

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: 08-14-2023

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, August 14, 2023, at 7:00 PM. The meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Pastor Andre Stoner of Faith in Indiana 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 Council and yourselves. If you would like to speak during the meeting on a specific agenda item, please submit your request in the chat - directions to do so are in the chat. We ask that you provide your [FULL NAME] and [ADDRESS], as those are required for all speakers at in-person Council meetings.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=367280>

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 (<i>Arrived Late</i>)
Sharon L. McBride	3 rd District, President
Troy Warner	4 th District
Eli Wax*	5 th District
Sheila Niezgodski	6 th District, Vice-President
Rachel Tomas Morgan	At-Large
Karen L. White	At-Large

COUNCIL MEMBERS ABSENT

Lori Hamann	At-Large
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OTHERS PRESENT

Dawn M. Jones	City Clerk
Victoria A. Trujillo	Chief Deputy Clerk
Shayla Kimbrough	Deputy Clerk
Adjia Sambe	Executive Asst
Bianca Tirado	Council Consultant
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES

April 24, 2023

May 8, 2023

Councilmember Troy Warner motioned to table the April 24, 2023 and May 8, 2023 Common Council meeting minutes until August 28, 2024, which was seconded by Councilmember Eli Wax Lee and carried by a vote of seven (7) ayes with two (2) councilmembers absent.

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

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Council Vice President Sheila Niezgodski motioned to resolve into the Committee of the Whole, which was seconded by Councilmember Karen White and carried by a vote of seven (7) ayes with two (2) councilmembers absent.

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

PUBLIC HEARINGS

BILL NO.

23-23

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 3003 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride stated that Bill No. 23-23 had been tabled until August 28, 2023.

27-23

PUBLIC HEARING ON 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

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

Councilmember Lee requested the committee report.

Council Vice Chair Niezgodski stated that Bill No. 27-23 was heard in 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.

Angela Smith, Zoning Administrator, with offices on the 14th floor of the County-City Building, stated that the property located at 1333 Lincolnway West used to be a gas station and then became an auto repair shop. After sitting empty for several years, it was determined that the property’s legal nonconformance status had lapsed, and the petitioner would like to bring this building back into conformance. The property was zoned as a medium density residential property; the petitioner seeks a rezoning to Neighborhood Center (NC) as well as a special exception to allow for major auto repairs.

Petitioner, Keith Giden, 1121 Goodland Avenue, South Bend IN 46628, stated that he is looking to reopen the shop, and that all underground tanks have been removed.

Councilmember Lee requested questions from the Council, and nobody spoke.

Councilmember Lee held the public hearing, and nobody spoke.

Councilmember Lee thanked the petitioner for seeking to reopen their business.

Council Vice President Niezgodski motioned to send Bill No. 27-23 to the Full Council with a favorable recommendation, which was seconded by Councilmember White and carried by a vote of eight (8) ayes with one (1) councilmember absent.

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>Absent</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

48-23

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 1044 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride stated that Bill No. 48-23 had been tabled until August 28, 2023.

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 Warner and carried by a vote of eight (8) ayes with one (1) councilmember absent.

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>Absent</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

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.

27-23

THIRD READING ON 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

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. 27-23 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Lee motioned to adopt Bill No. 27-23, seconded by Council Vice President Niezgodski, and carried by a vote of eight (8) ayes with one (1) councilmember absent.

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>Absent</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RESOLUTIONS

None.

BILLS ON FIRST READING

BILL NO.

49-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS AND IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF THE CITY OF SOUTH BEND, INDIANA: AUTHORIZING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED FORTY-SEVEN MILLON SEVEN HUNDRED NINETY-ONE THOUSAND DOLLARS (\$47,791,000) TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

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

Council Vice President Niezgodski motioned to send Bill No. 49-23 to the Personnel and Finance Committee for a third (3rd) reading and public hearing on August 28, 2023, which was seconded by Councilmember Lee and carried by a vote of eight (8) ayes with one (1) councilmember absent.

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>Absent</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council Vice President Niezgodski stated that the budget kick-off will be August 16, 2023 at Pin Hook Pavilion. The City’s Build the Budget website has information regarding upcoming budget meetings.

Councilmember Canneth Lee thanked those that participated in the backpack give away.

PRIVILEGE OF THE FLOOR

Elisha Gonzalez, 1348 East Dubail Avenue, South Bend IN 46613, spoke about an abundance of trash and wild animals in their neighborhood.

Logan Foster, 1138 College Street, South Bend IN 46628, spoke about violence in their neighborhood, and correspondence with Councilmember Davis Jr.

Steve Davis, 1126 College Street, South Bend IN 46628, spoke about trash in their neighborhood and instances of illegal parking.

ADJOURNMENT

Council President McBride adjourned the meeting at 7:29 p.m.