motioned to send Bill No. 17-24 to the Zoning and Annexation Committee on April 1, 2024, and then to the Council for a public hearing and a third (3rd) reading on April 8, 2024, seconded by Councilmember Lee and carried by a unanimous vote of acclimation.

UNFINISHED BUSINESS

Councilmember Dr. Davis stated that they had a good meeting with Ms. Cynthia Simmons.

Council Vice President Niezgodski reminded everyone of the March 16, 2024 Saint Patrick’s Parade which will begin at 11:00a.m.

Councilmember Bolden-Simpson thanked the EMTs for helping her father and extended a public invite to the Council to attend Restorative Justice Training.

Councilmember Gooden-Rodgers announced that Greater Saint John Missionary Baptist Church is having their annual Fish Fry on April 19, 2024, and tickets are fifteen dollars (\$15) each.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

Pastor David Buggs, 3607 South Main Street, South Bend IN 46614, stated that he believes there is an inequity against people of color in the treatment of residents regarding City processes.

Caleb Bauer thanked Pastor Buggs and his wife for their work in creating a wonderful community center on the south side of South Bend. Caleb Bauer stated that the City has provided tax increment financing to support a private investment from the Buggs's.

Councilmember Dr. Davis stated that he believes the issues raised by Pastor David Buggs have more to do with the personal relationship between him and the City rather than the finances in question. Councilmember Dr. Davis stated that he believes privilege of the floor is not a place for members of the Administration to respond to residents.

Attorney Palmer stated that members of the Administration may speak during privilege of the floor.

Pastor David Buggs stated that the tax abatement process needs to be made clear.

Logan Foster, 1138 College Street, South Bend IN 46628, stated that meeting minutes for 2014 are not posted online, and stated that he believes it is in poor taste for members of the Administration to respond to people during privilege of the floor.

Council President Sharon McBride stated that there are 2014 meeting minutes, but they need to be uploaded online.

Councilmember Gooden-Rodgers asked Pastor David Buggs if he believes there are two (2) standards in the City.

Pastor David Buggs stated that there are two (2) standards.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:41 p.m.