

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: 05-08-2023

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: 07-08-2024

ATTEST:



BIANCA L. TIRADO, CITY CLERK

Be it remembered that the Common Council of the City of South Bend, Indiana, met in person on Monday, May 8, 2023, at 7:00 p.m. Council President Sharon McBride called the meeting to order. Reverend Andrew Brown of the Michigan Baptist Church gave the invocation.

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.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=364658>

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, Council President
Troy Warner* (<i>Arrived late</i>)	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

COUNCILMEMBERS ABSENT

Lori K. 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	Clerk Intern
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

Andrew Berlin, 501 W South St, South Bend IN 46601, Chairman & Owner of the South Bend Cubs gave an update on the South Bend Cubs.

Council President McBride thanked Andrew Berlin for his words and the work of leading the South Bend Cubs and opened the floor to the Council for comments.

Councilmember Karen L. White thanked Andrew Berlin and his team for their work for the City.

Councilmember Rachel Tomas Morgan thanked Andrew Berlin and asked is part of the expansion to increase the training facility.

Andrew Belin responded the training center will not be changed, as it is owned by himself.

Councilmember Lee thanked Andrew Berlin for his work.

Council Vice President Sheila Niezgodski thanks Andrew Berlin for his work and investment into the South Bend community.

Councilmember Eli Wax commented on his fond memories of going to games and thanked Andrew Berlin for his faith in the City. Councilmember Wax asked what the total investment in the ballpark and surrounding areas.

Andrew Berlin responded that he has invested thirty-eight million dollars (\$38,000,000) and the City has invested eighteen million dollars (\$18,000,000).

Councilmember Wax asked what the timeline on the bond for the stadium is.

Andrew Berlin responded that interest rates are currently high, but they are intending on breaking ground the day after the 2024 season ends.

Caleb Bauer, Executive Director, Community Investment, with offices on the 14th floor of the County-City Building, gave an update regarding Cherry street.

Chris Dressel, Senior Planner, Department of Community Investment, offices on the 14th floor of this building, gave an update regarding Cherry street.

Leah Thill, Director of Sustainability, Michiana Area Council of Governments (MACOG), gave an update regarding Cherry street. Leah Thrill stated that MACOG is fully funding sampling for environmental studies.

Dave Jeffers, Senior Hydrogeologist, Roberts Environmental, 2112 Carmen Ct, Goshen IN 46526. Dave Jeffers specified that they took soil, water, and gas samples. Out of twenty-seven (27) samples, only nine (9) were out of compliance, which is low. All the samples that were contaminated come from three (3) to five (5) feet of fill which sits below the topsoil. The site is completely safe as long as no digging past the first (1st) soil level.

Mark Espec, Director of Environmental Health, St. Joe County Health Department, with offices on the 8th floor of the County-City Building. The site has been secured by the EPA and all toxic materials will be removed by the end of the month.

Caleb Bauer stated the new owner of the third (3rd) parcel has a history of cleaning up properties such as this.

Councilmember White asked about the use for these sites after they are cleaned and cleared.

Caleb Bauer stated that he is unsure what the owners intend to do.

Councilmember Tomas Morgan asks for clarification on if there was an event that led to increased soil tests.

Caleb Bauer stated that it was due to community concerns of the environmental problems, that could have led to health problems for adjoining residents.

Leah Thill stated that for those sites to be redeveloped there would need to be additional samples taken to meet code.

Councilmember Tomas Morgan asked if there are different sampling standards depending on what the site is going to be used for.

Caleb Bauer stated that is true, phase one (1) of testing has been completed, but before those sites will be redeveloped there will need to be additional soil boring.

Mark Espec clarified that after a building plan is in place, where the building is going to be and any paved areas, you then tailor your soil sampling.

Councilmember Lee asked for clarification that only nine (9) testing locations had higher carcinogens.

Mark Espec stated that three (3) of the soil sites were high, but they are unconcerned as they are covered by clean soil and a vegetative cover.

Councilmember Lee asked how much would need to be removed.

Mark Espec stated that it can either be capped by clean soil or have it dug up. That question cannot be answered until the planning phase.

Council Vice President Niezgodski asked if there will be additional testing where the leaking drums were found.

Leah Thrill stated that after the drums are removed from the site there will be additional testing and it is fully funded by MACOG.

Council President McBride thanked all the speakers for their work on these properties.

Councilmember Wax asked how far the lead contamination is.

Mark Espec stated they were over three (3) feet below the ground.

Councilmember Davis Jr. asked if building on this location will change the environment.

Caleb Bauer stated that it will.

Councilmember White asked if there was any testing before this most recent round.

Leah Thill stated that they found no evidence of testing prior.

Councilmember White thanked the speakers for their work.

Councilmember Tomas Morgan thanks the speakers for their presentation and urges that as standards change the City will continue to stay up to date.

Councilmember Davis Jr. stated that there are other areas in the City that need investment as well.

Council President McBride opened the public hearing.

Jim Bogner, 807 W Washington street, South Bend IN 46601, would like to thank the City for their work. Jim Bogner expressed his displeasure for the lack of conversation around environmental justice due to contaminated sites from around the City.

Council President McBride closed the public hearing and entertained a motion to resolve into the Committee of the Whole.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Councilmember Lee motioned to resolve into the Committee of the Whole, which was seconded by Councilmember Tomas Morgan 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>Aye</i>
Councilmember Troy Warner– <i>Absent</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.

11-23

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 1306, 1330 HIGH ST. AND 909 E BROADWAY ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Lee stated that Bill No. 11-23 has been tabled until May 22, 2023.

17-23

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 751 COTTAGE GROVE AVE

Councilmember Lee stated that Bill No. 17-23 has been tabled until May 22, 2023.

18-23

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 630 AND 632 HARRISON ST.

Councilmember Lee stated that Bill No. 18-23 has been tabled until May 22, 2023.

19-23

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 506 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 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 Davis Jr. stated that Bill No. 19-23 was previously heard in the Zoning and Annexation Committee and comes to the Committee of the Whole with a favorable recommendation.

Angela Smith, Zoning Administrator, with offices on the 14th floor of the County-City Building regarding Bill No. 19-23. The petitioner is seeking a special exception to allow for vehicle repair. This comes to the Committee of the Whole from the Board of Zoning Appeals with a favorable recommendation.

Cleveland Brown, petitioner, 506 N. Olive St, South Bend IN 46628 spoke in support of the special exception.

Councilmember Davis Jr. commended Cleveland Brown for helping children in the community by teaching them valuable skills. Councilmember Davis Jr. also asked if there are any grant programs that could help with this.

Council President McBride stated that she will follow up with Cleveland Brown and Community Investment.

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

Councilmember Lee opened the public hearing on Bill No. 19-23.

Roosevelt Stewart 1222 S Huey St, South Bend IN 46628 spoke in support of the special exception.

Councilmember Lee closed the public hearing and requested comments from the Council.

Councilmember Wax commended Cleveland Brown for his work.

Council President McBride thanked Cleveland Brown for the work he has done in the community.

Council Vice President Niezgodski thanked Cleveland Brown for his work.

Councilmember Lee thanked Cleveland Brown for his work and his family’s work over the past five (5) generations.

Councilmember Karen White thanked the petitioner for his work.

Caleb Bauer answered Councilmember Davis Jr.’s previous question by stating the Vibrant Places grant would be the one (1) for Cleveland Brown.

Councilmember Davis Jr. corrected Caleb Bauer that the grant that would be applicable in this case would be the Ignite Grant.

Councilmember Wax motioned to send Bill No. 19-23 to the Full Council with a favorable recommendation, which was seconded by Councilmember Tomas Morgan and carried by a vote of eight (8) ayes 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>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>	

RISE AND REPORT

Councilmember Wax motioned to rise from the Committee of the Whole and report back to the Full Council, which was seconded by Councilmember Tomas Morgan and carried by a vote of eight (8) ayes 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>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

Council 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.

19-23

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 506 N. OLIVE ST. 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, Council President McBride requested a committee report.

Councilmember Lee stated Bill No. 19-23 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 Bill No. 19-23, which was seconded by Councilmember Tomas Morgan, and carried by a vote of eight (8) ayes 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>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

23-21

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 3201 W. CALVERT STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR VERBIO NORTH AMERICA LLC

23-22

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 3201 W. C 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

Councilmember White motioned that Bills *No. 23-21* and *No. 23-22* be read together, seconded by Councilmember Tomas Morgan and carried by a vote of eight (8) ayes 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>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>	

Clerk Jones read the resolution to the Council.

Council President McBride requested a committee report.

Councilmember White stated that Bills *No. 22-21* and *No. 23-21* came before Residential Neighborhoods Committee and comes with favorable recommendation.

Eric Lavich, Director of Growth and Opportunity, Department of Community Investment, with offices on the 14th floor of the County-City Building informed the Council that Verbio North America LLC is seeking two separate personal property tax abatements. They will retain all the current staff at the ethanol facility and add eight (8) full-time positions. The investment made by Verbio North America LLC will be two-hundred and thirty million dollars (\$230,000,000). This will lead to eleven million dollars (\$11,000,000) in new tax revenue in the first six (6) to eight (8) years.

Greg Northup, President of Verbio North America LLC, 3201 W. Culvert St, South Bend IN 46631 spoke in support of the resolutions. Greg Northup spoke about how this plant will use food waste to make renewable natural gas. It will produce eight-five million (85,000,000) gallons of ethanol per year.

Councilmember Tomas Morgan asked if the production of the facilities qualify for the new section 48-E tax credit passed in 2022 under the Inflation reduction Act.

Greg Northup answered it is equal to thirty percent (30%) of the investment. The wages of the facility are twenty four percent (24%) over the wages of the City.

Councilmember Lee thanked Greg Northup for the investment and that the City will still get sixty-five thousand (\$65,000) more tax dollars before the tax abatement. Councilmember Lee also asked about the smell and will that be a problem.

Greg Northup answers that will not be a problem.

Council Vice President Niezgodski requested clarity regarding how many jobs will be added due to this investment.

Greg Northup stated that six hundred and fifty (650) jobs will be added in the next two (2) years, including the construction jobs.

Councilmember Wax thanked Greg Northup for the investment and asked a clarifying question about the tax revenue from the facility.

Eric Lavich answered around eight five million dollars (\$85,000,000) in tax revenue over thirty (30) years.

Greg Northup stated the plant will have a lifespan of forty (40) to fifty (50) years.

Council President McBride opens the public comments.

Allison Herzog, Director of Economic Development South Bend Regional Chamber, 101 N. Michigan St, South Bend 46601, spoke in support of the resolutions.

Sharon Banicki, 3822 Ford St, South Bend 46601 asked if the noise will still be a factor.

Chuck Tuscon, General Manager of South Bend Ethanol, 3201 W. Culvert St, South Bend IN 46631, stated that the plant is currently working to remove the noise, and there are plans in the works.

Councilmember White motioned to adopt Bill No. 23-21 seconded by Councilmember Tomas Morgan 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>	

Councilmember White motioned to adopt Bill No. 23-22 seconded by Councilmember Tomas Morgan 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>	

BILLS ON FIRST READING

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

PRIVILEGE OF THE FLOOR

REGULAR MEETING

May 8, 2023

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614 spoke regarding tax abatements and a City Debt assessment.

Sharon Banicki spoke regarding signage and crime reports.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:24pm.