

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: 02-06-2023

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: 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 in the Council Chambers of the County-City Building and via Microsoft Teams app on Monday, February 6, 2023, at 7:00 PM. The Special Meeting to make up for the cancellation of the January 30, 2023 meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Pastor Canneth Lee 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=362246>

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
Rachel Tomas Morgan	At-Large
Lori K. Hamann	At-Large

COUNCIL MEMBERS ABSENT:

Karen L. White	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	Clerk Intern
Bianca Tirado	Council Consultant
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES

January 9, 2023

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

Clerk Jones stated that the Sub-Committee on Minutes brings forth the January 9, 2023 Common Council meeting minutes for approval.

Councilmember Eli Wax stated that he did not recall receiving the January 9, 2023 Common Council meeting minutes.

Councilmember Troy Warner stated that he did not recall receiving the January 9, 2023 Common Council meeting minutes.

Councilmember Wax stated that there still needs to be discussion on how minutes are handled moving forward.

Clerk Jones stated that due to there only being three (3) people in the Clerk's Office, they are limited in the number of minutes they can produce.

Council President McBride stated that a discussion regarding minutes should be had in the near future.

There was no vote regarding the January 9, 2023 Common Council meeting minutes, hence they were not approved.

SPECIAL BUSINESS

Sara Stewart, 3701 Prast Boulevard, South Bend IN 46628, gave a presentation regarding Unity Gardens. The vision for Unity Gardens is to have a community with an abundance of healthy, locally grown produce. Unity Gardens improves community health physically, environmentally, socially, and economically.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

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

PUBLIC HEARINGS

BILL NO.

71-22

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 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

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

After the second (2nd) reading, Councilmember Lee requested the committee report.

Councilmember Lori Hamann stated that Bill No. 71-22 came 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.

Rachel Boyles, Zoning Specialist, with offices on the 14th floor of the County-City Building, stated that Bill No. 71-22 requests a special exception for minor vehicle services at property located at 1502 Miami Street. The property is owned by Shark Investments LLC and the petition comes with a favorable recommendation from the Board of Zoning Appeals.

Councilmember Lee requested comments from the Council.

Council President McBride requested clarification of the property boundaries and business services.

Rachel Boyles provided a map of the property boundaries and stated that the business will only be detailing and cleaning cars inside the facility.

Councilmember Hamann requested clarification regarding drainage.

Rachel Boyles stated that drainage will remain as-is.

Councilmember Lee held the public hearing, and nobody spoke.

Councilmember Lee asked the Council for comments.

Councilmember Wax motioned to send Bill No. 71-22 to the Full Council with a favorable recommendation, which was seconded by Councilmember Hamann 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>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

78-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

After the second (2nd) reading, Councilmember Lee requested the committee report.

Councilmember Lori Hamann stated that Bill No. 78-22 came 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.

Rachel Boyles, Zoning Specialist, with offices on the 14th floor of the County-City Building, stated that Bill No. 78-22 requests a rezoning from Urban Neighborhood One (U1) to Neighborhood Center (NC) for property located at 1144 Corby Boulevard. The petitioner is Five (5) Corners LLC and Bill No. 78-22 comes with a favorable recommendation from the South Bend Planning Commission.

Paul Phair, Holladay Properties, 3454 Douglas Road, South Bend IN 46635, stated that Bill No. 78-22 will allow for the expansion of the Five (5) Corners development site.

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

Councilmember Lee opened the public hearing.

Rolanda Hughes, 1029 Riverside Drive, South Bend IN 46616, expressed an interest in pursuing more affordable housing in the neighborhood.

Paul Phair stated that one hundred and eight (108) units are being added to the neighborhood which is expected to create a price reduction for rents overall. Paul Phair stated that the units being created are rental units catered toward college students.

Council Vice President Niezgodski clarified that currently the project is being paid for entirely by private investment and Holladay Properties is not leveraging any City dollars at this time.

Councilmember Tomas Morgan stated that the development will increase the amount of smaller and more affordable units.

Councilmember Lee requested information regarding the average rates for the apartments.

Paul Phair stated that the rent for the apartments ranges from one thousand dollars (\$1,000) per month to two thousand seven hundred dollars (\$2,700) per month.

Councilmember Davis Jr. stated that some residents cannot afford many of the apartments being added to South Bend.

Councilmember Warner stated that there was recently a project that is utilizing the low-income tax credit in the neighborhood that had been approved for a tax abatement.

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

Councilmember Warner thanked Holladay Properties for their investment in South Bend.

Councilmember Tomas Morgan motioned to send Bill No. 78-22 to the Full Council with a favorable recommendation, which was seconded by Councilmember Wax 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>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RISE AND REPORT

Councilmember Wax 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 vote of acclimation with one (1) councilmember absent.

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.

71-22

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 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 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. 71-22 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Wax motioned for the passage of Bill No. 71-22, 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>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

78-22

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 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 Substitute Bill *No. 78-22* was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Tomas Morgan motioned for the passage of Bill *No. 78-22*, seconded by Councilmember Wax, 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>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RESOLUTIONS

BILL NO.

22-61

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CALLING FOR REPARATORY JUSTICE

Bill *No. 22-61* was tabled indefinitely and assigned to a special committee.

23-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A LEASE BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT COMMISSION AND TAKING OTHER ACTIONS RELATED THERETO

Clerk Jones read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Tomas Morgan stated that Bill *No. 23-02* 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.

Benjamin Dougherty, Deputy City Controller, with offices on the 12th floor of the County-City Building, stated that Bill *No. 23-02* is a resolution to approve a bond financing lease for neighborhood improvement project totalling thirty-seven million seven hundred thousand dollars (\$37,700,000) and Beacon Lifestyle District parking garage project totalling twenty-eight million nine hundred thousand dollars (\$28,900,000). Bill *No. 23-02* contains three (3) approvals from Council: approval of a transfer of a portion of Portage Avenue, approval of the execution of the bond financing lease, and the issuance of the bonds.

Council President McBride asked the Council for comments.

Council Vice President Niezgodski asked if there would be a pursuance of public input regarding Walker Field.

Benjamin Dougherty answered yes.

Council Vice President Niezgodski requested information regarding requested grant dollars.

Benjamin Dougherty stated that requested grant dollars are not guaranteed.

Councilmember Wax asked if the potential agreement with Beacon will come back before the Redevelopment Commission.

Benjamin Dougherty answered that it is the expectation.

Councilmember Hamann asked who will be maintaining the parking structures in the long term.

Benjamin Dougherty stated that the revenues made from the parking garages' fees would be used to cover maintenance costs.

Councilmember Hamann stated that she believes the vote is premature, and would be beneficial to table Bill No. 23-02.

Councilmember Davis Jr. stated support for Councilmember Hamann's request.

Benjamin Dougherty stated that Council's approval is beneficial when discussing with project stakeholders.

Councilmember Lee requested clarity regarding the desired results of the bonds.

Benjamin Dougherty stated that the City will own the parking garages and there will be the construction of new water features and other improvements of River West projects.

Councilmember Davis Jr. stated that South Bend needs more improvements than waterparks and parking garages.

Council President McBride stated that the improvements being made at Beacon are improving the level of medical care South Bend residents can be given, and stated that Beacon is investing four hundred million dollars (\$400,000,000) to improve their facilities.

Councilmember Hamann stated that the series bonds in Bill No. 23-02 should be separated into two (2) different resolutions.

Councilmember Davis Jr. asked if hospitals are tax exempt.

Benjamin Dougherty stated that Hospitals are exempt from paying property taxes.

Councilmember Warner stated that Bill No. 23-02 will result in new apartments, a new hotel, increased medical facilities, and increased retail space.

Councilmember Davis Jr. stated that the improvements will be restricted to one (1) area.

Council President McBride opened the public hearing.

Rolanda Hughes, 1029 Riverside Drive, South Bend IN 46616, stated support for Councilmember Hamann's request to table Bill No. 23-02.

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

Councilmember Hamann stated that Bill No. 23-02 should be split into two (2) resolutions.

Phil Faccenda raised concerns regarding separating Bill No. 23-02.

Bob Palmer stated that separating Bill No. 23-02 is possible.

Councilmember Davis Jr. motioned to divide Bill No. 23-02 into two separate resolutions, one (1) for Series A bonds and one (1) for Series B bonds, which was seconded by Councilmember Hamann, and failed by a vote of two (2) ayes, six (6) nays, and one (1) councilmember absent.

Council President Sharon McBride – <i>Nay</i>	Council Vice President Sheila Niezgodski – <i>Nay</i>
Councilmember Canneth Lee – <i>Nay</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner – <i>Nay</i>	Councilmember Eli Wax – <i>Nay</i>
Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Nay</i>	

Councilmember Davis Jr. motioned to add a contingency to Bill No. 23-02 that requires further Council approval after the agreement is made but before the Redevelopment Commission votes on the approval of the bonds, which was seconded by Councilmember Hamann, and failed by a vote of two (2) ayes, six (6) nays, and one (1) councilmember absent.

Council President Sharon McBride – <i>Nay</i>	Council Vice President Sheila Niezgodski – <i>Nay</i>
Councilmember Canneth Lee – <i>Nay</i>	Councilmember Henry Davis Jr. – <i>Aye</i>
Councilmember Troy Warner – <i>Nay</i>	Councilmember Eli Wax – <i>Nay</i>

Councilmember Lori K. Hamann – <i>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Nay</i>	

Councilmember Warner motioned for the adoption of Bill No. 23-02, seconded by Councilmember Tomas Morgan, and carried by a vote of seven (7) ayes, one (1) nay, and 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>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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

BILLS ON FIRST READING

BILL NO.

01-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION FOR A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 2621 MISHAWAKA AVE SOUTH BEND, IN 46615 COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Lee motioned to send Bill No. 01-23 to the Zoning and Annexation Committee for public hearing and third (3rd) reading on February 27, 2023, which was seconded by Councilmember Davis Jr. and carried by a vote of acclimation with one (1) councilmember absent.

02-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 407, 409 AND 411 MARION ST. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Wax motioned to send Bill No. 02-23 to the South Bend Planning Commission on February 10, 2023, and to the Zoning and Annexation Committee for a public hearing and third (3rd) reading on February 27, 2023, which was seconded by Councilmember Hamann, and carried by a vote of acclimation with one (1) councilmember absent.

UNFINISHED BUSINESS

Council President McBride reminded councilmembers to schedule their respective committee organizational meetings.

Councilmember Hamann stated that a fully-functioning Community Police Review Board (CRB) is overdue.

Council President McBride stated that the CRB is currently undergoing interviews for positions.

NEW BUSINESS

Council President McBride stated that Mayor James Mueller’s Annual Financial Address to the Council will be on February 13, 2023.

Councilmember Lee stated that there will be an envisioning session for the Near Northwest Neighborhood twenty-year (20) plan on February 15, 2023.

Council President McBride stated that there will be a Meet the Mayor event on February 14, 2023.

Council Vice President Niezgodski stated that La Casa de Amistad will be hosting a 2045 plan meeting on February 16, 2023, and stated that volunteers are needed for the Memorial Day Parade.

PRIVILEGE OF THE FLOOR

Sharon Banicki, 3822 Ford Street, South Bend IN 46619, spoke regarding a streetlight.

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, spoke regarding the City website, the City's Facebook page, the time allotted for privilege of the floor, meeting minutes, and tax abatement research.

Lakeyue Williams, 1821 Kemble Avenue, South Bend IN 46613, spoke regarding investments.

Rolanda Hughes, 1029 Riverside Drive, South Bend IN 46616, inquired about a reparations resolution.

Council President McBride stated that a special committee team is exploring a reparations bill.

ADJOURNMENT

Council President McBride adjourned the meeting at 9:30 p.m.