

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: 06-24-2024

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: 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, June 24, 2024, at 7:00 p.m. Council President Sharon McBride called the meeting to order. Pastor Canneth Lee 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 links for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=383281>

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=383282>

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
Ophelia Gooden-Rodgers	2 nd District
Sharon L. McBride	3 rd District, President
Troy Warner	4 th District
Sherry Bolden-Simpson	5 th District
Sheila Niezgodski	6 th District, Vice-President
Dr. Oliver Davis	At-Large
Rachel Tomas Morgan	At-Large

COUNCILMEMBERS ABSENT

Karen L. White	At-Large
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OTHERS PRESENT

Bianca L. Tirado	City Clerk
Elivet Quijada-Navarro	Chief Deputy City Clerk
Matthew Neal	Deputy City Clerk / Director of Policy
Talia Thornton	City Clerk Intern
Bob Palmer	Council Attorney

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

SUB-COMMITTEE ON MINUTES:

June 10, 2024

June 26, 2023

September 25, 2023

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

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the June 10, 2024 Common Council meeting minutes and recommend they be approved.

Councilmember Dr. Oliver Davis motioned to approve the June 10, 2024 Common Council meeting minutes, which was seconded by Councilmember Canneth Lee and carried via a vote by voice with one (1) councilmember absent.

Clerk Tirado stated that the Sub-Committee on Minutes has inspected the June 26, 2023 and September 25, 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 June 26, 2023 and September 25, 2023 Common Council meeting minutes, which was seconded by Councilmember Rachel Tomas Morgan and carried via a vote by voice with three (3) councilmembers abstaining and one (1) councilmember absent.

SPECIAL BUSINESS

None.

REPORTS FROM CITY OFFICES

None.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

Council Vice President Sheila Niezgodski motioned to resolve into the Committee of the Whole, which was seconded by Councilmember Ophelia Gooden-Rodgers and carried via a vote by voice with one (1) councilmember absent.

PUBLIC HEARINGS

BILL NO.

23-24

PUBLIC HEARING 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 second (2nd) reading.

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

Councilmember Dr. Davis stated that Bill No. 23-24 went 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.

Kari Myers, Department of Community Investment, with offices with offices on the 14th floor of the County-City Building, stated that Bill No. 23-24 seeks to rezone property located at 620 South Saint Joseph Street from Urban Neighborhood One (U1) to Urban Neighborhood Two (U2). The property has been leased as four (4) separate units, and due to a recent fire, extensive repairs are necessary. In order to obtain the necessary permits for the needed repairs, the property must be rezoned.

Charity Stowe, petitioner, 614 South Saint Joseph Street, South Bend IN 46601, stated that the property has operated as a four-plex (4) for at least the last forty (40) years.

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

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

Councilmember Dr. Davis motioned to send Bill No. 23-24 to the Full Council with a favorable recommendation, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

24-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 712, 718, AND 724 TURNOCK STREET COUNCILMANIC DISTRICT NO. 4 IN

THE CITY OF SOUTH BEND, INDIANA
(SUBSTITUTE)

Councilmember Dr. Davis motioned to accept Substitute Bill No. 24-24, which was seconded by Councilmember Lee and carried via a vote by voice.

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

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

Councilmember Dr. Davis stated that Substitute Bill No. 24-24 went 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.

Kari Myers, Department of Community Investment, with offices with offices on the 14th floor of the County-City Building, stated that Substitute Bill No. 24-24 seeks to rezone property located at 712, 718, and 724 Turnock Street from Urban Neighborhood One (U1) to Urban Neighborhood Two (U2). The petitioner seeks to rezone the three parcels to allow for the creation of multi-dwelling units. The development is consistent with the Northeast Neighborhood Plan 2022 which encourages medium density residential developments on vacant lots. Substitute Bill No. 24-24 comes with a favorable recommendation from the South Bend Planning Commission.

Angela Smith, Danch Harner and Associates, with offices located at 1643 Commerce Drive, South Bend IN 46628, stated that the project is a joint partnership between the Northeast Neighborhood Revitalization Organization (NNRO), the South Bend Heritage Foundation and Habitat for Humanity.

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

Councilmember Lee opened the public hearing.

Richard Nussbaum, Attorney for the NNRO, 225 South Sunnyside Avenue, South Bend IN 46615, spoke in favor of Substitute Bill No. 24-24.

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

Councilmember Bolden-Simpson motioned to send Substitute Bill No. 24-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

25-24

PUBLIC HEARING 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 second (2nd) reading.

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

Councilmember Dr. Davis stated that Bill No. 25-24 went 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.

Kari Myers, Department of Community Investment, with offices with offices on the 14th floor of the County-City Building, stated that Bill No. 25-24 seeks to rezone property located at 215 W Marion Street, 502 North Lafayette Boulevard, 506 North Lafayette Boulevard, 520 North Lafayette Boulevard, and 530 North Lafayette Boulevard from Neighborhood Center (NC) to Downtown District (DT). The rezoning will allow for the comprehensive development of employee parking for Beacon Hospital throughout the development of the Madison Lifestyle District. The project is consistent with the Northwest Neighborhood Plan 2019 and comes with a favorable recommendation from the South Bend Planning Commission.

Angela Smith, Danch Harner and Associates, with offices located at 1643 Commerce Drive, South Bend IN 46628, stated that the petition will unify all of the property that is owned by Beacon and Memorial into one (1) common zoning district for the development of an employee parking lot.

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

Councilmember Lee held the public hearing, and nobody spoke.

Councilmember Lee asked the Council for comments.

Council Vice President Niezgodski motioned to send Bill No. 25-24 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

26-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10978-23, WHICH FIXES MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2024, TO ADD A FULL-TIME EMPLOYEE TO TWO EXISTING POSITIONS AND TO MAKE TITLE AND SALARY CHANGES TO TWO EXISTING FULL-TIME POSITIONS

Clerk Tirado 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 stated that Bill No. 26-24 went before the Personnel and Finance 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill No. 26-24 amends the 2024 Salary Ordinance. There is a title change from Financial Specialist Senior to Senior Finance Officer at the Morris Performing Arts Center. The title change comes with a salary increase from sixty-two thousand dollars (\$62,000) to seventy thousand dollars (\$70,000). No additional appropriations are needed for the salary increase. A position within Venues, Parks, and Arts (VPA) also has a title change from Financial Specialist Three (3) to Financial Specialist Four (4). This position took on additional duties as another position was

eliminated last year. Bill No. 26-24 also seeks to upgrade an administrative assistant position within VPA from a part-time to full-time. The position will require an additional appropriation of funds in the amount of thirty-three thousand two hundred and sixty dollars (\$33,260) which will be discussed in an upcoming appropriations bill. Finally, a title change is requested for another position within VPA, going from Director of Development to Director of Development and Special Events. There will also be an increase in the salary cap from sixty-three thousand dollars (\$63,000) to seventy-seven thousand dollars (\$77,000).

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

Councilmember Lee opened the public hearing.

Mr. Clark, *address inaudible*, spoke in opposition to Bill No. 26-24 due to spending concerns.

Kyle Willis stated that salary increases are to compensate employees for taking on more work.

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

Council Vice President Niezgodski motioned to send Bill No. 26-24 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

27-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2024 (SECOND 2nd SUBSTITUTE)

Council Vice President Niezgodski motioned to hear Second (2nd) Substitute Bill No. 27-24, which was seconded by Councilmember Warner and carried via a vote by voice.

Clerk Tirado 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 stated that Second (2nd) Substitute Bill No. 27-24 went before the Personnel and Finance 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Second (2nd) Substitute Bill No. 27-24 covers budget transfers for various departments within the City.

Councilmember Lee requested questions from the Council.

Councilmember Gooden-Rodgers requested Kyle Willis explain the process for the public.

Kyle Willis stated that departments have the ability to transfer funds from one (1) account with additional funds to another account within the same department that is in need of additional funds.

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

Councilmember Lee asked the Council for comments.

Council President McBride motioned to send Second (2nd) Substitute Bill No. 27-24 to the Full Council with a favorable recommendation, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

28-24

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2024 OF \$2,000 FROM THE GENERAL FUND (#101), \$3,000,000 FROM THE PARKS AND RECREATION FUND (#201), \$50,000 FROM THE GIFT, DONATION, BEQUEST FUND (#217), \$180,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$38,000 FROM THE CODE ENFORCEMENT FUND (#230), \$1,750,000 FROM THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT FUND (#408), \$33,260 FROM THE MORRIS PERFORMING ARTS OPERATIONS FUND (#602), \$200,000 FROM THE WATER WORKS CAPITAL FUND (#622), 240,000 FROM THE SEWER REPAIR INSURANCE FUND (#640), \$2,300,000 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), \$2,704,951 FROM THE SEWAGE WORKS CAPITAL FUND (#642) AND \$50,000 FROM THE CENTURY CENTER CAPITAL FUND (#671).

Clerk Tirado 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 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.

Kyle Willis, City Controller, with offices on the 12th floor of the County-City Building, stated that Bill No. 28-24 covers additional appropriations for certain departmental and City services operations for the year 2024.

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. 28-24 to the Full Council with a favorable recommendation, which was seconded by Councilmember Dr. Davis 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 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>Absent</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 via a vote by voice.

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.

23-24

THIRD 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 third (3rd) reading.

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

Councilmember Lee stated Bill No. 23-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 23-24, seconded by Councilmember Dr. Davis, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

24-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 712, 718, AND 724 TURNOCK STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

Clerk Tirado read the Substitute Bill to the Council for its third (3rd) reading.

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

Councilmember Lee stated that Substitute Bill No. 24-24 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 Substitute Bill No. 24-24, seconded by Councilmember Dr. Davis, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

25-24

THIRD 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 third (3rd) reading.

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

Councilmember Lee stated Bill No. 25-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Councilmember Bolden-Simpson motioned for the passage of Bill No. 25-24, seconded by Councilmember Dr. Davis, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

26-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10978-23, WHICH FIXES MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF EXECUTIVE DEPARTMENTS OF THE CITY OF SOUTH BEND FOR CALENDAR YEAR 2024, TO ADD A FULL-TIME EMPLOYEE TO TWO EXISTING POSITIONS AND TO MAKE TITLE AND SALARY CHANGES TO TWO EXISTING FULL-TIME POSITIONS

Clerk Tirado 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. 26-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 26-24, seconded by Councilmember Dr. Davis, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

27-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2024

Clerk Tirado 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. 27-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 27-24, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

28-24

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS FOR THE YEAR 2024 OF \$2,000 FROM THE GENERAL FUND (#101), \$3,000,000 FROM THE PARKS AND RECREATION FUND (#201), \$50,000 FROM THE GIFT, DONATION, BEQUEST FUND (#217), \$180,000 FROM THE LAW ENFORCEMENT CONTINUING EDUCATION FUND (#220), \$38,000 FROM THE CODE ENFORCEMENT FUND (#230), \$1,750,000 FROM THE LOCAL INCOME TAX – ECONOMIC DEVELOPMENT FUND (#408), \$33,260 FROM THE MORRIS PERFORMING ARTS OPERATIONS FUND (#602), \$200,000 FROM THE WATER WORKS CAPITAL FUND (#622), 240,000 FROM THE SEWER REPAIR INSURANCE FUND (#640), \$2,300,000 FROM THE SEWAGE WORKS OPERATIONS FUND (#641), \$2,704,951 FROM THE SEWAGE WORKS CAPITAL FUND (#642) AND \$50,000 FROM THE CENTURY CENTER CAPITAL FUND (#671).

Clerk Tirado 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. 28-24 was heard in the Committee of the Whole and comes to the Full Council with a favorable recommendation.

Council Vice President Niezgodski motioned for the passage of Bill No. 28-24, 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 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>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

RESOLUTIONS

BILL NO.

24-20

A RESOLUTION MODIFYING AND RECONFIRMING THE ADOPTION OF DECLARATORY RESOLUTION NO. 4612-17 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 401 E. COLFAX AVE.

AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A TEN (10) REAL PROPERTY
TAX ABATEMENT FOR COMMERCE CENTER
DEVELOPMENT LLC

Clerk Tirado read the resolution to the Council.

After the reading President McBride requested a committee report.

Councilmember Warner stated that Bill No. 24-20 was heard in the Community Investment Committee and comes to the Full Council with an unfavorable recommendation.

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

Sherry Bolden-Simpson, South Bend Councilmember representing the Fifth (5th) District, 6216 Exeter Court, South Bend IN 46614, stated that a Memorandum of Understanding be drafted.

Attorney Lyle Hardman, DMTM Inc, 205 West Jefferson Boulevard, Suite 300, South Bend 46601, read a proposed Memorandum of Understanding.

Council President McBride requested that councilmembers be provided with copies of the proposed Memorandum of Understanding.

Councilmember Bolden Simpson continued the presentation for Bill No. 24-20. Bill No. 24-20 changes the designation period of the original tax abatement from four (4) years to five (5) years. Councilmember Bolden-Simpson stated that the 401 East Colfax Avenue was affected by the COVID-19 pandemic. Councilmember Bolden-Simpson noted that projects are assessed well before the date the assessor releases their report. The assessor stated that the 401 East Colfax Avenue project was at thirty-eight percent (38%) completion on January 1, 2021, but based that statement on an assessment conducted in June of 2020. The assessor stated that the 401 East Colfax Avenue project was at one hundred percent (100%) completion on January 1, 2022, but based that statement on an assessment conducted in March of 2021. The original designation period ended on January 23, 2021. Councilmember Bolden-Simpson stated that the 401 East Colfax Avenue project has had a positive impact on South Bend (grocery store, pharmacy, small business incubators, apartments, etc.).

Attorney Lyle Hardman spoke further regarding the proposed Memorandum of Understanding.

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

Council President McBride opened the public hearing.

Ryan Conrath, 401 East Colfax Avenue, Suite 277, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Amanda Conrath, 1015 College Street, South Bend IN 46628, spoke in favor of Bill No. 24-20.

Rebecca Kaiser, 913 Diamond Avenue, South Bend IN 46628, spoke in favor of Bill No. 24-20.

Roger Parent, 917 Whitehall Drive, South Bend IN 46615, spoke in favor of Bill No. 24-20.

John Monczunski, 615 Preston Drive, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Jesse Davis, PO Box 10205 South Bend IN, spoke in favor of Bill No. 24-20.

Adam MacMillan, 215 East Colfax Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Larry Clifford, 709 East Washington Street, South Bend IN 46617, spoke in favor of Bill No. 24-20.

David Guthrie, 122 North Saint Louis Boulevard, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Darren Batteast, 53103 Bracken Fern Drive, South Bend IN 46637, spoke in favor of Bill No. 24-20.

Dr. Kim Teska, 1710 Hass Drive, South Bend IN 46635, spoke in favor of Bill No. 24-20.

Monica Hoban, 337 West North Shore Drive, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Zach Brazil, 820 North Niles Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Max Bender, 51605 Bluffside Court, Granger IN 46530, spoke in favor of Bill No. 24-20.

Lisa Borden, 2932 3rd Street, Niles MI 49120, spoke in favor of Bill No. 24-20.

Adreana Liew-Spilger, 300 East LaSalle, Unit 912, South Bend 46617, read a statement from Lisa Braswell in favor of Bill No. 24-20.

Rebecca Miller, 401 East Colfax Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Blair Gingrich, *address not given*, spoke in favor of Bill No. 24-20.

Mara Lucas, 615 Rex Stret, South Bend IN 46616, spoke in favor of Bill No. 24-20.

Kara Bowman, 3532 Chevy Chase, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Ryan Hill, 2634 Tamarac Place, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Jesse Schmiel, 911 Royal Vineyards, South Bend IN 46637, spoke in favor of Bill No. 24-20.

Nancy Yolkam, 1438 East Madison Street, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Sharon Teska, 508 South 23rd Street, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Esther Vanderville, 6605 State Road 23, Granger IN 46635, spoke in favor of Bill No. 24-20.

Dr. Hadi Vanderville, 6605 State Road 23, Granger IN 46635, spoke in favor of Bill No. 24-20.

Li Yin, 687 South 28th Street, South Bend IN 46615, spoke in favor of Bill No. 24-20.

Cynthia Wolter, 9821 Banyan Court, Fort Wayne IN 46835, spoke in favor of Bill No. 24-20.

Don Foster, 132 Chapin Street, South Bend IN 46601, spoke in favor of Bill No. 24-20.

Brendan Crumlish, 3215 Sugar Maple Business Court, spoke in favor of Bill No. 24-20.

Dave Matthews, *address not given*, spoke in favor of Bill No. 24-20.

Jonathan Wolter, 300 East Lasalle Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Ben Dahl, 2145 Hollywood Place, South Bend IN 46616, spoke in favor of Bill No. 24-20.

Velvet Canada, with offices located at 401 East Colfax Avenue, South Bend IN 46617, spoke in favor of Bill No. 24-20.

Richard Nussbaum, 225 South Sunnyside Avenue, South Bend IN 46615, spoke in opposition to Bill No. 24-20.

Sandra Kennedy, Corporation Counsel, with offices located on the 12th floor of the County-City Building, spoke in opposition to Bill No. 24-20.

Frank Perry, 320 East Colfax Avenue, South Bend IN 46617, spoke in opposition to Bill No. 24-20.

Matt Barrett, 110 South Niles Avenue, South Bend IN 46617, spoke in opposition to Bill No. 24-20.

Jennifer Perry, 320 East Colfax Avenue, South Bend IN 46617, spoke in opposition to Bill No. 24-20.

Council President McBride requested a five (5) minute rebuttal from the petitioner.

Councilmember Dr. Davis stated that other development projects have fallen behind. Councilmember Dr. Davis stated that David Matthews should be shown mercy by way of an extension of his designation period.

Attorney Lyle Hardman reiterated the timing of the assessor’s visits as well as the impact of the COVID-19 pandemic.

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

Councilmember Warner stated that the tax identification (ID) number and the parcel ID numbers are incorrect in the bill. The bill contains an incorrect building completion date. The tax abatement recipient has violated City codes and has outstanding taxes owed in Saint Joseph County. There has been no confirmation on the number of jobs created, and the public parking is less than half of what was originally promised. Other designation period extensions have been granted, but none have been three and a half (3.5) years late. The proposed Memorandum of Understanding was rushed and contains commitments that were already supposed to be kept, such as the payment of taxes and the operating of a grocery store.

Councilmember Dr. Davis requested clarification from Attorney Palmer regarding the title of the bill.

Attorney Palmer stated that he informed the petitioner that the same address that was in the original declatory and confirming resolutions, but he never spoke regarding parcel ID numbers.

Councilmember Dr. Davis stated that this type of extension has been done before.

Councilmember Lee stated that he does not have any ill-will toward David Matthews, and is in favor of developments. Councilmember Lee stated that when entering agreements with developers the Council needs to hold those developers accountable.

Councilmember Gooden-Rodgers stated that the vote on Bill No. 24-20 is not personal, rather it is a business matter.

Councilmember Tomas Morgan stated that there are good-hearted people on both sides of Bill No. 24-20 that want what is best for South Bend. Councilmember Tomas Morgan met with David Matthews and he could not guarantee the grocery store could remain open in six (6) months, nor could he guarantee that a year from now he would not be in a similar situation. Councilmember Tomas Morgan stated that there has been a lack of trust between the City and David Matthews.

Councilmember Dr. Davis thanked everyone for coming out and stated that he misunderstood which documents Councilmember Tomas Morgan requested.

Councilmember Bolden-Simpson stated that the Council’s decision will not interfere with litigation.

Council Vice President Niezgodski stated that the petitioner has failed to adhere to the clause in the original agreement requiring the payment of all taxes in Saint Joseph County.

Council President McBride stated that there had been a poor attempt at communication regarding Bill No. 24-20.

Councilmember Bolden-Simpson motioned for a continuance of Bill No. 24-20, which was seconded by Councilmember Dr. Davis and failed by a vote of six (6) nays, two (2) ayes, 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 Ophelia Gooden-Rodgers – <i>Nay</i>
Councilmember Troy Warner– <i>Nay</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Nay</i>	

Councilmember Dr. Davis moved for passage of Bill No. 24-20, which was seconded by Councilmember Bolden-Simpson and failed by a vote of six (6) nays, two (2) ayes, 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 Ophelia Gooden-Rodgers – <i>Nay</i>
Councilmember Troy Warner – <i>Nay</i>	Councilmember Sherry Bolden-Simpson – <i>Aye</i>
Councilmember Dr. Oliver Davis – <i>Aye</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Nay</i>	

Councilmember Dr. Davis asked if Bill No. 24-20 is rejected how long until it can come back to Council.

Attorney Palmer stated no earlier than the meeting after the next meeting.

Councilmember Tomas Morgan motioned to reject Bill No. 24-20, which was seconded by Councilmember Warner, and carried by a vote of six (6) ayes, two (2) nays, 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 Ophelia Gooden-Rodgers – <i>Aye</i>
Councilmember Troy Warner – <i>Aye</i>	Councilmember Sherry Bolden-Simpson – <i>Nay</i>
Councilmember Dr. Oliver Davis – <i>Nay</i>	Councilmember Karen L. White – <i>Absent</i>
Councilmember Rachel Tomas Morgan – <i>Aye</i>	

BILLS ON FIRST READING

BILL NO.

30-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1022 E COLFAX AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Warner motioned to send Bill No. 30-24 to the South Bend Planning Commission on July 15, 2024, and to the Zoning and Annexation Committee for a public hearing and third (3rd) reading on July 22, 2024, which was seconded by Councilmember Lee and carried via a vote by voice with one (1) councilmember absent.

31-24

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

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

Councilmember Tomas Morgan motioned to send Bill No. 31-24 to the South Bend Planning Commission on July 15, 2024, and to the Personnel and Finance Committee for a public hearing on August 26, 2024, and to the Full Council for a third (3rd) reading on September 9, 2024, which was seconded by Councilmember Lee and carried via a vote by voice with one (1) councilmember absent.

32-24

FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY THE FIRST NORTH-SOUTH ALLEY NORTH OF MARION STREET EAST OF

LAFAYETTE BOULEVARD AND WEST OF MAIN STREET AND THE PORTION OF MAIN STREET LOCATED BETWEEN THE NORTH LINE OF THE FIRST EAST-WEST ALLEY NORTH OF MARION, EAST OF MAIN AND THE VACATED NAVARRE STREET.

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

Councilmember Warner motioned to send Bill No. 32-24 to the Public Works and Property Vacation Committee for a public hearing and third (3rd) reading on July 8, 2024, which was seconded by Councilmember Lee and carried via a vote by voice with one (1) councilmember absent.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Council President McBride thanked everyone for their thoughts, prayers, and acts of kindness regarding her nephew Ayyus Enoexpettiford. Council President McBride also requested people pray for Councilmember White regarding her nephew's passing.

Councilmember Lee thanked everyone that attended the Juneteenth celebration.

Councilmember Lee stated that there will be a Portage-Elwood visioning plan meeting on June 12, 2024.

Council President McBride stated that the filing deadline for the July 8, 2024 Council meeting will be moved to July 2, 2024 due to the July 4, 2024 holiday.

PRIVILEGE OF THE FLOOR

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46628, spoke regarding shootings.

Don Foster, 132 Chapin Street, South Bend IN 46601, spoke regarding the Council Rules Committee and a matter that occurred following the May 13, 2024 Common Council meeting.

Sarah Foster, 1138 College Street, South Bend IN 46628, spoke regarding a matter that occurred following the May 13, 2024 Common Council meeting.

Logan Foster, 1138 College Street, South Bend IN 46628, spoke regarding potential City oversight.

Brendan Crumlish, 3215 Sugar Maple Business Court, South Bend IN 46628, spoke regarding fiscal responsibility, media freedom, and homelessness.

Henry Davis Jr., 5117 Idlewood Drive, South Bend IN 46619, spoke regarding fairness.

Jesse Davis, PO Box 10205 South Bend IN, spoke regarding transparency and contractors.

ADJOURNMENT

Council President Sharon McBride adjourned the meeting at 11:24 p.m.