

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: 07-24-2023

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, July 24th , 2023, at 7:00 p.m. Council President Sharon McBride called the meeting to order. The invocation was read by Minister Kenneth Hardy of St Paul Bethel Missionary Baptist and pledge to the flag was read.

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. If you would like to be called on during the meeting for public input, again please insert your [FULL NAME] and [ADDRESS], in the chat and you will be called on during the relevant time for public input. You will be given five minutes to speak. For citizens that wish to speak during privilege of the floor, please insert the following [FULL NAME] and [ADDRESS], into the chat during that time and the Council President will call on you. You will be given three minutes to speak. Please be sure to unmute yourself prior to giving your remarks.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=366793>

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

ROLL CALL

COUNCILMEMBERS PRESENT

Canneth Lee	1 st District, Committee of the Whole
Henry Davis Jr.	2 nd District
Sharon L. McBride	3 rd District, President
Eli Wax	5 th District
Sheila Niezgodski	6 th District, Vice-President
Lori K. Hammann	At-Large
Karen L. White	At-Large
Rachel Tomas Morgan	At-Large

COUNCILMEMBERS ABSENT

Troy Warner	4 th District
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OTHERS PRESENT

Dawn M. Jones	City Clerk
Victoria Trujillo	Chief Deputy Clerk
Kenneth Hardy	Deputy Clerk
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES

April 10, 2023

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

Clerk Jones stated that the Sub-Committee on Minutes has inspected the April 10, 2023 Common Council meeting minutes and recommend they be approved.

Councilmember Lori Hamman motioned to approve the April 10, 2023 Common Council meeting minutes, which was seconded by Councilmember Canneth Lee and carried via a vote by voice.

REPORTS FROM CITY OFFICES

None.

SPECIAL BUSINESS

Council President McBride acknowledged John Pinter for helping to bring the Mandela Washington Fellowship to South Bend.

Stephanie Murphy, Executive Director of the St. Joe County Public Library (SJCPL), 304 South Main Street, South Bend IN 46601 shared the successes of the past year including ninety thousand (90,000) library cards issued, and one million four hundred thousand (1,400,000) information materials distributed.

Councilmember Lori Hamann thanked Stephanie Murphy for her presentation and commended the library system for embracing the values the city has identified such as sustainability and aiding the homeless population of South Bend.

A special resolution awarded by Common Councilmember Henry Davis, Jr. acknowledging Milestone Steam Academy, LLC, and Laquita Hughes, for the essential work they perform in childcare services.

Councilmember Davis, Jr. spoke in support of the resolution.

Laquita Hughes, 1422 Marine Street, South Bend IN 46613 thanks the Council for the resolution.

Cindy Cohen, 19009 Layden Street, South Bend 46637 speaks in support of Laquita Hughes and in support of the resolution.

Councilmember Hamann spoke in support of the resolution.

A special resolution awarded by South Bend Common Councilmember Henry Davis, Jr. acknowledging July 13, 2023, as Black Lives Matter Day.

Councilmember Davis, Jr. spoke in support of the resolution.

Angela Angel, 16 Francis Street, Annapolis MD 21401 spoke in support of the resolution.

Dé Bryant, 215 N Scott Street, South Bend IN 46601 spoke in support of the resolution.

Paul Mishler, 421 Manitou Place, South Bend 46616 spoke in support of the resolution, and urged the Council to fully support this resolution.

Dr. Janet J. Evelyn, 6448 Armstrong Drive, South Bend IN 46613 spoke in support of the resolution and Angela Angel for her career successes.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Council President McBride motioned to resolve into the Committee of the Whole, which was seconded by Councilmember Canneth 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 Eli Wax – <i>Aye</i>
Councilmember Troy Warner – <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

PUBLIC HEARINGS

BILL NO.

24-23

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 1127, 1131, AND 1135 WEST
WESTERN AVENUE, COUNCILMANIC
DISTRICT NO. 2 IN THE CITY OF SOUTH
BEND, INDIANA

Clerk Dawn M. Jones read the bill to the council for its second (2nd) reading.

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

Councilmember Hamann stated that Bill *No. 24-23* came before the Zoning and Annexation Committee this afternoon, July 24, 2023, and comes with no recommendation.

Councilmember Lee requests that the petitioner(s) state their name and address and share key points before the council.

Angela Smith, Zoning Specialist with offices on the 14th Floor of the County-City Building, presented Bill *No. 24-23* the bill which seeks a special exemption for addresses 1127, 1131, and 1135 West Western Avenue, South Bend IN 46601. This is a request to allow auto repair work to continue at this location. This has been reviewed by the Board of Zoning Appeals and comes to the Council with a favorable recommendation, subject to a written declaration that outdoor storage of automobiles will not continue.

Councilmember Hamann requested more information on drainage, and what would require additional drainage to be added to the property.

Angela Smith responded, saying two thousand five hundred square feet (2,500 sq ft.) or more of an impervious surface such as a parking lot was added to the property. In the properties' current state there is not a need for additional drainage.

Councilmember Tomas Morgan asks for clarification, in addition to the written declaration, the entire site will still need to be put into compliance. If this is granted is the petitioner (the owner) ready to bring the property into compliance?

David Farhan petitioner and owner of the properties at 1127, 1131, and 1135 West Western Avenue, South Bend IN 46601. David Farham questioned why it needs to be brought into compliance, stated that the business has been out of compliance for many years, and stated that he is not financially ready to make those changes.

Council President McBride asked what changes would be at the owner's expense.

Angela Smith responded with additional windows, fixing the sidewalk, adding trees, and changing the fence which would be at the owners expense.

Council President McBride asks for a clarification of the current use and the desired use.

Angela Smith clarified that the current use and the desired use are the same, an autobody repair shop, but it is not currently up to coding standards for this use.

Councilmember Lee adds that the City is working with the owner to get grant assistance through the Vibrant Grant Assistance program.

David Farham responded that the maximum payout of the grant is twenty-five thousand dollars (\$25,000), and the estimated cost to get the site into compliance is one hundred and ninety thousand dollars (\$190,000).

Councilmember Lee responds by saying the cost will not be that high if the outdoor storage is eliminated, as there will not need to be a surface lot.

David Farham stated outdoor storage is vital to the business, as there is only storage for two (2) cars indoors on the property, which is not viable.

Angela Smith says that the grant matches up to fifty thousand dollars (\$50,000), and the cost estimated by the Board of Zoning Appeals is ninety thousand dollars (\$90,000). Forty-five thousand dollars (\$45,000) would be granted to the owner as there is already a legal parking lot in

the rear of the property. The grant is available if the owner wants to continue using the property for auto repair, but so a special exemption must be granted.

Council Vice President Sheila Niezgodski asked what qualifies as major vehicle service.

Angela Smith clarified that it is any work beyond brakes and tire repair.

Councilmember Lee asked if the owner was ready to make this investment in the property.

David Farham responded that he is ready to make these investments.

Councilmember Eli Wax asked if the owner were to not seek a special exemption for the use of this property, would the changes to bring the property up to code be necessary? Or is this a discretionary matter?

Angela Smith stated that when you apply for a special exemption you then must meet existing zoning code for the use of the property, in this case auto repair. When seeking a special exemption or rezoning, everything except for the location of the structure must be brought up to code.

Councilmember Wax suggested revisiting this policy.

Councilmember Lee asked why it was not grandfathered in.

Angela Smith stated that it is because the property was never zoned for autobody work.

David Farham stated the property was used for the same purpose before he purchased it in 2013.

Councilmember Davis Jr. asked if the owner had been denied this grant before.

Angela White stated that he has never applied for a grant for this property.

Council President McBride asked what led to the denial of past grant applications for different properties that David Farham owns.

Angela Smith answered that the properties did not meet the specifications of the grant.

Councilmember Wax asked if the owner would like the Council to pass this special exemption.

David Farham answered yes.

Councilmember Lee closed the public hearing and entertained a motion regarding Bill No. 24-23.

Councilmember Lee motioned to send Bill No. 24-23 to the full council, which was seconded by Councilmember Tomas Morgan and carried by a vote of four (4) ayes, four (4) nays, and one (1) councilmember absent.

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

Councilmember Davis Jr. reiterated his position.

Councilmember Lee asked Attorney Bob Palmer what the council does in the event of a tie.

Attorney Palmer stated that a tied vote does not pass.

Angela White clarified that every special exception since she started in 2013 had met the requirements of the special exception, and David Farham is the first (1st) person to not be able to meet these requirements.

Councilmember Davis Jr. asked if there is more that can be done.

Angela Smith stated that she can speak to the South Bend Planning Commission regarding Councilmember Davis Jr.’s request.

Councilmember Wax motioned to send Bill No. 24-23 to the Full Council with no recommendation, which was seconded by Councilmember Davis Jr. 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 Eli Wax – <i>Aye</i>
Councilmember Troy Warner – <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

27-23

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

Council President McBride stated that Bill No. 27-23 has been tabled until August 14, 2023

43-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING CHAPTER 14, ARTICLE 10, SECTIONS 14-61 THROUGH AND INCLUDING 14-63 ADDRESSING EXTERMINATION/PEST CONTROL IN RESIDENTIAL RENTAL UNITS

Council President McBride stated that Bill No. 43-23 has been tabled until August 14, 2023.

44-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1006 ST VINCENT STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride stated that Bill No. 44-23 has been tabled until August 14, 2023

45-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1018 N FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Clerk Jones read the bill to the council for its second reading.

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

Councilmember Hamann stated that Bill No. 45-23 came before the Zoning and Annexation Committee and comes with favorable recommendation.

Councilmember Lee requested that the petitioner(s) state their name and address and share key points before the council.

Angela Smith, Zoning Specialist with offices on the 14th Floor of the County-City Building, presented Bill No. 24-23 the bill which seeks a rezoning on 1018 Frances Street, South Bend IN 46617. The petitioner is seeking to rezone a portion of 1018 Frances Street to be adjoined with two (2) lots to the south to allow a comprehensive development lot for the Notre Dame Law Clinic. It would also allow to them to keep the garage that is currently on the property. The remainder of the lot would remain urban neighborhood one, which would allow for a single-family home.

Wayne Richardson, Bertsch Frank & Associates, 811 Lawrence Dr, Fort Wayne IN 46804. The zoning would allow for the single-family home to have alley access, as it does not have a driveway.

Councilmember Hamann asked if the current single-family dwelling could be moved to a serviceable location.

Tim Sexton, Associate Vice President for Public Affairs, 405 Main Building, Notre Dame IN 46556 stated that Notre Dame donated seven (7) lots to the City, three of which are Habitat for Humanity homes and the other four (4) are going to developed into single-family homes.

Council Vice President Niezgodski motioned to send Bill No. 45-23 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 Eli Wax– <i>Aye</i>
Councilmember Troy Warner– <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

46-23

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: ALLEY BETWEEN 1301 ELWOOD AVENUE AND 1405 PORTAGE AVENUE

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

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

Council Vice President Niezgodski, Chair of the Public Works and Poverty Vacation Committee, stated that Bill No. 46-23 came before the Public Works and Poverty Vacation Committee and comes with favorable recommendation.

Praveen Gulati, Peak Investment and Asset Management, the manager of 1405 W Portage Ave, South Bend IN 46616 spoke in support of the bill. Bill No. 46-23 vacates the alley between 1301 Elwood Avenue, South Bend IN 46628 and 1405 Portage Avenue, South Bend IN 46628.

Council Vice President Niezgodski motioned to send Bill No. 46-23 to the Full Council with a favorable recommendation, which was seconded by Councilmember Tomas Morgan and carried by a vote of eight (8) ayes 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 Eli Wax– <i>Aye</i>
Councilmember Troy Warner– <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

47-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING THE STATUS OF “HOMELESS” TO THE PROTECTED CLASSES OF PERSONS UNDER THE SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2 ARTICLE 9, OF THE SOUTH BEND MUNICIPAL CODE AND ESTABLISHING THE DEFINITION FOR HOMELESS

Council President McBride stated that Bill No. 47-23 has been tabled until August 14, 2023.

RISE AND REPORT

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

REGULAR MEETING RECONVENED

Council President McBride stated that the Full Council is now back in session. This portion of our meeting is where bills are given a third reading and action is taken regarding bills that were heard during the Committee of the Whole.

BILLS ON THE THIRD MEETING

BILL NO.

24-23

THIRD READING 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 1127, 1131, AND 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride requested a recommendation.

Councilmember Lee responds, Bill No. 24-23 comes to the Full Council with no recommendation.

Councilmember Wax motioned for the passage of Bill No. 24-23, seconded by Councilmember Lee, and carried by a vote of five (5) ayes, three (3) nays and one (1) councilmember absent.

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

45-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1018 N FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

Council President McBride requested a recommendation.

Councilmember Lee responds, Bill No. 45-23 comes to the Full Council with a favorable recommendation.

Councilmember Wax motioned for the passage of Bill No. 45-23, 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 Eli Wax – <i>Aye</i>
Councilmember Troy Warner – <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

46-23

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: ALLEY BETWEEN 1301 ELWOOD AVENUE AND 1405 PORTAGE AVENUE

Council President McBride requested a recommendation.

Councilmember Lee responds, Bill No. 46-23 comes to the Full Council with a favorable recommendation.

Councilmember Hamann motioned for the passage of Bill No. 46-23, seconded by Councilmember Lee, and carried by a vote of eight (8) ayes with one (1) absent.

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

RESOLUTIONS

BILL NO.

23-48

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, MEMORIALIZING ONGOING NEEDS AND DEMANDS OF SOUTH BEND’S SECOND DISTRICT

Council President McBride stated that Bill No. 23-48 has been tabled until August 14, 2023.

23-49

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1144 CORBY BLVD, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR FIVE CORNERS LLC

Clerk Jones read the resolution to the Council.

Council President McBride requested a committee report.

Councilmember Rachel Tomas Morgan stated that Bill No. 23-49 came before Community Investment Committee and comes with favorable recommendation.

Mark Bemenderfer, Manager of Business Development with offices on the 14th floor of the County-City Building, speaks in support of the resolution.

Councilmember Wax thanked the petitioner for investing in the 4th district, and thanks the City employees for working with the petitioner so well.

Councilmember Tomas Morgan thanked the petitioner for his investment, and for adding over one hundred (100) housing units.

Councilmember Lee thanked the petitioner and City staff for their concise descriptions of this plan.

Councilmember Davis Jr. asked the Council if there were a provision in the City government that would prevent these housing units from becoming Airbnb’s or other short term rental properties.

The petitioner answered that the leasing agreement will prevent the renters from using these locations as Airbnb’s or other short term rental properties. The petitioner also stated that there would need to be more discussion and maybe some zoning codes should be changed to prevent the owners of these apartments from turning them into short term rentals, but that is not their intention.

Councilmember Davis Jr. asked Attorney Palmer if he can help draft that language.

Councilmember Wax asked if Councilmember Davis Jr. is requesting an ordinance to ban short term rental properties in the City.

Councilmember Davis Jr. answers that he would like some discussion on that subject and investigate if it would be a viable option or detrimental to the growth of the City.

Council President McBride held the public hearing and nobody spoke.

Councilmember Tomas Morgan motioned to adopt Bill No. 23-49 which was 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 Eli Wax – <i>Aye</i>
Councilmember Troy Warner – <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

23-50

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1901 N. BENDIX DRIVE, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVEYEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR CROSSROADS SOLAR ENTERPRISES LLC

Clerk Jones read the resolution to the Council.

Council President McBride requested a committee report.

Councilmember Tomas Morgan stated that Bill No. 23-50 came before Community Investment Committee and comes with favorable recommendation.

Mark Bemenderfer, Manager of Business Development with offices on the 14th floor of the County-City Building stated Crossroads Solar Enterprises LLC produces solar panels comprising a workforce of ex-felons. This abatement is going to create a new solar panel assembly line, and that will add fifteen (15) full-time jobs.

Patrick Reagon, Owner of Crossroads Solar Enterprises LLC, 1901 N. Bendix Drive, South Bend IN 46628 spoke in support of the resolution.

Council President McBride held the public hearing and nobody spoke.

Councilmember Lee motioned to adopt Bill No. 23-50 which was 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 Eli Wax– <i>Aye</i>
Councilmember Troy Warner– <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

23-51

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING AN EXTENSION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA AND ST. JOSEPH COUNTY, INDIANA, FOR THE HOUSING AND OPERATION OF THE SPECIAL VICTIMS' UNIT

Clerk Jones read the resolution to the Council.

Council President McBride requests a committee report.

Councilmember Eli Wax stated that Bill No. 23-51 came before Health and Public Safety Committee and comes with favorable recommendation.

Kylie Connell, Assistant City Attorney, 701 W Sample Street, South Bend IN 46601, spoke in support of the resolution. The City will supply forty thousand dollars (\$40,000) for building maintenance and housing costs.

Councilmember Wax asked if other municipalities are also contributing to the maintenance of this facility, and if so, how much?

Kylie Connell answered St. Joesph’s County supplies forty-five thousand dollars (\$45,000) a year, and the city of Mishawaka does not financially support the maintenance or housing costs of the facility.

Councilmember Wax asked if Notre Dame supplies staff to this facility.

Kylie Connell answered no.

Councilmember Wax asks why South Bend, and Saint Joesph County are the only municipalities funding this unit.

Kylie Connell answers that South Bend and Saint Joesph County have more staff that work in the Special Victims Unit (SVU) which is why they provide monetary support and other municipalities do not.

Councilmember Wax stated that he is going to support this resolution, but states it is counterintuitive because the City supplies more staff, they should have to pay for the upkeep while this unit benefits many municipalities who do not pay for upkeep.

Councilmember Lee supports the resolution and applauds SVU for their great and important work.

Councilmember Hamann asks is the police department going to add more officers to this unit once all other areas are fully staffed.

Kylie Connell answers that is an option that the police department could pursue.

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

Councilmember Lee motioned to adopt Bill No. 23-51, which was seconded by Councilmember Rachel Tomas-Morgan and carried by a vote of eight (8) ayes and one (1) absent.

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

23-52

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, THE CITY OF MISHAWAKA, INDIANA, AND THE BOARD OF COMMISSIONERS OF ST. JOSEPH COUNTY, INDIANA, FOR THE MUTUAL INVESTIGATION OF OFFICER-INVOLVED SHOOTINGS IN ST. JOSEPH COUNTY

Clerk Jones read the resolution to the Council.

Council President McBride requested a committee report.

Councilmember Wax stated that Bill No. 23-52 came before Health and Public Safety Committee and comes with favorable recommendation.

Kylie Connell, Assistant City Attorney, 701 W Sample Street, South Bend IN 46601 speaks in support of the resolution. This will allow for the City, Mishawaka, and St. Joesph County police departments to investigate officer involved shooting quicker and more effectively. This agreement does not include any funds.

Council President held the public hearing and nobody spoke.

Councilmember Karen White motioned to send Bill No. 23-52 to the full council with a favorable recommendation, which was seconded by Councilmember Canneth Lee 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 Eli Wax – <i>Aye</i>
Councilmember Troy Warner – <i>Absent</i>	Councilmember Lori K. Hamann – <i>Aye</i>
Councilmember Henry Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Aye</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

23-48

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, MEMORIALIZING ONGOING NEEDS AND DEMANDS OF SOUTH BEND’S SECOND DISTRICT

Council President McBride stated that Bill No. 23-48 has been tabled until August 14, 2023.

BILLS ON FIRST READING

BILL NO.

48-23

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

Council President McBride entertained a motion to send Bill *No. 48-23* to the Zoning and Annexation for a public hearing on August 7th, 2023 and a third (3rd) reading on August 14, 2023.

Councilmember Tomas Morgan motioned to send Bill *No. 48-23* to the Zoning and Annexation Committee for a public hearing on August 7th, 2023, and a third (3rd) reading on August 14, 2023, seconded by Councilmember Lee and carried via a vote by voice.

UNFINISHED BUSINESS

Councilmember White stated that on July 25, 2023 the joint meeting between Residential Neighborhood Committee and Health and Public Safety Committee will be cancelled and asks that the Clerk's office notify the Neighborhood Engagement Department be notified as they were going to be in attendance.

NEW BUSINESS

Councilmember Davis Jr. spoke regarding the new Martin Luther King Center which he states has been scaled back. Councilmember Davis, Jr. asks Councilmember Rachel Tomas-Morgan if they could work together and find out what happened.

Councilmember Tomas Morgan asked if they can connect later to discuss this issue.

Councilmember Davis Jr. asked if South Bend Ethanol, 3201 W Calvert St, South Bend, IN 46613 should lose its tax abatement due to pollution at unaccusable levels.

Council Vice President Niezgodski answered that the pollutants are believed to be contain to a pond on site, and there are efforts being made to clean it up using pure oxygen to reduce air pollutants from escaping.

Councilmember Hamann stated that there should be more discussion on this issue and whether the Council should act against the organization.

Councilmember Tomas Morgan offers to meet with Councilmember Davis Jr. with the Department of Community Investment after the meeting to discuss this issue further.

Councilmember Davis Jr denied the offer.

Councilmember Hamann cited a national ranking in water quality putting Indiana in fortieth (40th) place. Councilmember Hamann requested that the Council meet with utilities to discuss water quality and how it can improve.

Council President McBride thanked Councilmember Hamann and asked that to be notified when this meeting is scheduled.

PRIVILEGE OF THE FLOOR

Sharon Banicki, 3822 Ford Street, South bend IN 46619 spoke regarding legal fees.

Frank Fannen, 2418 Fredrickson Street, South Bend IN 46628 spoke regarding a roof and furnace program.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 9:05 p.m.