

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: 02-13-2023

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 13, 2023, at 7:00 PM. The meeting was called to order by Council President Sharon L. McBride, and the Invocation was given by Apostle Edwin Newsome of Kingdom Impact Christian Cultural Church 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=362360>

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
Karen L. White	At-Large

COUNCIL MEMBERS ABSENT

None

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

None.

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

James Mueller, Mayor, with offices on the 14th floor of the County-City Building, provided a statement of finances and a general condition of the City in his annual address. Mayor Mueller noted recent City highlights including neighborhood plans, police staffing improvements, the Real Time Crime Center (RTCC) upgrades, the Behavioral Crisis Center updates, and improvements in the availability of affordable housing. Mayor Mueller discussed the American Rescue Plan as well as other Federal and State initiatives that are impacting South Bend. Mayor Mueller provided an overview of the City’s financial position. South Bend ranks third (3rd) in Indiana for Second (2nd) Class Cities regarding cash and investments. A “Second (2nd) Class City” is a city with a population

of more than thirty-five thousand (35,000) residents and a City Council of nine (9) members. Mayor Mueller detailed the City’s debt profile. South Bend ranks tenth (10th) in Indiana for Second (2nd) Class Cities regarding debt per capita. South Bend has an AA bond rating and ranks second (2nd) in Indiana for Second (2nd) Class Cities regarding the Standard and Poor’s (S&P) General Obligation Ratings. Mayor Mueller discussed the City’s capital asset profile and capital expenditures. Mayor Mueller outlined various sources of revenue and various expenditures. Mayor Mueller spoke regarding major capital projects such as the Market District, Four (4) Winds Field, the Morris, the Dream Center, the Career Center, and the Housing Authority. Mayor Mueller previewed some of South Bend’s upcoming projects.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Eli Wax motioned to resolve into the Committee of the Whole, which was seconded by Council Vice President Sheila Niezgodski and carried by a unanimous vote of acclimation.

PUBLIC HEARINGS

BILL NO.

52-22

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD

Councilmember Henry Davis Jr. motioned to table Bill No. 52-22 indefinitely, which was seconded by Councilmember Lori 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

Councilmember Rachel Tomas Morgan motioned to rise from the Committee of the Whole and report back to the Full Council, seconded by Council Vice President Sheila 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 (3rd) reading and action is taken regarding bills that were heard during the Committee of the Whole.

RESOLUTIONS

BILL NO.

23-04

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CALLING FOR THE CONTINUING USE OF ALL CURRENT SOUTH BEND PUBLIC HIGH SCHOOLS AS HIGH SCHOOLS (*SECOND SUBSTITUTE*)

Councilmember Tomas Morgan motioned to accept Second (2nd) Substitute Bill No. 23-04, which was seconded by Council Vice President Sheila Niezgodski and carried by a unanimous vote of acclimation.

After the vote President McBride requested a committee report.

Councilmember Karen White stated that Second (2nd) Substitute Bill No. 23-04 was heard in the Residential Neighborhoods Committee and comes to the Full Council with a favorable recommendation.

Clerk Jones read the resolution to the Council.

Council President McBride, co-sponsor of Second (2nd) Substitute Bill No. 23-04, requested comments from other co-sponsors.

Councilmember Davis Jr. stated that the City is growing, but the South Bend Community School Corporation (SBCSC) is moving to decrease capacities.

Councilmember Lee stated that high schools are very important, and the City should keep them open.

Councilmember Wax stated that the SBCSC has been put in a difficult position and believes that Second (2nd) Substitute Bill No. 23-04 unfairly puts the blame on the State Legislature and school choice. Councilmember Wax stated that funding for the SBCSC has never been higher in terms of dollars spent per child. Councilmember Wax stated that Second (2nd) Substitute Bill No. 23-04 oversteps the bounds of the Council and assumes to know better than the SBCSC regarding the current education predicament.

Council President McBride stated that Second (2nd) Substitute Bill No. 23-04 was drafted with the input of the Superintendent and the SBCSC President in mind.

Councilmember Wax motioned to strike the fourth (4th) whereas clause, the fifth (5th) whereas clause, the first (1st) section, and the eighth (8th) section from Second (2nd) Substitute Bill No. 23-04, which was seconded by Councilmember Davis Jr.

Council Vice President Niezgodski stated that she supports Second (2nd) Substitute Bill No. 23-04 in-full and stated that the eighth (8th) section does not take any power from the SBCSC rather it is merely a strong recommendation.

Council President McBride spoke in opposition to State legislation regarding school choice and school vouchers.

Councilmember Tomas Morgan stated that she supports Second (2nd) Substitute Bill No. 23-04 in-full. Councilmember Tomas Morgan believes the State Legislature is not the only factor affecting the SBCSC and is glad to see Second (2nd) Substitute Bill No. 23-04 contain language encouraging the SBCSC to keep the current high school buildings within the SBCSC.

Councilmember Davis Jr. stated that the SBCSC has received a large amount of resources, and the blame for the current predicament should not fall solely on the State Legislature and the school choice movement.

Councilmember Hamann stated that funding for Indiana schools is currently increasing, but historically Indiana schools have been underfunded. Councilmember Hamann would be in favor of striking the fourth (4th section) if necessary but believes the rest of Second (2nd) Substitute Bill No. 23-04 should remain.

Councilmember Wax’s motion to strike the fourth (4th) whereas clause, the fifth (5th) whereas clause, the first (1st) section, and the eighth (8th) section from Second (2nd) Substitute Bill No. 23-04, which was seconded by Councilmember Davis Jr., failed by a vote of two (2) ayes and seven (7) nays.

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>Aye</i>

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

Council President McBride opened the public hearing.

Christopher Huft, 1831 College Street, South Bend IN 46628, stated that the SBCSC has struggled historically.

Shane Williams-Inez, 22500 US Highway 20, South Bend IN46628, stated that Second (2nd) Substitute Bill *No. 23-04* is largely about economics and not education, and stated appreciation for the Council’s cooperation.

Sherry Bolden Simpson, 6216 Exeter Court, South Bend IN 46614, commended the Council for getting involved with the SBCSC.

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

Council President McBride stated that she is invested in seeing SBCSC schools remain open.

Councilmember Davis Jr. should consider having a consultant present during discussions regarding the SBCSC.

Councilmember Warner encouraged the public to get involved in the SBCSC discussions.

Councilmember White stated that it is important to consider the history of the SBCSC.

Councilmember Davis Jr. stated that unfortunately many people are uninformed as to the tax implications regarding the SBCSC.

Clerk Dawn Jones stated that the public should get involved and stated that there are ways the Council can work with the SBCSC to address issues in South Bend.

Councilmember Wax commended the sponsors of Second (2nd) Substitute Bill *No. 23-04* for working on a solution.

Councilmember Davis Jr. motioned for the adoption of Second (2nd) Substitute Bill *No. 23-04*, seconded by Councilmember White, 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>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Eli Wax – <i>Nay</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.

03-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR THE SOUTHEAST CORNER OF NIMTZ PARKWAY AND OLIVE ROAD, SOUTH BEND, INDIANA

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

Councilmember Davis Jr. motioned to send Bill *No. 03-23* to the Zoning and Annexation Committee for a second (2nd) reading and public hearing on March 27, 2023, and to the Full Council on April 10, 2023 for a third (3rd) reading, which was seconded by Councilmember Lee and carried by a unanimous vote of acclamation.

04-23

FIRST 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 1106 PORTAGE AVE. 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 White motioned to send Bill No. 04-23 to the Zoning and Annexation Committee for a public hearing and third (3rd) reading on March 13, 2023, which was seconded by Councilmember Lee, and carried by a unanimous vote of acclimation.

05-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE PROPERTY THAT IS PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, BETWEEN MICHIGAN AVENUE TO THE EAST AND THE VACATED SECTION OF MAIN STREET TO THE WEST. THE SECOND STREET TO BE VACATED IS THAT PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, LYING EAST OF MICHIGAN STREET AND WEST OF ST. JOSEPH STREET

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

Council Vice President Niezgodski motioned to send Bill No. 05-23 to the Public Works and Property Vacation Committee for a public hearing and third (3rd) reading on March 13, 2023, which was seconded by Councilmember Lee, and carried by a unanimous vote of acclimation.

06-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING MAXIMUM SALARY AND WAGE OF EXECUTIVE ASSISTANT/DIRECTOR OF SPECIAL PROJECTS FOR THE CITY CLERK OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2023

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

Councilmember Lee motioned to send Bill No. 06-23 to the Personnel and Finance Committee for a public hearing and third (3rd) reading on March 13, 2023, seconded by Councilmember Davis Jr., and carried by a unanimous vote of acclimation.

UNFINISHED BUSINESS

Council President McBride requested councilmembers to check their emails.

Councilmember Davis Jr. stated that crime in South Bend needs to be assessed and quantified.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

REGULAR MEETING

February 13, 2023

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, spoke regarding the City's debt, the cost of shootings, cash reserves, and flooding.

Christopher Huft, 1831 College Street, South Bend IN 46628, spoke regarding oversight of government operations.

ADJOURNMENT

Council President McBride adjourned the meeting at 9:17 p.m.