



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, October 24, 2016

7:00 P.M.

1. **INVOCATION-** REVEREND K. SCOTT BOWIE, ST. PETER'S UNITED CHURCH OF CHRIST
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[16-83](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY HONORING AND THANKING CAPTAIN CHUCK STEELE FOR FIFTY (50) YEARS OF DEDICATED SERVICE ON THE SOUTH BEND FIRE DEPARTMENT

[16-84](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING AND HONORING THE RILEY HIGH SCHOOL GIRLS SWIM TEAM FOR BEING NAMED A GOLD LEVEL SCHOLAR TEAM BY THE NISCA

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[52-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 736 CALIFORNIA AVENUE AND 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[53-16](#) PUBLIC HEARING ON PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 331 WAYNE

STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

- [54-16](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1037 ELMER STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA
- [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
- [48-16](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING CERTAIN SECTIONS OF CHAPTER 17, ARTICLE 10 REGARDING COMPACT FEES AND ASSESSMENTS AND REPLACING SUCH FEES AND ASSESSMENTS WITH SYSTEM DEVELOPMENT CHARGES
- [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
- [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
- [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
- [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

CONTINUED IN COUNCIL PORTION ONLY

[44-16](#) 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](#) 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.

8. BILLS ON THIRD READING

TIME: _____

BILL NO.

[35-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 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

[44-16](#) THIRD READING 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](#) THIRD READING 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.

[48-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA REPEALING CERTAIN SECTIONS OF CHAPTER 17, ARTICLE 10 REGARDING COMPACT FEES AND ASSESSMENTS AND REPLACING SUCH FEES AND ASSESSMENTS WITH SYSTEM DEVELOPMENT CHARGES

[52-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 736 CALIFORNIA AVENUE AND 808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[53-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 331 WAYNE STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[54-16](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 1037 ELMER STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[59-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FIXING THE ANNUAL PAY AND MONETARY FRINGE BENEFITS OF SWORN MEMBERS OF THE SOUTH BEND POLICE DEPARTMENT FOR CALENDAR YEARS 2017, 2018, 2019 AND 2020

[60-16](#) THIRD READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH-SOUTH ALLEY LYING WEST OF PORTAGE AVENUE, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF BULLA STREET AND BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY NORTH OF KING STREET IN PORTAGE TOWNSHIP

[61-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA FIXING MAXIMUM WAGES OF TEAMSTER EMPLOYEES FOR CALENDAR YEARS 2017-2020

[63-16](#) THIRD READING ON AN ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2017

[57-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, SETTING THE ANNUAL SALARY FOR THE SOUTH BEND CITY CLERK FOR CALENDAR YEAR 2017

9. **RESOLUTIONS**

BILL NO.

6. **BILLS ON FIRST READING**

BILL NO.

[67-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CONCERNING THE CURRENT REFUNDING OF OUTSTANDING WATERWORKS REVENUE BONDS OF 2000 AND 2006, EACH ISSUED TO FINANCE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF THE CITY OF SOUTH BEND, INDIANA; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWENTY THOUSAND (\$3,720,000); ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

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, 4th 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 20, 2016
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, OCTOBER 24, 2016** at:

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

- 3:30 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 60-16](#)- Alley Vacation at Portage & Bulla
- 3:35 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. Substitute [Bill No. 61-16](#)- Proposed Teamsters Salary
2. Substitute [Bill No. 63-16](#)- Fixing salaries and wages for non-bargaining City Employees for 2017
3. [Bill No. 44-16](#)-Appropriating monies for defraying Departmental expenses and Civil City funds for the fiscal year ending 12-31-17
4. [Bill No. 45-16](#)- Appropriating monies for defraying the expenses of Enterprise Funds for the fiscal year ending 12-31-17
- 4:30 P.M.** **HEALTH & PUBLIC SAFETY** **JOHN VOORDE, CHAIRPERSON**
1. Substitute [Bill No. 59-16](#)- Proposed SBPD Salary
2. Discussion on City response to the homeless population
- 4:50 P.M.** **UTILITIES** **DR. DAVID VARNER, CHAIRPERSON**
1. Substitute [Bill No. 48-16](#)- Regarding Compact Fees & Assessments
2. [Bill No. 66-16](#)- Preliminary overview of proposed new water rates
- 5:30 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 52-16](#)- Portage Ave. Rezoning & Special Exception
2. [Bill No. 53-16](#)- 331 Wayne Street Rezoning (Bare Hands Brewery)
3. [Bill No. 54-16](#)- 1037 Elmer St. Rezoning
4. Substitute [Bill No. 41-16](#)- Commerce Center PUD Rezoning at 401 E. Colfax

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

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 CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, COUNCIL PRESIDENT

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

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS

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



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

COMMUNITY INVESTMENT COMMITTEE

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

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

COMMUNITY RELATIONS COMMITTEE

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

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

COUNCIL RULES COMMITTEE

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

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

HEALTH AND PUBLIC SAFETY COMMITTEE

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

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

INFORMATION AND TECHNOLOGY COMMITTEE

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

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

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

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

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



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

PERSONNEL AND FINANCE COMMITTEE

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

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

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

Jo Broden, Chairperson
John Voorde, Vice-Chairperson

Randy Kelly, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

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

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

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

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

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

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, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2nd 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, 3rd 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, 4TH 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, 5TH 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, 6TH 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 AND THANKING CAPTAIN CHUCK STEELE FOR FIFTY (50) YEARS OF DEDICATED SERVICE ON THE SOUTH BEND FIRE DEPARTMENT

Whereas, on September 26, 1966, a life-long South Bend resident who is a John Adams High School Eagle graduate and U.S. Army veteran, Charles “Chuck” Joseph Steele was officially sworn in as a member of the South Bend Fire Department at a Board of Public Safety meeting; and

Whereas, October 1, 1966, was Firefighter Chuck Steele’s first day on the job, where he was assigned to Squad #21, Shift 2, and began working under the leadership of South Bend Fire Chief Cecil McHenry and South Bend Mayor Lloyd M. Allen; while Lyndon Baines Johnson was serving as President in the White House; and

Whereas, many major events and fires took place in Chuck’s early firefighter career such as beginning in 1967 - from seeing Mayor Allen sell the Central Fire Station; the Alarm Station and Fire Station # 3; with fires occurring at the Howell Construction Company on Kemble, at Bruggner’s Cigar Store on Washington, at Eckler Lumber, and at Scotty’s Dog ‘N Suds’ – just to name a few, with a 4-alarm fire the next February at Whiteford Trucking Company on Sample; and

Whereas, on December 10, 1968, Firefighter Chuck Steele was assigned to the ambulance as a medic, and on February 1, 1969, he was promoted to the rank of Lieutenant; and in 1973 was in the first EMT class held in northern Indiana while also attending Ivy Tech at night and being part of the first paramedic class in the northern part of the state in 1974, graduating in March of 1975 with Lieutenant Steele helping mold and build the EMS system into what it has become today; and

Whereas, during the Blizzard of ’78, Fire Lieutenant Steele & Police Captain Ed Friend were first responders when persons were being transported to hospitals by snowmobile & cross country ski experts were dispatched via land lines; and

Whereas, in 1985 Chuck was officially promoted to the rank of Captain after becoming the South Bend Public Education Officer and had a dual role between riding on the ambulance from Central Fire Station and additionally performing Public Education duties; during his career has seen three (3) locations as a Central Fire Station: 202 East Wayne Street; 701 West Sample Street; and the current location at 1222 South Michigan Street; and

Whereas, Captain Chuck Steele is well known in our community as a SBFDF Fire Code Inspector. One of his many recollections widely reported in the news media was from November 2008. A crowd was waiting to vote in the lobby of the County-City Building. It was so large that Captain Steele was dispatched for his 1st complaint of overcrowding at a polling place. Captain Steele determined that it was not overcrowded, had well organized lines, and none of the exits were blocked.

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 **CAPTAIN CHUCK STEELE** for fifty (50) years of very dedicated service on the South Bend Fire Department, which included fire suppression assignments on Engine # 1 and # 8, and Truck # 1; professional services as a medic, services as a Public Education Officer; and the last seventeen (17) years of service as an Inspector in the South Bend Fire Department’s Fire Prevention Bureau.

Section II. The Common Council wishes Captain Chuck Steele all the best in the years ahead.

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

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

Jo Broden, 4th District Council Member

Karen L. White, At Large Council Member

Dr. David Varner, 5th District

Kathleen Cekanski Farrand, Council Attorney

Attest:

Approved this ___ day of October, 2016.

Kareemah Fowler, City Clerk

Pete Buttigieg, Mayor of South Bend, Indiana



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING AND HONORING THE RILEY HIGH SCHOOL GIRLS SWIM TEAM FOR BEING NAMED A GOLD LEVEL SCHOLAR TEAM BY THE NISCA

Whereas, the National Interscholastic Swim Coaches Association (NISCA) is a professional organization that supports High School coaches of all aquatic sports. The NISCA is dedicated to coaches’ education and athlete recognition through the All-America programs. The NISCA allows opportunities for coaches to network and exchange knowledge and experience; and

Whereas, the goal of the NISCA Scholar Team Award is to recognize academic success in the classroom for entire swimming, diving, and water polo teams, as well as athletic success in the pool. The award is based on the average cumulative GPA of an entire varsity team of 12 or more athletes. The three levels of recognition are: Bronze (3.200-3.499), Silver (3.500-3.749) and Gold (3.750-4.000); and

Whereas, the Common Council proudly recognizes the 2015–2016 Riley High School Girls Swim Team on a combined grade point average of 3.774. In addition to the academic accomplishments, this team has compiled a 13-1 regular season record and finished 12th in the State Championship meet. The members of the 2015-2016 Girls Swim Team include:

2016 Graduate

Margo Bokhart
Lydia Thibault
Angelique Wise

Seniors

Marissa Danks
Abby Kirkpatrick
Anna Kirkpatrick
Jessica Vera
Allison Walker

Juniors

Sierra Blair
Madison Blakesley
Megan Cramer
Hannah Grant
Shelby Houghton
Stasia Mitchell
Katie Walker

Sophomores

Anaya Connley
Sydney DeMeulenaere
McKenna Mast
Melina Navarette
Peyton Strantz

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

Section I. The Common Council of the City of South Bend, Indiana, publicly honors and congratulates the **2015-2016 Riley High School Girls Swim Team** for their excellent example of what it means to be a student athlete.

Section II. The Council extends their appreciation to the coaches, athletic director, and principal for their time, dedication and guidance: Susan Walker (Head Coach), Drew Maenhout (Assistant Coach), Teri Woodruff (Diving Coach), Marie Doan (Athletic Director) and Francois Bayingana (Principal). As well as, a special thank you to all the parents, family, friends and volunteers who support and encourage these amazing student athletes.

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

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

John Voorde, At Large

Randy Kelly, 3rd District

Gavin Ferlic, At Large

Jo M. Broden, 4th District

Karen L. White, At Large

Dr. David Varner, 5th District

Kathleen Cekanski Farrand, Council Attorney

Attest:

Approved this ___ day of October, 2016

Office of the City Clerk

Pete Buttigieg, Mayor of South Bend



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

September 8, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601


RE: 736 California And 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, And 910
Portage Avenue

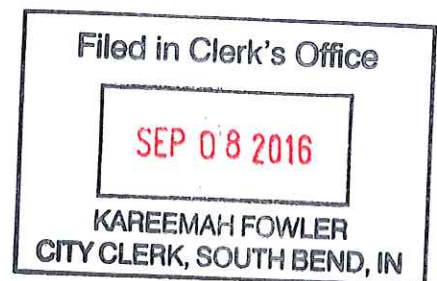
Dear Council Members:

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 September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the October 18, 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,


Angela M. Smith
Deputy Director



CC: Kathy Cekanski-Farrand

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
4th Floor County-City Building
South Bend, Indiana 46601

September 5, 2016

RE: Rezoning & Special exception Petition for 736 California Avenue and
808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 Portage Avenue,
South Bend, Indiana 46616.

Dear Council Members:

Our clients are requesting the approval of a Rezoning Petition for the properties located at 736 California Avenue and 808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 , South Bend, Indiana 46616.

This requested Rezoning would allow for the approval of a multi-family residential development to be built and approval of Special Exceptions to allow for off-site parking areas as shown on the attached site plan. The proposed site improvements would include the renovation of the existing structure along with the addition of new off-site parking and the installation of new landscaping.

Our clients believe the improvements proposed for the properties would be a compatible use in the surrounding mixed use neighborhood along this portion of the Portage Avenue corridor.

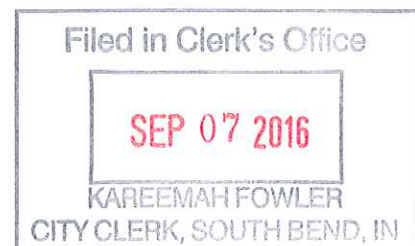
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,



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

File No. 160215 "C" Md



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTIES LOCATED AT 736 CALIFORNIA AND 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, AND 910 PORTAGE AVENUE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone for a commercial and residential mixed used project.

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:

For rezoning:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 113, # 114, # 115 and Lot # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112, Lot "A", and also including Lot # 33 of the Plat of "Shetterley Place 2nd Plat" to the City of South Bend as recorded in Plat Book # 5 on Page # 44 in the records of said Recorder's office.

Containing 0.96 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeasterly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet)

to the Northeasterly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.

For special exceptions:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112.

Containing 0.07 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeasterly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet) to the Northeasterly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.

be and the same is hereby established as MU Mixed Use.

SECTION II. That a Special Exception Use for *off-site* in the *MU Mixed Use District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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.

Member of the Common Council

Attest:

City Clerk

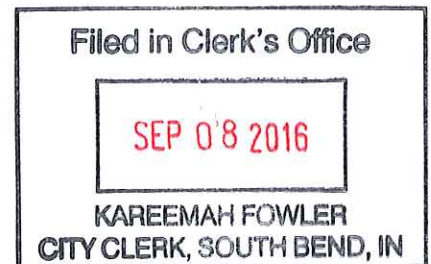
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Wednesday, October 19, 2016

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

RE: A combined public hearing on a proposed ordinance of Richard & Linda Ford and Civil City of South Bend to zone from SF2 Single Family & Two Family District, PUD Planned Unit Development District and MU Mixed Use District to MU Mixed Use District and seeking a Special Use to allow for 2 off-site parking lots, property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend - APC# 2799-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Richard & Linda Ford and Civil City of South Bend was legally advertised on October 6, 2016 and that the Area Plan Commission at its public hearing on October 18, 2016 took the following action:

Upon a motion by Gerry Phipps, being seconded by John DeLee and unanimously carried, a proposed ordinance of Richard & Linda Ford and Civil City of South Bend to zone from SF2 Single Family & Two Family District, PUD Planned Unit Development District and MU Mixed Use District to MU Mixed Use District, property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend, is sent to The Common Council with a FAVORABLE recommendation. Rezoning this site to MU Mixed Use will allow for the reuse and redevelopment of an underutilized build and vacant land. The special exception use will serve the residents and retail users of the site. The proposed development will fill a need in the neighborhood for affordable housing and local retail.

Upon a motion by Gerry Phipps, being seconded by John DeLee and carried, a Special Exception Use for for 2 off-site parking lots property located at 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue, City of South Bend, was sent to the Common Council with NO RECOMMENDATION.

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.

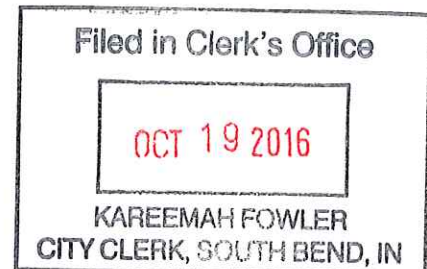
Sincerely,

Lawrence P. Magliozzi

Attachment

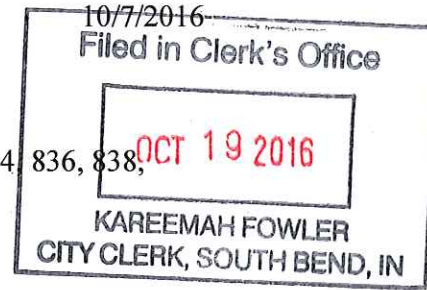
CC: Richard & Linda Ford

Civil City of South Bend, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND



Staff Report

APC # 2799-16
Owner: Richard & Linda Ford and Civil City of South Bend
Location: 736 California Avenue, 808, 812, 824, 828, 830, 832, 834, 836, 838, 906, 908 and 910 Portage Avenue
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016



Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District, PUD Planned Unit Development District and MU Mixed Use District to MU Mixed Use District; seeking a Special Exception Use to allow for two off site parking areas; and seeking thirteen variances from the development standards.

Land Uses and Zoning:

- On site: On site is an existing building and vacant land.
- North: To the north are single family homes and vacant land zoned SF2 Single Family and Two Family District and a parking lot zoned MU Mixed Use District.
- East: To the east are single family homes and vacant land zoned SF2 Single Family and Two Family District.
- South: To the south are single family homes and vacant land zoned SF2 Single Family and Two Family District and MU Mixed Use District.
- West: To the west are single family homes and vacant land zoned SF2 Single Family and Two Family District and MU Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

Site Plan Description:

On site is a proposed 60,100 sq. ft., two story building. The proposed development includes 9,500 sq. ft. of retail with 50,600 sq. ft. of residential with 42 total units. There is a parking lot with five spaces and a dumpster to the northeast of the proposed build. In addition, there is a parking lot with 32 spaces to the south across Rex Street. There is an open space along Portage Avenue, in front of the parking lot reserved for future development.

Zoning and Land Use History And Trends:

Prior to 2006 these properties were zoned commercial and residential. In 2013 the northern portion of the property was rezoned to PUD to allow for a proposed housing development.

Traffic and Transportation Considerations:

Portage Avenue, Rex Street, and California Avenue have two lanes with on street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation for the rezoning and special exception use. In regards to the variances: 1) Approval of the proposed yard and building setback variances. Seek other locations for trash dumpster; 2) Height variance - A standard 2 story building utilizing the existing structure would appear to fit in the Ordinance standards; 3) In lieu of perimeter landscaping, street trees should be placed in the tree lawn along California Avenue, Portage Avenue (both north and south of Rex), and both sides of Rex Street at approximately 44' spacing or 22' with smaller trees; and 4) Approval of the parking space size and drive aisle width variances. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also requires compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; 6) Payment of Final Site Plan Review fee; and 7) Minimum of 1 parking space to be required of each dwelling unit, with retail parking being provided via on street parking.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) H 1.3 Encourage the development of mixed use buildings.

Land Use Plan:

The future land use map identifies this area as Mixed Use and Commercial.

Plan Implementation/Other Plans:

The Portage Avenue Commercial Corridor Revitalization Action Plan (1999) objective to require site plan review would set corridor standards such as: encourage side and rear parking lots, front lot line buildings, control signage, restrict lightings impact on nearby residences, and require landscape screening.

2. Current Conditions and Character:

The Portage Avenue corridor is primarily residential with some businesses near the intersection of California Avenue.

3. Most Desirable Use:

The most desirable use is mixed use.

4. Conservation of Property Values:

The reuse of a vacant structure should not adversely affect surrounding property values.

5. Responsible Development And Growth:

It is responsible development and growth to allow the adaptive reuse of a vacant building and lots while meeting the goals of the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing, which includes a rezoning, a Special Exception Use, and 13 variances from the development standards. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

for 2 off-site parking lots

A Special Use may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The proposed development is located along a public transportation route. The proposed use will serve the adjacent development, which has limited demand for off-street parking. Granting the special exception use should not be injurious to the general welfare of the community.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

With the landscaping provided, the residential properties in the area should not be adversely affected.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The proposed placement of the parking allows for potential future development along Portage Avenue, consistent with the character of the mixed use district which encourages parking to be located behind the buildings located adjacent to the street.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The Comprehensive plan makes no specific mention of this use.

The petitioner is seeking the following variance(s):

- 1) from the required minimum 5 ft. front yard setback to 0 ft.
- 2) from the required minimum 20 ft. front yard setback for parking to 5 ft.
- 3) from the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash

dumpster, parking, and driveway

4) from the required minimum 15 ft. rear residential bufferyard to a minimum of 5 ft. for a building, trash dumpster, parking, and driveway

5) from the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway

6) from the maximum allowed 40 ft. building height to 42 ft.

7) from the required Type A landscaping of required front perimeter yards to none

8) from the required Type B landscaping of required side and rear perimeter yards to none

9) from the required screening parking spaces to screening with small shrubs and trees

10) from the required screening of a trash dumpster to none; 11) from the required 9' X 20' parking spaces to a minimum of 9' X 19'; 12) from the required minimum 24 foot wide maneuvering aisle to a minimum of 22 feet wide; and 13) from the required 137 parking spaces to 37

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

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

The proposed development will fill a need in the neighborhood for affordable housing and local retail, supporting the general welfare of the community.

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

With proper landscape buffering along the residential properties, the use and value of the adjacent area should not be affected.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Due to the layout of the existing building and the odd configuration of the lots, the setback requirements result in practical difficulties in the use of the property. The location of the property along a public transportation route and the intended market of the development reduce the demand for onsite parking, creating practical difficulties in meeting the strict application of the ordinance.

Staff Comments:

The staff has no additional comments.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. Based on information available prior to the public hearing, the staff recommends that the special exception use be sent to the Common Council with a favorable recommendation. The staff recommends approval of the variances, however notes that variance number nine is no longer necessary.

Analysis:

Rezoning this site to MU Mixed Use will allow for the reuse and redevelopment of an underutilized build and vacant land. The special exception use will serve the residents and retail users of the site. The proposed development will fill a need in the neighborhood for affordable housing and local retail.

REZONING
#2799-16






1 inch = 100 feet
PORTAGE TOWNSHIP






Rezoning from: CITY OF SOUTH BEND in Clerk's Office
 "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT,
 "MU" MIXED USE DISTRICT, AND "PUD" PLANNED UNIT DEVELOPMENT DISTRICT
 to "MU" MIXED USE DISTRICT

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "PUD" PLANNED UNIT DEVELOPMENT

OCT 19 2016

KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

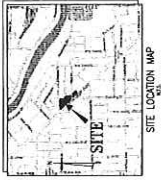


1 inch = 100 feet

APC # 2799-16

PRELIMINARY SITE PLAN

PART OF THE EAST HALF OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST JOSEPH COUNTY, INDIANA



Legal Description for record:
That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: being Lot 4 of 34-37 of the recorded Plat of "Sherrity Place 2nd Pl" to the City of South Bend, Indiana, as recorded in Plat Book 4 of 5, Vol. 6 of 6 in the records of the St. Joseph County, Indiana Recorder's office, excluding the area 35 feet of said Lot 4 of 34-37 of said Plat of "Sherrity Place 2nd Pl" to the City of South Bend as recorded in Plat Book 7 of 8 on Page 7 of 8 in the records of said Recorder's office.

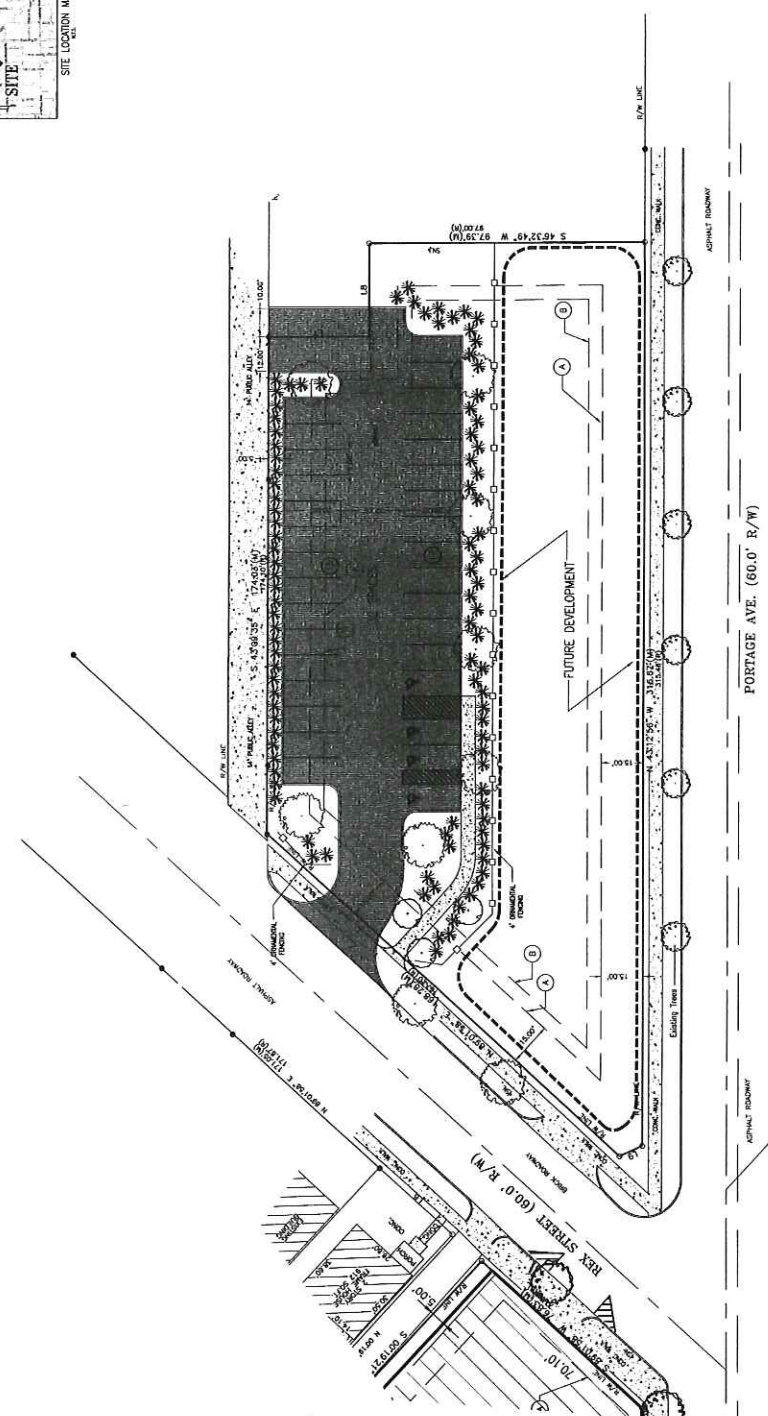
Subject to all legal highways, easements and restrictions of record.
Also that part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: being Lot 4 of 34-37 of the recorded Plat of "Sherrity Place 2nd Pl" to the City of South Bend, Indiana, as recorded in Plat Book 4 of 5, Vol. 6 of 6 in the records of the St. Joseph County, Indiana Recorder's office, excluding the area 35 feet of said Lot 4 of 34-37 of said Plat of "Sherrity Place 2nd Pl" to the City of South Bend as recorded in Plat Book 7 of 8 on Page 7 of 8 in the records of said Recorder's office.

INDICATED SITE DATA

1. ACREAGE OF SITE	0.78 ACRES
2. PROPOSED LAND USE	RESIDENTIAL
3. PARKING SPACES PROVIDED	32 SPACES
4. NAME OF ARCHITECT, SURVEYOR AND LANDSCAPE ARCHITECT	DANIEL J. HANCOCK & ASSOCIATES, INC. SOUTH BEND, INDIANA 46623 (574) 234-4003

1. SURFACE AND ON-SITE DRAINAGE TO BE HANDLED BY BEST MANAGEMENT PRACTICES (BMP) AND ON-SITE DRAINAGE SYSTEMS.
2. LANSZAPING FOR SOUTH BEND LANDSCAPE ORDINANCE ENFORCEANCE, OR APPROVED BY WARRICK.

Standard Conditions:
1) Approval of a Survey Certificate is subject to the Surveyor's fee and the Surveyor's liability.
2) The Surveyor is not responsible for the accuracy of the information provided by the client.
3) The Surveyor is not responsible for the accuracy of the information provided by the client.
4) The Surveyor is not responsible for the accuracy of the information provided by the client.
5) The Surveyor is not responsible for the accuracy of the information provided by the client.
6) The Surveyor is not responsible for the accuracy of the information provided by the client.
7) The Surveyor is not responsible for the accuracy of the information provided by the client.
8) The Surveyor is not responsible for the accuracy of the information provided by the client.
9) The Surveyor is not responsible for the accuracy of the information provided by the client.
10) The Surveyor is not responsible for the accuracy of the information provided by the client.



DHA
Dan Hancock & Associates, Inc.
Landscape Architects - Land Planners
123 Commerce Blvd • South Bend, IN 46615
Tel: (574) 234-4003 • Fax: (574) 234-4004

REVISIONS

NO.	DATE	DESCRIPTION
1	8/20/16	ISSUED FOR PERMITS
2	8/20/16	ISSUED FOR PERMITS

LEGEND:
 (A) 15' SIDE OR REAR RESIDENTIAL BUFFERYARD
 (B) 20' PARKING SETBACK
 (C) 5' FRONT BUILDING SETBACK

SCALE 1" = 20'

DATE: 8/20/16
SCALE: 1" = 20'
CHECKED BY: [Signature]
DATE: 8/20/16
FILE #: 160213

Subcontractors & Engineers:
 DANIEL J. HANCOCK & ASSOCIATES, INC.
 123 COMMERCE BLVD • SOUTH BEND, IN 46615
 (574) 234-4003 • FAX (574) 234-4004
 WWW.DHA-INC.COM

Filed in Clerk's Office

OCT 19 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

THIS PLAN OR ANY PART THEREOF IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN CONSENT OF DANIEL J. HANCOCK & ASSOCIATES, INC. ALL UNDERSTANDING INDICES MUST BE FOLLOWED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION BY ERECT.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

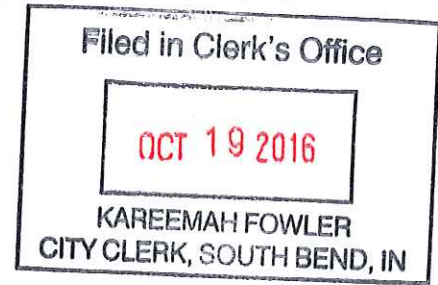
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

October 19, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Bill # 52-16
Rezoning: APC #2799 - 736 California and 808, 812, 824, 826, 828, 830, 832, 834, 836, 838, 906, 908, And 910 Portage Avenue

Dear Council Members:

The Area Plan Commission held a public hearing on October 18, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, October 24, 2016.

Ordinance & Petition Amendments:

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

Petition:

- 1.) An owner's name was added.
- 2.) The variances were updated.

A Copy of the revised Petition is attached.

Public Hearing Summary:

There was 4 persons that spoke in opposition to the proposed rezoning.

- 1) Brenda Lucas – She was ok with using the existing building. The lack of provided parking and traffic generated by proposed uses is a problem. Concerned about maintaining a quiet neighborhood.
- 2) Larry Lucas – Concerned for security of residents. Crime is an issue in this neighborhood. Sidewalks don't get shoveled in the winter.
- 3) Robert Bollman Jr. – Stated that the area designated for future development will never be developed. Parking is a problem in the area. He was concerned about dumpster screening, also what kind of development and where would they park.
- 4) Charlene Bollman – Grass doesn't get mowed on the City property. In the past the site had drainage problems. It's a disgrace that the building has sat there like this for so many years. She tried to purchase the properties from the City, was told in the past that the only thing that would go in there would be single family homes.

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". The signature is written in black ink and is positioned above the typed name.

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

Address(es) -736 California Avenue and 808, 812, 824,826, 828, 830, 832, 834, 836,838, 906, 908, 910 Portage Avenue, South Bend, Indiana 46616.

2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):018-1062-2658, 018-1060-2535, 018-1060-2536, 018-1059-2488, 018-1059-2489, 018-1059-2490, 018-1059-2491, 018-1059-2492, 018-1059-2505.*

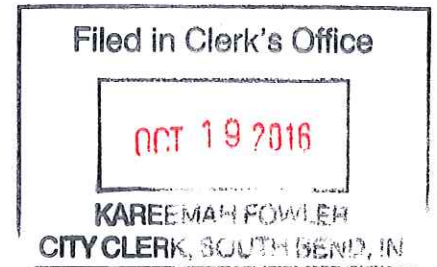
3) Legal Descriptions: *Enter full legal description: See attached.*

4) Total Site Area: *Enter total acres to be rezoned: 1.75 Acres.*

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

*Richard & Linda Ford
908 Portage Avenue
South Bend, Indiana 46616
Ph. No. 317-848-5111
E-Mail Address N/A*

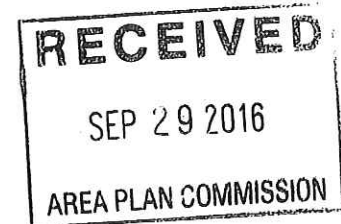
*Civil City of South Bend
227 West Lafayette Blvd., Suite 1400
South Bend, Indiana 46601
Ph. No.574-235-9371
E-Mail Address N/A*



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 PUD Planned Unit Development District
& MU Mixed Use District
To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Commercial and 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*

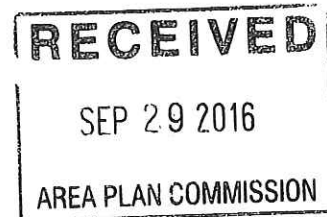
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *See Attached*
- 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: *See Attached*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *See Attached*
 - (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: *See Attached*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *See Attached*

* 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):

Legal Descriptions for rezoning:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 113, # 114, # 115 and Lot # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112, Lot "A", and also including Lot # 33 of the Plat of "Shetterley Place 2nd Plat" to the City of South Bend as recorded in Plat Book # 5 on Page # 44 in the records of said Recorder's office.

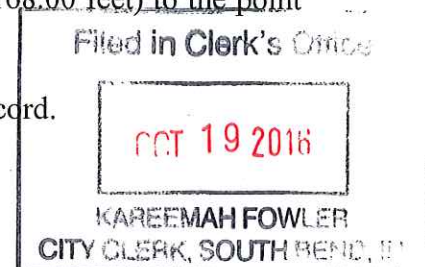
Containing 0.96 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeasterly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet) to the Northeasterly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.



Legal Descriptions for special exceptions:

That part of the Northeast Quarter of Section 2, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Lots # 112 of the Plat of "Shetterley Place 3rd Plat" now a part of the City of South Bend as recorded in Plat Book # 5, on Page # 60 in the records of the St. Joseph County, Indiana Recorder's office, excepting the East 35 feet of said Lot # 112.

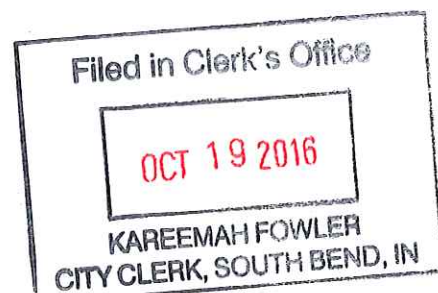
Containing 0.07 acres more or less.

Subject to all legal highways, easements and restrictions of record.

Also that Part of the Northeast and Southeast Quarters of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, being Lots # 34-37 of the recorded Plat of "Shetterley Place 2nd Plat", to the City of South Bend, Indiana as recorded in Plat Book # 5, Page # 44 in the office of the Recorder of St. Joseph County, Indiana, also Lot # 7 of the recorded Plat of "C.E. Smith's Subdivision of Lots numbered 38, 39, 40 & 41 of Shetterley Place, 2nd Plat", to the City of South Bend, recorded May 3, 1916 in the office of the Recorder of St. Joseph County, Indiana in Plat Book # 10, Page # 10, and being more particularly described as beginning at the Northeasterly corner of said Lot # 34; thence South 43°09'35" East along the West line of a 14 foot wide Public Alley, 174.03 feet (Rec. 174.10 feet) to the Northeast corner of said Lot # 34; thence South 46°32'49" West, 35.14 feet (Rec. 35.00 feet) to the Northwest corner of said Lot # 7; thence South 43°11'52" East along the Northerly line of said Lot # 7, 32.56 feet (Rec. 32.66 feet) to the Northeasterly corner of said Lot # 7; thence South 46°32'49" West along the Southerly line of said Lot # 7, 97.39 feet (rec. 97.00 feet) to the Northerly right-of-way of Portage Avenue; thence North 43°12'56" West along the Northerly right-of-way line of Portage Avenue, 316.67 feet (Rec. 315.46 feet); thence North 22°54'31" East, 8.91 feet to the South right-of-way line of Rex Street; thence North 89°01'58" East along said south right-of-way line, 168.27 (Rec. 168.00 feet) to the point of beginning.

Containing 0.79 acres more or less.

Subject to all legal right-of-ways, easements and restrictions of record.



Requested Revised Variances & Special Exception

Variance Requests:

- 1). From the required minimum 5 ft. front yard setback to 0 ft.;
- 2). From the required minimum 20 ft. front yard setback for parking to 5 ft.;
- 3). From the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash dumpster, parking and driveway;
- 4). From the required 15 ft. rear residential bufferyard to a minimum of 5 ft. for a Building, trash dumpster, parking and driveway;
- 5). From the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway;
- 6). From the maximum allowed 40 ft. building height to 42 ft.;
- 7). From Type A landscaping of required perimeter yards to none;
- 8). From the required Type B landscaping of required side and rear perimeter yards to none;
- 9). From the required screening parking spaces to screening with small shrubs and trees;
- 10). From the required screening of dumpsters to none;
- 11). From the required 9'x20' parking spaces to a minimum of 9'x19';
- 12). From the required minimum 24 foot-wide maneuvering aisle to a minimum of 22 Feet wide; and
- 13). From the required 137 parking spaces to 37.

Special Exception Requests:

- 1). Approval of a Special Exceptions to allow for 2 proposed off-site Parking lots on properties zoned "MU" Mixed Use.

Requested Variances & Special Exception information:

The owners are in the process of working with an interested party who desires to transform the existing building into a mixed use development containing residential dwelling units and a commercial component that will serve the residential owners. This same project was approved previously in 2013 as a PUD Planned Unit Development. The project is proposed to use tax credits to development and renovate the existing building. As proposed a portion of the existing structure will be raised and rebuilt with new residential units being placed in the new and older sections of the building. A portion of the first floor and basement will be used for commercial uses as such as a café space, retail space, a bicycle repair space. The building will include an open landscaped courtyard area open to all building residents. There are also two areas that will be used to provide for parking for the residents. A small parking area to the east and a parking area located on the southeast corner of Portage Avenue and Rex Street. When the original project was done under the City's PUD zoning classification, the development standards were written to allow for the building renovation and a relaxation of parking and landscaping standards.

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 properties to the "MU" Mixed Use zoning classification. This would allow for the uses proposed without the requirement of a restrictive site plan as dictated under the City's PUD Planned Unit Development classification. The project was allowed under the "MU" classification with approval of variances for the proposed development and approval of Special Exceptions for the off-site parking areas. This would give the project more flexibility for the development.

Filed in Clerk's Office
OCT 19 2016
MARIE MAH KOWLER
CITY CLERK, PUD BEND, IN

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SEP 29 2016
AREA PLAN COMMISSION

The proposed development would require the following Variances: From the “Yards and building Setback requirements”; 1). From the required minimum 5 ft. front yard setback to 0 ft. ; 2). From the required minimum 20 ft. front yard setback for parking to 5 ft.; 3). From the required minimum 15 ft. side residential bufferyard to 5 ft. for a building, trash dumpster, parking and driveway; 4). From the required 15 ft. rear residential bufferyard to a minimum of 5 ft. for a building, trash dumpster, parking and driveway; 5). From the required 15 ft. side and rear residential bufferyard to a minimum of 0 ft. for a balcony structure and driveway;

The proposed site plan shows the building at the property line along Portage Avenue, California Street and Rex Street. A major portion of the existing building was along these property lines. The owners desire to remove old sections of the structure and replace them with a new structure to house the residential portion of the development. The building will be kept back 5 feet from the property line adjacent to the east where a 14 ft. public alley presently exists. The proposed parking areas will be placed as close as 5 ft. from a property line for the small parking area and trash dumpster located along California Street and both will be landscaped with trees, and evergreen and deciduous shrubs to create a visual buffer. An ornamental fence will be placed along the public street side of the parking area. The proposed parking area on the southeast corner of Portage Avenue and Rex Street would be kept back 15 ft. from the street right-of-way line to allow for a landscape area and ornamental fencing. Along the alley there will be a 5 ft. setback which will be landscaped as well.

The building may have small balconies which would be located on the east side of the building adjacent to the public alley. If any balconies are located toward the public street side of the building the owners would be required to ask for approval of an encroachment into those public right-of-ways with the Board of Public Works. There would also be a driveway for the south parking area which would be used to access the adjacent alley from the parking lot which would encroach into the side & rear residential bufferyard. The owners do not believe these requests would have a negative effect on any surrounding property.

The next Variance required is: 6). From the maximum allowed 40 ft. building height to 42 ft. The existing and proposed portions of the building would have a maximum height of 42 feet and the owners would ask to be allowed to have this as the maximum permitted height for all renovations which would also include elevator equipment room on the existing building rooftop and for possible future solar panels. The owners do not believe this height would have an adverse impact on any adjacent property.

The next set of Variance requests are from the Landscaping requirement of the ordinance, more specifically from: 7). From Type A landscaping of required perimeter yards to none; 8). From the required Type B landscaping of required side and rear perimeter yards to none; 9). From the required screening parking spaces to screening with small shrubs and trees; 10). From the required screening of dumpsters to none.

The plan as shown would, if allowed placed over-story deciduous trees along the streetscape for Portage Avenue. This would allow for a visual break of the building façade along this portion of the project site. This would still allow for the intent of providing Type A perimeter landscaping for the project site. Trees and shrubs would also be placed along the perimeter of the two parking areas to provide a visual break from the adjacent streets and adjacent properties. This landscaping would replace the type B landscaping. The proposed dumpster location will be screened from the adjacent residential properties by an evergreen screen placed along the east property line. The remaining two sides of the dumpster will be enclosed with a solid wall and the front of the dumpster will have gates with materials to screen the dumpster from view off the alley. As the building would be placed on the property line along the main streets, no foundation landscaping would be provided. This situation presently exists for the existing structure. The owners do not believe approval of these requests will have a negative impact on surrounding properties.

The next set of Variance requests are from the Parking regulations and more specifically from; 11). From the required 9’x20’ parking spaces to a minimum of 9’x19’; 12). From the required

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SEP 29 2016

AREA PLAN COMMISSION

minimum 24 foot-wide maneuvering aisle to a minimum of 22 feet wide; and 13). From the required 137 parking spaces to 37.

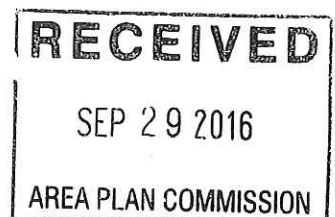
These variances are similar to the development standards that were approved under the previously approved PUD. The owners are asking for a variance to use 19 foot deep parking spaces instead of 20 foot and from the minimum 24 foot-wide maneuvering aisle to 22 feet wide. These sizes do work well in developments and allow for less of a heat island effect for parking areas. The request for the reduction in parking for the retail space is based on the retail uses are focused on the residents in the building and providing them with needed services. It is also based on providing adjacent neighborhood residents with local access to retail that they can walk to from their homes without the need of using their cars. A large portion of the retail space is in the basement of the building which again reduces the street exposure for the retail uses and reduces the amount of passing vehicles that would stop at this development. The request for the reduction of parking spaces for the residential dwelling units is based on the premise that this development is located on a main public transportation route for the City. It is envisioned that a portion of the residents of this development will use public transportation to get to work and that if they have vehicles, they would most likely have a single vehicle. This helps to eliminate the need to provide an excess amount of parking that would not be used. The owners do not believe these requests would have a negative effect on 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.

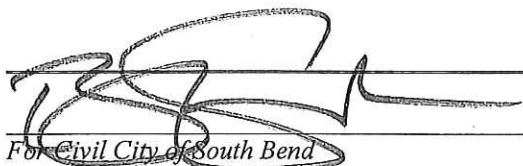
With regards to the proposed Special Exceptions, the owners are also requesting approval of a for each of the two off-site parking areas shown on the attached site plan. The project site is bisected by a Public Alley on the east and Rex Street on the south. As designed there are two parking areas proposed for the project. Based on the zoning ordinance the only way to use the two parking areas for the project is to request approval of a Special Exception for each lot. This is considered off-site parking and is allowed as a Special Exception. The parking areas are adjacent to the property where the building is located and provides easy access for residents. The parking areas will be landscaped to soften the appearance of the paved parking spaces from the street and the adjacent properties.

The owners would state that they believe approval of the Special Exceptions for the proposed off-site parking *use as described above*, will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, nor will the proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein. The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein. The owners would state that, there are similar off-site parking areas located in this neighborhood. The owners would state that the proposed use is compatible with the recommendations of the City of South Bend *Comprehensive Plan*. Several areas in this neighborhood are zoned as MU Mixed Use, which have the potential for off-site parking. Most properties' in this neighborhood are small and would require the use of off-site parking to provide spaces for permitted and proposed uses in existing buildings.

The owners would ask for approval of the Special Exceptions for the proposed off-site parking areas.



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



For ~~Civil City of South Bend~~
227 West Jefferson Blvd.
Suite 1200

South Bend, Indiana 46601

E-Mail Address N/A

Ph. No. 231-9337

Brian J. Pawlowski
Interim Director, Dept. of Community
Investment

Ph. No. _____

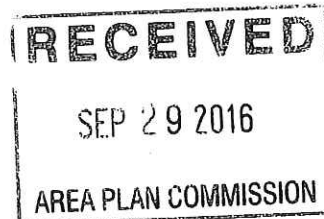
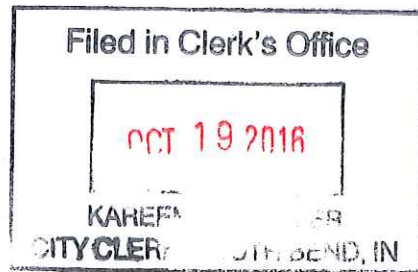
PETITION PREPARED BY & CONTACT PERSON:

Name: *Danch, Harner & Associates, Inc.*

Address: 1643 Commerce Drive

South Bend, Indiana 46628

574-234-4003 mdanch@danchharner.com



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



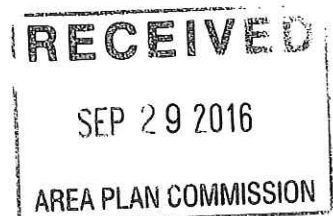
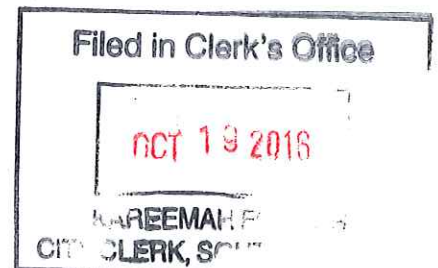
Richard Ford
908 Portage Avenue
South Bend, Indiana 46616
E-Mail Address N/A
Ph. No. 305 394 1706



Linda Ford
908 Portage Avenue
South Bend, Indiana 46616
E-Mail Address N/A
Ph. No. 305-395-0430

PETITION PREPARED BY & CONTACT PERSON:

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





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

September 8, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601


RE: 331 W. Wayne Street

Dear Council Members:

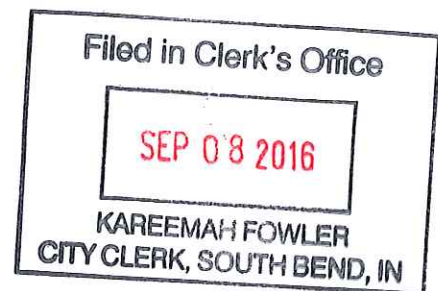
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the October 18, 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,


Angela M. Smith
Deputy Director

CC: Kathy Cekanski-Farrand



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND REQUESTING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 331 W. WAYNE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone the property for a brewery and restaurant.

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:

Lot A of Vails Subdivision First Replat

be and the same is hereby established as CBD Central Business District.

SECTION II. That a Special Exception Use for *manufacturing retailer* in the *CBD Central Business District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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.

Member of the Common Council

Attest:

City Clerk

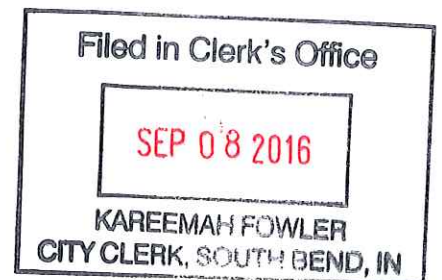
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Wednesday, October 19, 2016

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

RE: A combined public hearing on a proposed ordinance of Department of Redevelopment City of South Bend to zone from GB General Business District and seeking a manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend - APC# 2798-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Department of Redevelopment City of South Bend was legally advertised on October 6, 2016 and that the Area Plan Commission at its public hearing on October 18, 2016 took the following action:

Upon a motion by Robert Hawley, being seconded by Adam Devon and unanimously carried, a proposed ordinance of Department of Redevelopment City of South Bend to zone from GB General Business District to CBD Central Business District, property located at 331 W. Wayne Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning this property to CBD Central Business District and granting the special exception use for a manufacturing retailer allows for a use that is compatible with the existing Central Business District and will complement the surrounding uses.

Upon a motion by John DeLee, being seconded by Robert Hawley and unanimously carried, a Special Exception Use for a manufacturing retailer, property located at 331 W. Wayne Street, City of South Bend, was sent to the Common Council with a FAVORABLE recommendation, subject to the rezoning being approved by the Common Council

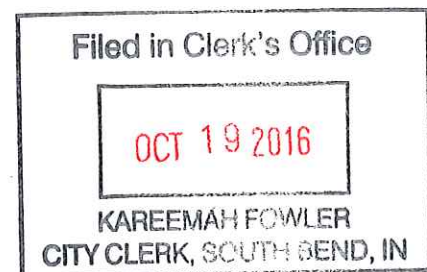
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink that reads "L. P. Magliozzi".

Lawrence P. Magliozzi

Attachment



CC: Department of Redevelopment City of South Bend
Chris Gerard

Staff Report

10/7/2016

APC # 2798-16
Owner: Department of Redevelopment City of South Bend
Location: 331 W. Wayne Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from GB General Business District to CBD Central Business District and seeking a Special Exception Use for a manufacturing retailer.

Land Uses and Zoning:

On site: On site is an existing building and parking lot.
North: To the north across Wayne Street are businesses zoned MU Mixed Use District.
East: To the east is the South Bend VA Clinic zoned CBD Central Business District.
South: To the south is a parking lot zoned GB General Business District.
West: To the west across William Street is a vacant lot zoned GB General Business District.

District Uses and Development Standards:

The CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas.

Site Plan Description:

On site is an exiting 8,650 sq. ft. building that is proposed to be converted to a brew pub. The remainder of the site is a parking lot with a primary entrance on William Street.

Zoning and Land Use History And Trends:

This property was zoned Light Industrial prior to 2006.

Traffic and Transportation Considerations:

William Street has two lanes with a center turn lane and on street parking on the west side of the street. Wayne Street has two lanes.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers a favorable recommendation and on the

associated special exception request to permit a manufacturing retailer. DCI recommends that in lieu of any other perimeter or parking lot screening landscaping, the petitioner provide street trees at approximately 44' spacing in the Wayne and William Street tree lawns. Over time, the petitioner can add landscaping to existing on-site paved areas that will not be used for parking. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for access and screening; 3) Development of the site requires City approval of a Drainage Plan, and payment of the corresponding Drainage Review Fee, that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006): ED 1.2 Encourage the reuse of abandoned and underutilized land and structures.

Land Use Plan:

The future land use map identifies this area as commercial.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The properties east of the site are predominantly commercial and business oriented. To the north of Wayne and to the west of William is a mixture of residential and business uses.

3. Most Desirable Use:

The most desirable use is commercial.

4. Conservation of Property Values:

The renovation and reuse of a vacant building should not adversely affect adjacent property values.

5. Responsible Development And Growth:

It is responsible development and growth to reuse a vacant building, in conformance with the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, and a Special Exception Use. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation.

The Petitioner is seeking a Special Use to allow:

manufacturing retailer

A Special Use may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The use will be compatible with existing businesses located in the Central Business District. The special exception for a manufacturing retailer (brewery) will not be injurious to the public.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The proposed use will utilize an existing commercial building and should not adversely affect adjacent property values.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The building will be renovated to conform to the character of the district.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The Comprehensive Plan makes no specific recommendation for this use.

Staff Comments:

The site will require variances from the Area Board of Zoning Appeals for perimeter landscaping and parking area screening along the west property line. Also, the configuration of parking spaces will need to be modified to reflect the requirements of the Zoning Ordinance.

Recommendation:

Based on information available prior to the public hearing, staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends that the special exception use be sent to the Common Council with a favorable recommendation.

Analysis:

Rezoning this property to CBD Central Business District and granting the special exception use for a manufacturing retailer allows for a use that is compatible with the existing Central Business District and will compliment the surrounding uses.

REZONING
#2798-16

OCT 19 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

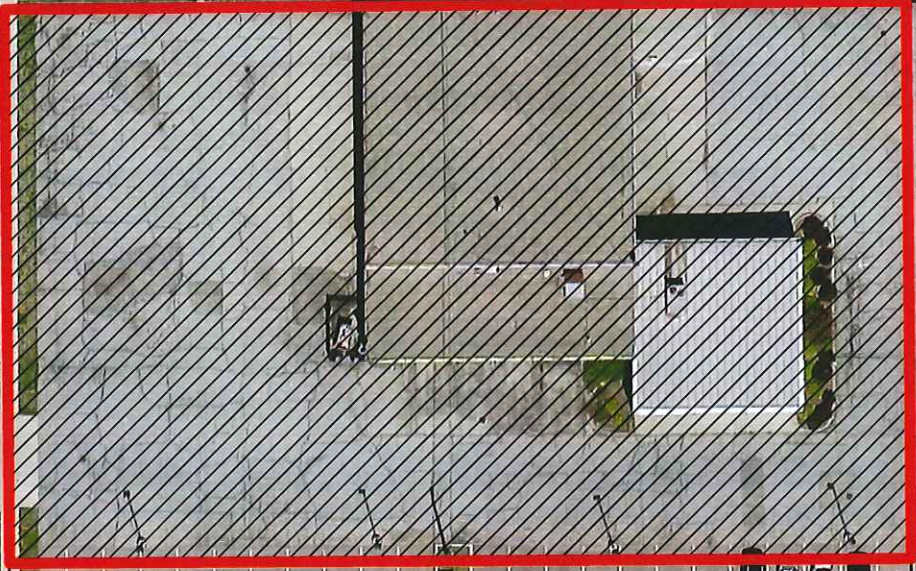
Wayne

William

Franklin

1 inch = 50 feet

PORTAGE TOWNSHIP





Rezoning from: CITY OF SOUTH BEND
 "GB" GENERAL BUSINESS DISTRICT
 to "CBD" CENTRAL BUSINESS DISTRICT

MASTER ZONING KEY

- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "CBD" CENTRAL BUSINESS DISTRICT
- SOUTH BEND "GB" GENERAL BUSINESS DISTRICT

Filed in Clerk's Office

1 inch = 100 feet

APC # 2798-16



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

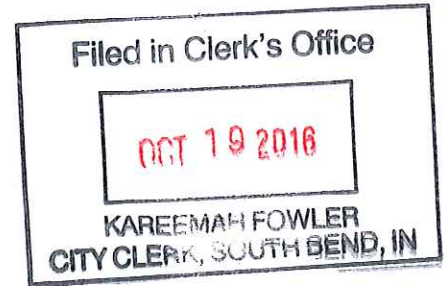
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

October 19, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Bill # 53-16
Rezoning: APC #2798-16 - 331 W. Wayne Street

Dear Council Members:

The Area Plan Commission held a public hearing on October 18, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, October 24, 2016.

Ordinance & Petition Amendments:

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

Petition:

- 1.) The property owner name was changed.
- 2.) The legal description was corrected.

A Copy of the revised Petition is attached.

Public Hearing Summary:

There was 2 persons that spoke in opposition to the proposed rezoning.

- 1) Brenda Lucas – Concerned about a brewery going in next to the South Bend VA Clinic.
- 2) Jack Smith – Concerned about lighting, hours of operation, parking, and security. He would like to see landscaping added to the site.

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

Sincerely,

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:
Parcel Key No. 018-3012-044003
Commonly known as 331 W. Wayne St., South Bend, Indiana
- 2) The property Tax Key Number(s) is/are: *Parcel Key No. 018-3012-044003*
- 3) Legal Descriptions: *Lot A Vails Sub First Replat*
- 4) Total Site Area: *.85 acres*
- 5) Name and address of property owner(s) of the petition site:
Department of Redevelopment City of South Bend
227 West Jefferson Blvd 1400
South Bend, IN 46601
574-235-5836
drelos@southbendin.gov

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:
Chris Gerard
12804 Sandy Court
Granger, IN 46530
574-315-4257
chris@barehandsbrewery.com

Name and address of additional property owners, if applicable:

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

From: GB General Business District Additional zoning district, if applicable

To: CBD Central Business District

- 8) This rezoning is requested to allow the following use(s): *Brewery/Restarant*

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

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
- 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: *Insert text*
 - (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: *Insert text*



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

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: *Manufacturing retailer*
- 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: *It will be similar to other business*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *We are going to fix up vacant property*
 - (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: *We plan to fit our design to work with the area*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Resuse of an abandoned building*

* 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:

Chris Gerard
12804 Sandy Ct
Granger In 46530
574-315-4257
chris@barehandsbrewery.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 P. Helon, Authorized Rep, Dept of Redevelopment





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

September 8, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: 1037 Elmer Street

Dear Council Members:

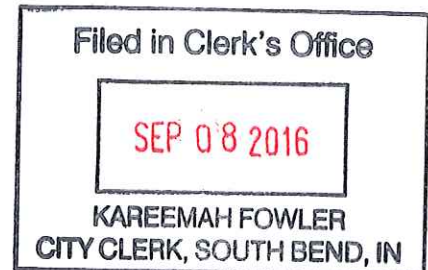
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 12, 2016 Council meeting, and set it for public hearing at your October 24, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the October 18, 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,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Kathy Cekanski-Farrand



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 1037 ELMER STREET, COUNCILMANIC DISTRICT NO. 2 IN THE
CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

To rezone to allow for the construction of a steel frame building for the miscellaneous use of storage for items acquired and used for the operations of the adjacent Day Care.

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:

Lot 23 as shown on the recorded plat of Mayr’s Michigan Avenue Addition in the Office of the Recorder of St. Joseph County, Indiana in Plat Book 8, Page 190 and 191 along with the north half of the 14’ vacated alley lying south and adjacent to said Lot 23.

be and the same is hereby established as MU Mixed Use 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

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

Filed in Clerk's Office
SEP 08 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



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, October 19, 2016

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

RE: A proposed ordinance of Bettie Jo Williams to zone from SF2 Single Family & Two Family District to MU Mixed Use District, property located at 1037 Elmer Street, City of South Bend - APC# 2797-16.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Bettie Jo Williams was legally advertised on October 6, 2016 and that the Area Plan Commission at its public hearing on October 18, 2016 took the following action:

Upon a motion by John DeLee, being seconded by Steve Vojtko and unanimously carried, a proposed ordinance of Bettie Jo Williams to zone from SF2 Single Family & Two Family District to MU Mixed Use District, property located at 1037 Elmer Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning the property will allow for the expansion of an existing business. With appropriate buffering and adherence to the architectural, the proposed expansion will be a responsible asset to the neighborhood.

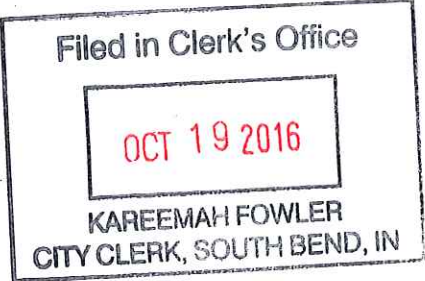
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: Bettie Jo Williams



Staff Report

10/7/2016

APC # 2797-16
Owner: Bettie Jo Williams
Location: 1037 Elmer Street
Jurisdiction: City of South Bend
Public Hearing Date: 10/18/2016

Requested Action:

The petitioner is requesting a zone change from SF2 Single Family & Two Family District to MU Mixed Use District and three variances from the development standards.

Land Uses and Zoning:

- On site: On site is vacant land.
- North: To the north is a single family residence zoned SF2 Single Family and Two Family District.
- East: To the east across Elmer Street are single family residences zoned SF2 Single Family and Two Family District.
- South: To the south are businesses zoned MU Mixed Use District.
- West: To the west are businesses zoned MU Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of the a dense urban village environment. The regulations are intended to encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district.

Site Plan Description:

On site there is a proposed 2,400 sq. ft. accessory building with a height of 21.5'. The proposed building will serve the adjacent daycare facility located to the south of the site.

Zoning and Land Use History And Trends:

This property was zoned residential prior to 2006.

Traffic and Transportation Considerations:

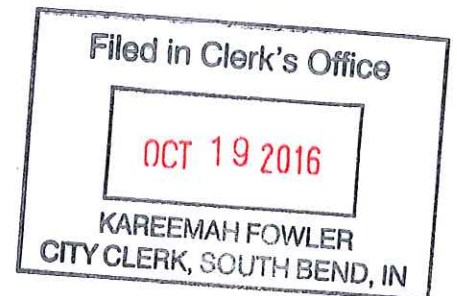
Elmer Street has two lanes with on street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

Department of Community Investment supports the concept of the Bettie Jo Williams request to rezone 1037 Elmer Street from SF2 to MU. The proposed rezoning would allow the daycare business to improve its operations and would be in keeping with the spirit of the West Side Main Streets Plan. Without having the benefit of project specifics, DCI would recommend that: 1) The garage be located toward the rear (west end) of the lot and



not forward of the front building line of the houses to the north along Elmer (approximately 20-25'). DCI would be supportive of a variance from the MU maximum setback to accomplish this siting; 2) The garage doors be oriented to the south or west; 3) If the garage is placed at or near the Elmer Street building line, architectural finishes and foundation landscaping should be added to the Elmer Street façade; and 4) The rezoning parcel should be integrated with the business parcels to the south to ensure proper access and functionality, to minimize curb cuts (consolidate the driveway to the existing parking lot and the former alley approach into one curb cut), and to provide adequate landscaping. The City Engineer commented the following are required prior to final site plan approval: 1) Completion of the City of South Bend Utility Verification Form; 2) Approval of sidewalk, curb cut, lighting, and overall site improvement to reflect the Master Plan for the surrounding area. Of specific concern for this site are the plans for sidewalk improvements; 3) Development of the site requires City approval of a Drainage Plan that meets the City's requirement to store all runoff from developed areas on site; 4) Development of the site also require compliance with the City's Downspout Disconnection Program; 5) Verification of required (if any) waivers; and 6) Payment of Final Site Plan Review fee.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the West Side Main Streets Plan (2014) which identifies this area as a retail node.

Land Use Plan:

The future land use map identifies this area as part of the Olive Street node.

Plan Implementation/Other Plans:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

2. Current Conditions and Character:

Lincoln Way West is a mixture of commercial, business, and residential. Single family residences border to the north and east.

3. Most Desirable Use:

The most desirable use for this site is one that allows for the reuse of vacant land.

4. Conservation of Property Values:

With adequate landscape buffering, the adjacent property values should not be affected.

5. Responsible Development And Growth:

It is responsible growth and development to allow for the expansion of an existing business, in conformance with the Comprehensive Plan.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning and 3 variance from the development standards. The Commission will forward the rezoning to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking the following variance(s):

- 1) from the required minimum side residential bufferyard setback of 15' to 7' along the north property line
- 2) from the required Type A landscaping to none along the east and west property line
- 3) from the required Section 21-03.02(13) Architecture standards to allow the construction of a metal building

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

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

The proposed variances should not have an impact on the general welfare of the community. The development is an expansion of an existing business.

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

Without appropriate landscaping and attention to the quality of the building being installed, the expansion of this business into the residential neighborhood could have a negative affect on the use and value of adjacent properties.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

The relatively small lot size creates a practical difficulty in the strict application of the residential bufferyard setback on this property. There are no practical difficulties that support the granting of variances from the landscape or architectural standards for this site.

Staff Comments:

The staff has no additional comments.

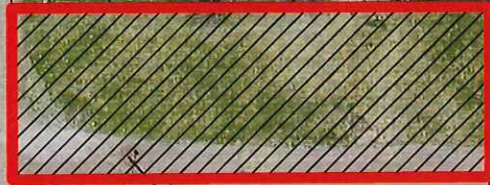
Recommendation:

Based on information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with a favorable recommendation. The staff recommends approval of variance #1 to allow a reduced residential bufferyard, subject to the entry doors for the proposed structure being limited to the south or west facades. The staff recommends denial of variances #2 and #3 for the perimeter landscaping and architectural standards.

Analysis:

Rezoning the property will allow for the expansion of an existing business. With appropriate buffering and adherence to the architectural, the proposed expansion will be a responsible asset to the neighborhood.

REZONING
#2797-16



Elmer

Lincolnway West

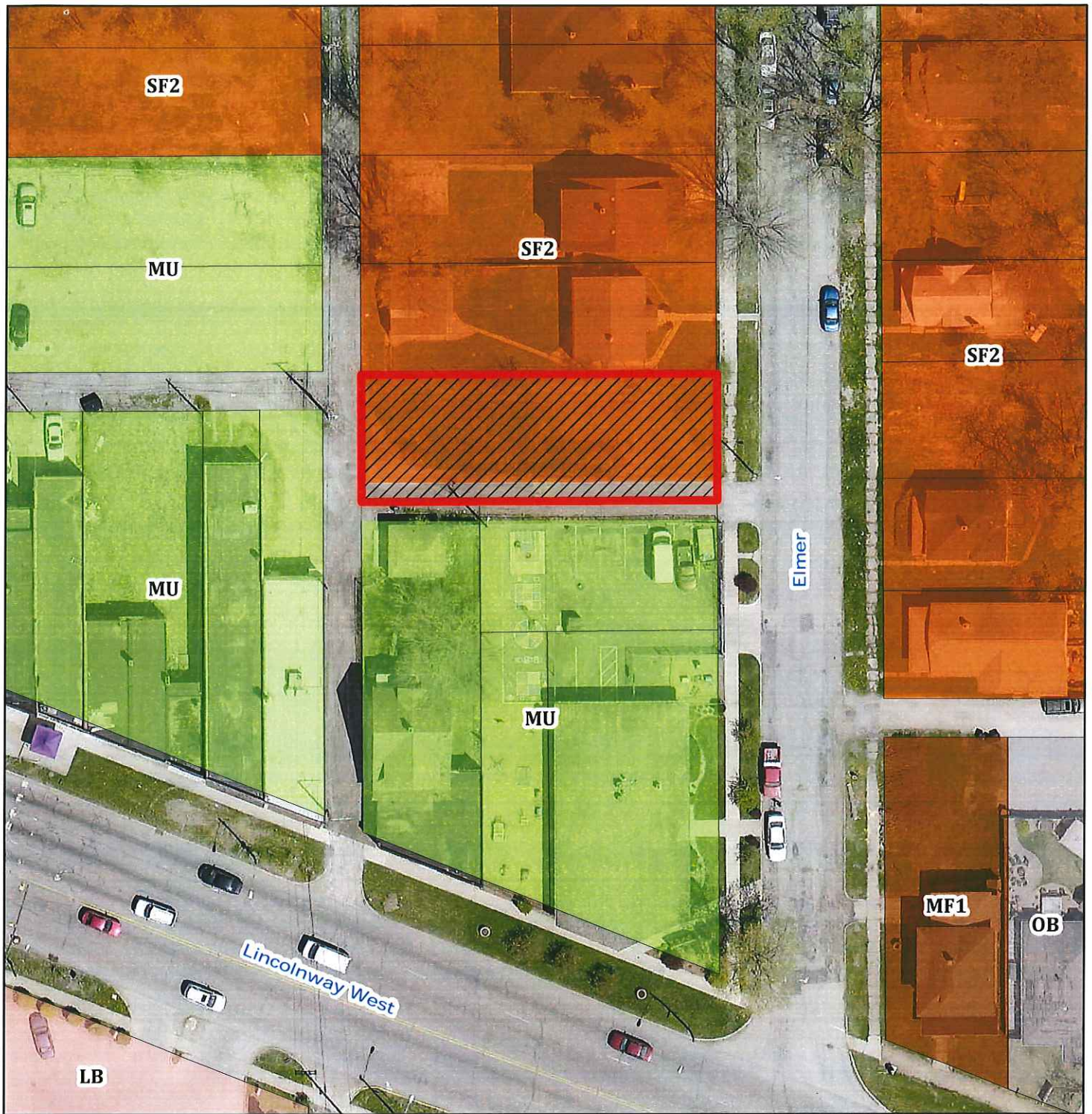
Filed in Clerk's Office

OCT 19 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



1 inch = 50 feet
PORTAGE TOWNSHIP



Rezoning from: CITY OF SOUTH BEND
 "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
 to "MU" MIXED USE DISTRICT

MASTER ZONING KEY

- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "MF1" URBAN CORRIDOR MULTIFAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT

Filed in Clerk's Office

OCT 19 2016

KARL E. FOWLER
 CITY CLERK SOUTH BEND, IN



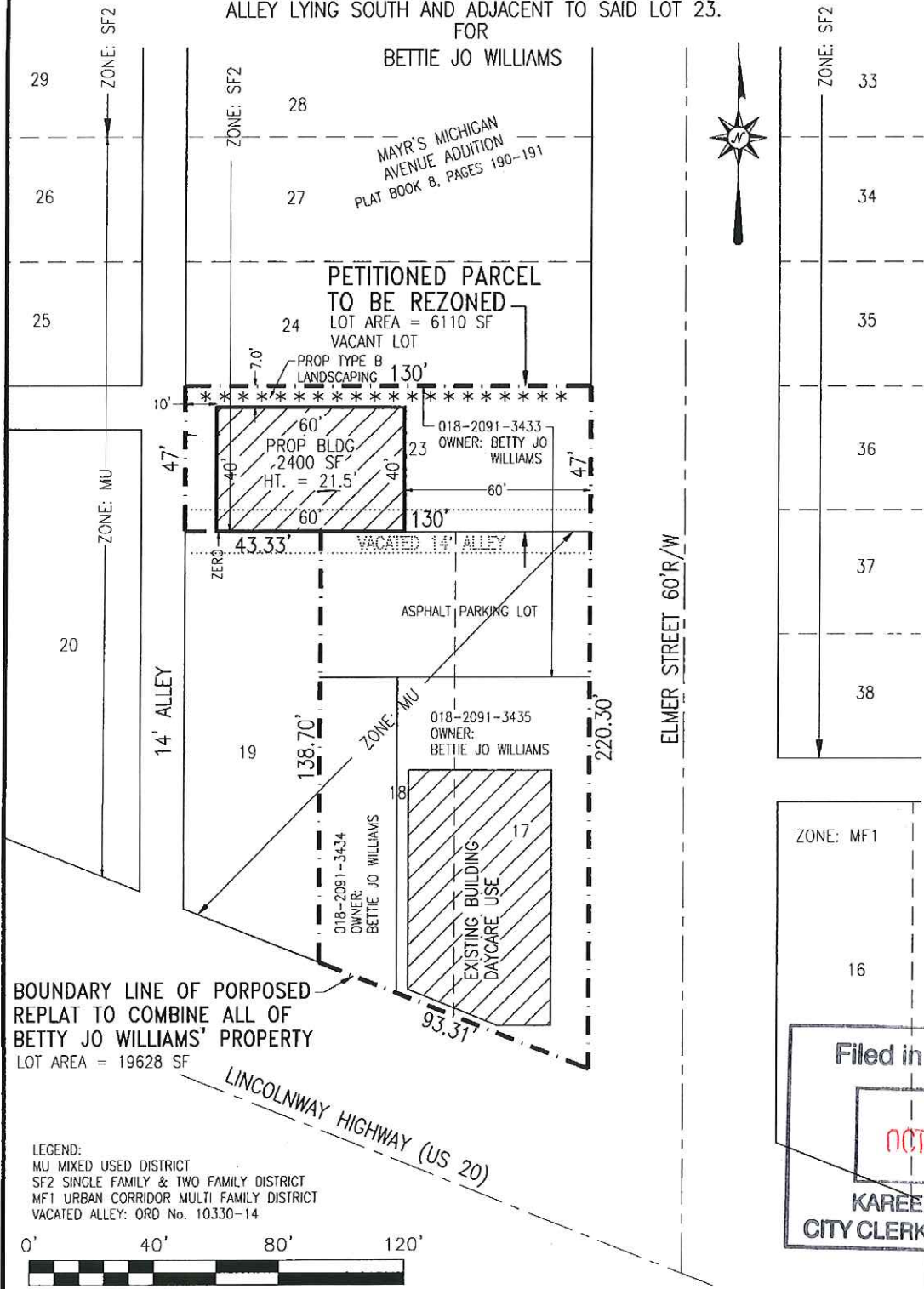
1 inch = 50 feet

APC # 2797-16

REZONING SITE PLAN

MAYR'S MICHIGAN AVENUE ADDITION
 LOT 23 AND THE NORTH HALF OF THE 14' VACATED
 ALLEY LYING SOUTH AND ADJACENT TO SAID LOT 23.

FOR
 BETTIE JO WILLIAMS



BOUNDARY LINE OF PORPOSED
 REPLAT TO COMBINE ALL OF
 BETTY JO WILLIAMS' PROPERTY
 LOT AREA = 19628 SF

LEGEND:
 MU MIXED USED DISTRICT
 SF2 SINGLE FAMILY & TWO FAMILY DISTRICT
 MF1 URBAN CORRIDOR MULTI FAMILY DISTRICT
 VACATED ALLEY: ORD No. 10330-14

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

FILED
 SEP 21 2016
 ARCHIVED FOR COMMISSION

Lang, Feeney & Associates, Inc.
 Land Surveyors, Construction Engineers & Soil Scientists
 715 South Michigan Street
 South Bend, Indiana 46601
 Phone 574-233-1841 Fax 574-674-0374

File Name Williams,BettieJoRezoning	Drawn By JMS	Scale 1" = 40'
Date 9-6-16	Rev. Date 9-20-16	Drawing No.



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

October 19, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bill # 54-16
Rezoning: APC #2797-16 - 1037 Elmer Street

Dear Council Members:

The Area Plan Commission held a public hearing on October 18, 2016 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, October 24, 2016.

Ordinance & Petition Amendments:

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

Petition:

- 1.) Variances were added to the petition.

A Copy of the revised Petition is attached.

Public Hearing Summary:

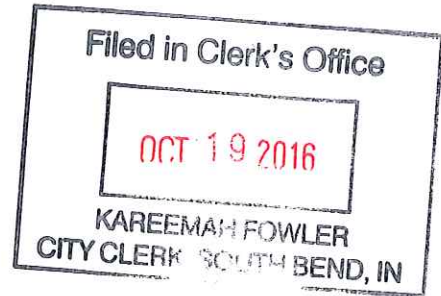
There was no one that spoke in favor/opposition to the proposed rezoning.

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

Sincerely,

Keith Chapman, Planner

CC: Kathleen Cekanski-Farrand



PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

1) The property sought to be rezoned is located at:
1037 Elmer Street
South Bend, Indiana 46628
Along with with the north half of the 14' vacated alley lying south and adjacent to Lot 23 Mayr's Michigan Avenue Addition.

2) The property Tax Key Number(s) is/are: Part of 018-2091-3433

3) Legal Descriptions: Lot 23 as shown on the recorded plat of Mayr's Michigan Avenue Addition in the the Office of the Recorder of St. Joseph County, Indiana in PLat Book 8, Page 190 and 191 along with the north half of the 14' vacated alley lying south and adjacent to said Lot 23.

4) Total Site Area: 6109 sf

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

Bettie Jo Williams
PO Box 3195
South Bend, Indiana 46601
574-288-5891

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:

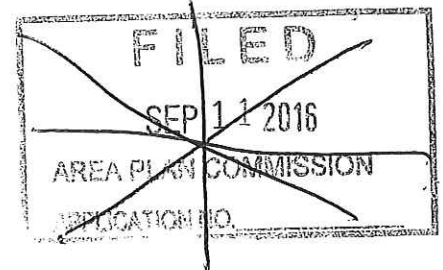
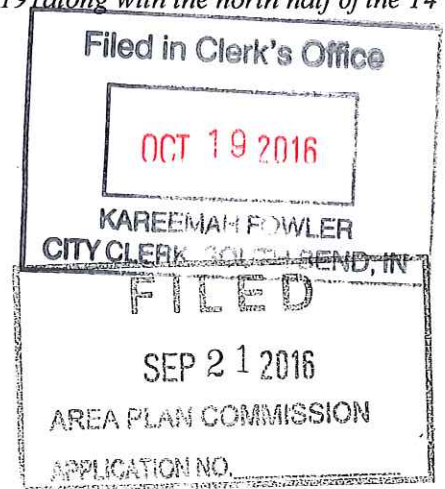
From: SF2 Single Family Two Family District N/A

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): Bettie Jo Williams owns the petitioned parcel along with adjacent parcels lying to the south. Those parcels are currently zoned Mu Mixed Use and contains one building and parking used for a day care facility. This rezoning request is to allow for the construction of a steel frame building for the miscellaneous use of storage for item acquired and vehicles used for the operations of the adjacent day care. With the granting of this rezoning, all mentioned parcels shall be combine into one lot through the replatting process.

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

1) a variance from the required minimum side residential bufferyard of 15' setback to 7' along the north property; a variance from the required Type A landscaping along the east and west lines to no landscaping and a variance from Section 21-03.02(13) of the South Bend Zoning Ordinance to allow construction of a metal building to house vehicles used in conjunction with the business currently operating at this location.



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: *All new construction shall follow the City of South Bend requirements.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The proposed follows the continuity of the surrounding properties.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *By not allowing the property owner the most applicable use of the their property.*

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*

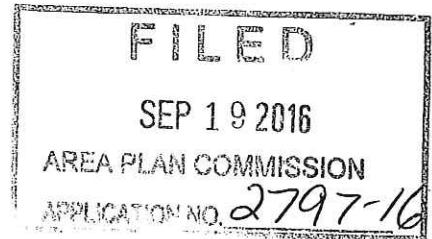
2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/a*
- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/a*
- (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: *N/a*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/a*

* 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:

*Lang, Feeney & Associates, Inc.
715 South Michiagn Street
South Bend, Indiana 46601
574-233-1841
JBF715@aol.com*

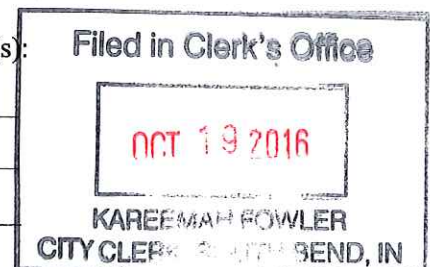


BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Bettie Jo Williams

BETTIE JO WILLIAMS





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

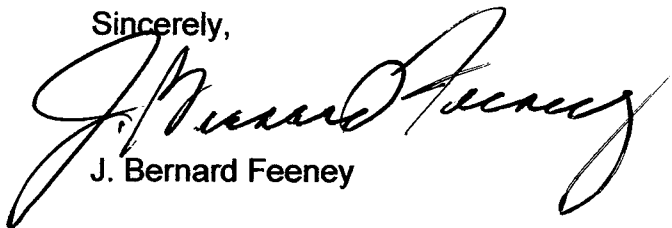
Re: Vacation Petition – Alley Vacation

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: _____

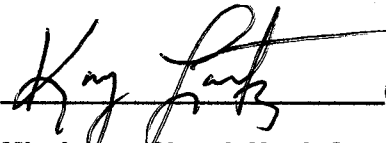
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

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.

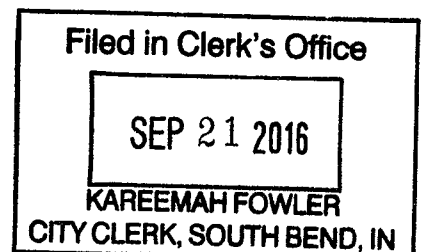
City Clerk

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

Mayor, City of South Bend, Indiana

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

Updated 6/22/12





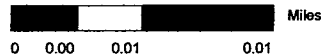
Legend

- 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
©2016 and 2015, 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

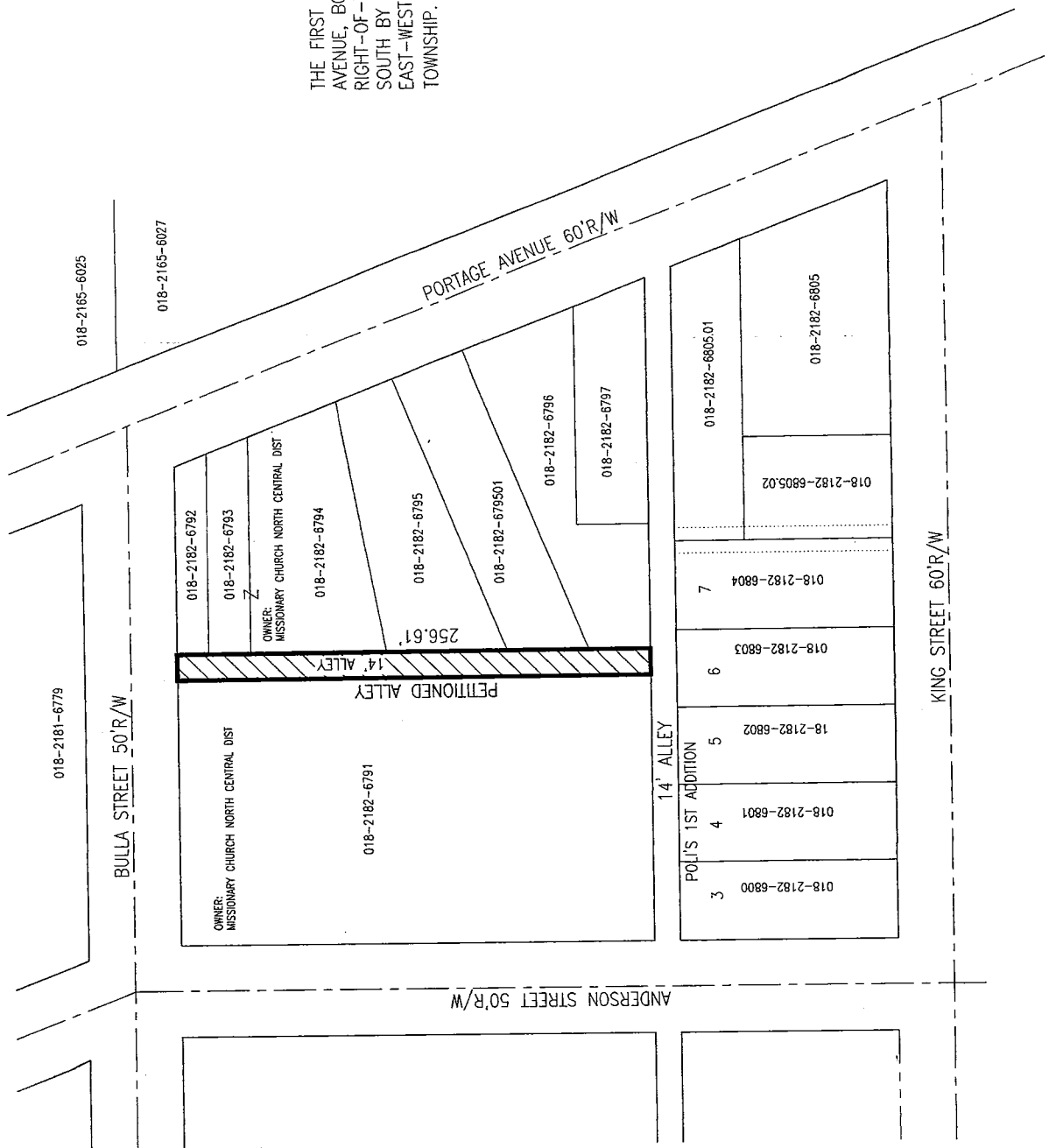
SEP 21 2016

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 DJ Const'r Alley Vac



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS

Eric Horvath, Director

September 7, 2016

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

Re: AN ORDINANCE OF THE CITY OF SOUTH BEND COMMON
COUNCIL IMPLEMENTING SYSTEM DEVELOPMENT CHARGES
AND REPEALING COMPACT FEES AND ASSESSMENTS

Dear President Scott:

The application of assessment fees and compact fees has been inconsistent and cumbersome. The attached ordinance attempts to remedy that by eliminating compact fees for sewer and water service altogether, and in place of compact fees for sewer service, the City should instead recover a 14% outside City surcharge for sewer service.

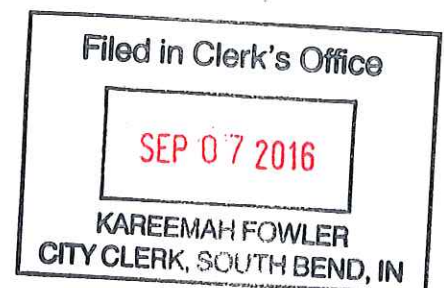
The ordinance also eliminates assessment fees and establishes system development charges for both water and sewer service which have been computed using what is known as the "Equity Method."

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,

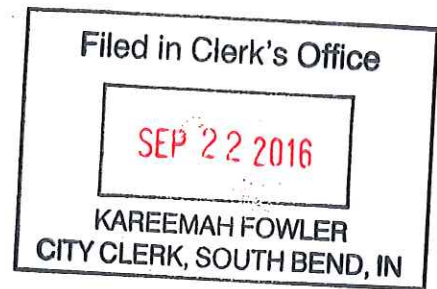
Eric C. Horvath
City of South Bend
Executive Director Public Works



OK
[Handwritten initials]



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
Eric Horvath, Director



September 22, 2016

Dear Council President Scott:

Attached is a substitute version of Bill No. 40-16 that was initially filed on September 7, 2016. The only difference between the original and the attached substitute is that the titles to the amended Sections of the South Bend Municipal Code have been changed slightly, and the original text of those Sections is included showing strike-outs of omitted portions. This is in accordance with the suggestion of the Common Council's attorney.

As indicated in the cover letter for the original ordinance, I will make the presentation of this Bill to the Council at any committee meeting and at public hearing. I also acknowledge that this Bill is set for discussion at the Public Works & Property Vacation Committee meeting this coming Monday, September 26, 2016, which I will attend.

Thank you, again, for your consideration.

Sincerely,

Eric C. Horvath P.E.

Executive Director Public Works

Substitute Bill No. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA REPEALING CERTAIN
SECTIONS OF CHAPTER 17, ARTICLE 10 REGARDING
COMPACT FEES AND ASSESSMENTS AND REPLACING
SUCH FEES AND ASSESSMENTS WITH SYSTEM
DEVELOPMENT CHARGES**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend owns and operates a water and sewer utility. The South Bend City Code has contained, for many years provisions, which would impose compact fees and assessments for water and/or sewer utility service. The application of said compact fees and assessments has been inconsistent.

This Council has caused to be prepared a study which recommends system development charges to be imposed upon connection of new customers to its water or sewer utility and to new uses by existing customers that would materially change the demands on the water and/or sewer utility.

The City has determined that in place of compact fees for sewer service, the City should instead, recover an outside City surcharge for sewer service. Further, the City has determined that it is appropriate to implement system development charges for both water and sewer service which have been computed using what is known as the "Equity Method." It is appropriate to exempt connections to new structures which replace an older structure of similar use located on the same property.

Section 1. Sections 17-79 of the City Code shall be repealed in its entirety and amended to read as follows:

Sec. 17-79. Water main lines; within City limits; for single family residence; Equivalent Residential Unit (ERU); assessment of installation System Development Charges.

1. For purposes of this section "ERU" shall be defined as an equivalent residential unit which means a single family residence. For purposes of customers that are not single family residences, one ERU shall equal estimated wastewater flows of 310 gallons per day. No customer will be less than one ERU.

2. Except as provided in Subsections 5. and 6. of this Section, for every new connection to the South Bend Municipal Sewer Works, a system development charge of \$1,145 shall be collected per ERU and additional portion thereof to be connected. All charges shall be paid to the City at the time the application for connection is filed.

3. System development charges per ERU shall also be collected from existing customers undertaking activities producing a permanent increase in wastewater flow of greater than 150 gallons per day.

4. For multifamily structures (e.g., apartments, condominiums, mobile home communities), each individual unit shall be one ERU. For all other types of structures, the ERU calculation shall be based upon the ratio of Average Daily Flow as computed pursuant to 327 IAC 3-6-11 in relationship to 310 gallons per day. For structures not listed in 327 IAC 3-6-11, the ERU shall be calculated as the relationship between the Average Daily Flow reported in the sewer capacity certification for the structure and 310 gallons per day.

5. For customers with greater than 20 ERUs as calculated pursuant to subsection 4. of this Section, the ERU shall be adjusted based upon the Peaking Factor as computed herein. The Peaking Factor shall be calculated by dividing the Peak Daily Flow by the Average Daily Flow, both as reported in the sewer capacity certification. In no event will a Peaking Factor less than 2.0 be used for purposes of the adjustment described in this Subsection. The Peaking Factor divided by 4.0 (the Peaking Factor for residential connections) will be multiplied by the number of ERUs for purposes of computing the system development charge owed by the customer. The City Board of Works may execute a contract with the customer authorizing an increase to the initial System Development Charge based upon actual usage data that is collected after connection.

6. Where a prospective customer seeks to connect a new structure on property which replaces a prior structure of a similar use that was located on the same property and that was connected to the South Bend Municipal Sewer Works, no system development charge will be collected.

Section 2. Section 17-80 of the City Code shall be repealed in its entirety and amended to read as follows:

Sec. 17-80. Water main line; outside City limits; for non-single family residence; assessment of installation System Development Charges.

1. For purposes of this section "ERU" shall be defined as an equivalent residential unit which means a single family residence. For purposes of customers that are not single family residences, one ERU shall equal estimated water flows of 310 gallons per day. No customer will be less than one ERU.

2. Except as provided in Subsections 5. and 6. of this Section, for every new connection to the South Bend Municipal Water Works, a system development charge of \$500 shall be collected per ERU and additional portion thereof to be connected. All charges shall be paid to the City at the time the application for connection is filed.

3. System development charges per ERU shall also be collected from existing customers undertaking activities producing a permanent increase in water flow of greater than 150 gallons per day.

4. For multifamily structures (e.g., apartments, condominiums, mobile home communities), each individual unit shall be one ERU. For all other types of structures, the ERU calculation shall be based upon the ratio of Average Daily Flow as computed pursuant to 327 IAC 3-6-11 in relationship to 310 gallons per day. For structures not listed in 327 IAC 3-6-11, the ERU shall be calculated as the relationship between the Average Daily Flow reported in the water capacity certification for the structure and 310 gallons per day.

5. For customers with greater than 20 ERUs as calculated pursuant to subsection 4. of this Section, the ERU shall be adjusted based upon the Peaking Factor as computed herein. The Peaking Factor shall be calculated by dividing the Peak Daily Flow by the Average Daily Flow, both as reported in the water capacity certification. In no event will a Peaking Factor less than 2.0 be used for purposes of the adjustment described in this Subsection. The Peaking Factor divided by 4.0 (the Peaking Factor for residential connections) will be multiplied by the number of ERUs for purposes of computing the system development charge owed by the customer. The City Board of Works may execute a contract with the customer authorizing an increase to the initial System Development Charge based upon actual usage data that is collected after connection.

6. Where a prospective customer seeks to connect a new structure on property which replaces a prior structure of a similar use that was located on the same property and that was connected to the South Bend Municipal Water Works, no system development charge will be collected.

Section 3. Section 17-81 of the City Code shall be repealed in its entirety and amended to read as follows:

Sec. 17-81. Sewer main line; assessment of installation charges inside and Wastewater collection service charge outside City.

For wastewater collection service rendered to customers whose connection is located outside the corporate limits of the City of South Bend, a surcharge of 14% shall be added to the total amount billed.

Section 4. Section 17-86(b) of the City Code shall be repealed in its entirety.

Section 5. 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 6. This Ordinance shall take effect upon its passage by this Common Council and approval by the Mayor.

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

Member, South Bend Common Council

ATTEST:

Kareemah Fowler, Clerk

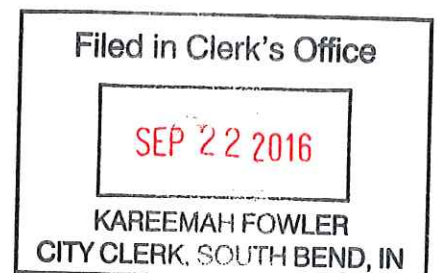
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for his approval on the _____ day of _____, 2016, at _____ o'clock _____.m.

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.

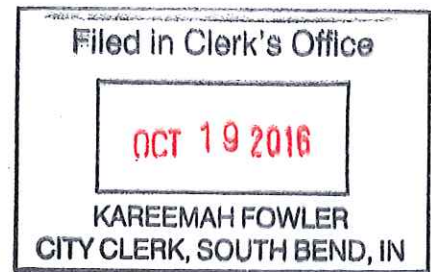
Pete Buttigieg, Mayor

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





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



(574) 235-9321

(574)235-5567 TTY/TDD

October 19, 2016
Members of the Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Substitute Bill No. 59-16 [2017-2020 SBPD Salary
and Monetary Fringe Benefits Ordinance]

Dear Council Members:

On behalf of the City's Advisory Negotiating Team, the attached Substitute Bill is filed to replace in its entirety the Bill previously filed as a place holder in light of the then ongoing labor negotiations with the South Bend FOP Lodge # 36; which has now been ratified by the members of the FOP.

The proposed ordinance focuses on the themes outlined by Police Chief Scott Ruzzkowski when he presented the proposed 2017 Police Department budget before the Personnel and Finance Committee, namely: *Recruit – Retain – Reward*. This four (4) year annual pay and monetary fringe benefit ordinance:

- Includes base salary increases in 2017 of 2% to 2.5% and 1.5% to 2% in 2018, 2019 and 2020
- Increases shift premium pays for the second and third details [afternoons and midnights] as well as for the Strategic Focus Unit and evening Investigative Division.
- Increases longevity pays which have not been modified for several years

We look forward to discussing this Substitute Bill at the upcoming Health and Public Safety Committee. We seek your favorable support and approval.

Most sincerely,

Council Member John Voorde
Chairperson Health and Public Safety Committee

Council Member Karen L. White
Chairperson of the Personnel and Finance Committee

Tim Scott, Council President


Kathleen Cekanski Farrand, Council's Agent

Attachment

Ordinance No. _____

Substitute Bill No. 59-16

**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 1st, 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 1st Class Cori Bair; Patrolman 1st Class Gerry Mullins, Sergeant Dan Moryl, Sergeant Chad Gobon, 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., City Administration and Board of Public Safety Agent Stephanie Steele, and Common Council Agent Kathleen Cekanski Farrand.

This ordinance sets forth the negotiated items which fix the annual pay and salaries of the sworn members of the South Bend Police Department as defined in *Indiana Code* § 36-8-1-9; salaries of the First Class Patrolman as defined in *Indiana Code* § 36-8-1-11; salaries for upper level policy making positions in the department as defined in *Indiana Code* § 36-8-1-12; and other monetary fringe benefits.

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. Sworn Member Annual Pay Classifications; Recruit Pay; Lateral Entry; and Career Development Incentive Programs.

(a) Annual Pay Classifications for Sworn Members of the South Bend Police Department.

Annual pay for the sworn members of the South Bend Police Department, including upper level policy making positions defined by *Indiana Code* § 36-8-1-12 for calendar years 2017, 2018, 2019 and 2020 shall be set as follows:

<u>Pay Classifications</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Police Chief	\$98,376	\$100,344	\$102,351	\$104,398
Division Chiefs	\$82,767	\$ 84,422	\$ 86,110	\$ 87,833
Captains	\$71,428	\$ 72,857	\$ 74,314	\$ 75,800
Lieutenants	\$62,925	\$ 64,183	\$ 65,467	\$ 66,776
Supervisory Sergeants	\$60,579	\$ 61,790	\$ 63,026	\$ 64,286
Non-Supervisory Sergeants	\$60,283	\$ 61,187	\$ 62,105	\$ 63,037
Investigators	\$60,283	\$ 61,187	\$ 62,105	\$ 63,037
Patrolman First Class	\$56,861	\$ 57,998	\$ 59,158	\$ 60,341
Patrolman Second Class	\$51,000	\$ 52,020	\$ 53,060	\$ 54,122

Effective January 1, 2020, "Detective Sergeant" will no longer be an assigned rank within the South Bend Police Department, which is further addressed in Section III. (j) and (k) of this ordinance. It is recognized that both Supervisory Sergeants, who have assigned managerial responsibilities over sworn members, and Non-Supervisory Sergeants, who do not have assigned managerial responsibilities over sworn members, may apply to be considered for Lieutenant positions when such positions become open.

(b) Police Recruit Annual Pay. A Recruit of the South Bend Police Department shall be classified separately from sworn members of the Department. A Recruit shall complete the State of Indiana training program or its equivalent and commence duties as an officer before being sworn in as an officer of the South Bend Police Department. Upon the effective sworn date, a Recruit shall be paid as a Patrolman 2nd Class. The maximum annual pays of a Police Department Recruit shall be as follows:

<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
\$46,229	\$47,153	\$48,096	49,058

(c) Lateral Entry Program. The Common Council authorizes the South Bend Police Department to offer between three thousand five hundred dollars (\$3,500.00) to five thousand dollars (\$5,000) as a one-time bonus to any individual found to be eligible and qualified to be a candidate on the Department, who has the requisite law enforcement experience and certification(s) for such a lateral entry into the South Bend Police Department. Any sworn member who received monies pursuant to this Lateral Entry Program and who leaves employment from the South Bend Police Department before his/her one (1) year

anniversary with the Department, shall be required to pay back to the South Bend Police Department any and all lateral bonus monies received.

A lateral entry officer with two (2) years or more of service as a certified officer shall enter the South Bend Police Department as a Patrolman Second Class. Upon completing Field Training Program (FTO), such lateral officer shall be eligible for promotion to Patrolman First Class.

(d) Police Officer Recruitment Bonus Program. The Police Officer Recruitment Bonus Program which originally became effective January 1, 2015, shall continue in full, force and effect. Any sworn member of the South Bend Police Department, who assists in the recruitment and hiring of any full-time new sworn police officer, may be eligible upon Department verification of each of the stages listed below:

1. Upon an individual, who has been recruited by a South Bend Police Department sworn member, graduating from the 15-week Indiana Law Enforcement Academy in Plainfield, Indiana, the sum of one hundred fifty dollars (\$150.00) shall be earmarked for payment for that sworn member of the South Bend Police Department who assisted in the recruitment.
2. Upon that individual then successfully completing the Field Training Program (FTO), the sum of three hundred fifty dollars (\$350.00) shall be earmarked for that sworn member of the South Bend Police Department who assisted in the recruitment.
3. For the sworn member of the South Bend Police Department to be eligible to receive the bonuses described above, the candidate who recruited the candidate must have successfully completed the specified phase of the hiring process and be hired by the South Bend Police Department as a full-time sworn member. Any sworn member of the South Bend Police Department desiring to participate in the Police Officer Recruitment Bonus Program shall be required to timely complete all required forms with the Department, and upon verification of his/her recruited candidate successfully meeting the hiring standards, processing for payment of the recruitment bonus shall commence.

All Police Department regulations governing this program must be complied with by the sworn member of the South Bend Police Department in order for him/her to be qualified and eligible to be paid under this program.

(a) Lateral Police Officer Recruitment Incentive Program. The South Bend Police Department Lateral Police Officer Recruitment Incentive Program which originally became effective January 1, 2015, shall continue in full, force and effect. Any sworn member of the South Bend Police Department, who verifiably assists in the recruitment and hiring of any new full-time lateral sworn police office is eligible for a one-time bonus payment of five hundred dollars (\$500.00). Said bonus shall only be processed for payment upon the following conditions being met:

1. The lateral police officer candidate successfully completed a Law Enforcement Training Board-certified 40-hour Pre-Basic Course, and is hired as a full-time sworn member of the South Bend Police Department;
2. Verification of the sworn member's recruitment activities and his/her timely completion of all required forms with the South Bend Police Department;
3. The sworn member, who recruited the lateral police officer candidate, completed the annual mandatory training program addressing domestic violence, use of force training, fire arms training and emergency vehicle operations training; and
4. All Police Department regulations governing this program must have been complied with by the sworn member of the South Bend Police Department in order for him/her to be qualified and eligible to be paid under this program.

(b) Police Officer Education Incentive Program. The South Bend Police Department Education Incentive Program which originally became effective January 1, 2015, shall continue in full, force and effect. In order to be eligible under this program, a person must be classified as a full-time South Bend Police Department sworn member, must have successfully completed at least one (1) year of full-time service on the South Bend Police Department, and must have completed the annual mandatory training program addressing domestic violence, use of force, fire arms training, emergency vehicle operations training; and provided all of the documentation which verify the completion of the following degrees/hours:

<u>Required Documentation</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Associate Degree or 60 credit hours	\$450	\$450	\$450	\$450
Bachelors Degree (BS/BA)	\$600	\$600	\$600	\$600
Masters Degree or higher (JD, PhD, etc.)	\$850	\$850	\$850	\$850

Written proof from the educational institution certifying the completion of such degree and/or hours, along with compliance with all Police Department regulations governing this program by the sworn member of the South Bend Police Department is required in order for him/her to be eligible to be paid under this program. Qualifying sworn members shall be paid at the highest degree only, with such payment being made in December of each calendar year.

(c) Former U.S. Military Recruitment and Retention Incentive Programs.¹ The South Bend Police Department Former U.S. Military Recruitment and Retention Incentive Programs which originally became effective January 1, 2015, shall continue in full, force and effect.

¹ The International Association of Chiefs of Police (IACP) in partnership with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), has published a guidebook for service members who are transitioning out of the military and are considering a law enforcement career. That publication entitled *Combat Veterans & Law Enforcement: A Transition Guide for Veterans Beginning or Continuing Careers in Law Enforcement* is available at <http://www.theiacp.org/vets2cops>

1. *One-Time Military Recruitment Bonus:* In order to be eligible for a one-time military recruitment bonus, which may be offered to any individual found to be eligible and qualified, who has prior active duty service with the Armed Services and received an Honorable Discharge from a branch of the U.S. military and desires to join the South Bend Police Department as a full-time sworn member after January 1, 2015, said individual would be eligible to one (1) of the following bonus incentive payment amounts upon graduating from the 15-week Indiana Law Enforcement Academy in Plainfield, Indiana:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Two (2) years of past U.S. military active duty service	\$450.00	\$450.00	\$450.00	\$450.00
Four (4) years of past U.S. military active duty service	\$600.00	\$600.00	\$600.00	\$600.00
Six (6) or more yrs of past U.S. military active duty service	\$850.00	\$850.00	\$850.00	\$850.00

Such one-time bonus incentive payment shall be paid at the highest year of U.S. military active duty service experience only, upon proof of such service and tenure being substantiated and verified utilizing the submission by the person requesting the bonus of the Report of Separation, DD-214 issued by the Defense Department. Any person, who received such a bonus incentive payment and who leaves his/her employment with the South Bend Police Department before his/her one (1) year anniversary with the Department, shall be required to pay back to the South Bend Police Department any and all bonus monies received under this program.

2. *Police Officer Recruitment Bonus Program for Recruiting Former U.S. Military Service Member.* Any sworn member of the South Bend Police Department employed with the Department, who verifiably assists in the recruitment and hiring of any new full-time sworn police officer who is a former U.S. military service member is eligible for a one-time bonus payment of five hundred dollars (\$500.00). Said bonus would only be processed for payment upon the following conditions being met:

- i. The former U.S. military service member who is a police officer candidate successfully completed a Law Enforcement Training Board-certified 40-hour Pre-Basic Course, and is hired as a full-time sworn member of the South Bend Police Department;
- ii. Verification of the sworn member's recruitment activities and his/her timely completion of all required forms with the South Bend Police Department;
- iii. The sworn member who recruited the former U.S. military service member who is a police officer candidate completed the annual mandatory training program addressing domestic violence, use of force training, fire arms training and emergency vehicle operations training; and

iv. All Police Department regulations governing this program must have been complied with by the sworn member of the South Bend Police Department in order for him/her to be qualified and eligible to be paid under this program.

3. *Former U.S. Military Retention Incentive Program.* The South Bend Police Department Former U.S. Military Retention Incentive Program which originally became effective January 1, 2015, shall continue in full, force and effect. In order to be eligible, a sworn member of the Department must have successfully completed at least one (1) year of full-time service on the Department and must have completed the annually mandatory training program addressing domestic violence, fire arms training and emergency vehicle operations training, and provide documentation as required by this section with qualified sworn members being entitled to the following:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Two (2) years of past U.S. military active duty service	\$450.00	\$450.00	\$450.00	\$450.00
Four (4) years of past U.S. military active duty service	\$600.00	\$600.00	\$600.00	\$600.00
Six (6) or more yrs of past U.S. military active duty service	\$850.00	\$850.00	\$850.00	\$850.00

Such bonus incentive retention payments shall be paid at the highest year of U.S. military active duty service experience only. Proof of such U.S. military service and tenure must be substantiated and verified by utilizing the Report of Separation, DD-214 issued by the Defense Department. Qualifying sworn members shall be paid said bonus in December of each calendar year.

4. Police Recruitment Relocation to South Bend Incentive. Any new full-time sworn member of the South Bend Police Department who is employed after January 1, 2015, would be eligible to apply for a Police Recruitment Relocation to South Bend Incentive, so long as his/her new personal residential address is located within the South Bend City limits. This relocation bonus may not exceed two thousand dollars (\$2,000.00) for each qualifying full-time sworn member in calendar years 2017, 2018, 2019, and 2020.

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 Residency Incentives. Sworn members and officers of the South Bend Police Department, who establish verified 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 any additional department governing regulations on this topic shall be entitled to the following residency incentive bonus:

<u>2017:</u>	\$400 maximum payable on or before December 15, 2017
<u>2018:</u>	\$400 maximum payable on or before December 15, 2018
<u>2019:</u>	\$400 maximum payable on or before December 15, 2019
<u>2020:</u>	\$400 maximum payable on or before December 15, 2020

(c) Court Time Pay: If an officer or sworn member of the South Bend Police Department is subpoenaed to court or is ordered to appear at any given location to validate a complaint or warrant, and if that officer or sworn member is off-duty, that officer or sworn member shall be paid overtime. Such court time pay shall be paid at the overtime rate of pay. Such officer or sworn member shall receive a minimum of four (4) hours of pay for appearing on his or her scheduled day off; and a minimum of two (2) hours of pay for appearing when off-duty on a regular scheduled workday.

(d) Overtime Pay: If a sworn member is required to remain on duty in excess of the regularly scheduled workday, he or she shall be entitled to overtime pay. Such sworn member shall be paid at the rate of one and one-half (1 ½) times his or her regular rate of pay. Overtime shall be calculated by quarter-hour increments.

(e) Critical Duty Day Pay Stipend: A critical duty day pay stipend is continued in the amount of one hundred fifty and 00/100 dollars (\$150.00). There shall be eight (8) Critical Duty Days established by the Board of Public Safety by proper Board Resolution. Officers and sworn members assigned to the Family Violence/Special Victim's Unit, Country Metro Homicide or the South Bend Community School Corporation, while so assigned, shall not be eligible for the Critical Duty Day pay stipend, while working as a part of his or her regular duty assignments.

(f) Shift Premium Pays: An officer or sworn member scheduled to work and permanently assigned to any of the following types of detail shall be entitled to the following shift premium pays for such work:

<u>Type of Detail</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Second Detail [Afternoons]	\$2,500	\$2,500	\$2,500	\$2,500
Third Detail [Midnights]	\$3,500	\$3,500	\$3,500	\$3,500
Strategic Focus Unit	\$1,200	\$1,200	\$1,200	\$1,200
Investigative Division [evenings]	\$1,200	\$1,200	\$1,200	\$1,200

(g) Seniority-Shift Incentive Premium Pays: Any sworn Patrol Division or Investigative Bureau officer permanently assigned to the afternoon, evening, or midnight shifts shall be entitled to the following additional Seniority-Shift Incentive Premium pays for such work:

<u>Type of Detail</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Second Detail [Afternoon] 8 years or more of service	\$1,100	\$1,100	\$1,100	\$1,100
Third Detail [Midnights] 8 years or more of service	\$1,400	\$1,400	\$1,400	\$1,400

(h) Special Duty Pays: An officer or sworn member who is qualified and scheduled to work in special hazardous duty and/or highly specialized areas of service, shall be entitled to receive Special Duty Pay for such assigned and designated specialties:

<u>Type of Special Duty</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Strategic Focus Unit	\$ 900	\$ 900	\$ 900	\$ 900
K-9 Unit	\$1,150	\$1,150	\$1,150	\$1,150
SWAT	\$1,150	\$1,150	\$1,150	\$1,150
Bomb Technician	\$1,150	\$1,150	\$1,150	\$1,150
Hostage Negotiator	\$ 800	\$ 800	\$ 800	\$ 800
Uniform Crime Scene Technician	\$1,000	\$1,000	\$1,000	\$1,000
Patrol Shift Supervisory Sergeant Pro-Pay				
	\$ 450	\$ 450	\$ 450	\$ 450
Rapid Response (RRT)	\$ 450	\$ 450	\$ 450	\$ 450
Diagramer	\$ 450	\$ 450	\$ 450	\$ 450
Certified Meth Technician	\$ 600	\$ 600	\$ 600	\$ 600

(i) Limited English Proficiency (LEP) Specialty Pay and Sign Language Proficiency Incentive Pay: A Limited English Proficiency (LEP) Pay Program and a Sign Language Proficiency Incentive Pay Program, overseen by the City’s Human Resources Director or his/her designee, who shall monitor the Department’s requirements. All qualifying sworn members who meet the requirements and who are regularly assigned to perform such 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>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Limited English Proficiency (LEP)	\$400	\$400	\$400	\$400
Sign Language Proficiency	\$400	\$400	\$400	\$400

with such incentive program payments being limited to the total yearly amount budgeted for the same.

(j) Detective Classification Pay: A qualifying sworn member within the pay classification of Sergeant who had previously been assigned and passed testing to be an Investigator 3rd class on a continuing basis and who began receiving pay under a previous salary ordinance for such work as an Investigator in the Investigative Division is considered grandfathered. Such qualifying Sergeant shall continue to receive an additional annual pay in the amount of six hundred sixty three and 00/100 dollars (\$663.00) only in calendar years 2017, 2018, and 2019. Said pay shall be paid on a divisible amount which is paid on a bi-weekly basis. Said pay shall be prorated in any year a qualifying Sergeant retires, resigns or otherwise leaves employment.

(k) Investigator Pro-Pay: A qualified Patrolman First Class, who is assigned to be an Investigator on a continuing basis, shall be paid at a rate equivalent of the pay of a Non-Supervisory Sergeant set forth in Section II. (a) of this ordinance.

(l) Field Training Officer (FTO) Pay: A qualified Field Training Officer (FTO) shall be entitled to fifty and 00/100 dollars (\$50.00) per day for each day which such person is qualified, assigned and performs field training activities with new recruits.

(m) Division Chief Stipend: The Chief of Police may assign one (1) Division Chief to be “acting

Chief” when he/she is unavailable. Said Division Chief shall receive a stipend of one thousand dollars (\$1,000.00) per year.

(n) Annual Cash Allowance: Officers and sworn members shall receive the following annual cash allowance amounts. One-fourth (1/4) of the annual sums listed shall be paid each calendar quarter:

<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
\$1,400	\$1,400	\$1,400	\$1,400

(o) Longevity Pays: Qualifying officers and sworn members holding the rank of Patrolman First Class and above, shall receive addition compensation in recognition of cumulative service on the South Bend Police Department. Such longevity pays shall be paid in the following amounts in each year:

<u>Cumulative Years of Service on SBPD</u>	<u>Commencement Date</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
4-9 years	Beginning 5 th yr	\$1,200	\$1,200	\$1,200	\$1,200
10-14 years	Beginning 11 th yr	\$2,000	\$2,000	\$2,000	\$2,000
15-19 years	Beginning 16 th yr	\$2,500	\$2,500	\$2,500	\$2,500
20-24 years	Beginning 21 st yr	\$3,250	\$3,250	\$3,250	\$3,250
25 years and over	Beginning 26 th yr	\$4,200	\$4,200	\$4,200	\$4,200

(p) Tuition Reimbursement: Qualifying officers and sworn members of the South Bend Police Department who participate in the Tuition Reimbursement Program shall be entitled to the following maximum dollar amount(s) for approved course tuition:

<u>Course Grade</u>	<u>Maximum Amount Reimbursed by the City of South Bend</u>
A	100% of tuition costs only up to a maximum of \$1,500
B	75% of tuition costs only up to a maximum of \$1,000
C	50% of tuition costs only up to a maximum of \$ 500

Officers and sworn members who wish to participate in this program must give notice to the Services Division Chief prior to registering for a course which has tuition fees, so that funds may be earmarked for potential tuition reimbursement on a “first come, first serve” basis up to the maximum amount budgeted for such purposes for each calendar year by the Common Council. Tuition reimbursement shall be limited to a maximum reimbursement amount of \$2,500 per calendar year to any officer or sworn member participating in the program. All governing regulations must be complied with by any officer or sworn member who participates in the program as a condition of being paid any tuition reimbursement.

(q) Voluntary Physical Fitness Program: The Common Council continues the authorization previously set forth in Ordinance No. 10042-10, Ordinance No. 10192-12, and Ordinance No. 10332-14 to implement a voluntary physical fitness program during 2017, 2018, 2019 and/or 2020, which may have the potential of any officer and/or sworn member of the South Bend Police Department who qualifies under the governing policies and procedures implemented by the Department to earn up to

a maximum of one (1) personal day per calendar year. Such personal day may not be used, if such usage results in overtime costs to the City.

(r) On-Call Duty Pays: Each of the following On-Call Duty Pay categories shall be allotted six hundred fifty 00/100 dollars (\$650.00) per category per year for calendar years 2017, 2018, 2019, and 2020, and shall be divided among the assigned police officers in each of these categories. Such division of pay shall be determined according to the frequency of assigned on-call days in the respective category and shall be paid on a quarterly basis. The On-Call Duty Pay categories are as follows:

All officers assigned to the Investigative Bureau
Traffic On-Call Diagramer
Traffic On-Call Duty Officer

(s) Life Insurance: The City of South Bend shall continue to provide life insurance coverage on all sworn members and officers of the South Bend Police Department in an amount equal to the amount of the sworn member's and officer's base pay.

(t) Health Insurance: Each active sworn member and upper level policy makers who are also referred to as officers of the South Bend Police 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 Police Department for calendar year 2017 shall be as set forth on the attached Exhibit A, which is incorporated herein by reference.

The contribution for police pensioners who are members of the Fraternal Order of Police, Lodge No. 36 who retire after January 1, 1997, and who desire coverage from the City's self-funded insurance program for calendar year 2017 shall be as set forth in attached Exhibit A.

Benefits for qualifying police pensioners shall not begin until such pensioner or dependent spouse of such pensioner is fifty-two (52) years of age and shall cease when such pensioner or the dependent spouse of such pensioner reaches sixty-five (65) years of age, as further addressed in the 2017-2020 Working Agreement, as to be approved by the Board of Public Safety.

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.

Council Member John Voorde
Member of the Common Council

Council Member Karen L. White
Member of the Common Council

Council President Tim Scott
Member of the Common Council

Attest:

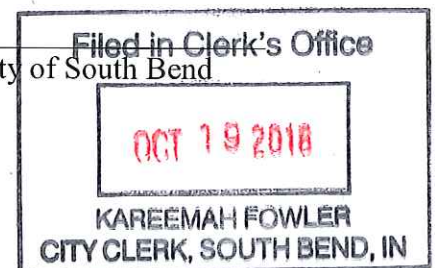
Office of the City Clerk

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

Health Insurance-General Benefit Plan

	Plan 1 PPO Plan	Plan 2 HRA Plan
Deductible – Single	\$1,000	\$2,500
Deductible – Family	\$3,000	\$5,000
HRA Funds – Single	N/A	\$500
HRA Funds – Family	N/A	\$1,000
Coinsurance (Plan Pays)	80%	80%
Out of Pocket Maximum–Single (including deductible)	\$4,000	\$5,000
Out of Pocket Maximum–Family (including deductible)	\$8,000	\$10,000 Family
Office Visit for Primary Care Provider	\$30	Deductible & Coinsurance Apply
Office Visit for Non-Primary Care Provider	\$60	Deductible & Coinsurance Apply
Preventive Care	100%	100%
Emergency Room	\$200 Copayment + 20%	Deductible & Coinsurance Apply
Urgent Care Center	\$75 Copayment	Deductible & Coinsurance Apply
Outpatient Facility Services	Deductible + 20%	Deductible & Coinsurance Apply
RX-Retail	20%, 30%, 40%	Deductible & Coinsurance Apply

Employee Cost (Bi-Monthly)

PPO	2016		2017		
	Employee Cost	Employee Cost with Wellness	Employee Cost	Employee Cost with Wellness	Employee & Spouse Wellness Rate
Employee Only	\$ 70.93	\$ 30.20	\$ 73.77	\$ 31.77	NA
EE & Spouse Only	\$ 187.30	\$ 97.97	\$ 194.79	\$ 152.79	\$ 110.79
Employee & Child(ren) Only	\$ 102.30	\$ 60.43	106.39	\$ 64.39	NA
Employee & Family	\$ 194.81	\$ 108.18	202.60	\$ 160.60	\$ 118.60
Employee & Spouse Surcharge	\$ 217.30	\$ 127.97	229.79	\$ 187.79	\$ 145.79
Employee & Family Surcharge	\$ 224.81	\$ 138.18	237.60	\$ 195.60	\$ 153.60

Employee Cost (Bi-Monthly)					
HRA	2016		2017		
	Employee Cost	Employee Cost with Wellness	Employee Cost	Employee Cost with Wellness	Employee & Spouse Wellness Rate
Employee Only	\$ 52.41	\$ 40.02	\$ 54.51	\$ 22.51	NA
EE & Spouse Only	\$ 126.00	\$ 61.20	\$ 131.04	\$ 99.04	\$ 67.04
Employee & Child(ren) Only	\$ 73.60	\$ 41.00	\$ 76.54	\$ 44.54	NA
Employee & Family	\$ 132.97	\$ 68.17	\$ 138.29	\$ 106.29	\$ 74.29
Employee & Spouse Surcharge	\$ 156.00	\$ 91.20	\$ 166.04	\$ 134.04	\$ 102.04
Employee & Family Surcharge	\$ 162.97	\$ 98.17	\$ 173.29	\$ 141.29	\$ 109.29

Retiree Cost Share Per Month-Active Union Member				
	2016-PPO	2017-PPO	2016-HRA	2017-HRA
Employee	\$200.00	\$210.00	\$125.00	\$132.00
Employee & Spouse	\$600.00	\$630.00	\$375.00	\$394.00
Employee & Children	\$435.00	\$457.00	\$280.00	\$294.00
Employee & Family	\$835.00	\$877.00	\$530.00	\$557.00

Retiree Cost Share Per Month-Non Active Union Member				
	2016-PPO	2017-PPO	2016-HRA	2016- HRA
Employee	\$250.00	\$260.00	\$175.00	\$182.00
Employee & Spouse	\$650.00	\$680.00	\$425.00	\$444.00
Employee & Children	\$485.00	\$507.00	\$325.00	\$344.00
Employee & Family	\$885.00	\$927.00	\$580.00	\$607.00

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

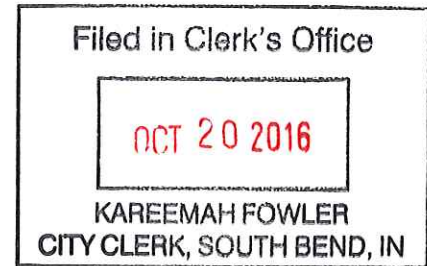
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF LAW

CRISTAL C. BRISCO
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

October 20, 2017



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

Re: Bill No. 61-16 2017-2020 Teamster Employee Wage Ordinance – Substitute

Dear Council President Scott:

Enclosed please find a proposed substitute Bill No. 61-16 which is the 2017-2020 Teamster Employee Wage Ordinance. Please note this Bill was filed on September 21, 2016 without inclusion of actual wages of Teamster employees. The ratification of the Collective Bargaining Agreement has allowed for the final filing of the ordinance.

This Bill also adds a new subpart (d) to Section II regarding the City's additional PERF contribution as agreed, and a new Section III that provides Council's approval of the cost of this new benefit, along with authorization for the Mayor or his designee to execute any documents required by the State of Indiana.

It is requested that this bill be filed for second reading, public hearing and third reading at the Council meeting scheduled for October 24, 2016.

If you have any further questions or need additional information, please let me know.

Thank you for your consideration.

Sincerely,

Michael Schmidt
Assistant City Attorney

Bill No. 61-16 (Substitute)

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 agreement reached between the City Negotiating Team and the Teamster's Negotiating Team on October 19, 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) **PERF Contribution.** The City shall contribute one and one half percent (1.5%) of the Employee's required three percent (3%) contribution to the Indiana Public Employee Retirement Fund ("PERF") under Ind. Code 5-10.2-3-2. Employees are responsible for the remaining one and one half percent (1.5%) contribution to PERF.
- (e) **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.
- (f) **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.

- (g) **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.
- (h) **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.

Additional Appropriation and State of Indiana Approval

Any appropriation for 2017 PERF contributions required by this ordinance are approved by the Common Council, and the Mayor or his designee is authorized to execute any documents related thereto required by any agency of the State of Indiana.

Section IV.

Effective Date

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

Member of the Common Council

Attest:

City Clerk

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

Deputy City Clerk

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

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
OCT 20 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

**City of South Bend
2017-2020 Teamster Employees Wage Ordinance
Position Maximum Hourly Pay Rate Levels
October 19, 2016**

Original

Position Title	2016 Rate \$	2017 Rate \$	1.0% Increase	2018 Rate \$	0.75% Increase	2019 Rate \$	0.75% Increase	2020 Rate \$	1.0% Increase
TRAFFIC AND LIGHTING DEPARTMENT									
Staff Positions:									
Group Leader - Traffic & Lighting	18.45	18.63	1%	18.77	0.75%	18.92	0.75%	19.10	1%
Operations Technician - Job Leader (new position in 2017)	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
Operations Technician	17.73	17.91	1%	18.04	0.75%	18.18	0.75%	18.36	1%
Sign Artist	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Sign Artist - Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
Signal Technician I	18.37	18.55	1%	18.69	0.75%	18.83	0.75%	19.02	1%
Signal Technician II	19.18	19.37	1%	19.52	0.75%	19.66	0.75%	19.86	1%
Signal Technician II - Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
POLICE DEPARTMENT BUILDING MAINTENANCE									
Staff Positions:									
Police Facility Operations Technician II (formerly Building Maintenance)	17.48	17.65	1%	17.79	0.75%	17.92	0.75%	18.10	1%
Police Facility Operations Technician I (formerly General Laborer)	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Police Facility Operations Technician III (formerly Maintenance Technician I)	20.46	20.66	1%	20.82	0.75%	20.98	0.75%	21.19	1%
PARK AND RECREATION DEPARTMENT									
Staff Positions:									
Arborist I	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Arborist II	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Arborist/Weed Control	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Asst. Greens Superintendent	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Athletic Field Maintenance	17.58	17.76	1%	17.89	0.75%	18.02	0.75%	18.20	1%
Building Maintenance - Custodian & Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Building & Structural Maintenance I	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Building & Structural Maintenance II	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Construction Maintenance / Carpenter I	19.61	19.81	1%	19.95	0.75%	20.10	0.75%	20.31	1%
Construction Maintenance / Carpenter II	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Construction Maintenance / Carpenter III	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Construction Maintenance / Mason	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Construction Maintenance / Welder	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Electrician - Park	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Equipment Operator II - Park	17.39	17.56	1%	17.70	0.75%	17.83	0.75%	18.01	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Group Leader - Recreation	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Street Island	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Leeper	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Plaza	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Custodian	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Head Custodian	16.72	16.89	1%	17.01	0.75%	17.14	0.75%	17.31	1%
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Job Leader - Mower Shop	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Mechanic IV - Park - Garage	19.37	19.56	1%	19.71	0.75%	19.86	0.75%	20.06	1%
Mechanic IV - Park - Golf	19.37	19.56	1%	19.71	0.75%	19.86	0.75%	20.06	1%
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Painter IV	19.06	19.25	1%	19.39	0.75%	19.54	0.75%	19.74	1%
Plumber IV - Park	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%

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Original

Position Title	2016 Rate \$	2017 Rate \$	1.0% Increase	2018 Rate \$	0.75% Increase	2019 Rate \$	0.75% Increase	2020 Rate \$	1.0% Increase
STREET DEPARTMENT									
Staff Positions:									
Equipment Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Equipment Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%
Equipment Operator III	18.17	18.35	1%	18.49	0.75%	18.63	0.75%	18.81	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
EQUIPMENT SERVICES									
Staff Positions:									
Building Maintenance	17.48	17.65	1%	17.79	0.75%	17.92	0.75%	18.10	1%
Body Repair IV	19.38	19.57	1%	19.72	0.75%	19.87	0.75%	20.07	1%
Body Repair V	20.45	20.65	1%	20.81	0.75%	20.97	0.75%	21.18	1%
General Laborer (Janitor)	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Machinist IV	19.38	19.57	1%	19.72	0.75%	19.87	0.75%	20.07	1%
Machinist V	20.45	20.65	1%	20.81	0.75%	20.97	0.75%	21.18	1%
Mechanic III *	18.86	19.05	1%	19.19	0.75%	19.34	0.75%	19.53	1%
Mechanic IV *	19.87	20.07	1%	20.22	0.75%	20.37	0.75%	20.57	1%
Mechanic V *	21.45	21.66	1%	21.83	0.75%	21.99	0.75%	22.21	1%
Parts Clerk I	17.44	17.61	1%	17.75	0.75%	17.88	0.75%	18.06	1%
Parts Clerk II	17.97	18.15	1%	18.29	0.75%	18.42	0.75%	18.61	1%
SOLID WASTE									
Staff Positions:									
Driver	18.15	18.33	1%	18.47	0.75%	18.61	0.75%	18.79	1%
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Operator II	17.23	17.40	1%	17.53	0.75%	17.66	0.75%	17.84	1%
Equipment Operator III (Code)	17.75	17.93	1%	18.06	0.75%	18.20	0.75%	18.38	1%
Job Leader	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Picker I	17.34	17.51	1%	17.64	0.75%	17.78	0.75%	17.95	1%
Picker II	17.74	17.92	1%	18.05	0.75%	18.19	0.75%	18.37	1%
ORGANIC RESOURCES									
Staff Positions:									
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	20.16	20.36	1%	20.51	0.75%	20.67	0.75%	20.87	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
WASTEWATER									
Staff Positions:									
CSO Rep I	18.53	18.72	1%	18.86	0.75%	19.00	0.75%	19.19	1%
CSO Rep II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Dewater Operator	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Janitor	16.14	16.30	1%	16.42	0.75%	16.55	0.75%	16.71	1%
Lift Station - Rep I	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Lift Station - Rep II	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%
Maintenance Electrician I	18.19	18.37	1%	18.51	0.75%	18.65	0.75%	18.83	1%
Maintenance Electrician II	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Maintenance Electrician III	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%
Maintenance Electrician IV	20.93	21.14	1%	21.30	0.75%	21.46	0.75%	21.67	1%
Maintenance Electrician V	22.21	22.43	1%	22.60	0.75%	22.77	0.75%	23.00	1%
Maintenance Lead	22.52	22.75	1%	22.92	0.75%	23.09	0.75%	23.32	1%
Maintenance Repair I	18.53	18.72	1%	18.86	0.75%	19.00	0.75%	19.19	1%

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Original										
Position Title	2016	2017	1.0%	2018	0.75%	2019	0.75%	2020	1.0%	
	Rate \$	Rate \$	Increase	Rate \$	Increase	Rate \$	Increase	Rate \$	Increase	
Maintenance Repair II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%	
Maintenance Repair III	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%	
Maintenance Repair IV	20.93	21.14	1%	21.30	0.75%	21.46	0.75%	21.67	1%	
Operator - General	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%	
Operator - Lead	22.52	22.75	1%	22.92	0.75%	23.09	0.75%	23.32	1%	
Operator - Senior	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%	
Sanitation Operator	16.85	17.02	1%	17.15	0.75%	17.27	0.75%	17.45	1%	
SEWER DEPARTMENT										
Staff Positions:										
Concrete Finisher (formerly Curb & Sidewalk Finisher)	19.64	19.84	1%	19.99	0.75%	20.14	0.75%	20.34	1%	
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%	
Job Leader	20.32	20.52	1%	20.68	0.75%	20.83	0.75%	21.04	1%	
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%	
Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%	
Operator III	18.17	18.35	1%	18.49	0.75%	18.63	0.75%	18.81	1%	
WATER WORKS										
Staff Positions:										
Auditor I - Bargaining.	17.30	17.47	1%	17.60	0.75%	17.74	0.75%	17.91	1%	
Auditor II - Bargaining.	18.43	18.61	1%	18.75	0.75%	18.89	0.75%	19.08	1%	
Auditor III - Bargaining.	19.90	20.10	1%	20.25	0.75%	20.40	0.75%	20.61	1%	
Auditor IV - Bargaining.	20.30	20.50	1%	20.66	0.75%	20.81	0.75%	21.02	1%	
Customer Service & Billing	16.27	16.43	1%	16.56	0.75%	16.68	0.75%	16.85	1%	
Data Processor	17.97	18.15	1%	18.29	0.75%	18.42	0.75%	18.61	1%	
Field Repairman/Inspector I	18.87	19.06	1%	19.20	0.75%	19.35	0.75%	19.54	1%	
Field Repairman / Inspector II	19.12	19.31	1%	19.46	0.75%	19.60	0.75%	19.80	1%	
Field Repairman / Inspector III	19.36	19.55	1%	19.70	0.75%	19.85	0.75%	20.05	1%	
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%	
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%	
Heavy Equipment Operator II	19.54	19.74	1%	19.88	0.75%	20.03	0.75%	20.23	1%	
Job Leader *	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%	
Machinist	19.12	19.31	1%	19.46	0.75%	19.60	0.75%	19.80	1%	
Maintenance Tech - Helper	16.48	16.64	1%	16.77	0.75%	16.90	0.75%	17.06	1%	
Maintenance Tech I	17.54	17.72	1%	17.85	0.75%	17.98	0.75%	18.16	1%	
Maintenance Tech II	18.64	18.83	1%	18.97	0.75%	19.11	0.75%	19.30	1%	
Meter Serviceman III	17.18	17.35	1%	17.48	0.75%	17.61	0.75%	17.79	1%	
Meter Serviceman IV	17.84	18.02	1%	18.15	0.75%	18.29	0.75%	18.47	1%	
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%	
Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%	

* 2016 rate reflects change negotiated for the 2017 contract

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TRAFFIC AND LIGHTING DEPARTMENT									
Staff Positions:									
Group Leader - Traffic & Lighting	18.45	18.63	1%	18.77	0.75%	18.92	0.75%	19.10	1%
Operations Technician - Job Leader (new position in 2017)	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
Operations Technician	17.73	17.91	1%	18.04	0.75%	18.18	0.75%	18.36	1%
Sign Artist	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Sign Artist - Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
Signal Technician I	18.37	18.55	1%	18.69	0.75%	18.83	0.75%	19.02	1%
Signal Technician II	19.18	19.37	1%	19.52	0.75%	19.66	0.75%	19.86	1%
Signal Technician II - Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
POLICE DEPARTMENT BUILDING MAINTENANCE									
Staff Positions:									
Police Facility Operations Technician II (formerly Building Maintenance)	17.48	17.65	1%	17.79	0.75%	17.92	0.75%	18.10	1%
Police Facility Operations Technician I (formerly General Laborer)	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Police Facility Operations Technician III (formerly Maintenance Technician I)	20.46	20.66	1%	20.82	0.75%	20.98	0.75%	21.19	1%
PARK AND RECREATION DEPARTMENT									
Staff Positions:									
Arborist I	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Arborist II	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Arborist/Weed Control	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Asst. Greens Superintendent	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Athletic Field Maintenance	17.58	17.76	1%	17.89	0.75%	18.02	0.75%	18.20	1%
Building Maintenance - Custodian & Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Building & Structural Maintenance I	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Building & Structural Maintenance II	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Construction Maintenance / Carpenter I	19.61	19.81	1%	19.95	0.75%	20.10	0.75%	20.31	1%
Construction Maintenance / Carpenter II	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Construction Maintenance / Carpenter III	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Construction Maintenance / Mason	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Construction Maintenance / Welder	20.24	20.44	1%	20.60	0.75%	20.75	0.75%	20.96	1%
Electrician - Park	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%
Equipment Operator II - Park	17.39	17.56	1%	17.70	0.75%	17.83	0.75%	18.01	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Group Leader - Recreation	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Street Island	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Leeper	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Plaza	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Group Leader - Custodian	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Head Custodian	16.72	16.89	1%	17.01	0.75%	17.14	0.75%	17.31	1%
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Job Leader - Mower Shop	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Mechanic IV - Park - Garage	19.37	19.56	1%	19.71	0.75%	19.86	0.75%	20.06	1%
Mechanic IV - Park - Golf	19.37	19.56	1%	19.71	0.75%	19.86	0.75%	20.06	1%
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Painter IV	19.06	19.25	1%	19.39	0.75%	19.54	0.75%	19.74	1%
Plumber IV - Park	20.98	21.19	1%	21.35	0.75%	21.51	0.75%	21.72	1%

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STREET DEPARTMENT									
Staff Positions:									
Equipment Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Equipment Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%
Equipment Operator III	18.17	18.35	1%	18.49	0.75%	18.63	0.75%	18.81	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	19.88	20.08	1%	20.23	0.75%	20.38	0.75%	20.58	1%
EQUIPMENT SERVICES									
Staff Positions:									
Building Maintenance	17.48	17.65	1%	17.79	0.75%	17.92	0.75%	18.10	1%
Body Repair IV	19.38	19.57	1%	19.72	0.75%	19.87	0.75%	20.07	1%
Body Repair V	20.45	20.65	1%	20.81	0.75%	20.97	0.75%	21.18	1%
General Laborer (Janitor)	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
Machinist IV	19.38	19.57	1%	19.72	0.75%	19.87	0.75%	20.07	1%
Machinist V	20.45	20.65	1%	20.81	0.75%	20.97	0.75%	21.18	1%
Mechanic III *	18.86	19.05	1%	19.19	0.75%	19.34	0.75%	19.53	1%
Mechanic IV *	19.87	20.07	1%	20.22	0.75%	20.37	0.75%	20.57	1%
Mechanic V *	21.45	21.66	1%	21.83	0.75%	21.99	0.75%	22.21	1%
Parts Clerk I	17.44	17.61	1%	17.75	0.75%	17.88	0.75%	18.06	1%
Parts Clerk II	17.97	18.15	1%	18.29	0.75%	18.42	0.75%	18.61	1%
SOLID WASTE									
Staff Positions:									
Driver	18.15	18.33	1%	18.47	0.75%	18.61	0.75%	18.79	1%
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%
Operator II	17.23	17.40	1%	17.53	0.75%	17.66	0.75%	17.84	1%
Equipment Operator III (Code)	17.75	17.93	1%	18.06	0.75%	18.20	0.75%	18.38	1%
Job Leader	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%
Picker I	17.34	17.51	1%	17.64	0.75%	17.78	0.75%	17.95	1%
Picker II	17.74	17.92	1%	18.05	0.75%	18.19	0.75%	18.37	1%
ORGANIC RESOURCES									
Staff Positions:									
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%
Heavy Equipment Operator II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Job Leader	20.16	20.36	1%	20.51	0.75%	20.67	0.75%	20.87	1%
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%
WASTEWATER									
Staff Positions:									
CSO Rep I	18.53	18.72	1%	18.86	0.75%	19.00	0.75%	19.19	1%
CSO Rep II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Dewater Operator	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Janitor	16.14	16.30	1%	16.42	0.75%	16.55	0.75%	16.71	1%
Lift Station - Rep I	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%
Lift Station - Rep II	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%
Maintenance Electrician I	18.19	18.37	1%	18.51	0.75%	18.65	0.75%	18.83	1%
Maintenance Electrician II	18.57	18.76	1%	18.90	0.75%	19.04	0.75%	19.23	1%
Maintenance Electrician III	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%
Maintenance Electrician IV	20.93	21.14	1%	21.30	0.75%	21.46	0.75%	21.67	1%
Maintenance Electrician V	22.21	22.43	1%	22.60	0.75%	22.77	0.75%	23.00	1%
Maintenance Lead	22.52	22.75	1%	22.92	0.75%	23.09	0.75%	23.32	1%
Maintenance Repair I	18.53	18.72	1%	18.86	0.75%	19.00	0.75%	19.19	1%

**City of South Bend
2017-2020 Teamster Employees Wage Ordinance
Position Maximum Hourly Pay Rate Levels
October 19, 2016**

Original										
Position Title	2016 Rate \$	2017 Rate \$	1.0% Increase	2018 Rate \$	0.75% Increase	2019 Rate \$	0.75% Increase	2020 Rate \$	1.0% Increase	
Maintenance Repair II	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%	
Maintenance Repair III	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%	
Maintenance Repair IV	20.93	21.14	1%	21.30	0.75%	21.46	0.75%	21.67	1%	
Operator - General	19.31	19.50	1%	19.65	0.75%	19.80	0.75%	19.99	1%	
Operator - Lead	22.52	22.75	1%	22.92	0.75%	23.09	0.75%	23.32	1%	
Operator - Senior	20.13	20.33	1%	20.48	0.75%	20.64	0.75%	20.84	1%	
Sanitation Operator	16.85	17.02	1%	17.15	0.75%	17.27	0.75%	17.45	1%	
SEWER DEPARTMENT										
Staff Positions:										
Concrete Finisher (formerly Curb & Sidewalk Finisher)	19.64	19.84	1%	19.99	0.75%	20.14	0.75%	20.34	1%	
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%	
Job Leader	20.32	20.52	1%	20.68	0.75%	20.83	0.75%	21.04	1%	
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%	
Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%	
Operator III	18.17	18.35	1%	18.49	0.75%	18.63	0.75%	18.81	1%	
WATER WORKS										
Staff Positions:										
Auditor I - Bargaining.	17.30	17.47	1%	17.60	0.75%	17.74	0.75%	17.91	1%	
Auditor II - Bargaining.	18.43	18.61	1%	18.75	0.75%	18.89	0.75%	19.08	1%	
Auditor III - Bargaining.	19.90	20.10	1%	20.25	0.75%	20.40	0.75%	20.61	1%	
Auditor IV - Bargaining.	20.30	20.50	1%	20.66	0.75%	20.81	0.75%	21.02	1%	
Customer Service & Billing	16.27	16.43	1%	16.56	0.75%	16.68	0.75%	16.85	1%	
Data Processor	17.97	18.15	1%	18.29	0.75%	18.42	0.75%	18.61	1%	
Field Repairman/Inspector I	18.87	19.06	1%	19.20	0.75%	19.35	0.75%	19.54	1%	
Field Repairman / Inspector II	19.12	19.31	1%	19.46	0.75%	19.60	0.75%	19.80	1%	
Field Repairman / Inspector III	19.36	19.55	1%	19.70	0.75%	19.85	0.75%	20.05	1%	
General Laborer	16.03	16.19	1%	16.31	0.75%	16.43	0.75%	16.60	1%	
Heavy Equipment Operator I	18.85	19.04	1%	19.18	0.75%	19.33	0.75%	19.52	1%	
Heavy Equipment Operator II	19.54	19.74	1%	19.88	0.75%	20.03	0.75%	20.23	1%	
Job Leader *	19.84	20.04	1%	20.19	0.75%	20.34	0.75%	20.54	1%	
Machinist	19.12	19.31	1%	19.46	0.75%	19.60	0.75%	19.80	1%	
Maintenance Tech - Helper	16.48	16.64	1%	16.77	0.75%	16.90	0.75%	17.06	1%	
Maintenance Tech I	17.54	17.72	1%	17.85	0.75%	17.98	0.75%	18.16	1%	
Maintenance Tech II	18.64	18.83	1%	18.97	0.75%	19.11	0.75%	19.30	1%	
Meter Serviceman III	17.18	17.35	1%	17.48	0.75%	17.61	0.75%	17.79	1%	
Meter Serviceman IV	17.84	18.02	1%	18.15	0.75%	18.29	0.75%	18.47	1%	
Operator I	16.89	17.06	1%	17.19	0.75%	17.32	0.75%	17.49	1%	
Operator II	17.49	17.66	1%	17.80	0.75%	17.93	0.75%	18.11	1%	

* 2016 rate reflects change negotiated for the 2017 contract

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

October 19, 2016

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

Re: 2017 Non-Bargaining Salary Ordinance – Substitute Bill No. 63-16

Dear President Scott:

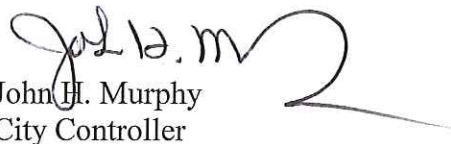
Enclosed please find substitute Bill No. 63-16, an ordinance fixing maximum salaries and wages of appointed and non-bargaining employees of the City of South Bend for the calendar year 2017. The only significant changes from the salary schedule previously submitted are with respect to the Director of Civilian Services (formerly the Director of the Records Bureau) in the Police Department and the Horticulturist Technician in the Venues, Parks and Arts Department.

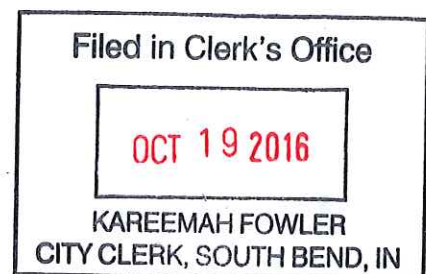
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on September 26, 2016, with 2nd reading, public hearing and 3rd reading scheduled for October 24, 2016.

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.

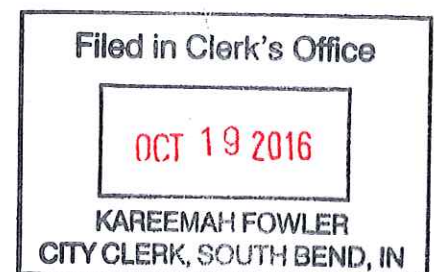
Section IV. Policies and Procedures Manual Availability

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

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

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

City of South Bend, Indiana
2017 Nonbargaining Salary Ordinance Schedule
Maximum Salaries

Job Title	Status	note	26 pay dates					% Increase		
			2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary		2016 Salary	2017 Salary
311 Customer Service Liaison	Full Time	11		new	40,500	41,310	42,136	42,879	43,839	2.00%
311 Customer Service Liaison II	Full Time	77				title change	43,788	44,664	45,557	2.00%
Academic Coordinator-CB Center	Full Time	46	31,337	31,980	32,620	33,260	33,900	34,540	35,180	2.00%
Academic Coordinator-MLK Center	Full Time	46	35,623	36,348	37,075	37,800	38,520	39,240	39,960	2.00%
Accounting Assistant	Full Time		37,976	38,740	39,515	40,290	41,065	41,840	42,615	2.00%
Accounting Clerk IV	Full Time		29,574	30,186	30,798	31,410	32,022	32,634	33,246	2.00%
Accounts Payable Administrator	Full Time	58	31,111	31,746	32,381	33,016	33,651	34,286	34,921	2.00%
Administrative Assistant I	Full Time	43	35,259	35,984	36,709	37,434	38,159	38,884	39,609	2.00%
Administrative Assistant II - DCI (Adm & Finance Team)	Full Time	5, 63		new	27,487	eliminated				
Administrative Assistant II	Full Time	67	38,313	37,050	37,791	38,532	39,273	40,014	40,755	2.00%
Administrative Assistant II - DCI (Adm & Finance Team)	Full Time	5, 63		new	30,869	eliminated				
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5		new	36,704	37,438	38,172	38,906	39,640	2.00%
Administrative Assistant III - DCI (Neigh. Engagement Team)	Full Time	5, 28		new	36,704	37,438	38,172	38,906	39,640	2.00%
Alarm Specialist	Full Time	122					title change	33,056	33,790	100.00%
Analyst I - DCI (Business Development Team)	Full Time	101					new	42,468	43,202	2.00%
Analyst I - DCI (Neighborhood Engagement Team)	Full Time	5		new	40,019	40,819	41,619	42,419	43,219	2.00%
Analyst II - DCI (Economic Resources Team)	Full Time	5		new	45,390	46,208	47,026	47,844	48,662	2.00%
Analyst II - DCI (Neighborhood Engagement Team)	Full Time	5		new	45,390	46,208	47,026	47,844	48,662	2.00%
Animal Control Assistant	Full Time		30,620	31,252	31,877	32,515	33,153	33,791	34,429	2.00%
Animal Control Officer	Full Time		30,845	31,486	32,116	32,758	33,396	34,034	34,672	2.00%
Animal Control Officer Senior	Full Time	31	34,084	34,788	35,484	36,180	36,876	37,572	38,268	2.00%
Applications Developer	Full Time	132					new position	74,158	75,641	100.00%
Assistant City Attorney	Full Time	117	67,143	68,510	69,880	71,278	72,704	74,158	75,641	15.72%
Assistant City Attorney/Claims Adjuster	Full Time	65					new	72,704	74,158	2.00%
Assistant City Engineer	Full Time	3, 117	68,583	73,060	74,521	76,011	77,531	79,082	82,245	4.00%
Assistant Director of Administration & Marketing	Full Time	36, 63	46,202	47,126	48,050	48,974	49,898	50,822	51,746	2.00%
Assistant Director of Administrative Services	Full Time	41	49,149	50,154	51,157	52,160	53,163	54,166	55,169	2.00%
Assistant Director of Booking & Event Operation	Full Time	36, 63	42,864	43,732	44,607	45,482	46,357	47,232	48,107	2.00%
Assistant Director of Civilian Services	Full Time	127					title change	52,020	53,060	100.00%
Assistant Director of Communication Center	Full Time	21	44,185	45,084	46,000	46,925	47,850	48,775	49,700	2.00%
Assistant Director of Community and Economic Development	Full Time	5, 63	55,624	56,758	57,892	59,026	60,160	61,294	62,428	2.00%
Assistant Director of Distribution	Full Time		45,651	46,566	47,491	48,416	49,341	50,266	51,191	2.00%
Assistant Director of Human Resources	Full Time	63	50,366	51,376	52,404	53,452	54,520	55,611	56,724	2.00%
Assistant Director of MPAC Financial Reporting	Full Time	36, 63	43,936	44,824	45,720	46,635	47,568	48,519	49,489	2.00%
Assistant Director of Recreation	Full Time	29	50,219	51,246	52,271	53,306	54,350	55,404	56,468	2.00%
Assistant Director of Treatment	Full Time		45,393	46,306	47,232	48,177	49,140	50,123	51,126	2.00%
Assistant Director of Utilities	Full Time	75, 107					new	81,500	83,130	2.00%
Assistant Executive Director - DCI (Business Development Team)	Full Time	5, 100		new	81,600	83,232	84,897	86,600	88,340	2.00%
Assistant Manager - Customer Service	Full Time	132					title change	64,136	65,877	100.00%
Assistant To The Mayor	Full Time	4, 63	64,136	65,877	67,660	69,485	71,360	73,285	75,260	2.00%
Assistant Zoning Administrator	Full Time	29, 66, 72	51,293	52,338	53,385	54,432	55,479	56,526	57,573	2.00%
Associate I - DCI - (Adm & Finance Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate I - DCI - (Business Development Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate I - DCI - (Economic Resources Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate I - DCI - (Neighborhood Engagement Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate II - DCI - (Planning Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate II - DCI - (Adm & Finance Team)	Full Time	101		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate II - DCI - (Economic Resources Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate II - DCI - (Neighborhood Engagement Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate III - DCI - (Business Development Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate III - DCI - (Economic Resources)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Associate III - DCI - (Neighborhood Engagement Team)	Full Time	5		new	50,786	51,802	52,838	53,895	54,972	2.00%
Budget Analyst - Senior	Full Time	80		new	59,537	60,728	61,945	63,181	64,445	2.00%
Building and Code Inspector	Full Time	5		new	59,537	60,728	61,945	63,181	64,445	2.00%
Building Commissioner	Full Time	42		new	59,537	60,728	61,945	63,181	64,445	2.00%
Building Inspector	Full Time	29, 66	76,279	77,818	79,374	80,946	82,533	84,136	85,755	2.00%
Business Analyst	Full Time	97	42,345	43,212	44,076	44,958	45,845	46,737	47,634	2.00%
Business License Administrator	Full Time	44		new	49,000	50,000	51,000	52,000	53,000	2.00%
CAD Specialist - Senior	Full Time	28		new	31,691	32,515	33,340	34,165	35,000	2.00%
CED Specialist II	Full Time	34	43,015	43,888	44,766	45,648	46,535	47,427	48,324	2.00%
CED Specialist III	Full Time	5, 63	36,305	37,050	37,800	38,550	39,300	40,050	40,800	2.00%

Filed in Clerk's Office
OCT 5 11 39 AM 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

City of South Bend, Indiana
2017 Nonbargaining Salary Ordinance Schedule
Maximum Salaries

Job Title	Status	note	2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2017 % Increase
CED Specialist Senior	Full Time	5, 63	52,736	53,794	title change	53,794	53,794	53,794	53,794	2.00%
CED Specialist VI	Full Time	5, 63	48,793	49,790	title change	49,790	49,790	49,790	49,790	2.00%
Chemist	Full Time		43,975	44,876	45,774	46,689	47,623	48,575	49,547	2.00%
Chemist/Safety Officer	Full Time		new	47,736	48,691	49,665	50,658	51,671	52,704	2.00%
Chief Building Inspector	Full Time	112	44,021	44,902	45,800	46,716	47,650	title change	title change	2.00%
Chief Code Inspector	Full Time	29	55,000	55,000	new	55,000	56,100	57,222	58,366	2.00%
Chief Deputy City Clerk	Full Time	28, 66, 103	44,423	45,318	46,224	47,141	48,080	49,041	50,024	2.00%
Chief Innovation Officer	Full Time		44,996	45,916	46,834	47,771	48,726	49,701	50,695	2.00%
Chief of Staff to the Mayor	Full Time		new	65,442	66,751	68,114	69,529	70,996	72,515	2.00%
Chief Technology Officer	Full Time	3, 4, 29, 66	new	65,442	66,751	68,114	69,529	70,996	72,515	2.00%
City Clerk Secretary	Full Time	71	29,658	30,264	30,889	31,528	32,181	32,848	33,528	2.00%
City Controller	Full Time		84,228	94,500	96,390	98,318	100,284	102,290	104,337	2.00%
City Engineer	Full Time	3, 26, 117	74,909	94,500	96,390	98,318	100,284	102,290	104,337	2.00%
Clerk Terminal Operator (now Records Specialist)	Full Time	3, 26	25,984	26,520	27,059	27,597	28,143	28,706	title change	2.00%
Club Pro Municipal Golf Course	Full Time		44,580	45,474	46,383	47,311	48,257	49,223	50,207	2.00%
Code Inspector - Senior	Full Time	103	36,285	37,024	37,764	38,520	39,290	40,076	40,877	2.00%
Code Inspector	Full Time	103	31,367	32,006	32,646	33,296	33,956	42,583	43,435	2.00%
Collection Specialist	Full Time	35	new	32,006	32,646	33,296	33,956	34,626	35,306	2.00%
Commercial Combination Inspector	Full Time	96	29,131	30,888	33,500	34,170	34,853	35,550	36,261	2.00%
Communication Specialist I	Full Time	21	32,676	34,528	41,500	42,330	43,177	44,040	44,921	2.00%
Communication Specialist II	Full Time	21	32,836	35,022	43,000	43,860	44,737	45,632	46,545	2.00%
Communication Specialist III	Full Time	21	new	94,500	96,390	98,318	100,284	102,290	104,337	2.00%
Corporation Counsel	Full Time	3, 22, 26, 117	30,996	31,616	32,248	32,893	33,551	34,222	34,907	2.00%
Court Liaison	Full Time		33,936	34,632	35,325	36,031	36,752	37,487	38,237	2.00%
Crime Analyst	Full Time		51,714	52,754	53,809	54,885	55,983	57,103	58,245	2.00%
Crime Lab Firearms Examiner	Full Time		22,152	22,620	23,072	23,533	24,004	24,484	24,974	2.00%
Custodian	Full Time	8	37,789	38,558	39,329	40,116	40,918	41,736	42,571	2.00%
Customer Service Coordinator	Full Time	65	28,234	28,808	29,384	29,972	30,571	31,183	31,806	2.00%
Data Analyst	Full Time	92	31,894	32,552	33,203	33,867	34,544	title change	35,000	100.00%
Data Entry/Alarms Coordinator	Full Time	124	27,707	28,262	28,827	29,404	29,992	30,592	31,204	2.00%
Data Entry Records Coordinator	Full Time		42,351	43,212	44,076	44,958	45,857	46,774	47,710	2.00%
Data Entry Specialist	Full Time		new	62,170	63,413	64,673	65,959	67,262	68,593	2.00%
Departmental System Specialist	Full Time	3, 4, 29, 66	38,543	39,338	40,125	40,927	41,746	42,591	43,463	2.00%
Deputy Chief of Staff to the Mayor	Full Time	69	new	72,000	73,440	74,880	76,320	77,760	79,200	16.82%
Deputy City Clerk	Full Time	28, 66, 117	new	72,000	73,440	74,880	76,320	77,760	79,200	100.00%
Deputy City Controller	Full Time	131	73,772	75,270	76,775	78,280	79,795	81,320	82,855	2.00%
Deputy Director of Code Enforcement	Full Time	33	90,000	91,800	93,600	95,400	97,200	99,000	100,800	2.00%
Deputy Director of Public Works	Full Time	29	90,000	91,800	93,600	95,400	97,200	99,000	100,800	2.00%
Deputy Director of Venues, Parks & Arts (fka Executive Director, Morris Performing Arts Center)	Full Time	37	54,080	55,172	56,275	57,387	58,509	59,641	60,784	2.00%
Deputy Mayor	Full Time		32,896	33,566	34,237	34,922	35,621	36,333	37,060	2.00%
Design/Plan Review Specialist	Full Time		new	63,913	63,913	65,191	66,495	67,825	69,181	2.00%
Digital (Forensic) Lab Technician	Full Time	17	63,913	63,913	65,191	66,495	67,825	69,181	70,565	2.00%
Digital Communications & Multimedia Training Coordinator	Full Time	125	new	63,913	63,913	65,191	66,495	67,825	69,181	2.00%
Director I - DCI - (Adm/Finance Team)	Full Time	5	71,115	72,538	74,000	75,520	77,096	78,720	80,392	2.00%
Director I - DCI - (Planning Team)	Full Time	5	71,115	72,538	74,000	75,520	77,096	78,720	80,392	2.00%
Director II - DCI - (Adm/Finance Team)	Full Time	100	new	new	69,721	71,115	72,538	74,000	75,520	2.00%
Director II - DCI - (Economic Resources Team)	Full Time	5, 100	new	new	69,721	71,115	72,538	74,000	75,520	2.00%
Director II - DCI - (Neighborhood Engagement Team)	Full Time	5, 100	new	new	69,721	71,115	72,538	74,000	75,520	2.00%
Director III - DCI - (Planning Team)	Full Time	67, 100	new	new	69,721	71,115	72,538	74,000	75,520	2.00%
Director of 311 Customer Service	Full Time	11, 60, 66, 132	55,640	56,992	58,344	59,696	61,048	62,400	63,752	26.87%
Director of Accounting and Budget	Full Time	116	55,640	56,992	58,344	59,696	61,048	62,400	63,752	100.00%
Director of Administrative Services	Full Time	30	55,864	56,992	58,132	59,296	60,480	61,684	62,908	2.00%
Director of Administrative Services - Parks	Full Time	76	55,864	56,992	58,132	59,296	60,480	61,684	62,908	100.00%
Director of Applications	Full Time	132	67,011	68,354	69,721	71,115	72,538	74,000	75,520	2.00%
Director of Booking & Event Services	Full Time	87	67,011	68,354	69,721	71,115	72,538	74,000	75,520	2.00%
Director of Box Office Services	Full Time	85	67,011	68,354	69,721	71,115	72,538	74,000	75,520	2.00%
Director of Business Analytics	Full Time	132	67,011	68,354	69,721	71,115	72,538	74,000	75,520	100.00%
Director of Central Services	Full Time	132	67,011	68,354	69,721	71,115	72,538	74,000	75,520	100.00%
Director of Civilian Services (fka Director of Records Bureau)	Full Time	29, 66, 131	67,011	68,354	69,721	71,115	72,538	74,000	75,520	4.36%
Director of Code Enforcement	Full Time	135	67,867	69,238	70,623	72,024	73,440	74,880	76,344	100.00%
Director of Communication Center	Full Time	29, 66	54,334	55,432	56,541	57,660	58,799	60,000	61,260	2.00%

City of South Bend, Indiana
2017 NonBargaining Salary Ordinance Schedule
Maximum Salaries

Job Title	note	Status	26 pay dates					% Increase			
			2011	2012	2013	2014	2015		2016	2017	
			Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary	
Director of Communications	2,3	Full Time	57,181	58,344	59,511	60,701	61,915	63,153	64,416	65,705	2.00%
Director of Communications & Radio	8, 95	Full Time	51,310	52,338	53,385	54,452	55,542	56,652	57,785	58,940	2.00%
Director of Communications Public Works	5, 63	Full Time	67,011	68,354	title change	69,642	70,966	72,320	73,694	75,088	2.00%
Director of Community Development	21, 29, 82	Full Time	71,292	72,722	74,176	75,660	77,173	78,717	80,290	81,885	2.00%
Director of Community Outreach	117	Full Time	55,322	56,446	57,575	58,726	59,901	61,099	62,321	63,566	2.00%
Director of Customer Service & Billing Office	76, 130	Full Time	57,276	58,422	59,590	60,782	62,000	63,244	64,514	65,809	2.00%
Director of Development - Venues, Parks & Arts	5, 63	Full Time	67,011	68,354	title change	69,642	70,966	72,320	73,694	75,088	2.00%
Director of Distributions	38	Full Time	68,016	69,394	70,782	72,181	73,590	75,009	76,438	77,877	2.00%
Director of Economic Development		Full Time	55,322	56,446	57,575	58,726	59,901	61,099	62,321	63,566	2.00%
Director of Finance (Park Administration)		Full Time	63,240	64,506	65,796	67,112	68,454	69,823	71,220	72,644	2.00%
Director of Finance (Public Works)		Full Time	57,931	59,098	60,280	61,486	62,715	63,970	65,249	66,542	2.00%
Director of Finance (Water Utility)		Full Time	61,410	62,660	title change	63,934	65,232	66,556	67,905	69,279	2.00%
Director of Financial & Program Management	5, 63	Full Time	54,090	55,172	56,275	57,401	58,549	59,720	60,914	62,124	2.00%
Director of Financial Services	116	Full Time	55,864	56,992	58,132	59,294	60,480	61,690	62,924	64,182	2.00%
Director of Golf Operations	3	Full Time	61,910	63,002	64,110	65,234	66,374	67,538	68,726	69,938	2.00%
Director of Human Resources	29, 66, 98	Full Time	53,186	54,262	55,347	56,440	57,550	58,676	59,818	60,976	2.00%
Director of Human Rights	3, 71	Full Time	67,011	68,000	69,000	70,015	71,045	72,090	73,150	74,225	13.61%
Director of Information Technology	132	Full Time	49,502	50,518	51,528	52,559	53,610	54,682	55,776	56,886	100.00%
Director of Marketing & Promotions	36	Full Time	74,047	75,530	77,041	78,577	80,138	81,724	83,336	84,973	2.00%
Director of Office of Sustainability	38, 66	Full Time	61,135	62,248	63,387	64,551	65,740	66,954	68,194	69,460	2.00%
Director of Parks & Recreation		Full Time	41,618	42,458	43,307	44,173	45,057	45,957	46,872	47,792	2.00%
Director of Public Works	3, 26	Full Time	61,483	62,738	64,000	65,270	66,550	67,840	69,150	70,480	2.00%
Director of Records Bureau (now Director of Civilian Services)		Full Time	47,136	48,100	49,062	49,962	50,862	51,762	52,662	53,562	2.00%
Director of Recreation (aka Deputy Parks & Recreation Director)		Full Time	68,193	69,576	70,958	72,340	73,722	75,104	76,486	77,868	2.00%
Director of Redevelopment Engineering	88	Full Time	66,300	67,626	68,979	70,358	71,765	73,201	74,665	76,156	2.00%
Director of Safety & Risk	14	Full Time	53,881	54,964	56,063	57,185	58,328	59,495	60,685	61,898	2.00%
Director of SCADA, Information Systems	119	Full Time	67,011	68,000	69,000	70,015	71,045	72,090	73,150	74,225	100.00%
Director of Secretarial Services	40, 66	Full Time	56,753	57,888	59,046	60,227	61,432	62,662	63,916	65,194	2.00%
Director of Services	45	Full Time	72,000	73,440	74,909	76,407	77,934	79,490	81,066	82,662	2.00%
Director of Solid Waste Operations	1	Full Time	68,193	69,576	70,958	72,340	73,722	75,104	76,486	77,868	100.00%
Director of Streets & Sewers	132	Full Time	66,300	67,626	68,979	70,358	71,765	73,201	74,665	76,156	100.00%
Director of Treasury (formerly Director of City Finance)	29, 66, 106	Full Time	53,881	54,964	56,063	57,185	58,328	59,495	60,685	61,898	2.00%
Director of Treatment	74	Full Time	67,011	68,000	69,000	70,015	71,045	72,090	73,150	74,225	2.00%
Director of Utilities	112	Full Time	66,065	67,392	68,740	70,107	71,494	72,901	74,328	75,776	2.00%
Director of Utility Safety	61	Full Time	58,695	59,878	61,076	62,287	63,543	64,854	66,219	67,590	2.00%
Director of Wastewater	114	Full Time	67,011	68,354	69,721	71,112	72,527	73,957	75,402	76,862	2.00%
Director of Wastewater Maintenance	110	Full Time	55,822	56,940	58,079	59,241	60,426	61,634	62,867	64,124	2.00%
Director of Water Quality & Laboratory	29, 75	Full Time	36,780	37,518	38,268	39,034	39,814	40,611	41,423	42,249	2.00%
Director of Zoo		Full Time	66,065	67,392	68,740	70,107	71,494	72,901	74,328	75,776	2.00%
Distribution Records Drafter	109	Full Time	70,227	71,656	73,089	74,526	75,967	77,412	78,861	80,314	2.00%
Diversity Compliance/Inclusion Officer	24, 90	Full Time	36,780	37,518	38,268	39,034	39,814	40,611	41,423	42,249	2.00%
Division Director of Environmental Services	29, 61, 66, 74	Full Time	64,377	65,676	66,990	68,329	69,693	71,082	72,496	73,935	2.00%
Engineer I	65	Full Time	37,789	38,558	39,329	40,104	40,884	41,669	42,459	43,254	2.00%
Engineer II		Full Time	24, 449	24, 960	25, 459	25, 938	26, 397	26, 836	27, 255	27, 654	2.00%
Engineer Inspector	32	Full Time	27, 831	28, 392	28, 930	29, 447	29, 934	30, 391	30, 818	31, 215	2.00%
Event Service Technician I		Full Time	33, 948	34, 542	35, 111	35, 655	36, 174	36, 668	37, 132	37, 556	2.00%
Event Service Technician II	88	Full Time	47, 136	48, 100	49, 062	49, 962	50, 862	51, 762	52, 662	53, 562	2.00%
Evidence Technician	105	Full Time	31, 111	31, 746	32, 381	33, 029	33, 681	34, 338	34, 999	35, 664	2.00%
Executive Administrative Assistant	43, 117	Full Time	33, 948	34, 542	35, 111	35, 655	36, 174	36, 668	37, 132	37, 556	2.00%
Executive Assistant		Full Time	47, 136	48, 100	49, 062	49, 962	50, 862	51, 762	52, 662	53, 562	14.43%
Executive Assistant - DCI - (Adm & Finance Team)	65	Full Time	31, 111	31, 746	32, 381	33, 029	33, 681	34, 338	34, 999	35, 664	2.00%
Executive Assistant and Director of Special Projects	1, 3, 62	Full Time	33, 948	34, 542	35, 111	35, 655	36, 174	36, 668	37, 132	37, 556	2.00%
Executive Director Department of Community Investment	3, 5, 28	Full Time	90, 941	94, 500	96, 390	98, 310	100, 260	102, 240	104, 250	106, 290	2.00%
Executive Director Venues, Parks & Arts (aka Superintendent - Park)	29, 64, 98, 114	Full Time	31, 111	31, 746	32, 381	33, 029	33, 681	34, 338	34, 999	35, 664	22.82%
Financial Specialist I		Full Time	33, 948	34, 542	35, 111	35, 655	36, 174	36, 668	37, 132	37, 556	2.00%
Financial Specialist II		Full Time	37, 977	38, 740	39, 515	40, 305	41, 111	41, 933	42, 772	43, 626	2.00%
Financial Specialist III		Full Time									

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			2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary		2016 Salary	2017 Salary
Financial Specialist IV	Full Time	20, 44	42,068	42,899	43,757	44,632	45,525	46,435	47,364	2.00%
Financial Specialist Senior	Full Time		48,077	49,062	50,043	51,044	52,065	53,106	54,168	2.00%
Fingerprint/Photo Technician	Full Time		32,896	33,566	34,237	34,922	35,621	36,333	37,060	2.00%
Firearms IBIS/NIBIN Tech	Full Time	134						new title	37,060	100.00%
Fiscal Officer/Business Analyst	Full Time	41			new	52,180	53,224	54,288	55,374	2.00%
Foreman IV	Full Time	65			new	54,570	55,661	56,775	57,910	2.00%
Foreman V	Full Time	118	37,101	37,856	38,613	39,379	40,173	40,977	41,792	16.88%
General Zoo Curator	Full Time	56, 118	41,829	42,666	43,519	44,390	45,278	46,183	47,092	3.70%
GIS Manager	Full Time		46,079	47,008	47,948	48,907	49,885	50,883	51,901	2.00%
GIS Specialist - Senior	Full Time		54,913	56,030	57,151	58,284	59,459	60,649	61,862	2.00%
Graphic Designer	Full Time	130	44,464	45,370	46,277	47,203	48,147	49,110	50,092	2.00%
Grants Administrator	Full Time	115					new position	47,892	47,892	100.00%
Greenskeeper	Full Time	129	40,337	41,158	41,981	42,821	43,677	44,551	45,442	2.00%
HVAC Technician	Full Time	104					new	38,694	39,468	2.00%
Hearing Secretary	Full Time	136					new	47,892	47,892	100.00%
Horticulturist Tech	Full Time	5, 63	49,447	50,440	title change	title change	title change	title change	title change	100.00%
Housing Specialist Senior	Full Time	5, 63	41,918	42,770	title change	title change	title change	title change	title change	100.00%
Housing Specialist V	Full Time	5, 63	44,509	45,422	title change	title change	title change	title change	title change	100.00%
Housing Specialist VI	Full Time	91								
Human Resource Generalist - Senior (Public Safety Focus)	Full Time	83								
Human Resources Generalist	Full Time	65								
Human Resources Generalist/Benefits Coordinator	Full Time	89								
Human Resources Specialist IV	Full Time	13, 63								
Industrial Pretreatment Specialist I	Full Time		42,056	42,900	43,758	44,633	45,526	46,436	47,365	2.00%
Intake Officer/Investigator	Full Time		46,818	47,762	48,717	49,682	50,655	51,639	52,633	2.00%
Internal Auditor	Full Time	63	53,581	54,642	55,722	56,821	57,939	59,066	60,203	2.00%
Inventory Control Technician II	Full Time		32,653	33,332	33,999	34,679	35,372	36,080	36,801	2.00%
Investigator II	Full Time		35,543	36,270	36,995	37,735	38,490	39,260	40,045	2.00%
Investigator III	Full Time		new	38,584	39,356	40,143	40,946	41,765	42,600	2.00%
Investigator IV	Full Time		40,073	40,898	41,716	42,550	43,401	44,269	45,155	2.00%
Investigator V	Full Time		42,053	42,900	43,758	44,633	45,526	46,436	47,365	2.00%
Investigator VI	Full Time									
Laboratory Technician	Full Time		29,658	30,264	30,869	31,487	32,116	32,759	33,414	2.00%
License Clerk	Full Time		33,936	34,632	35,325	36,031	36,752	37,487	38,237	2.00%
Locator	Full Time	63	37,469	38,220	38,984	39,764	40,559	41,371	42,198	2.00%
Maintenance Foreman II	Full Time		33,538	34,216	34,900	35,598	36,310	37,036	37,777	2.00%
Manager - Animal Shelter	Full Time	30			new	47,501	48,451	49,420	50,408	2.00%
Manager - Applications	Full Time	132						title change	66,254	100.00%
Manager - Assistant Animal Shelter	Full Time	31, 68			new	40,000	40,800	41,616	42,448	2.00%
Manager - Assistant Facility Operations	Full Time		31,620	32,266	32,911	33,570	34,241	34,926	35,624	2.00%
Manager - Benefits	Full Time		37,083	37,830	38,587	39,357	40,141	40,940	41,754	2.00%
Manager - Box Office	Full Time	36, 63			new	55,000	56,100	57,220	58,360	2.00%
Manager - CSO Operations	Full Time									
Manager - Customer Service	Full Time	60	53,778	54,860	55,957	57,076	58,218	59,382	60,570	2.00%
Manager - Data & GIS	Full Time	132	43,334	44,226	45,111	46,013	46,933	47,872	48,829	2.00%
Manager - Environmental Compliance	Full Time							title change	68,254	100.00%
Manager - Equipment Services	Full Time	29, 66	56,986	58,566	60,157	61,761	63,380	65,014	66,663	2.00%
Manager - Events	Full Time		53,329	54,418	55,506	56,616	57,749	58,904	60,082	2.00%
Manager - Facilities	Full Time	130						new position	47,892	100.00%
Manager - Facility Operations	Full Time	50			new	57,996	59,156	60,339	61,546	2.00%
Manager - Facility Operations (MPAC)	Full Time		44,755	45,656	46,569	47,501	48,451	49,420	50,408	2.00%
Manager - Golf Course/Rink	Full Time	86	49,620	50,622	51,634	52,667	53,720	54,795	55,881	2.00%
Manager - Industrial Pretreatment	Full Time	111						new	60,180	n/a
Manager - Infrastructure	Full Time	132						title change	66,254	100.00%
Manager - Interactive Marketing	Full Time	36			new	35,815	36,531	37,262	38,007	2.00%
Manager - Maintenance (MPAC)	Full Time	114	52,211	53,274	54,339	55,426	56,535	57,665	58,819	2.00%
Manager - Office	Full Time		52,211	53,274	54,339	55,426	56,535	57,665	58,819	2.00%
Manager - Operations (MPAC)	Full Time		32,424	33,098	33,760	34,435	35,124	35,826	36,542	2.00%
Manager - Operations - Distribution	Full Time	29, 50	57,083	58,240	59,405	60,664	61,927	63,204	64,496	2.00%
Manager - Operations - Forester	Full Time	132						title change	65,400	100.00%
Manager - Park Grounds Manager	Full Time	29, 66, 69	51,733	52,780	53,836	55,751	59,156	60,339	61,546	2.00%
	Full Time	50			new	57,996	59,156	60,339	61,546	2.00%

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Job Title	Status	note	26 pay dates						% Increase		
			2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary		2017 Salary	
Manager - Parts Maintenance	Full Time	113	38,515	39,286	40,072	40,873	41,691	42,544	43,433	44,356	2.33%
Manager - Performance Improvement	Full Time	12, 117	-	new	67,626	68,979	70,358	71,765	73,200	74,664	2.00%
Manager - Permits	Full Time		43,015	43,888	44,766	45,661	46,574	47,506	48,456	49,425	2.00%
Manager - Print Shop	Full Time		41,829	42,666	43,519	44,390	45,278	46,183	47,107	48,049	2.00%
Manager - Production	Full Time	84, 118	36,435	37,180	37,924	38,682	39,456	40,245	41,049	41,868	2.44%
Manager - Property & Evidence	Full Time	126	58,939	60,138	61,341	62,568	63,819	65,095	66,397	67,725	100.00%
Manager - Public Construction	Full Time		56,744	60,008	61,208	62,432	63,681	64,955	66,254	67,578	2.00%
Manager - Purchasing	Full Time	92	-	-	53,040	title change	title change	title change	36,645	37,378	2.00%
Manager - Records Bureau	Full Time	40	48,170	52,000	55,952	60,000	64,151	68,405	72,764	77,228	2.00%
Manager - Safety & Risk	Full Time	132	57,083	60,008	61,208	62,432	63,681	64,955	66,254	67,578	2.00%
Manager - Services	Full Time		54,854	55,952	57,071	58,212	59,377	60,564	61,776	63,013	2.00%
Manager - Sewer Operations	Full Time		54,854	55,952	57,071	58,212	59,377	60,564	61,776	63,013	7.98%
Manager - Solid Waste Operations	Full Time	131	-	new	60,000	61,200	62,400	63,600	64,800	66,000	2.00%
Manager - Streets	Full Time	13,29	54,854	55,952	57,071	58,212	59,377	60,564	61,776	63,013	2.00%
Manager - Talent	Full Time	131	54,854	55,952	57,071	58,212	59,377	60,564	61,776	63,013	7.98%
Manager - Traffic & Lighting	Full Time	113	-	-	31,347	31,974	32,613	33,265	33,931	34,602	2.00%
Manager - Utility Purchasing & Stoveroom	Full Time	50	30,120	30,732	31,347	31,974	32,613	33,265	33,931	34,602	2.00%
Manager - Zoo Concessions & Gift shop	Full Time		33,671	34,346	35,033	35,734	36,448	37,177	37,921	38,670	2.00%
Manager I - Assistant Box Office	Full Time	49	37,805	38,584	39,356	39,356	39,356	39,356	39,356	39,356	2.00%
Manager II - Assistant Box Office	Full Time		32,252	32,916	33,574	34,246	34,931	35,629	36,342	37,069	2.00%
Marketing and Education Curator	Full Time		52,602	53,664	54,737	55,869	57,040	58,251	59,502	60,794	2.00%
Naturalist	Full Time	29, 66	32,529	33,202	33,866	34,543	35,232	35,932	36,644	37,367	2.00%
Network Engineer	Full Time	29	39,959	40,768	41,593	42,435	43,293	44,167	45,057	45,962	2.00%
Ordinance Violations Bureau Clerk	Full Time	117	31,596	32,240	32,885	33,542	34,213	34,897	35,595	36,307	21.41%
Paralegal	Full Time	70	48,793	49,790	50,790	51,795	52,805	53,820	54,840	55,865	2.00%
Park Police II	Full Time	5, 63	-	title change	title change	title change	title change	title change	title change	title change	2.00%
Park Ranger	Full Time	128	36,665	37,414	38,162	38,926	39,704	40,498	41,308	42,132	100.00%
Planner VI	Full Time		34,340	35,048	35,749	36,464	37,193	37,937	38,696	39,469	2.00%
Police Crime Intelligence Analyst	Full Time	46, 118	-	-	new	33,272	33,937	34,616	35,309	36,017	38.35%
Preventative Maintenance Coordinator	Full Time		40,827	41,652	42,485	43,335	44,201	45,085	45,987	46,907	2.00%
Print Shop Technician	Full Time		42,577	43,446	44,315	45,201	46,105	47,027	47,968	48,925	2.00%
Program Coordinator	Full Time	5, 63	44,579	45,474	46,385	47,312	48,255	49,214	50,188	51,177	5.00%
Programmer Analyst I	Full Time	93, 117	43,015	43,888	44,766	45,661	46,574	47,506	48,456	49,425	2.00%
Programmer Analyst II	Full Time		45,819	46,748	47,683	48,637	49,609	50,600	51,610	52,639	2.00%
Project Analyst VI	Full Time	5, 63	47,289	48,256	49,221	50,206	51,210	52,234	53,279	54,344	2.00%
Project Analyst VIII	Full Time		31,854	32,500	33,150	33,813	34,489	35,179	35,883	36,602	2.00%
Project Inspector	Full Time	121	27,083	27,638	28,191	28,755	29,330	29,916	30,514	31,125	100.00%
Project Inspector I	Full Time		39,535	40,326	41,133	41,955	42,794	43,650	44,523	45,414	2.00%
Project Inspector II	Full Time	63	44,038	44,928	45,827	46,743	47,678	48,632	49,606	50,600	100.00%
Project Manager	Full Time	102	37,101	37,856	38,613	39,385	40,173	40,977	41,796	42,630	2.00%
Property/Evidence Custodian- Senior	Full Time	73	39,729	40,534	41,345	42,172	43,016	43,885	44,769	45,668	2.00%
Public Access Coordinator	Full Time		42,193	43,056	43,917	44,795	45,691	46,605	47,537	48,495	2.00%
Public Assistance Clerk II (now Records Specialist)	Full Time		43,575	44,460	45,349	46,256	47,181	48,125	49,087	49,966	2.00%
Public Relations Specialist	Full Time	120	46,865	47,814	48,770	49,746	50,741	51,755	52,791	53,848	2.00%
Public Service Officer	Full Time	96	57,222	58,370	59,530	60,702	61,887	63,085	64,296	65,520	100.00%
Public Works Safety Coordinator	Full Time	5, 63	33,747	34,424	35,112	35,812	36,524	37,248	37,984	38,732	2.00%
Quality Assurance Distribution Technician	Full Time	36	49,611	50,622	51,634	52,667	53,720	54,795	55,891	57,008	2.00%
Quality Assurance Treatment Technician	Full Time		25,256	25,766	26,281	26,807	27,343	27,890	28,448	29,017	2.00%
Radio Technician I	Full Time	35	26,527	27,066	27,607	28,159	28,723	29,299	29,887	30,487	2.00%
Radio Technician III	Full Time		28,151	28,730	29,305	29,891	30,489	31,098	31,720	32,354	2.00%
Records Specialist	Full Time	62	39,729	40,534	41,345	42,172	43,016	43,885	44,769	45,668	2.00%
Residential Combination Inspector	Full Time		29,659	30,264	30,869	31,487	32,116	32,759	33,414	34,082	2.00%
Residential Marketing Specialist	Full Time	132	35,906	36,634	37,367	38,114	38,876	39,654	40,447	41,254	100.00%
Sales/Event Associate	Full Time		57,222	58,370	59,530	60,702	61,887	63,085	64,296	65,520	2.00%
SCADA Instrument Specialist	Full Time		49,611	50,622	51,634	52,667	53,720	54,795	55,891	57,008	2.00%
Secretary II	Full Time		25,256	25,766	26,281	26,807	27,343	27,890	28,448	29,017	2.00%
Secretary III	Full Time		26,527	27,066	27,607	28,159	28,723	29,299	29,887	30,487	2.00%
Secretary IV	Full Time		28,151	28,730	29,305	29,891	30,489	31,098	31,720	32,354	2.00%
Secretary of the Board	Full Time		39,729	40,534	41,345	42,172	43,016	43,885	44,769	45,668	2.00%
Secretary V	Full Time		29,659	30,264	30,869	31,487	32,116	32,759	33,414	34,082	2.00%
Special Events Assistant	Full Time		35,906	36,634	37,367	38,114	38,876	39,654	40,447	41,254	100.00%
Specialist of Infrastructure	Full Time		-	-	title change	title change	title change	title change	title change	title change	2.00%

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Job Title	Status	note	2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	% Increase
Specialist of Services	Full Time	132								
Stock Room & Safety Coordinator	Full Time		44,037	44,928	45,827	46,743	47,678	48,632	54,886	100.00%
Superintendent - Maintenance	Full Time	48	55,864	56,992	58,132	title change	59,285	60,451	61,629	2.00%
Superintendent - Park Maintenance	Full Time	48	44,211	45,110	46,012	46,932	47,871	48,829	49,805	2.00%
Superintendent III	Full Time		45,651	46,566	47,497	48,447	49,416	50,405	51,413	2.00%
Superintendent IV	Full Time	53								
Superintendent V	Full Time		50,097	51,116	52,138	53,181	54,245	55,330	56,436	2.00%
Supervisor - 311 Customer Service	Full Time	78	42,068	43,550	44,421	45,309	46,216	47,140	48,083	2.00%
Supervisor - Accounts Payable	Full Time									
Supervisor - Administrative Assistant	Full Time									
Supervisor - Assistant Program	Full Time	52								
Supervisor - Athletic	Full Time	55								
Supervisor - Center	Full Time	118	39,541	40,352	41,159	41,992	42,822	43,678	44,552	2.00%
Supervisor - Communication I	Full Time	47, 118	39,541	40,352	41,159	41,992	42,822	43,678	44,552	9.65%
Supervisor - Communication II	Full Time	21	40,303	41,132	46,000	46,920	47,858	48,816	49,792	2.00%
Supervisor - Crime Laboratory	Full Time	21	40,838	41,678	47,500	48,450	49,419	50,407	51,416	2.00%
Supervisor - Customer Service	Full Time		50,938	51,974	53,013	54,074	55,155	56,258	57,383	2.00%
Supervisor - Data Processing	Full Time		40,303	41,132	41,955	42,794	43,650	44,523	45,413	2.00%
Supervisor - Fitness	Full Time		39,541	40,352	41,159	41,992	42,822	43,678	44,552	2.00%
Supervisor - Fitness/Wellness	Full Time	51								
Supervisor - Healthy Seniors	Full Time	47	33,979	34,684	title change	35,399	36,124	36,859	37,604	2.00%
Supervisor - Maintenance Mechanic	Full Time		50,097	51,116	52,138	53,181	54,245	55,330	56,436	2.00%
Supervisor - Operations	Full Time	36	52,211	53,274	54,339	55,426	56,535	57,665	58,819	2.00%
Supervisor - Park Police	Full Time	56,79								
Supervisor - Park Ranger	Full Time	79								
Supervisor - Payroll	Full Time	88	37,976	38,740	39,515	40,305	41,111	41,933	42,771	2.00%
Supervisor - Program	Full Time	51, 52, 118	39,541	40,352	41,159	41,992	42,822	43,678	44,552	9.65%
Supervisor - Rum Village Park	Full Time		36,622	37,362	38,109	38,871	39,649	40,442	41,251	2.00%
Supervisor - Signal	Full Time		49,611	50,622	51,634	52,667	53,720	54,795	55,891	2.00%
Supervisor - Shelter Operations	Full Time	131								
Supervisor - Shelter Events	Full Time	118	38,562	39,338	40,125	40,927	41,746	42,581	47,992	12.47%
Supervisor - Youth	Full Time	55	39,541	40,352	41,159	41,992	42,822	43,678	44,552	2.00%
Sustainability Project Manager (formerly Sustainability Coordinator)	Full Time	39, 133								
System Specialist I	Full Time	16								
System Specialist II	Full Time		48,086	49,530	50,981	52,540	54,107	55,683	57,268	2.00%
System Specialist III	Full Time		51,149	53,716	54,790	55,886	57,004	58,144	59,307	2.00%
System Specialist IV	Full Time	45	56,134	60,008	61,208	62,432	63,681	64,955	66,254	2.00%
Utilities System Specialist	Full Time		49,042	50,024	51,024	52,045	53,086	54,148	55,231	2.00%
Violence Prevention Coordinator I	Full Time	54	31,337	31,980	32,620	title change	33,260	33,900	34,540	2.00%
Violence Prevention Coordinator II	Full Time	54	35,096	35,802	36,518	37,248	37,993	38,753	39,528	2.00%
Water Quality Specialist	Full Time	63,73	50,982	52,026	53,067	54,128	55,210	56,315	57,441	2.00%
Water Treatment Operator PF	Full Time		40,303	41,132	41,955	42,794	43,650	44,523	45,413	2.00%
Water Works Special Projects Coordinator I	Full Time	63	39,729	40,534	41,345	42,172	43,015	43,875	44,753	2.00%
Water Works Special Projects Coordinator II	Full Time	63	43,334	44,226	45,111	46,013	46,933	47,872	48,829	2.00%
Workers Compensation Specialist	Full Time	81								
Youth Sports Coordinator	Full Time	54	31,337	31,980	32,620	title change	33,260	33,900	34,540	2.00%
Zoning and Business Services Administrator	Full Time	72, 98								
Zoning Specialist	Full Time		37,774	38,532	39,303	40,089	40,890	41,708	42,542	2.00%
Zoo Education Curator	Full Time	49								
Zoo Veterinarian	Full Time	23	54,470	55,562	83,000	84,660	86,353	88,080	89,842	2.00%
Part-Time Positions Receiving Benefits										
Chief Assistant City Attorney	Part Time	22, 25	41,295	42,146	42,989	eliminated	eliminated	eliminated	eliminated	6.12%
City Attorney	Part Time	22, 117	55,522	56,654	57,787	58,943	60,122	61,324	65,078	2.00%
Deputy City Attorney III	Part Time		35,460	36,192	36,916	37,654	38,407	39,175	39,959	2.00%
Deputy City Attorney IV	Part Time		45,492	46,410	47,338	48,285	49,251	50,236	51,240	2.00%
Other Part Time Positions										
311 Customer Service Liaison (hourly rate)	Part Time	57, 67, 99			new	17,00	17,34	20,66	21,07	2.00%
Administrative Assistant III	Part Time	95	35,739	36,478	36,279	37,005	new	20,23	20,63	2.00%
Associate IV - DCI - (Economic Resources Team) (20 hours)	Part Time	5		new	36,57	37,005	37,745	38,500	39,270	2.00%
City Engineer (hourly rate)	Part Time	6			36,57	37,30	38,05	38,81	39,58	2.00%

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Job Title	Status	note	26 pay dates					% Increase		
			2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary		2016 Salary	2017 Salary
Code Inspector IV	Part Time	57	-	-	new	19,260	19,645	20,038	20,439	2.00%
Construction Inspector (hourly rate)	Part Time	7	-	-	new	19,38	19,77	20,16	20,57	2.00%
Engineer (29 hours per week)	Part Time	94	-	-	0.00	0.00	new	29.14	29.72	2.00%
Police Department Lab Technician (20 hour per week)	Part Time	18	-	new	12,600	12,852	13,109	13,371	13,639	2.00%
Secretary - Human Rights (hourly rate)	Part Time	57	-	-	new	10.00	10.20	10.40	10.61	2.00%
Secretary V (Mayor's Office) (hourly rate)	Part Time	21	-	new	14.50	14.79	15.09	15.39	15.70	2.00%
Non Bargaining Maximum Hourly Rate (excluding above)	Part Time		26.40	26.92	27.46	28.01	28.57	29.14	29.72	2.00%

Other Compensation

Job Title	Status	note	2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	% Increase
Water Utility	Hourly		0.30	0.30	0.30	0.30	0.30	0.30	0.30	0.00%
Off duty water technicians monitoring water operations off site	Annual	19	-	-	5,000	5,100	5,202	5,306	5,412	2.00%
Sewer Insurance										

1 - title change from Director of Secretarial Services to Executive Assistant and Director of Special Projects in 2012. No salary increase.
2 - title change from Director Communications & Special Projects to Director of Communications in 2012. No salary increase.
3 - 2012 maximum salary per amended salary ordinance passed February 13, 2012.

4 - positions of Assistant to the Mayor were eliminated in 2012 and replaced with Chief of Staff to the Mayor and Deputy Chief of Staff to the Mayor positions. No salary increase. The Deputy Chief of Staff position salary of \$62,170 is lower than the salaries of the former Assistant to the Mayor positions.

5 - reorganization and step structure of Department of Community Investment (formerly Department of Community and Economic Development). No new net positions.
6 - the position of part-time City Engineer was included in the 2012 budget but was not included in the 2012 non-bargaining salary ordinance in error.

7 - two part-time Construction Inspectors have been included in the 2013 Public Works budget. This will result in savings versus contracted services.

8 - title change from Customer Service Coordinator to Director of Communications Public Works in 2013 to recognize increased responsibilities. Includes a \$313 salary increase.

9 - intentionally left blank

10 - intentionally left blank

11 - staffing for new 311 Call Center during 2013. No new net positions. Transfers from customer service staff in other departments.

12 - new job responsibilities and title change for one of the Finance Directors in Administration and Finance. No salary change. Will help implement performance management plan.

13 - new position for 2013 in Administration & Finance. Replaces a Human Resources Specialist IV position. No new net positions.

14 - reclassification for 2013 to recognize the increased responsibilities of the Director of Recreation. New duties include marketing and development.

15 - Director of Youth Engagement position not approved.

16 - reclassification for 2013 in the Police Department budget from a Programmer Analyst I to a System Specialist I. A small salary increase.

17 - title change from Film Processor to Digital (Forensic) Lab Technician in the Police Department. No salary change. Title changed to reflect job description.

18 - new position for 2013 in the Police Department. Twenty hours per week. Assists in handling digital evidence in the Digital (Forensic) lab.

19 - special pay adjustment for on call duty 24/7 for 13 weeks each year from the sewer insurance fund in order to reduce claims.

20 - amendment to 2013 salary ordinance passed 1/28/13 correcting a mathematical error on the Financial Specialist IV position.
Correct 2012 salary is \$42,899 and correct 2013 salary is \$43,757.

21 - amendment to 2013 salary ordinance passed 2/25/13 increasing maximum salaries for communications office employees and adding the positions of Director of Community Outreach and part-time Secretary V in the Mayor's Office.

22 - position of Chief Assistant City Attorney eliminated for 2014. The positions of City Attorney and Corporation Counsel are included.

23 - amendment to Zoo Veterinarian salary in the Parks & Recreation to make the salary more competitive with private organizations. The Common Council approved on June 24, 2013.

24 - position of Diversity Compliance Officer approved by the Common Council on June 24, 2013. Full time position, 32 hours per week.

25 - position eliminated during 2013

26 - Salary ordinance freeze for 2014

27 - new position in Admin & Finance for 2014

28 - Business Licensing Administrator moved from Admin & Finance to Dept. of Comm Inv't (DCI) for 2014 and placed in existing title of Administrative Assistant III - DCI

29 - Salary ordinance adjustment for competitive market salary and internal pay equity

30 - title change from Director of Administrative Services to Animal Shelter Manager for 2014

31 - title change from Animal Control Officer Sr. to Assistant Animal Shelter Manager for 2014

32 - title change from Engineer Inspector to Project Manager (existing title) for 2014

33 - new position in Engineering/Public Works for 2014

34 - Senior CAD Specialist eliminated for 2014, position no longer required

35 - Collection Specialist eliminated for 2014, position no longer required, replaced with new Secretary III position

36 - title change from Sales/Event Associate to Interactive Marketing Manager for 2014; Assistant Director of Administration & Marketing (existing title); Assistant Director of M/PAC Financial Reporting to Director of Financial Services (existing title)

37 - added Deputy Mayor position to be budget neutral as position to be in use only while Mayor is deployed on active duty in 2014.

38 - title change from Director of Energy Conservation to Director Office of Sustainability with a broader mandate for 2014

39 - Sustainability Coordinator established as new position for 2014 to more broadly support sustainability Director in City sustainability efforts

40 - title change from Safety & Risk Manager to Director of Safety & Risk for 2014

41 - title change from Assistant Director of Administrative Services to Fiscal Officer for 2014 in Building Department to more accurately describe duties

42 - inactive during 2014

43 - inactive during 2014

44 - inactive during 2014

45 - title change from System Specialist IV to Director of SCADA Information Systems at Wastewater operations for 2014 to reflect full scope of duties

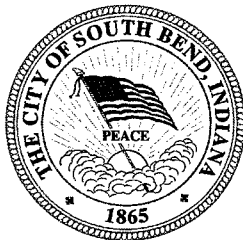
46 - title change from Academic Coordinator - CB Center and MILK Center to Program Coordinator for 2014

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Job Title	Status	note	2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	26 pay dates 2015 Salary	2016 Salary	2017 Salary	2017 % Increase
47 - title change from Healthy Seniors Supervisor to Center Supervisor (existing title)											
48 - title change from Maintenance to Park Maintenance Superintendent for 2014											
49 - title change from Marketing & Education Curator to Zoo Education Curator for 2014											
50 - title change from Operations Manager to Facilities Manager for 2014											
51 - title change from Program Supervisor to Fitness/Wellness Supervisor for 2014											
52 - title change from Program Supervisor to Administrative Assistant Supervisor for 2014											
53 - new position of Superintendent IV for 2014. Transfer employees from Superintendent III											
54 - title change from Violence Prevention Coordinator I to Program Coordinator for 2014. One individual remains in this position and one will transition to Program Coordinator which is more appropriate for their responsibilities.											
55 - title change from Youth Supervisor to Assistant Program Supervisor for 2014. One individual remains in this position; three others will transition to Assistant Program Supervisor which is more appropriate for their responsibilities											
56 - title change from Foreman V to Park Police Supervisor for 2014											
57 - new part-time position for 2014											
58 - title change from Accounts Payable Technician to Accounts Payable Administrator to better reflect duties											
59 - intentionally left blank											
60 - title change from Customer Service Manager to Director 311 Customer Service											
61 - title change from Director Wastewater to Division Director Environmental Services											
62 - title change from Secretary of the Board to Executive Assistant and Director of Special Projects											
63 - title change; position no longer in use											
64 - title change from Director of Parks & Recreation and Parks Superintendent											
65 - new position based upon department requirements											
66 - Common Council passage of 7% increase on October 30, 2013											
67 - Update due to Scribner error											
68 - 2014 salary amount updated for the Assistant Animal Control Manager. Original ordinance amount was less than the 2013 salary amount of Animal Control Officer-Senior which this position replaces.											
69 - pay increase based on increased job responsibilities.											
70 - title change from Park Police II to Park Ranger.											
71 - title change from Director of Information Technology to Chief Technology Officer.											
72 - title change from Assistant Zoning Administrator to Zoning and Business Services Administrator											
73 - title change from Quality Assurance Treatment Technician to Water Quality Specialist. The latter title is already in the salary ordinance.											
74 - title change from Division Director of Environmental Services to Director of Utilities.											
75 - title change from Director of Water Works to Assistant Director of Utilities.											
76 - position eliminated.											
77 - title change from 311 Customer Service Liaison to 311 Customer Service Liaison II.											
78 - title change from 311 Customer Service Liaison to 311 Customer Service Supervisor.											
79 - title change from Park Police Supervisor to Park Ranger Supervisor.											
80 - new position; formerly a Financial Specialist Senior.											
81 - new position; formerly a Secretary III.											
82 - salary increase in order to be more comparable with market averages.											
83 - new position in order have the flexibility with in the department to promote long serving, hard working employees.											
84 - title change from Technical Stage Manager to Production Manager which better describes the duties and responsibilities required in this position. Salary increase to be more in line with salaries of peers in industry.											
85 - title change from Operations Supervisor to Director of Box Office Services. No salary change.											
86 - title change from Manager - Maintenance to Manager - Facilities Operations Manager. No salary change.											
87 - title change from Operations Supervisor to Director of Booking & Event Services. No salary change.											
88 - salary increase to be more in line with salaries of peers in similar positions in the region.											
89 - downgrade manager position to generalist position. Higher level benefit decisions are made with the help of consultants, therefore, it was determined a manager level position was not required.											
90 - increased in hours from 32 to 40 hours per week and job will include diversity inclusion as well as diversity compliance tasks in order to better represent the residents of the City of South Bend.											
91 - new position in human resources in order to better serve those in Public Safety with regards to benefits, hiring & firing, performance management, etc.											
92 - title change and salary increase to reflect supervisory responsibilities and additional duties as the bureau's second in command.											
93 - title changes to simplify the organizational structure of the engineering department.											
94 - job similar in scope to Engineer I. Permanent professional position.											
95 - retired director of communications to work part time performing duties similar to those of original director of communications.											
96 - New job titles to better reflect job duties and to allow for future promotions if certifications received.											
97 - title change from Building Inspector VI to Building Inspector											
98 - salary increase to be more in line with salaries of peer positions											
99 - Increased hourly rate to be in line with full time position divided by 2,080 hours.											
100 - salary increase due to increase in responsibilities and department achievements.											
101 - new position due to increased responsibilities											
102 - eliminated position due to retirement and use of contractual services and departmental safety officers											
103 - title change from Code Inspector IV to Code Inspector to streamline department and addition of Sr. Code Inspector for future promotion in lieu of using Chief Inspector position (eliminated).											
104 - new title due to increased job responsibilities and specialty skills required for job.											
105 - new position to assist with collections and other administrative duties within Code.											
106 - title change from Director of Streets and Sewers; increased salary due to increase in job responsibilities											

City of South Bend, Indiana
2017 Nonbargaining Salary Ordinance Schedule
Maximum Salaries

Job Title	Status	note	2011 Salary	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2017 % Increase
107 - salary increase due to increase in responsibilities. Original job started in 2015 and duties to be assumed were unknown at that time.										
108 - new position to handle all duties of customer service and billing office relating to water/wastewater billings. 311 director will no longer split time between 311 and Waterworks.										
109 - new position responsible for all aspects of water quality, well head protection and Laboratory testing										
110 - new position responsible for managing and guiding the operations and maintenance of the water distribution system										
111 - new position will manage and set direction for the City's EPA Approved Pretreatment Program										
112 - new position to take on additional safety/compliance responsibilities for Water Works division										
113 - new position to manage all purchases and storeroom of parts. Upgrading Manager - Parts Maintenance due to increased responsibilities.										
114 - salary increase due to increased responsibilities.										
115 - new position to manage the accounting for all city grants.										
116 - new position to manage the accounting and budgeting process and to supervise fiscal officers. Replaces the Director of Financial Services position in the Police Department.										
117 - increase in rate to keep in line with IACT survey, market averages and other Department/Division Heads										
118 - adjust salary to meet FLSA overtime guidelines										
119 - new position to assist with redevelopment projects in-house in lieu of outsourcing the projects.										
120 - new title - formerly Clerk Terminal Operators and Public Service Officer - increase in responsibilities.										
121 - new title - new responsibilities										
122 - new title (formerly Data Entry/Alarm Coordinator) - additional responsibilities										
123 - new title - formerly Public Assistance Clerk II										
124 - new title - formerly Data Entry Specialist II										
125 - new position to meet the needs of the department with regards to communications and multimedia changes										
126 - new title - formerly Property/Evidence Custodian - Sr. - increased responsibility										
127 - new title - formerly Manager - Records Bureau - increased responsibilities										
128 - new position to meet the needs of the department										
129 - new position - supervisory position within the parks maintenance division										
130 - new position - to meet the needs of the consolidated Venues, Parks and Arts Department										
131 - increase pay due to increase in job responsibilities										
132 - new position to meet the needs and the restructure of the department										
133 - title change for 2017 from Sustainability Coordinator to Sustainability Project Manager to more accurately reflect job duties										
134 - new title for (1) individual from Digital (Forensic) Lab Tech										
135 - new responsibilities due to the consolidation of PSAP in 2016, therefore, new title and additional wages.										
136 - replacing an unused Superintendent III position - Horticulturist will oversee landscaping plans, plantings and plant maintenance in the city corridors, islands, roundabouts, and within the city venues and parks.										

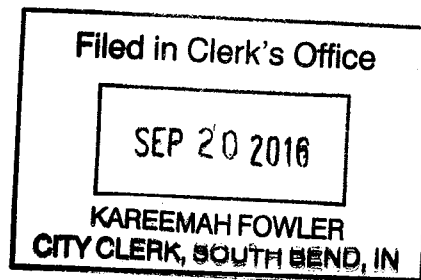


OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

September 20, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

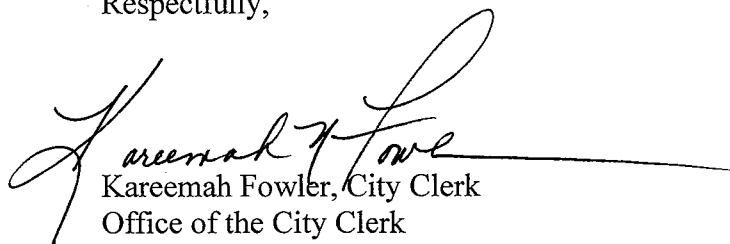


Re: Proposed 2017 City Clerk's Salary Ordinance

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

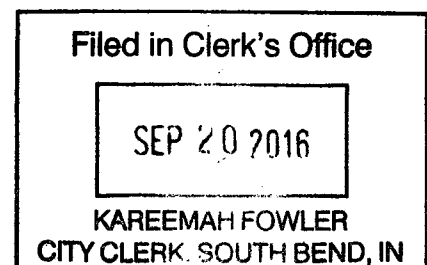
*Presented by me to the Mayor of the City of South Bend, Indiana, on
the _____ day of _____, 2016 at _____ o'clock ____ M*

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



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

October 19, 2016

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

Re: 2016 Waterworks Bond Refunding

Dear President Scott:

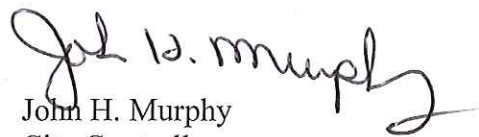
Attached please find an ordinance authorizing the refunding of outstanding Waterworks Revenue Bonds of 2000 and Waterworks Revenue Bonds of 2006. The principle amount outstanding on the bonds is currently \$3,788,431. It is anticipated that the refunding will reduce the interest rates paid on the bonds and will result in annual debt service savings to the Water Utility of approximately \$35,000 per year or a net present value savings of approximately \$250,000 over the remaining life of the bonds.

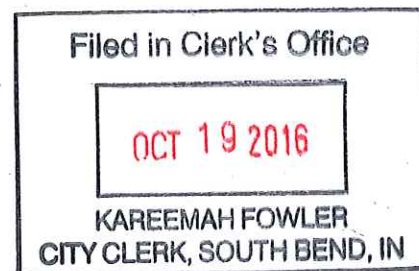
Bond Counsel Phil Faccenda and I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on October 24, 2016 and 2nd reading, public hearing and 3rd reading scheduled for November 14, 2016.

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 OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA CONCERNING THE CURRENT REFUNDING OF OUTSTANDING WATERWORKS REVENUE BONDS OF 2000 AND 2006, EACH ISSUED TO FINANCE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF THE CITY OF SOUTH BEND, INDIANA; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR SUCH PURPOSE IN THE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWENTY THOUSAND (\$3,720,000); ADDRESSING OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

STATEMENT OF PURPOSE AND INTENT

The City of South Bend, Indiana (the "City") has heretofore established, constructed and financed a municipal waterworks and now owns and operates said works pursuant to I.C. 8-1.5, as amended, and other applicable laws (together, the "Act").

The City's Municipal Waterworks Utility is subject to the authority and regulation of the Indiana Utility Regulatory Commission ("IURC") and has not withdrawn from the IURC's authority and regulation.

The Common Council of the City (the "Council") previously found in its Ordinance No. 9095-00 adopted by the Council on February 28, 2000 (the "2000 Ordinance") and in its Ordinance No. 9603-05 adopted by the Council on July 25, 2005 (the "2005 Ordinance"), that certain improvements to said works were necessary; and that plans, specifications and estimates had been prepared and filed by the engineers employed by the City for the acquisition and construction of said improvements (as described more fully on the respective Exhibit A to both the 2000 Ordinance and 2005 Ordinance) (collectively, the "Project"), which plans and specifications or other pertinent information were in a timely fashion submitted to all government authorities having jurisdiction thereover, particularly the Indiana Department of Environmental Management ("IDEM"), and were approved by the aforesaid government authorities.

Pursuant to the 2002 Ordinance, the City issued its "Waterworks Revenue Bonds of 2000" dated June 12, 2000 (the "2000 Bonds") originally issued in the amount of \$2,600,000, now outstanding in the amount of \$698,431, with a final maturity of January 1, 2020.

Pursuant to the 2005 Ordinance, the City issued its "Waterworks Revenue Bonds of 2006" dated June 1, 2006 (the "2006 Bonds") originally issued in the amount of \$4,710,000, now outstanding in the amount of \$3,090,000, with a final maturity of January 1, 2027.

The Council has determined, after being duly advised, (i) that the 2000 Bonds and the 2006 Bonds should be currently refunded to obtain a reduction in interest payments and effect a savings to the City (the "Refunding"); (ii) that the Refunding of the 2000 Bonds and 2006 Bonds, together with accrued interest thereon and including all costs related to the Refunding, cannot be provided for out of funds of the waterworks now on hand, and (iii) that the Refunding should be accomplished by the issuance of waterworks revenue bonds of the City.

The Council has determined, after being duly advised, that it is beneficial to currently refund the 2002 Bonds and 2006 Bonds to enable the City to obtain a reduction in interest payments and effect a savings to the City and hereby authorizes the same by issuance of the 2016 Bonds (described herein) under the provisions of the Act.

The Council finds that there are also now outstanding bonds issued on account of the works and payable out of the revenues therefrom designated as the "Waterworks Refunding Revenue Bonds of 2012B" dated November 29, 2012 (the "2012B Bonds"), originally issued in the amount of \$3,785,000 authorized by Ordinance No. 10190-12 adopted by the Council on October 8, 2012 (the "2012B Ordinance"), now outstanding in the amount of \$2,745,000.

The Council finds that there are also now outstanding bonds issued on account of the works and payable out of the revenues therefrom designated as the "Waterworks Revenue Bonds of 2012" dated June 21, 2012 (the "2012A Bonds"), originally issued in the amount of \$8,300,000 authorized by Ordinance No. 10134-11 adopted by the Council on November 28, 2011 (the "2012A Ordinance"), now outstanding in the amount of \$7,275,000.

The Council finds that there are now outstanding bonds issued on account of the works and payable out of the revenues therefrom designated as the "Waterworks Revenue Bonds of 2009, Series B" dated November 19, 2009 (the "2009B Bonds") originally issued in the amount of \$5,380,000 authorized by Ordinance No. 9937-09 adopted by the Council on June 8, 2009 (the "2009 Ordinance") (the 2012B Ordinance, 2012A Ordinance and 2009 Ordinance, collectively, the "Prior Ordinances"), now outstanding in the amount of \$4,555,000.

The Council finds that there are now outstanding bonds issued on account of the works and payable out of the revenues therefrom designated as the "Waterworks Revenue Bonds of 2009, Series A" dated September 1, 2009 (the "2009A Bonds") (the 2012B, 2012A Bonds, the 2009B Bonds, and the 2009A Bonds, together, the "Prior Bonds") originally issued in the amount of \$429,000 authorized by the 2009 Ordinance, now outstanding in the amount of \$352,795.

The Prior Bonds constitute a first charge upon the Net Revenues (as hereinafter defined).

The Prior Ordinances provide that the City may authorize and issue additional bonds payable out of the Net Revenues ranking on parity with the Parity Bonds (as hereinafter defined) for the purpose of financing the cost of future additions, extensions and improvements to the works, or to provide for a complete or partial refunding of bonds subject to the provisions of the Prior Ordinances. The conditions precedent to the issuance of additional parity bonds set forth in the Prior Ordinances, as described above, have been satisfied, subject to approval by the State of Indiana (the "State").

The City desires to authorize the issuance of a bond anticipation note or notes hereunder, if necessary, payable from the proceeds of the revenue bonds authorized herein (the "BANs"), and to authorize the refunding of said BANs, if issued.

The Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds and BANs have been complied with in accordance with the applicable provisions of the Act.

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

SECTION 1. Refunding the 2002 Bonds and 2006 Bonds. The Council hereby determines, after being duly advised, that it is beneficial to currently refund the 2002 Bonds and 2006 Bonds (together, the "Refunded Bonds") to enable the City to obtain a reduction in interest payments and effect a savings to the City. The City may proceed with the current refunding of the Refunded Bonds the costs of which are not expected to exceed \$3,720,000, without further authorization from the Council. The terms "works" and "utility" and other like terms where used in this Ordinance shall be construed to mean and include all structures and property of the City's waterworks utility. The Project has been constructed in accordance with the plans and specifications heretofore mentioned, which plans and specifications have previously been approved. All or a portion of the cost of the Refunding will be paid with the proceeds of the 2016 Bonds to be issued pursuant to the provisions of this Ordinance and the Act. The City may also use other legally available funds on hand to pay for the remainder of the cost of the Refunding the Refunded Bonds.

SECTION 2. Authorization of Obligations.The City shall issue its "Waterworks Refunding Revenue Bonds of 2016" or such other designation as the Executive (as defined below) or the Fiscal Officer (as defined below) shall determine at the time of issuance of any series of bonds (the "2016 Bonds"), in one or more series (as designated by the City, a "Series"), in an original principal amount not to exceed Three Million Seven Hundred Twenty Thousand Dollars (\$3,720,000) (the "Authorized Amount"), as negotiable, fully registered bonds, for the purpose of procuring funds to be applied to the costs of the Refunding, and all incidental expenses incurred in connection therewith (all of which are deemed to be a part of the Refunding), and the costs of selling and issuing the 2016 Bonds and funding a debt service reserve as described herein. The City reasonably expects to reimburse expenditures for the Refunding with the proceeds of the 2016 Bonds and this constitutes a declaration of official intent to reimburse expenditures under Treas. Reg. 1.150-2(e) and Indiana Code 5-1-14-6(c). The 2016 Bonds shall rank on parity for all purposes with the Prior Bonds.

The 2016 Bonds shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof, or if issued as a private placement in denominations of \$100,000 with integral multiples of \$1,000 thereafter, numbered consecutively from 1 upward, and dated the date of delivery. The 2016 Bonds shall bear interest at a rate or rates not exceeding four percent (4%) per annum, and interest shall be payable semiannually on January 1 and July 1 in each year, beginning not earlier than July 1, 2017, with the beginning date of interest payments being finally determined by the Mayor as the executive of the City (the "Executive") and the Controller as the fiscal officer of the City (the "Fiscal Officer"), with the advice of the

City's financial advisor, as evidenced by delivery of the executed initial issue of the 2016 Bonds to the Registrar for authentication. Interest on the BANs and the 2016 Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months. The 2016 Bonds shall mature on January 1 of each year, beginning not earlier than January 1, 2018, in the year and in such amounts as is deemed appropriate by the Executive and the Fiscal Officer, with the advice of the City's financial advisor, as evidenced by delivery of the executed initial issue of the 2016 Bonds to the Registrar for authentication, and over a period ending not later than January 1, 2027.

All or a portion of the 2016 Bonds may be aggregated into and issued as one or more term bonds. The term bonds will be subject to mandatory sinking fund redemption with sinking fund payments and final maturities corresponding to the serial maturities described above. Sinking fund payments shall be applied to retire a portion of the term bonds as though it were a redemption of serial bonds and, if more than one term bond of any maturity is outstanding, redemption of such maturity shall be made by lot. Sinking fund redemption payments shall be made in a principal amount equal to such serial maturities, plus accrued interest to the redemption date, but without premium or penalty. For all purposes of this Ordinance, such mandatory sinking fund redemption payments shall be deemed to be required payments of principal which mature on the date of such sinking fund payments. Appropriate changes shall be made in the definitive form of 2016 Bonds, relative to the form of 2016 Bonds contained in this Ordinance, to reflect any mandatory sinking fund redemption terms.

(b) The City shall issue, if necessary, BANs for the purpose of procuring interim financing for the Refunding. Any such issuance shall be in accord with the provisions of Section 25 of this Ordinance.

SECTION 3. Pledge of Net Revenues; Payment of Principal and Interest. The 2016 Bonds, and any bonds ranking on a parity therewith, including the Prior Bonds, as to principal, premium, if any, and interest, shall be payable solely from and are secured by an irrevocable pledge of and shall constitute a charge upon all the Net Revenues (as defined in the following sentence) of the works. The term "Net Revenues," as used herein, shall be defined as the gross revenues of the works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the works, and which reasonable expenses of operation, repair and maintenance specifically do not include any rates or charges in lieu of taxes made and collected by the works and transferred to the City in accordance with the Act (the "PILOT Payment"). The City specifically subordinates its right to receive any PILOT Payment to the rights of the holders of the 2016 Bonds, and any Parity Bonds, including the Prior Bonds, to receive payment of the principal, premium, if any, and interest, payable on such bonds. PILOT Payments shall be made not more frequently than semiannually on January 2 and July 2 and may be made only if all monthly deposits required by this Ordinance are current and held as of such dates in the Operation and Maintenance Fund and the Sinking Fund (each as defined herein). Other than PILOT Payments and normal and regular pro rata payments to the City for shared expenses charged by the City to its various departments, no moneys derived from the revenues of the works shall be transferred to the General Fund of the City or be used for any purpose not connected with the works.

All payments of interest on the 2016 Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof as of the fifteenth (15th) day of the month preceding the interest payment date (the "Record Date") at the addresses as they appear on the registration and transfer books of the City kept for that purpose by the Registrar (the "Registration Record") or at such other address as is provided to the Paying Agent in writing by such registered owner. Each registered owner of \$1,000,000 or more in principal amount of 2016 Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All principal payments and premium payments, if any, on the 2016 Bonds shall be made upon surrender thereof at the principal office of the Paying Agent, in any U.S. coin or currency which on the date of such payment shall be legal tender for the payment of public and private debts, or in the case of a registered owner of \$1,000,000 or more in principal amount of 2016 Bonds, by wire transfer on the due date upon written direction of such owner provided at least fifteen (15) days prior to the maturity date or redemption date.

Interest on 2016 Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 2016 Bonds are authenticated after the Record Date for an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the Record Date for the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

SECTION 4. Transfer and Exchange of Bonds. Each 2016 Bond shall be transferable or exchangeable only upon the Registration Record, by the registered owner thereof in writing, or by the registered owner's attorney duly authorized in writing, upon surrender of such 2016 Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or such attorney, and thereupon a new fully registered 2016 Bond or Bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the names of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The City, the Registrar and the Paying Agent may treat and consider the persons in whose names such 2016 Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest and premium, if any, due thereon.

In the event any 2016 Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Fiscal Officer and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of

such 2016 Bond with their reasonable fees and expenses in this connection. Any 2016 Bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the City, whether or not the lost, stolen or destroyed 2016 Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other 2016 Bonds issued hereunder.

SECTION 5. Registrar and Paying Agent. The Fiscal Officer is hereby authorized to appoint a qualified financial institution to serve as Registrar and Paying Agent for the 2016 Bonds (together with any successor, the “Registrar” or “Paying Agent”). The Registrar is hereby charged with the responsibility of authenticating the 2016 Bonds, and shall keep and maintain the Registration Record at its office. The Fiscal Officer is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of a Registrar and Paying Agent. The Fiscal Officer is further authorized to pay such fees and the institution may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Sinking Fund established to pay the principal of and interest on the 2016 Bonds as fiscal agency charges.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice to the City and by first-class mail to each registered owner of the 2016 Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the City may be served personally or sent by first-class or registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the 2016 Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to the registered owners of the 2016 Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the 2016 Bonds, cash or investments related thereto in its possession and the Registration Record to the successor Registrar and Paying Agent.

As to the BANs, the Fiscal Officer shall serve as Registrar and Paying Agent and is hereby charged with the duties of Registrar and Paying Agent.

SECTION 6. Terms of Redemption. The 2016 Bonds may be made redeemable at the option of the City on thirty (30) days’ notice, in whole or in part, in any order of maturities selected by the City and by lot within a maturity, on dates, not earlier than July 1, 2024, and without premium, and containing such other terms as finally determined by the Executive with the advice of the City’s financial advisor, as evidenced by delivery of the executed initial issue of the 2016 Bonds to the Registrar for authentication.

Notice of redemption shall be mailed by first-class mail to the address of each registered owner of a 2016 Bond to be redeemed as shown on the Registration Record not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by owners of 2016 Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any 2016 Bond shall not affect the validity of any proceedings for the redemption of any other 2016 Bonds. The

notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the 2016 Bonds called for redemption. The place of redemption may be determined by the City. Interest on the 2016 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 2016 Bonds shall no longer be protected by this Ordinance and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price.

All 2016 Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any 2016 Bond without charge to the holder thereof.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the 2016 Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any 2016 Bond or portion thereof called for redemption until such 2016 Bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Ordinance with respect to any mutilated, lost, stolen or destroyed bond.

The BANs are prepayable by the City, in whole or in part, at any time upon seven (7) days' notice to the owner of the BANs, without any premium.

SECTION 7. Execution and Negotiability. The 2016 Bonds shall be signed in the name of the City by the manual or facsimile signature of the Executive and attested by the manual or facsimile signature of the City Clerk, who also shall affix the seal of the City manually or shall have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature or facsimile signature appears thereon shall cease to be such officer before the delivery of the 2016 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until such delivery.

The 2016 Bonds shall also be authenticated by the manual signature of the Registrar, and no 2016 Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

The 2016 Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

SECTION 8. Authorization for Book-Entry System. The 2016 Bonds may, in compliance with all applicable laws, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of bonds to the purchasers. The following provisions of this Section apply in such event.

One definitive 2016 Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and Registrar may, in connection herewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the

holders of the 2016 Bonds as are necessary or appropriate to accomplish or recognize such book-entry form 2016 Bonds.

During any time that the 2016 Bonds are held in book-entry form on the books of a Clearing Agency, (1) any such 2016 Bond may be registered upon Registration Record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such 2016 Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such 2016 Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest and premium, if any, on such 2016 Bond, the receiving of notice and the giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any 2016 Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 2016 Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any 2016 Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any 2016 Bond called for partial redemption, if any, prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the 2016 Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 2016 Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 2016 Bonds, then the City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 2016 Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 2016 Bonds and to transfer the ownership of each of the 2016 Bonds to such person or persons, including any other Clearing Agency, as the holder of the 2016 Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 2016 Bonds, shall be paid by the City.

During any time that the 2016 Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of the 2016 Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a 2016 Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 2016 Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the 2016 Bonds are held in book-entry form on the books of a Clearing Agency, the Executive, the Fiscal Officer and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer

Letter of Representations, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the 2016 Bonds are held in book-entry form, the provisions of Section 8 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 9. Form of 2016 Bonds. The form and tenor of the 2016 Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery:

R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ST. JOSEPH

CITY OF SOUTH BEND, INDIANA

WATERWORKS REVENUE REFUNDING BOND OF 20[_____]

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP No.</u>
	_____, 20__	_____, 2016	_____, 2016	_____

REGISTERED OWNER: _____

PRINCIPAL SUM: _____ Dollars (\$_____)

The City of South Bend, in St. Joseph, County, State of Indiana (the "City"), for value received, hereby promises to pay to the Registered Owner set forth above, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereafter provided), and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding the interest payment date (the "Record Date") and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before _____, 20__, in which case it shall bear interest from the Original Date, which interest is payable semiannually on

January 1 and July 1 of each year, beginning on _____ 1, 20___. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

[The principal of and premium, if any, on this bond are payable at the principal office of _____ (the "Registrar" or "Paying Agent"), in _____, Indiana.] All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the Registered Owner as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. Each Registered Owner of \$1,000,000 or more in principal amount of bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All payments of principal of, and premium, if any, on this bond shall be made upon surrender thereof at the principal office of the Paying Agent, in any U.S. coin or currency which on the date of such payment shall be legal tender for the payment of public and private debts, or in the case of a Registered Owner of \$1,000,000 or more in principal amount of the Bonds (as hereinafter defined), by wire transfer on the due date upon written direction of such owner provided at least fifteen (15) days prior to the maturity date or redemption date.

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

This bond is one of an authorized issue of bonds of the City of South Bend, Indiana, of like date, tenor and effect, except as to denomination, numbering, rates of interest, redemption terms and dates of maturity, aggregating _____ Dollars (\$_____), numbered consecutively from 1 upward (the "Bonds"), issued for the purpose of providing funds to be applied to the cost of currently refunding outstanding City of South Bend, Indiana Waterworks Revenue Bonds of 2000 and City of South Bend, Indiana Waterworks Revenue Bonds of 2006 (collectively, the "Refunding"), to refund interim notes issued in anticipation of the Bonds, if any, to fund a debt service reserve, and to pay incidental expenses and costs of issuance of the Bonds. This bond is issued pursuant to an ordinance adopted by the Common Council of said City on the ___ day of _____, 2016, entitled "An Ordinance of the Common Council of the City of South Bend,

Indiana, Concerning the Current Refunding of Outstanding Waterworks Revenue Bonds of 2000 and 2006, each Issued to Finance Construction of Improvements to the Municipal Waterworks of the City of South Bend, Indiana; Authorizing the Issuance of Revenue Bonds for such Purpose in the Principal Amount not to exceed Three Million Seven Hundred Twenty Thousand (\$3,720,000); Addressing Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds; and Repealing Ordinances Inconsistent Herewith” (the “Ordinance”), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 8-1.5, and other applicable laws, as amended (the “Act”), all as more particularly described in the Ordinance. The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Ordinance and the Act.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of said issue, the Prior Bonds (as hereinafter defined), and any bonds hereafter issued on a parity therewith are payable solely from the Sinking Fund (the “Sinking Fund”) maintained under the Ordinance to be provided from the Net Revenues (defined as the gross revenues of the works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the works, and which reasonable expenses of operation, repair and maintenance specifically do not include any rates or charges in lieu of taxes made and collected by the works and transferred to the City in accordance with the Act.

The City irrevocably pledges the entire Net Revenues of the works to the prompt payment of the principal of and interest on the Bonds and any bonds ranking on a parity therewith, including the “Waterworks Refunding Revenue Bonds of 2012B” dated November 29, 2012 (the “2012B Bonds”), “Waterworks Revenue Bonds of 2012” dated June 21, 2012 (the “2012A Bonds”), “Waterworks Revenue Bonds of 2009, Series B dated November 19, 2009 (the “2009B Bonds”) and the “Waterworks Revenue Bonds of 2009, Series A” dated September 1, 2009 (the “2009A Bonds”) (the 2012B Bonds, 2012A Bonds, the 2009B Bonds and the 2009A Bonds, together, the “Prior Bonds”), each authorized by ordinance of the City, to the extent necessary for such purposes, and covenants that it will establish proper rates and charges for services rendered by the utility as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act.

The City covenants that for so long as the Bonds and any bonds issued on a parity therewith, including the Prior Bonds, remain outstanding it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues for the payment of (a) the principal of and interest on all bonds which by their terms are payable from the Net Revenues, as such principal and interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and (c) an additional amount to maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net

Revenues. Reference is made to the Ordinance for a more complete statement of the revenues from which and conditions under which this bond is payable, a statement of the conditions on which obligations may hereafter be issued on parity with this bond, the manner in which the Ordinance may be amended and the general covenants and provisions pursuant to which this bond has been issued.

The bonds of this issue maturing on and after January 1, 20__ are redeemable at the option of the City on _____ 1, 20__, or any date thereafter, on thirty (30) days' notice, in whole or in part, in any order of maturities selected by the City and by lot within a maturity, at 100% of face value, and without premium, plus accrued interest to the date fixed for redemption. Each minimum authorized denomination in principal amount shall be considered a separate bond for purposes of partial redemption.

[Insert term bond provisions, if applicable.]

Notice of such redemption shall be mailed by first-class mail not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption to the address of the registered owner of each bond to be redeemed as shown on the registration record of the City except to the extent such redemption notice is waived by owners of the bond or bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of any other bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the bonds called for redemption. The place of redemption may be determined by the City. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

This bond is subject to defeasance prior to payment or redemption as provided in the Ordinance.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the registration record kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner except for any tax or governmental charge required to be paid with

respect to the transfer or exchange. The City, the Registrar, the Paying Agent and any other registrar or paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest and premium, if any, due hereon.

The bonds maturing on any maturity date are issuable only in the denomination of \$5,000 [or \$100,000] or any integral multiple [integral multiple of \$1,000] thereof.

A Continuing Disclosure Contract from the City to each registered owner or holder of any bond, dated as of the date of initial issuance of the Bonds (the "Contract"), has been executed by the City, a copy of which is available from the City and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the City to each registered owner or holder of any Bond, including a promise to provide certain continuing disclosure. By its payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.

IN WITNESS WHEREOF, the City of South Bend, in St. Joseph County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor, and its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk.

CITY OF SOUTH BEND, INDIANA

By: _____
Mayor

(SEAL)

ATTEST

Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

as Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription of the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.	as tenants in common
TEN. ENT.	as tenants by the entireties
JT. TEN.	as joint tenants with right of survivorship and not as tenants in common
UNIF. TRAN. MIN. ACT	_____ Custodian _____ (Cust.) (Minor) under Uniform Transfer to Minors Act of _____ (State)

Additional abbreviations may also be used although not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Please Print or Typewrite Name and Address and Social Security or Other Identifying Number) \$_____ principal amount (must be a multiple of \$1,000) of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The Signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

SECTION 10. Sale of Bonds.

(a) The City may sell the 2016 Bonds in a public sale. In such case, the Fiscal Officer shall cause to be published either (i) a notice of sale once each week for two consecutive weeks per IC § 5-3-1-2, in which case the date fixed for the sale shall not be earlier than fifteen (15) days after the first such publications and not earlier than three (3) days after the second of such publications, or (ii) a notice of intent to sell bonds once each week for two (2) weeks in accordance with IC § 5-1-11-2 and IC § 5-3-1-4 and in a newspaper of general circulation published in the State capital, in which case bids may not be received more than ninety (90) days after the first of such publications. Said sale notice shall state the time and place of sale, the purpose for which the 2016 Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, that specifications and information concerning the 2016 Bonds are on file in the office of the Fiscal Officer and are available on request, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Fiscal Officer shall deem necessary.

(b) All bids for the 2016 Bonds shall be presented to the Fiscal Officer in accord with the terms set forth in the sale notice. Bidders for the 2016 Bonds shall be required to name the rate or rates of interest which the 2016 Bonds are to bear, which shall be the same for all 2016 Bonds maturing on the same date and the interest rate bid on any maturity of 2016 Bonds must be no less than the interest rate bid on any and all prior maturities, not exceeding four percent (4%) per annum, and such interest rate or rates shall be in multiples of one-eighth or one-hundredth of one per cent. The Fiscal Officer shall award the 2016 Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the 2016 Bonds to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-nine percent (99%) of the par value of the 2016 Bonds for any such bonds to be sold by competitive sale shall be considered. The Fiscal Officer may require that all bids shall be accompanied by certified or cashier's checks (or wire transfer) payable to the order of the Mayor, or a surety bond, in an amount not to exceed one percent (1%) of the aggregate principal amount of the 2016 Bonds as a guaranty of the performance of said bid, should it be accepted. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be submitted to the City prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the 2016 Bonds are awarded to a bidder utilizing a financial surety bond, then the purchaser is required to submit to the City a certified or cashier's check (or wire transfer such amount as instructed by the City) not later than 3:30 p.m. (South Bend, Indiana Time) on the next business day following the award. In the event no satisfactory bids are received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without readvertisement; provided, however, that if said sale be continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Fiscal Officer shall have full right to reject any and all bids.

(c) As an alternative to public sale, the Fiscal Officer may negotiate the sale of the 2016 Bonds to an underwriter or financial institution. The Mayor and the Fiscal Officer are each authorized to execute a bond purchase agreement with such underwriter or financial institution, in customary form, upon such terms as are acceptable to the Mayor and the Fiscal Officer consistent with the terms of this Ordinance.

(d) Distribution of an Official Statement (Preliminary and Final) when and if prepared by the City's financial advisor, on behalf of the City, is hereby authorized and approved, and the Executive is authorized and directed to execute the Official Statement on behalf of the City in a form consistent with this Ordinance. The Executive or the Fiscal Officer is authorized to deem the Preliminary Official Statement as "final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

(e) After the 2016 Bonds have been properly sold and executed, the Fiscal Officer shall receive from the purchasers payment for the 2016 Bonds and shall provide for delivery of the 2016 Bonds to the purchasers.

(f) The 2016 Bonds, as and to the extent paid for and delivered to the purchaser shall be the binding special revenue obligations of the City, payable out of the Net Revenues. The proper officers of the City are hereby directed to sell the 2016 Bonds to the purchasers and to do whatever acts and things which may be necessary to carry out the provisions of this Ordinance.

(g) The Executive and the Fiscal Officer each are hereby authorized to deem final an official statement with respect to the 2016 Bonds, as of its date, in accordance with the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission, as amended (the "SEC Rule"), subject to completion as permitted by the SEC Rule, and the City further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended with the approval of the Executive or the Fiscal Officer in the form of a final official statement.

(h) In order to assist any underwriter of the 2016 Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the City and the 2016 Bonds to participants in the municipal securities market, the City hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from the provisions of paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing disclosure contract. "Continuing disclosure contract" shall mean that certain continuing disclosure contract executed by the City and dated the date of issuance of the 2016 Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the City of the continuing disclosure contract, and the performance by the City of its obligations thereunder by or through any employee or agent of the City, are hereby approved, and the City shall comply with and carry out the terms thereof.

(i) The Fiscal Officer is hereby authorized and directed to obtain a legal opinion as to the validity of the 2016 Bonds from Barnes & Thornburg LLP, and to furnish such opinion to the purchasers of the 2016 Bonds or to cause a copy of said legal opinion to be printed

on each 2016 Bond. The cost of such opinion shall be paid out of the proceeds of the 2016 Bonds.

(j) In connection with the sale of the 2016 Bonds, the Executive and the Fiscal Officer each are authorized to take such actions and to execute and deliver such agreements and instruments as they deem advisable to obtain a rating and/or to obtain bond insurance for the 2016 Bonds, and the taking of such actions and the execution and delivery of such agreements and instruments are hereby approved.

SECTION 11. Use of Proceeds. The accrued interest received at the time of delivery of the 2016 Bonds, if any, and premium, if any, shall be deposited in the Bond and Interest Account of the Sinking Fund (as hereafter defined) and applied to payments on the 2016 Bonds on the first interest payment date. An amount of proceeds from the sale of the 2016 Bonds of any Series equal to the amount described in Section 14(b) will be deposited to the 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of such Series and applied as described below. An amount of proceeds from the sale of the 2016 Bonds of any Series equal to the estimated costs of issuance of the 2016 Bonds and other fees and charges associated with the issuance of the 2016 Bonds, including the premium for any bond insurance obtained for the 2016 Bonds, shall be deposited into a fund of the utility hereby created and designated as "City of South Bend, Indiana Waterworks 2016 Costs of Issuance Fund" (the "Costs of Issuance Fund"). The proceeds deposited in the Costs of Issuance Fund, together with all investment earnings thereon, shall be expended only for the purpose of paying the costs of issuance of the 2016 Bonds and other fees and charges associated with the issuance of the 2016 Bonds, including the premium for any bond insurance obtained for the 2016 Bonds. The remaining proceeds from the sale of the 2016 Bonds shall be deposited into a fund of the utility hereby created and designated as "City of South Bend, Indiana Waterworks 2016 Refunding Fund" (the "Refunding Fund"). The proceeds deposited in the Refunding Fund, together with all investment earnings thereon, shall be expended only for the purpose of paying the costs of the Refunding.

SECTION 12. Revenue Fund. There is hereby continued a fund of the utility created and designated in the Prior Ordinances as the Revenue Fund (the "Revenue Fund"). All income and revenues of the works shall be paid into the Revenue Fund for application as described below.

SECTION 13. Operation and Maintenance Fund. There is hereby continued a fund of the utility created and designated in the Prior Ordinances as the Operation and Maintenance Fund (the "Operation and Maintenance Fund") (also shown on the books of the utility as the Operating Fund). There shall be transferred from the Revenue Fund and credited to the Operation and Maintenance Fund, on the last day of each calendar month, a sufficient amount so that the balance in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the works on a day-to-day basis, but none of the moneys in the Operation and Maintenance Fund shall be used for depreciation, replacements, improvements, extensions or additions or transfer of the Pilot Payment. Any balance in Operation and Maintenance Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding two calendar months may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the works.

SECTION 14. Sinking Fund. There is hereby continued a fund of the utility created and designated in the Prior Ordinances as the Sinking Fund (the "Sinking Fund"), to be used for the payment of the principal of and interest on bonds which by their terms are payable from the Net Revenues, and for the payment of any fiscal agency charges in connection with such payment. The Sinking Fund is divided into two accounts designated as the Bond and Interest Account and the Debt Service Reserve Account, which are pledged for the purposes set forth below. There shall be set aside and deposited in the Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues to meet the requirements of the Bond and Interest Account (also shown on the books of the utility as the Bond Sinking Fund) and of the Debt Service Reserve Account. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account, equals the amount needed to redeem all of the then outstanding bonds.

(a) Principal and Interest Account. There shall be transferred, on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account an amount equal to the sum of one-twelfth (1/12) of the principal and one-sixth (1/6) of the interest on all then outstanding bonds payable from Net Revenues on the next succeeding principal and interest payment dates, until the amount so credited shall equal the principal payable during the next succeeding twelve (12) calendar months and the interest payable during the next succeeding six (6) calendar months. There shall similarly be credited to the account any amount necessary to pay when due the bank fiscal agency charges for paying principal of and interest on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

(b) Debt Service Reserve Account. The City may, upon the issuance of the 2016 Bonds of any Series, establish within the Debt Service Reserve Account a subaccount for the 2016 Bonds of such Series (each, a "2016 Subaccount"). The Debt Service Reserve Account (excluding any subaccounts established for any of the Bonds (each, a "Subaccount", and collectively, the "Subaccounts")) shall constitute the margin for safety and as protection against default in the payment of principal of and interest on the Bonds (as hereinafter defined) (excluding any Bonds for which a Subaccount was established), and the moneys in the Debt Service Reserve Account (excluding any Subaccounts) shall be used to pay current principal and interest on the Bonds (excluding any Bonds for which a Subaccount was established) to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. The 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of any Series shall constitute the margin for safety and as protection against default in the payment of principal of and interest on the 2016 Bonds of such Series, and the moneys in such 2016 Subaccount shall be used to pay current principal and interest on the 2016 Bonds of such Series to the extent that moneys in the Bond and Interest Account are insufficient for that purpose.

(c) No amounts in the 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of any Series shall be available to pay any principal of or interest or redemption premium, if any, on any Bonds, except the 2016 Bonds of such Series.

(d) No amounts in the Debt Service Reserve Account shall be available to pay any principal of or interest or redemption premium, if any, on any 2016 Bonds of any Series for which a 2016 Subaccount was established, except that any amounts in the 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of any Series shall be available to pay the principal of or interest or redemption premium, if any, on the 2016 Bonds of such Series.

(e) In this Ordinance the term "Parity Bonds" means any and all bonds ranking on a parity with the 2016 Bonds issued hereunder (including the Prior Bonds) which are (i) now outstanding or issued in the future by the City and (ii) which are payable from the Net Revenues of the City's waterworks.

(f) In this Section 14, the term "Bonds" means the 2016 Bonds issued hereunder and all Parity Bonds.

(g) In this Ordinance, the term "Reserve Requirement" for the Bonds (excluding any Bonds for which a Subaccount was established) means the least of: (i) the maximum annual debt service on the Bonds (excluding any Bonds for which a Subaccount was established), (ii) 125% of the average annual debt service on the Bonds (excluding any Bonds for which a Subaccount was established), or (iii) 10% of the proceeds of the Bonds (excluding any Bonds for which a Subaccount was established). In this Ordinance, the term "Reserve Requirement" for the 2016 Bonds of each Series for which a 2016 Subaccount was established means the least of: (i) the maximum annual debt service on the 2016 Bonds of such series, (ii) 125% of the average annual debt service on the 2016 Bonds of such Series, or (iii) 10% of the proceeds of the 2016 Bonds of such Series.

(h) Subject to Section 14(i) and Section 14(j) below, the City shall maintain in the Debt Service Reserve Account (excluding any Subaccounts) an amount equal to the Reserve Requirement for the Bonds (excluding any Bonds for which a Subaccount was established). Subject to Section 14(i) and Section 14(j) below, the City shall maintain in the 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of each Series for which a 2016 Subaccount was established an amount equal to the Reserve Requirement for the 2016 Bonds of such Series.

(i) To the extent that the amount in the Debt Service Reserve Account (excluding any Subaccounts) on the date of the issuance of the 2016 Bonds of any Series is less than the Reserve Requirement for the Bonds (excluding any Bonds for which a Subaccount was established), that portion of the shortfall which exists as of the date of issuance of the 2016 Bonds of such Series shall, at the election of the Executive and Fiscal Officer with the advice of the City's financial advisor, be deposited into the Debt Service Reserve Account (excluding any Subaccounts) either (i) in a single payment, to be paid on the date of the issuance of the 2016 Bonds of such Series, or (ii) in equal monthly installments, over a period not to exceed sixty (60) months after the date of issuance of the 2016 Bonds of such Series, with the first installment due and payable on the date of the issuance of the 2016 Bonds of such Series, and the remaining installments payable on the last day of each calendar month, commencing on the last day of the month in which the 2016 Bonds of such Series are issued. To the extent that the amount in the 2016 Subaccount of the Debt Service Reserve Account for the 2016 Bonds of any Series on the date of the issuance of the 2016 Bonds of such Series is less than the Reserve Requirement for

the 2016 Bonds of such Series, that portion of the shortfall which exists as of the date of issuance of the 2016 Bonds of such Series shall, at the election of the Executive and Fiscal Officer with the advice of the City's financial advisor, be deposited into such 2016 Subaccount either (i) in a single payment, to be paid on the date of the issuance of the 2016 Bonds of such Series, or (ii) in equal monthly installments, over a period not to exceed sixty (60) months after the date of issuance of the 2016 Bonds of such Series, with the first installment due and payable on the date of the issuance of the 2016 Bonds of such Series, and the remaining installments payable on the last day of each calendar month, commencing on the last day of the month in which the 2016 Bonds of such Series are issued.

(j) To the extent that additional Parity Bonds are issued subsequent to the issuance of the 2016 Bonds of any Series, the additional amounts, if any, which are required to be paid into the Debt Service Reserve Account to satisfy the Reserve Requirement as a result of the issuance of such additional Parity Bonds shall, at the election of the Executive and Fiscal Officer with the advice of the City's financial advisor, be deposited into the Debt Service Reserve Account either (i) in a single payment, to be paid on the date of the issuance of such additional Parity Bonds, or (ii) in equal monthly installments, over a period not to exceed sixty (60) months after the date of issuance of such additional Parity Bonds, with the first installment due and payable on the date of the issuance of such additional Parity Bonds, and the remaining installments payable on the last day of each calendar month, commencing on the last day of the month in which such additional Parity Bonds are issued.

(k) Subject to Section 14(i) and Section 14(j) above, any deficiency in the balance maintained in the Debt Service Reserve Account (excluding any Subaccounts) or any Subaccounts shall be promptly made up from the next available Net Revenues after credits into the Bond and Interest Account, on a pro rata basis, calculated by reference to the amount of the deficiency in the Debt Service Revenue Account (excluding any Subaccounts) and each Subaccount. Any moneys in the Debt Service Reserve Account (excluding any Subaccount) in excess of the Reserve Requirement for the Bonds (excluding any Bonds for which a Subaccount was established), and any moneys in the 2016 Subaccount for the 2016 Bonds of any Series for which a 2016 Subaccount was established in excess of the Reserve Requirement for the 2016 Bonds of such Series, may be used for the prepayment of installments of principal, together with interest due thereon, on the then outstanding Bonds which are then callable or prepayable, or for the purchase of outstanding Bonds or installments of principal of and interest on the Bonds at a price not exceeding par and accrued interest, or may be transferred to the Improvement Fund.

(l) As an alternative to holding cash funds in the Debt Service Reserve Account or any Subaccount, the City, with the advice of the City's financial advisor and nationally recognized bond counsel, may satisfy all or any part of its obligation to maintain any amount in the Debt Service Reserve Account or such Subaccount by depositing a Credit Facility (as defined in the next sentence) therein (which, for any 2009 Bonds for which a Subaccount was established and which were sold to the Indiana Finance Authority through the SRF Program (as hereafter defined), will require the written consent of the Indiana Finance Authority to the deposit of any such Credit Facility), provided that such deposit does not adversely affect any then existing rating on the Bonds. A "Credit Facility" is hereby defined as a letter of credit, liquidity facility, insurance policy or comparable instrument furnished by a bank, insurance company, financial institution or other entity pursuant to a reimbursement agreement or similar

instrument between such entity and the City. To the extent that any Bonds are insured, and the Credit Facility is not being provided by the insurer of such Bonds, such insurance policy shall be subject to the insurer's prior written consent.

(m) In the event a draw is made against the Credit Facility in the Debt Service Reserve Account or any Subaccount, the City shall repay the amount of the draw and related expenses incurred by the issuer(s) of the Credit Facility (the "Credit Facility Issuer") together with interest thereon at the rate specified in the Credit Facility and/or the related Credit Facility Agreement (as defined below). The repayment of the draw amount, related expenses and accrued interest (the "Credit Facility Costs") shall be paid from the funds that would have been set aside above to replenish the Debt Service Reserve Account or such Subaccount, respectively. Repayment of the Credit Facility Costs shall commence in the first month following each draw, in an amount equal to no less than one twelfth (1/12) of the aggregate Credit Facility Costs related to such draw ("Monthly Installments"). Each Monthly Installment shall be deposited by the City into the Debt Service Reserve Account or such Subaccount, respectively, and then payments shall be made from the Debt Service Reserve Account or such Subaccount, respectively, to pay Credit Facility Costs.

(n) If and to the extent cash has been deposited to the Debt Service Reserve Account or any Subaccount (other than Monthly Installments to pay Credit Facility Costs), all such cash (or permitted investments) shall be used prior to any drawing under the Credit Facility therein, and repayment of any Credit Facility Costs shall be made prior to replenishment of any such cash amounts.

(o) If, in addition to the Credit Facility in the Debt Service Reserve Account or any Subaccount, any other reserve account substitute instrument ("Additional Credit Facility") is provided, drawings under the Credit Facility and any such Additional Credit Facility, and repayment of Credit Facility Costs and reimbursement of amounts due under the Additional Credit Facility, shall be made on a pro-rata basis (calculated by reference to the maximum amounts available thereunder) after applying all available cash therein and prior to replenishment of any such cash draws, respectively.

(p) The City acknowledges that: (i) at the time that the 2009A Bonds were issued, the City, pursuant to the 2009 Ordinance, established within the Debt Service Reserve Account a subaccount for the 2009A Bonds (the "2009A Subaccount"); (ii) such 2009A Subaccount constitutes the margin for safety and as protection against default in the payment of principal of and interest on the 2009A Bonds; (iii) the moneys in such 2009A Subaccount shall be used to pay current principal and interest on the 2009A Bonds, to the extent that moneys in the Bond and Interest Account are insufficient for that purpose; (iv) the 2009A Bonds were sold to the Indiana Finance Authority pursuant to its Drinking Water Revolving Loan Program (the "SRF Program") and pursuant to the 2009 Ordinance the "Reserve Requirement" for the 2009A Bonds for which the 2009A Subaccount was establish means the maximum annual debt service on the 2009A Bonds; and (v) each of the provisions in the 2009 Ordinance pertaining to the 2009A Subaccount remain in full force and effect.

SECTION 15. Improvement Fund. After meeting the requirements of the Operation and Maintenance Fund and the Sinking Fund, any excess revenues may be transferred from the

Revenue Fund and credited to the special utility fund hereby continued which was created and designated in the Prior Ordinances as the "Waterworks Improvement Fund" (the "Improvement Fund") (also shown on the books of the utility as the Depreciation Fund), and said Fund shall be used for improvements, replacements, additions and extensions of the works and transfer of the Pilot Payment. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sinking Fund, or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation and maintenance of the works.

SECTION 16. Investment of Funds. The Revenue Fund and the Sinking Fund each shall be deposited in and maintained as a separate bank account or accounts from all other bank accounts of the City. The Operation and Maintenance Fund and the Improvement Fund may be maintained in a single bank account or accounts, but such bank account or accounts shall likewise be maintained separate and apart from the Revenue Fund and all other bank accounts of the City and apart from the Revenue Fund and the Sinking Fund bank accounts. All moneys deposited in the bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided, that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, Chapter 9 as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this Ordinance.

SECTION 17. Financial Records and Accounts. The City shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the utility and all disbursements made therefrom and all transactions relating to the utility. The City shall maintain on file the audited financial statements of the utility prepared by the State Board of Accounts. There shall be furnished, upon written request, to any owner of the 2016 Bonds, the most recent copy of the audited financial statements of the utility prepared by the State Board of Accounts. Copies of all such statements and reports shall be kept on file in the office of the Fiscal Officer.

SECTION 18. Rate Covenant. The City, by and through the Board and to the fullest extent permitted by law, shall establish, fix, maintain and collect reasonable and just rates and charges for the use of and the services rendered by the works so that such rates and charges shall produce revenues at least sufficient in each year to (a) pay all the legal and other necessary expenses incident to the operation of the works, including maintenance costs, operating charges, upkeep, repairs, and interest charges on bonds or other obligations, including leases; (b) provide a sinking fund for the liquidation of bonds or other obligations, including leases; (c) provide a debt service reserve on bonds or other obligations, including leases, as required by the terms of such obligations; (d) provide adequate money for working capital; (e) provide adequate money for making extensions and replacements; and (f) provide money for the payment of any taxes that may be assessed against the works. So long as any of the 2016 Bonds are outstanding, none of the facilities and services afforded by the works shall be furnished without a reasonable and just charge being made therefor.

SECTION 19. Defeasance. If, when the 2016 Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the 2016 Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal, premium, if any, and the interest so due and payable upon such 2016 Bonds or any portion thereof then outstanding shall be paid, or (i) cash, (ii) direct non-callable obligations of (including obligations issued or held in book-entry form on the books of) the U.S. Department of the Treasury, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the 2016 Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance or entitled to the pledge of the Net Revenues.

SECTION 20. Additional Bonds. The City reserves the right to issue additional bonds payable out of the Net Revenues ranking on a parity with the 2016 Bonds for the purpose of financing the cost of future additions, extensions and improvements to the works, or to provide for a complete or partial refunding of obligations, subject to the following conditions precedent:

(a) The interest on and principal of all bonds payable from the Net Revenues shall have been paid to date in accordance with the terms thereof, and all required payments into the Sinking Fund required by this Ordinance shall have been made. The Reserve Requirement shall be satisfied for the additional Parity Bonds either at the time of delivery of the additional Parity Bonds or over a five-year or shorter period, in a manner which is commensurate with the requirements established in Section 14 of this Ordinance.

(b) The Net Revenues in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the 2016 Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of the then outstanding bonds (including the 2016 Bonds and the Prior Bonds) and the additional Parity Bonds proposed to be issued; or, prior to the issuance of the additional Parity Bonds, the water rates and charges shall be increased sufficiently so that the increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for the year equal to not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of the then outstanding bonds and the additional Parity Bonds proposed to be issued. For purposes of this subsection, the records of the works shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose.

(c) To the extent required by law, the issuance of the proposed additional Parity Bonds and any necessary increase in water rates and charges shall have been approved by the Indiana Utility Regulatory Commission, or any successor body vested by law with authority to approve bonds and water rates and charges of municipal waterworks.

(d) The principal of said additional Parity Bonds shall be payable on January 1 and the interest shall be payable on January 1 and July 1 during the periods such principal and interest are payable while the 2016 Bonds and Prior Bonds are outstanding.

(e) So long as the 2009A Bonds or any other Parity Bonds sold to the Indiana Finance Authority through the SRF Program remain outstanding, the City shall obtain the consent of the Indiana Finance Authority to the issuance of the proposed additional Parity Bonds.

SECTION 21. Further Covenants of the City. For the purpose of further safeguarding the interests of the owners of the 2016 Bonds, it is hereby specifically provided as follows:

(a) The City, through the Board, shall at all times maintain the works in good condition, and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the 2016 Bonds are outstanding, the City, through the Board, shall maintain insurance on the insurable parts of the works, of a kind and in an amount such as would normally be carried by private entities engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. As an alternative to maintaining such insurance, the City may maintain a self-insurance program with catastrophic or similar coverage so long as such program meets the requirements of any applicable laws or regulations and is maintained in a manner consistent with programs maintained by similarly situated municipalities. Insurance proceeds or self-insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or if not used for that purpose, shall be treated and applied as Net Revenues.

(c) So long as any of the 2016 Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber the works, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility; provided, the foregoing restrictions shall not apply to the extent approved otherwise in writing by the owners of all 2016 Bonds then outstanding, and the City receives an opinion of nationally recognized bond counsel to the effect that the transaction will not cause the interest on the 2016 Bonds to be included in gross income for federal income tax purposes.

(d) Reserved.

(e) Except as otherwise specifically provided in Section 20 of this Ordinance and in the Prior Ordinances, so long as any of the 2016 Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the works shall be issued by the City, except such as shall be made junior and subordinate in all respects to the 2016 Bonds, unless all of the 2016 Bonds are defeased, redeemed or retired coincidentally with the delivery of such additional bonds or other obligations. Such subordinate obligations shall be subject to the provisions of Section 20(d).

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the 2016 Bonds, all the terms of which shall be enforceable by any such owner by any and all appropriate proceedings in law or in equity. After the issuance of the 2016 Bonds and so long as any of the principal thereof or interest or premium, if any, thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which, in the determination of the Council in its sole discretion, will materially and adversely affect the rights of such owners, nor shall the Council or

any other body of the City adopt any law, ordinance or resolution which, in the determination of the Council in its sole discretion, in any way materially and adversely affects the rights of such owners.

The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the 2016 Bonds for the uses and purposes herein set forth, and the owners of the 2016 Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and the Act. The provisions of this Ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of that Fund as set forth in this Ordinance. The owners of the 2016 Bonds shall have all the rights, remedies and privileges set forth in the Act.

SECTION 22. Amendments With Consent of Bondholders. Subject to the terms and provisions contained in this section and Sections 21 and 23, the owners of not less than a majority in aggregate principal amount of the 2016 Bonds and then outstanding shall have the right, from time to time, to consent to and approve the adoption by the Council of such ordinance or ordinances supplemental hereto, as shall be deemed necessary or desirable by the City for the purpose of amending in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental Ordinance; provided, however, nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest or premium, if any, on any 2016 Bond or an advancement of the earliest redemption date on any 2016 Bond, without the consent of the holder of each 2016 Bond so affected; or

(b) A reduction in the principal amount of any 2016 Bond, the redemption premium, the Reserve Requirement therefor or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each 2016 Bond so affected; or

(c) The creation of a lien upon or a pledge of the Net Revenues ranking prior to the pledge thereof created by this Ordinance, without the consent of the holders of all 2016 Bonds then outstanding; or

(d) A preference or priority of any 2016 Bond over any other 2016 Bond, without the consent of the holders of all 2016 Bonds then outstanding; or

(e) A reduction in the aggregate principal amount of the 2016 Bonds required for consent to such supplemental ordinance, without the consent of the holders of all 2016 Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 2016 Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 2016 Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the 2016 Bonds of not less than a majority in aggregate principal amount of the 2016 Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the 2016 Bonds, whether or not such owners shall have consented thereto.

No owner of any 2016 Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Council from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of his section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of 2016 Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the 2016 Bonds, and the terms and provisions of the 2016 Bonds and this Ordinance, or any supplemental ordinance, may be modified or amended in any respect with the consent of the City and the consent of the owners of all the 2016 Bonds then outstanding.

SECTION 23. Amendments Without Consent of Bondholders. The Council may, from time to time and at any time, and without notice to or consent of the owners of the 2016 Bonds, adopt such ordinances supplemental hereto (which supplemental ordinances shall thereafter form a part hereof):

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance;

(b) To grant to or confer upon the owners of the 2016 Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2016 Bonds;

(c) To procure a rating on the 2016 Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance, in the determination of the Council in its sole discretion, will not materially and adversely affect the owners of the 2016 Bonds;

(d) To obtain or maintain bond insurance with respect to the 2016 Bonds;

(e) To provide for the refunding or advance refunding of the 2016 Bonds;

(f) To provide for the issuance of additional bonds as provided in Section 20 hereof; or

(g) To make any other change which, in the determination of the Council in its sole discretion, is not to the material prejudice of the owners of the 2016 Bonds.

SECTION 24. Tax Matters. In order to preserve the exclusion of interest on the 2016 Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the 2016 Bonds, the City represents, covenants and agrees that:

(a) No person or entity, other than the City or another state or local governmental unit, will use proceeds of the 2016 Bonds or property financed by the 2016 Bond proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by 2016 Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No 2016 Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No 2016 Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the 2016 Bond proceeds.

(c) The City will not take any action or fail to take any action with respect to the 2016 Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2016 Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the 2016 Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 2016 Bond proceeds or other monies treated as 2016 Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(d) The City will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The City will not make any investment or do any other act or thing during the period that any 2016 Bond is outstanding hereunder which would cause any 2016 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder as applicable to the 2016 Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the 2016 Bonds from gross income under federal law (the "Tax Exemption") need not be complied with to the extent the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 25. Issuance of BANs; Other Actions.

(a) The City, having satisfied all the statutory requirements for the issuance of the 2016 Bonds, has the authority to elect to issue a bond anticipation note or notes, repayable from the proceeds received from the sale of the 2016 Bonds (defined herein as the "BANs"). This Council hereby authorizes the issuance and sale of the BANs pursuant to I.C. §5-1-14-5 in one or more series, ranking on a parity with each other, in original aggregate principal amount not to exceed Three Million Seven Hundred Twenty Thousand Dollars (\$3,720,000) to provide interim financing until permanent financing becomes available and to pay for costs of issuing the BANs, and the BANs also may fund capitalized interest thereon. The designation of the BANs shall be "City of South Bend, Indiana Waterworks Bond Anticipation Note of 20__". The BANs shall be issued in fully registered form in denominations of Five Thousand Dollars (\$5,000), or integral multiples thereof, shall be originally dated the date of delivery, shall be numbered consecutively from 1 upward, shall mature not more than five (5) years from the date of issuance, may be renewed or extended from time to time, over a period not exceeding five (5) years from the date of the original issuance of the BANs, in accord with I.C. §5-1.1-5, shall be prepayable on seven (7) days' notice in whole or in part in any authorized denomination without premium or penalty, shall bear interest at a rate not exceeding four percent (4%) per annum, and shall be sold at a discount not exceeding ninety-nine percent (99%) of the principal amount thereof. Interest on the BANs shall be payable at maturity. It shall not be necessary for the City to repeat the procedures for the issuance of the 2016 Bonds as the procedures followed before the issuance of the BANs are for all purposes sufficient to authorize the issuance of the 2016 Bonds and to use proceeds thereof to repay the BANs.

The principal of the BANs herein authorized is payable solely from proceeds received from the sale of the 2016 Bonds, and the interest thereon may be paid from such proceeds or from the Net Revenues or a combination thereof, and the proceeds received by the City from the sale of the 2016 Bonds and such Net Revenues are hereby irrevocably pledged to the payment of the principal of and interest on the BANs. The Executive is hereby authorized to determine the form of the BANs and to execute the BANs, the Fiscal Officer is hereby authorized to have the BANs prepared, and to attest to the BANs and affix the seal the City or cause a facsimile of the seal of the City to be imprinted or impressed on the BANs. The Fiscal Officer is hereby authorized and directed to obtain the legal opinion as to the validity of the BANs from Barnes & Thornburg LLP. After the BANs shall have been properly executed, the Fiscal Officer shall be authorized to receive from the purchaser thereof payment for the BANs and to provide for delivery of the BANs to the purchaser. The City may receive payment for the BANs in installments. Proceeds received from the sale of the BANs shall be deposited in the funds set forth in Section 11 of this Ordinance. The Fiscal Officer is authorized to sell the BANs to any investor, and to work with the investor to facilitate the sale of the BANs. In any case any officer whose signature or a facsimile signature appears on the BANs shall cease to be such officer before delivery of the BANs, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery of the BANs.

Upon execution of the BANs by the Executive and attestation thereof by the City Clerk, the BANs shall constitute the legal, valid and binding obligations of the City.

No action shall be taken that would impair the exclusion from gross income of interest on the BANs provided by the Code (as defined in Section 24). In furtherance of the foregoing, the provisions of Section 24 of this Ordinance shall apply to the BANs in the same manner as they apply to the 2016 Bonds.

The BANs shall be subject to transfer or exchange in the same manner as the 2016 Bonds, as described in Section 4, and to amendment in the same manner as the 2016 Bonds, as described in Sections 22 and 23.

The Executive and the Fiscal Officer each are authorized and directed to execute a purchase agreement with respect to the BANs in such form or substance as they shall approve. As an alternative to any terms of the BANs set forth above and to the method of sale referred to above, the Fiscal Officer may negotiate the sale to the Indiana Finance Authority or the Indiana Bond Bank upon such terms as are acceptable to the Executive and the Fiscal Officer and as are authorized by law for such sale, and the Executive and the Fiscal Officer each are authorized to execute a purchase agreement with the Indiana Finance Authority or the Indiana Bond Bank reflecting such terms.

(b) The Executive and the Fiscal Officer may take such other actions or deliver such other certificates and documents needed for the Refunding or the financing as they deem necessary or desirable in connection therewith.

SECTION 26. Rate Ordinance. The rates and charges of the works are set forth or described in Ordinance No. 9656-06 adopted by the Council on February 27, 2006. Such ordinance is hereby incorporated by reference as if set forth in full at this place, two copies of which are on file and available for public inspection in the office of the City Clerk pursuant to I.C. §36-1-5-4.

SECTION 27. Non-Business Days. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 28. No Conflict. The Council hereby finds and determines that the adoption of this Ordinance and the issuance of the 2016 Bonds are in compliance with the Prior Ordinances. The Prior Ordinances shall remain in full force and effect. All ordinances and resolutions and parts thereof in conflict herewith, except the Prior Ordinances, are to the extent of such conflict hereby repealed. None of the provisions of this Ordinance shall be construed to adversely affect the rights of the owners of the Parity Bonds.

SECTION 29. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such

section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 30. Interpretation. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 31. Effectiveness. This Ordinance shall be in full force and effect from and after its passage and compliance with the procedures required by law.

SECTION 32. Credit Facility. The Executive and the Fiscal Officer, on behalf of the City, are hereby authorized to obtain a Credit Facility or Additional Credit Facility as set forth in Section 14 herein. The Executive and the Fiscal Officer, on behalf of the City, are also authorized to enter into an agreement with the Credit Facility Issuer for either the Credit Facility or Additional Credit Facility (the "Credit Facility Agreement") and negotiate the terms of the Credit Facility Agreement, with the advice of the City's financial advisor and nationally recognized bond counsel. The Executive and the Fiscal Officer, on behalf of the City, are also authorized to execute any and all other documents required to obtain the Credit Facility. The City hereby agrees that: If the waterworks fails to pay any Credit Facility Costs in accordance with the requirements set forth above, the Credit Facility Issuer shall be entitled to exercise any and all remedies available at law or under the authorized documents other than (i) acceleration of the maturity of the 2016 Bonds or (ii) remedies which would adversely affect the owners of the 2016 Bonds.

(b) This Ordinance shall not be discharged and the 2016 Bonds defeased until all Credit Facility Costs owing to the Credit Facility Issuer shall have been paid in full.

(c) The Credit Facility Issuer is granted a security interest (subordinate to that of the owners of the 2016 Bonds) in all revenues and collateral pledged as security for the 2016 Bonds, for the repayment of the Credit Facility Costs.

(d) No additional bonds payable from the Net Revenues will be issued without the Credit Facility Issuer's prior written consent as long as Credit Facility Costs are past due and still owing to the Credit Facility Issuer.

(e) This Ordinance shall not be modified or amended, except as provided in Section 23 herein, without the prior written consent of the Credit Facility Issuer.

The Credit Facility Issuer shall be provided with written notice of the resignation or removal of the Registrar and Paying Agent and the appointment of a successor thereto and of the issuance of additional indebtedness of the City's waterworks at such address as may be specified, from time to time, by the Credit Facility Issuer.

SECTION 33. Payment on Bonds in the Event of Default. In the event available moneys are insufficient to pay debt service on the 2016 Bonds and any Parity Bonds when due, available moneys shall be applied, after payment of all costs and expenses associated therewith, to the 2016 Bonds and any Parity Bonds as follows: to the payment to the persons entitled thereto of all unpaid installments of interest then due on, and the unpaid principal of, the 2016 Bonds and any

Parity Bonds, including interest on any past due principal of any 2016 Bond or Parity Bond at the rate borne by such 2016 Bond or Parity Bond, in the order of the maturity of the installments of such interest and the due dates of such principal and, if the amount available shall not be sufficient to pay in full any particular installment of interest or maturity of principal, then to such payment ratably, according to the amounts so due, to the persons entitled thereto, without any discrimination or privilege or any preference of or priority of interest over principal or principal over interest.

During the continuance of any default in the payment of either principal of or interest or premium on any 2016 Bonds or Parity Bonds, no payment shall be made with respect to any subordinate obligations issued pursuant to Section 21(e). Moneys available for payment to holders of such subordinate obligations shall, in the event of an insufficient amount being available to pay all debt service with respect to the subordinate obligations when due, be applied to the subordinate obligations in accordance with the sequence and other terms set forth above with respect to payments regarding 2016 Bonds and Parity Bonds unless otherwise provided in the ordinance authorizing the subordinate obligations.

SECTION 34. Actions and Agreements. Each of the Executive, the Fiscal Officer and any other officer or employee of the City is hereby authorized and directed to execute any instruments or agreements or take any other actions necessary or desirable to effect the transactions contemplated by this Ordinance, such necessity or desirability to be conclusively evidenced by the execution of such instruments or agreements or the taking of such action.

SECTION 35. 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

DMS 4397180v1

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

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



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, 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.

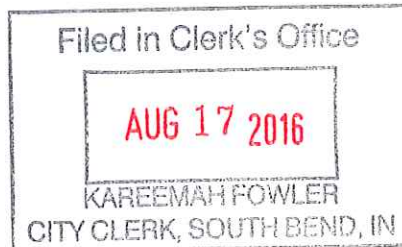
The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

Lawrence P. Magliozzi

Attachment

CC: St. Joseph County Airport Authority





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

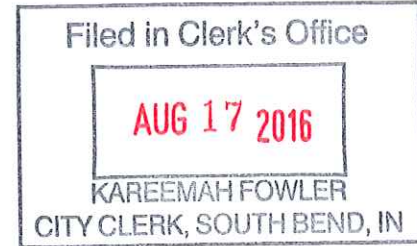
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

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
4th 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". The letters are fluid and connected, with a prominent initial "K".

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

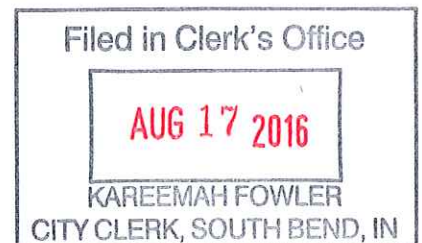
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

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

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd 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

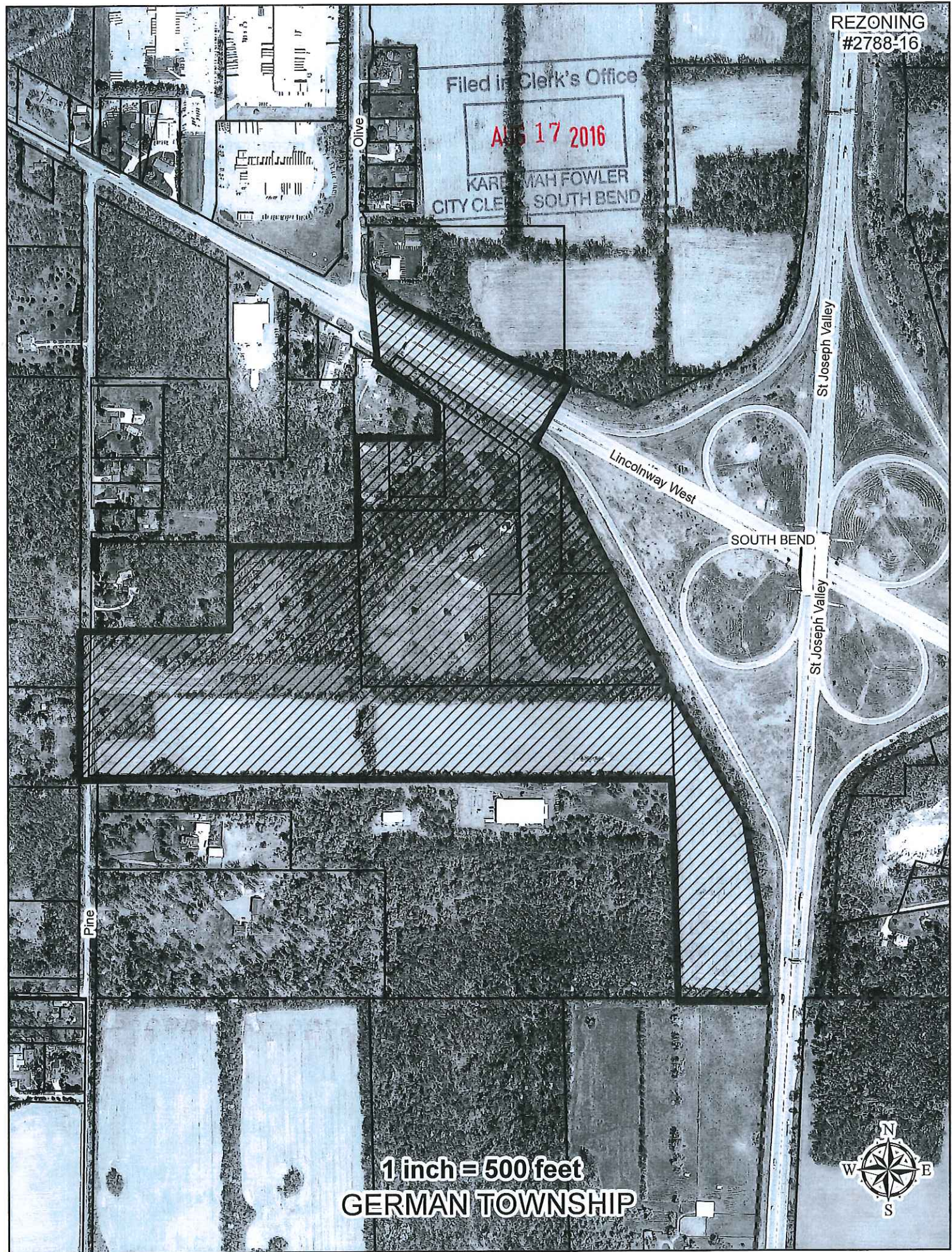
Lincolnway West

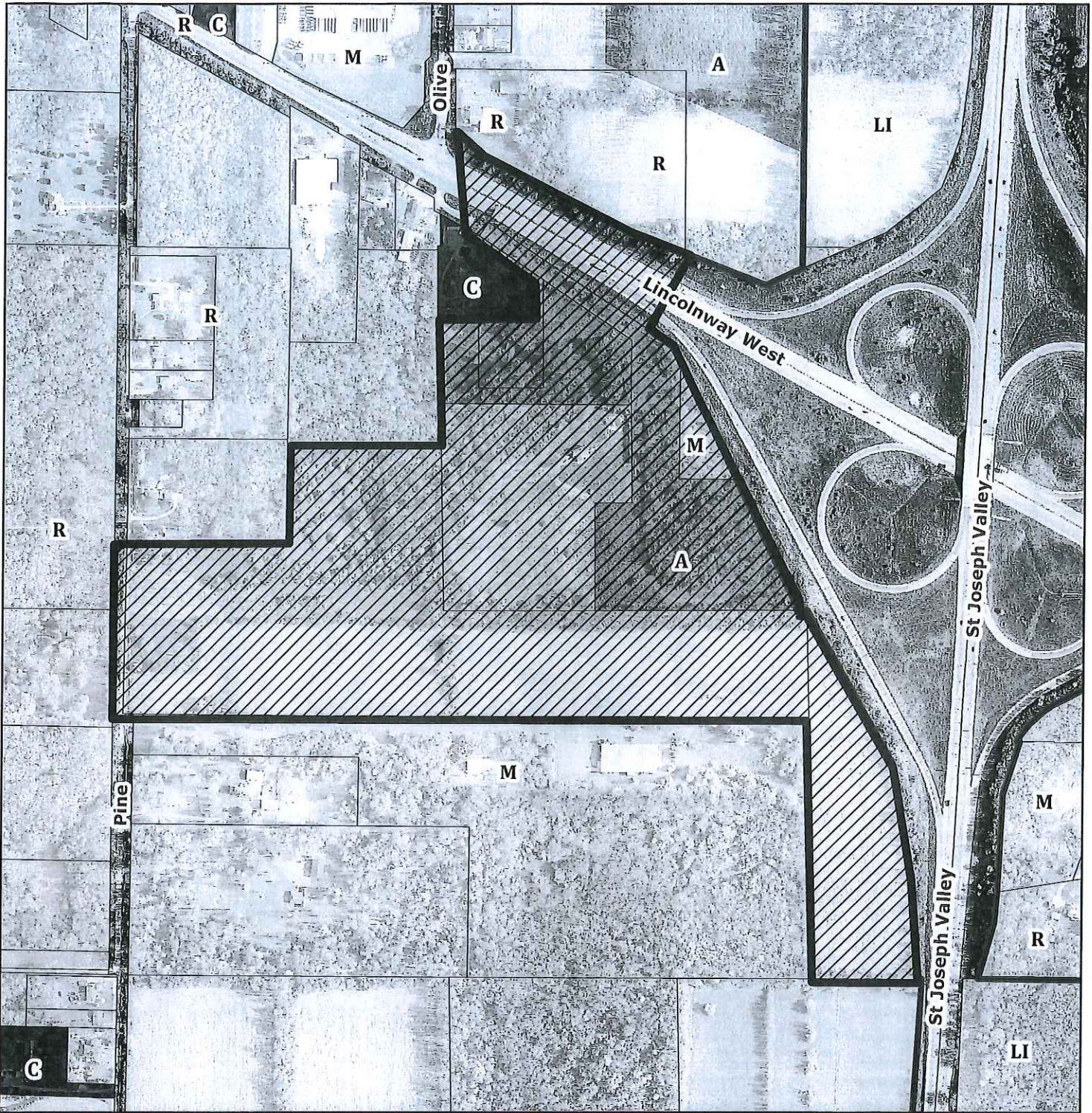
SOUTH BEND

St Joseph Valley

Pine






1 inch = 500 feet
GERMAN TOWNSHIP



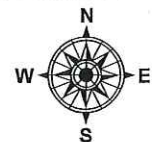


**Rezoning from: ST. JOSEPH COUNTY
"A" AGRICULTURAL DISTRICT & "M" MANUFACTURING INDUSTRIAL DISTRICT
to CITY OF SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT**

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

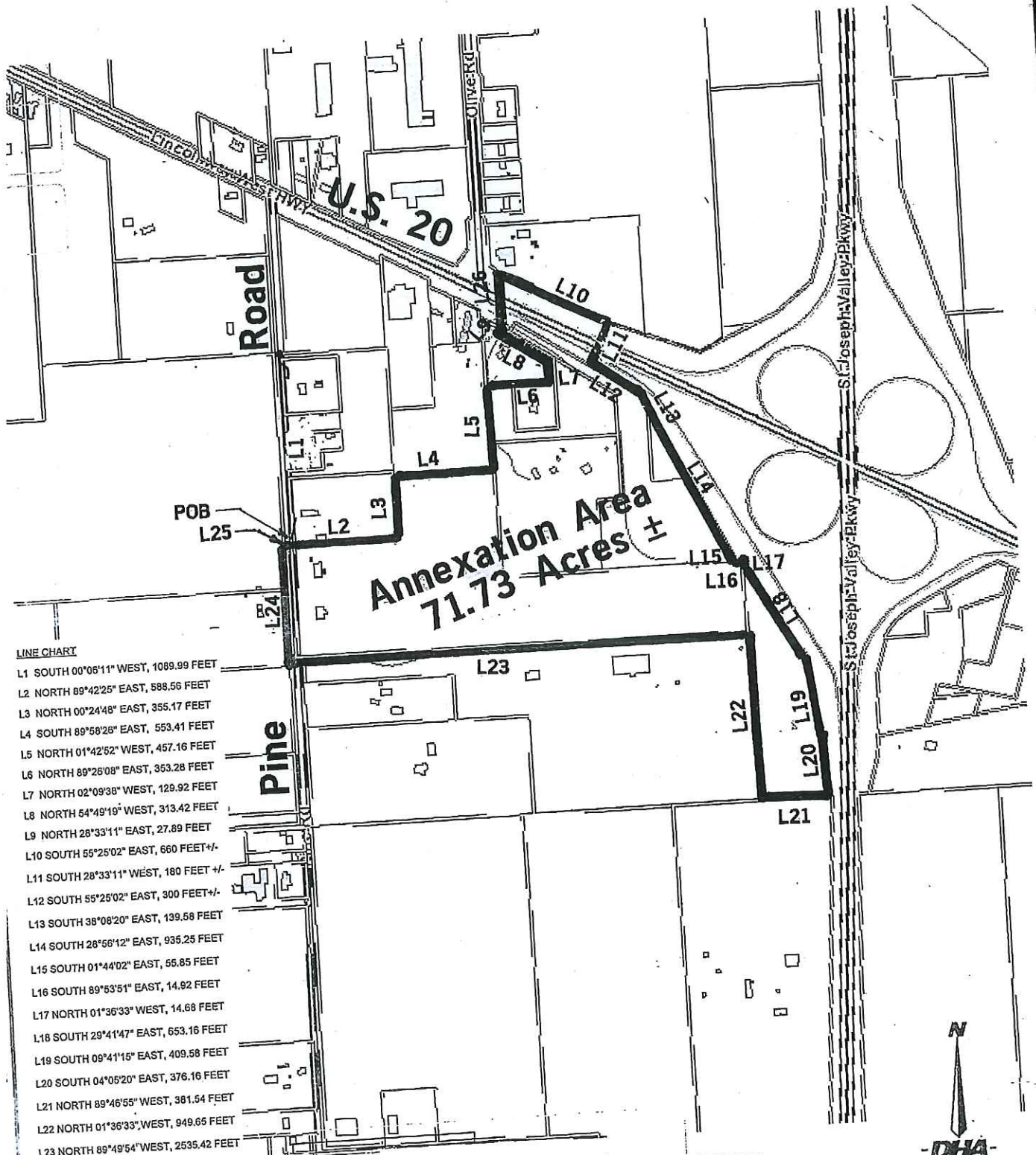
Filed in Clerk's Office
AUG 17 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



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 ±

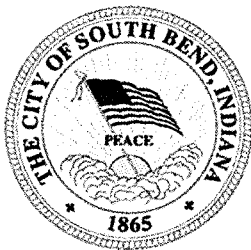
Filed in Clerk's Office
AUG 17 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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

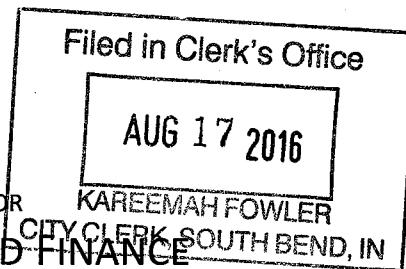


SCALE 1"=800'
REVISED 7-26-16

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
4th 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 1st reading with the Common Council for the council meeting scheduled for August 22, 2016, 2nd reading and public hearing at the council meeting on September 26, 2016, with 3rd 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

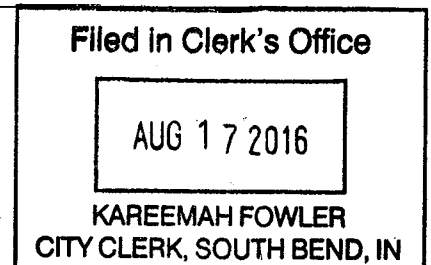
Attest:

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

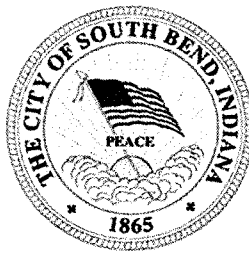
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



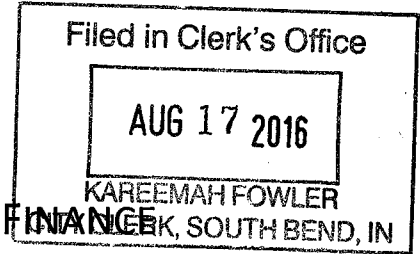
Approved and signed by me on the _____ day of _____, 2_____, at
_____ o'clock, _____.m.

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
4th 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

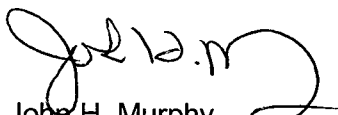
Dear Council President Scott:

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 1st reading with the Common Council for the council meeting scheduled for August 22, 2016, 2nd reading and public hearing at the council meeting on September 26, 2016, with 3rd 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



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
4th 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

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	\$1.716 \$ <u>2.454</u>
Next 1,500 cubic feet	1.490 <u>2.131</u>
Next 5,500 cubic feet	1.310 <u>1.873</u>
Next 22,500 cubic feet	1.153 <u>1.649</u>
Next 90,000 cubic feet	0.905 <u>1.294</u>
Over 120,000 cubic feet ...	0.701 <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 ..\$ 7.76	<u>452</u>	<u>\$11.09</u>
3/4-inch meter 11.19	<u>675</u>	<u>16.00</u>
1-inch meter 19.90	<u>1,260</u>	<u>28.47</u>
1½-inch meter 44.72	<u>3,053</u>	<u>63.96</u>
2-inch meter 79.54	<u>5,711</u>	<u>113.74</u>
3-inch meter 178.96	<u>14,090</u>	<u>255.92</u>
4-inch meter 318.16	<u>26,163</u>	<u>455.00</u>
6-inch meter 716.02	<u>69,073</u>	<u>1,023.88</u>
8-inch meter 1,272.95	<u>133,701</u>	<u>1,820.16</u>
10-inch meter 1,988.53	<u>235,781</u>	<u>2,843.00</u>
12-inch meter 2,863.10	<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\$ 2.25	<u>\$3.22</u>
3/4-inch connection 2.25	<u>3.22</u>
1-inch connection 5.77	<u>8.25</u>
1½-inch connection 12.98	<u>18.56</u>
2-inch connection 23.06	<u>32.98</u>
3-inch connection 51.90	<u>74.22</u>
4-inch connection 92.28	<u>131.96</u>
6-inch connection 207.62	<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:*

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

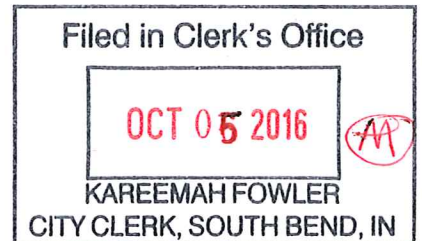
Kareemah Fowler, Clerk

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

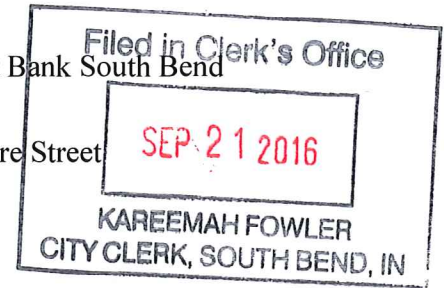


1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

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

temporary construction barrier during construction. The PUD Ordinance exempts this property from the requirements of the Parking and Loading sections of the South Bend Zoning Ordinance. The sign section has been expanded to allow an increased building coverage, increased monument height and area, the addition of roof signs which may extend 15' above the roofline, and increased incidental/directional sign area.

Zoning and Land Use History And Trends:

Prior to the adoption of the new zoning ordinance in 2004, the property was zoned A3 Mixed Use Multifamily Residential and Commercial District.

Traffic and Transportation Considerations:

LaSalle Avenue has four lanes. Colfax Avenue has 2 lanes plus a center turn lane and a designated bike lane. Sycamore Street has two lanes with on-street parking.

Utilities:

This site will be served by municipal water and sewer.

Agency Comments:

The City Engineer stated that additional information related to traffic patterns and the impact of the uses on utilities and other public amenities in needed before a recommendation could be given.

Because of the negative impacts on the neighborhood, DCI cannot support the Commerce Center PUD as presented. However, DCI would be supportive of the rezoning subject to the recommendations provided in the full report (attached as Exhibit A).

Commitments:

The petitioner is not proposing any written commitments, however the site will need to comply with all development standards established in the Commerce Center PUD District Ordinance and any conditions or commitments stated by the petitioner during the public hearing process.

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

1. Comprehensive Plan:

Policy Plan:

The petition is not consistent with The East Bank Village Master Plan - Phase 1 (June 2008). The plan states the area east of the river has its own unique identity independent from the Central Business District and should be branded as the East Bank Village. The Village character is emphasized throughout the plan through the use of pedestrian scaled development, interactive public spaces, and less dense mixed use buildings ranging from 2-4 stories.

Land Use Plan:

The East Bank Master Plan - Phase 1 land use plan identifies the northwest corner of the site as a location for a parking structure surrounded by a 3-4 story mixed-use building fronting on Sycamore and LaSalle. The northeast portion of the site, north of the Commerce Building and along the East Race, is shown as recreation (parks, open spaces, public plaza). The Commerce Building is identified as Commercial (Retail, General Commercial, Specialty Retail, Office, Tech OR&D)

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

with adjacent buildings, general neighborhood design or by creating a unique style;

The developer has failed to provide building design and elevation profiles to determine architectural compatibility. The proposed height and bulk of the building demands careful review to ensure a building design that is architecturally compatible with adjacent buildings and the general neighborhood.

(D) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community;

If constructed as proposed, a large portion of the building may become undesirable and remain vacant or unuseable. Many of the residential units will be facing the garage, and the commercial space has not been shown to be adaptable to changing market demands (dedicated space vs flexible space).

(E) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in the Ordinance.

At the time of filing, Group Residence was not a permitted or special exception use in the Central Business District, however, the Mixed Use District would have provided for all the land uses proposed within the PUD.

Furthermore, the Planned Unit Development section of the Ordinance specifically states that the PUD District is not intended for permitted uses or special exception uses which are provided within another district of the Ordinance OR for developments seeking relief from development standards within a district in which the use is permitted.

In addition to not meeting the intent of the PUD Planned Unit Development District, the proposed development standards include many standards completely out of character with the area. In addition to the points addressed by the Department of Community Investment, the proposed temporary uses, extreme height, lack of public open space, and excessive signage would have a very detrimental impact on the adjacent properties and surrounding community.

Recommendation:

Based on the information available prior to the public hearing, the staff recommends that the rezoning petition be sent to the Common Council with an unfavorable recommendation.

Analysis:

As presented, the petition does not meet the intent or standards for a Planned Unit Development District and, therefore, is not a valid application of the PUD District Designation. While the land uses and overall concept proposed are desirable and appropriate for the Central Business District or Mixed Use District, the development standards in the proposed Commerce Center PUD District Ordinance are so out of character for the area that the construction of this project could ultimately have a significant negative impact on the overall development and success of the East Bank Village.