

South Bend Common Council

Special Meeting of The South Bend Common Council

Agenda

Monday, October 5, 2020

4:00 P.M.

*** Due to the Executive Order by Indiana Governor Holcomb, the Special Meeting of the South Bend Common Council will be legally held by way of a virtual meeting by using Microsoft Teams app. Public access to the meeting can be granted by this link: <https://tinyurl.com/SBCC100520>

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. REPORT FROM THE SUB-COMMITTEE ON MINUTES
5. SPECIAL BUSINESS
6. REPORTS FROM CITY OFFICES
7. COMMITTEE OF THE WHOLE

[36-20](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND ZONING ORDINANCE BY REPEALING THE DESIGNATION OF LOCAL HISTORIC LANDMARK, ST. JOSEPH ORDINANCE # 127-78, FOR PROPERTY LOCATED AT 60649 HICKORY ROAD, COUNCILMANIC DISTRICT 5, SOUTH BEND, IN 46614

- [40-20](#) 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 2020
- [41-20](#) 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 2020 OF \$1,778,948 FROM THE MOTOR VEHICLE HIGHWAY FUND (#202), \$2,053,104 FROM DCI FEDERAL GRANT FUND (#212), \$80,000 FROM CODE ENFORCEMENT FUND (#230), \$1,660,000 FROM THE FIRE DEPARTMENT CAPITAL FUND (#287), \$2,262,160 FROM THE COUNTY OPTION INCOME TAX FUND (#404), \$523,000 FROM THE MAJOR MOVES CONSTRUCTION FUND (#412), \$375,000 FROM THE SOLID WASTE CAPITAL FUND (#611), \$36,000 FROM THE SEWAGE WORKS CAPITAL FUND (#642), AND REDUCING APPROPRIATED FUNDS IN THE AMOUNT OF \$3,920,654 FROM THE EQUIPMENT/VEHICLE LEASING FUND (#750)
- [42-20](#) PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 **(PUBLIC PORTION ONLY- THIRD READING ON 10/12/2020)**
- [43-20](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT **(PUBLIC PORTION ONLY-THIRD READING ON 10/12/2020)**
- [44-20](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH

BEND PUBLIC TRANSPORTATION CORPORATION'S 2021 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 (PUBLIC PORTION ONLY) THIRD READING ON 10/12/2020)

[39-20](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 EAST MONROE STREET, COUNCILMANIC DISTRICT 2, SOUTH BEND, IN 46601

[12-20](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING ARTICLE 1, DIVISION 2, SECTIONS 2-12.2.1 TO AND INCLUDING 2-12.2.11 OF CHAPTER 2 OF THE SOUTH BEND MUNICIPAL CODE TO CREATE A COMMUNITY POLICE REVIEW BOARD AND PROCEDURES GOVERNING THE BOARD (*3rd SUBSTITUTE*)

8. **BILLS ON THIRD READING**

BILL NO.

[36-20](#)

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND ZONING ORDINANCE BY REPEALING THE DESIGNATION OF LOCAL HISTORIC LANDMARK, ST. JOSEPH ORDINANCE # 127-78, FOR PROPERTY LOCATED AT 60649 HICKORY ROAD, COUNCILMANIC DISTRICT 5, SOUTH BEND, IN 46614

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9. RESOLUTIONS

BILL NO.

[20-31](#)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOGNIZING THE 2nd MONDAY OF EACH OCTOBER AS INDIGENOUS PEOPLES DAY ALSO TO BE KNOWN AS NATIVE AMERICANS DAY

[20-32](#)

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 4303 TECHNOLOGY DRIVE, SOUTH BEND, INDIANA 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5)

FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR TRI-PAC, INC.

[20-34](#) 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 4303 TECHNOLOGY DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SEVEN (7) YEAR REAL PROPERTY TAX ABATEMENT FOR TRI-PAC, INC.

10. BILLS ON FIRST READING

BILL NO.

[45-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2021

[46-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10685-19 FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, IN FOR THE CALENDAR YEAR 2020

[47-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2021

[48-20](#) FIRST READING ON AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF DEPUTIES AND NON-BARGAINING EMPLOYEES APPOINTED BY THE CITY CLERK OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2021

[49-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE MAYOR FOR CALENDAR YEAR 2021

[50-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RE-

AFFIRMING ORDINANCE NO. 10549-17 AND FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEAR 2021

[51-20](#) FIRST READING ON AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2021

[52-20](#) FIRST READING ON AN ORDINANCE OF COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEAR 2021

[53-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEARS 2021 AND 2022

[54-20](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1813 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

Notice for Hearing and Sight Impaired Persons:
Auxiliary aid or other services are available upon request at no charge.
Please give reasonable advance request if and when possible.

AMENDED CALL OF SPECIAL MEETING OF THE
SOUTH BEND COMMON COUNCIL

Pursuant to Section 2-5 of the *South Bend Municipal Code*, a SPECIAL MEETING OF THE SOUTH BEND COMMON COUNCIL having been called on Monday, October 5, 2020 an Amendment to that Call is being made for the sole purpose of adding an agenda item. The Amended Call is as follows:

MEETING DATE: MONDAY, OCTOBER 5, 2020, 4:00 P.M.

LOCATION: DUE TO THE EXECUTIVE ORDER BY INDIANA GOVERNOR HOLCOMB, THE SPECIAL MEETING OF THE SOUTH BEND COMMON COUNCIL WILL BE LEGALLY HELD BY WAY OF A VIRTUAL MEETING BY USING MICROSOFT TEAMS APP. PUBLIC ACCESS TO THE MEETING CAN BE GRANTED BY THIS LINK:
<https://tinyurl.com/SBCC100520>

SOLE AND ONLY PURPOSES: TO RECONVENE THE MEETING THAT WAS SUSPENDED DUE TO TECHNICAL DIFFICULTIES FOR THE SEPTEMBER 28, 2020 MEETING TO HEAR AND ACT UPON BILL NO(S).

1. COMMITTEE OF THE WHOLE
BILL NO.

[36-20](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND ZONING ORDINANCE BY REPEALING THE DESIGNATION OF LOCAL HISTORIC LANDMARK, ST. JOSEPH ORDINANCE # 127-78, FOR PROPERTY LOCATED AT 60649 HICKORY ROAD, COUNCILMANIC DISTRICT 5, SOUTH BEND, IN 46614

10-20 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 2020

11-20 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 2020 OF \$1,778,948 FROM THE MOTOR VEHICLE HIGHWAY FUND (#202), \$2,053,104 FROM DCI FEDERAL GRANT FUND (#212), \$80,000 FROM CODE ENFORCEMENT FUND (#230), \$1,660,000 FROM THE FIRE DEPARTMENT CAPITAL FUND (#287), \$2,262,160 FROM THE COUNTY OPTION INCOME TAX FUND (#404), \$523,000 FROM THE MAJOR MOVES CONSTRUCTION FUND (#412), \$375,000 FROM THE SOLID WASTE CAPITAL FUND (#611), \$36,000 FROM THE SEWAGE WORKS CAPITAL FUND (#642), AND REDUCING APPROPRIATED FUNDS IN THE AMOUNT OF \$3,920,654 FROM THE EQUIPMENT/VEHICLE LEASING FUND (#750)

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14-20 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2021 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF

THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 (PUBLIC PORTION ONLY)
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2. BILLS ON THIRD READING

BILL NO.

36-20 THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND ZONING ORDINANCE BY REPEALING THE DESIGNATION OF LOCAL HISTORIC LANDMARK, ST. JOSEPH ORDINANCE # 127-78, FOR PROPERTY LOCATED AT 60649 HICKORY ROAD, COUNCILMANIC DISTRICT 5, SOUTH BEND, IN 46614

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3. RESOLUTIONS

BILL NO.

20-31 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOGNIZING THE 2nd MONDAY OF EACH OCTOBER AS INDIGENOUS PEOPLES DAY ALSO TO BE KNOWN AS NATIVE AMERICANS DAY

20-32 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 4303 TECHNOLOGY DRIVE, SOUTH BEND, INDIANA 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR TRIPAC, INC.

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4. BILLS ON FIRST READING

BILL NO.

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16-20 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10685-19 FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, IN FOR THE CALENDAR YEAR 2020

17-20 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2021

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19-20 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE MAYOR FOR CALENDAR YEAR 2021

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MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR
CALENDAR YEAR 2021

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5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. PRIVILEGE OF THE FLOOR

8. ADJOURNMENT

Consistent with Section 2-5(c) of the *South Bend Municipal Code*, the only business which shall be transacted at such meeting is that which is set forth in this Amended Call.

Notice for Hearing and Sight Impaired Persons:

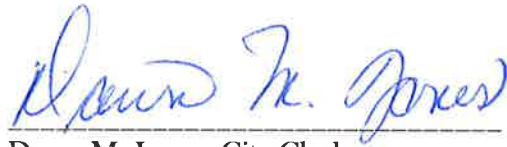
Auxiliary aid or other services are available upon request at no charge.
Please give reasonable advance request if and when possible.

Signed this 1st day of October 2020.

Attest:



James Mueller, Mayor
City of South Bend



Dawn M. Jones, City Clerk

Notification of the holding of such special meeting shall be conducted pursuant to Section 2-5(d) of the *South Bend Municipal Code* which is attached hereto and incorporated herein by reference.

X Karen White

X Sharon McBride

X Sheila Niezgodski

X Henry Davis Jr.

X Troy Warner

X Canneth Lee

X Lori Hamann

X Rachel Tomas-Morgan

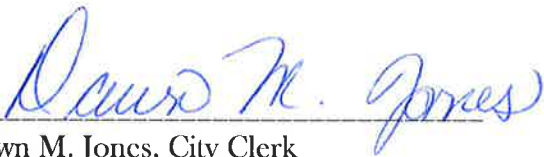
X Jake Teshka

CERTIFICATION

OF AMENDED CALL OF SPECIAL MEETING OF THE
SOUTH BEND COMMON COUNCIL

I, Dawn Jones, City Clerk of the city of South Bend, Indiana, hereby certify the foregoing document is a true and correct certified copy of the AMEDED CALL OF SPECIAL MEETING OF THE SOUTH BEND COMMON COUNCIL.

DATED THIS 1st DAY OF OCTOBER 2020.



Dawn M. Jones, City Clerk
City of South Bend, Indiana

Sec. 2-5. - Special meetings of Common Council; procedure for notice, service of notice and procedure for cancellation.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a) Special meetings of the Common Council may be held on the call of the Mayor or of any five (5) members of the Common Council.

(b) Such call shall be in writing, and specify therein the objects of the call, that is to say, the particular purposes for which it is called.

(c) Such call shall be signed by the Mayor, or, when made by members of the Council, by them, and sealed with the seal of the City and countersigned by the Clerk, or designee.

(d) Each member of the Council shall be notified of the holding of such special meeting by the Chief of Police or any of the members of the police force, reading such call to them, or leaving a certified copy thereof at the last and usual place of residence of any member that the officer is not able to find; or having the City Clerk's office calling each Council Member no later than seventy-two (72) hours prior to such meeting and reading the same to them and leaving a certified copy thereof at the last and usual place of residence.

(e) Only such business shall be transacted at such special meeting as is specifically stated in the call for such special meeting.

(f) The minute record shall show the issuance of the call, and the service of notice thereof, for which purpose the officer so serving such notice shall make return to the Clerk.

(g) In the event that following the call of a special meeting a determination is made to cancel said special meeting the following procedure shall be followed:

(1) The Mayor or the members of the Common Council who signed the initial call for the special meeting shall file a "cancellation notice of special meeting" with the Office of the City Clerk. Said cancellation shall be duly signed by the individual(s) calling the meeting and shall be sealed with the seal of the City and countersigned by the Clerk, or designee.

(2) Each member of the Council shall be notified of the cancellation of the special meeting by the Chief of Police or any of the members of the police force, by reading such cancellation to them, or by leaving a certified copy thereof at the last and usual place of residence of any member that the officer is not able to find, or by having the City Clerk's office call each Council Member no later than twenty-four (24) hours prior to the date and time of the meeting to be cancelled and reading the same to them and leaving a certified copy thereof at the last and usual place of residence.

(3) Copies of the "call of special meeting" and "cancellation notice of special meeting" shall be sent to the news media by the Office of the City Clerk.