

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: 06-12-2023

MEETING OF THE COUNCIL AND FOUND THEM TO BE CORRECT.

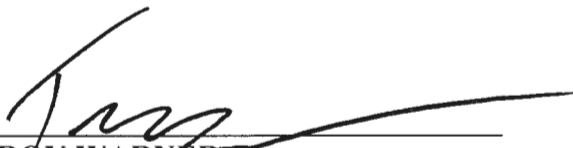
THEREFORE, WE RECOMMEND THE SAME BE APPROVED.

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: 05-28-2024

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, June 12, 2023, at 7:00 PM. The meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Apostle Dennis Givens of New Horizon Outreach Ministry and 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=365214>

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
Shayla Kimbrough	Director of Special Projects
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES

<u>May 22, 2023</u>	<u>September 12, 2022</u>	<u>September 26, 2022</u>	<u>October 10, 2022</u>
<u>October 24, 2022</u>	<u>November 14, 2022</u>	<u>November 28, 2022</u>	<u>December 12, 2022</u>

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

Clerk Jones stated that the Sub-Committee on Minutes brings forth the May 22, 2023, September 12, 2022, September 26, 2022, October 10, 2022, October 24, 2022, November 14, 2022, November 28, 2022, and December 12, 2022 Common Council meeting minutes for approval with no recommendation.

Councilmember Rachel Tomas Morgan requested clarity regarding the legal requirements for the minutes.

Councilmember Troy Warner stated that the minutes legally must list any actions taken, list any votes held, and include an account of how councilmembers voted during any roll call vote.

Councilmember Lori Hamman motioned to approve the May 22, 2023, September 12, 2022, September 26, 2022, October 10, 2022, October 24, 2022, November 14, 2022, November 28, 2022, and December 12, 2022 Common Council meeting minutes, which was seconded by Councilmember Canneth 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>	

SPECIAL BUSINESS

Dr. Davion Lewis, Chief Officer of the Empowerment Zone, 300 East Lasalle Avenue, South Bend IN 46617, gave an update regarding the Empowerment Zone.

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 Rachel Tomas Morgan and carried by a unanimous vote of acclimation.

PUBLIC HEARINGS

BILL NO.

15-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: 1100 BLOCK OF CORBY BOULEVARD (2nd SUBSTITUTE)

Council Vice President Niezgodski motioned to accept Second (2nd) Substitute Bill No. 15-23, which was seconded by Troy Warner, and carried by a unanimous vote of acclimation.

Clerk Jones read the Second (2nd) Substitute Bill to the Council for its second (2nd) reading.

Councilmember Lee requested the committee report.

Council Vice President Niezgodski stated that Second (2nd) Substitute Bill No. 15-23 was heard in the Public Works and Property Vacation Committee and comes to the Full Council with a favorable recommendation.

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

Paul Phair, Holiday Properties, with offices at 3454 Douglas Road, South Bend IN 46635, stated that Second (2nd) Substitute Bill No. 15-23 is a right -of-way vacation for one hundred (100) block of Corby Boulevard. The vacation is being done to accommodate the ongoing Five (5) Corners development project. A previous scrivener’s error has been corrected.

Councilmember Lee asked the Council for comments, and nobody spoke.

Councilmember Lee opened the public hearing.

Jerry Alford, 10843 Weston Drive, Carmel IN 46032, stated that he owns the property located at 1148 Corby Boulevard, South Bend IN 46617, and requested clarification regarding the impact of Second (2nd) Substitute Bill No. 15-23.

Paul Phair stated that Second (2nd) Substitute Bill No. 15-23 is a vacation of the former Right-of-Way of Corby Boulevard. This is a vacation of all remaining Right-of-Way from the former Corby alignments, and therefore, is also a vacation of the Right-of-Way that is adjacent to Jerry Alford’s parcel that would be added to Jerry Alford’s lot.

Jerry Alford stated that his property has a Corby Boulevard address, but faces Arthur Street, and asked if access to his property via Corby Boulevard would be eliminated.

Paul Phair answered yes and stated that Jerry Alford will need to access his property either from Arthur Street or the alley way that leads into Arthur Street.

Jerry Alford asked if Second (2nd) Substitute Bill No. 15-23 would prevent the construction of a driveway connecting his property at 1148 Corby Boulevard to Corby Boulevard.

Angela Smith, Zoning Administrator, offices on the 14th floor of the County-City building, stated that because 1148 Corby Boulevard already has frontage on Arthur Street and access from the alley, an additional curb cut on Corby Boulevard would not have been permitted.

Jerry Alford asked where his property line would end.

Angela Smith stated that the 1148 Corby Boulevard property line would end about one (1) foot behind the sidewalk.

Jerry Alford requested information regarding the distance between the property at 1148 Corby Boulevard and the new apartment complex.

Paul Phair responded that there will be about fifty-five feet (55ft) between the property at 1148 Corby Boulevard and the new apartment complex.

Council Vice President Niezgodski motioned to send Second (2nd) Substitute Bill No. 15-23 to the Full Council with a favorable recommendation, which was 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>	

23-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3003 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lee stated that Bill No. 23-23 had been tabled until August 14, 2023.

24-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE 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

Councilmember Lee stated that Bill No. 24-23 had been tabled until June 26, 2023.

25-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1436 BOWMAN, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lee stated that Bill No. 25-23 had been tabled until June 26, 2023.

26-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2402 S TWYCKENHAM DRIVE, COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Lee requested the committee report.

Councilmember Hamann stated that Bill No. 26-23 was heard in the Zoning and Annexation Committee and comes to the Full Council with a favorable recommendation.

Angela Smith, Zoning Administrator, offices located on the 14th floor of the County-City Building, stated that Bill No. 26-23 seeks to legalize the conversion of the property located at 2402 South Twyckenham from its current existence as a 1950's era fire station to an all-new larger fire station. The project will entail the demolition of the current station and the construction of an expanded new fire station with two (2) bays. The improved and expanded station will help the South Bend Fire Department (SBFD) address the needs of the community. Bill No. 26-23 comes to the full council with a favorable recommendation from the Board of Zoning & Appeals.

Mike Danch, Danch Harner & Associates, offices located at 1643 Commerce Drive, South Bend IN 46628, stated that the existing facility is completely out-of-date. The city is in the process of modernizing all its existing fire stations, and this new fire station will be a two (2) story building and just under six thousand square feet (6,000sq ft). The parking for the firemen will be off of York Road. The total cost for this project is an estimated three million dollars (\$3,000,000). Upon approval from the full council, the station is expected to undergo construction later this summer and become fully operational by 2024.

Councilmember Lee asked Councilmembers for comments, and nobody spoke.

Councilmember Lee opened the public hearing.

Sam Centellas, 2740 Miami Street, South Bend, IN 46614, voiced support for Bill No. 26-23.

Jason Kring, 4309 Coral Drive, South Bend IN 46614, voiced support for Bill No. 26-23. He indicated that he drives past this facility daily on his commute to work.

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

Councilmember Eli Wax stated that the fire station is a valuable asset to the community.

Councilmember Henry Davis Jr. stated that SBFD serves the community and deserves a new facility.

Councilmember Eli Wax motioned to send Bill No. 26-23 to the Full Council with a favorable recommendation, which was 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>	

RISE AND REPORT

Council Vice President Niezgodski motioned to rise from the Committee of the Whole and report back to the Full Council, which was seconded by Councilmember Hamann 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.

15-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: 1100 BLOCK OF CORBY BOULEVARD (2nd SUBSTITUTE)

Clerk Jones read the Second (2nd) Substitute Bill to the Council for its third (3rd) reading.

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

Councilmember Lee stated that Second (2nd) Substitute Bill No. 15-23 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember White motioned to adopt Second (2nd) Substitute Bill No. 15-23, 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>	

26-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 2402 S TWYCKENHAM DRIVE, COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

Clerk Jones 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. 26-23 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Warner motioned to adopt Bill No. 26-23, 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 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>	

RESOLUTIONS

BILL NO.

23-24

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, REINSTATING, REAFFIRMING AND AMENDING THE RESOLUTION NOS. 2519-97 AND 4917-21 (“COLLECTIVELY RESOLUTION”) TO ADD SITES TO THE ESTABLISHED PROFESSIONAL SPORTS CONVENTION DEVELOPMENT AREA (PSCDA), NAMELY THE NEW CITY HALL PURCHASED FROM THE SOUTH BEND COMMUNITY SCHOOL CORPORATION, THE POLICE STATION, ALL FIRE STATIONS, THE MUNICIPAL WATER WORKS BUILDING, THE WASTEWATER TREATMENT PLANT, AND THE EQUIPMENT SERVICES BUILDING; AND TO EXTEND THE EXPIRATION DATE OF THE PSCDA FIRST ESTABLISHED AND THEN EXPANDED BY THE RESOLUTIONS; TO MAKE OTHER NECESSARY AND APPROPRIATE CHANGES TO THE RESOLUTION

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Council Vice President Niezgodski stated that Bill *No. 23-24* was heard in the Personnel and Finance 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.

Kyle Willis, City Controller, offices on the 12th floor of the County-City building, stated that Bill *No. 23-24* allows for the expansion of the Professional Sports Convention Development Area (PSCDA). Kyle Willis stated that Bill *No. 23-24* aligns with Senate Enrolled Act 326. The Indiana state legislature passed Senate Enrolled Act 326 in early May 2023. Senate Enrolled Act 326 increases the current cap of revenues to be paid to the City from two million dollars (\$2,000,000) to five million dollars (\$5,000,000) and increases the PSCDA tax area to include City owned facilities such as the new City Hall purchased from the South Bend Community School Corporation, the police station, all fire stations, the wastewater treatment plant, and the municipal water works facility. Bill *No. 23-24* will allow the City to capture certain sales tax revenues and income tax revenues that would have otherwise gone to the state. With the revenue increase, the City will receive five million dollars (\$5,000,000) annually, and up to one hundred million dollars (\$100,000,000) over the next twenty (20) years.

Council President McBride asked Councilmembers for comments.

Council President McBride thanked Kyle Willis for his presentation and stated that this is great news for the City of South Bend.

Councilmember Davis Jr. raised a concern regarding oversight, and asked if the Administration will come before Council before spending PSCDA funds.

Kyle Willis stated the Administration would speak with the Council.

Council President McBride stated that there are specific items according to state statute to which the City must adhere. All allocations must come before the Council for appropriation.

Richard Nussbaum, 210 South Michigan Street, Suite 500, South Bend IN 46601, stated that he has been involved with the PSCDA legislation since 1997. Richard Nussbaum stated that Bill *No. 23-24* will expand the tax area, and that the Council will vote in the future on how to allocate the newly captured funds.

Councilmember Davis Jr. stated that he was in favor of PSCDA funds but is concerned about how the funds will be spent.

Richard Nussbaum stated that he agrees with Councilmember Davis Jr.

Council President McBride opened the public hearing.

David Niezgodski, State Senator, 4942 Scenic Drive, South Bend IN 46619, voiced support for Bill *No. 23-24*.

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

Councilmember Davis Jr. asked how much better off the South Bend Cubs would be if all of the PSCDA funds went to Coveleski Stadium, and then stated that he is not asking anyone to answer his question.

Councilmember Tomas Morgan motioned to adopt Bill *No. 23-24*, which was 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 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>	

23-26

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, MODIFYING AND RECONFIRMING THE ADOPTION OF DECLARATORY RESOLUTION NO. 4921-21 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 520 SOUTH LAFAYETTE BOULEVARD, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT-YEAR (8) MULTI-FAMILY RESIDENTIAL DEVELOPMENT REAL PROPERTY TAX ABATEMENT

23-27

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 504 SOUTH LAFAYETTE BOULEVARD, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT-YEAR (8) REAL PROPERTY TAX ABATEMENT FOR REAL AMERICA DEVELOPMENT

Council President McBride motioned to hear Bill *No. 23-26* and Bill *No. 23-27* together, which was seconded by Councilmember Hamann and carried by a unanimous vote of acclamation.

Clerk Jones read the resolutions to the Council.

After the reading President McBride requested the committee reports.

Councilmember Tomas Morgan stated that Bill *No. 23-26* and Bill *No. 23-27* both were heard in the Community Investment Committee, and both come to the Full Council with favorable recommendations.

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, offices on the 14th floor of the County-City building, stated that Bill No. 23-26 is a reconfirming resolution for an eight (8) year multi-family residential development real property tax abatement. Bill No. 23-27 is a reconfirming resolution for an eight (8) year mixed-use development real property tax abatement.

Anvir Purewal, 8250 Dean Road, Indianapolis IN 46240, gave a brief presentation regarding the layout and amenities of the future Diamond View Apartments. The total investment is twenty-one million dollars (\$21,000,000).

Council President asked the Council for comments, and nobody spoke.

Council President McBride opened the public hearing.

Richard Nussbaum, 210 South Michigan Street, Suite 500, South Bend IN 46601, voiced support for the Diamond View Apartment project.

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

Councilmember Warner thanked Real America for the investment in South Bend.

Councilmember Tomas Morgan stated that she is looking forward to the Diamond View Apartments project.

Councilmember Lee stated that thanked Real America for their investment in South Bend.

Councilmember Warner motioned to adopt Bill No. 23-26, which was seconded by Councilmember Lee 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 Henry Davis Jr. – <i>Nay</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>	

Councilmember Warner motioned to adopt Bill No. 23-27, which was seconded by Councilmember Tomas Morgan 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 Henry Davis Jr. – <i>Nay</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>	

23-28

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3201 W. CALVERT ST., SOUTH BEND, IN 46613 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR VERBIO NORTH AMERICA, LLC

23-29

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3201 W. CALVERT STREET, SOUTH BEND, IN

46613 AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF AN EIGHT-YEAR (8) REAL PROPERTY
TAX ABATEMENT FOR VERBIO NORTH AMERICA
LLC

Council Vice President Niezgodski motioned to hear Bill No. 23-28 and Bill No. 23-29 together, which was seconded by Councilmember Lee and carried by a unanimous vote of acclimation.

Clerk Jones read the resolutions to the Council.

After the reading President McBride requested the committee reports.

Councilmember Tomas Morgan stated that Bill No. 23-28 and Bill No. 23-29 both were heard in the Community Investment Committee, and both come to the Full Council with favorable recommendations.

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, offices on the 14th floor of the County-City building, stated that Bill No. 23-28 is a confirming resolution for a five (5) year personal property tax abatement. Bill No. 23-29 is a confirming resolution for an eight (8) year industrial development real property tax abatement.

Greg Northrup, President and Chief Executive Officer (CEO) of Verbio North America, 17199 North Laurel Park Drive, Suite 260, Livonia Michigan 48152, stated that Verbio is investing two hundred and thirty million dollars (\$230,000,000) in South Bend. Verbio's expansion will allow them to retain sixty-one (61) employees and create eight (8) new positions.

Council President McBride asked Councilmembers for comments.

Councilmember Tomas Morgan motioned to correct a scrivener's error in Bill No. 23-28, which was seconded by Councilmember Lee and carried by a unanimous vote of acclimation.

Councilmember Hamann stated that Verbio claims not to fund their projects with public financing although some people would consider tax abatements to be a form of public financing. Councilmember Hamann stated that these tax abatements do not generate sufficient public benefit because Verbio answered "no" to whether they will be employing local companies for construction, employing local companies for materials, and requiring prevailing wages.

Greg Northrup stated that it is in the interest of Verbio to use local companies to the extent that they have the capabilities to build a plant that meets the qualifications Verbio needs to operate safely.

Council Vice President Niezgodski requested information regarding the design of the proposed new tanks.

Greg Northrup stated that much of the work done by Verbio is proprietary.

Councilmember Lee stated that the Council has already discussed why Verbio has written the contract in a way the excludes a legal commitment to using local companies exclusively. Councilmember Lee stated that it is in the interest of Verbio to use local companies for there project, but that some aspects of the construction may require expertise not currently found in the South Bend region.

Greg Northrup stated that until financing is complete Verbio cannot committ to any company regarding who will be selected for work that needs to be completed. Greg Northrup stated that he is looking forward to working with local contractors.

Council President McBride opened the public hearing.

Leslinda Wilson, 19788 Southland Avenue, South Bend IN 46614, asked why tax abatements are given to a company that is not willing to committ to finding and hiring local companies before seeking companies outside of the South Bend area.

Greg Northrup stated that the proposed plant operates in a sophisticated industry which requires specialized expertise. Verbio will hire people locally, retain local jobs, and create new local jobs.

Erik Glavich stated that this project includes many parts (construction, landscaping, etc.), and the City does not want Verbio to state on their abatement form that they will hire a certain percentage of local contractors if they are not certain hiring that amount of local contractors is a possibility. Marking “no” to committing to hiring at least seventy-five percent (75%) of their contractors locally does not prevent Verbio from doing so, rather it only allows them to remain compliant if they are unable to do so. There are benefits to marking “yes” such as increased abatement lengths, so it is important companies do not make commitments they cannot guarantee they will be able to keep.

Councilmember Hamann stated Verbio has also refused to commit to paying a prevailing wage.

Council Vice President Niezgodski stated that without Verbio’s two hundred and thirty million dollar (\$230,000,000) investment the current plant would likely shut down in the near future. Council Vice President Niezgodski also stated that Verbio is moving to make their current workers full time employees rather than independent contractor which will help the workers with tax costs. Council Vice President Niezgodski also stated that this would be Verbio’s second (2nd) biorefinery in the United States, and the first (1st) renewable energy plant to integrate the production of ethanol with renewable natural gas (RNG) in the state of Indiana.

Councilmember Tomas Morgan stated that this is a two hundred and thirty million dollar (\$230,000,000) investment by Verbio. A tax credit will be sought as authorized by the Inflation Reduction Act of 2022, and if approved there are requirements such as prevailing wage rates.

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

Councilmember Warner motioned to adopt Bill *No. 23-28*, which was seconded by Councilmember Tomas Morgan and carried by a vote of seven (7) ayes and two (2) nays.

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>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Nay</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

Councilmember Warner motioned to adopt Bill *No. 23-27*, which was seconded by Council Vice President Niezgodski and carried by a vote of seven (7) ayes and two (2) nays.

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>Nay</i>
Councilmember Troy Warner– <i>Aye</i>	Councilmember Eli Wax – <i>Aye</i>
Councilmember Lori K. Hamann – <i>Nay</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

23-30

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF OSOUTH BEND, INDIANA, COMMONLY KNOWN AS 521 N. WILLIAM STREET, SOUTH BEND, IN 46616 AN ECONOMIC REVITALIZAITON AREA FOR PURPOSES OF A FOUR-YEAR (4) REAL PROPERTY TAX ABATEMENT FOR DAVID A. NUFER, LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Bill No. 23-30 was heard in the Community Investment Committee and comes to the Full Council with a favorable recommendation.

Erik Glavich, Director of Growth and Opportunity, offices on the 14th floor of the County-City building, stated that Bill No. 23-30 is a confirming resolution for a four (4) year real property tax abatement. The total private investment is two million three hundred and seventy thousand dollars (\$2,370,000).

David Nufer, owner of Burton’s Laundry, 2409 Mishawaka Avenue, South Bend IN 46615, thanked the Council for their consideration.

Council President McBride asked Councilmembers for comments, and nobody spoke.

Council President McBride held the public hearing, and nobody spoke.

Council President McBride asked the Council for comments.

Councilmember Warner thanked David Nufer for his investment in South Bend.

Councilmember Lee thanked David Nufer for giving back to the community.

Councilmember Tomas Morgan motioned to adopt Bill No. 23-30, which was 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>	

23-31

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5448 DYLAN DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A NINE-YEAR (9) REAL PROPERTY TAX ABATEMENT FOR GLC PORTAGE PRAIRIE, LLC

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Bill No. 23-31 was heard in the Community Investment Committee and comes to the Full Council with a favorable recommendation.

Erik Glavich, Director of Growth and Opportunity, offices on the 14th floor of the County-City building, stated that Bill No. 23-31 is a declaratory resolution for a nine (9) year industrial development real property tax abatement. The total private investment is twelve million dollars (\$12,000,000).

Isaac Hall, Great Lakes Capital (GLC), 7410 Aspect Drive, Granger Indiana 46530, stated that the space at 5448 Dylan Drive has purposely been left vacant in wait of this project, and GLC is excited to see the progress of this project.

Council President McBride asked Councilmembers for comments, and nobody spoke.

Council President McBride held the public hearing, and nobody spoke.

Councilmember Lee motioned to adopt Bill No. 23-31, which was 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>
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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>	

23-32

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 516 S. MICHIGAN ST., SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TWO-YEAR (2) VACANT BUILDING TAX ABATEMENT FOR HERSTORIC PROPERTIES LLC

23-33

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, 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 516 SOUTH MICHIGAN STREET, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX-YEAR (6) REAL PROPERTY TAX ABATEMENT FOR HERSTORIC PROPERTIES, LLC

Council Vice President Niezgodski motioned to hear Bill No. 23-32 and Bill No. 23-33 together, which was seconded by Councilmember Lee and carried by a unanimous vote of acclimation.

Clerk Jones read the resolutions to the Council.

After the reading President McBride requested the committee reports.

Councilmember Tomas Morgan stated that Bill No. 23-32 and Bill No. 23-33 both were heard in the Community Investment Committee, and both come to the Full Council with favorable recommendations.

Erik Glavich, Director of Growth and Opportunity, offices on the 14th floor of the County-City building, stated that Bill No. 23-32 is a declaratory resolution for a two (2) year vacant building tax abatement. Erik Glavich stated that Bill No. 23-33 is a declaratory resolution for a six (6) year real property tax abatement. The total private investment is five hundred and seventy thousand dollars (\$570,000).

Rachel Mospan, developer, 15555 Hunting Ridge Trail, Granger IN 46530, is present.

Charity Stowe, developer, 614 South Saint Joseph Street, South Bend IN 46601, stated that they are excited to keep affordable residential and commercial spaces in downtown South Bend.

Council President McBride asked Councilmembers for comments.

Councilmember Davis Jr. asked if the developers had spoken with the neighborhood association.

Charity Stowe answered yes.

Councilmember Davis Jr. asked if the developers have had conversations regarding the homeless population in the downtown area.

Charity Stowe stated that she is aware of the homelessness problem downtown.

Councilmember Davis Jr. welcomes ideas from the developers regarding solutions to the homelessness problem.

Councilmember Hamann asked if the developers plan to manage the units on their own.

Charity Stowe answered yes.

Councilmember Hamann stated that she has worked to help address the homeless problem in South Bend.

Council President McBride opened the public hearing.

Sam Centellas, 2740 Miami Street, South Bend IN 46614, stated that he has worked with Herstoric Development and voiced support for their project.

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

Councilmember Tomas Morgan motioned to adopt Bill No. 23-32, which was 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 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>	

Councilmember Warner motioned to adopt Bill No. 23-33, which was seconded by Councilmember White 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.

39-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2023 OF \$110,654 FROM THE GENERAL FUND (#101), \$1,195,000 FROM THE PARKS AND RECREATION FUND (#201), \$56,000 FROM THE CENTRAL SERVICES FUND (#222), \$3,127,099 FROM THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT FUND (#408), \$1,000,000 FROM THE PROFESSIONAL SPORTS CONVENTION DEVELOPMENT AREA (#413), \$2,322,376 FROM THE 2018 TIF PARK BOND CAPITAL FUND (#452), \$1,482,530 FROM THE 2017 PARK BOND CAPITAL FUND (#471), \$100,000 FROM THE PARKING GARAGES FUND (#601), \$100,000 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), AND \$60,000 FROM THE CENTURY CENTER CAPITAL FUND (#671)

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

Councilmember Hamann motioned to send Bill No. 39-23 to the Personnel and Finance Committee for a public hearing and third (3rd) reading on June 26, 2023, seconded by Council Vice President Niezgodski, 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 Henry Davis Jr. – <i>Nay</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>	

40-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2023

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

Council Vice President Niezgodski motioned to send Bill No. 40-23 to the Zoning and Annexation Committee for a public hearing and third (3rd) reading on June 26, 2023, 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>	

41-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10894-22, 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 2023, TO ESTABLISH ONE NEW FULL-TIME POSITION

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

Council Vice President Niezgodski motioned to send Bill No. 41-23 to the Personnel and Finance Committee for a public hearing and third (3rd) reading on June 26, 2023, 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>	

42-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CREATING THE 2023 TIF BOND SERIES A CAPITAL FUND (#456)

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

Council Vice President Niezgodski motioned to send Bill No. 42-23 to the Personnel and Finance Committee for a public hearing and third (3rd) reading on June 26, 2023, 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>	

43-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ADDING CHAPTER 14, ARTICLE 10,

SECTIONS 14-61 THROUGH AND INCLUDING 14-63
ADDRESSING EXTERMINATION/PEST CONTROL IN
RESIDENTIAL RENTAL UNITS

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

Councilmember Davis Jr. motioned to send Bill No. 43-23 to the Health and Public Safety Committee for a public hearing and third (3rd) reading on June 26, 2023, 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>	

UNFINISHED BUSINESS

None.

NEW BUSINESS

The next Council Committee and Common Council meeting is scheduled for June 26, 2023 and any budget priorities need to be submitted.

Councilmember Davis Jr. expressed his appreciation for the Empowerment Zone presentation regarding the partnership between schools and the City.

Councilmember Karen White requested a copy of the presentation be sent to all Councilmembers.

PRIVILEGE OF THE FLOOR

Debra DuRal, 21677 Auten Road, South Bend IN 46628, spoke regarding environmental issues in local parks.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:50 p.m.