

REPORT OF SUB-COMMITTEE ON MINUTES

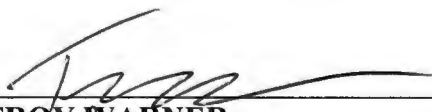
TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:


THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE

DATE: 03-25-2024

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: 04-08-2024

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 25, at 7:00 p.m. Council President Sharon McBride called the meeting to order. Pastor Throstur Thordarson of South Bend First Seventh-Day Adventist 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=381562>

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:

September 12, 2022

September 26, 2022

March 11, 2024

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

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the March 11, 2024 Common Council meeting minutes and recommend they be approved.

Councilmember Troy Warner motioned to approve the March 11, 2024 Common Council meeting minutes, which was seconded by Councilmember Canneth Lee and carried by a unanimous vote of acclimation.

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the September 12, 2022 and September 26, 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 Warner motioned to approve the September 12, 2022 and September 26, 2022 Common Council meeting minutes, which was seconded by Councilmember 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

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

PUBLIC HEARINGS

BILL NO.

02-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 711 LELAND AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (*SUBSTITUTE*)

Councilmember Karen L. White motioned to accept Substitute Bill No. 02-24, which was seconded by Councilmember Rachel Tomas Morgan 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.

Councilmember Dr. Davis stated that Bill No. 02-24 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.

Kary Myers, Department of Community Investment, with offices located on the 14th floor of the County-City Building, stated that Bill No. 02-24 would rezone 711 Leland Avenue from Urban Neighborhood Two (U2) to Urban Neighborhood Flex (UF). Bill No. 02-24 also creates a special exception for retail, service, and restaurant.

Angela Smith, Danch, Harner, and Associates, 1643 Commerce Drive, South Bend IN 46628, stated that the petitioner plans to create a small walk-up breakfast and lunch spot, and that the surrounding community has expressed interest in such a place.

Councilmember Lee requested questions from the Council.

Councilmember Dr. Davis thanked the petitioner for speaking with Pastor Washington regarding the future restaurant.

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

Councilmember Lee stated that he is excited to see this project move forward.

Councilmember Warner motioned to send Bill No. 02-24 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>	

10-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION

2-7 (C) OF CHAPTER 2, ARTICLE 1 OF THE SOUTH BEND MUNICIPAL CODE, "DUTIES OF THE CITY CLERK AS CLERK OF THE COUNCIL" TO PERMIT THE CITY CLERK TO HIRE OUTSIDE CONTRACTUAL SERVICES FOR THE INITIAL PREPARATION OF DRAFTS OF MEETING MINUTES

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 President McBride stated that Bill *No. 10-24* came before the Council Rules Committee and comes to the Committee of the Whole with a favorable recommendation.

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

Committee Member Troy Warner states that Bill *No. 10-24* amends Section 2-7 to allow the City Clerk to hire outside contractual services, particularly, to help catch up the backlog of minutes from 2022 and 2023.

Clerk Bianca Tirado stated that there are many Full Council meeting minutes from 2023 that were never brought in front of Council for approval and need minor edits. Clerk Tirado stated that since January 2024 her office has worked to bring into compliance all of the Full Council meeting minutes from 2022.

Councilmember Lee requested comments from the Council.

Councilmember Dr. Davis asked if there is a timeline for how long the anticipated contract will last.

Clerk Tirado stated that the timeline for the Clerk's Office is to have the 2022 and 2023 meeting minutes completed by August 1, 2024. The Clerk's office will be doing all the 7:00p.m. minutes, and the vendor will be doing the committee minutes.

Councilmember Dr. Davis asked if the time frame is a part of the ordinance.

Councilmember Warner stated that the time frame is not a part of the ordinance. Councilmember Warner stated that the ordinance gives the Clerk the authority, with the approval of the Council President, to enter into future contracts.

Councilmember Dr. Davis requested clarification regarding state and city statutes pertaining to meeting minutes.

Attorney Palmer stated that Indiana state statutes require the Clerk's Office to maintain the Full Council's meeting minutes, and South Bend's city statutes require the Clerk's Office to maintain all committee meeting minutes.

Councilmember Lee stated that the desired contractual agreement is only to bring the City back into compliance regarding the minutes from previous years. The current Clerk's Office has kept up with the 2024 meeting minutes.

Councilmember White stated that during COVID the Council was asked to support the Clerk's Office, and subsequently worked with the Administration and the Legal Department to get the Clerk's Office help to bring the City back in compliance with the meeting minutes statutes.

Councilmember Lee opened the public hearing.

Dawn Jones, former City Clerk, 602 Cushing Street, South Bend IN 46616, stated that she has drafts of meeting minutes from 2023 that had not been approved by Council, and that the previous contractual agreement with Minute Solutions was ended for financial reasons.

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, stated that she opposes Bill No. 10-24 because she believes artificial intelligence can be utilized to complete the meeting minutes at a lower cost.

Joseph Jones, 1305 Woodfield Avenue, South Bend IN 46615, stated that he opposes Bill No. 10-24 because he believes it will lead to unnecessary spending.

Councilmember Lee closed the public hearing and asked the Council for comments.

Councilmember Bolden-Simpson stated that she appreciates the open discussion.

Councilmember Warner reiterated that Bill No. 10-24 will allow the Council to bring the City back into compliance.

Councilmember Tomas Morgan stated that she is looking forward to getting the minutes done.

Councilmember Warner motioned to send Bill No. 10-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Ophelia Gooden-Rodgers 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>	

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.

02-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 711 LELAND AVENUE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (*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. 02-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Lee motioned for the passage of Bill No. 02-24, 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>	

10-24

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. 10-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Tomas Morgan motioned for the passage of Bill No. 10-24, seconded by Councilmember Warner, 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>	

RESOLUTIONS

BILL NO.

24-08

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 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 Resolution No. 24-08 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 Opportunities, with offices on the 14th floor of the County-City Building, stated that Bill No. 24-08 is a confirming resolution for an abatement the Council had considered at the last meeting. The abatement is for the Momentum Development Group for property located at 510 South Main Street. Erik Glavich stated that Momentum Development Group will still be required to pay taxes during the course of the abatement, as the abatement is applied only to the increased assessed value of the property.

Council President McBride requested questions from the Council, and nobody spoke.

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

Councilmember Warner thanked Momentum Development Group for working to revitalize a part of South Bend.

Councilmember Lee thanked Momentum Property Group for investing in South Bend.

Councilmember Tomas Morgan motioned for the adoption of Resolution No. 24-08, 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>	

24-09

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CORRECTING A SCRIVENER’S ERROR IN THE RESOLUTION NO. 5015-23 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 722 HARRISON AVENUE SOUTH BEND, INDIANA, 46616 AND 726 HARRISON AVENUE SOUTH BEND, INDIANA, 46616 A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A FIVE-YEAR (5) RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR CROSS COMMUNITY, INC. AND CORRECTING SCRIVENER’S ERROR IN RESOLUTION NO. 5016-23 CONFIRMING THE ADOPTION OF RESOLUTION NO. 5015-23

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated Bill No. 24-09 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 Opportunities, with offices on the 14th floor of the County-City Building, stated that Bill No. 24-09 is a resolution correcting a scrivener’s error on a tax abatement approved by the Council a year ago. The abatement was for a home building project done by Cross Community Inc. This resolution, as recommended by the Legal Department, strikes the original parcels in the abatement resolutions and replaces them with the correct parcels.

Tina Patton, President of Cross Community, with offices at 707 Sherman Avenue, South Bend IN 46616, stated that Cross Community works to address the issue of affordable housing. Cross Community provides potential home buyers with pre and post counseling, as well as introduce them to banks who will provide them with a pre-approval. After approval, the home buyers are involved with the building process. Homes generally take six-to-seven (6-7) months to build.

Council President McBride requested questions from the Council.

Councilmember Bolden-Simpson requested information regarding Cross Community’s outreach tactics.

Tina Patton stated that Cross Community utilizes social media and gets many referrals simply from word-of-mouth conversations. Cross Community holds classes, the next of which starts on April 2, 2024.

Councilmember Lee asked how many houses Cross Community is planning to build.

Tina Patton stated that Cross Community is looking to build at least thirty-five (35) houses.

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

Councilmember Warner motioned for the adoption of Bill No. 24-09, 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>	

BILLS ON FIRST READING

BILL NO.

18-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST 360' +/- OF BOLAND DRIVE EAST OF PORTAGE ROAD

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

Councilmember Lee motioned to send Bill No. 18-24 to the Public Works and Property Vacation Committee for a third (3rd) reading and public hearing on April 8, 2024, seconded by Councilmember Dr. Davis and carried by a unanimous vote of acclimation.

19-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 402 WEST NAVARRE STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Lee motioned to send Bill No. 19-24 to the South Bend Planning Commission on April 18, 2024 and to the Zoning and Annexation Committee on April 22, 2024, seconded by Councilmember Dr. Davis and carried by a unanimous vote of acclimation.

20-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 18, ARTICLE 5, TO UPDATE THE PROCEDURES FOR VACATION OF PUBLIC WAYS AND PUBLIC PLACES

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

Councilmember Lee motioned to send Bill No. 20-24 to the Public Works and Property Vacation Committee for a third (3rd) reading and public hearing on April 22, 2024, seconded by Councilmember Dr. Davis and carried by a unanimous vote of acclimation.

21-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS OF \$9,000,000 FROM THE GENERAL FUND (#101)

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

Councilmember Dr. Davis motioned to send Bill No. 21-24 to the Personnel and Finance Committee for a third (3rd) reading and public hearing on April 8, 2024, seconded by Council Vice President Niezgodski and carried by a unanimous vote of acclimation.

UNFINISHED BUSINESS

Councilmember Dr. Davis thanked Clerk Tirado for updating his online profile and for her work regarding the 2014 meeting minutes.

Councilmember Bolden-Simpson stated that we must look forward and work together for the betterment of South Bend.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, stated that the City should be aware of the Financial Data and Transparency Act passed in 2022, inquired about a Council trip to Washington D.C., and inquired about Clerk Tirado's previous contract.

Council President McBride stated that she, after speaking with many Councilmembers, hired Clerk Tirado to help with the duties of the previous Clerk's Office, and stated that the Legal Department has already addressed Sue Kesim's financial concerns regarding Clerk Tirado's previous contract.

Joseph Jones, 1305 Woodfield Avenue, South Bend IN 46615, read Matthew chapter five (5), verse thirty-seven (37).

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 8:04 p.m.