



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, October 10, 2016

7:00 P.M.

1. **INVOCATION- PASTOR TODD LOTRIDGE, HOLY TRINITY AND GOOD SHEPHERD LUTHERAN CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[16-82](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY HONORING EMIL “LUCKY” REZNIK FOR APPROXIMATELY FIFTY (50) YEARS OF FAITHFUL SERVICE AS A MEMBER OF TRANSPO & FOR HIS EXEMPLARY DEDICATION TO THE SOUTH BEND

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

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

BILL NO.

[35-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 22965,24632,24650, AND 24700 US 20; 54270 PINE ROAD; AND A TRACT OF LAND ADJACENT TO AND EAST OF 54270 PINE ROAD, SOUTH BEND, INDIANA

[41-16](#) PUBLIC HEARING ON 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

- [55-16](#) PUBLIC HEARING ON 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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, AND TO ADD A NEW SECTION 20-23.1 TO PROVIDE FOR DISCRETIONARY AMNESTY BY CITY CLERK
- [59-16](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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

***CONTINUED IN COUNCIL PORTION ONLY***

[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

8. **BILLS ON THIRD READING**

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

BILL NO.

[41-16](#) THIRD READING ON 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

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- [55-16](#) THIRD READING ON 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
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9. **RESOLUTIONS**

BILL NO.

[16-67](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (AIRPORT AUTHORITY ANNEXATION AREA)

[16-81](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING PARKING RATES, CHARGES, AND RULES FOR PUBLICLY-OWNED PARKING FACILITIES IN THE CITY OF SOUTH BEND, INDIANA

6. **BILLS ON FIRST READING**

BILL NO.

[65-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 913 LAWRENCE STREET AND 427 CORBY BOULEVARD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[66-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

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.*







## OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

### MEMORANDUM

**TO:** MEMBERS OF THE COMMON COUNCIL  
**FROM:** KAREEMAH FOWLER, CITY CLERK  
**DATE:** OCTOBER 6, 2016  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, OCTOBER 10, 2016** at:

Council Informal Meeting Room  
4<sup>th</sup> Floor County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601

- 3:30 P.M.**      **ZONING & ANNEXATION**      **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 16-67](#)- Airport Authority Annexation Fiscal Plan
  2. [Substitute Bill No. 35-16](#)- Airport Authority Annexation
  3. [Bill No. 41-16](#)- Commerce Center PUD Rezoning at 401 E. Colfax
- 3:55 P.M.**      **PUBLIC WORKS & PROPERTY VACATION**      **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 60-16](#)- Alley Vacation at Portage & Bulla
- 4:05 P.M.**      **HEALTH & PUBLIC SAFETY**      **JOHN VOORDE, CHAIRPERSON**
1. [Bill No. 55-16](#)- 2017 SBFDD Salary & Fringe Re-Affirmation Agreement
- 4:10 P.M.**      **PERSONNEL & FINANCE**      **KAREN L. WHITE, CHAIRPERSON**
1. [Substitute Bill No. 58-16](#)- Increased Parking Fines & Amnesty Program
  2. [Bill No. 16-81](#)- A resolution approving parking rates, charges and rules for publicly-owned facilities
  3. [Bill No. 64-16](#)- Parks Department Re-Organization
  4. [Bill No. 56-16](#)- 2017 Common Council Salary
  5. [Bill No. 57-16](#)- 2017 City Clerk Salary
  6. [Bill No. 62-16](#)- 2017 Mayor Salary
  7. [Bill No. 63-16](#)- Fixing salaries and wages for non-bargaining City Employees for 2017
  8. [Bill No. 44-16](#)-Appropriating monies for defraying Departmental expenses and Civil City funds for the fiscal year ending 12-31-17
  9. [Bill No. 45-16](#)- Appropriating monies for defraying the expenses of Enterprise Funds for the fiscal year ending 12-31-17
  10. [Substitute Bill No. 46-16](#)- Levying taxes and fixing the rate of taxation to meet City expenses for the fiscal year ending 12-31-17
  11. [Bill No. 47-16](#)- Appropriating the TRANSPPO budget and levying and fixing the taxation rate to fund TRANSPPO for the fiscal year ending 12-31-17

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](http://www.SouthBendIN.gov)

JENNIFER M. COFFMAN  
CHIEF DEPUTY  
CHIEF OF STAFF

ALKEYNA M. ALDRIDGE  
DEPUTY CLERK  
DIRECTOR OF POLICY

JOSEPH R. MOLNAR  
ORDINANCE VIOLATION CLERK

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Personnel & Finance 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  
Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member  
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  
Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member  
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  
Jo Broden, Member

Dr. David Varner, 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  
Karen L. White, Vice-Chairperson

Oliver Davis, Member  
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  
Gavin Ferlic, Vice-Chairperson

Dave Varner, Member  
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  
Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member  
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 HONORING EMIL “LUCKY” REZNIK FOR APPROXIMATELY FIFTY (50) YEARS OF FAITHFUL SERVICE AS A MEMBER OF TRANSPO & FOR HIS EXEMPLARY DEDICATION TO THE SOUTH BEND**

*Whereas*, the South Bend Common Council acknowledges that since the South Bend Public Transportation Corporation (TRANSPO) was established, Emil “Lucky” Reznik has diligently & faithfully served on the TRANSPO’s Board of Directors, where he has provided keen insights & vision for approximately fifty years; and

*Whereas*, in October of 2010, TRANSPO opened the Emil “Lucky” Reznik Operations, Administration and Maintenance Facility at 1401 South Lafayette Boulevard on the site of the former Studebaker manufacturing plant. It is the first transit building in the country to receive a Platinum Certification by the Leadership in Energy and Environmental Design (LEED) for using a geothermal heating system and solar panels; and

*Whereas*, the TRANSPO facility was one of the first buildings to be located in Ignition Park, which was part of a former Brownfield site, which replaced the buildings on Northside Boulevard. With the TRANSPO board and staff, and under Lucky’s leadership, TRANSPO is continuing to reduce fuel usage, improve operating efficiencies, and implement positive service improvements reflecting the very best of innovative ideas; and

*Whereas*, in February of this year, TRANSPO received the 2015 Impact Award from South Shore Clean Cities, for their initiative on compressed natural gas (CNG) facility aiming to be the first fast-fill public CNG facility in the region – with this being just one of many awards and honors received over the years; and

*Whereas*, Emil “Lucky” Reznik is a very proud alumni of Indiana University. For his service with the Indiana University Alumni Association, the IU South Bend Board of Advisors, and as past president of the IU South Bend Board, in 1982 he was awarded the Distinguished Alumnus Award; was honored in 1998 to receive the IUAA President’s Award; and in 2006 was awarded the Sue H. Talbot Distinguished Hoosiers for Higher Education Member Award. Some of his many other awards and accomplishments include receiving the Outstanding Hoosier Award from Governor Mitch Daniels, a Key to the City from Mayor Stephen H. Luecke, and commendations from Mishawaka Mayor Jeff Rea, and Indiana State Representative B. Patrick Bauer.

*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 **EMIL “LUCKY” REZNIK** for his passion for excellence in serving in many capacities in the South Bend community; and in particular, the Council is honored to publicly commend this IU Hoosier for approximately fifty (50) dedicated years of service as a member of the TRANSPO Board of Directors.

Section II. The Common Council notes that because of Lucky’s vision and dedication to excellence, countless number of individuals have enjoyed top quality bus transportation throughout our wonderful community. We wish this very special IU Hoosier, his wife, and their great family all the best in the years ahead. *Congratulations!*

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.

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

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

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

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John Voorde, At Large Council Member

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

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Gavin Ferlic, At Large Council Member

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

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Karen L. White, At Large Council Member

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

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

*Witness:*

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

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

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







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

Wednesday, August 17, 2016

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

RE: A proposed ordinance of St. Joseph County Airport Authority to zone from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City), property located at 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road, City of South Bend - APC# 2788-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of St. Joseph County Airport Authority was legally advertised on August 4, 2016 and that the Area Plan Commission at its public hearing on August 16, 2016 took the following action:

Upon a motion by Oliver Davis, being seconded by Phil Sutton and unanimously carried, a proposed ordinance of St. Joseph County Airport Authority to zone from A: Agricultural District and M: Manufacturing Industrial District to LI Light Industrial District, property located at 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation subject to the following Written Commitments: 1) Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities. Rezoning this site to LI Light industrial will allow for the development of uses that are compatible with Airport operations with access to major transportation routes nearby.

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.

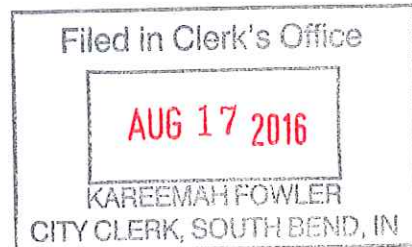
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: St. Joseph County Airport Authority




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

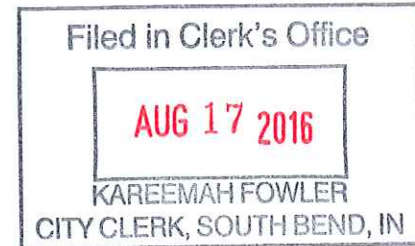
LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

August 17, 2016

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



RE: Bill # 35-16  
Rezoning: APC# 2788-16 - 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road

Dear Council Members:

The Area Plan Commission held a public hearing on August 16, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, September 12, 2016.

**Ordinance & Petition Amendments:**

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

**Ordinance:**

- 1.) The Township was changed to German.
- 2.) The property addresses were updated.
- 3.) The legal description was updated and corrected.
- 4.) Section II was added to reflect the Written Commitment.

**Petition:**

- 1.) The property addresses were updated.
- 2.) The legal description was updated and corrected.

A Copy of the revised Ordinance is attached.

**Public Hearing Summary:**

There were 2 people that spoke in opposition to the proposed rezoning.

- Rosemary Bell was concerned about what type of industry would be on the site. She stated the plans for the site have changed so many times and nothing has been developed. Also, she commented that Pine Road is not designed for heavy traffic.
- Tom Kosel expressed the same concerns as Rosemary. He also stated that he is opposed to a truck terminal being built on the site.

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

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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR 22965, 24632, 24650, AND 24700 US 20; 54270 PINE ROAD; AND A TRACT OF LAND ADJACENT TO AND EAST OF 54270 PINE ROAD, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

PETITIONER SEEKING TO ANNEX AND REZONE PROPERTY FOR FUTURE INDUSTRIAL USES.

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

SECTION 1. That the following described real estate situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

PART OF THE SOUTHWEST QUARTER OF SECTION 30 AND THE NORTH HALF OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 2 EAST, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31; THENCE SOUTH 00°06'11" WEST ALONG THE WEST LINE OF SAID SECTION, 1089.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°42'25" EAST, 588.56 FEET (REC. NORTH 90°00'00" EAST, 588.77 FEET) THENCE NORTH 00°24'48" EAST, 355.17 FEET (REC. NORTH 00°00'00" EAST, 357.32 FEET) TO THE SOUTHWEST CORNER OF LOT 1 OF THE RECORDED PLAT OF KELLER AND HALL MINOR SUBDIVISION AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY INDIANA; THENCE SOUTH 89°58'26" EAST ALONG THE SOUTH LINE OF SAID LOT 1, 553.41 FEET (REC. SOUTH 89°47'33" EAST, 553.56 FEET) TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01°42'52" WEST, 457.16 FEET TO THE NORTHWEST CORNER OF LOT 2A OF THE RECORDED PLAT OF CASCINO MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 9125343; THENCE ALONG SAID LOT 2A FOR THE NEXT FOUR (4) COURSES, NORTH 89°26'08" EAST, 353.28 FEET (REC. NORTH 89°27'57" EAST, 351.36 FEET), AND NORTH 02°09'38" WEST, 129.92 FEET (REC. NORTH 02°07'49" WEST, 129.92 FEET), AND NORTH 54°49'19" WEST, 313.42

FEET (REC. NORTH 54°47'30" WEST, 313.42 FEET), AND NORTH 28°33'11" EAST, 27.89 FEET (REC. NORTH 28°35'00" EAST, 27.8 FEET) TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE NORTH 00°00'00" EAST, 285 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 20; THENCE SOUTH 55°25'02" EAST, ALONG SAID NORTH LINE, 660 FEET MORE OR LESS TO THE PRESENT CITY OF SOUTH BEND CORPORATE LIMIT LINE; THENCE SOUTH 28°33'11" WEST, 180 FEET ALONG SAID LINE TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20; THENCE ALONG SAID SOUTH LINE, SOUTH 55°25'02" EAST, 300 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE U.S. 20 BY-PASS (A.K.A. ST. JOSEPH VALLEY PARKWAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT EIGHT (8) COURSES; SOUTH 38°08'20" EAST, 139.58 FEET, AND SOUTH 28°56'12" EAST, 935.25 FEET, AND SOUTH 01°44'02" EAST, 55.85 FEET (REC. SOUTH 00°00'00" EAST, 48.00 FEET) TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2, OF THE NORTHWEST QUARTER OF SAID SECTION 31, AND SOUTH 89°53'51" EAST ALONG SAID NORTH LINE, 14.92 FEET, AND NORTH 01°36'33" WEST, 14.68 FEET, AND SOUTH 29°41'47" EAST, 653.16 FEET (REC. SOUTH 33°00'50" EAST, 675.32 FEET) AND SOUTH 09°41'15" EAST, 409.58 FEET (REC. SOUTH 08°47'10" EAST, 409.58 FEET), AND SOUTH 04°05'20" EAST, 376.16 FEET (REC. SOUTH 03°11'15" EAST, 376.16 FEET) TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 31; THENCE NORTH 89°46'55" WEST, 381.54 FEET (REC. NORTH 89°46'55" WEST, 427.96 FEET TO THE CENTER OF SAID SECTION AS MONUMENTED, ALSO BEING THE SOUTHEAST CORNER OF LOT 3 OF THE RECORDED PLAT OF R.M. LYNCH MINOR SUBDIVISION AS RECORDED BY DOCUMENT NUMBER 8800527 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE NORTH 01°36'33" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 31, AND THE EAST LINE OF SAID LOT 3, 949.65 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°49'54" WEST ALONG THE NORTH LINE OF SAID LOT 3, AND ITS WESTERLY EXTENTION, 2535.42 FEET (REC. NORTH 89°56'27" WEST) TO THE WEST RIGHT-OF-WAY LINE OF PINE ROAD; THENCE NORTH 00°06'11" EAST, ALONG SAID WEST LINE, 616.06 FEET; NORTH 89°42'25" EAST, 30 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 71.73 ACRES MORE OR LESS.

SUBJECT TO LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

## SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments.

SECTION III. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above described parcel as part of the City of South Bend, Indiana.

SECTION IV. Ordinance No. 9495-04, as 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 above described real

estate, with the exception of all adjacent right-of-ways, in the City of South Bend, St. Joseph County, Indiana be and the same is hereby established as LI LIGHT INDUSTRIAL DISTRICT, provided, however, that the required established, and stated procedures for review of such zoning classification by the Area Plan Commission have been fully satisfied.

SECTION V. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

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

Attest:

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

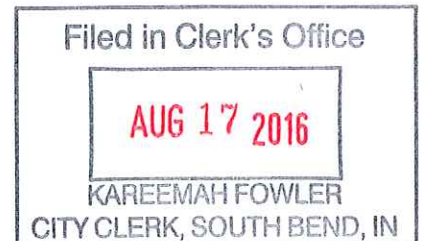
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
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



**Staff Report**

8/5/2016

APC # 2788-16  
Owner: St. Joseph County Airport Authority Attn: Kerianne Kirby  
Location: 22965, 24632, 24650, and 24700 US 20; 54270 Pine Road; and a tract of land adjacent to and east of 54270 Pine Road  
Jurisdiction: City of South Bend  
Public Hearing Date: 8/16/2016

**Requested Action:**

The petitioner is requesting a zone change from A: Agricultural District (County) and M: Manufacturing Industrial District (County) to LI Light Industrial District (City).

**Land Uses and Zoning:**

- On site: On site are single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- North: To the north are businesses and single family homes zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- East: To the east of the St. Joseph Valley Parkway is the Airport Zoned LI Light Industrial (City) and single family homes and vacant land zoned R: Single Family District (County) and M: Manufacturing Industrial District (County).
- South: To the south is A.M.T., Inc. zoned M: Manufacturing Industrial District (County).
- West: To the west are single family homes and vacant land zoned R: Single Family District (County).

**District Uses and Development Standards:**

The LI Light Industrial District is established to provide for development of office/warehouse, warehouse/distribution, wholesale, assembly and manufacturing or processing facilities which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Permitted uses in this district tend to generate heavy traffic, require extensive community facilities, and may require limited amounts of outdoor storage. The LI District is also intended to function as a transitional district between the more intense general industrial districts and other less intense districts.

**Site Plan Description:**

The site plan consists of 7 lots, totaling 68.08 acres. There is no development shown on the site plan at this time. All of the development standards for LI Light Industrial will apply to the site.

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

The properties zoned A: Agricultural were rezoned in 1972. The remainder of the property has been zoned manufacturing since prior to 1972.

**Traffic and Transportation Considerations:**

Pine Road has two lanes. The portion of US 20 adjacent to the site has 4 lanes with a divided median.

**Utilities:**

There are no utilities proposed at this time.

**Agency Comments:**

The County Engineer commented that Pine Road is a No Truck Route, so depending on the exact land use, some improvements to Pine Road may be needed. INDOT commented that a drive permit will be required for accessing U.S. 20.

**Commitments:**

The staff is proposing a written commitment as follows: 1) Upon filing of an Improvement Location Permit for the development of any portion of the Airport Authority Annexation Area, a Pine Road Improvement Plan must be submitted by the developer(s) of the Area. Such Improvement Plan must include a traffic analysis, an engineering study of the condition of Pine Road, a cost analysis of required improvements or reconstruction and any other information requested by both the St. Joseph County Board of Commissioners, the South Bend Board of Public Works and the Indiana Department of Transportation. At a minimum, the Improvement Plan must address the area of Pine Road from U.S. 20 on the North to Edison Road on the South and the intersection of Pine Road and U.S. 20. Any improvements or reconstruction required will be at the cost of the developer(s), or as otherwise negotiated by the respective governmental entities.

**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 LU 6.1: Promote orderly and planned growth that expands outward from current city limits.

**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 properties along U.S. 20 near the intersection with the St. Joseph Valley Parkway have developed as manufacturing and commercial uses. The properties along Pine Road are rural residential.

**3. Most Desirable Use:**

The most desirable use for this district is one that buffers the negative externalities of the Airport from the adjacent properties.

**4. Conservation of Property Values:**

With proper site layout and buffering, neighboring residential and agricultural property should not be adversely affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow the development of industrial uses along major transportation routes.

**Staff Comments:**



The anticipated effective date of the annexation is October 30, 2016.

**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, subject to the written commitment.

**Analysis:**

Rezoning this site to LI Light industrial will allow for the development of uses that are compatible with Airport operations with access to major transportation routes nearby.

REZONING  
#2788-16

Filed in Clerk's Office  
**AUG 17 2016**  
KAREMAH FOWLER  
CITY CLERK SOUTH BEND

Olive

St Joseph Valley

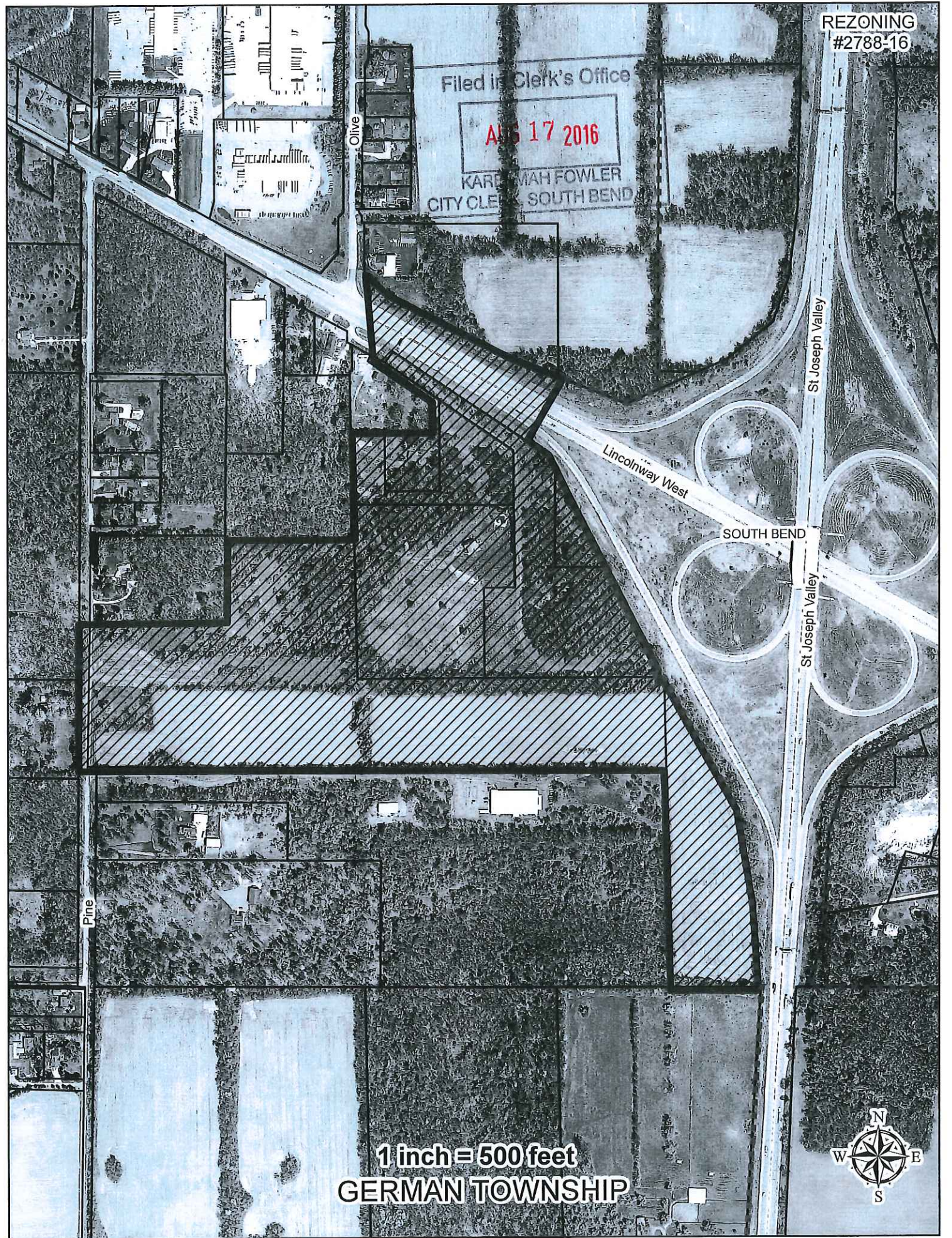
Lincolnway West

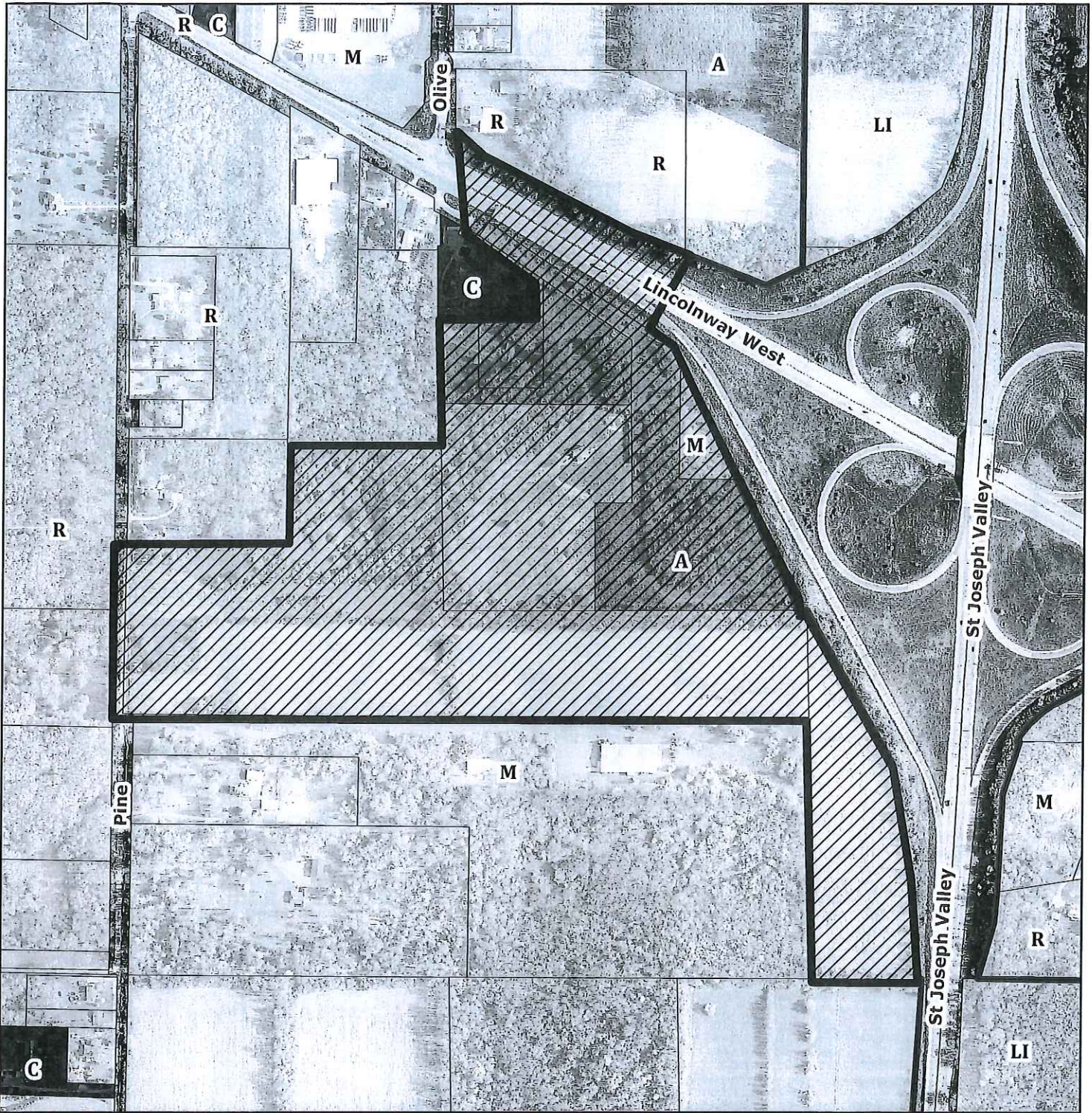
SOUTH BEND

St Joseph Valley

Pine






1 inch = 500 feet  
GERMAN TOWNSHIP



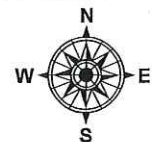


**Rezoning from: ST. JOSEPH COUNTY  
"A" AGRICULTURAL DISTRICT & "M" MANUFACTURING INDUSTRIAL DISTRICT  
to CITY OF SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT**

**MASTER ZONING KEY**

-  COUNTY "A" AGRICULTURAL DISTRICT
-  COUNTY "R" SINGLE FAMILY DISTRICT
-  COUNTY "C" COMMERCIAL DISTRICT
-  COUNTY "M" MANUFACTURING INDUSTRIAL DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT

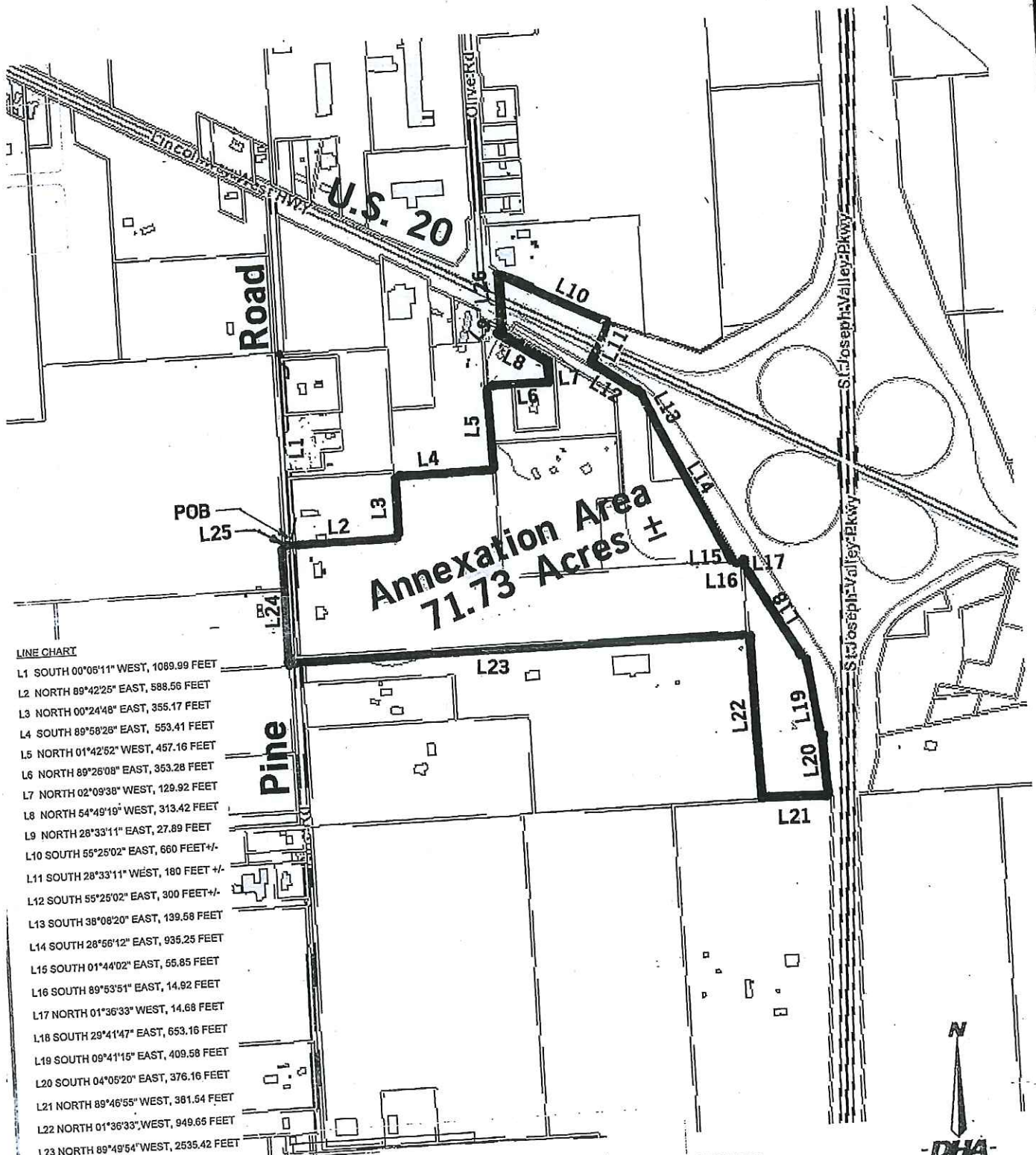
Filed in Clerk's Office  
**AUG 17 2016**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



1 inch = 500 feet

**APC # 2788-16**

# ANNEXATION DIAGRAM



**Annexation Area**  
**71.73 Acres ±**

**LINE CHART**

- L1 SOUTH 00°06'11" WEST, 1089.99 FEET
- L2 NORTH 89°42'25" EAST, 588.56 FEET
- L3 NORTH 00°24'48" EAST, 355.17 FEET
- L4 SOUTH 89°58'28" EAST, 553.41 FEET
- L5 NORTH 01°42'52" WEST, 457.16 FEET
- L6 NORTH 89°26'08" EAST, 353.28 FEET
- L7 NORTH 02°09'38" WEST, 129.92 FEET
- L8 NORTH 54°49'19" WEST, 313.42 FEET
- L9 NORTH 28°33'11" EAST, 27.89 FEET
- L10 SOUTH 55°25'02" EAST, 660 FEET +/-
- L11 SOUTH 28°33'11" WEST, 180 FEET +/-
- L12 SOUTH 55°25'02" EAST, 300 FEET +/-
- L13 SOUTH 38°08'20" EAST, 439.58 FEET
- L14 SOUTH 28°56'12" EAST, 935.25 FEET
- L15 SOUTH 01°44'02" EAST, 55.85 FEET
- L16 SOUTH 89°53'51" EAST, 14.92 FEET
- L17 NORTH 01°36'33" WEST, 14.68 FEET
- L18 SOUTH 29°41'47" EAST, 653.16 FEET
- L19 SOUTH 09°41'15" EAST, 409.58 FEET
- L20 SOUTH 04°05'20" EAST, 376.16 FEET
- L21 NORTH 89°46'55" WEST, 381.54 FEET
- L22 NORTH 01°36'33" WEST, 949.65 FEET
- L23 NORTH 89°49'54" WEST, 2535.42 FEET
- L24 NORTH 00°06'11" EAST 616.05 FEET
- L25 NORTH 89°42'25" EAST, 30 FEET +/-
- L26 NORTH 00°00'00" EAST, 285 FEET +/-

Filed in Clerk's Office  
**AUG 17 2016**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

**FILED**  
 JUL 27 2016  
 AREA PLAN COMMISSION  
 APPLICATION NO. 2788-16



SCALE 1"=800'  
 REVISED 7-26-16



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 #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:**

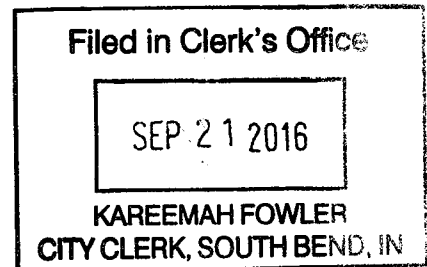
There was 9 persons that spoke in favor to the proposed rezoning. The general sentiment was that they were in support of bringing a grocery store to the area, Mr. Matthews has done great things for the East Bank, and that there is a need for more apartments downtown.

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

Sincerely,

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.

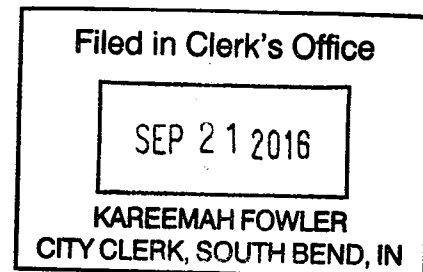
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

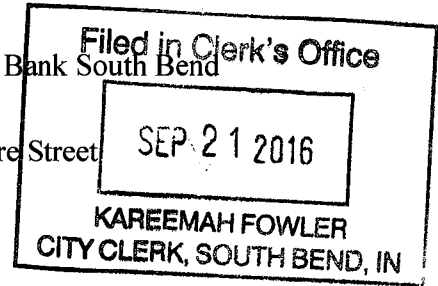
CC: Commerce Center Development, LLC and East Bank South Bend Development LLC



**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.

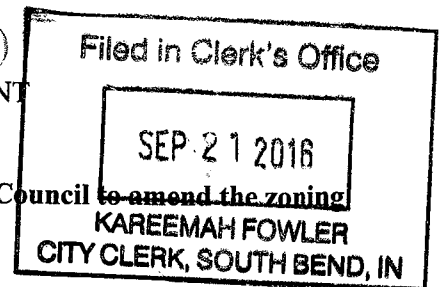
(B) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;

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

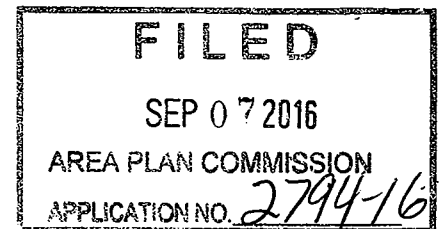
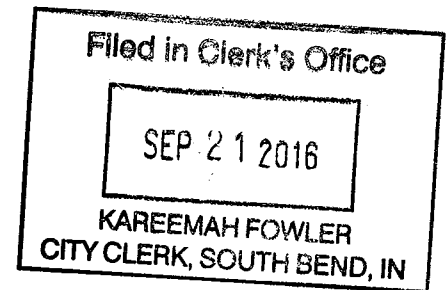
8) The purpose of the rezoning is as follows:

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.

PARCEL VII: 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 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

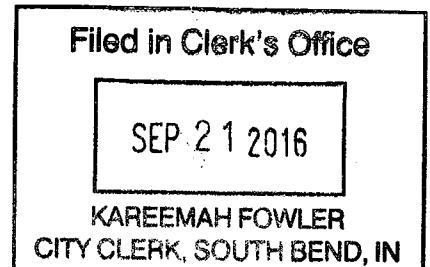
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

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

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

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

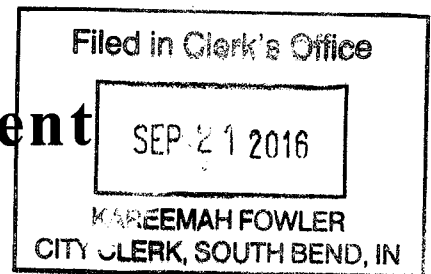
1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED





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:

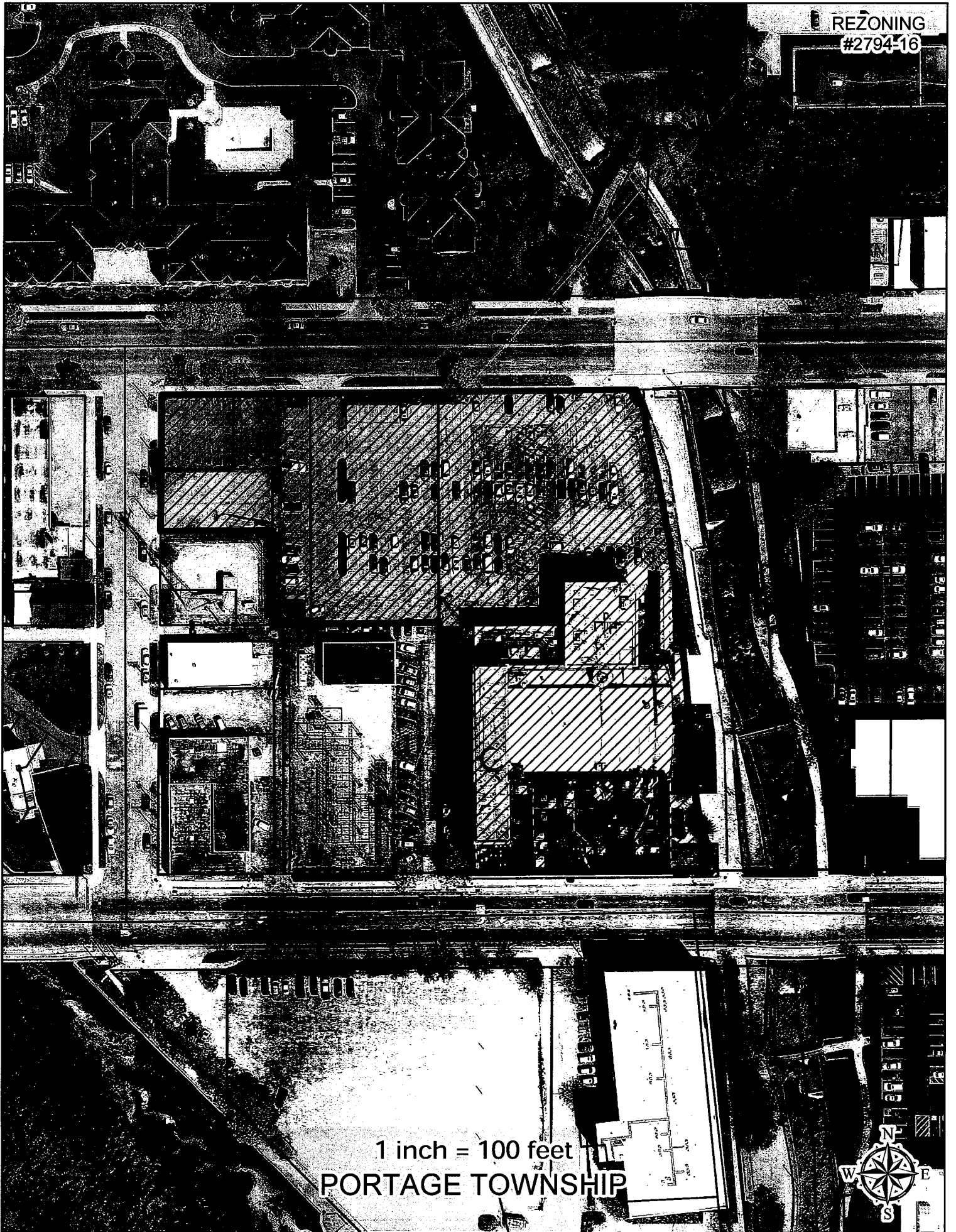
- Lack of consistency with the East Bank Village Master Plan (EBVMP).** The East Bank Village Master Plan was developed in conjunction with the community and illustrates their expectations for future decisions in the neighborhood. This rezoning would completely disregard the EBVMP in the following ways:
  - 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**

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

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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**

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**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**

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**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**

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**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

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**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**

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**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**

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**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

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**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

---

**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

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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 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 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](tel:574.287.2231) E [jfragomeni@structurepoint.com](mailto:jfragomeni@structurepoint.com)  
 F [574.289.7105](tel:574.289.7105) W [www.structurepoint.com](http://www.structurepoint.com)  
 C [574.276.6297](tel: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:** <lmaglio@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**

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**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

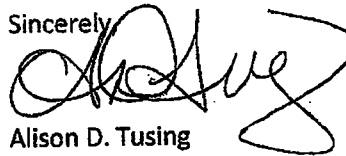
RE: Rezoning at 401 E. Colfax Ave

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

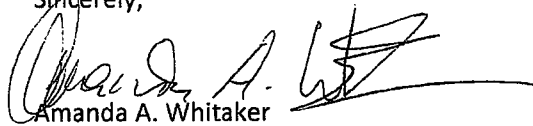
RE: Rezoning at 401 E. Colfax Ave

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

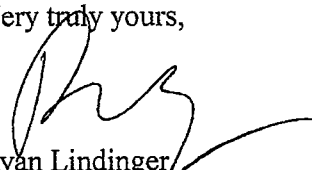
RE: Rezoning at 401 E. Colfax Ave

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 Magliozi - 09-21-2015**

---

**From:** Rob Bartels <RBartels@martins-supermarkets.com>  
**To:** "lomagloz@co.st-joseph.in.us" <lomagloz@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**

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**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)

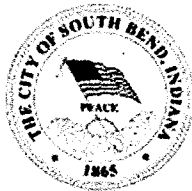
📍:: 3371 Cleveland Road Ste 300 South Bend IN 46628

***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.*





**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.

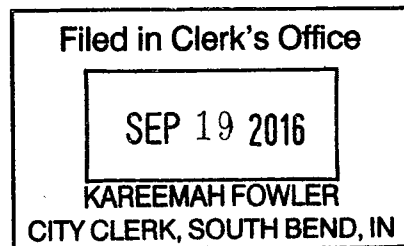
The proposed ordinance would re-affirm all of the provisions set forth in the 2014 ordinance as originally passed approving the 3-year package, pursuant to *Indiana Code* § 36-8-3-3, which requires annual compensation to be established before November 1<sup>st</sup> of each year. A similar re-affirmation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

1st READING  
PUBLIC HEARING  
3rd 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,

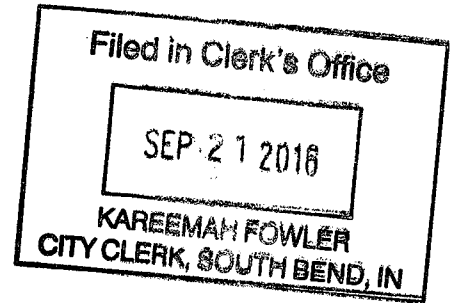
Gavin Ferlic, At Large  
Council Member and City Advisory Negotiating Team Member

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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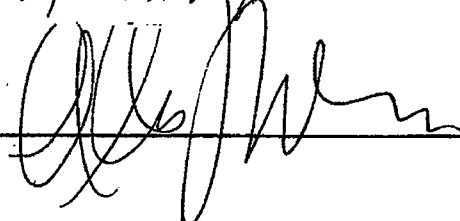
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**ORDINANCE No. 10333-14**

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

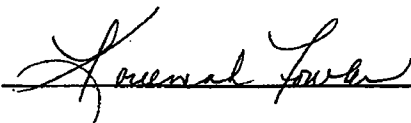
\_\_\_\_\_ **October 27,** 20 **14**

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

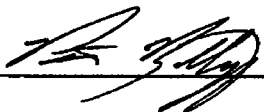
*Attest:*  **President of Common Council**

*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.**

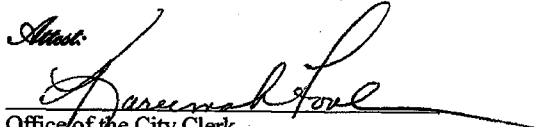
This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.



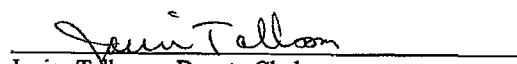
Derek D. Dieter, Council Member at Large  
City Advisory Negotiating Team Member



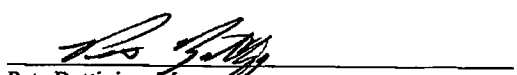
Gavin Ferlic, Council Member at Large  
City Advisory Negotiating Team Member

*Attest:*  
  
Office of the City Clerk

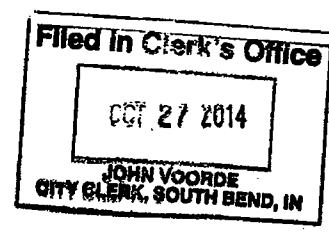
*Presented* by me to Pete Buttigieg, Mayor of the City of South Bend, Indiana, on the  
28<sup>th</sup> day of October, 2014, at 1:30 o'clock p. m

  
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







**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.

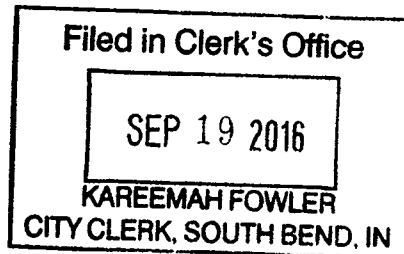
I recommend that the proposed ordinance be referred to the Personnel and Finance Committee for review and recommendation and then set for 2<sup>nd</sup> & 3<sup>rd</sup> readings and public hearing at the October 10<sup>th</sup> Common Council meeting. Thank you.

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.

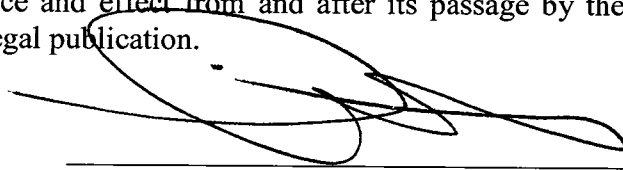
This ordinance proposes a two percent (2 %) maximum increase for calendar year 2017 for the nine-member Common Council.

*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

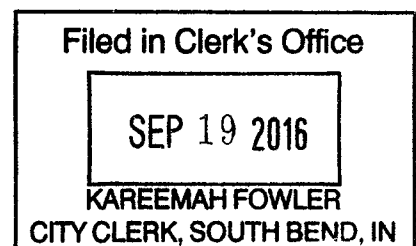
*Presented by me to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_  
day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ m*

\_\_\_\_\_  
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*

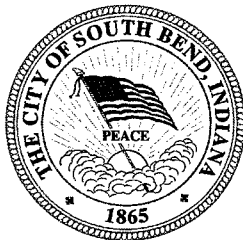
\_\_\_\_\_  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

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







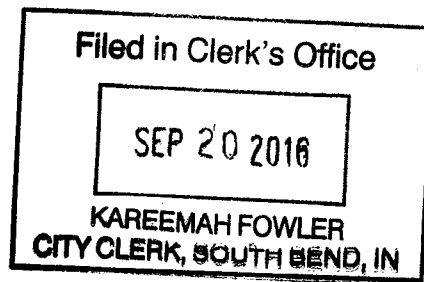


**OFFICE OF THE CITY CLERK**

KAREEMAH FOWLER, CITY CLERK

September 20, 2016

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

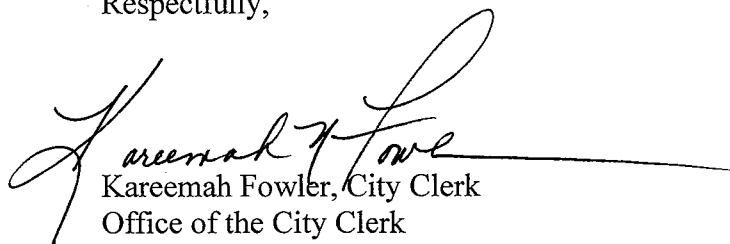


Re: Proposed 2017 City Clerk's Salary Ordinance

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

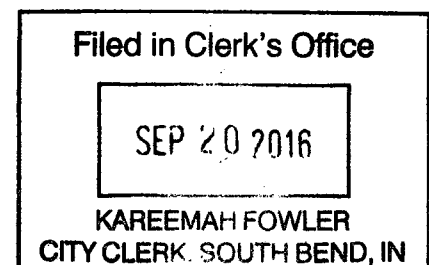
*Presented by me to the Mayor of the City of South Bend, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_ M*

\_\_\_\_\_  
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

*Approved and signed by on the \_\_\_\_\_ day of \_\_\_\_\_,  
2016 at \_\_\_\_\_ o'clock \_\_\_\_ M*

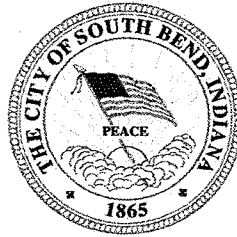
\_\_\_\_\_  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

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

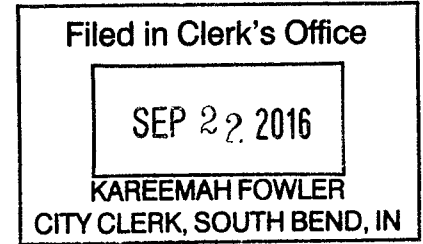
CITY OF SOUTH BEND      PETE BUTTIGIEG, MAYOR

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.

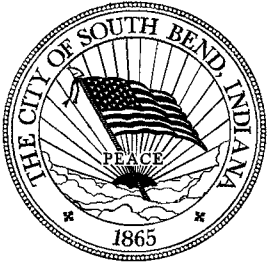
As indicated originally, Aaron Perri will present this ordinance to the Council.

Thank you for your assistance.

Sincerely,

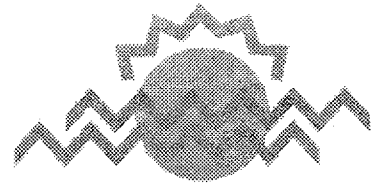
  
Aladean DeRose, City Attorney

c: James Mueller, Mayoral Chief of Staff  
Corporation Counsel Cristal Brisco  
Council Attorney Kathleen Cekanski Farrand  
Aaron Perri



Pete Buttigieg, Mayor

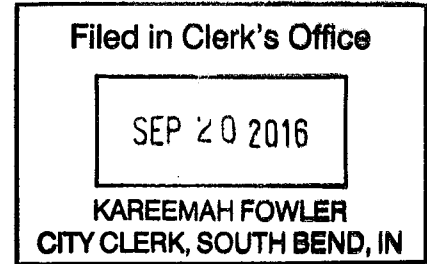
# SOUTH BEND PARKS AND RECREATION



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

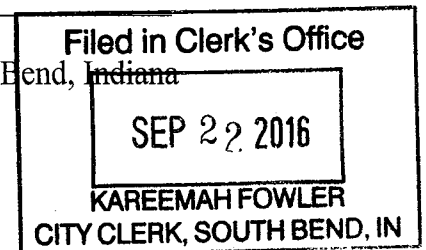
ATTEST:

\_\_\_\_\_  
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:

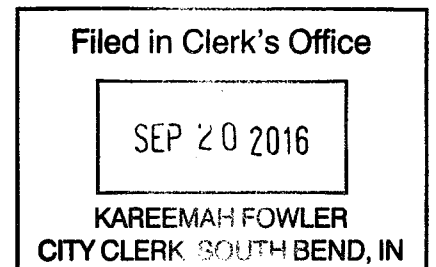
\_\_\_\_\_  
Kareemah Fowler, City Clerk

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

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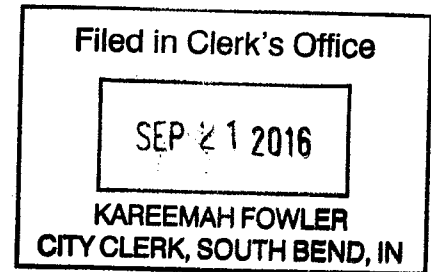
**Common Council**  
City of South Bend Indiana  
4<sup>th</sup> Floor County-City Building  
227 West Jefferson Boulevard  
South Bend, Indiana 46601  
(574) 235-9173 Facsimile

(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

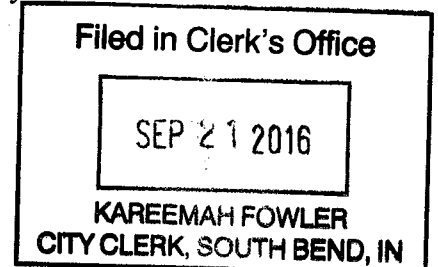
*Presented* by me to Pete Buttigieg, Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_ o'clock \_\_. m

\_\_\_\_\_  
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

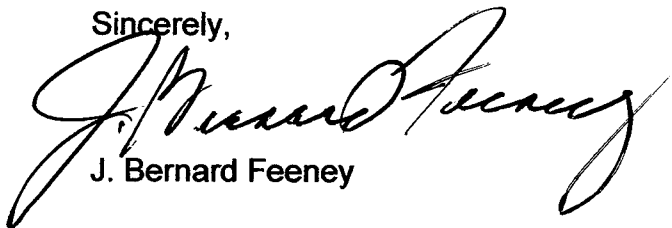
Re: Vacation Petition – Alley Vacation

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: \_\_\_\_\_

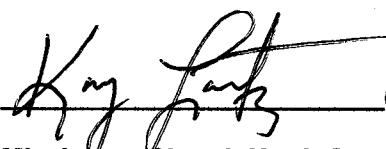
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

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.

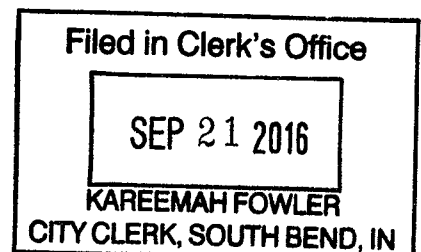
\_\_\_\_\_  
City Clerk

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





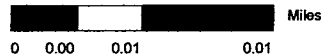
**Legend**

- 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



Michiana Area Council of Governments | Geographic Information System  
1801 West 10th Street, South Bend, IN



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

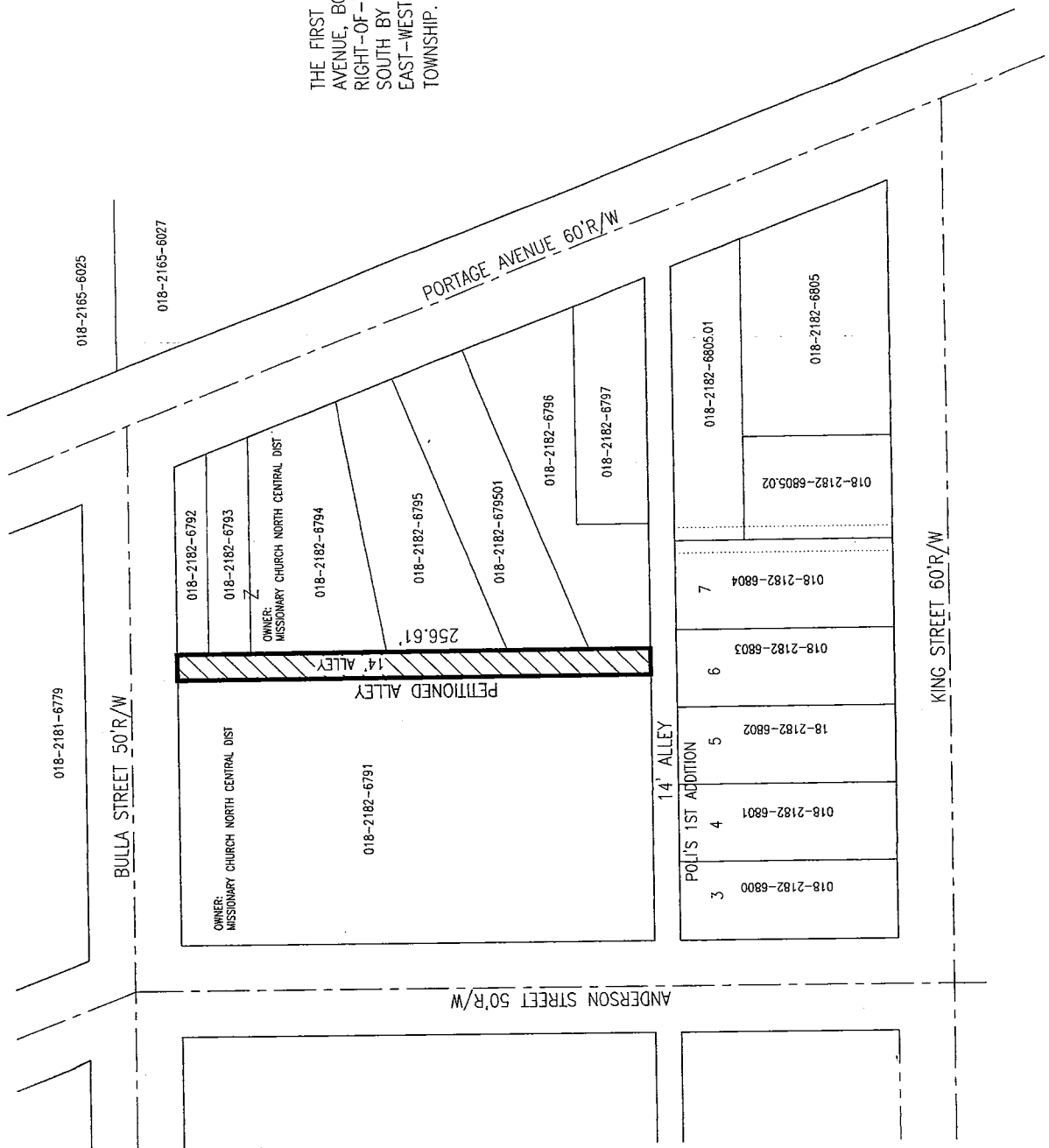
SEP 21 2016

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

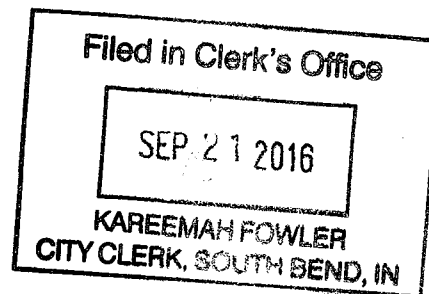
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

### 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*  
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

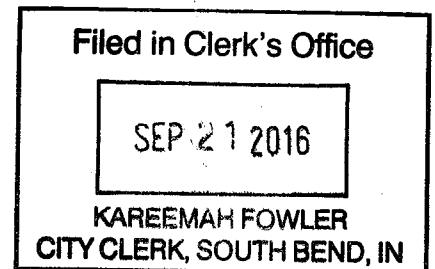
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
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





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



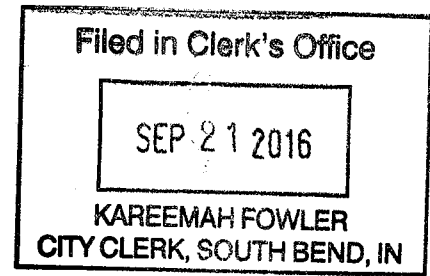
Bill No. 62-16

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

Handwritten initials or a 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**

---

**STATEMENT OF PURPOSE AND INTENT**

---

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

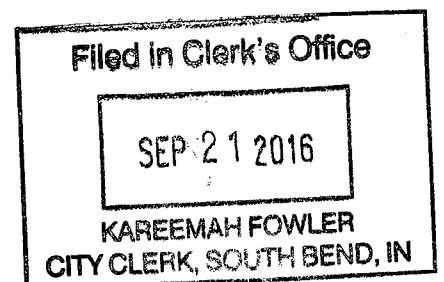
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_  
day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_\_\_ m.

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

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

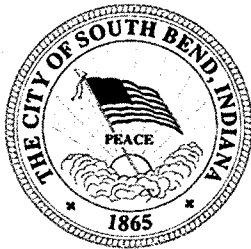
\_\_\_\_\_  
Mayor, City of South Bend, Indiana

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





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

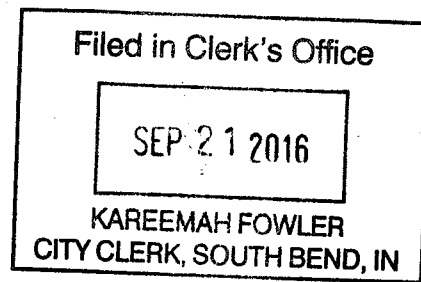


PHONE 574/ 235-7678  
FAX 574/ 235-9928

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

September 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.

---

Member of the Common Council



Attest:

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

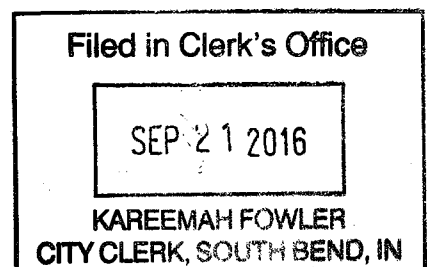
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_ day of \_\_\_\_\_,  
2016, at \_\_\_\_\_ o'clock \_\_\_\_ M.

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

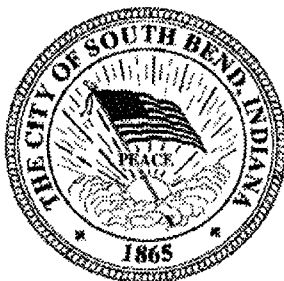
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_  
o'clock \_\_\_\_m.

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

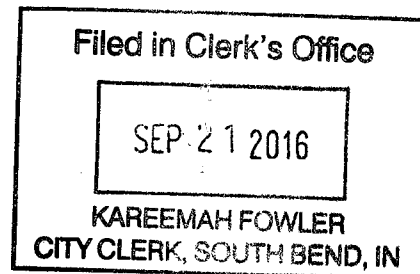
1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED







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**

---

**STATEMENT OF PURPOSE AND INTENT**

---

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

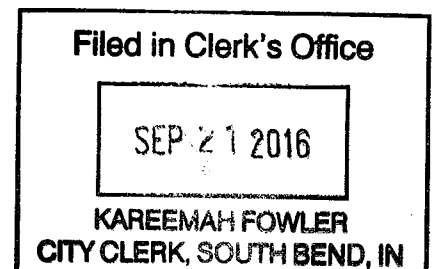
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

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

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

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

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



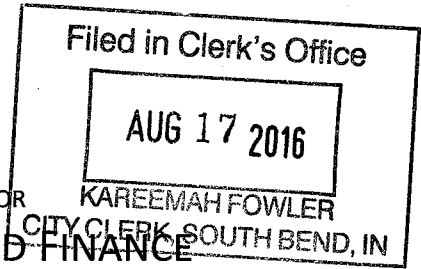


1200N COUNTY-CITY BUILDING  
227 W. JEFFERSON BLVD.  
SOUTH BEND, INDIANA 46601-1830



Bill No. 44-16

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

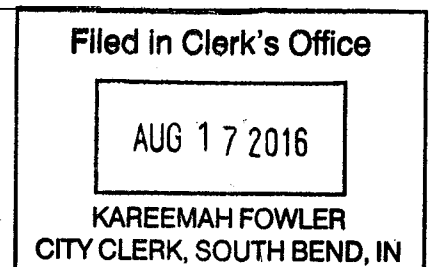
Attest:

\_\_\_\_\_  
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

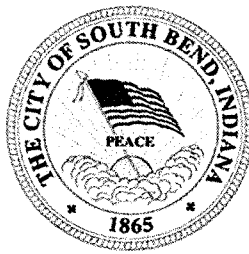


Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at  
\_\_\_\_\_ o'clock, \_\_\_\_\_.m.

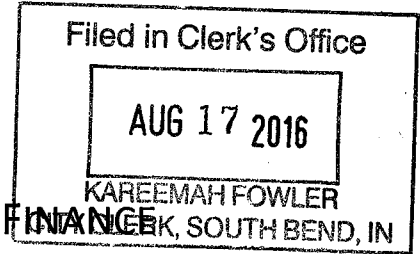
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Mayor, City of South Bend, Indiana

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

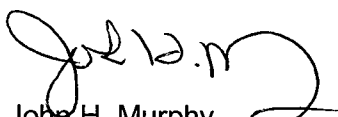
Dear Council President Scott:

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

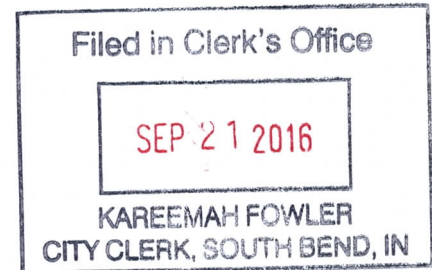


**Substitute Bill No. 46-16**  
PHONE 574/ 235-7678  
FAX 574/ 235-9928

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:

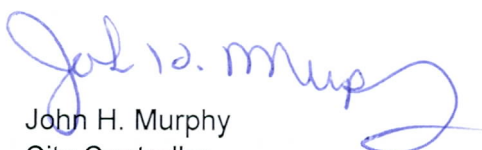
Attached herewith please find a substitute bill for consideration by the Common Council of the City of South Bend fixing the property tax rate for the City of South Bend for the fiscal year commencing January 1, 2017 and ending December 31, 2017. This tax rate will apply for property tax assessments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

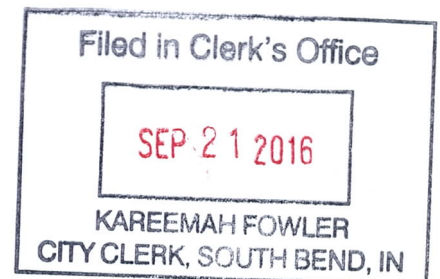
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_. m.

\_\_\_\_\_  
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







*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.

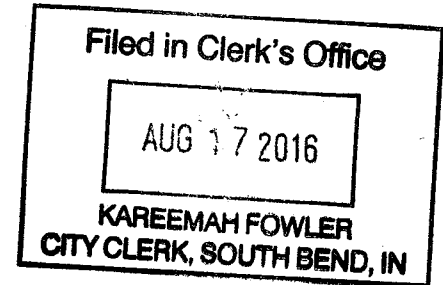
Transpo's Board of Directors will vote to approve the budget and levy on September 19, 2016. The scheduled public hearing of the budget with the South Bend Common Council is scheduled to be on September 26, 2016

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:

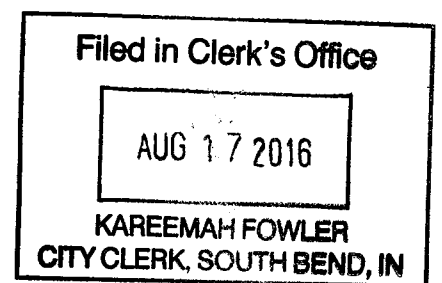
\_\_\_\_\_  
City Clerk

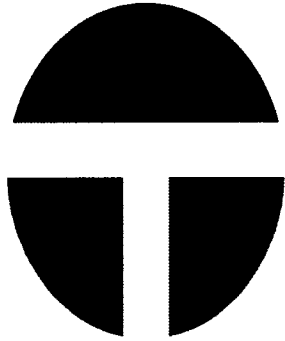
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_ .m

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

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

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



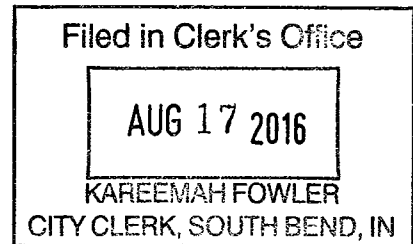


***transpo***

***south bend public  
transportation corporation***

**2017 FISCAL OPERATING & CAPITAL BUDGET**

January 1, 2017 through December 31, 2017



Prepared By  
South Bend Public Transportation

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**SOUTH BEND PUBLIC TRANSPORTATION CORPORATION**

**SOUTH BEND, INDIANA**

**2017 FISCAL YEAR BUDGET REQUEST**

**TABLE OF CONTENTS**

**BUDGET ESTIMATE FOR 2017  
PROJECTIONS / ASSUMPTIONS**

2017 Revenue Projection.....	1
2017 Expense Projection .....	2
2017 Appropriations.....	3
2017 Budget Assumptions .....	4
2017 Budget Policy Statements .....	6
2017 Budget Summaries by Category – All Accounts.....	7

# SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

## 2017 REVENUE PROJECTION

SOURCE	2017			2016			2015			% CHANGE - 2016 BUDGET VS. Actual		
	BUDGET	BUDGET	ACTUAL	BUDGET	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	2017	2015
FAREBOX	\$ 1,469,079	\$ 1,504,253	\$ 1,432,235								-2.34%	2.57%
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	\$ 19,187								-65.69%	22.48%
INTEREST INCOME	\$ 12,985	\$ 12,985	\$ 1,560								0.00%	732.57%
PROPERTY TAX	\$ 2,883,701	\$ 2,714,858	\$ 2,649,665								6.22%	8.83%
LICENSE EXCISE TAX	\$ 227,789	\$ 210,000	\$ 224,343								8.47%	1.54%
FINANCIAL INSTITUTION TAX	\$ -	\$ -	\$ -								0.00%	0.00%
OPTION INCOME TAX	\$ 433,262	\$ 462,000	\$ 463,543								-6.22%	-6.53%
STATE ASSISTANCE	\$ 2,029,483	\$ 1,984,401	\$ 1,965,891								2.27%	3.23%
FEDERAL PREVENTIVE MAINTENANCE	\$ 1,640,000	\$ 1,640,000	\$ 1,339,852.0								0%	22.40%
FEDERAL ASSISTANCE	\$ 1,875,000	\$ 1,781,866	\$ 350,000.0								5%	435.71%
LEASE PAYMENT FROM CITY	\$ 200,000	\$ 200,000	\$ 400,000.0								0%	-50.00%
<b>TOTAL</b>	<b>\$10,869,199</b>	<b>\$ 10,825,378</b>	<b>\$ 9,092,802.0</b>								<b>0.40%</b>	<b>19.54%</b>

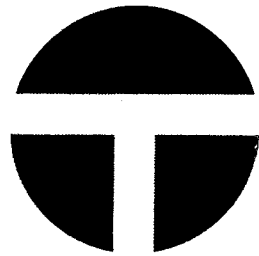
# SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

## 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	\$ 5,416,098	\$ 5,036,057	7.21%	15.30%
Fringe Benefits	\$ 2,438,603	\$ 2,275,737	\$ 1,779,273	7.16%	37.06%
Services	\$ 452,661	\$ 780,292	\$ 1,037,940	-41.99%	-56.39%
Materials & Supplies	\$ 1,029,736	\$ 1,277,033	\$ 1,740,194	-19.36%	-40.83%
Utilities	\$ 278,857	\$ 244,420	\$ 200,050	14.09%	39.39%
Insurance	\$ 230,477	\$ 230,477	\$ 193,395	0.00%	19.17%
Other Taxes	\$ -	\$ -	\$ -	N/A	N/A
Miscellaneous	\$ 132,192	\$ 121,835	\$ 151,159	8.50%	-12.55%
<b>SUB-TOTAL</b>	<b>\$ 10,369,199</b>	<b>\$ 10,345,892</b>	<b>\$ 10,138,068</b>	<b>0.23%</b>	<b>2.28%</b>
Transfer - Capital Improvements / Reserve for Liability	\$ 500,000	\$ 500,000	\$ -	0.00%	100.00%
<b>TOTAL</b>	<b>\$ 10,869,199</b>	<b>\$ 10,845,892</b>	<b>\$ 10,138,068</b>	<b>0.21%</b>	<b>7.21%</b>

**TRANSP**  
**Budgeted Appropriations**

Category	Operating Budget		Capital Budget		Total 2016 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.

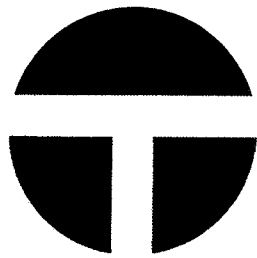
**Utilities:** Utility costs were budgeted with an increased from the 2016 forecasted levels.

**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>\$ 5,036,056</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>2015</u>	<u>2016</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>390,607</u>	<u>421,292</u>
Total	<u>\$5,574,840</u>	<u>\$ 5,806,671</u>



# TRANSPO

## 2016 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Fringe Benefits      Summary

2015 ACTUAL	<u>\$ 1,779,272</u>	2017 BUDGET REQUEST	<u>\$ 2,438,603</u>
2016 MONTHLY AVERAGE	<u>\$ 180,826</u>	2016 APPROVED BUDGET	<u>\$ 2,275,737</u>
2016 EST EXPENSE	<u>\$ 2,169,916</u>	BUDGET CHANGE	<u>\$ 162,866</u>

<u>Account Title</u>	<u>2015</u>	<u>2016</u>
FICA	\$ 426,475	\$ 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	101,256	89,805
Uniforms	47,119	47,119
Tool Allowance	4,000	4,000
Total	<u>\$2,275,737</u>	<u>\$ 2,438,603</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Services                      Summary

2015 ACTUAL	\$ 984,072	2017 BUDGET REQUEST	\$ 452,661
2016 MONTHLY AVERAGE	\$ 45,412	2016 APPROVED BUDGET	\$ 525,599
2016 EST EXPENSE	\$ 528,740	BUDGET CHANGE	\$ (72,938)

Account Title	2015	2016
Management Service Fees	\$ -	\$ -
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	47,060	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	\$ 525,599	\$ 452,661

# TRANSPO

## 2017 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Materials & Supplies Summary

2015 ACTUAL	<u>\$ 1,479,781</u>	2017 BUDGET REQUEST	<u>\$ 1,029,736</u>
2016 MONTHLY AVERAGE	<u>\$ 70,666</u>	2016 APPROVED BUDGET	<u>\$ 909,776</u>
2016 EST EXPENSE	<u>\$ 847,994</u>	BUDGET CHANGE	<u>\$ 119,960</u>

Account Title	2015	2016
Fuel & Lubricants	\$ 605,701	\$ 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	<u>\$ 909,776</u>	<u>\$ 1,029,736</u>

**2017 BUDGET SUBMISSION**

**DEPARTMENT:** Administration & Maintenance

**ACCOUNT TITLE:** Utilities

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

2015 ACTUAL	<u>\$ 209,394</u>	<b>2017 BUDGET REQUEST</b>	<u>\$ 278,857</u>
2016 MONTHLY AVERAGE	<u>\$ 22,582</u>	2016 APPROVED BUDGET	<u>\$ 244,420</u>
2016 EST EXPENSE	<u>\$ 270,980</u>	BUDGET CHANGE	<u>\$ 34,437</u>

<u>Account Title</u>	<u>2016</u>	<u>2017</u>
Electricity	\$ 98,014	\$ 98,014
Electricity-CNG	\$ 35,153	\$ 45,941
Water & Sewage	\$ 16,654	\$ 16,654
Trash Collection	\$ 5,000	\$ 5,000
Telephone	\$ 10,351	\$ 34,000
Natural Gas	\$ 79,248	\$ 79,248
	<u>                    </u>	<u>                    </u>
	Totals	
	<u>\$ 244,420</u>	<u>\$ 278,857</u>

# TRANSPO

## 2017 BUDGET SUBMISSION

**DEPARTMENT:** All

**ACCOUNT TITLE:** Insurance                  Summary

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2015 ACTUAL	<u>\$ 190,051</u>	<b>2017 BUDGET REQUEST</b>	<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>

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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>\$ 151,083</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>2015</u>	<u>2016</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

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2015 ACTUAL	<u>\$ -</u>	<b>2017 BUDGET REQUEST</b>	<b><u>\$ 500,000</u></b>
2016 MONTHLY AVERAGE	<u>\$ 41,667</u>	2016 APPROVED BUDGET	<u>\$ 500,000</u>
2016 EST EXPENSE	<u>\$ 500,000</u>	BUDGET CHANGE	<u>\$ -</u>

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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	<u>\$ 500,000</u>
Total	<u><u>\$ 500,000</u></u>

# TRANSP0

## 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>\$ 1,432,235</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>

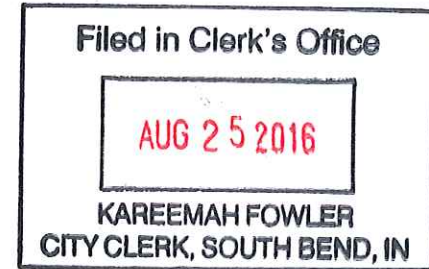
Account Title	2016	2017
Passenger Revenue	\$ 802,698	\$ 775,121
Access Passenger Revenue	51,187	49,218
Access Punch Card Revenue	73,321	88,719
Passport Revenue	166,075	152,250
Student Pass Revenue	41,130	40,560
Trippler Revenue	9,623	9,623
Two Ride Pass Revenue	-	-
Two Week Pass	90,048	99,072
One Day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

227 W. Jefferson Blvd.  
Suite 1400 S.  
South Bend, Indiana 46601-1830



Phone 574/235-9371  
Fax 574/235-9021

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



August 25, 2016

Tim Scott, President  
South Bend Common Council  
4th Floor, County-City Building

**RE: A Resolution of the Common Council of the City of South Bend, Indiana, Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of Services to an Annexation Area in German Township (Airport Authority Annexation Area)**

Dear President Scott:

I am attaching for filing the above resolution, which is a companion to Bill No. 35-16. That bill proposes to voluntarily annex contiguous territory in German Township to the City of South Bend. This resolution provides for the Common Council's approval and adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 71.3-acre annexation area contains seven parcels southwest of the St. Joseph Valley Parkway and Lincolnway West. All public improvements, if any, will be required to be done at the expense of the developer.

I request that the attached resolution be placed on the September 12, 2016, agenda of the Common Council meeting at which the companion Bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at 235-5843. Thank you.

Sincerely,

Michael P. Divita  
Planner

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

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF  
SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND  
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN  
ANNEXATION AREA IN GERMAN TOWNSHIP  
(AIRPORT AUTHORITY ANNEXATION AREA)**

**WHEREAS**, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Section I of this Resolution; and

**WHEREAS**, the territory proposed to be annexed encompasses approximately 71.31 acres of land containing residential structures and agricultural and wooded land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 27.2% contiguous, generally located southwest of the St. Joseph Valley Parkway-Lincolnway West (US 20) interchange. It is anticipated that the annexation area will be used for light industrial uses; and

**WHEREAS**, this development will require a basic level of municipal public services of a non-capital improvement nature, including police and fire protection, street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, sidewalks, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

**WHEREAS**, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6)

the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

**Section I.** It is in the best interest of the City of South Bend and the area proposed to be annexed that the following described real property located in Portage Township, St. Joseph County, Indiana be annexed to the City of South Bend:

Part of the Southwest Quarter of Section 30 and the North Half of Section 31, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as: commencing at the Northwest Corner of Said Section 31; thence South 00°06'11" West along the West Line of Said Section, 1089.99 feet to the Point of Beginning; thence North 89°42'25" East, 588.56 feet (rec. North 90°00'00" East, 588.77 feet); thence North 00°24'48" East, 355.17 feet (rec. North 00°00'00" East, 357.32 feet) to the Southwest Corner of Lot 1 of the Recorded Plat of Keller and Hall Minor Subdivision as recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 89°58'26" East along the South Line of Said Lot 1, 553.41 feet (rec. South 89°47'33" East, 553.56 feet) to the Southeast Corner of Said Lot 1; thence North 01°42'52" West, 457.16 feet to the Northwest Corner of Lot 2A of the recorded plat of Cascino Minor Subdivision as recorded by Document Number 9125343; thence along Said Lot 2A for the next four (4) courses, North 89°26'08" East, 353.28 feet (rec. North 89°27'57" East, 351.36 feet), and North 02°09'38" West, 129.92 feet (rec. North 02°07'49" West, 129.92 feet), and North 54°49'19" West, 313.42 feet (rec. North 54°47'30" West, 313.42 feet), and North 28°33'11" East, 27.89 feet (rec. North 28°35'00" East, 27.8 feet) to the Southerly Right-of-Way Line of U.S. Highway 20; thence North 00°00'00" East, 285 feet more or less to the North Right-of-Way Line of Said U.S. Highway 20; thence South 55°25'02" East, along said North Line, 660 feet more or less to the present City of South Bend Corporate Limit Line; thence South 28°33'11" West, 180 feet along Said Line to the South Right-of-Way Line of U.S. Highway 20; thence along said South Line, South 55°25'02" East, 300 feet more or less to a point of intersection with the West Right-of-Way Line of the U.S. 20 By-Pass (a.k.a. St. Joseph Valley Parkway); thence along said Westerly Right-of-Way Line for the next eight (8) courses; South 38°08'20" East, 139.58 feet, and South 28°56'12" East, 935.25 feet, and South 01°44'02" East, 55.85 feet (rec. South 00°00'00" East, 48.00 feet) to a point on the North Line of the South ½ of the Northwest Quarter of Said Section 31, and South 89°53'51" East along Said North Line, 14.92 feet, and North 01°36'33" West, 14.68 feet, and South 29°41'47" East, 653.16 Feet (rec. South 33°00'50" East, 675.32 feet) and South 09°41'15" East, 409.58 feet (rec. South 08°47'10" East, 409.58 feet), and South 04°05'20" East, 376.16 feet (rec. South 03°11'15" East, 376.16 feet) to the East and West Quarter Line of Said Section 31; thence North 89°46'55" West, 381.54 feet (rec. North 89°46'55" West, 427.96 feet) to the center of Said Section as monumented, also being the Southeast Corner of Lot 3 of the recorded plat of R.M. Lynch Minor

Subdivision as recorded by Document Number 8800527 in the Office of the Recorder of St. Joseph County, Indiana; thence North 01°36'33" West along the North and South Quarter Line of Said Section 31, and the East Line of Said Lot 3, 949.65 feet to the Northeast Corner of Said Lot 3; thence North 89°49'54" West along the North line of Said Lot 3, and its Westerly extension, 2535.42 feet (rec. North 89°56'27" West) to the West Right-of-Way line of Pine Road; thence North 00°06'11" East, along Said West Line, 616.06 feet; North 89°42'25" East, 30 feet more or less to the Point of Beginning. Containing 71.73 acres more or less. Subject to legal right-of-ways, easements, and restrictions of record.

**Section II.** It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

**Section III.** The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions and any improvements in sewer or water capacity to be paid for by the developer in compliance with state and local law; that the developer will create a surface water pollution prevention plan and obtain a storm water discharge permit prior to disturbing the land; that the City can provide basic street lighting with expenses for additional or decorative lighting to be paid by the developer with possible maintenance and operation of additional lighting by the City from property tax revenue; and that no new roads or streets will be required, but for any new streets internal to the site or upgrades to Pine Road infrastructure, including sidewalks, construction costs shall be at the owner or developer's expense.

**Section IV.** Site planning should employ Complete Streets principles; and sidewalks should be provided along public streets and be in compliance with the Americans with Disabilities Act (ADA). Any new streets installed as the site develops should provide access and connectivity throughout the annexation area. To the extent possible, mature trees and other natural features of the Annexation area should be retained, especially along the site's perimeter.

**Section V.** It is required as a condition of annexation that any future alterations to the property meet the City of South Bend's building and zoning requirements.

**Section VI.** This Resolution shall be effective from and of the date of adoption by the Common Council.

---

Member, South Bend Common Council

~~PRESENTED~~  
~~NOT APPROVED~~  
~~ADOPTED~~

Filed in Clerk's Office  
AUG 25 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

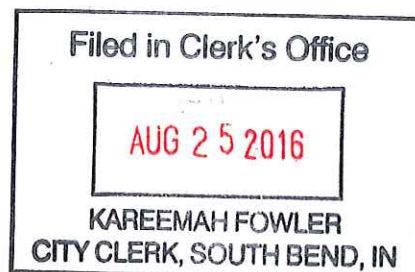
Exhibit "A"

THE CITY OF SOUTH BEND

# FISCAL PLAN

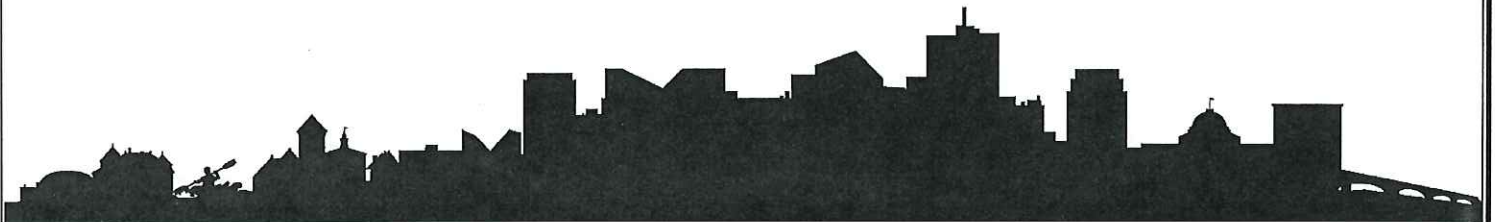
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# AIRPORT AUTHORITY ANNEXATION AREA



Prepared by  
City of South Bend  
Department of Community Investment  
227 W. Jefferson Blvd., Suite 1400S  
South Bend, IN 46601

August 8, 2016



**TABLE OF CONTENTS**

**SECTION I. INTRODUCTION.....3**

**SECTION II. GENERAL DATA.....3**

- A. Location
- B. Legal Description
- C. Contiguity
- D. Size of Annexation Area
- E. Buildings & Land Use
- F. Zoning & Subdivisions
- G. Population
- H. Tax Rate & Impact
- I. Parcel Ownership & Assessments
- J. Municipal Legislative District
- K. Hiring Plan

**SECTION III. MUNICIPAL SERVICES.....6**

- A. Public Works
- B. Police Department
- C. Fire Department & EMS
- D. Code Enforcement
- E. Environmental Services
- F. Administrative Services

**SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA.....11**

**SECTION V. FISCAL IMPACT.....12**

Fiscal Impact: TABLE 1

**SECTION VI. APPROVAL.....14**

Legal Description .....15

Map: MAP 1 .....16



**SECTION I. INTRODUCTION**

This Fiscal Plan represents the City of South Bend’s (hereinafter, “City”) policy for the annexation of property in German Township, St. Joseph County, Indiana (hereinafter, “Annexation Area”), and was developed through the cooperative efforts of the Area Plan Commission and the following City Departments:

- Legal Department
- Department of Public Works
- South Bend Fire Department
- South Bend Police Department
- Department of Code Enforcement
- Department of Community Investment
- Department of Administration & Finance

**SECTION II. GENERAL DATA**

**A. Location**

The Annexation Area is located southwest of the St. Joseph Valley Parkway-Lincolnway West (US 20) interchange. See *Map 1*.

**B. Legal Description**

The Annexation Area is part of the Southwest Quarter of Section 30 and the North Half of Section 31, Township 38 North, Range 2 East, in German Township, St. Joseph County, Indiana. For a complete legal description, see Page 15.

**C. Contiguity**

The Annexation Area is at least 1/8 (12.5%) contiguous to the current City limits:

<i>Contiguous</i>	3,079.18 feet	27.2%
<i>Non-Contiguous</i>	<u>8,236.48 feet</u>	<u>72.8%</u>
<i>Total</i>	11,315.66 feet	100%

**D. Size of Annexation Area**

The Annexation Area is approximately 71.31 acres in area.

**E. Buildings & Land Use**

The Annexation Area contains two vacant residential structures and crop and wooded land. Light industrial uses are proposed for the land.

**F. Zoning & Subdivisions**

The seven properties in the Annexation Area are currently zoned “A” Agricultural District (three properties) and “M” Manufacturing Industrial District (four properties) in St. Joseph County. With the annexation petition, the petitioner is seeking to rezone all parcels to “LI” Light Industrial District in the City. Two of the parcels fall within the Cascino Second Minor Subdivision, while the other five parcels do not fall within any subdivision of record.

**G. Population**

No people currently reside in the Annexation Area. After development, no residents are proposed to live in the Annexation Area.

**H. Tax Rate & Impact**

The tax rates used are those of 2015 payable 2016. The total tax rate for unincorporated German Township is 2.7478 per \$100 of taxable real estate. The total tax rate for South Bend German Township is 6.0342 per \$100 of taxable real estate.

Per State law, the tax caps expressed as a percentage of the gross assessed value for different classifications of property are as follows, regardless of the property’s location being within South Bend or unincorporated St. Joseph County:

<i>Property Type</i>	<i>Cap</i>
Homestead Residential	1.0%
Non-Homestead Residential	2.0%
Agricultural	2.0%
Other (Commercial)	3.0%

For at least the four years after the effective date of the annexation, the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments are estimated to be approximately the same as those in effect at the time of annexation for each of the political subdivisions to which the proposed annexation applies.

Because of the relatively small size of the Annexation Area and its assessed value relative to the total size and tax base of the various political subdivisions, this annexation is expected, for at least four years after the effective date of this annexation, to have a negligible impact on the finances and tax revenues of South Bend and other political subdivisions to which the

proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

**I. Parcel Ownership & Assessments**

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
04-1021-035110	54270 Pine Road	St. Joseph County Airport Authority	\$0
04-1021-035201	24700 US 20	St. Joseph County Airport Authority	\$0
04-1021-035202	24650 US 20	St. Joseph County Airport Authority	\$0
04-1021-035301	24632 US 20	St. Joseph County Airport Authority	\$0
04-1021-035302	N/A	St. Joseph County Airport Authority	\$0
04-1021-035303	22965 US 20	St. Joseph County Airport Authority	\$0
04-1021-036004	US 20	St. Joseph County Airport Authority	\$0

*Total Assessments*

Land: \$0  
 Improvements: \$0  
 Total (Gross): \$0  
 Total (Net): \$0

Note: Assessments are not available for these properties because they are owned by the government.

Assessments are based on 2015 payable 2016 St. Joseph County property tax records.

**J. Municipal Legislative District**

The Annexation Area will be in the 1st District.

**K. Hiring Plan**

This annexation is not anticipated to result in the elimination of jobs for employees of any other governmental entities. The German Township Trustee has been notified of this proposed annexation.

### SECTION III. MUNICIPAL SERVICES

#### A. Public Works

*Sewer* – A 24"-diameter sanitary sewer pipe runs along the east side of Pine Road about 3,000 feet south of the Annexation Area. This pipe likely has adequate capacity for the Annexation Area but would have to be extended to the northern limit of the Annexation Area at the developer's cost. Another sanitary sewer is located on the south side of US 20 at Poppy Road, approximately 4,500 feet west of the Annexation Area. A complete sewer service analysis can be completed when the scope of development for the Annexation Area is better known.

Development of the site requires City approval of a drainage plan that meets the City's requirement to store on site all runoff from developed areas. The petitioner will also be required to create a surface water pollution prevention plan and obtain a Stormwater Discharge Permit prior to disturbing land.

*Water* - The South Bend Water Works currently has a 16" water main on the west side of Pine Road that runs along US 20 (Lincolnway West) to continue north along the west side of Olive Road. The water main will provide more than adequate capacity for the Annexation Area.

Extensions of, or taps into sanitary sewer and water lines shall be governed by I.C. 36-9-22-2, I.C. 8-1.5-3 and 4, and the rules and regulations of the South Bend Water Works and Sewer Utility.

*Street Lighting* – Street lighting is provided along US 20 (Lincolnway West) within the Annexation Area. As necessary, any additional street lighting on wood poles with overhead wiring can be provided through an ongoing contract with Indiana Michigan Power at a capital cost of \$5,000 or less. If the developer wishes to construct and dedicate additional street lighting, especially of a decorative nature or with underground wiring, the City may accept it for maintenance and operation, supported by property tax revenue.

*Waivers of Annexation* – No waivers of right to remonstrate against annexation are in effect for this area.

*Streets* – This annexation would add approximately 660 feet of Lincolnway West (US 20) and 616 feet of Pine Road to the City. Following annexation, US 20 will continue to be maintained by the Indiana Department of Transportation. An INDOT permit will be required for any new driveway approaches to private property.

Any construction costs for any new streets internal to the site or upgrades to Pine Road infrastructure, including sidewalks, shall be at the developer's cost. No public capital expenditures for sweeping or snow removal equipment are anticipated.

2015 Actual Budget Report for the Department:

Expenditures:	\$16,966,846
Miles of Roadway in City:	@501.0
Cost per Mile:	@\$33,866
New Mileage within Area:	@0.12 miles (616 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$4,064

**B. Police Department**

The Annexation Area would be added to the existing Beat 24. Police patrols, traffic enforcement, and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

At this time, it is not expected that this annexation would cause calls for service to increase significantly, and it is not anticipated that it will be necessary to increase police patrols beyond the existing beat patrol. The addition of this Annexation Area will not significantly increase response time within the beat.

The cost for servicing the proposed area is not expected to impact the existing budget of the Police Department with any significance. The patrol costs would be assumed by the Police Department budget. However, this area, as well as all other areas of the City, will continually be monitored for level of service demands and other criteria that would necessitate additional resources through budgetary increases or possible shifting of existing resources, such as a beat restructure.

Police services and response time in this area can be expected to be comparable with that as in all other areas of the City. Police coverage to this area could begin immediately upon annexation.

*Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.*

2015 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$38,915,794
Number of Households in City (2010):	@39,760
Cost per Household:	@\$979
Number of Parcels in City (2016):	@48,190
Cost per Parcel:	@\$808
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$5,656 (7 parcels x \$808 / parcel)

**C. Fire Department & EMS**

*Fire Response* – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #6, located at 4302 Western Avenue, approximately 4.4 miles away. Approximate response time for a non-emergency call is eight minutes. Additional Fire Department units would respond from Fire Station #4 at 220 N. Olive Street, which is approximately 4.7 miles away, and Fire Station #11 at 3505 N. Bendix Drive, which is approximately 4.4 miles away.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as development takes place.

*Emergency Medical Response* – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Medics #4 and #5, which are both at Fire Station #4, located at 220 N. Olive Street (approximately 4.7 miles away), and Medic #11, which is at Fire Station #11, located at 3505 N. Bendix Drive (approximately 4.4 miles away).

Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Emergency medical services are supported by user fees and would be available upon annexation.

*Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.*

2015 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$32,662,107
Number of Households in City (2010):	@39,760
Cost per Household:	@\$821
Number of Parcels in City (2016):	@48,190
Cost per Parcel:	@\$678
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$4,746 (7 parcels x \$678 / parcel)

**D. Code Enforcement**

The Annexation Area will be added to Area 8. The Department of Code Enforcement will be able to provide services to the Annexation Area with comparable response times. The Department will respond to calls for service upon the effective date of the annexation. Full

and dedicated response will be in place within one year of the effective date of the annexation.

2015 Actual Budget Report for the Department:

Expenditures:	\$6,096,903
Number of Parcels in City (2016):	@48,190
Cost per Parcel:	@\$127
Proposed Number of Parcels in Area:	7
Cost for Annexation Area per year:	\$889 (7 parcels x \$127 / parcel)

**E. Environmental Services**

*Wastewater Treatment* - Wastewater treatment services are supported by user fees, and are paid through the Water Works billing system.

*Solid Waste* – Larger scale commercial or industrial customers are generally not served by the Bureau of Solid Waste. However, the Bureau of Solid Waste is able to provide service to small commercial customers at \$13.82 per month (increasing to \$16.22 per month in 2017), or the prevailing rate at that time, for a 96-gallon container with service beginning on the effective date of the annexation.

**F. Administrative Services**

The City of South Bend provides a wide range of services other than those noted above, such as the Mayor’s Office, the Legal Department, and Parks & Recreation.

These services are available upon the effective date of the annexation. Full and dedicated response for non-capital services will be in place within one year of the effective date of the annexation. Costs for these services have not been calculated.

The incorporation of the Annexation Area will not affect the provision of other services currently provided to this property on a countywide basis. The St. Joseph County Health Department, the St. Joseph County Public Library, the Area Plan Commission, and the St. Joseph County/South Bend Building Department are among the countywide agencies that will continue to provide the same type and level of services to the Annexation Area.

Countywide services will continue to be supported by the County and Township taxes that will remain in effect.



**SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA**

This proposed annexation will add largely agricultural and wooded land to the City of South Bend. The petitioner proposes the land be developed for light industrial uses. The Annexation Area is presently zoned "A" Agricultural District and "M" Manufacturing Industrial District in unincorporated St. Joseph County. Residential properties zoned "R" Single Family District in unincorporated St. Joseph County are located to the north. To the east, across the St. Joseph Valley Parkway, are wooded residential properties zoned "M" Manufacturing Industrial District and "R" Single Family District in unincorporated St. Joseph County and South Bend International Airport, zoned "LI" Light Industrial District in the City. To the south is agricultural and wooded land zoned "M" Manufacturing Industrial District in unincorporated St. Joseph County. To the west is a mix of uses, including commercial structures, residences, and wooded land zoned "C" Commercial District, "M" Manufacturing Industrial District, and "R" Single Family District in unincorporated St. Joseph County.

The Annexation Area is located just southwest of the Lincolnway West interchange with the St. Joseph Valley Parkway. With its proximity to the airport, the St. Joseph Valley Parkway, and the Indiana Toll Road, the land may be attractive for light industrial, distribution, and commercial uses. The future land use map in *City Plan*, South Bend's comprehensive plan, identifies this area for light industrial development.

Any new streets installed as the site develops should provide access and connectivity throughout the Annexation Area for a full range of users. To the extent possible, mature trees and other natural features of the Annexation Area should be retained, especially along the site's perimeter.

Any improvements or future changes must meet the City's applicable building, zoning, and subdivision ordinances.

**SECTION V. FISCAL IMPACT**

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on a combination of 2015 payable 2016 tax information, taxes paid in previous years by comparable development, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

**TABLE 1**  
**Summary Table – Estimated Fiscal Impact**

<b>Expenditures</b>	<b>Capital (Est.)</b>	<b>Non-Capital Per Year (Est.)</b>	<b>Notes</b>	<b>5-Year Total</b>
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$4,064		\$20,320
Police	\$0	\$5,656		\$28,280
Fire	\$0	\$4,746		\$23,730
Code	\$0	\$889		\$4,445
<b>Approximate 5-Year Expenditures</b>				<b>\$76,775</b>

<b>Revenues</b>	<b>Notes</b>	<b>Total (Est.)</b>	<b>5-Year Total</b>
Property Taxes (to City)	Year 1	\$0	\$111,885
	Year 2	\$0	
	Year 3	\$12,666	
	Year 4	\$12,666	
	Year 5	\$86,553	
MVH/LRSA	Estimated at revenue per mile of \$22,700	\$2,724	\$13,620
<b>Approximate 5-Year Revenues</b>			<b>\$125,505</b>

Revenue estimate based on government ownership in the first two years; \$600,000 net assessment and capped tax rate of 3% of \$600,000 gross assessment in Years 3 and 4; and \$4,100,000 net assessment and capped tax rate of 3% of \$4,100,000 gross assessment, first taxable in Year 5.

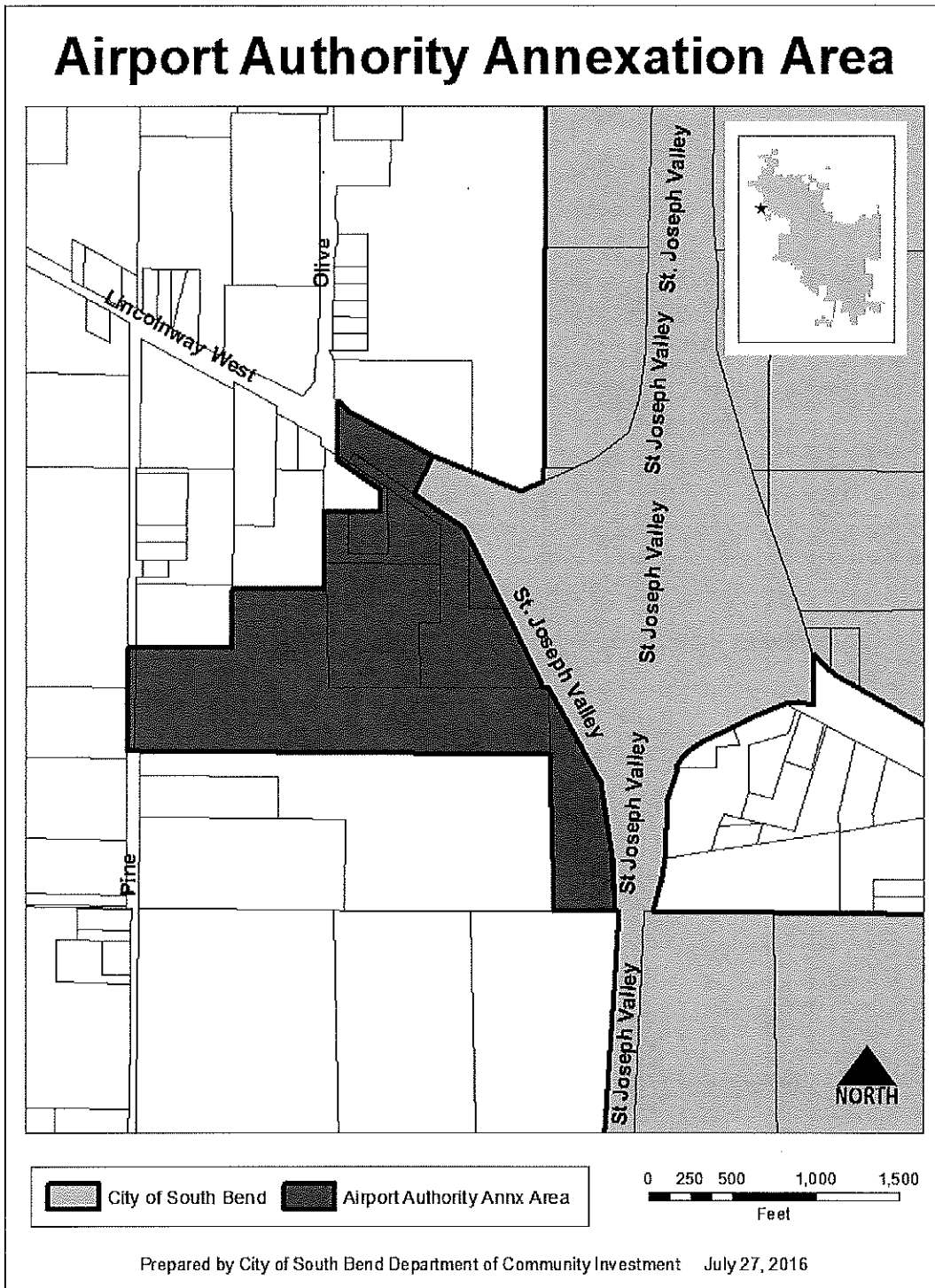
**SECTION VI. APPROVAL**

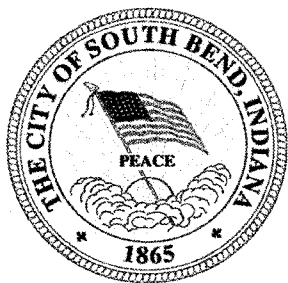
Approved by the City of South Bend Common Council this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

**LEGAL DESCRIPTION**

Part of the Southwest Quarter of Section 30 and the North Half of Section 31, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as: commencing at the Northwest Corner of Said Section 31; thence South 00°06'11" West along the West Line of Said Section, 1089.99 feet to the Point of Beginning; thence North 89°42'25" East, 588.56 feet (rec. North 90°00'00" East, 588.77 feet); thence North 00°24'48" East, 355.17 feet (rec. North 00°00'00" East, 357.32 feet) to the Southwest Corner of Lot 1 of the Recorded Plat of Keller and Hall Minor Subdivision as recorded in the Office of the Recorder of St. Joseph County, Indiana; thence South 89°58'26" East along the South Line of Said Lot 1, 553.41 feet (rec. South 89°47'33" East, 553.56 feet) to the Southeast Corner of Said Lot 1; thence North 01°42'52" West, 457.16 feet to the Northwest Corner of Lot 2A of the recorded plat of Cascino Minor Subdivision as recorded by Document Number 9125343; thence along Said Lot 2A for the next four (4) courses, North 89°26'08" East, 353.28 feet (rec. North 89°27'57" East, 351.36 feet), and North 02°09'38" West, 129.92 feet (rec. North 02°07'49" West, 129.92 feet), and North 54°49'19" West, 313.42 feet (rec. North 54°47'30" West, 313.42 feet), and North 28°33'11" East, 27.89 feet (rec. North 28°35'00" East, 27.8 feet) to the Southerly Right-of-Way Line of U.S. Highway 20; thence North 00°00'00" East, 285 feet more or less to the North Right-of-Way Line of Said U.S. Highway 20; thence South 55°25'02" East, along said North Line, 660 feet more or less to the present City of South Bend Corporate Limit Line; thence South 28°33'11" West, 180 feet along Said Line to the South Right-of-Way Line of U.S. Highway 20; thence along said South Line, South 55°25'02" East, 300 feet more or less to a point of intersection with the West Right-of-Way Line of the U.S. 20 By-Pass (a.k.a. St. Joseph Valley Parkway); thence along said Westerly Right-of-Way Line for the next eight (8) courses; South 38°08'20" East, 139.58 feet, and South 28°56'12" East, 935.25 feet, and South 01°44'02" East, 55.85 feet (rec. South 00°00'00" East, 48.00 feet) to a point on the North Line of the South ½ of the Northwest Quarter of Said Section 31, and South 89°53'51" East along Said North Line, 14.92 feet, and North 01°36'33" West, 14.68 feet, and South 29°41'47" East, 653.16 Feet (rec. South 33°00'50" East, 675.32 feet) and South 09°41'15" East, 409.58 feet (rec. South 08°47'10" East, 409.58 feet), and South 04°05'20" East, 376.16 feet (rec. South 03°11'15" East, 376.16 feet) to the East and West Quarter Line of Said Section 31; thence North 89°46'55" West, 381.54 feet (rec. North 89°46'55" West, 427.96 feet) to the center of Said Section as monumented, also being the Southeast Corner of Lot 3 of the recorded plat of R.M. Lynch Minor Subdivision as recorded by Document Number 8800527 in the Office of the Recorder of St. Joseph County, Indiana; thence North 01°36'33" West along the North and South Quarter Line of Said Section 31, and the East Line of Said Lot 3, 949.65 feet to the Northeast Corner of Said Lot 3; thence North 89°49'54" West along the North line of Said Lot 3, and its Westerly extension, 2535.42 feet (rec. North 89°56'27" West) to the West Right-of-Way line of Pine Road; thence North 00°06'11" East, along Said West Line, 616.06 feet; North 89°42'25" East, 30 feet more or less to the Point of Beginning. Containing 71.73 acres more or less. Subject to legal right-of-ways, easements, and restrictions of record.

MAP 1





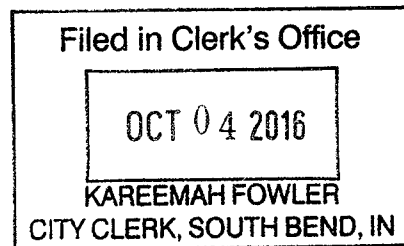
Mayor Pete Buttigieg



Aaron Perri, Executive Director

September 30, 2016  
Mr. Tim Scott, President  
South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend IN 46601

RE: Parking Garage Rate Changes



Dear President Scott,

Attached for the Common Council's consideration is a resolution that coincides with the Board of Public Works recently passed resolution introducing a new rate structure in the downtown parking garages. This resolution approves and adopts two new discounted rate categories, increases monthly subscription rates, and standardizes the hourly rates across the city.

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.

Parking fees have not been adjusted since 2008, the longest period without an increase in more than 35 years. Approving this resolution will result in an improved parking program to meet the changing needs of downtown. It will also make available an additional \$213,000 annually to be used for capital needs within the garages.

Thank you for your consideration. Aaron Perri will attend the Committee and Council meeting to address any questions.

Cordially,

  
Aaron Perri

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

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING PARKING RATES, CHARGES, AND RULES FOR PUBLICLY-OWNED PARKING FACILITIES IN THE CITY OF SOUTH BEND, INDIANA**

**WHEREAS**, pursuant to Ind. Code 36-9-11-7, on September 27, 2016, the Board of Public Works of the City of South Bend, Indiana, adopted its Resolution No. 42-2016, attached hereto as Exhibit A (the "BPW Resolution"), establishing certain rates, charges, and rules for the use and operation of publicly-owned parking facilities located in the City of South Bend; and

**WHEREAS**, the Common Council desires to approve the rates, charges, and rules stated in the BPW Resolution, in accordance with Ind. Code 36-9-11-7(a).

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

Section I. The rates, charges, and rules set forth in the BPW Resolution are approved and shall be effective on the date stated in the BPW Resolution.

Section II. The approval of rates, charges, and rules stated herein supersedes all prior ordinances and resolutions of the Common Council approving rates, charges, and rules for publicly-owned parking facilities, including, without limitation, Ordinance Nos. 9845-08 and 9397-03.

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.

\_\_\_\_\_  
Member, Common Council

4000.0000013 33568789.003

PRESENTED  
NOT APPROVED  
ADOPTED

Filed in Clerk's Office  
OCT 04 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



**EXHIBIT A**

Board of Public Works Resolution No. 42-2016

[See attached.]

**RESOLUTION NO. 42-2016**

**A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS  
ESTABLISHING PARKING RATES FOR PUBLICLY OWNED PARKING  
FACILITIES IN THE CITY OF SOUTH BEND, INDIANA**

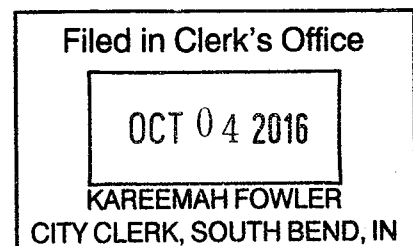
WHEREAS, Ind. Code 36-9-11-7 authorizes the Board of Public Works (the "Board") to fix the rates and charges to be collected for the parking of vehicles in parking facilities owned and operated by the City of South Bend (the "City"), or for any other use of those parking facilities, and to adopt rules governing the use and operation of the parking facilities so as to promote the maximum use of the parking facilities by the public in a safe, orderly, and efficient manner; and

WHEREAS, the Board desires to establish the rates, charges, and rules set forth herein and will submit the same for approval by the South Bend Common Council in accordance with Ind. Code 36-9-11-7(a).

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND BOARD OF PUBLIC WORKS AS FOLLOWS:

1. The following monthly parking rates will be charged for vehicles parked at City-operated garages with a monthly parking pass:

	<u>Old Rate</u>	<u>New Rate</u>
A. Standard Monthly Pass (per vehicle for parking in spaces not designated as reserved)	\$45.00	\$55.00
B. Premium Monthly Pass (per vehicle for parking in spaces designated as reserved)	\$55.00	\$90.00
C. Part-Time Monthly Pass (per vehicle for parking in designated part-time spaces for a total of no more than 25 hours per week)	None	\$30.00
D. Residential Monthly Pass (per vehicle for parking in designated residential spaces, limited to users residing within the boundary of the Central Business District as defined in accordance with South Bend Municipal Code Section 21-01.02, as the same may be amended from time to time)	None	\$40.00



2. The following hourly parking rates will be charged for vehicles parked at City-operated garages without a monthly parking pass:

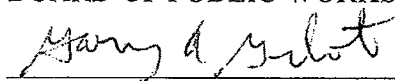
	<u>Old Rate</u>	<u>New Rate</u>
< 2 Hours	\$0.00	\$0.00
2-3 Hours	\$3.00	\$4.00
3-4 Hours	\$4.00	\$6.00
5-8 Hours	\$5.00	\$8.00
> 8 Hours	\$5.00	\$10.00
Nights/Weekends	\$0.00	\$0.00
Special Events	\$5.00	\$5.00

3. Permitting access to City-operated facilities, designating parking spaces in City-operated facilities for particular parking purposes, issuing or renewing parking passes for parking in City-operated facilities, and all other functions incidental to managing City-operated parking facilities lie in the sole discretion of the Board of Public Works or its designee. Unless otherwise designated, parking spaces in the City-operated facilities will be allocated to users on a first-come, first-served basis. In the event the demand for parking spaces exceeds the supply of parking spaces in the City-operated facilities, priority for parking spaces in the City-operated facilities will be given to users who pay for a monthly pass, provided payment is timely and current. Each monthly parking pass will be designated for use in only one (1) City-operated facility. Each holder of a monthly parking pass must register his or her vehicle by completing a vehicle identification form and must prominently display the monthly parking pass in the registered vehicle at all times when parked in the City-operated facility.

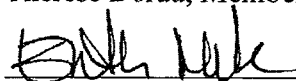
4. The effective date of the rates, charges, and rules established in this Resolution will be January 1, 2017, conditioned upon approval by the South Bend Common Council in accordance with Ind. Code 36-9-11-7(a).


ADOPTED at a meeting of the South Bend Board of Public Works held on September 27, 2016, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND  
BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Gary Gilot, President

  
\_\_\_\_\_  
Therese Dorau, Member

  
\_\_\_\_\_  
Elizabeth Maradik, Member

  
\_\_\_\_\_  
James Mueller, Member

  
\_\_\_\_\_  
David Relos, Member

ATTEST:  
  
\_\_\_\_\_  
Linda Martin, Clerk



# DHIA

## ***Danch, Harner & Associates, Inc.***

Land Surveyors    ■    Professional Engineers

Landscape Architects    ■    Land Planners

Office: (574)234-4003 / (800)594-4003    ■    Fax: (574)234-4009

1643 Commerce Drive    ■    South Bend, IN 46628

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

October 3, 2016

RE: Rezoning Petition for 427 and 437 Corby Boulevard and 913 Lawrence Street,  
South Bend, Indiana 46617.

Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for the properties located at 427 and 437 Corby Boulevard and 913 Lawrence Street, South Bend, Indiana 46617.

This requested Rezoning would allow for the approval of a single family attached townhome development to be built as shown on the attached site plan. The proposed site improvements would include the construction of single family townhomes which would have frontage along both Corby Boulevard and Lawrence Street.

Our clients believe the improvements proposed for the properties would be a compatible use in the surrounding mixed use neighborhood.

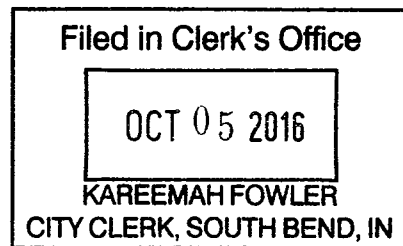
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch  
President  
Danch, Harner & Associates, Inc.

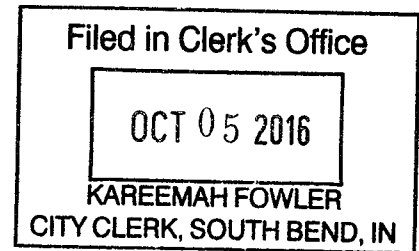
File No. 160204 "C" Md



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) - 427 and 437 Corby Boulevard and 913 Lawrence Street, South Bend, Indiana 46617.*
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):018-5111-3975, 018-5111-3976, 018-5111-3972.*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 0.72 Acres.*
- 5) Name and address of property owner(s) of the petition site:  
*DAMSHA BUA LLC  
4404 Technology Drive  
South Bend, Indiana 46628  
Ph. No. 574-277-0116  
E-Mail Address N/A*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*N/A*

Name and address of additional property owners, if applicable:

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

From: SF2 Single Family Two Family District N/A

To: MF1 Urban Corridor Multifamily District

- 8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Residential Uses.*

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

- 1) *List each variance being requested. See attached.*
- 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: *See Attached*

- (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: *See Attached*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *See Attached*

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: *N/A*
- 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:
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein:
  - (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:
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

\* 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:

*Name: Danch, Harner & Associates, Inc.  
 Address: 1643 Commerce Drive  
 South Bend, Indiana 46628  
 574-234-4003 mdanch@danchharner.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):

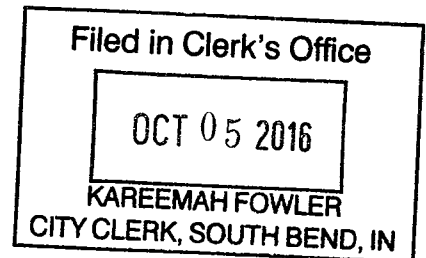
*Amy M Zappia*  
 \_\_\_\_\_  
*Anthony M. Zappia - Attorney*  
 \_\_\_\_\_  
*52582 S.R. 933 North*  
 \_\_\_\_\_  
*South Bend, IN 46635*  
 \_\_\_\_\_  
*574-277-8720*

LEGAL DESCRIPTION:

*THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: A PART OF LOT # 151 OF THE PLAT OF "SORIN'S SECOND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT # 151; THENCE N.90°00'00" W. ALONG THE SOUTH LINE OF SAID LOT AND THE NORTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD A DISTANCE OF 158.94 FEET MORE OR LESS TO THE EAST LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE N. 00°00'00"W. ALONG SAID EAST LINE A DISTANCE OF 198.00 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE S. 90°00'00" E. ALONG SAID SOUTH LINE A DISTANCE OF 159.29 FEET TO THE WEST LINE OF LAWRENCE STREET; THENCE ALONG SAID WEST LINE, S. 00°00'00" E., A DISTANCE OF 198.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.*

*CONTAINING 0.72 ACRES MORE OR LESS.*

*SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.*





Requested Variances:

- 1). From the required minimum 6 ft. side yard setback to 5 ft.;
- 2). For projects containing two or buildings; From the minimum required 6 ft. interior side yard to 2 ft.;

Requested NNZO Variances:

- 1). From the requirement that the height and massing of new multi-family buildings shall be no more than twice the massing of the immediately abutting *building*, including buildings on the same *lot to a maximum of seven times*.
- 2). From the requirement that Mechanical equipment shall not be located along primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping.
- 3). From the requirement that Driveways shall be no more than twelve feet (12') wide at front property line to a maximum of 20 ft.

Requested Variance information:

The owners are in the process of developing the petition site to have a total of Nine (9) single-family attached townhomes. Six townhomes would face Corby Boulevard and three would face Lawrence Street. Access to the site would be off of existing public alleys which are located on the North and West sides of the site. Also shown is a single driveway with access onto Lawrence Street. This site also is located in the NNZO Overlay district neighborhood.

The owner's representative meet with the Area Plan Commission staff to review the project and the process required for allowing the development to be approved as proposed. Based on that meeting it was determined that the best way to proceed with the project would be to request a rezoning of the property to the "MF1" Urban Corridor Multifamily zoning classification. This would allow for the proposed Townhomes. As part of the rezoning process a few variances would also be required for the project as shown.

More specifically the owners are requesting: A Variance from the required minimum 6 ft. side yard setback to 5 ft. The MF1 zoning requires a 6 foot setback along the project boundaries. The owners would like to add some architectural character to the townhomes, which is shown as having a bay type window on the side of the building façade. Only a small portion of the building would encroach 1 foot into the setback. The owners do not believe this small encroachment for a window would have a negative impact on any surrounding property. The window location is oriented towards the existing public alleys.

The second Variance request for projects containing two or buildings and the request is from the minimum required 6 ft. interior side yard to 2 ft. The two buildings along Corby Street are separated at the closest point by 4 foot. The requirement is for yards to be 6 ft. wide and they cannot overlap. The intent was to keep the yard areas along the perimeter of the project as large as possible. The owners do not believe approval of this request on an interior portion of the project site would have a detrimental effect on any adjacent property.

The owners are also requesting Variances from certain sections of the NNZO. More specifically the following are being requested: From the requirement that the height and massing

of new multi-family buildings shall be no more than twice the massing of the immediately abutting *building*, including buildings on the same *lot to a maximum of seven times*. This request is needed due to the existing homes which are located to the West and North of the project site. Those homes are some of the original dwellings which were built several decades ago on smaller lots. The intent is to add new single family attached homes in the neighborhood. There are a variety of sizes of homes in the area from one story modest dwelling to large two story homes. The homes closest to the project site are on the small to modest size. In order to provide affordable homes that meet a demand for the area the proposed single family townhomes are built with common walls. This type of housing based on the ordinance creates a larger overall massing than existing detached homes on smaller lots. The proposed project will blend with the mixture of dwelling styles, sizes and architecture in existence. The owners do not believe the approval of the proposed new dwellings will have a negative impact in the neighborhood.

The next request is from the requirement that Mechanical equipment shall not be located long primary and secondary street frontages to being allowed but shall be screened from the street by fencing or landscaping. Due to the project being located on a corner with homes facing both streets there will be a situation where the placement of mechanical equipment may be seen from one of the street frontages. The owners would mitigate this by placing a screening fence and or landscaping to create a visual barrier to eliminate a direct view of any mechanical equipment from a street. The owners do not believe approval of this request would have a detrimental effect on any surrounding property.

The last request from the NNZO design guidelines is from the requirement that Driveways shall be no more than twelve feet (12') wide at front property line to a maximum of 20 ft. The project as shown would have one driveway of a 20 ft. width which would access Lawrence Street. This driveway is the interior driveway system for accessing the rear located garages of each dwelling. This interior driveway will also access the public alleys which will be paved and brought up to City standards. This one driveway access point to the public street is similar to other access drives for townhome developments. The width will allow for enough room for vehicles to both enter and exit the site without creating a traffic conflict. The owners do not believe approval of this request will adversely affect any surrounding property.

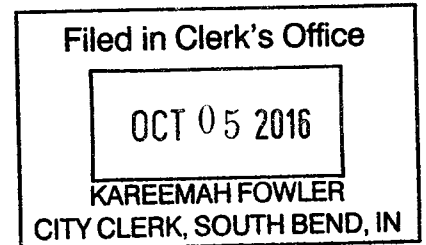
The owners would ask the Commission members to agree that the approval of the above requested Variances, will not be injurious to the public health, safety, morals and general welfare of the community and the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and, that the strict application of the terms of this Ordinance would result in practical difficulties in the use of the property.

LEGAL DESCRIPTION:

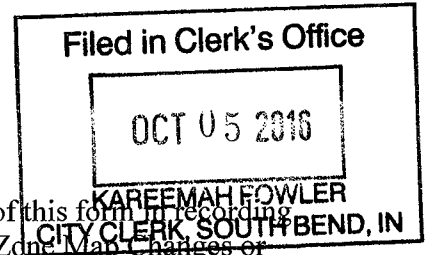
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*CONTAINING 0.72 ACRES MORE OR LESS.*

*SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.*



**EXHIBIT "A"**



NOTE: The City of South Bend Zoning Ordinance, requires the use of this form for recording commitments made with respect to Development Plan Approvals, Zone Map Changes or Planned Unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE CITY OF SOUTH BEND ZONING ORDINANCE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in St. Joseph County, Indiana which is described below, makes the following COMMITMENT concerning the use and development of the following described parcel of real estate:

**LEGAL DESCRIPTION:**

*THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: A PART OF LOT # 151 OF THE PLAT OF "SORIN'S SECOND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT # 151; THENCE N.90°00'00" W. ALONG THE SOUTH LINE OF SAID LOT AND THE NORTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD A DISTANCE OF 158.94 FEET MORE OR LESS TO THE EAST LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE N. 00°00'00" W. ALONG SAID EAST LINE A DISTANCE OF 198.00 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE S. 90°00'00" E. ALONG SAID SOUTH LINE A DISTANCE OF 159.29 FEET TO THE WEST LINE OF LAWRENCE STREET; THENCE ALONG SAID WEST LINE, S. 00°00'00" E., A DISTANCE OF 198.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.*

*CONTAINING 0.72 ACRES MORE OR LESS.*

*SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.*

**STATEMENT OF COMMITMENTS:**

1. The project site as described above shall be limited to a total of nine (9) single family attached dwelling units.
2. The nine (9) single family attached dwelling units shall be owner-occupied only. Owner-occupied shall be defined as "Primary Residence" as defined under Internal Revenue Service codes for tax purposes (Internal Revenue Service Publication 523 (2009)).
3. No single family attached dwelling unit in the described project site shall be rented, leased or sub-leased for any duration, to any other party, group or person(s).
4. No single-family attached dwelling unit in the described project area shall exceed a maximum height of 40 feet to roof peek.

5. No more than four (4) single-family attached dwelling units shall make up any single building mass.
6. A minimum 5 ft. front-yard setback shall be required along any public street frontage.
7. A minimum 2 ft. offset shall be required between any single-family attached dwelling unit.
8. There shall be a Home Owners Association (HOA) created for the nine (9) single-family attached dwelling units.
9. The Home Owners Association shall allow their property ownership records, meeting minutes and agendas available for review by any Governmental Agency, the NNRO Northeast Neighborhood Redevelopment Organization the NENC Northeast Neighborhood Council. The HOA shall notify the NNRO Northeast Neighborhood Redevelopment Organization and the NENC Northeast Neighborhood Council of any meeting they hold.
10. No unrelated Graduate or Undergraduate student(s) shall be allowed to maintain occupancy in any single-family attached dwelling unit in the above described project site as said students are defined by the University of Notre Dame.

These COMMITMENTS shall run with the land, be binding on the Owners of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Area Plan Commission of St. Joseph County made at a public hearing after proper notice has been given.

The COMMITMENTS contained in this instrument shall be effective upon the approval of Petition # \_\_\_\_\_ pursuant to the City of South Bend Zoning Ordinance, and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Plan Commission of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

1. The Area Plan Commission of St. Joseph County;
2. The City of South Bend, Indiana;
3. NNRO Northeast Neighborhood Redevelopment Organization
4. NENC Northeast Neighborhood Council
5. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval; and
6. \_\_\_\_\_

The undersigned hereby authorizes the Executive Director of the Area Plan Commission of St. Joseph County to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of Petition # \_\_\_\_\_.

IN WITNESS WHEREOF, Owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**(Organization Owner)**

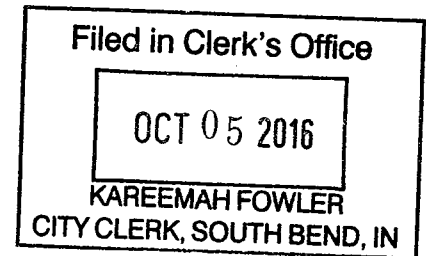
\_\_\_\_\_

:

By \_\_\_\_\_

Printed \_\_\_\_\_

Title \_\_\_\_\_



**(Organization Acknowledgment)**

STATE OF )

) SS:

COUNTY OF )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of South Bend Self Storage LLC, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature \_\_\_\_\_

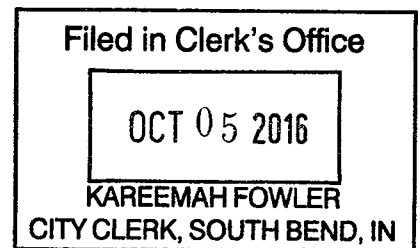
Printed \_\_\_\_\_

County of Residence \_\_\_\_\_

My Commission expires: \_\_\_\_\_

This instrument was prepared by Danch, Harner & Associates, Inc., 1643 Commerce Drive, South Bend, Indiana 46628.

We affirm under the penalties of perjury, that we have taken reasonable care to redact each Social Security number in this document, unless required by law. \_\_\_\_\_.



**LEGAL DESCRIPTION:**

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: A PART OF LOT # 151 OF THE PLAT OF "SORIN'S SECOND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT # 151; THENCE N.90°00'00" W. ALONG THE SOUTH LINE OF SAID LOT AND THE NORTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD A DISTANCE OF 158.94 FEET MORE OR LESS TO THE EAST LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE N. 00°00'00" W. ALONG SAID EAST LINE A DISTANCE OF 14 FT. FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE S. 90°00'00" E. ALONG SAID SOUTH LINE A DISTANCE OF 198.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.72 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

**REQUESTED VARIANCES:**

- 1). FROM THE REQUIRED MINIMUM 6 FT. SIDE YARD SETBACK TO 5 FT.;
- 2). FOR PROJECTS CONTAINING TWO OR BUILDINGS; FROM THE MINIMUM REQUIRED 6 FT. INTERIOR SIDE YARD TO 2 FT.;

**REQUESTED INTO VARIANCES:**

- 1). FROM THE REQUIREMENT THAT THE HEIGHT AND MASSING OF NEW MULTI-FAMILY BUILDINGS SHALL BE NO MORE THAN TWICE THE MASSING OF THE IMMEDIATELY ADJUTING BUILDING, INCLUDING BUILDINGS ON THE SAME LOT TO A MAXIMUM OF SEVEN TIMES.
- 2). FROM THE REQUIREMENT THAT MECHANICAL EQUIPMENT SHALL NOT BE LOCATED ALONG PRIMARY AND SECONDARY STREET FRONTAGES TO BEING ALLOWED BUT SHALL BE SCREENED FROM THE STREET BY FENCING OR LANDSCAPING.
- 3). FROM THE REQUIREMENT THAT DRIVEWAYS SHALL BE NO MORE THAN TWELVE FEET (12') WIDE AT FRONT PROPERTY LINE TO A MAXIMUM OF 20 FT.

**TABULATED DATA:**

- 1). SITE ACREAGE..... 0.72 ACRES
- 2). PROPOSED LAND USE:
  - A). SINGLE FAMILY ATTACHED TOWNHOMES
- 3). LAND COVERAGE:
 

A). BUILDINGS	15,084.00	47.77
B). PAVED PARKING, DRIVES	7,348.00	23.27
C). OPEN SPACE	8,145.83	28.98
TOTAL	31,575.83	100.00
- 4). PARKING REQUIREMENT BY USE:
 

SINGLE FAMILY USE REQUIRES ONE SPACE PER DWELLING UNIT.	
---	--
- 5). THE BUILDING WILL BE SERVICED BY CITY WATER AND SEWAGE FACILITIES.
- 6). THE BUILDING SHOWN IS TO BE TWO STORY.
- 7). DRIVEWAY OPENINGS SHALL BE REQUIRED TO MEET THE LATEST CITY OF SOUTH BEND STANDARDS.
- 8). ALL REQUIRED PERIMETER LANDSCAPE SCREENING WILL CONFORM TO THE LATEST CITY OF SOUTH BEND ZONING ORDINANCE STANDARDS, OR AS APPROVED.

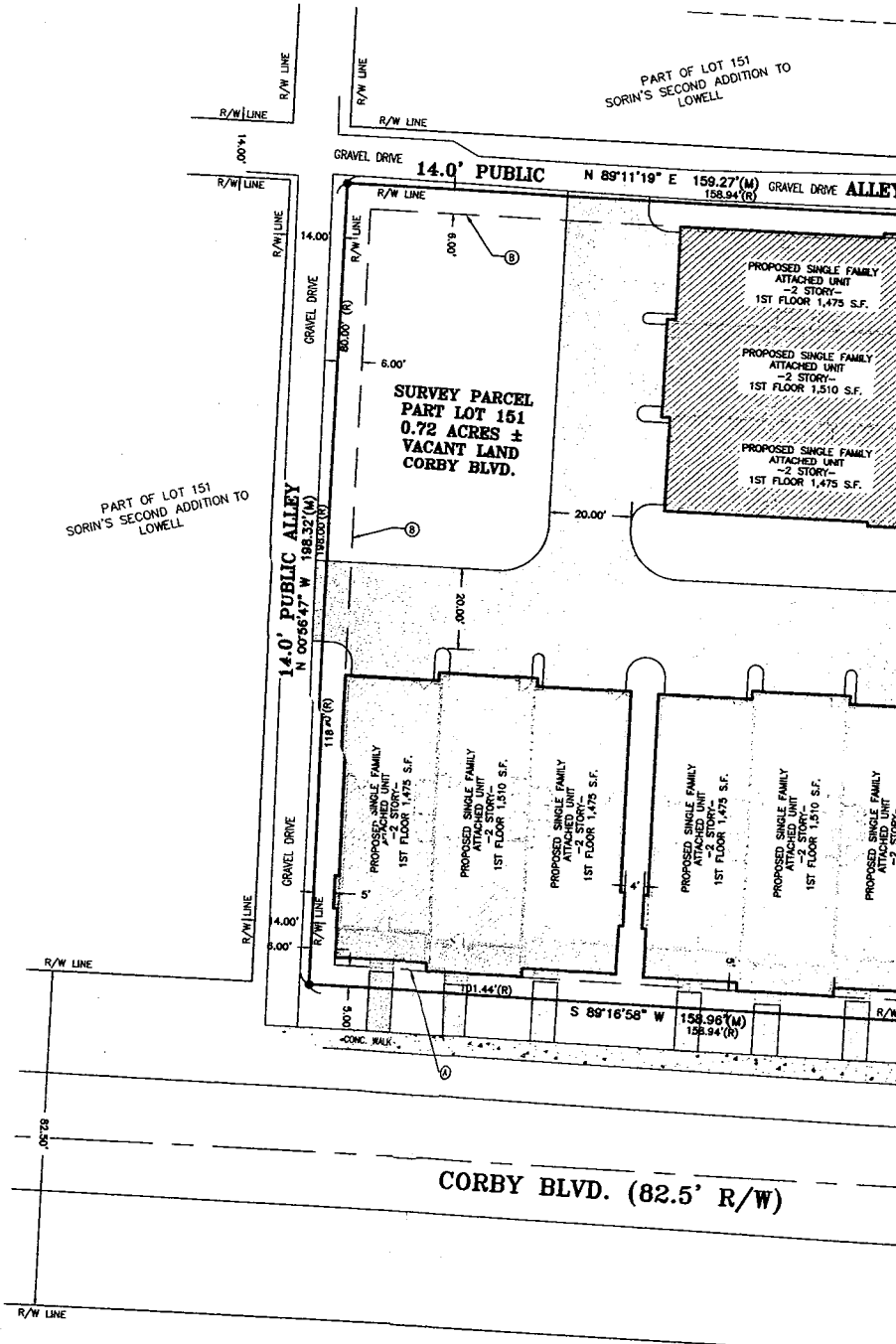
**EXISTING LEGEND**

△ SET P.K. MARK	● FOUND IRON	○ SET FLUSH 5/8" CAPPED REBAR
☆ PINE TREE	(M) MEASURED DISTANCE	(R) RECORD DISTANCE
⊙ BUSH	⊙ GAS METER	⊗ SOIL BORING
⊙ TREE	⊙ WATER MANHOLE	⊙ WATER METER
⊙ FOUNTAIN/RR	⊙ END SECTION	⊙ CABLE PED.
⊙ BOLLARD/POLE	⊙ ELEC. WALK	⊙ PHONE PED.
⊙ LIGHT POLE	⊙ ELEC. TRANSFORMER	⊙ ELEC. PED.
⊙ UTILITY POLE	⊙ PHONE WALK	⊙ MAILBOX
⊙ GUY ANCHOR	⊙ SPOT ELEVATION	⊙ A/C UNIT
⊙ SIGN	⊙ EX. ELEVATION	
⊙ WELL	⊙ WIRE FENCE	
⊙ VALVE	⊙ CHAIN LINK FENCE	
⊙ FIRE HYDRANT	⊙ WOOD FENCE	
⊙ CURB INLET	⊙ ONE	⊙ ELECTRIC
⊙ DRYWELL	⊙ TWO	⊙ ELECTRIC
⊙ SANITARY MANHOLE	⊙ ONE	⊙ PHONE
⊙ CLEAN-OUT	⊙ TWO	⊙ GAS
⊙ FIBER OPTIC MANHOLE	⊙ CITY	⊙ CABLE TV
	⊙ WATER	⊙ FIBER OPTIC
	⊙ STORM LINE	⊙ SANITARY LINE

**SETBACKS:**

- (A) 5' FRONT SETBACK
- (B) 6' SIDE YARD SETBACK

**PRELIMINARY SITE PLAN**  
PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, INDIANA



**GENERAL SURVEY DISCLAIMER NOTES:**

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR RELEASE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

October 5, 2016

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

RE: 913 Lawrence Street and 427 Corby Boulevard

Dear Council Members:

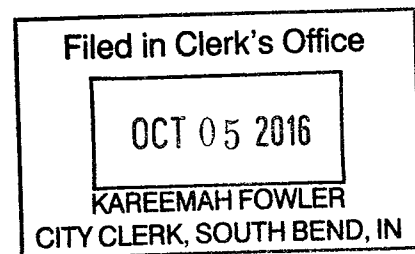
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your October 10, 2016 Council meeting, and set it for public hearing at your November 21, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the November 15, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Keith Chapman". The signature is written in a cursive style.

Keith Chapman, Planner



CC: Kathy Cekanski-Farrand



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 913 LAWRENCE STREET AND 427 CORBY BOULEVARD, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To construct townhomes.

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:

*THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: A PART OF LOT # 151 OF THE PLAT OF "SORIN'S SECOND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS SHOWN IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT # 151; THENCE N.90°00'00" W. ALONG THE SOUTH LINE OF SAID LOT AND THE NORTH RIGHT-OF-WAY LINE OF CORBY BOULEVARD A DISTANCE OF 158.94 FEET MORE OR LESS TO THE EAST LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE N. 00°00'00" W. ALONG SAID EAST LINE A DISTANCE OF 198.00 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF A 14 FT. WIDE PUBLIC ALLEY; THENCE S. 90°00'00" E. ALONG SAID SOUTH LINE A DISTANCE OF 159.29 FEET TO THE WEST LINE OF LAWRENCE STREET; THENCE ALONG SAID WEST LINE, S. 00°00'00" E., A DISTANCE OF 198.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.*

*CONTAINING 0.72 ACRES MORE OR LESS.*

*SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.*

be and the same is hereby established as MF1 Urban Corridor Multifamily District.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

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

Attest:

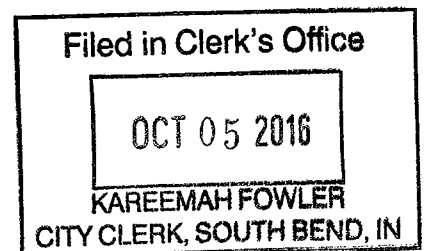
\_\_\_\_\_  
City Clerk

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





CITY OF SOUTH BEND - PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF PUBLIC WORKS**  
ERIC HORVATH, DIRECTOR

October 5, 2016

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

Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES

Dear President Scott:

The City of South Bend owns and operates a water utility and has prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges, including various non-recurring charges, should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission ("IURC"). The last time water rates and charges were increased was in 2006.

This Ordinance also reinserts former Article 6 of Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e, Chapter 17, Article 6 , Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

I look forward to discussing this ordinance at the Council's Committee meeting and at the public hearing. If you have any further questions or need additional information, please let me know.

As always, thank you for your consideration.

Sincerely,

Eric C. Horvath  
City of South Bend  
Executive Director Public Works

Filed in Clerk's Office  
OCT 05 2016  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

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

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING VARIOUS SECTIONS OF THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLES 4 AND 6 TO ADDRESS NEW WATER RATES AND CHARGES**

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**STATEMENT OF PURPOSE AND INTENT**

---

The City of South Bend owns and operates a water utility and this Council has caused to be prepared a study which recommends new water rates and charges. Per the recommendations of this study, the City has determined that water rates and charges should be increased per the revised rates set forth herein, and those should become the new water rates and charges, subject to approval of the Indiana Utility Regulatory Commission (“IURC”). This Ordinance also reinserts former Article 6 of Municipal Code Chapter 17 covering a water service charge to be used for repair or replacement of leaking water service lines. These provisions which were previously, inadvertently deleted, are codified at their former location within the Municipal Code, i.e., Chapter 17, Article 6, Sections 17-44 through 17-49. This reinserted Article 6 may also be subject to IURC approval.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of South Bend:

**SECTION I.** Chapter 17, Article 4, Section 17-45 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

**Sec. 17-45. Water Works rates and charges.**

There shall be and are hereby established for the use of and the services rendered by the Water Works System of the City of South Bend, the following rates and charges, based upon the use of water and facilities furnished by said Water Works System:

<i>(a) Usage per Monthly</i>	<i>Rate per</i>
<i>Billing Period</i>	<i>100 Cubic Feet</i>
First 500 cubic feet .....	<del>\$1.716</del> \$ <u>2.454</u>
Next 1,500 cubic feet .....	<del>1.490</del> <u>2.131</u>
Next 5,500 cubic feet .....	<del>1.310</del> <u>1.873</u>
Next 22,500 cubic feet .....	<del>1.153</del> <u>1.649</u>
Next 90,000 cubic feet .....	<del>0.905</del> <u>1.294</u>
Over 120,000 cubic feet ...	<del>0.701</del> <u>1.002</u>

(b) *Minimum charge:*

<i>Meter size</i>	<i>Allowed Usage</i> <i>(In Cubic Feet)</i>	<i>Minimum</i> <i>Monthly</i>
5/8-inch meter .. <del>\$ 7.76</del>	<u>452</u>	<u>\$11.09</u>
3/4-inch meter .... <del>11.19</del>	<u>675</u>	<u>16.00</u>
1-inch meter .... <del>19.90</del>	<u>1,260</u>	<u>28.47</u>
1½-inch meter .... <del>44.72</del>	<u>3,053</u>	<u>63.96</u>
2-inch meter .... <del>79.54</del>	<u>5,711</u>	<u>113.74</u>
3-inch meter .... <del>178.96</del>	<u>14,090</u>	<u>255.92</u>
4-inch meter .... <del>318.16</del>	<u>26,163</u>	<u>455.00</u>
6-inch meter .... <del>716.02</del>	<u>69,073</u>	<u>1,023.88</u>
8-inch meter .... <del>1,272.95</del>	<u>133,701</u>	<u>1,820.16</u>
10-inch meter .... <del>1,988.53</del>	<u>235,781</u>	<u>2,843.00</u>
12-inch meter .... <del>2,863.10</del>	<u>360,542</u>	<u>4,093.11</u>

(c) *Computation of charges.* Metered water charges shall be the larger of the minimum charges of Subsection (b) and or the rate charges of Subsection (a) of this Section. In the case of multiple meters under a single billing entity, the charges shall be computed for each meter separately, not the summation of usage.

(d) *Monthly public fire protection charges.* All customers located within the corporate limits and all customers outside the corporate limits and located within one thousand (1,000) feet of a public fire hydrant shall also pay a monthly public fire protection charge based upon the size of the customer's meter as follows:

5/8-inch connection .... <del>\$ 2.25</del>	<u>\$3.22</u>
3/4-inch connection .... <del>2.25</del>	<u>3.22</u>
1-inch connection .... <del>5.77</del>	<u>8.25</u>
1½-inch connection .... <del>12.98</del>	<u>18.56</u>
2-inch connection .... <del>23.06</del>	<u>32.98</u>
3-inch connection .... <del>51.90</del>	<u>74.22</u>
4-inch connection .... <del>92.28</del>	<u>131.96</u>
6-inch connection .... <del>207.62</del>	<u>296.90</u>

8-inch connection .....~~369.08~~      527.78

10-inch connection .....~~576.70~~      824.68

(e) *Private Fire Protection Service, Automatic Sprinkler, per annum.*

1-inch connection .....~~\$ 35.62~~      \$ 50.94

2-inch connection .....~~71.77~~      102.63

3-inch connection .....~~143.53~~      205.25

4-inch connection .....~~286.80~~      410.12

6-inch connection .....~~355.56~~      508.45

8-inch connection .....~~610.60~~      873.16

10-inch connection .....~~954.38~~      1,364.26

12-inch connection .....~~1,375.98~~      1,967.65

(f) *Temporary Service.* Temporary service where metered shall be calculated upon the registration of a meter or meters installed at the approved meter rates. In such cases as the Utility may deem it impracticable to install a meter for temporary service, there shall be a minimum monthly charge of twenty-nine dollars (\$29.00). If the water consumption computed at approved rates is known to be in excess of the twenty-nine dollars (\$29.00) minimum charge, an authorized agent of the Utility shall have the right to estimate said water usage and the estimated usage shall be billed at the approved meter rates.

**SECTION II.** Chapter 17, Article 4, Section 17-46 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

**Sec. 17-46. Collection or deferred payment charge.**

All bills for water services, not paid within five (5) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ~~six (6) percent of the current monthly bill.~~ ten percent (10%) of the first three dollars (\$3.00) of the water charge and three percent (3%) on any amount in excess of three dollars (\$3.00) of the water charge. All bills for water services which are turned over to a collection agency shall be subject to a collection charge equal to twenty (20) percent of the unpaid bill.

**SECTION III.** Chapter 17, Article 4, Section 17-46.1 shall be amended to read in its entirety as follows:

**Sec. 17-46.1 Suburban rates.**

Customers with water service outside the City limits shall incur an additional surcharge of ~~twenty (20) percent~~ fourteen percent (14%) of the rates and charges. The surcharge is to recover



additional costs including capital expenditures incurred by the Water Works to furnish services to customers outside the City limits.

**SECTION IV.** Chapter 17, Article 4, Section 17-46.4 shall be deleted in its entirety and is not replaced.

**SECTION V.** Chapter 17, Article 4, Section 17-47 of the South Bend Municipal Code shall be amended to read in its entirety as follows:

**Sec. 17-47. Nonrecurring charges.**

(a) *Deposits:* Security deposits, payable upon service initiation and refundable upon service termination, shall be no more than one-sixth of the estimated annual bill for each meter size. Governmental entities shall be exempt from deposits.

(b) *Tap charges:* The charge for installation of a one-inch tap shall be ~~three hundred seventy dollars (\$370.00)~~ Five hundred dollars (\$500.00), which shall include the installed tapping valve and the material for the curb valve and box, but shall not include any service line. Charges for taps larger than one (1) shall be at cost.

(c) *Other nonrecurring charges:*

<del>Disconnect for non payment</del>		\$11.00
Reconnection		\$8.00
<u>Delinquency Processing fee (Disconnect/reconnect)</u>		<u>\$33.00</u>
<del>Bad checks</del> <u>Non-Sufficient Funds/Charge-back Fee</u>		20.00
Service initiation <u>fee</u>	<del>20.00</del>	30.00
Meter downsize (to change a meter that is 1" <del>inch and or</del> smaller <u>without re-plumbing</u> )		32.00
Inspection and testing fee for backflow prevention devices; -1- <u>½" inch meter and or</u> smaller		50.00
Inspection and testing fee for backflow prevention devices; -2" <u>inch or and</u> larger		75.00
Frozen/ <u>Damaged/Missing</u> <del>or lost meter, at cost depending upon size and type of meter.</del>		At cost
<u>Missed or R-return trip fee</u>		15.00

Unauthorized use of water system	200.00
Water sewer verification fee	4.00
Stop Box Disconnection & Reconnection fee	750.00
Demolition fee (inspection fee)	75.00

**SECTION VI.** Chapter 17, Article 6, of the South Bend Municipal Code shall be amended to reinsert Sections 17-49 through 17-55 regarding water service charges to be used for repair or replacement of leaking water service lines, to read in its entirety as follows:

**ARTICLE 6. RESERVED. WATER SERVICE FUND AND CHARGES**

**Sec. 17-49. Assessment of charges; purpose.**

- (a) The sum of two dollars and ten cents (\$2.10) per month shall be added to the water service charge of all water users.
- (b) All of said sums of money so collected shall be used solely for the repair and/or replacement of leaking water service lines.

**Sec. 17-50. Application of funds.**

Funds so collected shall be used for the payment of repairs and/or replacement as provided herein from the water main to the front wall of any building, or line extended therefrom, but it shall not insure any water service line under any porch, steps, slab foundation, hard surface driveway, parking lot, crawl space or in any room or space under any sidewalk. In the case of two-inch lines or larger, the repairs provided hereunder shall extend from the water main to the property line only.

**Sec. 17-51. Limitation on use of funds.**

Water sprinkler service lines shall not be insured under this article; however, if the domestic service line has a lawn-sprinkler connection tee in it, said domestic service line and the tee will be insured, but not beyond the tee nor any costs of repair to the lawn-sprinkling system proper.

**Sec. 17-52. Use of funds when accounts delinquent prohibited.**

The insurance for repair and/or replacement shall not be in force on any account if the charge for such insurance has not been paid for four (4) consecutive months.

**Sec. 17-53. Approval of repair orders.**

No claim for the repair of a water service line under this article will be honored unless said repair order is approved by the Department of Water Works .

**Sec. 17-55. Maintenance of service line excluded from provisions of article.**

This article shall not cover the maintenance of any service line.

**SECTION VII.** The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

**SECTION VIII.** This Ordinance shall take effect the first day of the month immediately following all of the following: passage by this Common Council, approval by the Mayor, approval by the IURC, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Member, Common Council of the  
City of South Bend

ATTEST:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for his approval on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

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

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Pete Buttigieg, Mayor