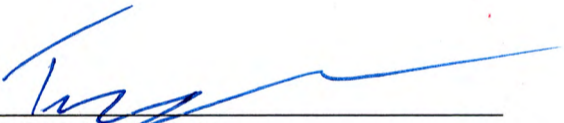



**REPORT OF SUB-COMMITTEE ON MINUTES**

**TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:  
THE SUB-COMMITTEE HAS INSPECTED THE MINUTES OF THE**

**DATE: 05-28-2024**

**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: 06-10-2024**

**ATTEST:**

  
\_\_\_\_\_  
BIANCA L. TIRADO, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana, met in person on Tuesday, May 28, 2024, at 7:00 p.m. Council President Sharon McBride called the meeting to order. Dr. Joe Fant of Community Baptist Church gave the invocation.

City Clerk Bianca L. Tirado 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.

**Please note the attached link for the meeting recording:**

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=382881>

**Council meetings are also available at Michiana Access Channel on both their website and their Facebook page.**

ROLL CALL

COUNCILMEMBERS PRESENT

Canneth Lee	1 <sup>st</sup> District, Committee of the Whole
Ophelia Gooden-Rodgers	2 <sup>nd</sup> District
Sharon L. McBride	3 <sup>rd</sup> District, President
Troy Warner	4 <sup>th</sup> District
Sherry Bolden-Simpson	5 <sup>th</sup> District
Sheila Niezgodski	6 <sup>th</sup> District, Vice-President
Dr. Oliver Davis	At-Large
Karen L. White	At-Large
Rachel Tomas Morgan	At-Large

COUNCILMEMBERS ABSENT

None

OTHERS PRESENT

Bianca L. Tirado	City Clerk
Elivet Quijada-Navarro	Deputy Director of Policy
Matthew Neal	Director of Special Projects
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES:

May 13, 2024                      August 14, 2023                      June 12, 2023                      October 9, 2023

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

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the May 13, 2024 Common Council meeting minutes and recommend they be approved.

Councilmember Dr. Oliver Davis motioned to approve the May 13, 2024 Common Council meeting minutes, which was seconded by Councilmember Karen L. White and carried by a unanimous vote of acclimation.

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the August 14, 2023, June 12, 2023, and October 9, 2023 Common Council meeting minutes and recommended that they be approved. It is understood that Councilmembers who were not members of Council in 2023 will be abstaining.

Councilmember Troy Warner motioned to approve the August 14, 2023, June 12, 2023, and October 9, 2023 Common Council meeting minutes, which was seconded by Councilmember Canneth Lee and carried by a vote of acclimation with three (3) councilmembers abstaining.

SPECIAL BUSINESS

The Council presented a Special Proclamation honoring the St. Joseph High School Boys’ Basketball Team.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Dr. Davis motioned to resolve into the Committee of the Whole, which was seconded by Councilmember White and carried by a vote of acclimation with one (1) councilmember absent.

PUBLIC HEARINGS

BILL NO.

20-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 18, ARTICLE 5, TO UPDATE THE PROCEDURES FOR VACATION OF PUBLIC WAYS AND PUBLIC PLACES (*SUBSTITUTE*)

Council Vice President Niezgodski motioned to accept Substitute Bill No. 18-24, 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>
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>	

Clerk Tirado read the Substitute bill to the Council for its second (2<sup>nd</sup>) reading.

After the second (2<sup>nd</sup>) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski stated that Substitute Bill No. 20-24 went before the Public Works and 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.

Chris Dressel, Senior Planner, with offices on the 14<sup>th</sup> floor of the County-City Building, stated that Substitute Bill No. 20-24 seeks to update and improve the current Right of Way (ROW) vacation process. Proposed changes to the ROW vacation process include the addition of pre-application review/consultation, updated language, a ninety (90) day expiration date for petition requests following Board of Public Works reviews, and the establishment of evaluation criteria which is to be set by the Board of Public Works. There will be a three hundred dollar (\$300) fee for staff processing in addition to the existing one hundred and fifty dollar (\$150) fee. Substitute Bill No. 20-24 would also ensure post-filing verification, require the notification for the entirety of the block containing the proposed vacation, require signatures from all adjacent property owners, ensure staff attends the public hearing process, and require the notification of results to all applicable City departments.

Councilmember Lee requested questions from the Council.

Council Vice President Niezgodski asked if there would be a dedicated person for residents to contact if they have questions regarding the vacation process.

Chris Dressel answered that residents would have a person available to them for questions regarding the vacation process.

Councilmember White requested information regarding the updated criteria from the Board of Public Works.

Chris Dressel stated that he can return to the Council with more information regarding updates from the Board of Public Works.

Councilmember Lee requested clarity regarding the vacation process.

Jenna Throw stated that if an applicant had acquired land and subsequently failed to pay their taxes, the City could consider moving to retake the land.

Councilmember Lee held the public hearing, and no members of the public spoke.

Councilmember Lee asked the Council for comments.

Council Vice President Niezgodski motioned to send Substitute Bill *No. 20-24* to the Full Council with a favorable recommendation, which was seconded by Councilmember Rachel 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>	

22-24

PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY ALLEY AT 513 NORTH HILL STREET BEGINNING AT A POINT IN THE WEST LINE OF HILL STREET (66’ R/W); SAID POINT BEING A DISTANCE OF 198.12’ NORTHERLY OF THE NORTH LINE OF CEDAR STREET (82’ R/W)’; ALSO THE POINT BEING THE NORTHEAST CORNER OF PARCEL BEARING ST. JOSEPH COUNTY INDEX NUMBER 018-5008-019

Clerk Tirado read the bill to the Council for its second (2<sup>nd</sup>) reading.

After the second (2<sup>nd</sup>) reading, Councilmember Lee requested the committee report.

Council Vice President Niezgodski stated that Bill *No. 22-24* went before the Public Works and 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.

Andrew Cunningham, Jones Petrie Rafinski, with offices at 325 South Lafayette Boulevard, South Bend IN 46601, stated that the proposed alley vacation will facilitate the construction of the University of Notre Dame, Veldman Family Psychology Clinic. The facility will provide mental health resources and a service-delivery center to the South Bend Community.

Councilmember Warner requested information regarding cell phone tower access.

Andrew Cunningham stated that there is access to the cell phone tower.

Tim Sexton, University of Notre Dame, with offices on the 4<sup>th</sup> floor of Notre Dame’s Main Building, stated that the goal is to grow the availability of mental health care in South Bend while focusing on three (3) areas: trauma care, suicide prevention, and substance abuse. Services will be provided to the most vulnerable.

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

Councilmember Lee held the public hearing, and no members of the public spoke.

Councilmember Lee asked the Council for comments.

Councilmember Tomas Morgan motioned to send Bill No. 22-24 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>	

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 Vice President Niezgodski 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 (3<sup>rd</sup>) reading and action is taken regarding bills that were heard during the Committee of the Whole.

BILLS ON THE THIRD READING

BILL NO.

20-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 18, ARTICLE 5, TO UPDATE THE PROCEDURES FOR VACATION OF PUBLIC WAYS AND PUBLIC PLACES (*SUBSTITUTE*)

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

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

Councilmember Lee stated that Substitute Bill No. 20-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember White motioned for the passage of Substitute Bill No. 20-24, 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>	

22-24

THIRD READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY ALLEY AT 513 NORTH HILL STREET BEGINNING AT A POINT IN THE WEST LINE OF HILL STREET (66’ R/W); SAID POINT BEING A DISTANCE OF 198.12’ NORTHERLY OF THE NORTH LINE OF CEDAR STREET (82’ R/W); ALSO THE POINT BEING THE NORTHEAST CORNER OF PARCEL BEARING ST. JOSEPH COUNTY INDEX NUMBER 018-5008-019

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

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

Councilmember Lee stated Bill No. 22-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Warner motioned for the passage of Bill No. 22-24, 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 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.

24-17

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 728 HARRISON AVENUE, SOUTH BEND, INDIANA 46616 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR CROSS COMMUNITY, INC

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated Bill No. 24-17 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.

Mark Bemenderfer, Business Development Manager, with offices on the 14<sup>th</sup> floor of the County-City Building, stated that Bill No. 24-17 is a confirming resolution for a five (5) year single-family residential real property tax abatement for property located at 728 Harrison Avenue. The petitioner is Cross Community Inc., and they provide homeownership information to first (1<sup>st</sup>) time homebuyers. Cross Community is planning to invest two hundred and seventy thousand dollars (\$270,000) for the development of a new two (2) story home.

Tina Patton, President of Cross Community, with offices located at 707 Sherman Avenue, South Bend IN 46616, stated that Cross Community offers classes to first (1<sup>st</sup>) time homebuyers, and is committed to redeveloping the northwest part of South Bend for residents seeking homes at an affordable price.

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

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

Councilmember Dr. Davis thanked Cross Community for investing in South Bend.

Councilmember White thanked Cross Community for their committent to South Bend.

Councilmember Lee thanked Cross Community for their work in South Bend.

Councilmember Bolden-Simpson stated that the homes being built by Cross Community are beautiful.

Councilmember Gooden-Rodgers requested information regarding the number of homes built by Cross Community.

Tina Patton stated that 728 Harrison Avenue will be Cross Community’s fifth (5<sup>th</sup>) new home, and stated that Cross Community has begun rehabing homes as well.

Council President McBride thanked Cross Community.

Councilmember Lee motioned for the adoption of Bill No. 24-17, 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>	

BILLS ON FIRST READING

BILL NO.

23-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 620 SOUTH SAINT JOSEPH STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember White motioned to send Bill No. 23-24 to the South Bend Planning Commission on June 17, 2024 and to the Zoning and Annexation Committee for a public hearing and third (3<sup>rd</sup>) reading on June 24, 2024, which was seconded by Council Vice President Niezgodski and carried by a unanimous vote of acclamation.

24-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 718, 724, AND 730 TURNOCK STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Tomas Morgan motioned to send Bill No. 24-24 to the South Bend Planning Commission on June 17, 2024 and to the Zoning and Annexation Committee for a public hearing and third (3<sup>rd</sup>) reading on June 24, 2024, which was seconded by Councilmember Lee and carried by a unanimous vote of acclamation.

25-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 215 WEST MARION STREET, 502, 506, 530 NORTH LAFAYETTE BOULEVARD AND VACANT LOT NORTH OF 506 NORTH LAFAYETTE BOULEVARD COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember White motioned to send Bill No. 25-24 to the South Bend Planning Commission on June 17, 2024 and to the Zoning and Annexation Committee for a public hearing and third

(3<sup>rd</sup>) reading on June 24, 2024, which was seconded by Council Vice President Niezgodski and carried by a unanimous vote of acclimation.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Councilmember Dr. Davis stated that Zoning and Annexation committee members will be contacted regarding an upcoming meeting and requested a meeting to discuss the format of privilege of the floor.

Council President McBride stated that she would follow up with Councilmember Dr. Davis regarding privilege of the floor.

Councilmember Tomas Morgan stated that there will be a joint Information and Technology Committee and Health and Public Safety Committee meeting on May 30, 2024.

Councilmember Lee stated that on May 30, 2024 at the Brown Learning Center there will be a discussion regarding the visioning process for Portage and Elwood. Another discussion will be held June 12, 2024.

Councilmember Gooden-Rodgers announced that there will be a clean-up event happening for District Two (2) on June 1, 2024.

PRIVILEGE OF THE FLOOR

Brendan Crumlish, 3215 Sugar Maple Business Court, South Bend IN 46628, spoke regarding homelessness, financial responsibility, media freedom, and a matter that occurred following the May 13, 2024 Common Council meeting.

Sarah Foster, commented on a matter that occurred following the May 13, 2024 Common Council meeting.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 8:11 p.m.