



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, September 26, 2016  
7:00 P.M.

1. **INVOCATION-** REVEREND SANDIE VANIK, UNITY CHURCH OF PEACE
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

16-78 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING ROD GOODCHILD FOR HIS LEADERSHIP IN PROMOTING LASTING AND MAGNIFICENT TREE CARVINGS IN POTAWATOMI PARK FOR GENERATIONS TO COME

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

**TIME:** \_\_\_\_\_

BILL NO.

49-16 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 IN 2016 OF \$208,300 FROM GENERAL FUND (#101), \$2,300,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,985 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$14,000 FROM COVELESKI CAPITAL FUND (#401), \$500,000 FROM COIT FUND (#404), \$2,343 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407), AND \$3,200 FROM CREED FUND (#434).

50-16 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$67,000 FROM EMS CAPITAL FUND (#287), \$2 FROM PARKING GARAGE FUND (#601), \$4,550 FROM

2013 SEWER BOND ISSUANCE FUND (#664), AND \$6,700 FROM 2015 SEWER BOND ISSUANCE FUND (#666).

[51-16](#) 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 2016

[44-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

[45-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

[46-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

[47-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2017 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

[40-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4246 MEGHAN BEELER COURT, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[41-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

**TIME:**\_\_\_\_\_

BILL NO.

[49-16](#) 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 IN 2016 OF \$208,300 FROM GENERAL FUND (#101), \$2,300,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,985 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$14,000 FROM COVELESKI CAPTIAL FUND (#401), \$500,000 FROM COIT FUND (#404), \$2,343 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407), AND \$3,200 FROM CREED FUND (#434).

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[51-16](#) 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 2016

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9. **RESOLUTIONS**

BILL NO.

[16-66](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 7250 VORDEN PKWY, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR 3B TECH, INC.

[16-69](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 2806 W SAMPLE STREET, SOUTH BEND, IN 46619 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX (6) YEAR REAL PROPERTY TAX ABATEMENT FOR INDUSTRIAL METAL-FAB, INC.

[16-71](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 2806 W. SAMPLE STREET, SOUTH BEND, IN 46619 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR INDUSTRIAL METAL-FAB, INC.

[16-73](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3722 FOUNDATION CT, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX (6) YEAR REAL PROPERTY TAX ABATEMENT FOR IMAGINEERING ENTERPRISES, INC.

[16-75](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 3722 FOUNDATION CT., SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE (5) YEAR PERSONAL PROPERTY TAX ABATEMENT FOR IMAGINEERING ENTERPRISES, INC.

6. **BILLS ON FIRST READING**

BILL NO.

[55-16](#) FIRST READING AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RE-AFFIRMING ORDINANCE NO. 10333-14 AND FIXING THE ANNUAL PAY AND MONETARY



FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEAR 2017

- [56-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON COUNCIL MEMBERS FOR CALENDAR YEAR 2017
- [57-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2017
- [58-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20, ARTICLE 1, SECTION 20-18 AND CHAPTER 2, ARTICLE 19, SECTION 2-213 OF THE SOUTH BEND MUNICIPAL CODE TO INCREASE PARKING FINES
- [59-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEARS 2017, 2018, 2019 AND 2020
- [60-16](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP
- [61-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEARS 2017-2020
- [62-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE MAYOR FOR CALENDAR YEAR 2017
- [63-16](#) FIRST READING ON AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2017

[64-16](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 2, ARTICLE 4, SECTION 2-13 OF THE SOUTH BEND MUNICIPAL CODE LISTING CITY EXECUTIVE DEPARTMENTS TO ADD THE INNOVATION AND TECHNOLOGY DEPARTMENT, AND TO REORGANIZE THE PUBLIC PARKS DEPARTMENT UNDER A NEW, EXPANDED DEPARTMENT

7. **UNFINISHED BUSINESS**

BILL NO.

8. **NEW BUSINESS**

9. **PRIVILEGE OF THE FLOOR**

10. **ADJOURNMENT**

**TIME:** \_\_\_\_\_

**Notice for Hearing and Sight Impaired Persons**

**Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.**

**Please Give Reasonable Advance Request When Possible.**

*In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4<sup>th</sup> Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.*



Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Utilities Committee.

**INFORMAL MEETING OF THE COMMON COUNCIL** TIM SCOTT, COUNCIL PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg  
Committee Meeting List  
News Media

**NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS**

**Auxiliary Aid or Other Services may be Available upon Request at No Charge.  
Please give Reasonable Advance Request when Possible**



## 2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

### COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson	Oliver Davis, Member
Regina Williams-Preston, Vice-Chairperson	Randy Kelly, Member

### COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson	Gavin Ferlic, Member
Randy Kelly, Vice-Chairperson	Karen White, Member

### COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member	Dr. David Varner, Member
Jo Broden, Member	Karen White

### HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

John Voorde, Chairperson	Oliver Davis, Member
Karen L. White, Vice-Chairperson	Jo Broden, Member

### INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson	Dave Varner, Member
Gavin Ferlic, Vice-Chairperson	Karen White, Member

### PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Stuebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson	Oliver Davis, Member
Dr. Dave Varner, Vice-Chairperson	John Voorde, Member



## **2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)**

### **PERSONNEL AND FINANCE COMMITTEE**

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson  
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member  
John Voorde, Member

### **PUBLIC WORKS AND PROPERTY VACATION COMMITTEE**

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson  
John Voorde, Vice-Chairperson

Randy Kelly, Member  
Gavin Ferlic, Member

### **RESIDENTIAL NEIGHBORHOODS COMMITTEE**

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson  
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member  
John Voorde, Member

### **UTILITIES COMMITTEE**

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson  
Oliver Davis, Vice-Chairperson

Randy Kelly, Member  
Regina Williams-Preston, Member

### **ZONING AND ANNEXATION COMMITTEE**

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson  
John Voorde, Vice-Chairperson

Gavin Ferlic, Member  
Jo Broden, Member

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### **SUB-COMMITTEE ON MINUTES**

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott  
Dr. David Varner



## 2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-6-16)

### **TIM SCOTT, 1<sup>ST</sup> District Council Member**

#### **PRESIDENT**

Information and Technology, Chairperson

Council Rules Committee, Member  
Sub-Committee on Minutes, Member

### **REGINA WILLIAMS-PRESTON 2<sup>nd</sup> District Council Member**

Community Relations Committee, Chairperson  
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member  
Personnel & Finance Committee, Member  
Utilities Committee, Member

### **RANDY KELLY, 3<sup>rd</sup> District Council Member**

#### **PARC Committee, Chairperson**

Community Relations Committee, Vice Chairperson

Community Investment Committee, Member  
Public Works & Property Vacation, Member  
Utilities Committee, Member

### **JO BRODEN, 4<sup>TH</sup> District Council Member**

#### **Public Works & Property Vacation, Chairperson**

Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member  
Health & Public Safety Committee, Member  
Zoning & Annexation Committee, Member

### **DR. DAVID VARNER, 5<sup>TH</sup> District Council Member**

#### **Utilities Committee, Chairperson**

PARC Committee, Vice-Chairperson

Information & Technology Committee, Member  
Council Rules Committee, Member  
Sub-Committee on Minutes, Member

### **OLIVER DAVIS, 6<sup>TH</sup> District Council Member**

#### **Zoning & Annexation Committee, Chairperson**

Utilities Committee, Vice-Chairperson

Community Investment Committee, Member  
Health & Public Safety Committee, Member  
PARC Committee, Member

### **GAVIN FERLIC, AT LARGE Council Member**

#### **Chairperson, Committee of the Whole**

#### **Community Investment Committee, Chairperson**

Information & Technology Committee, Vice-Chairperson  
Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Member  
Public Works & Property Vacation, Member  
Zoning & Annexation Committee, Member

### **KAREN L. WHITE, AT LARGE Council Member**

#### **Residential Neighborhood Committee, Chairperson**

#### **Personnel & Finance Committee, Chairperson**

Health & Public Safety Committee, Vice-Chairperson

Community Relations Committee, Member  
Information & Technology Committee, Member  
Council Rules Committee, Member

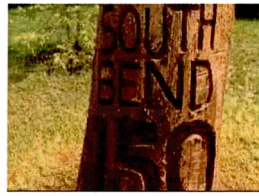
### **JOHN VOORDE, AT LARGE Council Member**

#### **Health & Public Safety Committee, Chairperson**

Public Works & Property Vacation, Vice-Chairperson  
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member  
PARC Committee, Member  
Personnel & Finance Committee, Member





RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING ROD GOODCHILD FOR HIS LEADERSHIP IN PROMOTING LASTING AND MAGNIFICENT TREE CARVINGS IN POTAWATOMI PARK FOR GENERATIONS TO COME**

*Whereas*, the South Bend Common Council notes that in Potawatomi Park there are many beautifully carved fallen oak trees, which are over 150 to 200 years old, thanks to the vision and tenacity of Rod Goodchild; and

*Whereas*, Rod formally requested the Board of Park Commissioners at their September 16, 2013, meeting for the Park Department to “leave six to ten feet of trunk left on larger trees that are cut down in Potawatomi Park & along tree lawns in River Park” so that he could employ sculptors to create wood carvings. The Board discussed Rod’s request at the December 2013 Board meeting & received updates from the City Forester at their January 21, 2014, Board meeting of the stump carvings which they monitored along with proposed future carvings: and

*Whereas*, Rod spearheaded in bringing attention through his “Save the Oak Stumps Extravaganza” to honor the memory of his sister, who was a huge advocate for parks and recreation, with Rod envisioning these fallen tree stumps as potential sources of inspiration; and

*Whereas*, Rod partnered with local sculptor, Victor Riley, who has turned many storm damaged trees into works of art – from the “Spirit Pole” which depicts Native American folklore of six animal carvings depicting a turtle, fox, bear, antelope, buffalo and eagle; to the “Eagle’s Nest”; the magnificent “Eagle Has Landed” sculpture in front of the Ella Morris Greenhouse of the Potawatomi Conservatories; and the “Big Roo” of a mother kangaroo and her baby – all of which have become part of the “Magical Spirit Animal Carvings” which represent the team effort which Rod championed to help enhance pride and spirit in South Bend’s Potawatomi Park; and

*Whereas*, Rod also successfully lobbied the South Bend Common Council and Mayor Pete Buttigieg, who have proclaimed that the 3<sup>rd</sup> weekend of each July be known as the “Spirit Animal Nation Weekend at Potawatomi Park”, to further showcase this special artistic creation which inspires people of all ages.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. The South Bend Common Council proudly recognizes and thanks **ROD GOODCHILD** for his leadership in promoting the idea of turning fallen old oak trees into magnificent carvings for all residents and persons who visit Potawatomi Park to enjoy and which have helped capture some of the rich history of the City of South Bend, Indiana.

Section II. The Common Council hopes that Rod will continue to use his creative spirits to further enrich our community in the years ahead.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Tim Scott, 1<sup>st</sup> District Council Member

\_\_\_\_\_  
Oliver J. Davis, 6<sup>th</sup> District Council Member

\_\_\_\_\_  
Regina Williams Preston., 2<sup>nd</sup> District

\_\_\_\_\_  
John Voorde, At Large Council Member

\_\_\_\_\_  
Randy Kelly, 3<sup>rd</sup> District Council Member

\_\_\_\_\_  
Jo Broden, 4<sup>th</sup> District Council Member

\_\_\_\_\_  
Dr. David Varner, 5<sup>th</sup> District

*Attest:*

\_\_\_\_\_  
Kareemah Fowler, City Clerk

\_\_\_\_\_  
Gavin Ferlic, At Large Council Member

\_\_\_\_\_  
Karen L. White, At Large Council Member

\_\_\_\_\_  
Kathleen Cekanski Farrand, Council Attorney

*Approved this \_\_\_ day of September, 2016.*

\_\_\_\_\_  
Pete Buttigieg, Mayor of South Bend, Indiana

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830

PHONE 574/ 235-7678  
FAX 574/ 235-9928



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF ADMINISTRATION AND FINANCE**

September 7, 2016

Mr. Tim Scott, President  
City of South Bend Common Council  
227 W. Jefferson Boulevard, 4<sup>th</sup> Floor  
South Bend, Indiana 46601

RE: September 2016 Appropriation Ordinance – Civil City Funds

Dear President Scott,

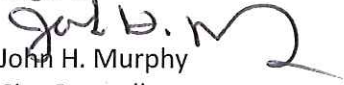
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

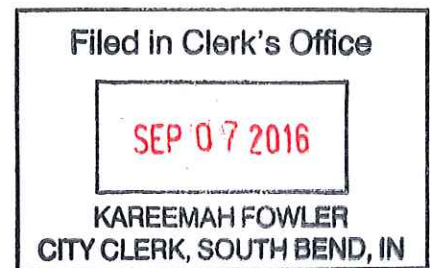
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1<sup>st</sup> reading on September 12, 2016 with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for September 26, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

  
John H. Murphy  
City Controller



*OK*  
*[Handwritten initials]*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$208,300 FROM GENERAL FUND (#101), \$2,300,000 FROM LOIT 2016 SPECIAL DISTRIBUTION FUND (#257), \$2,985 FROM HALL OF FAME DEBT SERVICE FUND (#313), \$14,000 FROM COVELESKI CAPITAL FUND (#401), \$500,000 FROM COIT FUND (#404), \$2,343 FROM CUMULATIVE CAPITAL IMPROVEMENT FUND (#407), AND \$3,200 FROM CREED FUND (#434).

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STATEMENT OF PURPOSE AND INTENT

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The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10388-15 passed on October 12, 2015) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
General Fund (#101)	\$ 208,300
LOIT 2016 Special Distribution (#257)	2,300,000
Hall of Fame Debt Service Fund (#313)	2,985
Coveleski Capital Fund (#401)	14,000
COIT Fund (#404)	500,000
Cumulative Capital Improvement Fund (#407)	2,343
Creed Fund (#434)	3,200
<b>TOTAL</b>	<b><u>\$ 3,030,828</u></b>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

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Member of the Common Council

Attest:

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City Clerk

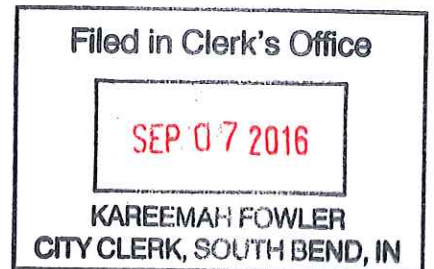


Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana



**City of South Bend, Indiana**  
**September 2016 Additional Appropriation Requests - Civil City Funds**  
(Increase or decrease in total fund expenditures)  
September 7, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/Contact Name	Account Number	Project Number	Budget Increase/Decrease	Justification
General Fund	Common Council	Regular Salaries	Tim Scott	101-0301-411-10-01	--	8,300	Adjust Common Council salary account. All Council members are receiving their salary in 2016.
General Fund	Fire Department	Other Operating Supplies	Todd Skwarcan	101-0901-422-22-24	--	100,000	Operating supplies inadvertently excluded from the original 2016 budget. tactical rescue, self-contained breathing apparatus, wet suits and other supplies for the Fire Department formerly paid from Fund 288 EMS.
General Fund	Fire Department	Small Tools & Equipment	Todd Skwarcan	101-0901-422-23-20	--	75,000	Small tools & equipment inadvertently excluded from the original 2016 budget. Supplies to outfit vehicle, lights bars etc for five new vehicles and other equipment. Formerly paid from Fund 288 EMS.
General Fund	Fire Department	Other Professional Services	Todd Skwarcan	101-0901-422-31-06	--	25,000 208,300	Additional funds for accounting consultant being utilized for accounting and budgeting assistance in 2016
Hall of Fame Debt Service Fund	Hall of Fame	Interest Paid	John Murphy	313-0401-472-38-02	--	2,985 2,985	Adjust budget for total lease rental payments of \$1,271,000 paid (2/1 & 8/1). Debt service principal and interest of \$1,268,015 per amortization schedule. Final payment due 2/1/18.
Coveleski Capital Fund	Maintenance	Building Repairs	Ron O'Connor	401-1101-452-36-01	K61COV	14,000 14,000	Cover replacement of an electric pole and boiler inspection at Four Winds Field. Cash balance in the fund of \$60,958 at 8/1/16.
Cumulative Capital Improvement	Century Center	Capital Lease Interest	John Murphy	407-0401-415-37-12	--	2,343 2,343	Lease rental payments of \$491,000 in 2016 on the 2011 Century Center Refunding bonds (paid 2/1 & 8/1). Amortization schedule principle and interest of \$487,875 in 2016. A total of 75% paid from Fund 407. \$491,000 - \$487,875 x 75% = \$2,343. Final payment due 2/1/18.
Creed Fund	DCI	Interfund Transfer Out	Beth Leonard	434-1002-460-50-02	--	3,200 3,200	Close out Fund 434 and transfer remaining cash balance to the COIT Fund. This fund use to receive a special tax distribution and paid some debt service on a Section 108 loan. The last distribution was received in 2013.
COIT Fund	Engineering	Street Maintenance	Corbitt Kerr	404-0608-431-36-10	--	500,000 500,000	Unanticipated street repairs due to Historic Flooding, as per the City Engineer. Locations include Chippewa across from AM General, South side of Main Street at 1st Source Bank, North side of Ireland Road at the intersection of High Street, Randolph Street Basin at Randolph and Sampson and Ireland Road east of Ironwood.
LOIT 2016 Special Distribution Fund	Engineering	Major Projects	Corbitt Kerr	257-0608-431-42-96	--	2,200,000	Paving, maintenance, and upgrades of Edison and Ironwood
LOIT 2016 Special Distribution Fund	Engineering	Street Maintenance	Corbitt Kerr	257-0608-431-36-10	--	100,000 2,300,000	Paving of Hickory and Logan A special LOIT tax distribution of \$4,217,550 was received on 5/10/16. The current appropriation is \$650,000.
		<b>Grand Total</b>				<b>3,030,828</b>	

Filed in Clerk's Office  
**SEP 07 2016**  
**KAREEMAH FOWLER**  
**CITY CLERK, SOUTH BEND, IN**

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830

PHONE 574/ 235-7678  
FAX 574/ 235-9928



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF ADMINISTRATION AND FINANCE**

September 7, 2016

Mr. Tim Scott, President  
City of South Bend Common Council  
227 W. Jefferson Boulevard, 4<sup>th</sup> Floor  
South Bend, Indiana 46601

RE: September 2016 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

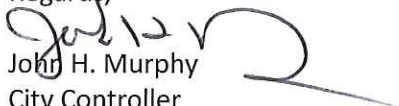
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

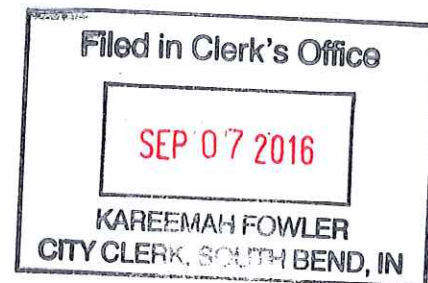
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1<sup>st</sup> reading on September 12, 2016 with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for September 26, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

  
John H. Murphy  
City Controller



*OK*



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF \$67,000 FROM EMS CAPITAL FUND (#287), \$2 FROM PARKING GARAGE FUND (#601), \$4,550 FROM 2013 SEWER BOND ISSUANCE FUND (#664), AND \$6,700 FROM 2015 SEWER BOND ISSUANCE FUND (#666).

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STATEMENT OF PURPOSE AND INTENT

---

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10389-15 passed on October 12, 2015), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for operational expenses as follows:

<u>Fund</u>	<u>Amount</u>
EMS Capital Fund (#287)	\$ 67,000
Parking Garage Fund (#601)	2
2013 Sewer Bond Issuance (#664)	4,550
2015 Sewer Bond Issuance (#666)	<u>6,700</u>
<b>TOTAL</b>	<b><u>\$ 78,252</u></b>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

---

Member of the Common Council

Attest:

---

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_ . m.

\_\_\_\_\_

Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_ . m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

Filed in Clerk's Office  
SEP 07 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-7678  
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

September 7, 2016

Mr. Tim Scott, President  
City of South Bend Common Council  
227 W. Jefferson Boulevard, 4<sup>th</sup> Floor  
South Bend, Indiana 46601

RE: September 2016 Transfer Ordinance

Dear President Scott,

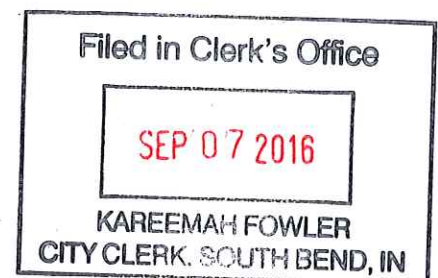
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1<sup>st</sup> reading on September 12, 2016 with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for September 26, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards;

  
John H. Murphy  
City Controller





ORDINANCE NO. \_\_\_\_\_

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 2016

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10388-15 and 10389-15 passed on October 12, 2015) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2016.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. All accounts as set forth in the detailed attachment hereto which are incorporated herein shall be adjusted by increase or reduction of appropriation in the designated sums.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

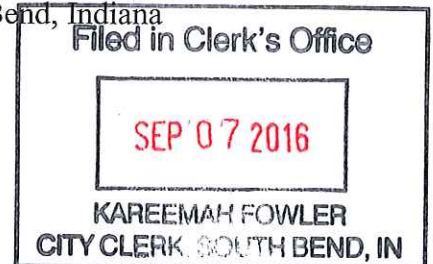
\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana





**City of South Bend, Indiana**  
**September 2016 Budget Transfers**  
**(budget transfers between expenditure categories or departments within the same fund)**  
**September 7, 2016**

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Parks & Recreation Fund	Golf Division	Regular Salaries	Ron O'Connor	201-1102-452-10-01	K62ADM	(20,000.00)	Allocate salary savings to inventory and concessions expenditures
Parks & Recreation Fund	Golf Division	Inventory for Sale	Ron O'Connor	201-1102-452-22-29	K62ADM	10,000.00	Allocate funds for inventory
Parks & Recreation Fund	Golf Division	Concessions	Ron O'Connor	201-1102-452-22-30	K62ADM	10,000.00	Allocate fund for concessions supplies
Parks & Recreation Fund	Administration	311 Call Center Allocation	Ron O'Connor	201-1100-452-31-75	K60ADM	(8,000.00)	Allocate savings for postage and promotions
Parks & Recreation Fund	Administration	Postage	Ron O'Connor	201-1100-452-32-02	K60ADM	7,000.00	Higher postage expenditures
Parks & Recreation Fund	Administration	Promotions	Ron O'Connor	201-1100-452-33-03	K60ADM	1,000.00	Higher promotions expenditures
Parks & Recreation Fund	Maintenance	Shoe Allowance	Ron O'Connor	201-1101-452-11-10	KOADM	3,000.00	Cover uniform costs
Parks & Recreation Fund	Maintenance	Central Service Gasolin	Ron O'Connor	201-1101-452-22-01	KOADM	(20,000.00)	Allocate savings to cover other areas of needed expenditures
Parks & Recreation Fund	Maintenance	Other Communications	Ron O'Connor	201-1101-452-35-05	KOADM	1,500.00	Cover additional costs for postage services
Parks & Recreation Fund	Maintenance	Capital Lease Principal	Ron O'Connor	201-1101-452-37-11	KOADM	11,000.00	Cover cost of Capital Lease No. 140, 2015 Vehicle Lease, not in 2016 budget
Parks & Recreation Fund	Maintenance	Capital Lease Interest	Ron O'Connor	201-1101-452-37-12	KOADM	1,000.00	Cover cost of Capital Lease No. 140, 2015 Vehicle Lease, not in 2016 budget
Parks & Recreation Fund	Zoo	Overtime	Ron O'Connor	201-1101-452-10-04	KOADM	450.00	Cover overtime for emergencies at the zoo
Parks & Recreation Fund	Zoo	Zoological Society Payment	Ron O'Connor	201-1104-452-31-20	KOADM	3,050.00	Cover cost of payment to the Potawatomi Zoo, \$734,775 paid, \$800,000 less \$65,226 costs incurred.
Parks & Recreation Fund	Graffiti Removal	Other Gas	Ron O'Connor	201-1108-452-32-99	KOADM	(500.00)	Allocate savings to cover telephone charges
Parks & Recreation Fund	Graffiti Removal	Telephone	Ron O'Connor	201-1108-452-32-04	KOADM	500.00	Cover costs of telephone
Recreation Non-Reverting Fund	Recreation	Temporary Services	Ron O'Connor	203-1103-452-10-05	K3ADM	(90,000.00)	Accounting change to pay instructors, umpires, etc. from a services account
Recreation Non-Reverting Fund	Recreation	Other Professional Services	Ron O'Connor	203-1103-452-31-06	K3ADM	83,233.00	Accounting change to pay instructors, umpires, etc. from a services account
Recreation Non-Reverting Fund	Recreation	Refunds	Ron O'Connor	203-1103-452-39-01	K3ADM	1,943.00	Allocate additional funds for class refunds
Recreation Non-Reverting Fund	Recreation	Subscriptions	Ron O'Connor	203-1103-452-39-10	K63ADM	3,024.00	Cover costs of open encumbrances for NRPA and Sam's Club
Recreation Non-Reverting Fund	Recreation	Park Equipment	Ron O'Connor	203-1103-452-43-07	K63ADM	1,800.00	Cover costs of sink/water tanks added to a concession trailer purchase
Central Services	Radio Shop	Overtime	Mary Wisniewski	222-0614-419-10-04	--	3,200.00	Cover overtime for two Radio Shop employees working on new police cars
Central Services	Equipment Services	Hourly Wages	Mary Wisniewski	222-0605-419-10-02	--	(3,200.00)	Salary savings to cover overtime costs
EMS Operating Fund	Fire Department	Office Equipment Repairs	Todd Skwarcan	287-0902-422-36-02	--	43,000	Transfer budget from a capital to a services account, repair costs less than \$10,000 budgeted as capital
EMS Operating Fund	Fire Department	Materials & Equipment	Todd Skwarcan	287-0902-422-43-10	--	(43,000)	Transfer budget from a capital to a services account, repair costs less than \$10,000 budgeted as capital
Park Non-Reverting Capital	Maintenance	Park Equipment	Ron O'Connor	405-1101-452-43-07	--	(8,373)	Cover the cost of two trailers for Centralized Mowing services, transfer to a supply account as less than \$10,000
Park Non-Reverting Capital	Maintenance	Park Equipment	Ron O'Connor	405-1101-452-22-24	--	8,373	Cover the cost of two trailers for Centralized Mowing services, transfer to a supply account as less than \$10,000
Park Non-Reverting Capital	Recreation	Park Equipment	Ron O'Connor	405-1103-452-43-07	--	(21,327)	Allocate costs to cover East Race safety cable, signs and fencing, transfer to supplies/services accounts. Less than \$10K
Park Non-Reverting Capital	Recreation	Park Equipment	Ron O'Connor	405-1103-452-22-24	--	10,000	Allocate costs to cover East Race safety cable, signs and fencing, transfer to supplies/services accounts. Less than \$10K
Park Non-Reverting Capital	Recreation	Contractual Services	Ron O'Connor	405-1103-452-39-89	--	11,327	Allocate costs to cover East Race safety cable, signs and fencing, transfer to supplies/services accounts. Less than \$10K
Building Department	Building Department	Temporary Services	Laura Althoff	600-1306-415-10-05	--	(4,280)	Reclassify temporary employees paid through companies to a professional services account
Building Department	Building Department	Other Professional Services	Laura Althoff	600-1306-415-31-06	--	4,280	Reclassify temporary employees paid through companies to a professional services account
Building Department	Building Department	Central Services Gasoline	Laura Althoff	600-1306-415-22-01	--	(3,000)	Transfer budget to cover shortfall in the postage account
Building Department	Building Department	Postage	Laura Althoff	600-1306-415-32-02	--	3,000	Additional funds needed in the postage account
Recreation Non-Reverting	Parks Department	Equipment Purchases	Ron O'Connor	203-1103-452-43-07	--	18,000	Purchase an infield machine for softball diamonds
Recreation Non-Reverting	Parks Department	Contractual Services	Ron O'Connor	203-1103-452-39-89	--	(18,000)	Budget surplus to cover above purchase
Parking Garage Fund	Leighton Plaza	Credit Card Charges	Beth Leonard	601-0462-645-39-89	--	1,600	Credit card charges higher than budgeted
Parking Garage Fund	Parking Enforcement	Collection Expense	Beth Leonard	601-0463-645-31-39	--	150	Collection expense higher than budgeted
Parking Garage Fund	Main Street	Debt Service Principal	Beth Leonard	601-0400-641-38-01	--	(1,750)	Transfer budget to cover the above expenditures
Water Works	Water Works	Other Professional Services	Roxanne Lawson	620-0640-658-31-06	--	78,000	Additional monies to fund an agreement for reviewing and developing a compliance plan for the Lead and Copper Rule
Water Works	Water Works	Water System Repairs	Roxanne Lawson	620-0640-606-36-61	--	(48,000)	and for assistance with the Water Works Capital Improvement Plan
Water Works	Water Works	Materials & Supplies	Roxanne Lawson	620-0640-605-23-62	--	(30,000)	Available budget to cover above expenditures
						0	
					<b>Grand Total</b>	<b>0</b>	

Filed in Clerk's Office

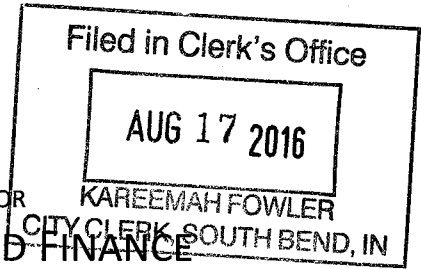
SEP 07 2016

KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-7678  
FAX 574/ 235-9928



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
DEPARTMENT OF ADMINISTRATION AND FINANCE

August 17, 2016

Mr. Tim Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601

Re: Ordinance Appropriating Monies for the purpose of Defraying the Expenses of Departments and Funds of the Civil City of South Bend for the fiscal year ending December 31, 2017

Dear Council President Scott:

Attached herewith please find a bill for consideration by the Common Council of the City of South Bend appropriating monies for civil city expenditures for the fiscal year commencing January 1, 2017 and ending December 31, 2017.

This bill is respectively submitted for 1<sup>st</sup> reading with the Common Council for the council meeting scheduled for August 22, 2016, 2<sup>nd</sup> reading and public hearing at the council meeting on September 26, 2016, with 3<sup>rd</sup> reading and council vote at the council meeting on October 10, 2016.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

  
John H. Murphy  
City Controller





## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF SEVERAL DEPARTMENTS OF THE CIVIL CITY OF SOUTH BEND, INDIANA FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT**

## STATEMENT OF PURPOSE AND INTENT

It is necessary to pass this Ordinance in order to appropriate monies to defray the expenses of several Departments of the Civil City of South Bend, Indiana for 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

SECTION I. For the expenses of the Civil City Government, its various Departments, Funds, Commissions, and institutions for the fiscal year ending December 31, 2017, the following sums of money, as set forth in the attached budget which is made a part hereof, are hereby appropriated and ordered set apart out of the Funds hereinafter named, and for the purposes hereinafter specified, subject to the laws governing the same. The sums herein appropriated shall be deemed to include all expenditures authorized to be made in said year, unless otherwise expressly stipulated or provided by the laws.

SECTION II. For the fiscal year ending December 31, 2017, there is hereby appropriated out of the General Fund Number 101 and from Funds other than the General Fund, of said City to wit:

- (201) Park and Recreation Fund
- (202) Motor Vehicle Highway Fund
- (203) Park Recreation Non-Reverting Fund
- (209) Studebaker Oliver Reverting Grants
- (210) Economic Development Grant Fund
- (211) Community Investment Administration Fund
- (212) Community Investment Grant Fund
- (216) Police State Seizures Fund
- (217) Gift, Donation, Bequest Fund
- (218) Police Curfew Violations Fund
- (219) Unsafe Building Fund
- (220) Law Enforcement Continuing Education Fund
- (221) Landlord Registration Fund
- (222) Central Services Fund
- (224) Central Services Capital Fund
- (226) Liability Insurance & Premium Reserve Fund
- (227) Loss Recovery Fund
- (249) Public Safety Local Option Income Tax Fund
- (251) Local Roads and Streets Fund
- (257) LOIT 2016 Special Distribution
- (258) Human Rights – Federal Fund
- (261) Rainy Day Restricted LRSA Fund
- (271) Eastrace Waterway
- (273) Morris PAC/Palais Royale Marketing Fund
- (278) Police Take Home Vehicle Fund
- (279) IT / Innovation / 311 Call Center Fund

- (289) Hazmat Fund
- (291) Indiana River Rescue Fund
- (292) Police Grants Fund
- (294) Regional Police Academy Fund
- (295) COPS More Grant Fund
- (299) Police Federal Drug Enforcement Fund
- (313) Hall of Fame Debt Service Fund
- (377) Professional Sports Development Fund
- (401) Coveleski Stadium Capital Fund
- (403) Zoo Endowment Fund
- (404) County Option Income Tax Fund
- (405) Park Department Non-Reverting Capital Fund
- (406) Cumulative Capital Development Fund
- (407) Cumulative Capital Improvement Fund
- (408) County Economic Development Income Tax Fund
- (410) Urban Development Action Grant Fund
- (412) Major Moves Construction Fund
- (416) Morris Performing Arts Center Capital Fund
- (450) Palais Royale Historic Preservation Fund
- (655) Project ReLeaf Fund
- (677) Hall of Fame Capital Fund
- (701) Fire Pension Fund
- (702) Police Pension Fund
- (705) Police K-9 Unit Fund
- (711) Self-Funded Employee Benefit Fund
- (713) Unemployment Compensation Fund
- (730) City Cemetery Trust Fund
- (750) Equipment/Vehicle Leasing Fund
- (751) Parks Bond Capital Fund
- (752) South Bend Redevelopment Authority Fund
- (753) Smart Streets Bond Capital Fund
- (754) Industrial Revolving Fund
- (755) South Bend Building Corporation Fund
- (756) Smart Streets Debt Service Fund
- (757) Parks Bond Debt Service Fund
- (758) Erskine Village Debt Service Fund

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member, South Bend Common Council

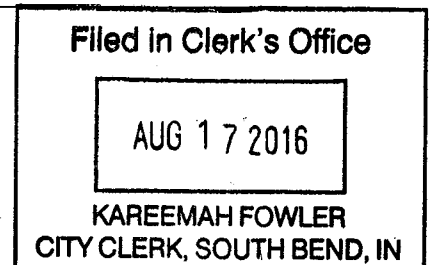
Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_,  
2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m.

\_\_\_\_\_  
City Clerk

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED

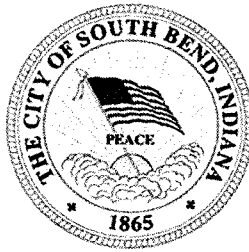


Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at  
\_\_\_\_\_ o'clock, \_\_\_\_\_.m.

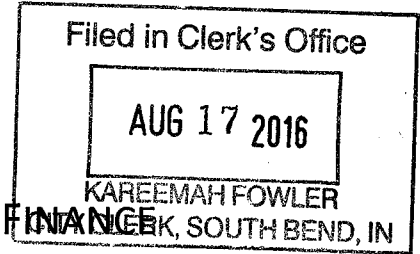
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Mayor, City of South Bend, Indiana

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-7678  
FAX 574/ 235-9928



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
DEPARTMENT OF ADMINISTRATION AND FINANCE

August 17, 2016

Mr. Tim Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601

Re: Ordinance Appropriating Monies for the purpose of Defraying the Expenses of Designated Enterprise Funds of the City of South Bend for the fiscal year ending December 31, 2017

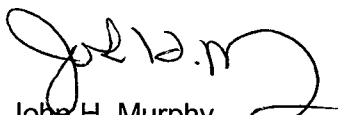
Dear Council President Scott:

Attached herewith please find a bill for consideration by the Common Council of the City of South Bend appropriating monies for enterprise fund expenditures for the fiscal year commencing January 1, 2017 and ending December 31, 2017.

This bill is respectively submitted for 1<sup>st</sup> reading with the Common Council for the council meeting scheduled for August 22, 2016, 2<sup>nd</sup> reading and public hearing at the council meeting on September 26, 2016, with 3<sup>rd</sup> reading and council vote at the council meeting on October 10, 2016.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

  
John H. Murphy  
City Controller

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING MONIES FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE DESIGNATED ENTERPRISE FUNDS OF THE CITY OF SOUTH BEND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.**

## STATEMENT OF PURPOSE AND INTENT

It is necessary to pass this Ordinance in order to appropriate monies to defray the expenses of designated Enterprise Funds of the City of South Bend, Indiana for 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

SECTION I. For the expenses of designated Enterprise Funds of the City of South Bend, Indiana its various Departments, Funds, Commissions and institutions for the fiscal year ending December 31, 2017, the following sums of money, as set forth in the attached budget which is made a part hereof, are hereby appropriated and ordered set apart within the Funds hereinafter named in Section II, and for the purposes hereinafter specified in Section II, subject to the laws governing the same. The sums herein appropriated shall be deemed to include all expenditures authorized to be made in said year, unless otherwise expressly stipulated or provided by law.

SECTION II. For the fiscal year ending December 31, 2017 the above appropriations are made within the following Funds of the City:

- (287) EMS Capital Fund
- (288) EMS Operating Fund
- (600) Consolidated Building Fund
- (601) Parking Garages Fund
- (610) Solid Waste Operating Fund
- (611) Solid Waste Depreciation Fund
- (620) Water Works General Operations Fund
- (622) Water Works Capital Fund
- (624) Water Works Customer Deposit Fund
- (625) Water Works Sinking Fund
- (626) Water Works Bond Reserve
- (629) Water Works O & M Reserve Fund
- (640) Sewage Repair Insurance Fund
- (641) Sewage Works General Operations Fund
- (642) Sewage Works Capital Fund
- (643) Sewage Works O&M Reserve Fund
- (649) Sewage Works Bond Sinking Fund
- (661) 2012 Sewer Bond Fund
- (670) Century Center Operating Fund
- (672) Century Center Energy Savings Debt Service Fund

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indian on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED

Filed in Clerk's Office

AUG 17 2016

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



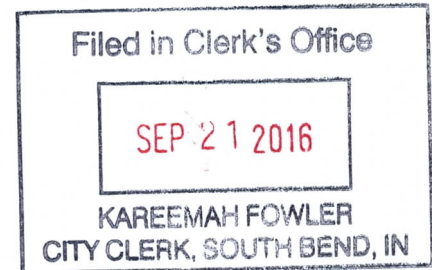
Sub. Bill No 46-16

PHONE 574/ 235-7678  
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
DEPARTMENT OF ADMINISTRATION AND FINANCE

September 21, 2016

Mr. Tim Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601



Re: Ordinance Levying taxes and fixing the rate of Property Taxation to meet City Expenses for the fiscal year ending December 31, 2017 – Substitute Bill No. 46-16

Dear Council President Scott:

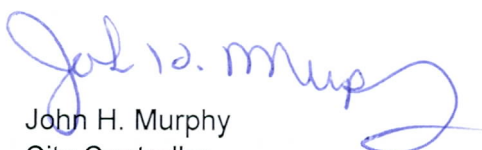
Attached herewith please find a substitute bill for consideration by the Common Council of the City of South Bend fixing the property tax rate for the City of South Bend for the fiscal year commencing January 1, 2017 and ending December 31, 2017. This tax rate will apply for property tax assessments in fiscal 2016 with taxes payable in fiscal 2017.

Similar to prior years, this bill has been filed with estimated property tax rates. The final property tax rates for each municipality in the State of Indiana are determined by the Department of Local Government Finance (DLGF) as part of the "1782" budget review process which, according to the state budget calendar, must be completed in February, 2016. The actual property tax rates will depend on the 2016/pay 2017 net assessed valuation of property in South Bend.

This substitute bill was submitted for 1<sup>st</sup> reading filing with the Common Council for the council meeting on August 22, 2016, 2<sup>nd</sup> reading and public hearing at the council meeting on September 26, 2016, with 3<sup>rd</sup> reading and council vote at the council meeting on October 10, 2016.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

  
John H. Murphy  
City Controller





Substitute

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

STATEMENT OF PURPOSE AND INTENT

It is necessary to pass this Ordinance in order to levy taxes and fix the rate of taxation for the purpose of raising revenue to meet the necessary expenses for 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

SECTION I. There shall be levied upon each One Hundred Dollars of Assessed Valuation of Taxable Property of the City of South Bend, Indiana, for the fiscal year 2016 to be collected in the year 2017 the following:

For CORPORATION GENERAL FUND, the sum of **\$3.8210** on each one hundred dollars of Taxable Property.

For PARK AND RECREATION FUND, the sum of **\$.8306** on each one hundred dollars of Taxable Property.

For CUMULATIVE CAPITAL DEVELOPMENT FUND, the sum of **\$.0498** on each one hundred dollars of Taxable Property.

**Total Civil City Rate \$4.7014**

For REDEVELOPMENT BOND (COLLEGE FOOTBALL HALL OF FAME), the sum of **\$.0886** on each one hundred dollars of Taxable Property.

**Total Redevelopment Rate \$.0886**

SECTION II. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Substitute

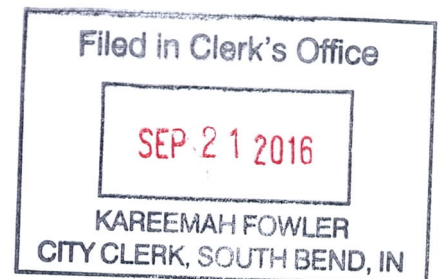
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_. m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at  
\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

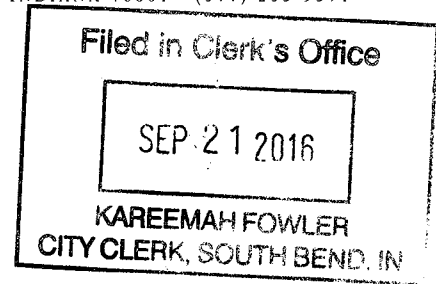
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

September 21, 2016

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



RE: Bill #40-16  
Rezoning: 2793-16 - 4246 Meghan Beeler

Dear Council Members:

The Area Plan Commission held a public hearing on September 20, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, September 26, 2016.

**Petition Amendments:**

The following changes have been made to the above referenced petition:

- 1.) The petition was updated to include a variance.

A copy of the revised Petition is attached.

**Public Hearing Summary:**

There was no one that spoke in favor/opposition to the proposed rezoning.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

Keith Chapman, Planner

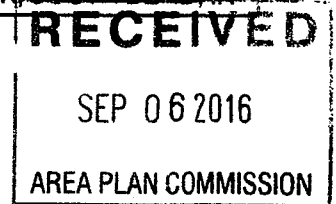
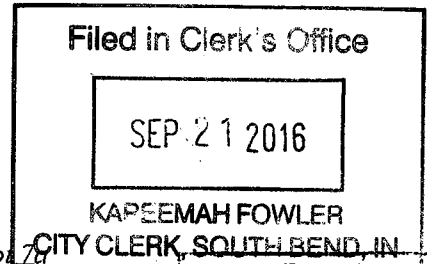
CC: Kathleen Cekanski-Farrand



PETITION FOR ZONE MAP AMENDMENT  
*City of South Bend, Indiana*

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:  
*4246 Meghan Beeler Ct  
South Bend IN 46628*
- 2) The property Tax Key Number(s) is/are: *025-1013-020710*
- 3) Legal Descriptions: *West Cleveland Road Industrial Park Section Two Lot 74*
- 4) Total Site Area: *5.32 Acres*
- 5) Name and address of property owner(s) of the petition site:  
*Cook Land Group LLC  
4734 Rockford Plaza Dr  
Louisville KY 40216  
(502)410-1901  
scook@superiorvan.com*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:

*Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address*

Name and address of additional property owners, if applicable:

- 7) It is desired and requested that this property be rezoned:

From: LI Light Industrial District      Additional zoning district, if applicable

To: GB General Business District

- 8) This rezoning is requested to allow the following use(s): *to allow for Superior Van & Mobility, an industry leader providing state-of-the-art mobility solutions for the consumer and commercial transportation industry, to renew its auto dealer license.*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *Applicant is seeking variance relief from the Type A perimeter landscaping requirement in Zoning Ordinance Section 21-07*
- 2) A statement on how each of the following standards for the granting of variances is met:
  - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Relief if granted for the landscaping will ensure safety for the general public as they enter and exit their vehicles. The ordinance as strictly enforced would permit larger plantings where obstructions would be present and reduce clear line-of-sight for the motorists.*



- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The properties adjacent to the property are a vacant lot to the North, a properly landscaped lot to the East, the Southern property border has a utility easement running through it and it backs the building's emergency exits, the Western parcel is across the street and maintains a similar landscaping layout. The property landscaping layout is similar to the surrounding properties and complements the aesthetics of the industrial park.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *The property is an existing developed property that has been utilized for several years as a viable commercial parcel and excellent neighbor to the surrounding properties. The strict application of this ordinance would make the use of the parcel difficult in that it would shield motorist's view of the property from Meghan Beeler Court and would result in wayfinding difficulties for said motorists. The strict adherence to the ordinance would make the subject parcel an abnormality in the aesthetics of the development.*

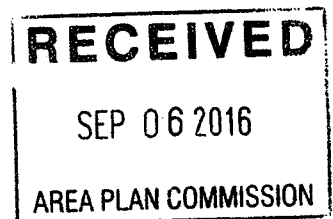
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
  - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Insert text*
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Insert text*
  - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *Insert text*
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert text*

\* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Garry Potts - Professional Permits  
 58171 Dragonfly Ct  
 Osceola IN 46561  
 574-229-0635  
 gpotts@professionalpermits.com*



**BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

*[Handwritten Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN**

LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

Angela M. Smith

Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, September 21, 2016

The Honorable Council of the City of South Bend  
4th Floor, County-City Building  
South Bend, IN 46601

RE: A proposed ordinance of Cook Land Group LLC to zone from LI Light Industrial District to GB General Business District, property located at 4246 Meghan Beehler Court, City of South Bend - APC# 2793-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Cook Land Group LLC was legally advertised on September 8, 2016 and that the Area Plan Commission at its public hearing on September 20, 2016 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Cook Land Group LLC to zone from LI Light Industrial District to GB General Business District, property located at 4246 Meghan Beehler Court, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to GB General Business will allow for an existing business to continue operations and expand to include on-site sales of motor vehicles, a use which is compatible with the surrounding industrial uses.

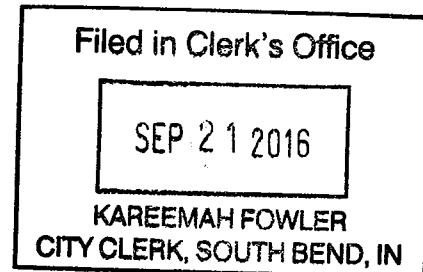
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

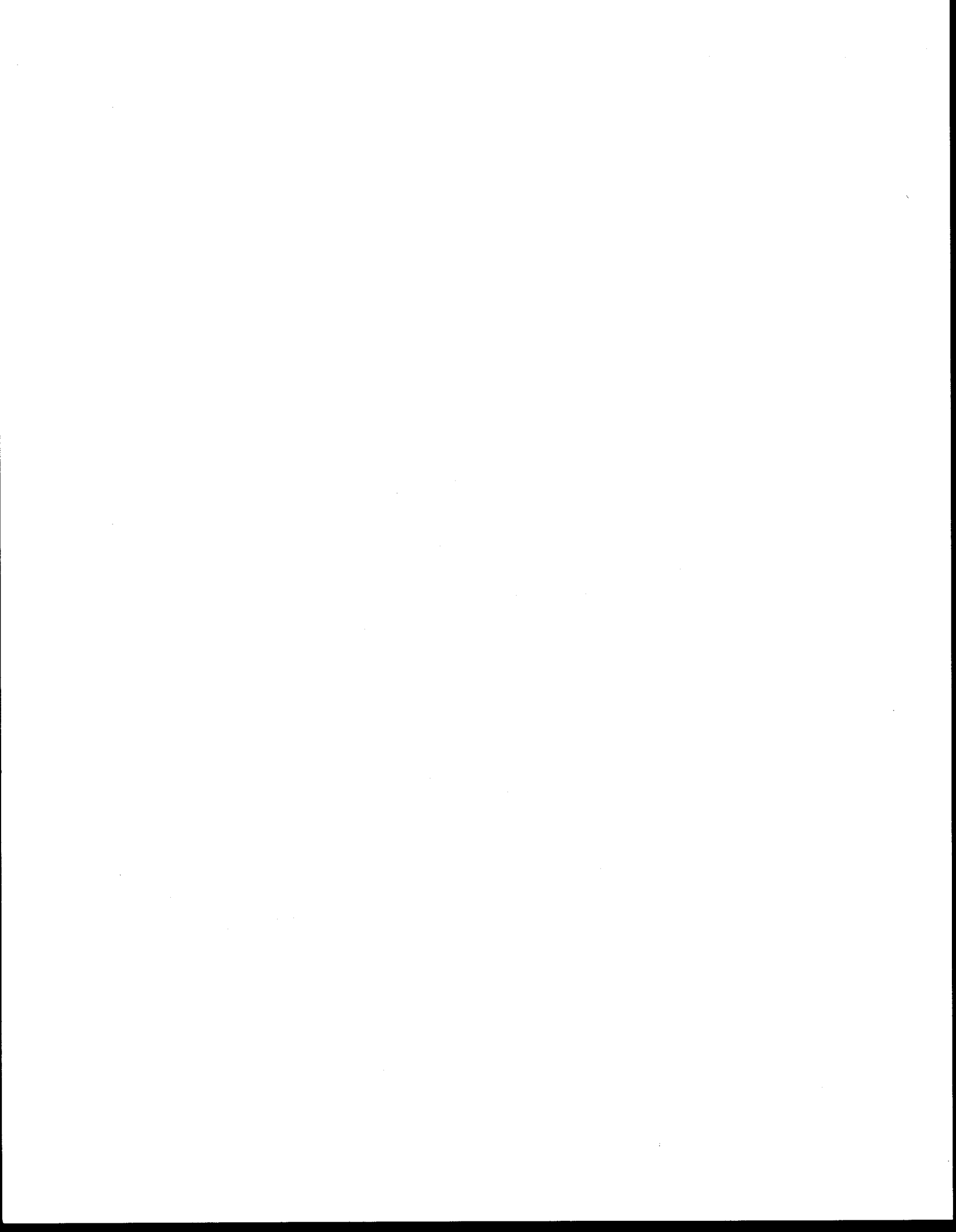
Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Cook Land Group LLC  
Professional Permits - Garry Potts

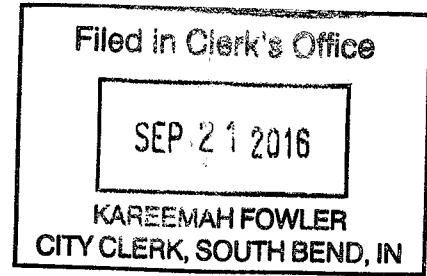




**Staff Report**

9/7/2016

APC # 2793-16  
Owner: Cook Land Group LLC  
Location: 4246 Meghan Beehler Court  
Jurisdiction: City of South Bend  
Public Hearing Date: 9/20/2016



**Requested Action:**

The petitioner is requesting a zone change from LI Light Industrial District to GB General Business District and seeking one variance from the development standards.

**Land Uses and Zoning:**

- On site: On site is an existing sales and service building.
- North: To the north is a vacant lot zoned LI Light Industrial.
- East: To the east is a parking lot zoned LI Light Industrial.
- South: To the south is an industrial building zoned LI Light Industrial.
- West: To the west of Meghan Beehler is an industrial building zoned LI Light Industrial.

**District Uses and Development Standards:**

The GB General Business District is established to provide a location for those retail sales and service functions whose operations are typically characterized by: outdoor display or sales of merchandise; major repair of motor vehicles; commercial amusement and recreational activities; or, activities or operations conducted in structures which are not completely enclosed. The types of uses found in the GB District are often brightly lighted and noisy. Permitted uses contained in this district are such that this district may be used to form a grouping of similar uses along certain portions of major commercial thoroughfares. Special attention should be paid to buffering whenever this district is located adjacent to any residential district or residential uses.

**Site Plan Description:**

On site is an existing 18,000 sq. ft. building, located on 5.32 acres. There is an existing parking lot and sales storage area along the north and west of the building.

**Zoning and Land Use History And Trends:**

This property was rezoned from Light Industrial and Residential to Light Industrial in 2000.

**Traffic and Transportation Considerations:**

Meghan Beehler Court has two lanes.

**Utilities:**

This site is served by municipal water and sewer.

**Agency Comments:**

The Department of Community Investment offers a favorable recommendation, assuming that the GB General Business District permits all of Superior's uses for the property. With the rezoning, the property should meet the present parking and landscaping standards.

**Commitments:**

The petitioner is not proposing any written commitments.

**Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:**

**1. Comprehensive Plan:**

**Policy Plan:**

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective ED 2: Retain existing businesses and recruit new ones to the city.

**Land Use Plan:**

The future land use map identifies this area as light industrial.

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

The surrounding properties are industrial uses.

**3. Most Desirable Use:**

The most desirable use is one that allows for the continuation of an existing business.

**4. Conservation of Property Values:**

The surrounding properties are industrial and should not be adversely affected.

**5. Responsible Development And Growth:**

It is responsible growth and development to allow an existing business to continue operating and expand to include the addition of on-site sales.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning and 1 variance from the development standards. The Commission will forward the rezoning to the Common Council with or without a recommendation and either approve or deny the variances.

**The petitioner is seeking the following variance(s):**

- 1) from the required perimeter landscaping to none

**State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:**

- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;**

Allowing the site to continue without the addition of perimeter landscaping should not be injurious to the public health, safety, and welfare.

- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;**

There is some existing landscaping along adjacent industrial properties and they should not be adversely affected.

- (3) The strict application of the terms of this Chapter would result in practical**



**difficulties in the use of the property**

Requiring the petitioner to remove existing vegetation and to screen between this site and surrounding industrial properties creates a practical difficulty on this property.

**Staff Comments:**

The staff has no additional comments.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variance, subject to providing the required perimeter landscaping along the front property line.

**Analysis:**

Rezoning this property to GB General Business will allow for an existing business to continue operations and expand to include on-site sales of motor vehicles, a use which is compatible with the surrounding industrial uses.

REZONING  
#2793-16

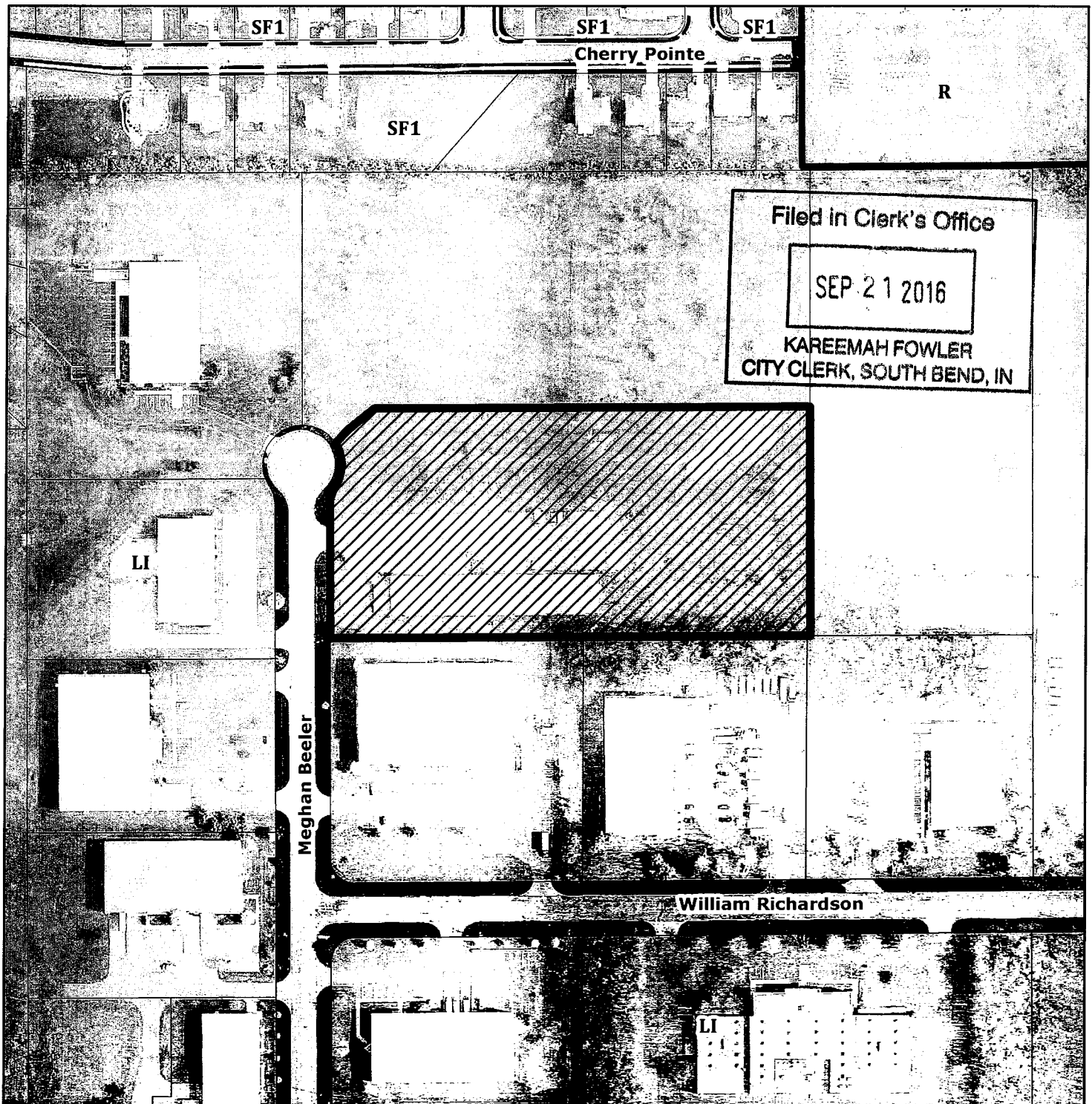
City Clerk's Office

SEP 21 2016

HEEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN




1 inch = 200 feet  
GERMAN TOWNSHIP

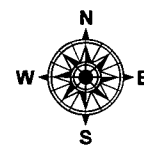




**Rezoning from: CITY OF SOUTH BEND  
"LI" LIGHT INDUSTRIAL DISTRICT  
to "GB" GENERAL BUSINESS DISTRICT**

**MASTER ZONING KEY**

-  COUNTY "R" SINGLE FAMILY DISTRICT
-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 200 feet

**APC # 2793-16**

Filed in Clerk's Office

SEP 21 2016

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

LAND COVERAGE DATA:  
TOTAL SITE AREA 2.46 ACRES  
BUILDING FOOTPRINT 16,000 SQ. FT.  
PARKING & DRIVEWAYS 48,000 SQ. FT.  
PROPERTY SQUARE FOOTAGE TOTAL 108,000 SQ. FT.  
PERCENTAGE COVERED 20.27%

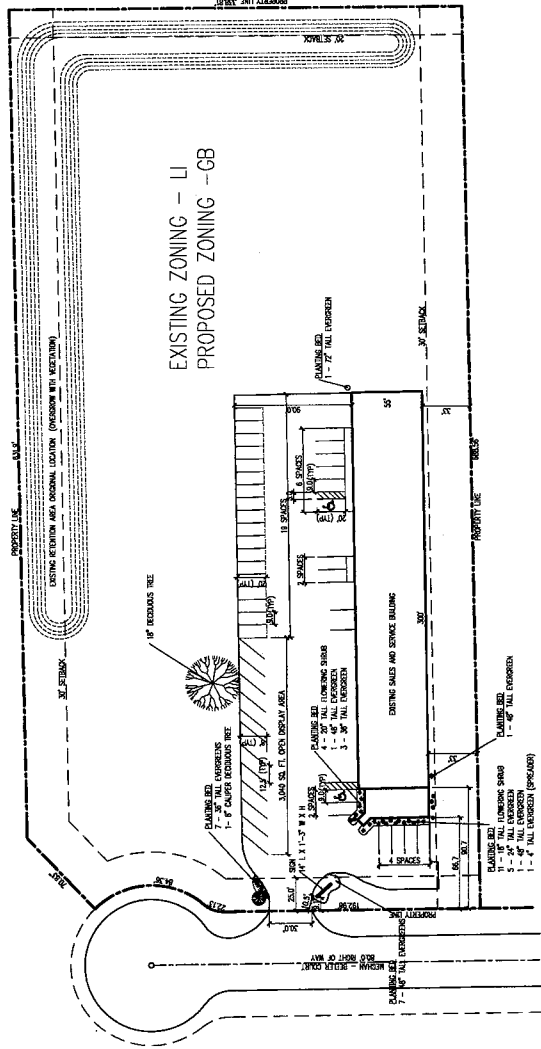
EXISTING LAND USE: AUTOMOTIVE SALES AND SERVICE  
EXISTING BUILDING FOOTPRINT: 14,700 SQ. FT.  
EXISTING SALES AREA: 14,700 SQ. FT.  
NUMBER OF SERVICE BAYS: 6  
OPEN AREA / DISPLAY PARKING: 3,000 SQ. FT.

MINIMUM REQUIREMENTS:  
A) SALES FLOOR AREA - ONE (1) SPACE PER 300 SQ. FT. OF SALES FLOOR AREA IN BAYERS OF 1,000 SQ. FT. PLUS ONE SPACE PER 1,000 SQ. FT. OF SALES FLOOR AREA IN BAYERS OF 1,000 SQ. FT. OR MORE.  
B) SERVICE AREA - TWO SPACES PER SERVICE BAY PLUS THREE CUSTOMER SPACES.  
C) SALES AREA REQUIRED (1,794 - 1,000) X 1.3 = 2 SPACES  
D) OPEN AREA REQUIRED (3,000 / 2,000) X 1.1 = 2 SPACES  
E) SERVICE BAYS 6 X 2 = 2 SPACES  
F) CUSTOMER SPACES = 18 SPACES  
TOTAL REQUIRED SPACES = 20 SPACES  
TOTAL PROVIDED SPACES = 30 SPACES

UTILITIES:  
BUILDING CONNECTED TO CITY WATER AND SEWER FACILITIES.  
CURRENT DESIGN ALLOWS FOR FUTURE EXPANSION.

SEASIDE:  
EXISTING SIGN DIMENSIONED ON PLAN.

LANDSCAPING:  
EXISTING LANDSCAPING NOTED ON PLAN.



SITE PLAN  
SCALE: 1" = 40'-0"  
NORTH

4247 MEHGAN BEELER DRIVE  
SOUTH BEND, IN

PROFESSIONAL PERMITS  
58171 DRAGONFLY COURT  
OSCEOLA, IN 46571

DATE: 09/29/2016  
REV. 1  
REV. 2

THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

JOB NO. NUMBER  
SHEET NUMBER  
SITE PLAN

11

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY  
LOCATED AT 4246 MEGHAN BEELER COURT, COUNCILMANIC DISTRICT NO. 1 IN  
THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property to allow for commercial truck sales.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of  
South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly  
known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same  
hereby is amended in order that the zoning classification of the following described real  
estate in the City of South Bend, St. Joseph County, State of Indiana:

West Cleveland Road Industrial Park Section Two Lot 7a

be and the same is hereby established as GB General Business District.

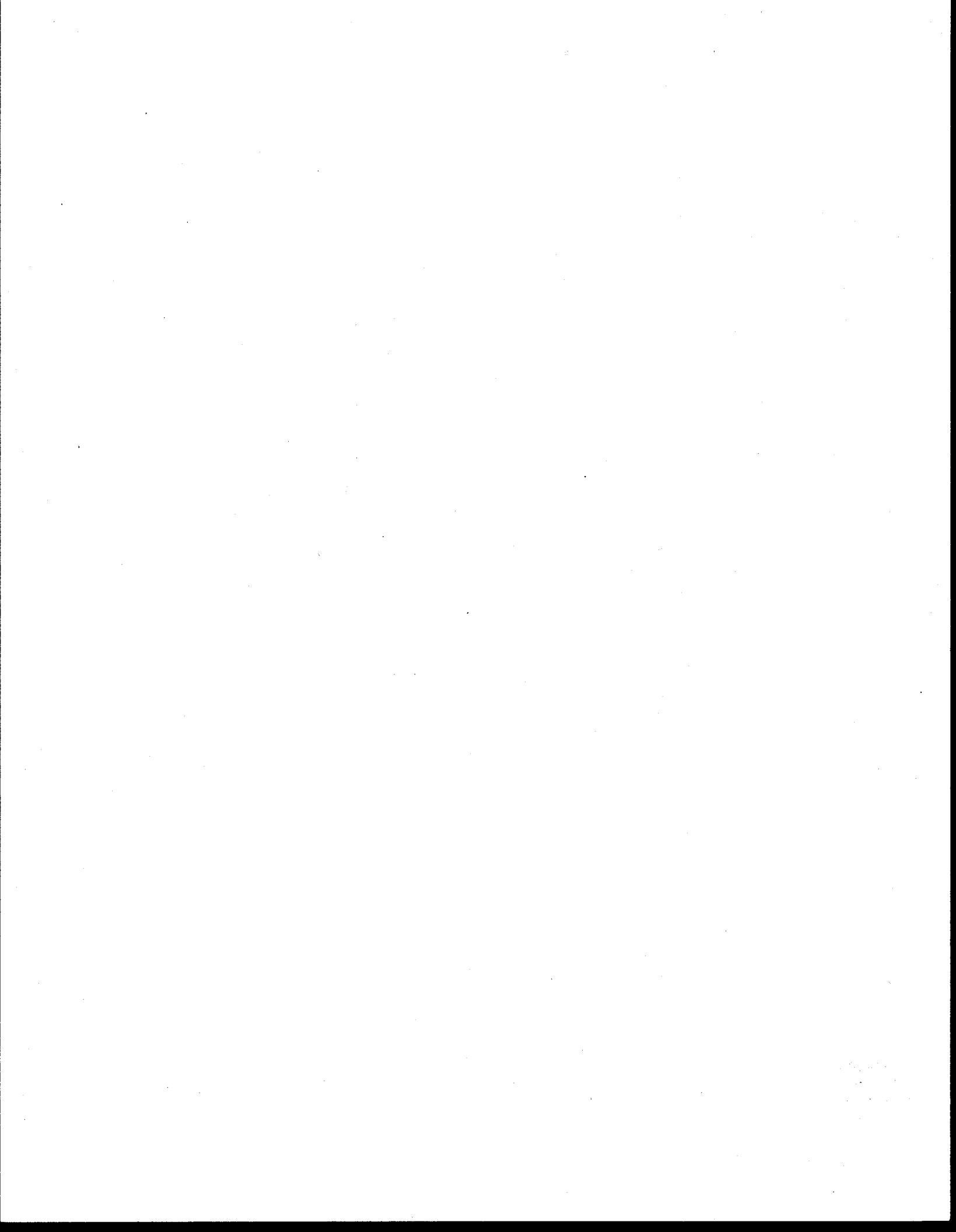
SECTION II. This ordinance shall be in full force and effect from and after its passage  
by the Common Council, approval by the Mayor, and legal publication.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk





Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED

Filed in Clerk's Office  
AUG 03 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

1948  
1949  
1950  
1951  
1952



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

September 21, 2016

South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

RE: Bill #41-16  
Rezoning: 2794-16 – 401 East Colfax Ave, 228 and 230 Sycamore Street

Dear Council Members:

The Area Plan Commission held a public hearing on September 20, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, September 26, 2016.

**Ordinance & Petition Amendments:**

The following changes have been made to the above referenced petition:

Ordinance & Petition:

- 1.) Legal descriptions and addresses were added to the petition.
- 2.) The owners name was updated on the petition.
- 3.) Legal descriptions and addresses were added to the ordinance.

A Copy of the revised Ordinance & Petition are attached.

**Public Hearing Summary:**

There was 9 persons that spoke in favor to the proposed rezoning. The general sentiment was that they were in support of bringing a grocery store to the area, Mr. Matthews has done great things for the East Bank, and that there is a need for more apartments downtown.

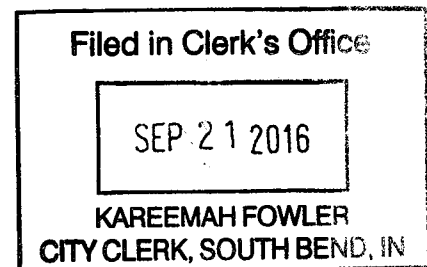
If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in cursive script that reads "Keith Chapman".

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand





**AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN**

LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

Angela M. Smith

Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, September 21, 2016

The Honorable Council of the City of South Bend  
4th Floor, County-City Building  
South Bend, IN 46601

RE: A proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend - APC# 2794-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC was legally advertised on September 8, 2016 and that the Area Plan Commission at its public hearing on September 20, 2016 took the following action:

Upon a motion by Oliver Davis, being seconded by John McNamara and carried, a proposed ordinance of Commerce Center Development, LLC and East Bank South Bend Development LLC to zone from CBD Central Business District to PUD Planned Unit Development District, property located at 401 East Colfax Avenue, 228, and 230 Sycamore Street, City of South Bend, is sent to the Common Council with NO RECOMMENDATION.

PLEASE NOTE that the Ordinance has been amended by the petitioner and is different than that used for the Common Council's first reading. The amended Ordinance was legally advertised and heard by the Area Plan Commission.

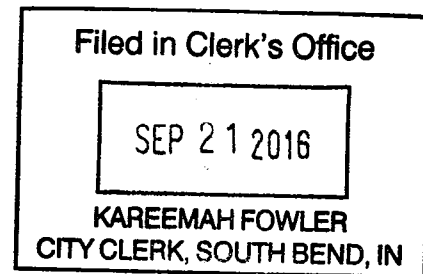
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

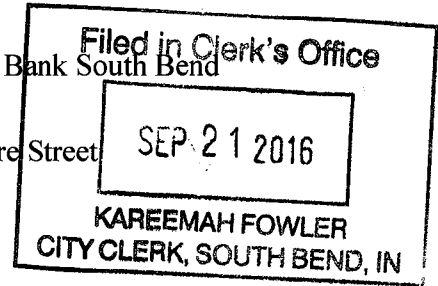
CC: Commerce Center Development, LLC and East Bank South Bend Development LLC



**Staff Report**

9/9/2016

APC # 2794-16  
Owner: Commerce Center Development, LLC and East Bank South Bend Development LLC  
Location: 401 East Colfax Avenue, 228, and 230 Sycamore Street  
Jurisdiction: City of South Bend  
Public Hearing Date: 9/20/2016



**Requested Action:**

The petitioner is requesting a zone change from CBD Central Business District to PUD Planned Unit Development District.

**Land Uses and Zoning:**

- On site: On site is the Commerce Center and multiple parking lots.
- North: To the north across LaSalle is The Pointe at St. Joseph Apartments zoned CBD Central Business District.
- East: To the east is the East Race waterway. Across the East Race are two office buildings zoned CBD Central Business District.
- South: To the south across Colfax is Stephenson Mills Apartments and a parking lot zoned CBD Central Business District.
- West: To the west is the AEP Substation, an art studio, an office and a cellular tower zoned CBD Central Business District. Across Sycamore is a private club zoned CBD Central Business District.

**District Uses and Development Standards:**

The Planned Unit Development (PUD) District is intended to: establish a compatible and efficient mix of land uses and open space; ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs; establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style; achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and provide for any individual land or combination of land uses not otherwise specified elsewhere in this Ordinance. The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Exception Uses which are provided for within any district of this Ordinance.

**Site Plan Description:**

On site is the existing Commerce Center building. The 5 story, 60' tall building will continue to be used as a mixed use building. The site plan shows a proposed 175' tall mixed use building spanning 411' along LaSalle Avenue and wrapping around a proposed 100' tall parking structure. A small portion of the site is proposed to be used for surface parking and access. The proposed PUD Ordinance allows for uses currently permitted in the CBD Central Business District plus adds Group Residences, Manufacturing Retailer, Electricity Relay Station or Public Utility Substation, and Maker Space. The accessory uses and architectural standards are consistent with the CBD District. The temporary uses generally follow the guidelines of the CBD District, but add the allowance for an 8' tall



**Plan Implementation/Other Plans:**

The petition is not consistent with City Plan, South Bend Comprehensive Plan (November 2006) Objective UD 1.1 Require developments to utilize design techniques that create an attractive, urban character for the Central Business District, corridors, and commercial areas; UD 1.6 Respect the scale, design, and aesthetic quality of established neighborhoods when undertaking infill development projects; UD 1.7 Promote urban design elements in new developments that are appropriately scaled and conducive to pedestrians, including pedestrian safety considerations.

**2. Current Conditions and Character:**

The Central Business District east of the river has a mixture of commercial, office, and residential uses. The low and mid-rise buildings emphasize pedestrian scale, public amenities, and lower density mixed-use buildings. The Commerce Center building is the tallest structure in the area with the majority of the surrounding properties in the 30' - 45' range.

**3. Most Desirable Use:**

The most desirable use is one that fits into the character of the East Bank Village neighborhood.

**4. Conservation of Property Values:**

Due to the height and size of the proposed building surrounding property values may be negatively affected. Developing a site that exceeds the general standards for the area by two to three times what is allowed for other properties in the district could have a significant impact on adjacent property values. If constructed at the proposed 175' height, the building will cast significant shadows that will have an adverse impact on the surrounding properties.

**5. Responsible Development And Growth:**

It is not responsible development and growth to develop a site that does not fit with the character and approved plan of the surrounding neighborhood.

**Staff Comments:**

The petitioner failed to provide a statement of how the proposed PUD meets the 5 items of Intent for Planned Unit Developments as required by the South Bend Zoning Ordinance Section 21-05 (a) (1). It is the staff's opinion that the petitioner failed to meet the Intent as follows:

(A) Establish a compatible and efficient mix of land uses and open spaces;

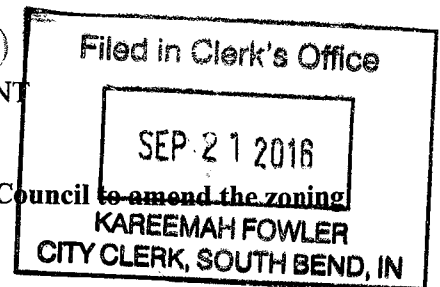
While the proposed PUD provides for a compatible mix of land uses, the site layout as shown does not convincingly address or identify the open space and its interaction with the public spaces of the East Race, as should be appropriate for a development in this location.

(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;

The extreme variation from the allowed development standards established for the Central Business District east of the River and the high rise approach vs. village approach to the building design make the proposed PUD incompatible with the Comprehensive Plan, the East Bank Plan and the existing and proposed surrounding developments.

(C) Establish a creative approach in building design through architectural compatibility

PETITION FOR ZONE MAP AMENDMENT  
City of South Bend, Indiana



**I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.**

1) The property sought to be rezoned is located at:

*Address(es) - 401 East Colfax Avenue, 230 Sycamore Street, 228 Sycamore Street, 312 LaSalle Avenue  
South Bend, IN 46617*

2) The property Tax Key Number(s) is/are: *018-5003-0059, 018-5003-006001, 018-5003-0060, 018-5003-006101, 018-5003-0060, 018-5003-0066, 018-5003-005901*

3) Legal Descriptions: *PARCEL I: THE EAST 26.25 FEET OF THE NORTH 65 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.*

*PARCEL II: THE EAST HALF OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW WITHIN AND A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THEREFROM THE NORTH 65 FEET.*

*PARCEL III: LOT NUMBERED THIRTEEN (13) IN THE ORIGINAL TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, TOGETHER WITH THE VACATED ALLEY SOUTH AND ADJACENT AND ALSO THE WEST 44 FEET OF THE VACATED BRIDGE STREET LYING EAST AND ADJACENT TO LOT 13 AND THE VACATED ALLEY SOUTH.*

*PARCEL IV: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.*

*PARCEL V: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.*

*PARCEL VI: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.*

*PARCEL VII: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED ALLEY: (BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED TWENTY-TWO (22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-TWO (22), TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.*

*PARCEL VIII: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.*

PART OF LOTS NUMBERED FOURTEEN (14) AND FIFTEEN (15) AS SHOWN ON THE RECORDED ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT A POINT 65 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBERED 15 ON THE WEST LINE OF SAID LOT, RUNNING THENCE SOUTH WITH SAID WEST LINE 53 FEET; THENCE EAST 99 FEET; THENCE NORTH 53 FEET; THENCE WEST 99 FEET TO THE PLACE OF BEGINNING.

4) Total Site Area: 2.93 acres

5) Name and address of property owner(s) of the petition site:

Commerce Center Development LLC, and East Bank South Bend Development LLC  
121 S. Niles Ave  
South Bend, IN 46617  
765-409-3841  
David@MatthewsLLC.com

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address

Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

From: CBD Central Business District N/A

To: PUD Planned Unit Development

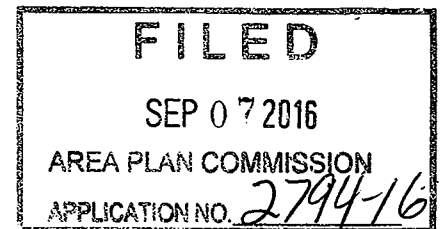
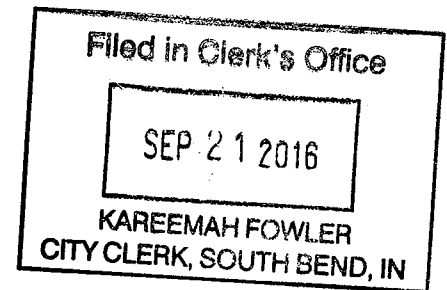
8) The purpose of the rezoning is as follows:

1. The Planned Unit Development (PUD) District is intended to:
  - 1.(A) Establish a compatible and efficient mix of land uses and open space;
  - 2.(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;
  - 3.(C) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style;
  - 4.(D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and
  - 5.(E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in this Ordinance.

This Planned Unit Development uses good urban design principles to build mixed use structures along the public streets, and east race. The development builds density where surface parking currently exists, moving the parking in to a structure, mostly hidden from public view. This promotes greater urban density, tax collection, and reduces the demand on developing park land.

This PUD creates one of the first mixed use facilities on the East Race, since the first east race plan was developed in the 1980s. It maintains and reinforces the built fabric and feel of the neighborhood called out in the Comprehensive Plan, through its architecture, style, and incorporation of mixed use buildings.

The PUD enables the developer to create use of a definition of family that was previously unavailable in the CBD district, and addresses issues with the current zoning that would prevent the grocery store, pharmacy, and existing



Commerce Center building form using the site. Specifically, this PUD increases the height and story limit, allowing the office users of the Commerce Center to stay, while creating space for the grocery store & pharmacy customers, and additional residents.

**CONTACT PERSON:**

*David Matthews  
121 S. Niles Ave  
South Bend, IN 46617  
765-409-3841  
David@MatthewsLLC.com*

**BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

*David Matthews*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

**FILED**  
SEP 07 2016  
AREA PLAN COMMISSION  
APPLICATION NO. 2794-16

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, 228 & 230 SYCAMORE STREET, & 312 LASALLE AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone to create a mixed use PUD Planned Unit Development

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

PARCEL I: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.

PARCEL II: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.

PARCEL III: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.

PARCEL IV: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTYTHREE (23) AND TWENTY-FOUR (24) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED ALLEY: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED TWENTY-TWO (22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-TWO (22), TO THE NORTHEAST CORNER OF SAID LOT;

THENCE NORTH TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.

PARCEL V: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

PARCEL VI: THE EAST 26.25 FEET OF THE NORTH 65 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, RECORDED MAY 4, 1860 IN PLAT BOOK J, PAGE 455 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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PARCEL VIII: PART OF LOTS NUMBERED FOURTEEN (14) AND FIFTEEN (15) AS SHOWN ON THE RECORDED ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA, DESCRIBED AS BEGINNING AT A POINT 65 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT NUMBERED 15 ON THE WEST LINE OF SAID LOT, RUNNING THENCE SOUTH WITH SAID WEST LINE 53 FEET; THENCE EAST 99 FEET, THENCE NORTH 53 FEET; THENCE WEST 99 FEET TO THE PLACE OF BEGINNING.

be and the same is hereby established as PUD Planned Unit Development.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

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Member of the Common Council



Attest:

\_\_\_\_\_  
City Clerk

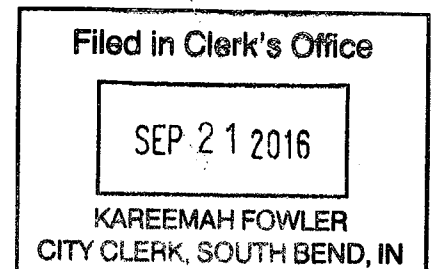
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

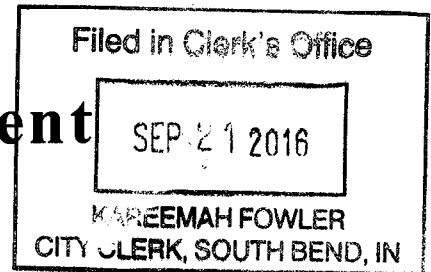
1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED





Department of

# Community Investment



## Commerce Center PUD Rezoning Request

Friday, September 9, 2016

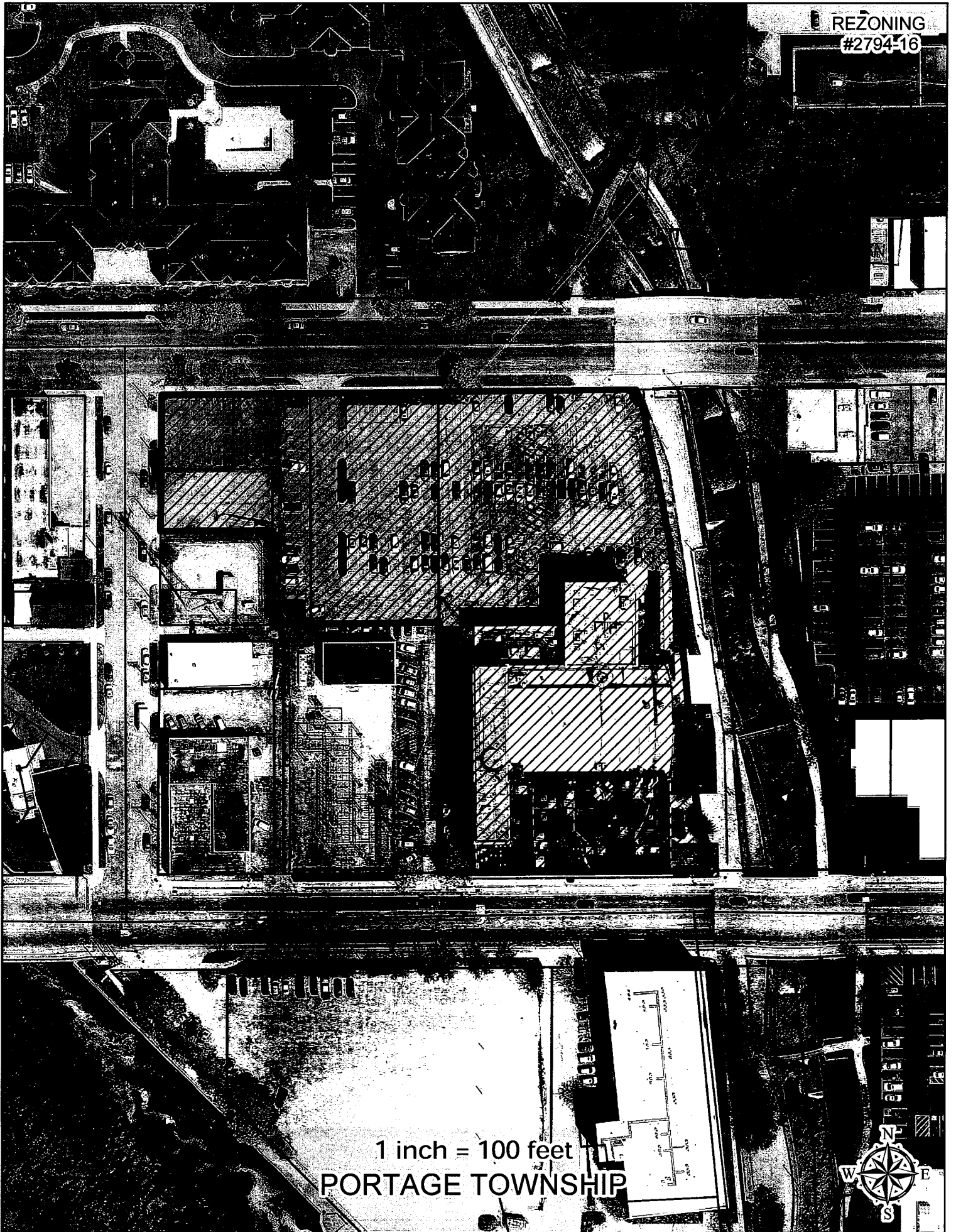
Due to the negative impacts on the neighborhood as described below, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the discussion here:

- Lack of consistency with the East Bank Village Master Plan (EBVMP).** The East Bank Village Master Plan was developed in conjunction with the community and illustrates their expectations for future decisions in the neighborhood. This rezoning would completely disregard the EBVMP in the following ways:
  - Height** – The proposal would exceed the agreed height limit for the neighborhood by approx. 115' from 60' to 175'.
  - Character** – The proposal is out of character with the existing fine grain, low-scale nature of the neighborhood as well as the desired future character of the neighborhood as presented in the EBVMP.
- Height.** The proposed height of 175' is completely out of context with the neighborhood and the East Bank Village Master Plan. The City's policy for previous height variances in the East Bank is to allow the lesser of 96 feet or 8 stories. This taller height could be supported if a public benefit is provided; otherwise, a maximum height of 60' as permitted by the zoning ordinance should be applied. The following public domain upgrades should be considered for additional height to be granted:
  - 5' front setback** to LaSalle Street and Sycamore Streets. This would accommodate additional foot traffic generated by the development as well as provide room for outdoor seating for a café or other street activating uses.
  - Public open space** in the form of a plaza, square or similar publically accessible space adjacent to the East Race between the Commerce Center and LaSalle Ave. This space should be generously scaled, address the East Race waterway and be activated by ground floor uses like a café, bar, restaurant. It is recommended a setback of 30', consistent with the northern portion of the Commerce Center's East Race setback, would be reasonable and appropriate for such a high profile location.



REZONING  
#2794-16

1 inch = 100 feet  
PORTAGE TOWNSHIP



**Angela Smith - Supermarket downtown**

---

**From:** Michael Cox <michaelwilliamcox@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/15/2016 8:44 PM  
**Subject:** Supermarket downtown

---

Hello Angela,

I was told you were the person to talk to about bringing a supermarket to downtown south bend.

I am a South bend resident at 1325 east Jefferson Blvd.

I am absolutely in favor of a supermarket and pharmacy at 401 e Colfax.

Please let me know if there is anything else I can do to help this project.

Thanks

Michael Cox

**From:** Mari Anna McKenzie <mimmianna18@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**CC:** <david@davidmatthews.com>, Maggie Kernan <maggiekernan@yahoo.com>, Joe K...  
**Date:** 9/17/2016 5:25 AM  
**Subject:** "I'm in favor of the proposed rezoning at 401 E. Colfax Ave"

Dear Angela,

I support the rezoning at 401 E. Colfax and believe the addition of a new grocery and pharmacy in DTSB would be highly beneficial to the continued growth and development of the downtown neighborhood communities.

I will be present to express my support in favor of the grocery store and pharmacy rezoning on Monday September 26th at 7pm at the County-City building, 4th floor.

Let me know what I can do to help in this process.

Sincerely,

Mari Anna McKenzie  
114 S. Niles Avenue  
South Bend, IN 46617  
Mobile: 630.363.8357  
Web Site: [mariannamckenzie.us](http://mariannamckenzie.us)

**Angela Smith - 401 E. Colfax Rezoning Request**

---

**From:** Greg Downes <GDownes@gibsonins.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 11:31 AM  
**Subject:** 401 E. Colfax Rezoning Request  
**Cc:** Greg Downes <GDownes@gibsonins.com>, Mary Downes <marydownes1@gmail.com>

---

We are in favor of the Rezoning Request at 401 E. Colfax St.

Greg and Mary Downes  
101 N Michigan St. Suite 520  
South Bend, IN 46601

574-276-0539

Sent from my iPad



**From:** "Kim.teska" <kim.teska@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**CC:** David Matthews <david@matthewsllc.com>, "Kim. teska" <kim.teska@gmail.com>  
**Date:** 9/19/2016 1:00 PM  
**Subject:** Grocery store development in downtown.

Dear Angela Smith,  
Deputy Director,  
Area Plan Commission.

I am writing to let you know that I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave.

I have worked downtown for over 20 years and look forward to South Bend becoming a vital downtown destination!

Thank you for help in making this possible!

Kim Teska  
1710 Hass Dr  
South Bend, IN 46635  
574-274-4704

Sent from my iPhone

**From:** Carole Niven <clniven53@comcast.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 1:13 PM  
**Subject:** Proposed Colfax development

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave.

Carole Niven  
826 E. Oakside St  
South Bend, IN 46614

**From:** D <dees3boys@comcast.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 1:29 PM  
**Subject:** Support

Dear M's. Angela Smith,

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave.

Sincerely,

Deanna Kozlowski

1037 Whitehall Dr.  
South Bend, IN 46615

**Angela Smith - 401 E. Colfax Re-Zoning**

---

**From:** Jacob Titus <jacob@beaconsb.org>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 2:09 PM  
**Subject:** 401 E. Colfax Re-Zoning

---

Ms. Smith -

I'm in favor of the proposed rezoning at 401 E. Colfax Ave.

My home address is 633 Cottage Grove Avenue, South Bend, 46616.

Thank you  
Jacob

**Jacob Titus** / Director  
[jacob@beaconsb.org](mailto:jacob@beaconsb.org) / (574) 309-3371

**The Beacon Resource Center**  
4210 Lincolnway West  
South Bend, IN 46628  
<http://beaconsb.org>

**Angela Smith - Support of proposed downtown business**

---

**From:** Loretta Frank <lorettafrank@cressyeverett.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 2:25 PM  
**Subject:** Support of proposed downtown business

---

Just a short email to say that I would love to see a nice grocery and pharmacy be developed in the downtown area (401 E. Colfax). I believe this would be an added attraction to those considering an urban residential move.

Regards,  
Loretta Frank

--



**Loretta Frank, GRI, CRS, ABR**  
**Broker Associate**  
**Cressy & Everett Real Estate**  
332 N. Ironwood Dr.  
South Bend, IN 46615  
Office: 574-233-6141  
Voice Mail: 574-235-3268

**Angela Smith - Proposed development**

---

**From:** George Friend <friendg@sbcglobal.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 2:34 PM  
**Subject:** Proposed development

---

To the Area Plan Commission  
Angela M. Smith, Deputy Director

Dear Commission,

I am writing in support of the proposed development in the Commerce Center property by David Matthews. I understand the plan calls for a well designed, multi-use building which will include a grocery store and pharmacy, plus many apartments.

I have lived at 221 E Colfax since the townhomes were completed 4+ years ago. During that time, I have watched and celebrated the steady rebirth and renewed vitality of downtown SB. There is no question in my mind that the addition of more residents and services in the downtown area will generate more activities, enjoyment, and security. The height of the building does not seem to me to be a big deal, given the height of the Hoffman and LaSalle Hotels up the block on LaSalle, the refurbished Chase Tower, the Key Bank building, nearby Memorial Hospital, etc. Like most folks who have moved downtown in recent years or live close to downtown, the draw is the convenience and feel of high quality urban living. This project will clearly add to that.

George Friend  
221 E Colfax Ave  
South Bend, IN 46617

**Angela Smith - 401 E. Colfax Ave. Rezoning**

---

**From:** Meghan Kirwan <meghankirwan@sgws.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 3:34 PM  
**Subject:** 401 E. Colfax Ave. Rezoning

---

Good afternoon Angela,

My name is Meghan Kirwan, and I am writing this email in regards to the Grocery store and pharmacy Rezoning at 401 E. Colfax Ave. I live at 223 East Colfax Ave. and **I am in favor** of the proposed development and Rezoning.

Thank you,

Meghan Kirwan  
Account Executive  
Southern Glazers Wine & Spirits of Indiana - Prestige Division  
8888 Keystone Crossing, Suite 1200  
Indianapolis, IN 46240  
mobile [574.904.9808](tel:574.904.9808)  
[southernglazers.com](http://southernglazers.com)

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## Angela Smith - I support the proposed development

---

**From:** Jena Smoroske <JSmoroske@bradleyco.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 4:17 PM  
**Subject:** I support the proposed development

---

Area Plan Commission

Angela M. Smith,

Hello, My name is Jena Mae Smoroske and I work for the Bradley Company as a Commercial Real Estate Broker. I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave.

Thanks,



**Jena Mae Smoroske | Broker**  
**Bradley Company**  
c 574.210.9899  
[www.bradleyco.com](http://www.bradleyco.com)



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**From:** Sharon Teska <teskastudio@sbcglobal.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 4:58 PM  
**Subject:** To the Area Plan Commission

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax

Sharon Teska  
508 S 23rd Street  
South Bend, IN 46615

To the Area Plan Commission  
Angela M. Smith, Deputy Director  
Area Plan Commission  
(574) 235-9571  
asmith@co.st-joseph.in.us

Sent from my iPhone: Sharon Teska

**Larry Magliozzi - Support for Commerce Center Development**

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**From:** Mary Bundy <mebundy@ameritech.net>  
**To:** "lomaglioz@co.st-joseph.in.us" <lomaglioz@co.st-joseph.in.us>  
**Date:** 9/19/2016 6:51 PM  
**Subject:** Support for Commerce Center Development

---

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commission

Dear Mr Magliozzi:

The Howard Park Neighborhood Association, by a Board Member vote, is in favor of the Commerce Center Development, as proposed by Matthews, LLC. We are in support of a zone change from Central Business District (CBD) to Planned Unit Development (PUD).

While we recognize the concerns voiced by Area Plan Commission staff, in regard to building height, air and light quality for rear facing apartments, and set backs for public areas, it is our opinion that the plan presented to us adequately addresses these concerns. Also, we notice that some of the concerns are based on a 2008 East Bank Village Master Plan, whose relevance we question because it was developed during a recession and at a time of declining populaton. We do not believe that such an outdated plan should dictate current growth in our neighborhood.

We ask that you please give a favorable reccomendation to the plan by Matthews, LLC to develop a 12 story building that will house a grocery-pharmacy, offices, and apartments, along with a separate parking garage in the area commonly known as The Commerce Center parking lot.

Thank you for giving our perspective your full consideration.

Sincerely,

Mary Bundy  
President  
Howard Park Neighborhood Association

Mary Bundy, L.Ac., OTR/L

**Angela Smith - Grocery Store at 401 E. Colfax Ave**

---

**From:** Emily Rose McManus <emmyjeanette@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 6:52 PM  
**Subject:** Grocery Store at 401 E. Colfax Ave

---

Area Plan Commission  
Angela M. Smith, Deputy Director  
Area Plan Commission  
(574) 235-9571  
[asmith@co.st-joseph.in.us](mailto:asmith@co.st-joseph.in.us)

Dear Commission,

I am writing to support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E Colfax Ave. I believe this grocery store and pharmacy will provide a valuable service to many people within our community, from those who work downtown to people who utilize public transportation and are routed through the downtown area. In particular, as someone who does not drive as a result of a medical condition, I and others like me would benefit enormously from a grocery store downtown. It would allow me to have easy access to fresh, affordable food and to pick up my prescriptions on the way home from work. Based on the current bus routes, it is difficult for many people who utilize public transportation to access a grocery store. I believe that every member of our committee has a fundamental right to be able to easily access fresh, affordable food. A grocery store downtown would help to eliminate a "food desert" for those living in many of the surrounding neighborhoods, whether they do not drive because of disability, age, income, or many other factors. This is a vital service that we need to provide the citizens of this city.

Please consider implementing this proposed development.

Sincerely,

Dr. Emily Rose McManus, Ph.D.

## Angela Smith - 401 E. COLFAX AV - MATTHEWS LLC DEVELOPMENT

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**From:** "Fragomeni, Joe" <jfragomeni@structurepoint.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 7:17 PM  
**Subject:** 401 E. COLFAX AV - MATTHEWS LLC DEVELOPMENT

---

I absolutely support the proposed new development project by Matthews LLC at 401 E. Colfax Av. The extra height is not and should not ever be an issue in our downtown as long as we have credible investors with great new ideas that enhance it! The Chase Tower – my former office location – is 25 stories. Let's do it again! We cannot be short sighted in our views of those who believe in and are willing to invest in our downtown. It is our only hope for future success! The grocery store and the pharmacy are such critical additions to what is developing in the downtown – I say figure out a way to make it happen!  
 Thank you...  
 My residence is 5717 Bridgeton Lane in South Bend.

---

### Joe Fragomeni

205 West Jefferson Blvd. Suite 404, South Bend, IN 46601

T 574.287.2231 E [jfragomeni@structurepoint.com](mailto:jfragomeni@structurepoint.com)

F 574.289.7105 W [www.structurepoint.com](http://www.structurepoint.com)

C 574.276.6297



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**From:** JILL WYGANT LAFONTAIN <jtinlaff@sbcglobal.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 7:44 PM  
**Subject:** Proposed Grocery Store DTSB

To Whom it may concern,

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave. I believe a grocery store and pharmacy would be a welcomed and very reasonable addition to the downtown area.

With the population of residents increasing in the downtown area and focus on making South Bend a more "walkable" community, this store is a crucial part of continued growth for South Bend.

I live in Sunnymede and often ride my bike or walk downtown to work, visit local restaurants, stores, and friends. The one thing missing is a grocery store and pharmacy. Access to a grocery/pharmacy in the downtown area would enhance the lives of current residents and make living in and around downtown more desirable place to buy a home.

Purchasing a home means residents care and are invested in their community thus increasing property values and impacting neighborhoods in a positive way.

I am a homeowner in neighborhood adjacent to downtown South Bend. Owner since 1994.

Jill La Fountain  
(574)261-8858  
1224 Longfellow Ave.  
South Bend, IN. 46615

## Larry Magliozzi - Support for Commerce Center Development

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**From:** Matthew Hall <matt.hall@nd.edu>  
**To:** <lmagloz@co.st-joseph.in.us>  
**Date:** 9/19/2016 8:46 PM  
**Subject:** Support for Commerce Center Development

---

Dear Mr. Magliozzi,

I am a resident of the East Bank neighborhood (116 S Niles Ave). I am writing to voice my support for the Commerce Center Development, as proposed by Matthews, LLC. I support a zoning change from Central Business District (CBD) to Planned Unit Development (PUD). I believe this development would positively contribute to the development of the downtown area in general and our neighborhood specifically. In particular, a grocery store, pharmacy, and additional apartments in the area will make living in the area more desirable and improve property values.

Sincerely,  
Matthew Hall

--

Matthew E.K. Hall, Ph.D.  
Associate Professor and Director of Graduate Studies  
Department of Political Science  
University of Notre Dame  
[matt.hall@nd.edu](mailto:matt.hall@nd.edu)  
<https://sites.google.com/site/matthewhallphd/>  
The Nature of Supreme Court Power



## Larry Magliozzi - Support for Commerce Center Development

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**From:** Brittany Solomon <bcs719@gmail.com>  
**To:** <lmaglio@co.st-joseph.in.us>  
**Date:** 9/19/2016 9:00 PM  
**Subject:** Support for Commerce Center Development

---

Dear Mr Magliozzi:

As a resident of St. Joseph County and downtown South Bend, I am writing you to indicate my support of a zone change from Central Business District (CBD) to Planned Unit Development (PUD). Along with my neighbors, I ask that you please give a positive recommendation to the plan by Matthews, LLC.

Sincerely,  
Brittany Hall

**From:** Michelle Freel <chellyf0720@outlook.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 9:33 PM  
**Subject:** 401 E Colfax

Dear Angela,

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave.

Michelle M Freel  
1339 Sunnymede Ave.  
South Bend, IN. 46615  
574-276-1891

Sent from my iPhone

**From:** Robert Freel <rcnc1339@sbcglobal.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 9:36 PM  
**Subject:** 401 E Colfax

Dear Angela,

I support the proposed development, the extra height, and the building of a grocery store and pharmacy at 401 E. Colfax Ave."

Include your name and address, and e-mail it to:

Robert Freel  
1339 Sunnymede Ave  
South Bend, In 46615

Sent from my iPhone

**Angela Smith - Commerce Center Development Re-Zoning**

---

**From:** Nancy Watreas <nwatreas2@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/19/2016 8:59 PM  
**Subject:** Commerce Center Development Re-Zoning

---

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commission

Dear Mr Magliozzi,

Dr. E. Michael Feltman and I are owners and residents at River Race Townhomes (118 S. Niles Ave.). We invested in the DTSB area because this is where our lives our and we recognize that South Bend is experiencing a regrowth and rejuvenation, something that we believe is essential to the city's existence.

We have recently learned from Dave Matthews of the proposed plan to rezone the Commerce Center Development and completely support its rezoning to allow mixed use of the building. We want to see South Bend grow and develop into a vital and prosperous city that benefits everyone, collectively.

We are in full support of Matthews, LLC to develop a 12 story building that will give it feasibility and allow a grocery-pharmacy, offices, and apartments, along with a separate parking garage in the area commonly known as "The Commerce Center" parking lot.

Thank you so much for your time and consideration.

Best regards,



--

Mike & Nancy Feltman  
574-302-1655/574-210-5344

Alison D. Tusing  
54609 Bradley Street  
Elkhart, Indiana 46514  
(574) 322-8044  
[alisontusing@hotmail.com](mailto:alisontusing@hotmail.com)

**VIA EMAIL ONLY: [asmith@co.st-joseph.in.us](mailto:asmith@co.st-joseph.in.us)**

Angela M. Smith, Deputy Director

Area Plan Commission (574) 235-9571

RE: Rezoning at 401 E. Colfax Ave

Dear Ms. Smith:

Please allow this letter to serve as notification that I am in favor of the proposed rezoning at 401 E. Colfax Avenue in South Bend.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

  
Alison D. Tusing

**Angela Smith - 401 E. Colfax Ave**

---

**From:** Alison Tusing <atusing@blackburnandgreen.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 8:22 AM  
**Subject:** 401 E. Colfax Ave  
**Attachments:** jhoward@blackburnandgreen.com\_20160920\_080138.pdf

---

Dear Ms. Smith:

Please see the attached letter stating that I am in favor of the proposed rezoning of 401 E. Colfax Ave.

Sincerely,

**Alison D. Tusing**

Amanda A. Whitaker  
25353 Beth Ann Drive  
South Bend, IN 46619  
(574) 309-1802  
[araybuck2001@yahoo.com](mailto:araybuck2001@yahoo.com)

**VIA EMAIL ONLY: [asmith@co.st-joseph.in.us](mailto:asmith@co.st-joseph.in.us)**

Angela M. Smith, Deputy Director  
Area Plan Commission (574) 235-9571

RE: Rezoning at 401 E. Colfax Ave

Dear Ms. Smith:

Please allow this letter to serve as notification that I am in favor of the proposed rezoning at 401 E. Colfax Avenue in South Bend.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

  
Amanda A. Whitaker



**Angela Smith - Rezoning at 401 E. Colfax Avenue**

---

**From:** Amanda Whitaker <awhitaker@blackburnandgreen.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 8:34 AM  
**Subject:** Rezoning at 401 E. Colfax Avenue  
**Cc:** "alisontusing@hotmail.com" <alisontusing@hotmail.com>  
**Attachments:** Smith ltr.pdf

---

Dear Ms. Smith,

Attached please find correspondence regarding support for the above-referenced matter.

Sincerely,

*Amanda A. Whitaker*

**Paralegal**

**Blackburn & Green**

1450 University Drive Court

Granger, IN 46530

Telephone: (574) 277-7711, ext. 212

Fax: (574) 277-8111

awhitaker@blackburnandgreen.com

# BLACKBURN & GREEN

*Attorneys for Injured People*

September 20, 2016

**VIA EMAIL ONLY: [asmith@co.st-joseph.in.us](mailto:asmith@co.st-joseph.in.us)**

Angela M. Smith, Deputy Director  
Area Plan Commission (574) 235-9571

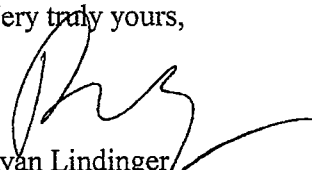
RE: Rezoning at 401 E. Colfax Ave

Dear Ms. Smith:

Please allow this letter to serve as notification that I am in favor of the proposed rezoning at 401 E. Colfax Avenue in South Bend.

Please do not hesitate to contact me should you have any questions or concerns.

Very truly yours,

  
Ryan Lindinger

RNL/adt

Reply To: Ryan Lindinger  
1450 University Drive Ct.  
Granger, IN 46530

Evansville  
3420 Morgan Ave., Suite F  
Evansville, IN 47715  
(812) 471-5744  
(812) 401-8838 Fax  
•Vincennes  
(812) 882-0766

Fort Wayne  
4203 W. Jefferson Blvd.  
Fort Wayne, IN 46804  
(260) 422-4400  
(260) 436-4404 Fax  
•Angola  
(260) 665-5191  
•Bluffton  
(260) 827-0622  
•Kendallville  
(260) 347-1511  
•Marion  
(765) 668-8100  
•Waynedale  
(260) 422-4400

Indianapolis  
8202 Clearvista Parkway  
Building 7  
Indianapolis, IN 46256  
(317) 489-4700  
(317) 845-7847 Fax  
•Anderson  
(765) 622-9151  
•Bedford  
(812) 275-6088  
•Kokomo  
(765) 868-0088  
•Lafayette  
(765) 447-9121  
•Logansport  
(574) 739-0022  
•Muncie  
(765) 287-0045  
•New Castle  
(765) 521-0763  
•Terre Haute  
(812) 234-2369

Merrillville  
2620 W. Lincoln Highway  
Merrillville, IN 46410  
(219) 769-7415  
(219) 472-0189 Fax  
•LaPorte  
(219) 362-2444  
•Michigan City  
(219) 879-7949  
•Valparaiso  
(219) 476-1718

South Bend-Mishawaka  
1450 University Drive Court  
Granger, IN 46530  
(574) 277-7711  
(574) 277-8101 Fax  
•Elkhart  
(574) 294-4999  
•Goshen  
(574) 534-6655  
•LaGrange  
(260) 499-4852

Warsaw  
1614 East Center Street  
Warsaw, IN 46580  
(574) 269-5060  
(574) 268-1165 Fax  
•Syracuse  
(574) 457-4104

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•Satellite office

[www.blackburnandgreen.com](http://www.blackburnandgreen.com)  
1.800.444.1112

**From:** Alison Tusing <atusing@blackburnandgreen.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 8:55 AM  
**Subject:** 401 E. Colfax Ave  
**Attachments:** jhoward@blackburnandgreen.com\_20160920\_083209.pdf

Dear Ms. Smith:

Please find attached correspondence from Attorney Lindinger in support of the proposed rezoning of 401 E. Colfax Avenue.

Sincerely,  
Alison Tusng

**Larry Magliozzi - Fw: Commerce Center Rezoning letter information and example.**

---

**From:** Joe Kernan <flare604@yahoo.com>  
**To:** "lomaglioz@co.st-joseph.in.us" <lomaglioz@co.st-joseph.in.us>  
**Date:** 9/20/2016 8:58 AM  
**Subject:** Fw: Commerce Center Rezoning letter information and example.

---

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commision

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commision

Dear Larry:

Maggie and I strongly support The Commerce Center Development as proposed by Matthews LLC.

We believe that a zone change from Central Bushiness District to Planned Unit Development is in the best interests of our neighborhood and the East Bank.

We hope that you will give a favorable recommendation to the plan by Matthews LLC to develop a 12 story building that will bring with it offices, apartments, and a grocery story and pharmacy. There will be a separate parking garage in the Commerce Center parking lot. We believe that these improvements will foster additional positive and welcome activity in our neighborhood.

Thank you for your consideration Larry.

Sincerely  
Maggie and Joe Kernan

**Larry Magliozzi - 09-21-2015**

---

**From:** Rob Bartels <RBartels@martins-supermarkets.com>  
**To:** "lomaglioz@co.st-joseph.in.us" <lomaglioz@co.st-joseph.in.us>, "asmith@co....  
**Date:** 9/20/2016 9:47 AM  
**Subject:** 09-21-2015

---

Greetings!

I write from two perspectives this morning, first as a resident along the East Race & secondly as the president of Martin's Super Markets.

As a resident, I now share the sensibilities of so many others who have called, written, & talked to us over the years. We need a downtown grocery store with a full retail assortment.

As a business owner, responsible for taking risk & making sure those efforts are successful in many ways. The risks associated with downtown locations are steep and have been prohibitive in South Bend.

This project is an example of precisely the kind of development that overcomes the challenges, while delivering demonstrable benefit in myriad ways, among many constituents within and for the community.

This opportunity deserves support and I hope you will help this development and our community & downtown neighborhoods move into a better and stronger future.

Thank you

Rob Bartels  
110 S. Niles  
& Martin's Super Markets

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

**Angela Smith - Attention: Angela M. Smith, Deputy Director -- Regarding rezoning at 401 E. Colfax Ave.**

---

**From:** Patricia Anderson <designdecisionsstudio@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 10:24 AM  
**Subject:** Attention: Angela M. Smith, Deputy Director -- Regarding rezoning at 401 E. Colfax Ave.

---

Dear Angela,

I'm in favor of the proposed rezoning at 401 E. Colfax Ave. I believe this rezoning to be significant in the continued growth and vitality for downtown South Bend.

Thank you for your consideration of this matter.

Best regards,

Patricia E. Anderson  
602 1/2 South Ironwood Drive  
South Bend, IN 46615

**Angela Smith - Proposed rezoning**

---

**From:** Manda Harris <resras1@hotmail.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 10:45 AM  
**Subject:** Proposed rezoning

---

Dear Ms. Smith,

I'm in favor of the proposed rezoning at 401 E. Colfax Ave. Thank you for your consideration of the incredible benefit a downtown grocery store and pharmacy could be to the city and its residents!

Manda Harris  
1420 E. Colfax Ave.  
574-304-1040

Justin Robinson  
26266 Bell Avenue  
Elkhart, Indiana 46514  
(574) 214-7844

**VIA EMAIL ONLY: [asmith@co.st-joseph.in.us](mailto:asmith@co.st-joseph.in.us)**

Angela M. Smith, Deputy Director

Area Plan Commission (574) 235-9571

RE: Rezoning at 401 E. Colfax Ave

Dear Ms. Smith:

Please allow this letter to serve as notification that I am in favor of the proposed rezoning at 401 E. Colfax Avenue in South Bend.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

s/Justin Robinson

Justin Robinson



**From:** Alison Tusing <atusing@blackburnandgreen.com>  
**To:** "asmith@co.st-joseph.in.us" <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 10:52 AM  
**Subject:** 401 E. Colfax Ave  
**Attachments:** jhoward@blackburnandgreen.com\_20160920\_103100.pdf

Dear Ms. Smith:

Please see the attached on behalf of Justin Robinson, supporting the proposed rezoning of 401 E. Colfax Avenue.

Sincerely,  
Alison Tusing

**Angela Smith - Downtown martin's**

---

**From:** jekaplan@sbcglobal.net <jekaplan@sbcglobal.net>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 10:58 AM  
**Subject:** Downtown martin's

---

Ms. Smith, I am writing in support of a downtown Martin's and pharmacy. I have a art studio downtown and have really missed the Osso's drug store that used to be downtown.

Jeanne Kaplan  
50667 Mercury Drive  
Granger, In 46530  
273-1747

Sent from my T-Mobile 4G LTE device

**Angela Smith - Re: PUD Letters of Support**

---

**From:** Brigid Beattie <brigid@matthewsllc.com>  
**To:** <lmaglio@co.st-joseph.in.us>, <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 11:37 AM  
**Subject:** Re: PUD Letters of Support  
**Cc:** David Matthews <david@matthewsllc.com>  
**Attachments:** Area Plan Commission Letters.pdf

---

Please disregard the previous email with the incorrect document. Attached are the letters of support for the Commerce Center Planned Unit Development.

Sincerely,

**Brigid Beattie**  
**Executive Assistant**  
**Matthews, LLC**  
**(812) 606-7892**  
**brigid@matthewsllc.com**

On Tue, Sep 20, 2016 at 8:50 AM, Brigid Beattie <brigid@matthewsllc.com> wrote:

Please find attached letters of support for the Commerce Center Development Planned Unit Development.

Sincerely,

**Brigid Beattie**  
**Executive Assistant**  
**Matthews, LLC**  
**(812) 606-7892**  
**brigid@matthewsllc.com**

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commission

Dear Mr. Magliozzi:

521 Jefferson, LLC, by vote of its ownership, is in favor of the Commerce Center Development, as proposed by Commerce Center Development, LLC. We support the change in zoning from Central Business District (CBD) to Planned Unit Development (PUD).

We recognize the concerns voiced by Area Plan Commission staff, in regard to building height, air and light quality for rear facing apartments, and set backs for public areas. It is our opinion that the plan presented to us adequately addresses these concerns. Also, we notice that some of the concerns are based on a 2008 East Bank Village Master Plan, the relevance of which we question because it was developed during a recession and at a time of declining population. We do not believe that such an outdated plan should dictate current growth in our neighborhood.

We ask that you please give a favorable recommendation to the plan by Commerce Center Development, LLC to develop a twelve-story mixed-use building and a separate parking garage in the area commonly known as The Commerce Center parking lot.

Thank you for giving our perspective your full consideration.

Sincerely,



Brigid Beattie, Executive Assistant  
521 Jefferson, LLC  
521 E. Jefferson Blvd  
South Bend, IN 46617

**Angela Smith - Letter in support of 401 E Colfax PUD proposal**

---

**From:** Jack Jacobs <jjacobs25@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 11:41 AM  
**Subject:** Letter in support of 401 E Colfax PUD proposal

---

Dear Dept. Director Smith,

I support the proposed PUD, the lifting of the height restriction, and the building of a grocery store and pharmacy at the proposed site along Lasalle Ave on the current parking lot of the Commerce Center.

Best,

Jack Jacobs  
223 E Colfax Ave  
South Bend, IN 46617

**Angela Smith - Grocery Store and Pharmacy Rezoning.**

---

**From:** Lionel Jensen <Lionel.Jensen.21@nd.edu>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 11:54 AM  
**Subject:** Grocery Store and Pharmacy Rezoning.

---

Ms. Angela M. Smith, Deputy Director  
Area Plan Commission  
City of South Bend  
South Bend, IN

20 September 2016

Dear Ms. Smith,

I am writing to convey my most energetic support of the rezoning proposal for 401 E. Colfax Avenue that is now before the Area Plan Commission.

As a long-time resident of South Bend who has observed with pleasure and excitement the redesign and development of the city's downtown, I believe that the rezoning will eventuate in the establishment of a grocery and pharmacy essential to the continued flourishing of our urban commonweal.

My address is: 1305 Ridgedale Road, South Bend, 46614

Respectfully,

Lionel M. Jensen, Ph. D.  
Associate Professor  
East Asian Languages & Cultures  
Fellow of Institute  
Helen Kellogg Institute for International Studies  
Joan B. Kroc Institute for International Peace Studies  
Affiliate, Center for Civil and Human Rights

**From:** Kari Maddox <karimaddox@icloud.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 12:05 PM  
**Subject:** Proposed rezoning of 401 E. Colfax Ave.

Angela M. Smith, Deputy Director  
Area Plan Commission,

I am in favor of the proposed rezoning at 401 E. Colfax Avenue.

I am writing to show my support for Matthews, LLC.

I believe Matthews proposed project at 401. E. Colfax Avenue will greatly impact the future of the down town South Bend area.

I am currently in the process of relocating North, as I currently work in Granger, In.

I originally considered moving directly to Granger. The proximity to my current job would make commuting seconds away, from where I would live.

I met with Matthews earlier this summer. I began to fall in love with the character and culture surrounding South bend; and particularly to the love and dedication people living in the town have expressed for the area.

As a mother of four children, growth and a sense of community are important. There is a lot of progress in South Bend, and the potential for growth seems to be exponential at this point.

In particular, the proposed project at 401 E. Colfax Avenue has caught my attention. Again, as a mother of four, convenience is also of utmost importance in our daily lives. A space of such size appeals to me. The convenience of a pharmacy, grocery store, and potential for retail and office space are all very alluring to a modern family.

The ability for growth within this building make me feel confident in South Bend. The proposed height and size do not deter me, but rather excite me for the potential in this town. I hope to continue as an entrepreneur and possibly make use of this future space.

Thank you,

Kari Maddox

Sent from my iPhone

**Angela Smith - Supporting Commerce Center Rezoning**

---

**From:** Jonathan Andrew Wolter <jawolter@gmail.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 12:11 PM  
**Subject:** Supporting Commerce Center Rezoning

---

Mr. Larry Magliozzi  
Executive Director  
St. Joseph County Area Plan Commission

Dear Mr Magliozzi:

I am the homeowner of 108 S Niles. I am in support of a zone change from Central Business District (CBD) to Planned Unit Development (PUD).

I recognize there have been concerns but as an owner seeing this neighborhood improve, I support the specific plans presented by the developer.

I ask that you give a favorable recommendation to the plan by Matthews, LLC to develop a 12 story building that will house a grocery-pharmacy, offices, and apartments, along with a separate parking garage in the area commonly known as The Commerce Center parking lot.

Thank you so much!

Jonathan Wolter

--

Sent from my Phone



Good afternoon Angela,

My name is Matthew Teters, and I am writing this email in regards to the Grocery store and pharmacy Rezoning at 401 E. Colfax Ave. I live at 223 East Colfax Ave. and **I am in favor** of the proposed development and Rezoning.

Thank you,

Matthew Teters MD

--

Matthew Teters

## Angela Smith - Proposed rezoning

---

**From:** "Kevin Hatcher" <kevin@artisticradio.com>  
**To:** <asmith@co.st-joseph.in.us>  
**Date:** 9/20/2016 3:10 PM  
**Subject:** Proposed rezoning

---

I'm in favor of the proposed rezoning at 401 E. Colfax Ave

Kevin Hatcher  
831 W Colfax  
South Bend, IN 46601

Best,

**Kevn Hatcher** | Marketing Consultant

WNDV-FM | **U93 92.9**

WSMM/WSSM-FM | **The Stream**

☎:: 574.273.9300 x230

✉:: [kevin@artisticradio.com](mailto:kevin@artisticradio.com)

📍:: 3371 Cleveland Road Ste 300 South Bend IN 46628

***If you are waiting on anything in order to live and love without holding back, then you suffer. -***

David Dieda

*This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.*



*Via Hand Delivery*

August 16, 2016

Mr. Tim Scott  
 President - City of South Bend Common Council  
 County - City Building - Room 400S  
 South Bend, IN 46601

Dear President Scott:

Enclosed please find an original and several copies of:

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2017 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVNUUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

Due to a recent enactment of Indiana law, Transpo is required to submit its proposed budget and tax levy to the City of South Bend Common Council (the "Council") for adoption by the Council. Specifically, Indiana Code § 6-1.1-17-20 requires that Transpo, as a political subdivision governed by a majority of unelected officials, submit its proposed budget and property tax levy to the Council for adoption. Pursuant to I.C. § 6-1.1-17-20(e), the Council should review Transpo's budget and proposed tax levy and adopt a final budget and tax levy for Transpo.

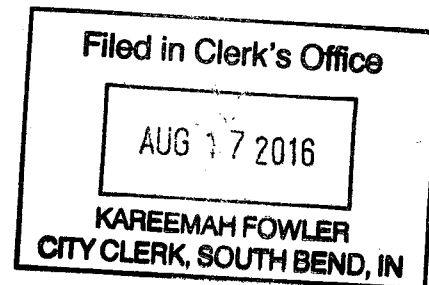
Transpo's Board of Directors will vote to approve the budget and levy on September 19, 2016. The scheduled public hearing of the budget with the South Bend Common Council is scheduled to be on September 26, 2016

Transpo's budget was filed with the Common Council on August 16, 2016. Transpo will present this Ordinance to the Council by its Controller, Christopher Kubaszak. Transpo's General Counsel, Jamie C. Woods, may also attend along with Members of Transpo's Board of Directors.

On behalf of Transpo's Board of Directors, the Council's assistance in this budget process is greatly appreciated.

Sincerely,

David Cangany  
 General Manager/ CEO, South Bend Public Transportation Corporation





## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND  
PUBLIC TRANSPORTATION CORPORATION'S 2017 BUDGET AND LEVYING THE  
TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF  
RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION  
CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING  
DECEMBER 31, 2017**

Pursuant to Indiana law, the South Bend Public Transportation Corporation is required to submit its proposed budget and tax levy to the Common Council of the City of South Bend for adoption. Specifically, Indiana Code § 6-1.1-17-20 requires that the South Bend Public Transportation Corporation, as a political subdivision governed by a majority of unelected officials, submit its proposed budget and property tax levy to the Common Council of the City of South Bend. Pursuant to Indiana Code § 6-1.1-17-20(e), the Common Council of the City of South Bend is required to review the South Bend Public Transportation Corporation's budget and proposed tax levy and adopt a final budget and tax levy for the South Bend Public Transportation Corporation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:**

**SECTION 1.** The South Bend Public Transportation Corporation's budget for the year ending December 31, 2017 in the sum of **\$13,407,761.00**, as shown on Budget Form 4-A, is appropriated, adopted, approved and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purpose of raising revenue to meet the necessary expenses of the South Bend Public Transportation Corporation, a total property tax levy of **\$4,308,716.00** and a total tax rate of **0.1359** as shown on Budget Form 4-B are also appropriated, approved and adopted.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of South Bend and approval by the Mayor.

\_\_\_\_\_  
Member, South Bend Common Council

Attest:

\_\_\_\_\_  
City Clerk



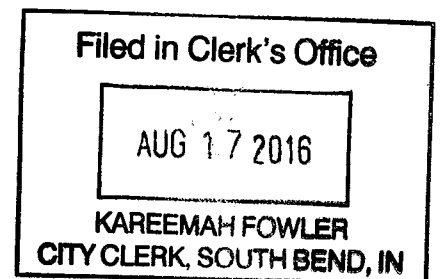
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_ o'clock \_\_\_\_ .m

\_\_\_\_\_  
City Clerk, Deputy

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2016,  
at \_\_\_\_ o'clock, \_\_\_\_ .m

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED

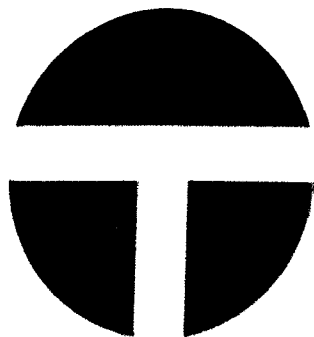






Filed in Clerk's Office  
AUG 24 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

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***transpo***

***south bend public  
transportation corporation***

**2017 FISCAL OPERATING & CAPITAL BUDGET**

January 1, 2017 through December 31, 2017

Prepared By  
South Bend Public Transportation Corporation

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**SOUTH BEND PUBLIC TRANSPORTATION CORPORATION**

**SOUTH BEND, INDIANA**

**2017 FISCAL YEAR BUDGET REQUEST**

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**BUDGET ESTIMATE FOR 2017**

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2017 Budget Policy Statements .....	.6
2017 Budget Summaries by Category – All Accounts .....	.7

# SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

## 2017 REVENUE PROJECTION

SOURCE	% CHANGE - 2016 BUDGET VS. Actual				
	2017 BUDGET	2016 BUDGET	2015 ACTUAL	2017 BUDGET	2015 ACTUAL
FAREBOX	\$ 1,469,079	\$ 1,504,253	\$ 1,408,767	-2.34%	4.28%
CHARTER	\$ -	\$ -	-	0.00%	0.00%
ADVERTISING	\$ 72,000	\$ 72,000	\$ 72,000	0.00%	0.00%
LEASE REVENUE	\$ 2,400	\$ 174,516	\$ 174,527	-98.62%	-98.62%
CONCESSIONS AND MISCELLANEOUS	\$ 23,500	\$ 68,500	\$ 47,479	-65.69%	-50.50%
INTEREST INCOME	\$ 12,985	\$ 12,985	\$ 2,104	0.00%	517.16%
PROPERTY TAX	\$ 2,883,701	\$ 2,714,858	\$ 2,649,665	6.22%	8.83%
LICENSE EXCISE TAX	\$ 227,789	\$ 210,000	\$ 227,789	8.47%	0.00%
FINANCIAL INSTITUTION TAX	\$ -	\$ -	-	0.00%	0.00%
OPTION INCOME TAX	\$ 433,262	\$ 462,000	\$ 460,097	-6.22%	-5.83%
STATE ASSISTANCE	\$ 2,029,483	\$ 1,984,401	\$ 1,965,891	2.27%	3.23%
FEDERAL PREVENTIVE MAINTENANCE	\$ 1,640,000	\$ 1,640,000	\$ 1,338,951	0%	22.48%
FEDERAL ASSISTANCE	\$ 1,875,000	\$ 1,781,866	\$ 920,400	5%	103.72%
LEASE PAYMENT FROM CITY	\$ 200,000	\$ 200,000	\$ 400,000	0%	-50.00%
<b>TOTAL</b>	<b>\$10,869,199</b>	<b>\$ 10,825,378</b>	<b>\$ 9,667,670</b>	<b>0.40%</b>	<b>12.43%</b>

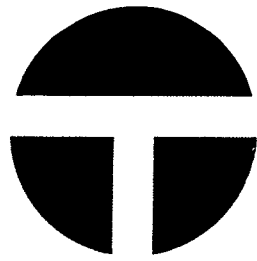
# SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

## 2017 EXPENSE PROJECTION

Expense Category	% CHANGE - 2017 BUDGET VS. Actual				
	2017 BUDGET	2016 BUDGET	2015 AUDITED	2016 BUDGET	2015 AUDITED
Tangible Property / Fixed Assets	\$ -	\$ -	\$ -	N/A	N/A
Salaries & Wages	\$ 5,806,671	\$ 5,531,476	\$ 5,077,761	4.98%	14.35%
Fringe Benefits	\$ 2,438,603	\$ 2,272,399	\$ 2,153,932	7.31%	13.22%
Services	\$ 452,661	\$ 779,867	\$ 985,704	-41.96%	-54.08%
Materials & Supplies	\$ 1,029,736	\$ 1,110,466	\$ 1,555,767	-7.27%	-33.81%
Utilities	\$ 278,857	\$ 278,857	\$ 263,460	0.00%	5.84%
Insurance	\$ 230,477	\$ 230,477	\$ 215,752	0.00%	6.82%
Other Taxes	\$ -	\$ -	\$ -	N/A	N/A
Miscellaneous	\$ 132,192	\$ 121,836	\$ 185,740	8.50%	-28.83%
<b>SUB-TOTAL</b>	<b>\$ 10,369,199</b>	<b>\$10,325,378</b>	<b>\$ 10,438,116</b>	<b>0.42%</b>	<b>-0.66%</b>
Transfer - Capital Improvements / Reserve for Liability	\$ 500,000	\$ 500,000	\$ -	0.00%	100.00%
<b>TOTAL</b>	<b>\$ 10,869,199</b>	<b>\$10,825,378</b>	<b>\$ 10,438,116</b>	<b>0.40%</b>	<b>4.13%</b>

**TRANSP0**  
**Budgeted Appropriations**

Category	Operating Budget		Capital Budget		Total 2017 Appropriations
	2017	2016	2017	2016	
Personnel Services	8,245,274	7,465,799			8,245,274
Other Services and Charges	1,594,187	1,385,087			1,594,187
Supplies	1,029,736	1,277,033			1,029,736
Capital Outlays	181,310	375,461	906,550	1,877,305	1,087,860
<b>Total Appropriations</b>	<b>\$ 11,050,508</b>	<b>\$ 10,503,380</b>	<b>\$ 906,550</b>	<b>\$ 1,877,305</b>	<b>\$ 11,957,058</b>



# transpo

## 2017 OPERATING BUDGET ASSUMPTIONS

### REVENUES:

**Federal, State, and Local:** Historically, Transpo has been successful in securing capital funds through Federal Capital Grants for major capital projects; however, opportunities are becoming less common. Transpo continues to avail ourselves of annual federal capital formula grant funds toward preventative maintenance and operating assistance, such funds available for the operations budget. In 2017, the State of Indiana has fixed a PMTF rate for the next two years and has made it a line item in the State's Budget. We based the 2017 PMTF revenue on 2016 actual approved budget. This caused our budget figure to increase by \$45,082 from the 2016 budget. Property Tax revenue was budgeted at a \$168,843 increase from the prior year.

**Ridership and Leases:** Farebox revenues from regular services include a slight decrease from our 2016 budgeted levels. Transpo Access has realized an increase in ridership since 2008 and is expected to continue this trend in future years.

### EXPENSES:

**Employee Wages and Benefits:** For 2017, Transpo budgeted, a slight increase in wages for employees. Employee benefits reflect an estimated 6.68% increase over 2016. This increase is mainly due to an estimated increase of ten percent in health insurance premiums and other employee benefits outlined in the collective bargaining agreement and contingencies for future premiums given their historical trends.

**Vehicular and Operating:** Vehicular and other insurances costs will be maintained at the 2016 budget. Diesel fuel has been budgeted at an average of \$2.00 per gallon and gasoline at \$2.20 per gallon. In 2016, Transpo received an additional three CNG fueled vehicles, increasing our total CNG vehicles to nineteen. Transpo budgeted a decrease, in its overall fuel cost of \$80,730. This decrease in fuel expenses should continue as more fixed route vehicles are converted to CNG.

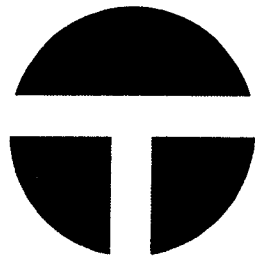
**Utilities:** Utility costs were budgeted with an increased from the 2016 forecasted levels.

**Marketing:** Marketing contracts, services, and advertising placement accounts have not been changed from 2016 budgeted figures.

**Training:** The 2017 budgeted amounts increased from 2016 budgeted provisions. Transpo plans to use federal grants to offset most of the cost associated with training. The current budget provides continued opportunities for all positions.

**Transfer – Capital Improvement Fund/Restricted Liability Reserve:** The 2017 budget provides the opportunity to transfer up to \$500,000 to the Capital Improvements fund for future capital expenditures or deposit up to \$500,000 into a restricted liability reserve account, to be used pay off the second year installments on sixteen fixed route vehicles.

- **UPON THE ADOPTION OF THE ANNUAL BUDGET BY THE SOUTH BEND PUBLIC TRANSPORTATION BOARD OF DIRECTORS, A MONTHLY BUDGET, BASED ON HISTORICAL AND FUTURE TRENDS, WILL BE ESTABLISHED. THIS WILL HELP FACILITATE THE MONTHLY REVIEW OF FINANCIAL REPORTS BY BOARD MEMBERS AND INTERNAL MANAGEMENT.**



# *transpo*

## **2017 OPERATING BUDGET POLICY STATEMENTS**

### **FINANCIAL CAPACITY:**

1. The proposed budget does not reflect any fare changes. A fare analysis may be conducted and recommendations will follow, based upon the results of the analysis.
2. Management will continue to search for investment, grant and funding opportunities so as to maximize revenues.
3. Management will assure cash handling practices to safeguard funds in its protection and toward timely collection of funds owed.

### **SERVICE POLICY:**

4. A review of current services levels will be conducted and recommendations will follow based upon the results of the analysis.
5. Management will continue to work within the current FTA charter regulations and existing agreements with private charter providers in order to provide charter services.
6. ACCESS service will be provided in accordance with all applicable FTA guidelines.

### **MANAGEMENT:**

7. A professional workforce will carry out our Mission Statement. Management will assure fairness, even-handedness, consistency, and effective Equal Employment Opportunity and Affirmative Action policies and practices.
8. Assumes continuation of team development, employee recognition, and continuation of increased opportunities for employee training.
9. Assumes continued pursuit of programs of wellness and accident prevention in an effort to stem, to whatever extent possible, rising insurance costs.



# TRANSPO

## 2017 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Salaries & Wages      Summary

2015 ACTUAL	<u>\$ 5,077,761</u>	2017 BUDGET REQUEST	<u>\$ 5,806,671</u>
2016 MONTHLY AVERAGE	<u>\$ 434,460</u>	2016 APPROVED BUDGET	<u>\$ 5,574,841</u>
2016 EST EXPENSE	<u>\$ 5,213,517</u>	BUDGET CHANGE	<u>\$ 231,830</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Operators	\$3,464,685	\$ 3,548,243
Access Drivers & Clerk	464,052	460,277
Operations Administration	374,166	457,724
Revenue-Vehicle Maintenance	690,547	722,279
Maintenance Administration	119,725	123,792
Non-Revenue-Vehicle Maintenance	71,058	73,064
General Administration	<u>347,242</u>	<u>421,292</u>
Total	<u>\$5,531,475</u>	<u>\$ 5,806,671</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Fringe Benefits      Summary

2015 ACTUAL	<u>\$ 2,153,932</u>	2017 BUDGET REQUEST	<u>\$ 2,438,603</u>
2016 MONTHLY AVERAGE	<u>\$ 180,826</u>	2016 APPROVED BUDGET	<u>\$ 2,272,399</u>
2016 EST EXPENSE	<u>\$ 2,169,916</u>	BUDGET CHANGE	<u>\$ 166,204</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
FICA	\$ 423,158	\$ 444,211
Pension plan	211,694	248,694
Medical Insurance	1,377,570	1,492,087
Dental Insurance	50,477	53,878
Life Insurance	24,032	27,221
Short-Term Disability	22,189	20,664
Unemployment Insurance	10,925	10,925
Worker's Compensation	101,235	89,805
Uniforms	47,119	47,119
Tool Allowance	4,000	4,000
Total	<u>\$2,272,399</u>	<u>\$ 2,438,603</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Services                      Summary

2015 ACTUAL	<u>\$ 985,704</u>	2017 BUDGET REQUEST	<u>\$ 452,661</u>
2016 MONTHLY AVERAGE	<u>\$ 45,412</u>	2016 APPROVED BUDGET	<u>\$ 525,599</u>
2016 EST EXPENSE	<u>\$ 528,740</u>	BUDGET CHANGE	<u>\$ (72,938)</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Management Service Fees	\$ 263,868	\$ -
Professional & Technical	274,939	190,939
Board Travel	10,000	10,000
Temporary Help	2,500	2,500
Contract Services            Operations	12,050	12,050
Contract Services            Maintenance	115,000	118,582
Contract Services            Administration	37,460	54,540
Security Services	64,050	64,050
Physical Damage Repairs	20,000	20,000
Recoveries of Physical Damage Repairs	(20,000)	(20,000)
Total	<u>\$ 779,867</u>	<u>\$ 452,661</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Materials & Supplies Summary

2015 ACTUAL	\$ 1,555,767	2017 BUDGET REQUEST	\$ 1,029,736
2016 MONTHLY AVERAGE	\$ 70,666	2016 APPROVED BUDGET	\$ 1,110,466
2016 EST EXPENSE	\$ 847,994	BUDGET CHANGE	\$ (80,730)

Account Title	2016	2017
Fuel & Lubricants	\$ 806,391	\$ 727,122
Fuel & Lubricants	13,415	11,954
Tires & Tubes	2,560	2,560
Materials & Supplies	25,000	25,000
Materials & Supplies	210,000	210,000
Materials & Supplies	35,600	35,600
Other Materials & Supplies	4,500	4,500
Other Materials & Supplies	2,600	2,600
Other Materials & Supplies	10,400	10,400
Total	\$ 1,110,466	\$ 1,029,736

**2017 BUDGET SUBMISSION**

**DEPARTMENT:** Administration & Maintenance

**ACCOUNT TITLE:** Utilities

**ACCOUNT NUMBER:** 505-0x50-00 505-0x2x-00

2015 ACTUAL	<u>\$ 263,460</u>	2017 BUDGET REQUEST	<u>\$ 278,857</u>
2016 MONTHLY AVERAGE	<u>\$ 22,582</u>	2016 APPROVED BUDGET	<u>\$ 278,857</u>
2016 EST EXPENSE	<u>\$ 270,980</u>	BUDGET CHANGE	<u>\$ 0</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Electricity	\$ 98,014	\$ 98,014
Electricity-CNG	\$ 45,941	\$ 45,941
Water & Sewage	\$ 16,654	\$ 16,654
Trash Collection	\$ 5,000	\$ 5,000
Telephone	\$ 34,000	\$ 34,000
Natural Gas	\$ 79,248	\$ 79,248
	<u>                    </u>	<u>                    </u>
	Totals	
	<u>\$ 278,857</u>	<u>\$ 278,857</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Insurance      Summary

---

2015 ACTUAL	<u>\$ 215,752</u>	2017 BUDGET REQUEST	<u>\$ 230,477</u>
2016 MONTHLY AVERAGE	<u>\$ 17,592</u>	2016 APPROVED BUDGET	<u>\$ 230,477</u>
2016 EST EXPENSE	<u>\$ 211,108</u>	BUDGET CHANGE	<u>\$ -</u>

---

Insurance - Liability & Physical Damage	\$ 224,192
Other Corporate Insurance	6,285
	<hr/>
Total	<u><u>\$ 230,477</u></u>

# TRANSPO

## 2017 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Miscellaneous      Summary

2015 ACTUAL	<u>\$ 185,740</u>	2017 BUDGET REQUEST	<u>\$ 132,192</u>
2016 MONTHLY AVERAGE	<u>\$ 13,994</u>	2016 APPROVED BUDGET	<u>\$ 121,835</u>
2016 EST EXPENSE	<u>\$ 187,928</u>	BUDGET CHANGE	<u>\$ 10,357</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Dues & Subscriptions	\$ 27,835	\$ 25,192
Travel & Meetings	20,000	30,000
Community Services	15,000	15,000
Promotion	3,000	6,000
Advertising Placements	45,500	45,500
Interest Expense on Tax Warrants	10,500	10,500
Total	<u>\$ 121,835</u>	<u>\$ 132,192</u>

**2017 BUDGET SUBMISSION**

**DEPARTMENT:** All  
**ACCOUNT TITLE:** Transfer - Capital Improvement Fund/Reserve for Liability  
**ACCOUNT NUMBER:** 301-0101-00

---

2015 ACTUAL	<u>\$ -</u>	2017 BUDGET REQUEST	<u>\$ 500,000</u>
2016 MONTHLY AVERAGE	<u>                    </u>	2016 APPROVED BUDGET	<u>\$ 500,000</u>
2016 EST EXPENSE	<u>                    </u>	BUDGET CHANGE	<u>\$ -</u>

---

This account is used for the transfer to the Capital Improvement Fund for the "Local Share" or to fund a reserve for future liabilities. The capital expenditures are detailed in the monthly Capital Improvement resolutions.

Loan Payment \$ 500,000

Detail of Capital Funds required to match existing grants on following page

Total \$ 500,000



# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Capital Fund Requirements

ACCOUNT NUMBER: 301-0101-00

2015 ACTUAL	<u>\$ 6,121,744</u>	2017 BUDGET REQUEST	<u>\$ 906,550</u>
2016 MONTHLY AVERAGE	<u>\$ 173,785</u>	2016 APPROVED BUDGET	<u>\$ 1,043,138</u>
2016 EST EXPENSE	<u>\$ 2,085,425</u>	BUDGET CHANGE	<u>\$ (136,588)</u>

<u>Grant Number</u>	<u>\$\$\$ Available</u>	<u>FTA/State Funded</u>	<u>Total Required</u>
Grant- IN-04-0053	\$ 1,612,750	\$ 1,290,200	\$ 322,550
Grant IN-90-X628	\$ 120,000	\$ 96,000	\$ 24,000
Grant-IN-90-X650	\$ 300,000	\$ 240,000	\$ 60,000
Grant-IN-90-X685	\$ 500,000	\$ 400,000	\$ 100,000
2016-2017 FTA GRANT	\$ 2,000,000	\$ 1,600,000	\$ 400,000
Total	<u>\$ 4,532,750</u>	<u>\$ 3,626,200</u>	<u>\$ 906,550</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Passenger Fares Summary

ACCOUNT NUMBER: 413-0100-00

2015 ACTUAL:	<u>\$ 1,408,767</u>	2017 BUDGET REQUEST	<u>\$ 1,469,079</u>
2016 AVERAGE:	<u>\$ 117,420</u>	2016 APPROVED BUDGET	<u>\$ 1,504,253</u>
2016 ESTIMATED:	<u>\$ 1,409,034</u>	BUDGET CHANGE:	<u>\$ (35,174)</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Passenger Revenue	\$ 802,698	\$ 775,121
Access Passenger Revenue	51,187	49,218
Access Punch Card Revenue	73,321	88,719
Passport Revenue	166,075	152,250
Student Pass Revenue	41,130	40,560
Trippler Revenue	9,623	9,623
Two Ride Pass Revenue	-	-
Two Week Pass	90,048	99,072
One Day Pass	263,721	250,617
Student Summer Pass	6,450	3,900
	<u>\$ 1,504,252</u>	<u>\$ 1,469,079</u>

227 W. JEFFERSON BOULEVARD  
SUITE 1400 S.  
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371  
FAX: 574/235-9021

CITY OF SOUTH BEND     PETE BUTTIGIEG, MAYOR  
**COMMUNITY INVESTMENT**

August 17, 2016

Council Member Gavin Ferlic, Chairperson  
Community Investment Committee  
South Bend Common Council  
4th Floor, County City Building  
South Bend, IN 46601

RE: Personal Property Tax Abatement Petition for: **3B Tech, Inc.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for 3B Tech, Inc.:

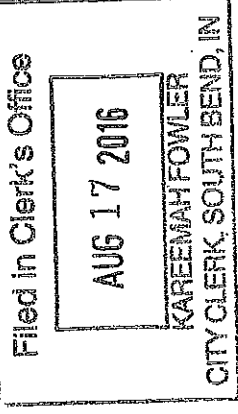
- > Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. 3B Tech, Inc. will be purchasing and renovating the old Invacare facility. This will enable them to continue to grow their brand and e-commerce businesses, remain in South Bend, and expand their workforce. 3B Tech plans to renovate the existing warehouse with new racking, automation, and support equipment. At the same time, they plan to expand the existing tech room and add a lab to support in house R&D for new products. 3B Tech, Inc. plans to spend approximately \$640,000 on the purchase of new equipment along with \$200,000 towards building improvements. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from 3B Tech, Inc. will be available to meet with the Committee on Monday, August 22, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb  
Director of Economic Resources



PLANNING  
TIM CORCORAN

NEIGHBORHOOD ENGAGEMENT  
PAMELA C. MEYER

BUSINESS DEVELOPMENT  
BRIAN FAWLOWSKI

ECONOMIC RESOURCES  
AARON KOBBS

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS  
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY  
KNOWN AS

**7250 Vorden Pkwy, South Bend, IN 46628**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A FIVE (5) YEAR PERSONAL  
PROPERTY TAX ABATEMENT FOR

**3B Tech, Inc.**

---

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 7250 Vorden Pkwy, South Bend, IN 46628 and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the

purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted personal property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

\_\_\_\_\_  
Member of the Common Council

PRESENT

NOT A P.D.

ADP

Filed in Clerk's Office

AUG 17 2016

KAREEMAH FOWLER

CITY CLERK, SOUTH BEND, IN

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS  
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY  
KNOWN AS

**2806 W Sample Street, South Bend, IN 46619**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A SIX (6) YEAR REAL  
PROPERTY TAX ABATEMENT FOR

**Industrial Metal-Fab, Inc.**

---

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 2806 W Sample Street, South Bend, IN 46619 and which is more particularly described as follows:

60 FT ON SAMPLE STR BEG. 1010 FT E OF NW COR SECTION 15-37-2E  
IRR TR BEG 35' S & 1010' E OF NW COR SEC 15-37-2E

and which has Key Numbers 018-8075-2826 and 018-8075-282502 be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution

designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real Property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of (6) six years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

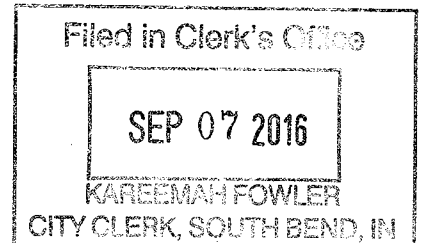
---

Member of the Common Council

~~PRESENTED~~

~~NOT APPROVED~~

~~ADOPTED~~



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS  
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY  
KNOWN AS

**2806 W. Sample Street, South Bend, IN 46619**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A FIVE (5) YEAR PERSONAL  
PROPERTY TAX ABATEMENT FOR

**Industrial Metal-Fab, Inc.**

---

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 2806 W. Sample Street, South Bend, 46619 and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the



purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

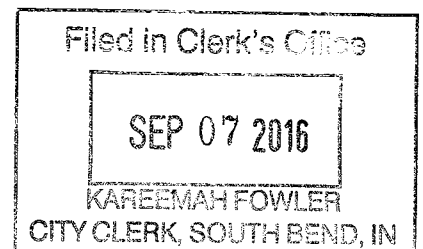
SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted personal property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

---

Member of the Common Council

PRESENTED  
NOT ADOPTED  
ADOPTED



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS  
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY  
KNOWN AS

**3722 Foundation Ct, South Bend, IN 46628**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A SIX (6) YEAR REAL  
PROPERTY TAX ABATEMENT FOR

**Imagineering Enterprises, Inc.**

---

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 3722 Foundation Ct., South Bend, IN 46628 and which is more particularly described as follows:

LOT 2 EX 60' S END METRO ALEDO MINOR SUB 03-04 SPLIT TO 040032 TR 2-7-03 13026

and which has Key Numbers 025-1010-040018 be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution

designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real Property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

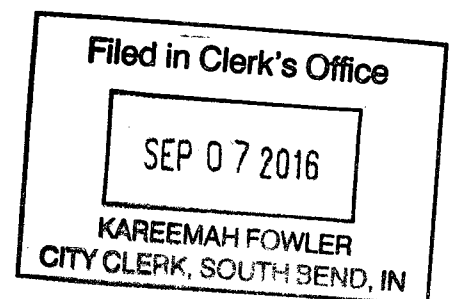
SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of (6) six years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

---

Member of the Common Council

PRESENTED  
NOT APPROVED  
ADOPTED



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS  
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY  
KNOWN AS

**3722 Foundation Ct., South Bend, IN 46628**

AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A FIVE (5) YEAR PERSONAL  
PROPERTY TAX ABATEMENT FOR

**Imagineering Enterprises, Inc.**

---

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WHEREAS, a Declaratory Resolution designated the area commonly known as 3722 Foundation Ct., South Bend, IN 46628 and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the

purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted personal property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

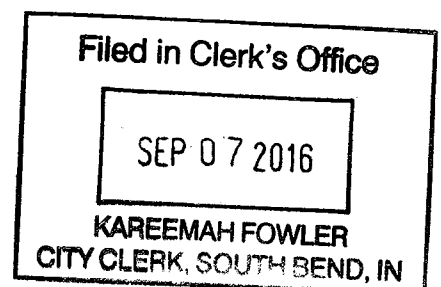
---

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED





**The South Bend Common Council**  
4<sup>th</sup> Floor County-City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601-1830  
274.235.9321

Fax: 574.235.5982

TDD: 574.235.5567

September 19, 2016

The South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

**Re: Re-Affirming Salary and Monetary Fringe Benefits for South Bend Fire Department**

Dear Council Members:

On October 27, 2014, the South Bend Common Council passed Ordinance No. 10333-14 which approved a three-year salary/fringe benefit total package for the members of the South Bend Fire Department for calendar years 2015, 2016, and 2017. That package was negotiated and tentatively agreed to by the City's advisory negotiating team and the negotiating team represented by South Bend Firefighter's Local Union # 362; ratified by the members of the Union and then formally approved by the Council and the Mayor. A copy of that ordinance is attached and referenced in the proposed ordinance.

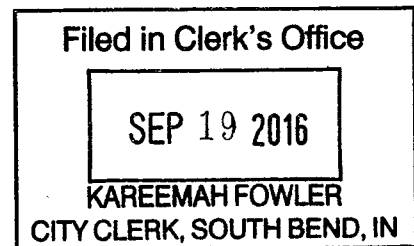
The proposed ordinance would re-affirm all of the provisions set forth in the 2014 ordinance as originally passed approving the 3-year package, pursuant to *Indiana Code* § 36-8-3-3, which requires annual compensation to be established before November 1<sup>st</sup> of each year. A similar re-affirmation ordinance was passed last year by the Common Council which re-affirmed the provisions for this calendar year.

I request that the Health and Public Safety Committee review this Bill which is a required formality; and that the proposed ordinance have first reading on September 26, 2016; with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading at the October 10, 2016 Common Council meeting. Thank you.

Most sincerely,

John Voorde  
Health and Public Safety Committee Chairperson  
Council Member at Large

Attachment



ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND, INDIANA, RE-AFFIRMING ORDINANCE NO. 10333-14 AND FIXING THE  
ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE  
SOUTH BEND FIRE DEPARTMENT FOR CALENDAR YEAR 2017

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council, pursuant to *Indiana Code* § 36-8-3-3, established the annual compensation and monetary fringe benefits of the South Bend Common Council following successful labor negotiations with representatives of South Bend Firefighter's Local Union No. 362 in 2014. The total wage, monetary fringe benefits and working conditions package was ratified by voting members of the Fire Union which resulted in the South Bend Common Council passing Ordinance No. 10333-14 on October 27, 2014.

Ordinance No. 10333-14 set forth the provisions of a 3-year agreement establishing the annual pay and monetary fringe benefits for calendar years 2015, 2016, and 2017, and also established maximum annual pay and monetary fringe benefits for upper level policy making positions in the South Bend Fire Department as defined in *Indiana Code* § 36-8-1-12.

This ordinance formally re-affirms all provisions of Ordinance No. 10333-14 in its entirety for the 2017 calendar year.

*Now, Therefore, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. The annual pay and monetary fringe benefits established for all sworn members of the South Bend Fire Department, including all upper level policy making positions in the Department, are hereby fixed and re-affirmed for the 2017 calendar year. The annual pay and monetary fringe benefits were originally established in Ordinance No. 10333-14 by the South Bend Common Council, when it passed said ordinance on October 27, 2014. A copy of Ordinance No. 10333-14 is attached hereto and included herein by reference.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and legal publication.



John Voorde, Council Member at Large  
South Bend Common Council

Votes in Favor \_\_\_\_\_  
Votes in Opposition \_\_\_\_\_

*Attest:*

\_\_\_\_\_  
Kareemah Fowler, City Clerk

*Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ . m*

\_\_\_\_\_  
Office of the City Clerk

*Approved and signed by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ . m*

\_\_\_\_\_  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED

Filed in Clerk's Office  
SEP 19 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN





# City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd  
South Bend, Indiana 46601-1830

(574) 235-9321  
Fax (574) 235-9173  
<http://www.southbend.in.gov>

Oliver J. Davis  
President

Derek D. Dieter  
Vice-President

Valerie Schey  
Chairperson, Committee  
of the Whole

Tim Scott  
First District

Henry Davis, Jr.  
Second District

Valerie Schey  
Third District

Fred Ferlic  
Fourth District

David Varner  
Fifth District

Oliver J. Davis  
Sixth District

Derek D. Dieter  
At Large

Gavin Ferlic  
At Large

Karen L. White  
At Large

October 23, 2014

Members of the Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

Dear Council Members:

On behalf of the City's Advisory Negotiating Team the attached Substitute Bill No. 55-14 is presented for your review and approval.

The provisions of this ordinance reflect all of the monetary items which the negotiating team representing the South Bend Firefighters' Association Local No. 362 of the International Association of Firefighters, AFL-CIO, and the City Advisory Negotiating Team reached tentative agreement on recently. We recommend that this Bill be sent to the Health and Public Safety Committee where we will provide additional details. Thank you.

Most sincerely,

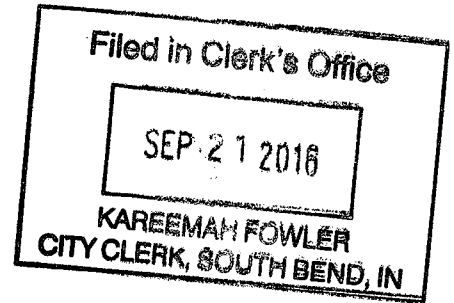
Gavin Ferlic, At Large  
Council Member and City Advisory Negotiating Team Member

Derek D. Dieter, At Large  
Council Member and City Advisory Negotiating Team Member

Kathleen Cekanski Farrand  
Council's Agent

Attachment

Reaffirmation  
attachment  
for Fire



Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

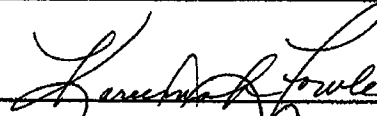
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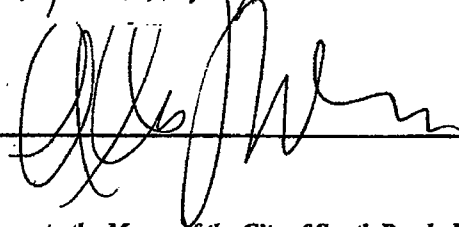
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**ORDINANCE No. 10333-14**

*Passed by the Common Council of the City of South Bend, Indiana* \_\_\_\_\_

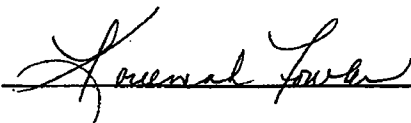
\_\_\_\_\_ **October 27,** 20 **14**

*Attest:*  **Chief Deputy  
City Clerk**

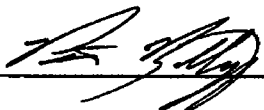
*Attest:*  **President of Common Council**

*Presented by me to the Mayor of the City of South Bend, Indiana* \_\_\_\_\_

\_\_\_\_\_ **October 28,** 20 **14**

 **Chief Deputy  
City Clerk**

*Approved and signed by me* Oct 28 20 14

 **Mayor**

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Ordinance No. 0393-14

Substitute Bill No. 55-14

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF  
SWORN MEMBERS OF THE SOUTH BEND FIRE DEPARTMENT FOR  
CALENDAR YEARS 2015, 2016, AND 2017**

**STATEMENT OF PURPOSE AND INTENT**

The South Bend Common Council, pursuant to *Indiana Code* § 36-8-3-3, ¶ (d) is charged with establishing before November 1<sup>st</sup>, the annual compensation of the South Bend Fire Department.

On March 24, 2014, Chris Baker, the Vice-President of South Bend Firefighter's Association informed the City of their interest to enter into negotiations. Thereafter, the South Bend Common Council and the Board of Public Safety adopted separate Resolutions which designated their respective agents for the negotiations.

The City's Advisory Negotiating Team's membership includes Council Member Derek D. Dieter, Council Member Gavin Ferlic, Assistant Chief Todd Skwarcan, Assistant Chief Jim Lopez, Battalion Chief "A" Shift Dave Maenhout, City Controller John Murphy, Human Resources Director Janet Cadotte, Board of Public Safety Agent Cory Hamel and Council Agent Kathleen Cekanski Farrand.

The South Bend Firefighter's Local Union # 362 Negotiating Team's membership includes Captain Jim Weinberg, Union President; Captain Chris Baker, Union Vice-President, Captain Mike Lagodney, Steward; Captain Russ Buysse, Pump Engineer and 1<sup>st</sup> Driver Ryan Takacs; and Tim Curran, Legal Counsel.

This ordinance reflects the proposals discussed during negotiations which were tentatively agreed to by the respective negotiating teams. It sets forth the recommended salaries and other monetary benefits to be paid to the sworn members of the South Bend Fire Department in calendar years 2015, 2016 and 2017. This ordinance is believed to be in the best interests of the Fire Department and the best interests of the City of South Bend.

*Now Therefore be it ordained by the Common Council of the City of South Bend  
Indiana as follows.*

**Section I. Recognition.** The South Bend Common Council recognizes the negotiating team which represents the South Bend Firefighters' Association Local No. 362 of the International Association of Firefighters, AFL-CIO, as the sole bargaining agent for the sworn members of the South Bend Fire Department for purposes of negotiating annual pay, monetary fringe benefits and

other monetary items which are addressed in this ordinance, excepting the Fire Chief, the Assistant Fire Chiefs, and the Battalion Chiefs, who are governed by *Indiana Code* § 36-8-1-12.

**Section II. Annual Maximum Salaries.**

(a) **Definitions:** For purposes of this ordinance, "Salary Classifications" mean Categories for salary and annual pay purposes only. "Rank" does not mean salary classification.

(b) **Annual Pay for Sworn Members of the South Bend Fire Department:** Maximum annual pays for the sworn members of the South Bend Fire Department, including upper level policy making positions defined by *Indiana Code* § 36-8-1-12 for calendar years 2015, 2016 and 2017 shall be set as follows:

<u>Salary Classification</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Fire Chief	\$94,095	\$95,977	\$97,897
Assistant Fire Chiefs	\$79,165	\$80,748	\$82,363
Battalion Chiefs	\$68,320	\$69,686	\$71,080
Captains	\$58,323	\$59,781	\$61,276
Firefighter 1 <sup>st</sup> Class	\$54,268	\$55,462	\$56,682
Firefighter 2 <sup>nd</sup> Class	\$48,187	\$49,247	\$50,330
Firefighter 3 <sup>rd</sup> Class	\$39,858	\$40,735	\$41,631

(c) **Annual Pay for Firefighter Recruit:** The maximum annual pay for a Firefighter Recruit of the South bend Fire Department shall be as follows:

2015: \$38,146      2016: \$38,985      2017: \$39,843

(d) **Salaries for Non-Rank Specialties:** Qualified sworn members of the South Bend Fire Department who are regularly assigned to perform any of the following non-rank specialties, shall be paid as follows:

<u>Non-Rank Specialties</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Arson Investigators	\$58,323	\$59,781	\$61,276
Inspectors	\$58,323	\$59,781	\$61,276
Instructors	\$58,323	\$59,781	\$61,276
Lieutenant/Paramedic	\$55,367	\$56,585	\$57,830
Pump Engineer/First Driver	\$55,188	\$56,402	\$57,643

It is the continuing intent of the city to eliminate the non-rank specialty of "Lieutenant/Paramedic" by attrition.

**Section III. Additional Areas of Compensation.**

(a) **Maximum Amounts.** All monetary amounts set forth in this ordinance shall be the Maximum amounts permitted in each calendar year addressed.

(b) **City of South Bend Residency Incentives.** Qualifying sworn members and upper level policy making positions of the South Bend Fire Department, who establish and maintain legal residence within any neighborhood within the City of South Bend city limits and reside on a continuous permanent basis within the South Bend city limits, and comply with the governing regulations for such compliance shall be entitled to the following bonuses:

- 2015: \$400 maximum payable on or before December 15, 2015
- 2016: \$400 maximum payable on or before December 15, 2016
- 2017: \$400 maximum payable on or before December 15, 2017

Said bonus amounts shall be pro-rated in the event that a qualifying sworn member or upper level policy making person moves into the South Bend city limits after the beginning of the calendar year or moves out of the South Bend city limits during a calendar year.

**Section IV. Specialty Pays.**

(a) **EMS Incentives and Seat Pay.** Monetary incentives and seat pay shall be paid to the sworn members of the South Bend Fire Department who meet the Fire Department's requirements and are assigned to perform such special duties which are verified by the department. Unless indicated otherwise, all specialty pays shall be prorated to the date of the regular assignment for such specialty duty or duties and paid accordingly. A qualifying sworn member performing any of the following specialties shall be paid at the highest certification/licensing only.

<u>Assignment</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Field Training Officer (FTO)	\$850	\$850	\$850
Lead Paramedic Incentive	\$1,000	\$1,000	\$1,000

Qualified members of the South Bend Fire Department, who are assigned to fill minimum staffing positions on a South Bend Fire Department ambulance or non-transport chase vehicle, shall be paid the following seat pay stipends according to their highest certification/licensing level:

<u>Certification/License</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Lead Paramedic	\$50.00	\$50.00	\$50.00
Non-Lead paramedic and below	\$42.25	\$42.25	\$42.25

These daily stipends shall be prorated to hours worked.

(b) **Special Operation Team Specialty Pays.** The following specialty pays shall be paid to the sworn members of the South Bend Fire Department who meet the Fire Department's requirements for each specialty and who are regularly assigned to perform such special duties. All specialty pays shall be prorated to the date of regular assignment for such special duty or duties and paid accordingly. The following Special Operation Team Specialty Pays are established:

<u>Type of Special Operation Team</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
<i>Hazardous Materials Team</i>			
Response Team Member	\$1,200	\$1,200	\$1,200
Team Leader	\$ 400	\$ 400	\$ 400
<i>Swift Water Rescue Team</i>			
Scuba Diver	\$1,200	\$1,200	\$1,200
Specialist	\$ 600	\$ 600	\$ 600
Technician	\$ 500	\$ 500	\$ 500
Team Leader	\$ 400	\$ 400	\$ 400
<i>Tactical Rescue Team</i>			
Response Team Member	\$1,200	\$1,200	\$1,200
Team Leader	\$ 400	\$ 400	\$ 400

(c) **LEP Specialty Pay:** A Limited English Proficiency (LEP) Program overseen by the City's Human Resources Director or his/her designee shall monitor the Department's requirements. All qualifying sworn members who meet the requirements and who are regularly assigned to perform LEP duties shall be paid the following specialty pay in a lump sum in the last payroll in December of each year of such assignment:

	<u>2015</u>	<u>2016</u>	<u>2017</u>
Limited English Proficiency (LEP)	\$400	\$400	\$400

(d) **Payment of Specialty Pays/Seat Pays.** Unless indicated otherwise, specialty pays and seat pays shall be paid on a bi-weekly basis.

**Section V. Recall of Duty Pay and Emergency Duty Pay.**

(a) In the event that a sworn member of the South Bend Fire Department is recalled for duty, and he or she reports for duty, he or she shall be paid at the rate of one and one-half (1 ½) times the sworn member's hourly rate of pay and shall be guaranteed a minimum of two (2) hours of work with pay. Any additional fraction of an hour over thirty (30) minutes shall constitute one (1) hour for purposes of this paragraph.

(b) A sworn member of the South bend Fire Department who works emergency duty shall be paid at the rate of one and one-half (1 ½) time the sworn member's hourly rate and shall be guaranteed a minimum of four (4) hours of work or pay.

(c) In the event that a sworn member of the South Bend Fire Department is called to work emergency duty for extra-alarm fires or disasters, seniority provisions will not apply. Recall will be in accordance with procedures outlined in the official orders governing the dispatching of South Bend Fire Department units for extra-alarm fire or disasters. In any emergency where personnel with specialized skills are needed, seniority or procedural terms described in a Collective Bargaining Agreement governing extra-duty or recall are not applicable. The Fire Chief or his or her authorized designee may specify which off-duty personnel with specialized skills, including but not limited to sworn members of the South Bend Fire Department's Hazardous Materials Response Team, Swift Water Rescue Team, Tactical Rescue Team, or with needed medical specialties.

**Section VI. Working Out of Classification Pay.**

If a sworn member of the South Bend Fire Department is temporarily assigned as a Battalion Chief, Captain, Paramedic or Pump Engineer, that sworn member shall be paid while so performing such duties at the rate of pay for that position, provided that the duty assignment is for a minimum of four (4) consecutive hours as verified by a Working Out of Classification form, as verified by the officer of the rig or the Battalion Chief.

**Section VII. Longevity Pay.**

(a) The Common Council hereby continues a longevity program for qualifying sworn members of the South Bend Fire Department.

(b) Qualifying sworn members of the South Bend Fire Department holding the rank of First Class Firefighter and above, who are employed by the South Bend Fire Department shall received additional compensation in recognition of the cumulative years of service on the South Bend Fire Department. Such longevity pay shall be paid in a lump sum in the last payroll period in each of the months of December listed below, and shall be attributed to the annual salary base for pension purposes. Longevity pay shall be as follows:

<u>Cumulative Yrs of Service on SBFD</u>	<u>Commencement Date</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
5 to 10 years	Beginning the 6 <sup>th</sup> year	\$ 250	\$ 250	\$ 250
10-15 years	Beginning the 11 <sup>th</sup> year	\$ 550	\$ 550	\$ 550
15 to 20 years	Beginning the 16 <sup>th</sup> year	\$1,350	\$1,550	\$1,750
20 years and above	Beginning the 21 <sup>st</sup> year	\$2,000	\$2,100	\$2,500

**Section VIII. Station Allowance.**

The South Bend Common Council shall budget a total monetary amount for a line-item station allowance which incorporates realignment so that the concerns of the smaller and older fire stations will be addressed and that minimum needed purchases can be made with proper approval. The amount per station shall be as follows from this line-item:

<u>Station Number</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
# 1	\$2,850	\$2,850	\$2,850
# 2	\$1,250	\$1,250	\$1,250
# 3	\$1,250	\$1,250	\$1,250
# 4	\$1,250	\$1,250	\$1,250
# 5	\$ 850	\$ 850	\$ 850
# 6	\$1,250	\$1,250	\$1,250
# 7	\$1,250	\$1,250	\$1,250
# 8	\$ 850	\$ 850	\$ 850
# 9	\$ 850	\$ 850	\$ 850
# 10	\$1,250	\$1,250	\$1,250
# 11	\$1,250	\$1,250	\$1,250

Needed station purchases shall be approved by a majority vote of the assigned sworn members at each fire station and shall be submitted by each House Captain for review, approval and purchase by the Fire Chief and the City Controller. Such monies may not be carried over from year to year and must be used by December 31<sup>st</sup> of each calendar year.

**Section IX. Clothing/Uniform Allowance.**

(a) Clothing/Uniform Allowance shall be in the following amounts for qualifying sworn members of the South Bend Fire Department:

<u>2015</u>	<u>2016</u>	<u>2017</u>
\$850	\$850	\$850

Clothing/Uniform Allowance shall be paid in four (4) equal payments payable on or about March 15<sup>th</sup>, June 15<sup>th</sup>, September 15<sup>th</sup> and December 15<sup>th</sup> of each calendar year.

(b) Clothing/Uniform Allowance shall be pro-rated to the date of termination of employment for all qualifying sworn members of the South Bend Fire Department. Clothing/Uniform Allowance shall not be paid during an individual's first year of employment with the Department as a Firefighter Third Class or as a Firefighter Recruit. Clothing/Uniform Allowance shall be pro-rated from a sworn member's first anniversary date until the end of that calendar year.



**Section X. Other Monetary Benefits.**

(a) Safety Officers. The regularly assigned Safety Officers shall receive, in addition to his or her base salary, the sum of three thousand dollars (\$3,000) in calendar year 2015; 2016; and 2017.

(b) 8-Hour Incentive Pay. An 8-hour Incentive Pay shall continue to be paid to those individuals regularly assigned to work a forty (40) hour work-week [not to include temporary duty assignments (TDY)]. The sum of \$1,154 shall be paid to such qualifying individuals in the following calendar years: 2015, 2016, 2017.

(c) Inspector/Instructor Pay. Those First Class Firefighters who are qualified and regularly assigned [not to include temporary duty assignments (TDY)] as an Inspector/Instructor, shall be provided with duty shirts and a badge, and shall be paid at the non-rank specialty pay as an Inspector or Instructor.

(d) Shift Instructor Pay. Shift Instructors who are qualified and selected to teach on-duty in-house instruction programs for rookie schools, driving, confined space rescue, rope techniques, water safety, watercraft techniques, CPR, and other authorized department instruction, shall be paid at the rate of fifteen dollars (\$15.00) per hour up to a maximum of \$1,500 per year, with any teaching thereafter requiring the approval of the Fire Chief, or his or her designee. ( Full-time instructors and company training instructors shall be ineligible for any pay under this paragraph.

(e) Luther J. Taylor, Sr. Fire Safety Training Center 8-Hour Instructor Pay. An 8-hour Instructor Pay shall be paid to the individual regularly assigned to work a forty (40) hour work-week [not to include temporary duty assignments (TDY)] at the Luther J. Taylor, Sr. Fire Safety Training Center. The sum of three thousand dollars (\$3,000) shall be paid per year in 2015, 2016, and 2017 to the qualifying individual who is regularly assigned to work in this capacity each of those years.

(f) Pay for Other Instructors. Other instructors who are qualified and selected to teach specified on-duty in-house instruction programs for rookie schools, driving, confined space rescue, rope techniques, water safety, watercraft techniques, CPR and other authorized departmental instruction, shall be paid at the rate of fifteen dollars (\$15.00) per hour, upon the approval of the Fire Chief, or his or her designee. Said hourly rate shall be paid over and above the qualifying individual's salary classification and shall be paid in a manner consistent with applicable regulations of the State Board of Accounts. Full-time instructors and company training instructors shall be ineligible for any pay under this paragraph.

(g) Pay for Certified SCBA Repair Specialists. Those sworn members of the South Bend Fire Department who are qualified, certified and regularly assigned by the Fire Chief, or his or her designee to perform self-contained breathing apparatus (SCBA) repairs, shall be paid at the rate of fifteen dollars (\$15.00) per hour up to a maximum of one thousand dollars (\$1,000.00) in any one calendar year.

(h) Critical Duty Day Stipends. In 2015, 2016, and 2017, the Critical Duty Day Stipend shall be set at one-half (1/2) of an eligible sworn member's regular hourly rate plus longevity, but not less than two hundred and four (\$204.00) for the nine (9) Critical Duty Days which are designated each calendar year by the Board of Public Safety. Such stipend may be pro-rated for time actually worked with the eligible sworn member choosing among three (3) options which are further addressed in the governing Collective Bargaining Agreement approved by the Board of Public Safety.

(i) Deferred Compensation. The City of South Bend agrees to continue to maintain the Deferred Compensation Program which became effective on January 1, 2007 for the South Bend Fire Department. This program provides that for the first one hundred dollars (\$100.00) deferred by a sworn member of the Department each calendar year, the City of South Bend will match said amount \$0.50 on the dollar, and for the next three hundred dollars (\$300.00) deferred by a sworn member of the Department each calendar year, the City of South Bend will match said amount, dollar for dollar.

(j) Life Insurance. The City of South Bend shall continue to provide life insurance coverage on all sworn members and upper level policy making positions of the South Bend Fire Department in an amount equal to the amount of the sworn member's base pay or the upper level policy making position's base pay.

(k) Health Insurance. Each active sworn member and upper level policy maker of the of the South Bend Fire Department who has met the eligibility requirements shall have the opportunity to participate in the City's comprehensive major medical insurance program. The contribution of such individuals shall be no greater than the contribution of other City employees receiving the same benefits, and the level of benefits shall be no less than the level for other City employees. The bi-weekly contributions for health insurance coverage for active sworn members and upper level policy makers of the South Bend Fire Department for calendar year 2015 shall be as set forth on the attached Exhibit A, which is incorporated herein by reference.

Fire pensioners who are not members of South Bend Firefighters Association # 362 shall pay an additional fifty dollars (50.00) per month over and above such rates, subject to the obligations of Local # 362 as may be further addressed in an approved Collective Bargaining Agreement between the City of South Bend and Local # 362 which provides that membership shall not be unreasonably withheld. Said agreement shall remain in effect for 2015, 2016, and 2017, unless agreed to by a Letter of Understanding approved by the Board of Public Safety.

(l) Program Coordinators. Any appointed Program Coordinator shall receive in addition to his or her annual base salary, a maximum sum of three thousand dollars (\$3,000.00) each year that he/she serves in that capacity in 2015, 2016, and 2017.

**Section XI. Education Tuition Reimbursement Program.**

(a) The South Bend Common Council agrees to continue the Education Tuition Reimbursement Program which originally began on January 1, 2005, for calendar years 2015, 2016, and 2017. Qualifying sworn members of the South Bend Fire Department participating in the education Tuition Reimbursement Program shall be entitled to the following maximum dollar amounts for course tuition and other expenses related thereto:

<u>Course Grade Earned</u>	<u>Maximum Amount To be Reimbursed by the City</u>
A	100% of tuition costs and other expenses directly related to said costs up to a maximum of \$1,250
B	100% of tuition costs and other expenses directly Related to said costs up to a maximum of \$900

(b) Education tuition reimbursement shall be on a "first come, first serve basis", subject to the maximum dollar amount budgeted by the South Bend Common Council for said program in each of the calendar years 2015, 2016, and 2017. All Fire Department regulations governing such program must be complied with by qualifying sworn members of the South Bend Fire Department in order for an individual to be eligible to be paid under this program.

**Section XII. Severability.**

If any part, section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section XIII. Effective Date.**

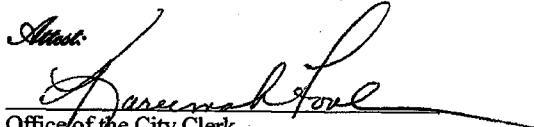
This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.



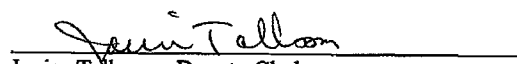
Derek D. Dieter, Council Member at Large  
City Advisory Negotiating Team Member



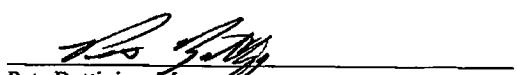
Gavin Ferlic, Council Member at Large  
City Advisory Negotiating Team Member

*Attest:*  
  
Office of the City Clerk

*Presented* by me to Pete Buttigieg, Mayor of the City of South Bend, Indiana, on the  
28<sup>th</sup> day of October, 2014, at 1:30 o'clock p. m

  
Janice Talboom, Deputy Clerk  
Office of the City Clerk

*Approved and Signed* by me to Pete Buttigieg, Mayor of the City of South Bend,  
Indiana, on the 28<sup>th</sup> day of October, 2014, at 6:30 o'clock p. m

  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1<sup>st</sup> READING 9-22-14  
PUBLIC HEARING 10-27-14 as substituted  
3<sup>rd</sup> READING 10-27-14 as substituted  
NOT APPROVED  
REFERRED  
PASSED. 10-27-14 as substituted

Filed in Clerk's Office  
OCT 27 2014  
JOHN VOORDE  
CITY CLERK, SOUTH BEND, IN



**Common Council**

City of South Bend Indiana  
Tim Scott, Common Council President  
4<sup>th</sup> Floor County-City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601  
(574) 235-9173 Facsimile

(574) 235-9321

(574)235-5567 TTY/TDD

September 19, 2016

The South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

Re: Proposed 2017 Council Member Salary Ordinance

Dear Council Members:

Yesterday, I presented the proposed Common Council budget for the 2017 calendar year before the Personnel and Finance Committee. I noted at that time, that the proposed Council budget included a salary increase for members of the Common Council at 2%. If approved, this would be result in an increase of \$372 over the current maximum salary.

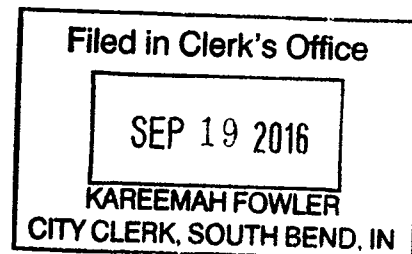
I recommend that the proposed ordinance be referred to the Personnel and Finance Committee for review and recommendation and then set for 2<sup>nd</sup> & 3<sup>rd</sup> readings and public hearing at the October 10<sup>th</sup> Common Council meeting. Thank you.

Most sincerely,

  
Tim Scott, Council President  
South Bend Common Council

Attachment

cc: Office of the City Clerk



ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE COMMON  
COUNCIL MEMBERS FOR CALENDAR YEAR 2017

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council is required to fix the annual compensation of elected city officers. *Indiana Code* § 36-4-7-2 authorizes the legislative body to carry out these responsibilities.

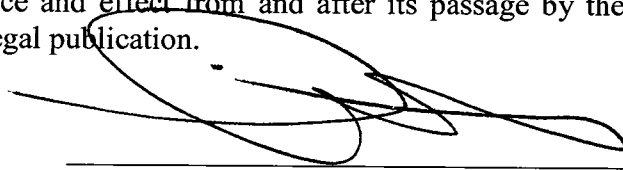
This ordinance proposes a two percent (2 %) maximum increase for calendar year 2017 for the nine-member Common Council.

*Now, Therefore, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. The maximum salaries for the members of the South Bend Common Council for the 2017 calendar years shall be established as follows, which reflects a maximum 2% increase over the 2016 maximum rate:

<u>2016</u>	<u>2017</u>
\$ 18,658	\$19,030

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and legal publication.

  
\_\_\_\_\_  
Tim Scott, Council President  
South Bend Common Council

*Attest:*

\_\_\_\_\_  
Office of the City Clerk

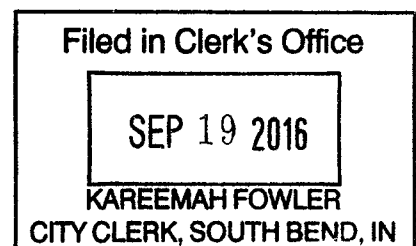
*Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_  
day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ m*

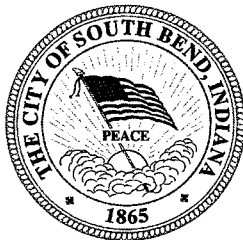
\_\_\_\_\_  
Office of the City Clerk

*Approved and signed by me to the Mayor of the City of South Bend, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ M*

\_\_\_\_\_  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



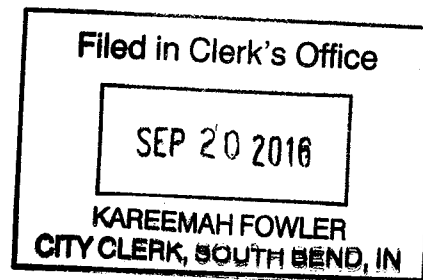


**OFFICE OF THE CITY CLERK**

KAREEMAH FOWLER, CITY CLERK

September 20, 2016

The South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

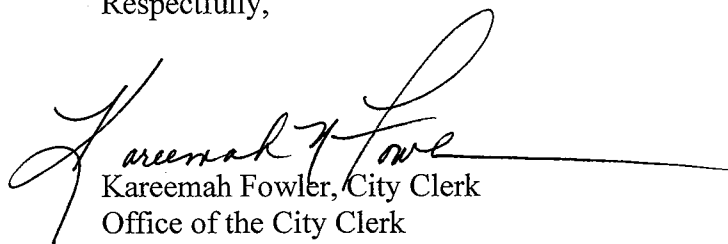


Re: Proposed 2017 City Clerk's Salary Ordinance

Dear Councilmembers,

Submitted for your consideration is the ordinance that sets the salary for the South Bend City Clerk for the 2017 calendar year. The amount requested will bring the South Bend City Clerk's salary in line with the salaries of City Clerks from other Second Class Cities with populations similar to South Bend, based on IACT reporting, and in line with other full-time City directors with similar administrative oversight. Your favorable approval is hereby requested.

Respectfully,

  
Kareemah Fowler, City Clerk  
Office of the City Clerk

Attachment

cc: Office of the City Clerk

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601  
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN  
CHIEF DEPUTY/ CHIEF OF STAFF

ALKEYNA M. ALDRIDGE  
DEPUTY/ DIRECTOR OF POLICY

JOSEPH MOLNAR  
ORDINANCE VIOLATION CLERK



ORDINANCE NO. \_\_\_\_\_

BILL NO. 57-16

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2017

STATEMENT OF PURPOSE AND INTENT

The City Clerk serves as the clerk to legislative body pursuant to *Indiana Code* § 36-4-6-9 and is required to preserve the legislative body’s records and proceedings. The City Clerk is also charged with keeping the City Seal, administering official oaths, attending all regular and special meetings of the Common Council, and performing other duties as may be required by the legislative body.

*Indiana Code* § 36-4-11-4 authorizes the City Clerk to appoint the “number of deputies and employees authorized by the city legislative body”, which are established by a separate ordinance. The City Clerk currently manages a staff of four (4) employees, which includes overseeing the Ordinance Violations Bureau.

The South Bend Common Council is required to fix the annual compensation of all elected city officers pursuant to *Indiana Code* § 36-4-7-2.

*Now, Therefore, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. The maximum salary for the City Clerk for the 2017 calendar years shall be established as follows:

<u>2016</u>	<u>2017</u>
\$ 59,466	\$73,000

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and legal publication.

\_\_\_\_\_  
Tim Scott, Council President  
South Bend Common Council

*Attest:*

\_\_\_\_\_  
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

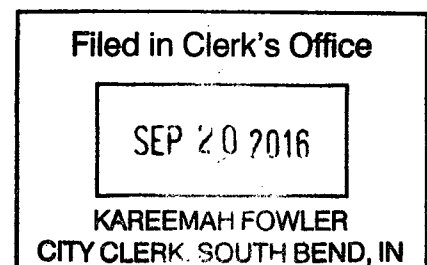
*Presented by me to the Mayor of the City of South Bend, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ M*

\_\_\_\_\_  
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

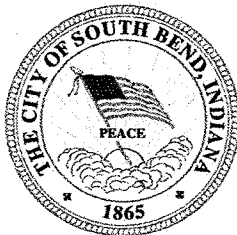
*Approved and signed by on the \_\_\_\_\_ day of \_\_\_\_\_,  
2016 at \_\_\_\_\_ o'clock \_\_\_\_ M*

\_\_\_\_\_  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



1200 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241  
FAX 574/235-7670  
TTY 574/235-5567

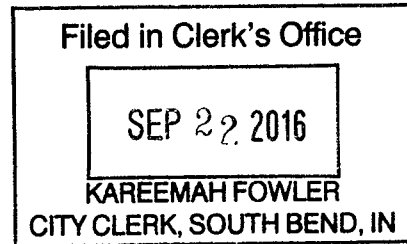
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF LAW

CRISTAL C. BRISCO  
CORPORATION COUNSEL

ALADEAN M. DEROSE  
CITY ATTORNEY

September 22, 2016



Mr. Tim Scott  
President  
South Bend Common Council  
Fourth Floor, County City Building  
South Bend, IN 46601

Re: Bill No. 58-16—Substitute Ordinance To Clarify and Re-Position Amnesty Provision

Dear Council President Scott:

Attached for filing with the Council is a substitute version of Ordinance 58-16 which increases overtime parking fines and which also grants the City Clerk discretion to forgive late fees and other penalties. The change between this substitute ordinance and the ordinance originally filed is in its clarification that any ticket issued under City Code Chapter 20, Article 1 is subject to amnesty but that amnesty does not apply to tickets referred or transferred to the City Department of Law for collection or other action. This ordinance also creates a new Municipal Code Section, i.e., Chapter 20, Article 1, Section 23.1, for the amnesty provision.

As indicated originally, Aaron Perri will present this ordinance to the Council.

Thank you for your assistance.

Sincerely,

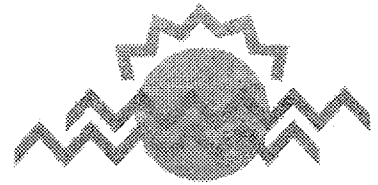
Aladean DeRose, City Attorney

c: James Mueller, Mayoral Chief of Staff  
Corporation Counsel Cristal Brisco  
Council Attorney Kathleen Cekanski Farrand  
Aaron Perri



Pete Buttigieg, Mayor

# SOUTH BEND PARKS AND RECREATION

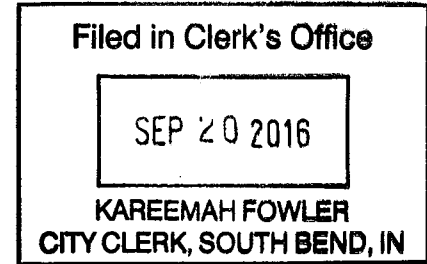


Executive Director  
Aaron Perri

September 6, 2016

Mr. Tim Scott, President  
South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend IN 46601

RE: Parking Fine Changes



Dear President Scott,

Attached for the Common Council's consideration is a proposed ordinance which approves and adopts a recommendation to increase the fine assessed for violation of City parking restrictions and to increase the penalty for late payment of any such fine, in order to secure greater compliance with parking restrictions in effect within the City of South Bend, and in order to secure prompt payment of any penalty assessed for violations of such restrictions.

This action follows a series of recommendations delivered to the City of South Bend following the completion of a downtown parking study in February 2016. Several other recommendations are being implemented as a result of this study which was commissioned jointly by the Department of Community Investment and the Redevelopment Commission in the summer of 2015. The study and recommendations, conducted by Rich & Associates, Inc. involved heavy stakeholder engagement throughout and the conclusions are available on the city's website.

This ordinance amends Chapter 20, Article 1, Section 20-18 by increasing violations and penalties by \$10. It also includes a once per calendar year warning ticket for first time violations.

Thank you for your consideration. Aaron Perri will attend the Committee and Council meeting to address any questions.

Cordially,

Aaron Perri



## Substitute Bill No. 58-16

Ordinance No. \_\_\_\_\_-16

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, AMENDING CHAPTER 20, ARTICLE 1, SECTION 20-18 AND CHAPTER  
2, ARTICLE 19, SECTION 2-213 OF THE SOUTH BEND MUNICIPAL CODE TO  
INCREASE PARKING FINES, AND TO ADD A NEW SECTION 20-23.1 TO PROVIDE  
FOR DISCRETIONARY AMNESTY BY CITY CLERK**

**STATEMENT OF PURPOSE AND INTENT**

The Common Council of the City of South Bend, Indiana, has determined it is necessary to increase the fine assessed for violation of City parking restrictions and to increase the penalty for late payment of any such fine in order to secure greater compliance with parking restrictions in effect within the City of South Bend and in order to secure prompt payment of any penalty assessed for violations of such restrictions. This ordinance also provides that one day each year, if and as designated by the City Clerk, tickets for violations of the City's Motor Vehicle and Traffic Code (Chapter 20, Article 1 of the South Bend Municipal Code) can be paid without late fee or other penalty charges unless the ticket has been transferred to the City's Department of Law for collection or other action.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:**

**Section I.** Chapter 20, Article 1, Section 20-18 of the South Bend Municipal Code shall be amended to read as follows:

**Sec. 20-18. Answering notice on overtime parking; payment of fine.**

- (a) The owner or operator who has been notified of a violation of the parking regulations as herein provided, may, within fourteen (14) days after being notified, answer at the office of the Ordinance Violation Bureau to the charge of such violation as set forth in such notice and pay a prescribed fee of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) in settlement of the offense or charge, or ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) after the expiration of fourteen (14) days. An acceptance of the payment of the fee and the authority by the Clerk shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states. Notwithstanding the foregoing provisions, no fee under this section will be imposed for the first instance in any calendar year in which a vehicle is found to be in violation of Chapter 20, Article 6, Section 20-77 of this Code.

**Section II.** Chapter 20, Article 1 of the South Bend Municipal Code shall be amended to add a new Section 20-23.1 to read in its entirety as follows:

**Sec. 20-23.1. City Clerk discretion to grant amnesty from fines and penalties; exception.**

The City Clerk in the Clerk's discretion may by the last day of January each year designate a day within that calendar year during which persons with unpaid tickets may pay by the close of that business day any ticket issued under this Article (the Motor Vehicle and Traffic Code of the City) without accrued late fee or other penalty charges. This power to forgive fines and penalties shall exclude any ticket which has been referred to the City Law Department for collection or other action regardless of whether a complaint has been filed.

**Section III.** The schedule of ordinance and code violations set forth in Chapter 2, Article 19, Section 2-213 is amended as follows to reflect the above amendments to Chapter 20, Article 1, Section 20-18:

Municipal Code Section	Type of Violation	Penalty
20-18	Overtime parking	5.00/15.00 20.00/30.00

**Section IV.** After its passage by the Common Council and approval by the Mayor, this Ordinance shall be in full force and effect beginning on January 1, 2017.

\_\_\_\_\_  
Member of the Common Council

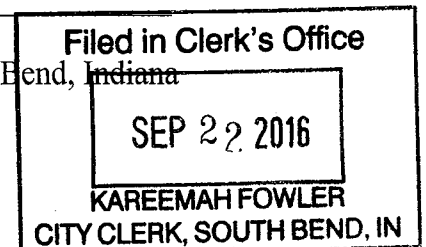
ATTEST:

\_\_\_\_\_  
Kareemah Fowler, City Clerk

Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Pete Buttigieg  
Mayor of the City of South Bend, Indiana



Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_-16

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20, ARTICLE 1, SECTION 20-18 AND CHAPTER 2, ARTICLE 19, SECTION 2-213 OF THE SOUTH BEND MUNICIPAL CODE TO INCREASE PARKING FINES**

**STATEMENT OF PURPOSE AND INTENT**

The Common Council of the City of South Bend, Indiana, has determined it is necessary to increase the fine assessed for violation of City parking restrictions and to increase the penalty for late payment of any such fine in order to secure greater compliance with parking restrictions in effect within the City of South Bend and in order to secure prompt payment of any penalty assessed for violations of such restrictions.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. Chapter 20, Article 1, Section 20-18 of the South Bend Municipal Code is amended to read as follows:

The owner or operator who has been notified of a violation of the parking regulations as herein provided, may, within fourteen (14) days after being notified, answer at the office of the Ordinance Violation Bureau to the charge of such violation as set forth in such notice and pay a prescribed fee of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) in settlement of the offense or charge, or ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) after the expiration of fourteen (14) days. An acceptance of the payment of the fee and the authority by the Clerk shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states. Notwithstanding the foregoing provisions, no fee under this section will be imposed for the first instance in any calendar year in which a vehicle is found to be in violation of Chapter 20, Article 6, Section 20-77 of this Code.

Section II. The schedule of ordinance and code violations set forth in Chapter 2, Article 19, Section 2-213 is amended as follows to reflect the above amendments to Chapter 20, Article 1, Section 20-18:

Municipal Code Section	Type of Violation	Penalty
20-18	Overtime parking	<del>5.00/15.00</del> 20.00/30.00

Section III. After its passage by the Common Council and approval by the Mayor, this Ordinance shall be in full force and effect beginning on January 1, 2017.

\_\_\_\_\_  
Member of the Common Council

ATTEST:

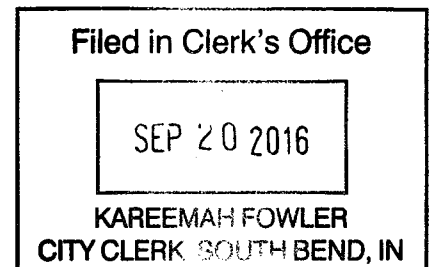
\_\_\_\_\_  
Kareemah Fowler, City Clerk

Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at  
\_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Pete Buttigieg  
Mayor of the City of South Bend, Indiana

1300.0000001 58128802.003







**Common Council**

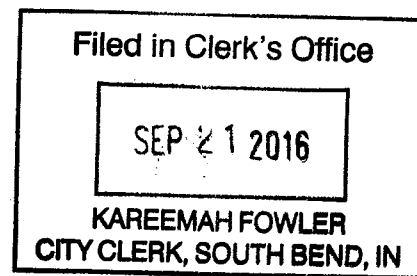
City of South Bend Indiana  
4<sup>th</sup> Floor County-City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601  
(574) 235-9173 Facsimile

(574) 235-9321

(574)235-5567 TTY/TDD

September 20, 2016

Members of the Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601



Dear Council Members:

On May 9, 2016, the Common Council adopted Resolution No. 4570-16, which formally appointed an agent/negotiator to represent the Common Council for this year's police negotiations.

On behalf of the City's Advisory Negotiating Team, the attached Bill is filed as a place holder to begin the formal legislative process in "fixing the annual pay and monetary fringe benefits of sworn members" of the South Bend Police Department as authorized by *Indiana Code* § 36-8-3-3, ¶ (d).

In light of the ongoing labor negotiations which are being conducted in good faith, as well as in a fair and positive manner, it is anticipated that a substitute bill will be filed for Common Council consideration as negotiations progress.

We ask that this Bill be referred to the Council's Health and Public Safety Committee, and set for 2<sup>nd</sup> & 3<sup>rd</sup> readings and public hearing for October 10<sup>th</sup>. In the event that labor negotiations and related ratification procedures are still ongoing, the Bill may be requested to be continued to a later date, to protect the integrity of the entire negotiating process. Thank you.

Most sincerely,

Kathleen Cekanski Farrand  
Council's Agent

Attachment

Ordinance No. \_\_\_\_\_

Bill No. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN  
MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR  
CALENDAR YEARS 2017, 2018, 2019 AND 2020**

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council, pursuant to *Indiana Code* § 36-8-3-3, ¶ (d) is charged with establishing before November 1<sup>st</sup>, the annual compensation of the South Bend Police Department.

On February 21, 2016, Sergeant Dan Demler, the President of South Bend FOP Lodge # 36, sent a letter informing the City of their interest to enter into negotiations. Thereafter, the South Bend Common Council and the Board of Public Safety adopted separate Resolutions which designated their respective agents for negotiations.

The Fraternal Order of Police South Bend Lodge No. 36 Negotiating Team's membership includes Sergeant Dan Demler, FOP President; Sergeant Harvey Mills, FOP Vice-President; Patrolman 1<sup>st</sup> Class Cori Bair; Patrolman 1<sup>st</sup> Class Gerry Mullins, Sergeant Dan Moryl, Patrolman 1<sup>st</sup> Class Chad Goblen, Sergeant James Wolff, and Leo T. Blackwell, Legal Counsel.

The City's Advisory Negotiating Team's membership includes Council Member John Voorde, Council Member Karen L. White, Council President Tim Scott, Police Chief Scott Ruszkowski, Operations Division Chief Jeff Rynearson, Deputy City Controller Jennifer Hockehull, Director of Financial Services for Police Ken Glowacki, HR Generalist Ian Spindler, Sr., Board of Public Safety Agent Stephanie Steele, and Common Council Agent Kathleen Cekanski Farrand.

This ordinance is a place holder type Bill in light of the fact that labor negotiations are ongoing. This type of filing protects integrity of the negotiating process, while complying with the requirements of the legislative process. As progress is made in negotiations, a substitute bill will be filed for Common Council consideration.

*Now Therefore be it ordained by the Common Council of the City of South Bend Indiana as follows.*

**Section I. Recognition.** The South Bend Common Council recognizes the negotiating team which represents the Fraternal Order of Police South Bend Lodge No. 36, as the sole bargaining agent for the sworn members of the South Bend Police Department for purposes of negotiating annual pay, monetary fringe benefits and other monetary items which are addressed in this ordinance, excepting the Police Chief, the Division Chiefs, and the Captains, who are governed by *Indiana Code* § 36-8-1-12.

**Section II. through Section III. Reserved for Future Use.**

**Section IV. Severability.**

If any part, section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section V. Effective Date.**

This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

*Attest:*

\_\_\_\_\_  
Office of the City Clerk

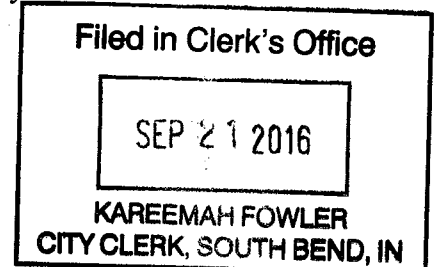
*Presented* by me to Pete Buttigieg, Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_ o'clock \_\_. m

\_\_\_\_\_  
Office of the City Clerk

*Approved and Signed* by me to Pete Buttigieg, Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_ o'clock \_\_. m

\_\_\_\_\_  
Pete Buttigieg, Mayor of the City of South Bend

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED





**LANG, FEENEY & ASSOCIATES, INC.**  
**LAND SURVEYING – CONSTRUCTION ENGINEERING – SOIL SCIENTISTS**  
715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601  
TELEPHONE 574.233.1841 • FACSIMILE 574.674.0374

www.LangFeeney.com

WILLIAM D. LANG, PRES.  
JOHN B. FEENEY, P.S.  
TERANCE D. LANG, P.S.

INDOT PREQUALIFIED:  
5.4 ECOLOGICAL SURVEYS  
5.5 WETLAND MITIGATION  
6.1 TOPOGRAPHIC SURVEY DATA COLLECTION

SUB-DIVISIONS  
BOUNDARY SURVEYS  
CONSTRUCTION SURVEYS  
PUBLIC WORKS PREQUALIFIED

September 20, 2016

City of South Bend  
Common Council  
Room 455 County-City Building  
South Bend, Indiana 46601

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

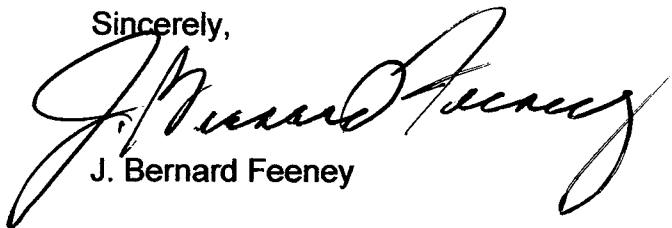
Re: Vacation Petition – Alley Vacation

To The Common Council,

The first north-south alley lying west of Portage Avenue, bounded on the north by the south right-of-way line of Bulla Street and bounded on the south by the north right-of-way line of the first east-west alley north of King Street in portage township. Being 251.6' in length. The applicant wish to vacated this alley to allow full use of their existing parking lot lying west of the alley in conjunction with their building on the east side of the alley.

The approval of this vacation shall not be injurious to the use of other property in the immediate vicinity. It shall not be detrimental to or endanger the public health, safety, morals or general welfare. This vacation shall not constrict the use or deter the value of adjacent area as it is currently being used as parking for adjacent businesses.

Sincerely,

  
J. Bernard Feeney

**PETITION TO VACATE PUBLIC RIGHTS-OF-WAY  
(STREETS/ALLEYS)**

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

TO THE COMMON COUNCIL  
OF THE CITY OF SOUTH BEND, INDIANA

DATE: \_\_\_\_\_

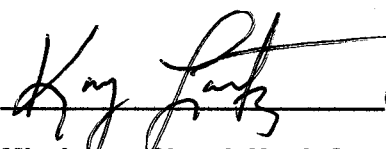
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

The first north-south alley lying west of Portage Avenue, bounded on the north by the south right-of-way line of Bulla Street and bounded on the south by the north right-of-way line of the first east-west alley north of King Street in Portage Township.

B. THE STREET DESCRIBED AS:

\_\_\_\_\_ n/a \_\_\_\_\_  
\_\_\_\_\_

NAME (signed & printed)	ADDRESS	LOT #
 (signature)		
Missionary Church North Central	PO Box 110	Key No. 018-2182-6791
District Inc. DBA Transformation	Nappanee, IN 46550	Key No. 018-2182-6793
Ministries		Key No. 018-2182-6794
By <u>KORY LANTZ</u> (print name)		

**CONTACT PERSON (S)**

**NAME:** Lang, Feeney & Associates, Inc.  
J. Bernard Feeney

**ADDRESS:** 715 South Michigan Street  
South Bend, Indiana 46601

**PHONE:** 574-233-1841

**RETURN TO:**

OFFICE OF THE CITY CLERK  
JOHN VOORDE, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
574-235-9221

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

**THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP. BEING 251.6' IN LENGTH.**

**STATEMENT OF PURPOSE AND INTENT**

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

**THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP. BEING 256.6' IN LENGTH.**

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

County Tax ID No. (no lot numbers)

- |               |                  |
|---------------|------------------|
| 018-2182-6791 | 018-2182-6795    |
| 018-2182-6792 | 018-2182-6795.01 |
| 018-2182-6793 | 018-2182-6796    |
| 018-2182-6744 | 018-2182-6797    |

Section IV. The purpose of the vacation of the real property is

To allow full use of their existing parking lot lying west of the alley in conjunction with their building on the east side of the alley.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

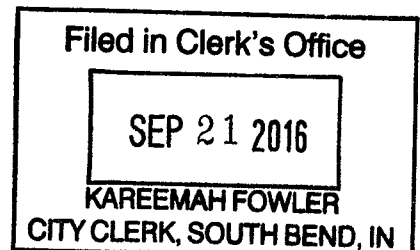
\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

- 1<sup>st</sup> READING
- PUBLIC HEARING
- 3<sup>rd</sup> READING
- NOT APPROVED
- REFERRED
- PASSED

Updated 6/22/12





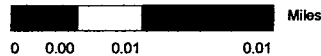
**Legend**

- SJC Parcel Dimensions
- SJC Parcels
- ELK Parcels
- == SJC Street
- == ELK Street

**Michiana Regional GIS Website**

txtSubTitle

Map Generated By: Public  
 Date Printed: 9/20/2016



Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

Filed in Clerk's Office

SEP 21 2016

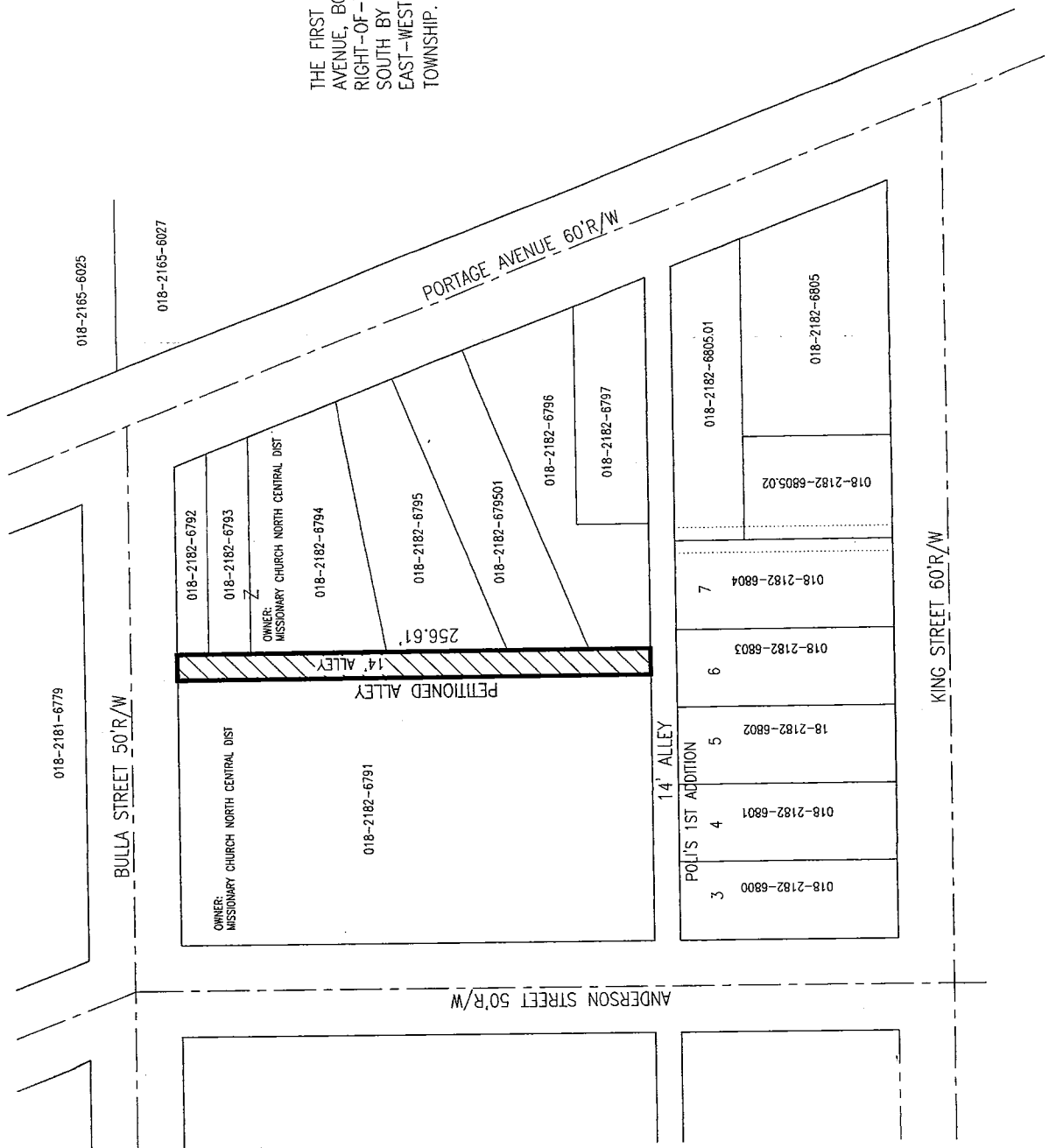
KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN



Filed in Clerk's Office  
 SEP 21 2016  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

# SITE PLAN ALLEY VACATION

THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP, BEING 251.6' IN LENGTH.



Lang, Feaney & Associates, Inc.  
 715 S. Michigan Street  
 South Bend, Indiana 46601  
 Phone (574) 233-1841

Land Surveyors • Soil Scientists

Scale 1" = 60'  
 Date 9-20-16

Drawn JMS  
 Job Name DL Constr Alley Vac

1200 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241  
FAX 574/235-7670  
TTY 574/235-5567

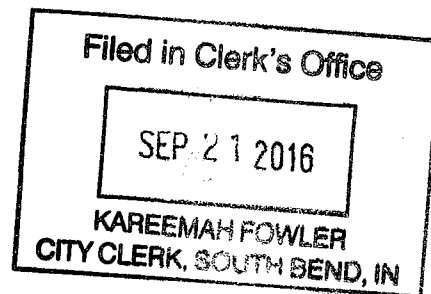
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF LAW

CRISTAL C. BRISCO  
CORPORATION COUNSEL

ALADEAN M. DEROSE  
CITY ATTORNEY

September 21, 2016



Mr. Timothy Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

Re: Ordinance Concerning City of South Bend Teamster Wages For 2017

Dear President Scott:

Attached is an Ordinance to be filed in Title only concerning wages and other benefits for the City of South Bend's Teamster employees in calendar year 2017. The City is engaged in the collective bargaining process at this time, but expects and hopes to have a fully negotiated collective bargaining agreement approved by the City's Teamster employees by the deadline required by Indiana law for fixing compensation of all City employees in 2017. I will then provide Council members with a substitute version of this ordinance.

I will present this Ordinance at the Council's Personnel & Finance Committee meeting and at the public hearing. If you have any further questions or need additional information, please let me know.

Thank you for your consideration.

Sincerely,

*Michael Schmidt*  
by *AMF*

Michael J. Schmidt  
Assistant City Attorney

Bill No. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR  
CALENDAR YEARS 2017-2020**

---

**STATEMENT OF PURPOSE AND INTENT**

---

This Ordinance sets forth the monetary aspects of the tentative agreement reached between the City Negotiating Team and the Teamster's Negotiating Team on September 2016.

The overall guidelines used in this Ordinance are consistent with the overall negotiating criteria used for all City employees.

This Ordinance is in the best interest of the City and the affected Teamster employees.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

**Section I. Maximum Compensation**

- (a) The maximum amounts to be paid as compensation for Teamster employees for the City of South Bend, Indiana are hereby established as set forth in the attachment, which is incorporated herein by reference. The amounts set forth are consistent with the recommended procedure of the State Board of Accounts dated March, 1993. Accordingly, wages are set and paid on a Bi-Weekly basis. Amounts by department and alphabetical position are set forth as well as the hourly wage for each position.

**Section II. Holidays, Vacations and Other Monetary and Fringe Benefits Incorporated by Reference.**

- (a) **Holidays.** Holidays for Teamster employees shall be as set forth in the Collective Bargaining Agreement, incorporated herein by reference.
- (b) **Vacations.** Vacation for Teamster employees shall be as set forth in the Collective Bargaining Agreement, incorporated herein by reference.
- (c) **Insurance.**
- (1) **Comprehensive Major Medical Insurance Program/Preferred Provider Organization (PPO).** The City shall maintain a comprehensive major medical insurance program that all Teamster employees may participate in.

- (2) **Short and Long Term Disability.** Short and Long Term Disability shall be as set forth in the Collective Bargaining Agreement and the City's Personnel Policies and Procedures Manual, as it may be amended from time to time, which is incorporated herein by reference.
- (3) **Payment for Election to Leave Employer's Comprehensive Major Medical Insurance Program.** The City shall pay one hundred and thirty dollars (\$130) per month to any Employee who elects to leave the City's comprehensive major medical insurance program to be covered by another program for which the City makes no contribution. This election shall not be mandatory, and the Employee who made such election may return to the City's comprehensive major medical Insurance Program, provided that the conditions of the City's Comprehensive Major Medical Insurance Program are met, and the contributions specified herein are made, but in such event said Employee shall forfeit the one hundred and thirty dollars (\$130) payment per month thereafter.
- (4) **Life Insurance.** The City shall provide term life insurance coverage in an amount not less than Fifteen Thousand Dollars (\$15,000) for each Teamster employee. Such insurance shall become effective upon the award of a group life insurance bid by the Board of Public Works, or upon the beginning of the plan year, whichever is later.
- (5) **Benefit Waiting Period.** The City notes that life insurance, comprehensive major Medical Insurance, and short term disability programs require a minimum of sixty (60) day eligibility period; and that the long-term disability program requires a minimum of a ninety (90) day eligibility period which Teamster employees must meet.
- (d) **Other Monetary Fringe Benefits.** All other fringe benefits shall be as set forth in the City's Personnel Policies and Procedures Manual as it may be amended from time to time and the Collective Bargaining Agreement. If there is a conflict between Policy and the Bargaining Agreement, the Bargaining Agreement shall prevail.
- (e) **Early Retirement Incentives.** The Mayor shall have discretion to offer an early retirement incentive program that may take the form of a bonus upon retirement for years of service or assistance with health insurance for a retiree who isn't Medicare eligible. Such assistance shall not exceed one (1) year. Any such bonus or assistance must be approved by the Mayor and Controller and are subject to appropriation by the Common Council before any such bonus or assistance may be paid.
- I.C. 5-10.2-3-1.2 permits employers to purchase one year for every five years of service for employees in PERF covered positions under certain conditions. The Mayor shall have discretion to offer such early retirement incentive program, pursuant to statute, after consultation with the Controller and after appropriation by the Common Council.
- (f) **Definition of Full-Time Employee.** Full-time employees are those

employees who are not in a part time status and who are regularly scheduled to work the City of South Bend's full-time scheduled, forty (40) hours per week, or a reduced full-time schedule of thirty (30) hours or more per week as approved by the Mayor on a voluntary basis. Such employees are eligible for the Employer's Benefits Package subject to the terms and conditions and limitations of each benefit program.

- (g) **Definition of Part-Time Employee.** Part-time employees are those employees who are not assigned to a full-time status and who are scheduled to work less than the City of South Bend's full-time schedule, not to exceed one thousand five hundred eight (1508) hours per year. While they do receive certain mandated benefits (such as worker's compensation and social security benefits), they are not eligible for other City benefit programs.

**Section III.**

**Effective Date**

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

Bill No. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR  
CALENDAR YEAR 2017**

---

**STATEMENT OF PURPOSE AND INTENT**

---

This Ordinance sets forth the monetary aspects of the tentative agreement reached between the City Negotiating Team and the Teamster's Negotiating Team on September , 2016.

The overall guidelines used in this Ordinance are consistent with the overall negotiating criteria used for all City employees.

This Ordinance is in the best interest of the City and the affected Teamster employees.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

**Section I. Maximum Compensation**

- (a) The maximum amounts to be paid as compensation for Teamster employees for the City of South Bend, Indiana are hereby established as set forth in the attachment, which is incorporated herein by reference. The amounts set forth are consistent with the recommended procedure of the State Board of Accounts dated March, 1993. Accordingly, wages are set and paid on a Bi-Weekly basis. Amounts by department and alphabetical position are set forth as well as the hourly wage for each position.

**Section II. Holidays, Vacations and Other Monetary and Fringe Benefits Incorporated by Reference.**

- (a) **Holidays.** Holidays for Teamster employees shall be as set forth in the Collective Bargaining Agreement, incorporated herein by reference.
- (b) **Vacations.** Vacation for Teamster employees shall be as set forth in the Collective Bargaining Agreement, incorporated herein by reference.
- (c) **Insurance.**
  - (1) **Comprehensive Major Medical Insurance Program/Preferred Provider Organization (PPO).** The City shall maintain a comprehensive major medical insurance program that all Teamster employees may participate in.

- (2) **Short and Long Term Disability.** Short and Long Term Disability shall be as set forth in the Collective Bargaining Agreement and the City's Personnel Policies and Procedures Manual, as it may be amended from time to time, which is incorporated herein by reference.
- (3) **Payment for Election to Leave Employer's Comprehensive Major Medical Insurance Program.** The City shall pay one hundred and thirty dollars (\$130) per month to any Employee who elects to leave the City's comprehensive major medical insurance program to be covered by another program for which the City makes no contribution. This election shall not be mandatory, and the Employee who made such election may return to the City's comprehensive major medical Insurance Program, provided that the conditions of the City's Comprehensive Major Medical Insurance Program are met, and the contributions specified herein are made, but in such event said Employee shall forfeit the one hundred and thirty dollars (\$130) payment per month thereafter.
- (4) **Life Insurance.** The City shall provide term life insurance coverage in an amount not less than Fifteen Thousand Dollars (\$15,000) for each Teamster employee. Such insurance shall become effective upon the award of a group life insurance bid by the Board of Public Works, or upon the beginning of the plan year, whichever is later.
- (5) **Benefit Waiting Period.** The City notes that life insurance, comprehensive major Medical Insurance, and short term disability programs require a minimum of sixty (60) day eligibility period; and that the long-term disability program requires a minimum of a ninety (90) day eligibility period which Teamster employees must meet.
- (d) **Other Monetary Fringe Benefits.** All other fringe benefits shall be as set forth in the City's Personnel Policies and Procedures Manual as it may be amended from time to time and the Collective Bargaining Agreement. If there is a conflict between Policy and the Bargaining Agreement, the Bargaining Agreement shall prevail.
- (e) **Early Retirement Incentives.** The Mayor shall have discretion to offer an early retirement incentive program that may take the form of a bonus upon retirement for years of service or assistance with health insurance for a retiree who isn't Medicare eligible. Such assistance shall not exceed one (1) year. Any such bonus or assistance must be approved by the Mayor and Controller and are subject to appropriation by the Common Council before any such bonus or assistance may be paid.
- I.C. 5-10.2-3-1.2 permits employers to purchase one year for every five years of service for employees in PERF covered positions under certain conditions. The Mayor shall have discretion to offer such early retirement incentive program, pursuant to statute, after consultation with the Controller and after appropriation by the Common Council.
- (f) **Definition of Full-Time Employee.** Full-time employees are those

employees who are not in a part time status and who are regularly scheduled to work the City of South Bend's full-time scheduled, forty (40) hours per week, or a reduced full-time schedule of thirty (30) hours or more per week as approved by the Mayor on a voluntary basis. Such employees are eligible for the Employer's Benefits Package subject to the terms and conditions and limitations of each benefit program.

- (g) **Definition of Part-Time Employee.** Part-time employees are those employees who are not assigned to a full-time status and who are scheduled to work less than the City of South Bend's full-time schedule, not to exceed one thousand five hundred eight (1508) hours per year. While they do receive certain mandated benefits (such as worker's compensation and social security benefits), they are not eligible for other City benefit programs.

**Section III. Effective Date**

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

\_\_\_\_\_  
Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Deputy City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830

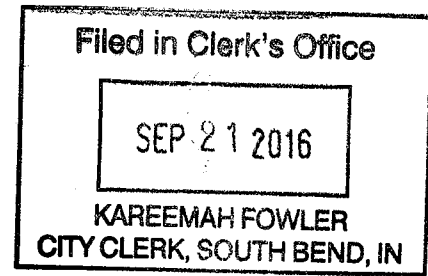


**Bill No. 62-16**  
PHONE 574/ 235-7678  
FAX 574/ 235-9928

CITY OF SOUTH BEND    PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF ADMINISTRATION AND FINANCE**

September 21, 2016

Mr. Tim Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



Re:        Ordinance Setting the Mayor's Salary For 2017

Dear President Scott:

Attached is the 2017 salary ordinance setting the Mayor's salary. Under Indiana law, I.C. 36-4-7-2(c), the Mayor's salary may not be reduced from the prior year's amount. This ordinance increases the Mayor's 2017 salary by 2% over his 2016 salary which is the same as the proposed increase for other non-bargaining employees.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1<sup>st</sup> reading on September 26, 2016, with 2<sup>nd</sup> reading, public hearing and 3<sup>rd</sup> reading scheduled for October 10, 2016. If you have any further questions or need additional information, please let me know.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Murphy".

John H. Murphy  
City Controller

A small, handwritten mark or signature in the bottom right corner of the page.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, SETTING THE ANNUAL SALARY FOR THE MAYOR  
FOR CALENDAR YEAR 2017**

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**STATEMENT OF PURPOSE AND INTENT**

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Pursuant to Indiana Code 36-4-7-2, the City's legislative body is required to fix the annual compensation of all elected officers. Such compensation may "not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year."

The following Ordinance establishes the annual compensation for Mayor of the City of South Bend in calendar year 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. The annual compensation for the Mayor of the City of South Bend in calendar year 2017 shall be and hereby is established at \$106,579.00.

Section II. This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and any publication required by law.

\_\_\_\_\_  
Member, South Bend Common Council

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_  
day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
Deputy City Clerk

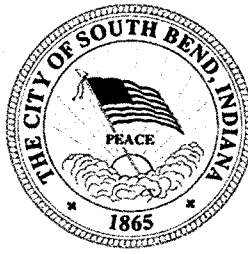
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED

Filed in Clerk's Office  
SEP 21 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



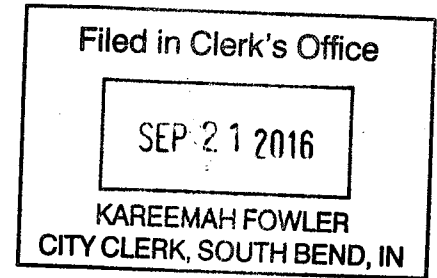
Bill No. 63-16

PHONE 574/ 235-7678  
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
DEPARTMENT OF ADMINISTRATION AND FINANCE

September 21, 2016

Mr. Tim Scott  
President, South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601



Re: 2017 Non-Bargaining Employee and Officer Salary Ordinance

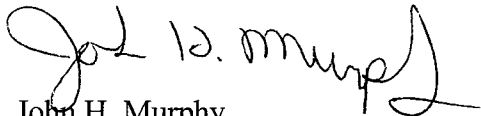
Dear President Scott:

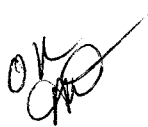
Enclosed please find the proposed 2017 Non-Bargaining Employee and Officer Salary Ordinance. Please note that the Salary Schedule that typically accompanies this ordinance is not in final form and will be provided as soon as possible.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on September 26, 2016, with 2nd reading, public hearing and 3rd reading scheduled for October 10, 2016. If you have any further questions or need additional information, please let me know.

Thank you for your consideration.

Sincerely,

  
John H. Murphy  
City Controller



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2017**

**STATEMENT OF PURPOSE AND INTENT**

This Ordinance sets forth the maximum amounts to be paid to non-bargaining personnel employed by the City of South Bend for the calendar year 2017. Salaries will be paid pursuant to the budget approved by the Common Council. The budgeted number to be paid may be less than the maximum amounts set forth herein.

This Ordinance establishes such compensation for all non-bargaining employees by specific position and title.

The overall guidelines used in this Ordinance are consistent with the overall negotiating criteria used for all City employees. This Ordinance is in the best interest of the City and the affected non-bargaining employees.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

**Section I. Maximum Compensation**

The maximum amounts to be paid as compensation for non-bargaining employees for the City of South Bend, Indiana are hereby established as set forth in the attachment, which is incorporated herein by reference. The amounts set forth are consistent with the recommended procedure of the State Board of Accounts dated March, 1993. Accordingly, salaries are set and paid on a Bi-Weekly basis. Amounts by alphabetical position are set forth, as well as the annual salary for each position.

**Section II. Holidays, Vacations and Other Monetary and Fringe Benefits Incorporated by Reference**

- (a) **Holidays.** Holidays designated by the Board of Public Works shall govern non-bargaining employees for the calendar year 2017. The provisions of the City's Personnel Policies and Procedures Manual as it may be amended from time to time shall apply and are incorporated herein by reference.
- (b) **Vacations.** Vacation for non-bargaining employees shall be as set forth in the City's Personnel Policies and Procedures Manual and/or Employee Handbook as it may be amended from time to time, incorporated herein by reference.
- (c) **Family Leave.** The Family and Medical Leave Act Policy is, hereby, incorporated herein by reference in its entirety.
- (d) **Insurance.**
  - (1) **Comprehensive Major Medical Insurance Program.** The City shall maintain a comprehensive major medical insurance program in which, subject to Section III herein, non-bargaining employees regularly scheduled to work 30 hours or more per week may participate under the rules and guidelines of the plan document. All employees receive a copy of a plan document each year.
  - (2) **Short and Long Term Disability.** Short and Long Term Disability shall be as set

forth in the City's Personnel Policies and Procedures Manual, as it may be amended from time to time, which is incorporated herein by reference.

- (3) **Payment for Election to Leave Employer's Comprehensive Major Medical Insurance Program.** The City shall pay one hundred and thirty (\$130) per month (\$65 bi-weekly) to any Employee who elects to leave the City's comprehensive major medical insurance program to be covered by another program for which the City makes no contribution. This election shall not be mandatory, and the Employee who made such election may return to the City's comprehensive major medical Insurance Program, provided that the conditions are a Qualifying Life Event or Open Enrollment of the City's Comprehensive Major Medical Insurance Program, and the contributions specified herein are made, but in such event said Employee shall forfeit the one hundred and thirty dollar (\$130) payment per month thereafter.
  - (4) **Life Insurance.** The City shall provide term life insurance coverage in an amount 1x annual salary rounded up to the nearest \$1,000 for each benefit eligible employee except for Police and Fire which are set forth in the collective bargaining agreement. Such insurance shall become effective upon the award of a group life insurance bid by the Board of Public Works, or upon the beginning of the plan year, whichever is later.
  - (5) **Benefit Waiting Period.** The City notes that life insurance and comprehensive major Medical Insurance programs require a minimum eligibility period of thirty (30) days; and that the long-term disability program requires a minimum ninety (90) day eligibility period which must be met.
- (e) **Hiring Bonus.** The Mayor, may, at his/her discretion, offer a Hiring Bonus to a new employee as an incentive for the employee to accept the position offered. This Bonus will be paid to the employee in addition to the salary set forth in the Salary Ordinance. The range of these monetary bonuses will be from one hundred (\$100) to four thousand dollars (\$4,000).
- (f) **Allowances.**
- (1) **Auto Allowances.** At the Mayor's discretion an auto allowance may be offered to city employees in lieu of a City issued car. The allowance may range from one (\$1) to five hundred dollars (\$500) dollars per month.
  - (2) **Cell Phone Allowance.** At the Mayor's discretion an allowance for the *business* portion of an employee's cell phone may be provided to those employees whose position and job responsibilities require the ability to communicate outside of city premises or after normal city working hours. The allowance shall not exceed one-hundred dollars (\$100) per month.
- (g) **Early Retirement Incentives.** The Mayor shall have discretion to offer an early retirement incentive program that may take the form of a bonus upon retirement for years of service or assistance with health insurance for a retiree who is not Medicare eligible. Such assistance shall not exceed one (1) year. Any such bonus or assistance must be approved by the Mayor and Controller and is subject to appropriation by the Common Council before any such bonus or assistance may be paid.
- I.C. 5-10.2-3-1.2 permits employers to purchase one year for every five years of service for employees in PERF covered positions under certain conditions. The Mayor shall have discretion to offer such early retirement incentive program, pursuant to statute, after consultation with the Controller and after appropriation by the Common Council.
- (h) **Other Monetary Fringe Benefits.** All other fringe benefits shall be as set forth in the City's

Personnel Policies and Procedures Manual as it may be amended from time to time.

**Section III. Employee Definitions**

- (a) **Full-Time Employee.** Full-time employees are those employees who are regularly scheduled to work forty (40) hours per week, or a reduced full-time schedule of thirty (30) hours or more per week as approved by the Mayor on a voluntary basis. Such employees are eligible for the Employer's Benefits Package subject to the terms, conditions and limitations of each benefit program. However, solely for purposes of qualification for health care benefits under the federal Patient Protection and Affordable Care Act (the Act) as amended, the definition of full time employee shall be the equivalent of that which is provided in the Act, and this Section shall not be construed to be in conflict with the Act.
- (b) **Part-Time Employee.** Part-time employees are those employees who are not assigned to a full-time status as defined by the City including those who qualify for health care benefits under the Act, but who do not meet the City's definition of full-time employee under subpart (a) of this Section, and who are scheduled to work less than the City of South Bend's full-time schedule, not to exceed one thousand five hundred and eight (1,508) hours per year. While they do receive certain mandated benefits (such as worker's compensation, social security benefits, and for some, health care under the Act), they are not eligible for other City benefit programs with the exception of the positions listed below:

All Attorneys employed in the City's Legal Department in part-time positions as well as all elected Council members, are eligible for participation in all of the Employer's Benefit Programs.

**Section IV. Policies and Procedures Manual Availability**

Two (2) copies of the City's Personnel Policies and Procedure Manual and/or Employee Handbook shall be kept on file and made available for public inspection during regular hours in the office of the City Clerk on the 4th Floor of the County-City Building, South Bend, Indiana.

**Section v. Effective Date**

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

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Member of the Common Council

Attest:

\_\_\_\_\_  
City Clerk

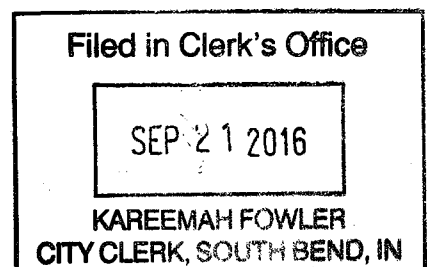
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_ day of \_\_\_\_\_,  
2016, at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Deputy City Clerk

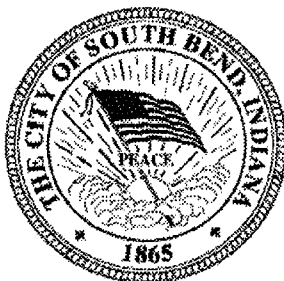
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_  
o'clock \_\_\_\_m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

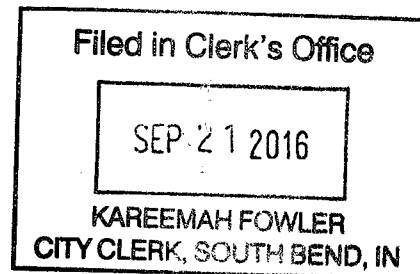
1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED







CITY OF SOUTH BEND  
 PETE BUTTIGIEG, MAYOR  
 OFFICE OF THE MAYOR



September 21, 2016

Common Council President Tim Scott  
 4<sup>th</sup> Floor, County-City Building  
 227 W. Jefferson Blvd.  
 South Bend, IN 46601

Dear President Scott,

I am respectfully requesting the Common Council to consider the administration's ordinance to expand the existing Parks Department to include other organizations within *Venues, Parks, and Arts* and to create a new department of *Innovation and Technology*. This proposed ordinance will promote more efficient and effective administration of city services, particularly through the centralization of resources and specialization of services among previously fragmented city units.

As you know, the South Bend Municipal Code, Chapter 2, Article 4, Sections 2-13 list city departments and their core functions. This ordinance is necessary to realize the visions that our Parks Director and Chief Innovation Officer outlined in their budget presentations and numerous other discussions over the past year. Venues, Parks, and Arts encompass several organizations that have a shared mission to improve the quality of place in South Bend – a priority shared by the Common Council, the administration, and the residents we serve. The Common Council has already organized in this fashion through its PARC (Parks, Recreation, Cultural Arts & Entertainment) Committee. The Department of Innovation and Technology enables the City to provide forward looking services as we increasingly rely on information and technology. This department will also help make our services more transparent and efficient. In addition to gaining efficiencies, these structural changes will enable the city to offer the best possible experiences for South Bend residents and visitors.

Mayor Pete Buttigieg or I on his behalf will present this bill to the Common Council at the appropriate committee and council meetings. We are filing this bill today so that it is ready to receive 1<sup>st</sup> reading on September 26, 2016 and 2<sup>nd</sup> and 3<sup>rd</sup> readings on October 10, 2016, the same meeting that the budget related ordinances are scheduled.

Thank you for your consideration of this request. Please let me know if you have any questions or need additional information.

Sincerely,

James Mueller  
 Chief of Staff to the Mayor

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 2, ARTICLE 4, SECTION 2-13 OF THE SOUTH BEND MUNICIPAL CODE LISTING CITY EXECUTIVE DEPARTMENTS TO ADD THE INNOVATION AND TECHNOLOGY DEPARTMENT, AND TO REORGANIZE THE PUBLIC PARKS DEPARTMENT UNDER A NEW, EXPANDED DEPARTMENT**

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**STATEMENT OF PURPOSE AND INTENT**

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The nine current Executive Departments of the City of South Bend are listed in South Bend Municipal Code at Chapter 2, Article 4, Section 2-13 (A), and their administrative functions are listed at Section 2-13 (B) (7) (a) through (f) of that Chapter and Article. These are the same executive departments authorized by Ind. Code Sec. 36-4-9-4 (c).

Indiana law further provides that upon recommendation of the city executive, the city legislative body by ordinance may establish executive departments “necessary to efficiently perform the administrative functions required to fulfill the needs of the city’s citizens.” I.C. Sec. 36-4-9-4(b). This grant of authority is further supported by Indiana’s Home Rule Act (I.C. 36-1-3 *et seq.*) which specifically provides that “Any doubt as to the existence of the power of a unit shall be resolved in favor of its existence.” I.C. 36-1-3-3.

This ordinance provides for two new City Departments, the first to be known as the *Venues, Parks, and Arts Department*, and the second as the *Innovation and Technology Department*.

The *Venues, Parks, and Arts Department* is intended to streamline administrative tasks and improve delivery of services to South Bend’s citizens for those City programs, services and activities falling within the category of “quality of place” by creating a single department reporting structure and support system. This departmental restructuring also reflects executive policy for a comprehensive approach to improving the quality of public spaces within South Bend. The programs, services and activities affected by this Department change include those of the Parks Department as presently existing and constituted, and other similar but technically separate ones such as the Morris Performing Arts Center/Palais Royale, the Century Center, the City’s parking garages, its streetscapes and décor, its major or special events, and the marketing and development of the City as a place and destination for arts and entertainment. It is envisioned that reorganization into a single department will unify related City resources for the purpose of improving quality of South Bend’s public places.

The new *Venues, Parks, and Arts Department* replaces the “Public Parks Department” as now designated in the South Bend Municipal Code at Chapter 2, Article 4, Section 2-13 (A) (6). However, the Park (or Public Parks) Department will continue to exist within the *Venues Arts & Parks Department* as its own separate entity and fully subject to all the rules, regulations and

requirements imposed by State law, as well as the rights and privileges of Indiana law. (I.C. 36-10-3-1 5 to 45). This change of title shall not affect the governing body of the South Bend Public Parks Department, that is, the South Bend Parks Board of Commissioners, which will continue to operate fully and completely under I.C. 36-10-3 et seq. This change of title will further have no effect upon existing governing bodies or State/local law applicable to other programs or activities now within the structure of the *Venues, Parks, and Arts Department*, including Century Center presently under authority of the Civic Center Board of Managers a/k/a Century Center Board of Managers (I.C. 36-10-10-1 et seq. and South Bend Municipal Code Chapter 2, Article 5, Section 2-52) ; parking garages under authority of either the Board of Public Works or the Redevelopment Commission, and City streetscape and décor, under authority of the Board of Public Works.

Creation of a new *Innovation and Technology Department* is a reflection of the current role of and reliance upon digital information and communication, as well as South Bend's commitment to be a national leader in delivering public services and information to its citizens in the most effective, efficient, and innovative manner, and in constantly seeking to improve those services. Within the *Innovation and Technology Department* will be: 1) the Technology Division; 2) the Business Analytics Division; and 3) the 311 Customer Service Center.

This ordinance effectuates the desired changes of name along with minor updating of departmental functions, and is in the best interests of the City of South Bend.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

**SECTION I.** Chapter 2, Article 4, Section 2-13 (A) and (B) of the South Bend Municipal Code shall be amended to read as follows:

**Section 2.13. Departments established.**

(A) The following executive departments are established to perform administrative functions required to fulfill the needs of the City's citizens:  
Sec. 2-13. - Departments established.

(A) The following executive departments are established to perform administrative functions required to fulfill the needs of the City's citizens:

- (1) Administration and Finance Department;
- (2) Law Department;
- (3) Public Works Department;
- (4) Police Department;
- (5) Fire Department;
- (6) ~~Public Parks Department;~~ Venues, Parks, and Arts Department

- (7) Community Investment Department;
- (8) Code Enforcement Department;
- (9) Building Department;
- (10) Innovation and Technology Department

(B) In addition to functions statutorily provided, the administrative functions of the departments of the City shall be as follows:

(1) Administrative and Finance Department:

- (a) Administrative matters;
- (b) Fiscal matters;
- (c) Purchasing;
- (d) Personnel;
- (e) ~~License issuance;~~
- (f) ~~City parking garages and parking lots;~~
- (g) Human Rights Commission.

(2) Law Department:

- (a) Collection of overdue accounts receivable;
- (b) Self insurance.

(3) Public Works Department:

- (a) Engineering;
- (b) Management of streets, including municipal services, parking, traffic control, and street lighting excepting streetscapes and décor designated for Venues, Parks, and Arts Department;
- (c) Sanitation;
- (d) Sewers;
- (e) Waste water treatment;
- (f) Waterworks;
- (g) Vehicle maintenance.

(4) Police Department.

(5) Fire Department.

(6) ~~Public Parks Department:~~ Venues, Parks, and Arts Department

- (a) Parks: to include Zoos, Greenhouses, Playgrounds, Cemeteries, Recreation programs and centers.
- (b) ~~Zoos;~~ Century Center;

- (c) ~~Greenhouses;~~ Morris Performing Arts Center and Palais Royale;
  - (d) Playgrounds; City parking garages;
  - (e) Cemeteries; City streetscape and décor.
  - ~~(f) Recreation programs and centers.~~
- (7) Community Investment Department:
- (a) Redevelopment;
  - (b) Community development;
  - (c) Housing programs;
  - (d) Economic development;
  - (e) Planning;
  - (f) Neighborhood development;
  - (g) License issuance
- (8) Code Enforcement Department:
- (a) Substandard buildings;
  - (b) License inspection and enforcement;
  - (c) Environmental code enforcement;
  - (d) Weights and measures;
  - ~~(e) Citizen service center.~~
- (9) Building Department:
- (a) Building inspections and permits;
  - (b) Enforcement of building codes;
  - (c) Zoning inspection and enforcement;
  - (d) Board of Zoning Appeals administrative support;
  - (e) Building trade licensing/registration testing and enforcement.
- (10) Innovation and Technology Department.
- (a) Technology
  - (b) Business analytics
  - (d) 311Customer Service Center

**SECTION II.** Chapter 2, Article 4, Section 2-13 of the South Bend Municipal Code shall be further amended to add a new sub-section (G) to read as follows:

(G) Unless specifically stated, no department title designation or listing of department

functions under this Section shall be construed to constitute a modification or abandonment of the rights and powers specifically granted by State law to certain departments.

**SECTION III.** Unless otherwise and specifically stated, any references to the *Parks Department, Superintendent of Parks, Board of Parks Commissioners or Park Board* within the entire South Bend Municipal Code shall remain unchanged and unaffected by this Ordinance.

**SECTION IV.** This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Member, South Bend Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at o'clock \_\_\_\_\_. m.

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Mayor, City of South Bend, Indiana

1st READING  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED

