

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: 07-10-2023

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 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: 05-13-2024

ATTEST:



BIANCA L. TIRADO, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana met in-person in the Council Chambers of the County-City Building and via Microsoft Teams app on Monday, July 10, 2023, at 7:00 PM. The meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Pastor Canneth Lee and the Pledge to the Flag was given.

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. If you would like to be called on during the meeting for public input, again please insert your [FULL NAME] and [ADDRESS], in the chat and you will be called on during the relevant time for public input. You will be given five minutes to speak. For citizens that wish to speak during privilege of the floor, please insert the following [FULL NAME] and [ADDRESS], into the chat during that time and the Council President will call on you. You will be given three minutes to speak. Please be sure to unmute yourself prior to giving your remarks.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=366232>

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

COUNCIL MEMBERS ABSENT

None

OTHERS PRESENT

Dawn M. Jones	City Clerk
Victoria Trujillo	Chief Deputy Clerk
Kenneth Hardy	Deputy Clerk
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES

April 10, 2023

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

Clerk Jones stated that the Sub-Committee on Minutes has inspected the April 10, 2023 Common Council meeting minutes and recommend they be approved.

Councilmember Lori Hamman motioned to approve the April 10, 2023 Common Council meeting minutes, which was seconded by Councilmember Canneth Lee and carried by a unanimous vote of acclimation.

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

None.

PUBLIC HEARINGS

BILL NO.

24-23

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 1127, 1131, AND 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride stated that Bill No. 24-23 had been tabled until July 24, 2023.

27-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 1319, 1323, AND 1333 LINCOLN WAY WEST AND, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride stated that Bill No. 27-23 had been tabled until July 24, 2023.

RESOLUTIONS

BILL NO.

23-41

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1202 SOUTH LAFAYETTE BLVD, SOUTH BEND, IN 46624 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR KCG COMPANIES, LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Resolution No. 23-41 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 Bill No. 23-41 is a confirming resolution for a ten (10) year real property tax abatement for a low-income housing project located at 1202 South Lafayette Boulevard. The project will entail the construction of a fifty (50) unit apartment building; thirty (30) of the apartment building's units will have one (1) bedroom, and the remaining twenty (20) units will

have two (2) bedrooms. The total private investment will equate to twelve million five hundred thousand dollars (\$12,500,000).

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 Henry Davis Jr. stated there are advantages and disadvantages to tax abatements. Councilmember Davis Jr. stated support for Bill No. 23-41 and suggested that there needs to be a larger discussion regarding tax abatements.

Councilmember Hamman stated that she has received numerous phone calls regarding the amount of tax abatements being passed by the Council. Councilmember Hamman also stated that the passage of tax abatements does not negatively affect City funding for other services such as public safety, and notes that the City should be proactive with informing the public on the benefits of tax abatements.

Councilmember Eli Wax stated that tax abatements do not reduce the City’s tax revenues, rather tax abatements invite new streams of tax revenue.

Councilmember Lee stated that this tax abatement will increase the City’s tax revenue and will bring much needed low-income housing to South Bend.

Councilmember Tomas Morgan stated that the Community Investment Committee had previously offered information sessions regarding tax abatements to members of the public and can share the session materials with Council. The Department of Community Investment will be presenting at the next Community Investment Committee meeting.

Councilmember Davis Jr. stated that he would like the Department of Community Investment to prove the benefits of tax abatements.

Councilmember Troy Warner stated that the City is required to pay ten percent and this tax abatement will provide part of that ten percent without any direct funding. Councilmember Warner stated that he was excited to see the increase in low-income housing options for residents. Councilmember Warner stated that tax abatements are a tool and are the best option in this circumstance.

Councilmember Warner motioned for the adoption of Resolution No. 23-41, seconded by Councilmember Hamann, 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 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>	

23-42

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 1144 CORBY BLVD, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR FIVE CORNERS, LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Resolution No. 23-42 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 Bill No. 23-23 is a declaratory resolution for a ten (10) year mixed-use development real property tax abatement for a project known as Five (5) Corners. The land is currently owned by Five (5) Corners, LLC, and they will be partnering with HP Irish Corners, LLC to develop a mixed-use development at the northeast corner of Eddy Street / State Route 23 and Campeau Street. The project will include two (2) buildings totaling one hundred and seventy-three thousand square feet (173,000 sq ft), and containing one hundred and eight (108) residential apartment, five thousand square feet (5,000 sq ft) of retail space, and four (4) for-sale condos. The total private investment will equate to thirty-one million five-hundred thousand dollars (\$31,500,000).

Paul Phair, Holiday Properties, 3454 Douglas Road, South Bend IN 46635, stated that the motivation for the project is to create an environment that is a part of the community, and is active year-round. This project will have a positive impact on South Bend’s tax revenue.

Council President McBride requested questions from the Council.

Councilmember Hamman thanked the petitioner for their work, and requested information regarding affordable units.

Paul Phair stated that they are committed to six (6) affordable units at eighty percent (80%) of the area median income (AMI), although that number is not in the formal application.

Council President McBride opened the public hearing.

Jenny Piontek 2201 Riverside Drive, South Bend IN 46616, requested information regarding the rent of the new units.

Paul Phair stated that the rents will range from nine hundred and twenty dollars (\$920) to two thousand and six hundred dollars (\$2,600).

Council President McBride closed the public hearing and asked the Council for comments.

Councilmember Warner thanked the petitioner for their work and stated appreciation for the commitment to having six (6) affordable units even though the abatement does not require them. Councilmember Warner stated that residents are concerned by the prospect of short-term rentals such as Airbnbs.

Paul Phair stated that they do not have any intention of allowing for their units to be used in such a manor, and due to the largest units being only two (2) bedrooms there is a reduced risk of having any large parties.

Councilmember Tomas Morgan stated gratitude for the work of the petitioner.

Councilmember Davis Jr. asked how the City could prevent people from using their properties for short-term rentals.

Councilmember Warner stated that they can discuss ways to prevent short-term rentals at a later date.

Councilmember Lee thanked the petitioner for their work.

Council Vice President Niezgodski motioned for the adoption of Resolution No. 23-42, 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 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>	

23-43

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1405 PORTAGE AVE, SOUTH BEND, IN 46616 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR PEAK INVESTMENT AND ASSET MANAGEMENT, LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Resolution No. 23-43 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 Bill No. 23-23 is a confirming resolution for a five (5) year retail development real property tax abatement for a property located at the corner of Portage Avenue and Elwood Avenue. The property has been an abandoned gas station for years, and the property owner is Peak Investment and Asset Management, LLC. The project will entail the demolition of the current building and the construction of two (2) brand new retail centers, with a total of six (6) new retail spaces. The total private investment will equate to one million four hundred and forty thousand dollars (\$1,440,000).

Praveen Gulati, property owner, 5199 Gardenia Court, West Lafayette IN 47906, stated that Peak Investment and Asset Management originally intended to use the property as-is, but then decided to acquire surrounding property to build a retail center because of the vibrancy of the area.

Council President McBride requested questions from the Council.

Councilmember Davis Jr. asked who and what defines an economic revitalization area.

Erik Glavich stated that the Council, through a declaratory resolution, decides whether to approve the classification of an economic revitalization area.

Councilmember Davis Jr. stated that there needs to be a larger discussion surrounding the designation of economic revitalization areas.

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

Councilmember Lee thanked the petitioner for re-evaluating their original proposal of a vape shop, to a project that will bring more positive economic revitalization to the area.

Councilmember Warner motioned for the adoption of Resolution No. 23-43, seconded by Councilmember Wax, 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 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>	

23-44

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING

CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS MULTIPLE PROPERTIES AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR ADVANTIX DEVELOPMENT CORPORATION

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Resolution No. 23-44 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 Bill No. 23-44 is a confirming resolution for a scattered site Low Income Housing Tax Credit (LIHTC) project in which Advantix Development Corporation is seeking to build fifty (50) residential units across thirty-seven (37) vacant city-owned properties. The total private investment will equate to twelve million five hundred thousand dollars (\$12,500,000).

Council President McBride requested questions from the Council.

Council Vice President Niezgodski requested clarification regarding a property noted in the packet.

Erik Glavich stated that the property is no longer a part of the project, but was accidentally left in the packet.

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

Councilmember White motioned for the adoption of Resolution No. 23-23, 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 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>	

23-45

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 1901 N. BENDIX DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR CROSSROADS SOLAR ENTERPRISES LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Resolution No. 23-45 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 Bill No. 23-45 is a declaratory resolution for a five (5) year personal

property tax abatement for Crossroads Solar Enterprises, LLC. Crossroads Solar’s new manufacturing equipment will result in fifteen (15) new full-time jobs and will increase production by four (4) times. Crossroads will be investing one million dollars (\$1,000,000) in the new manufacturing equipment.

Patrick Regan, Co-Owner of Crossroads Solar, 1901 North Bendix Drive, South Bend IN 46628, stated that Crossroads Solar currently has fifteen (15) employees and expects to double that by the fourth (4th) quarter. Crossroads Solar was offered to move to Elkhart to save on expenses, but decided to stay in South Bend. Crossroads Solar hires released felons who have served their time and earned the opportunity to reenter the workforce.

Council President McBride requested questions from the Council.

Councilmember Tomas Morgan stated that the employees of Crossroads Solar are glad to be working at the company, and asked Patrick Regan why that is.

Patrick Regan stated that Crossroads Solar treats their workers with respect and dignity.

Council President McBride stated appreciation for the generosity and compassion of Patrick Regan and Crossroads Solar.

Councilmember Wax requested information regarding the estimated lifespan of the new equipment.

Patrick Regan stated that the lifespan of the equipment is dependent upon the innovation of solar technology, but he estimates the larger portions of the equipment should last fifteen (15) years.

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

Councilmember Tomas Morgan stated appreciation for Crossroads Solar’s work and looks forward to seeing Crossroad Solar grow.

Councilmember Wax stated that the economic impact of this abatement needs to be looked at as well as the positive societal impact of this abatement.

Councilmember Lee stated that it is hard for released felons to find good work, and he is excited to see this abatement positively affect people struggling to find work.

Councilmember Hamman stated that Crossroads Solar is providing released felons with an opportunity to work and not become homeless.

Councilmember Tomas Morgan motioned for the adoption of Resolution *No. 23-23*, 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 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.

46-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: ALLEY BETWEEN 1301 ELWOOD AVENUE AND 1405 PORTAGE AVENUE

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

Councilmember White motioned to send Bill *No. 46-23* to the Public Works and Property Vacation Committee for a third (3rd) reading and public hearing on July 24, 2023, seconded by Councilmember Lee and carried by a unanimous vote of acclamation.

47-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING THE STATUS OF “HOMELESS” TO THE PROTECTED CLASSES OF PERSONS UNDER SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2, ARTICLE 9, OF SOUTH BEND MUNICIPAL CODE AND ESTABLISHING THE DEFINITION FOR “HOMELESS”

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

Councilmember Wax motioned to send Bill No. 47-23 to the Health and Public Safety Committee on July 19, 2023 at 5:00 p.m. tentatively in Council Chambers, and for a public hearing and third (3rd) reading on July 24, 2023, seconded by Councilmember Davis Jr., and carried by a unanimous vote of acclimation.

UNFINISHED BUSINESS

Councilmember Davis Jr. stated that South Bend’s 2023 annual drinking water report stated that there is lead piping that needs to be replaced, and a resident was told that they are financially responsible for the replacement in front of their home. Councilmember Davis Jr. asked why residents are financially responsible for the replacement of lead piping and stated that there needs to be a discussion regarding lead piping.

Council President McBride suggested there be an update in the Utilities Committee.

Councilmember Davis Jr. stated that the Council shouldn’t tell property owners what kinds of businesses they can and cannot operate.

Councilmember Lee stated that the Council decides whether to grant special exceptions, and the Council should take into consideration what is best for the community.

Councilmember White stated that, regarding a comment made during the June 26, 2023 privilege of the floor, the Residential Neighborhoods Committee and the Health and Public Safety Committee will be hosting a joint committee meeting on July 25, 2023 to speak about illegal parking and other residential nuisance issues.

Councilmember Wax stated that there is a conflict on July 25, 2023, so the meeting will be cancelled, and a new date will be given.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

Sharon Banicki, 3822 Ford Street, South Bend IN 46619, spoke about shootings and councilmember correspondence. Sharon Banicki also requested information regarding street lighting, curbs/sidewalks, speedbumps.

Council Vice President Niezgodski stated that the City is currently working on street lighting and curbs and sidewalks. Council Vice President Niezgodski stated that she is happy to sit down with residents to discuss issues.

Council President McBride stated that she would also be willing to speak with residents.

Debra DuRall, 21677 Auten Road, South Bend IN 46628, thanked the Council for their work and stated that there should be more representation from the Council when discussing the Ecological Advocacy Committee, as well as riverbank and trail practices within the City.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 8:35 p.m.