

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

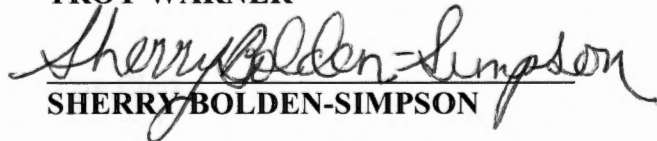
DATE: 08-26-2024

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

THEREFORE, WE RECOMMEND THE SAME BE APPROVED:

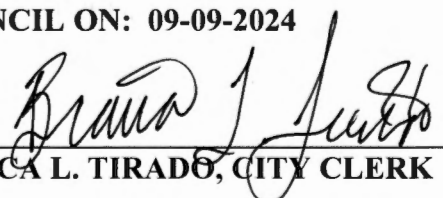


TROY WARNER


SHERRY BOLDEN-SIMPSON

APPROVED BY THE COMMON COUNCIL ON: 09-09-2024

ATTEST:


BIANCA L. TIRADO, CITY CLERK

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Gooden Rodgers motioned to resolve into the Committee of the Whole, which was seconded by Council Vice President Niezgodski and carried via a vote by voice.

PUBLIC HEARINGS

BILL NO.

36-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5101 NIMTZ PARKWAY COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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. 36-24 went 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, Principal Development Planner with offices on the 14th floor of the County-City Building presented Bill No. 36-24. The owner of 5101 Nimitz Parkway is Service Area No. 4 LLC. This location was a State Police property until it was sold in 2021. It is currently not zoned as it was built in 1960 before the zoning ordinance was established. The owners are seeking to have it zoned Industrial (I).

Terry Lang, Professional Surveyor with Wightman, 1402 Mishawaka Avenue, South Bend IN 46615 represented the petitioners. Terry Lang stated that the properties on either side of 5101 Nimitz Parkway are also zoned Industrial.

Councilmember Lee held the public hearing, and nobody spoke.

Councilmember Lee thanked the petitioners for their investment in the first (1st) district.

Councilmember Dr. Davis motioned to send Bill No. 36-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Gooden Rodgers 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>	

37-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FIRST NORTH-SOUTH ALLEY EAST OF MAIN STREET BETWEEN LASALLE AVENUE ON THE SOUTH AND SOUTH OF MADISON STREET ON THE NORTH

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 stated that Bill No. 37-24 went before the Public Works & Property Vacation 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, Danch Harner and Associates, 1643 Commerce Drive, South Bend IN 46628, spoke regarding Bill No. 37-24. This alley is a paper alley, meaning it no longer exists but is still zoned as an alleyway. The alley was paved in 2010 and is currently a parking lot. This Bill will remove the alley from City records so construction can commence. Beacon Hospital is currently working with the adjacent property owners for access to start construction.

Councilmember Lee held the public hearing and nobody spoke.

Council Vice President Niezgodski motioned to send Bill No. 37-24 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>	

31-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA
(SUBSTITUTE) (PUBLIC HEARING ONLY)

Councilmember Dr. Davis motioned to accept Substitute Bill No. 31-24 which was seconded by Council Vice President Niezgodski and carried via a vote by voice.

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 Substitute Bill No. 31-24 went 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, Principal Development Planner, with offices on the 14th floor of the County-City Building, presented Substitute Bill No. 31-24. The owner of 17023 Hepler Street is Fox Creek LLC. The purpose of this Bill is to annex the property into the City and rezone it from Single Family (R-1) to Urban Neighborhood Two (U2). The project will include forty-two (42) plots divided into thirty-eight (38) duplexes, three (3) single family homes, and one (1) common area on the northern half of the property. There was a single family home on the southern end of the property from 1951 to 2022 when it was demolished. This property will be connected to the City’s utilities.

Chris Godlewski, Senior Planner at Abonmarche Consultants with offices at 315 West Jefferson Boulevard, South Bend IN 46601 spoke representing the petitoners. The flood plane area to the north of the property will be maintained.

Councilmember Lee opened the public hearing.

Jesse Davis, P.O. Box 10205 South Bend IN 46601 asked if the building in the lower right corner of the image is Hickory Apartments, whether the City will extend utilities to other properties north of 17023 Hepler Street, and if any homes will be torn down due to this development.

Skip Morrell stated that there was one (1) home on this property that was demolished. The property will be using City services and the other properties to the east and north are in Mishawaka and would use those services.

Councilmember Dr. Davis asked what is directly north of the property.

Chris Godlewski stated that Judy Creek is to the north.

Councilmember Troy Warner stated the existing subdivision to the west of the property needs to be repaved and this development will only add traffic.

RISE AND REPORT

Councilmember Dr. Davis motioned to rise from the Committee of the Whole and report back to the Full Council, seconded by Council President McBride and carried via a vote by voice.

REGULAR MEETING RECONVENED

Council 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.

36-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5101 NIMTZ PARKWAY COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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

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

Councilmember Lee stated Bill No. 36-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Bolden-Simpson motioned for the passage of Bill No. 36-24, 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>	

37-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FIRST NORTH-SOUTH ALLEY EAST OF MAIN STREET BETWEEN LASALLE AVENUE ON THE SOUTH AND SOUTH OF MADISON STREET ON THE NORTH

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

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

Councilmember Lee stated Bill No. 37-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Dr. Davis motioned for the passage of Bill No. 37-24, 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>	

RESOLUTIONS

BILL NO.

24-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO THE FOX CREEK ANNEXATION AREA IN CLAY TOWNSHIP

Clerk Tirado read the resolution to the Council.

Council President McBride asked for a committee report.

Councilmember Dr. Davis stated that this Bill was heard in Zoning and Annexation and comes to the Full Council with a favorable recommendation.

Michael Divita, Department of Community Investment, with offices on the 14th floor of the County-City Building, presented Bill No. 24-27 which is the fiscal plan for the development of 17023 Hepler Street. This includes dedicating what emergency services will have jurisdiction over this property, and the utilites being run to the property. The annexation area will be added to the fourth (4th) councilmanic district.

Council President McBride opened the public hearing.

Terry Lang, Professional Surveyor with Wightman, 1402 Mishawaka Avenue, South Bend IN 46615, spoke in support of Bill No. 24-27. The tax revenue will be substantial as this was a vacant property and there will be forty-one (41) homes.

Councilmember Dr. Davis motioned for the adoption of Bill No. 24-27, seconded by Councilmember 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>	

24-28

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1710 N SHERIDAN STREET, SOUTH BEND, INDIANA 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR HOOSIER TANK & MANUFACTURING, LLC

Clerk Tirado read the resolution to the Council.

Council President McBride asked for a committee report.

Councilmember Warner stated that Bill No. 24-28 was heard in Community Investment and comes to the Full Council with a favorable recommendation.

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

Mark Bemenderfer, Business Development Manager, with offices on the 14th floor of the County-City Building, spoke regarding Bill No. 24-28. Hoosier Tank & Manufacturing is at this address. The Bill would allow for the purchasing of new equipment to increase their production. This expansion will create fifteen (15) new jobs. There will be three hundred and twenty thousand, eight hundred and three dollars (\$320,803) in new taxes during the first (1st) five (5) years of the abatement period.

Council President McBride held the public hearing and nobody spoke.

Councilmember Lee thanked the petitioners for their investment in the first (1st) councilmanic district.

Councilmember Tomas Morgan motioned for the passage of Bill No. 24-28, seconded by Councilmember Dr. Oliver, 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.

40-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FIRST EAST/WEST ALLEY SOUTH OF LASALLE STREET FROM THE WEST R/W LINE OF MICHIGAN STREET TO THE EAST R/W LINE OF A NORTH/SOUTH ALLEY FOR A DISTANCE OF ONE HUNDRED AND SIXTY-EIGHT (168) FEET AND A WIDTH OF FOURTEEN (14) FEET

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

Council Vice President Niezgodski motioned to send Bill No. 40-24 to the Public Works and Property Vacation Committee for a public hearing and third (3rd) reading on September 9, 2024, which was seconded by Councilmember Dr. Davis and carried via a vote by voice.

41-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 734 NOTRE DAME 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.

Council Vice President Niezgodski motioned to send Bill No. 41-24 to the Zoning and Annexation committee for a public hearing and third (3rd) reading on September 23, 2024, which was seconded by Councilmember Dr. Davis and carried via a vote by voice.

42-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 829 SOUTH 27TH STREET COUNCILMANIC

DISTRICT NO. 3 IN THE CITY OF SOUTH
BEND, INDIANA

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

Council Vice President Niezgodski motioned to send Bill *No. 42-24* to the Zoning and Annexation committee for a public hearing and third (3rd) reading on September 23, 2024, which was seconded by Councilmember Lee and carried via a vote by voice.

43-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5614 MAIN STREET COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Bolden-Simpson motioned to send Bill *No. 43-24* to the Zoning and Annexation committee for a public hearing and third (3rd) reading on September 23, 2024, which was seconded by Council Vice President Niezgodski and carried via a vote by voice.

44-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 25471, 25481, AND 25491 CLEVELAND ROAD, 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. 44-24* to the Zoning and Annexation Committee for a public hearing on October 28, 2024, and third (3rd) reading on November 12, 2024, which was seconded by Council Vice President Niezgodski and carried via a vote by voice.

UNFINISHED BUSINESS

Councilmember Dr. Davis suggested September 23, 2024, to be the meeting date of the Council Rules Committee regarding the privilege of the floor.

Council President Sharon McBride stated that she will meet with Councilmember Dr. Davis to schedule a committee meeting.

NEW BUSINESS

Council Vice President Niezgodski stated that the next budget meeting will be on August 28, 2024 at 5:30 p.m. in the Council Chambers.

PRIVILEGE OF THE FLOOR

Jesse Davis, P.O. Box 10205 South Bend IN 46601, asked the Council to respond regarding Frank's Place restaurant.

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, spoke regarding the budget.

Sarah Foster, 1138 College Street, South Bend IN 46628, spoke regarding a matter that occurred following the May 13, 2024 Common Council meeting.

Linda Bryant, 3220 White Maple Court, South Bend IN 46628, spoke regarding a matter that occurred following the May 13, 2024 Common Council meeting.

Don Foster, 132 Chapin Street, South Bend IN 46601, spoke regarding City contracts.

REGULAR MEETING

August 26, 2024

Brendan Crumlish, 1091 Riverside Drive, South Bend IN 46616, spoke regarding homelessness.

Doris Brown, 2203 W Washington Street, South Bend IN 46628 spoke regarding fusion fest.

Peggy Foster, 132 Chapin Street, South Bend IN 46601, spoke regarding a matter that occurred following the May 13, 2024 Common Council meeting.

Logan Foster, 1138 College Street, South Bend IN 46628, spoke regarding a matter that occurred following the May 13, 2024 Common Council meeting.

ADJOURNMENT

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