



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, August 28, 2017
7:00 P.M.

1. **INVOCATION- PASTOR ANDRE STONER, KERN ROAD MENNONITE CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

17-55 A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL HONORING STEEL WAREHOUSE FOR ITS LONG-TERM COMMITMENT TO THE COMMUNITY AND WISHING CONTINUED SUCCESS AS A VIABLE AND ONGOING BUSINESS

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

47-17 PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE SOUTHERN PORTION OF THE NORTH/SOUTH STREET EAST 213 FEET OF EAST RIGHT OF WAY OF SOUTH TAYLOR ST. AND RUNNING SOUTH 250 FEET FROM SOUTH RIGHT OF WAY OF WEST WESTERN AVE, TO INCLUDE A PORTION RUNNING 34 FEET FROM WEST RIGHT OF WAY OF WILLIAM ST. TO SOUTH RIGHT OF WAY OF SOUTH WILLIAM ST.

48-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING A SECTION OF CHAPTER 2, ARTICLE 6 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO TAX ABATEMENTS

49-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING SECTION 4-51 OF CHAPTER 4, ARTICLE 4 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO LICENSING AND REGULATION OF SCRAP METAL, JUNK

DEALERS, VALUABLE METAL DEALERS AND RECYCLING OPERATIONS

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[47-17](#) THIRD READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE SOUTHERN PORTION OF THE NORTH/SOUTH STREET EAST 213 FEET OF EAST RIGHT OF WAY OF SOUTH TAYLOR ST. AND RUNNING SOUTH 250 FEET FROM SOUTH RIGHT OF WAY OF WEST WESTERN AVE, TO INCLUDE A PORTION RUNNING 34 FEET FROM WEST RIGHT OF WAY OF WILLIAM ST. TO SOUTH RIGHT OF WAY OF SOUTH WILLIAM ST.

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[49-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING SECTION 4-51 OF CHAPTER 4, ARTICLE 4 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO LICENSING AND REGULATION OF SCRAP METAL, JUNK DEALERS, VALUABLE METAL DEALERS AND RECYCLING OPERATIONS

9. **RESOLUTIONS**

BILL NO.

[17-44](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH TAX ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY KNOWN AS 5245 DYLAN DRIVE, SOUTH BEND, INDIANA FOR CBK LAND DEVELOPMENT, LLC

[17-45](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH TAX ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY KNOWN AS 1902 WEST SAMPLE STREET, SOUTH BEND, INDIANA FOR VIDA REALTY, LLC

[17-46](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH TAX ABATEMENT PROCEDURES FOR PERSONAL PROPERTY LOCATED AT 5245 DYLAN DRIVE, SOUTH BEND, INDIANA FOR CHASE PLASTIC SERVICES, INC.

[17-47](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH TAX

ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY KNOWN AS 402 NORTH SHERIDAN STREET, SOUTH BEND, INDIANA FOR MANUFACTURING TECHNOLOGY, INC.

[17-52](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE AMENDMENT TO THE LEASE OF A BUILDING LOCATED AT 209 N. MAIN STREET, SUITE 207, SOUTH BEND, INDIANA

[17-53](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF INDIANAPOLIS, INDIANA, DEPARTMENT OF PUBLIC SAFETY AND CITY OF SOUTH BEND FIRE DEPARTMENT REGARDING INDIANA TASK FORCE ONE

[17-54](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPOINTING AN AGENT/NEGOTIATOR TO REPRESENT THE COMMON COUNCIL FOR THE UPCOMING FIRE DEPARTMENT NEGOTIATIONS

10. **BILLS ON FIRST READING**

BILL NO.

[50-17](#) FIRST READING ON AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY OF SOUTH BEND FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018

[51-17](#) FIRST 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, 2018 AND ENDING DECEMBER 31, 2018 INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT

[52-17](#) FIRST 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, 2018 AND ENDING DECEMBER 31, 2018 INCLUDING ALL OUTSTANDING CLAIMS, AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

[53-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

[54-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION' S 2018 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018

11. **UNFINISHED BUSINESS**

BILL NO.

[17-48](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1206 DUNHAM ST.

[17-49](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 4321 S. MICHIGAN STREET

[17-50](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 315 NORTH MAIN STREET

[17-51](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 602 W. COLFAX AVE.

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **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: AUGUST 24, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, AUGUST 28, 2017** at:

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

- 4:00 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JOHN VOORDE, CHAIRPERSON**
1. [Bill No. 47-17](#)- SB Cubs Cul-de-Sac Vacation
- 4:10 P.M.** **HEALTH & PUBLIC SAFETY** **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 17-53](#)- Indiana Task Force One MOA Approval
2. [Bill No. 49-17](#)- Scrap Metal Licensing Amendment
3. [Bill No. 17-54](#)- Appointing Agent/Negotiator for Fire Negotiations
- 4:35 P.M.** **PERSONNEL & FINANCE** **KAREN WHITE, CHAIRPERSON**
1. [Bill No. 17-52](#)- Amendment to Office Lease Agreement at 207 N. Main
- 4:45 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 17-44](#)- Non-Compliance Waiver for CBK Land Development
2. [Bill No. 17-45](#)- Non-Compliance Waiver for Vida Realty
3. [Bill No. 17-46](#)- Non-Compliance Waiver for Chase Plastics
4. [Bill No. 17-47](#)- Non-Compliance Waiver for Manufacturing Technology, Inc.
5. [Bill No. 48-17](#)- Tax Abatement Amendment
- 5:05 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. Zoning Ordinance Update Briefing- Tim Corcoran, Director of Planning
2. [Transfer of ABZA & Zoning Administration from the Building Department to APC](#)- Larry Magliozzi, Executive Director of the Area Plan Commission (APC)

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

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, 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

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
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK

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



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

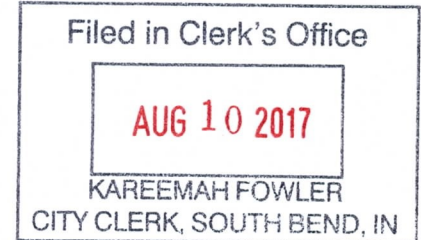
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

August 10, 2017

Tim Scott, President
Oliver Davis, Zoning & Annexation Committee Chair
Common Council of the City of South Bend
227 W. Jefferson Blvd., Suite 400 S
South Bend, IN 46601



Dear Sirs,

Along with Chuck Bulot, I have been working on transferring the administration of the Area Board of Zoning Appeals, in addition to the responsibilities of the Zoning Administrator, from the Building Department to the Area Plan Commission.

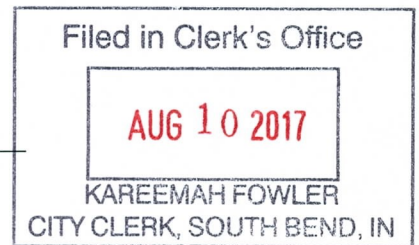
Attached is an outline of the re-alignment proposal, initially prepared for the Plan Commission's submittal in support of the 2018 Budget. Page 1, Summary, states the basis for the re-alignment. Pages 6-7 provide additional detail.

I am requesting an opportunity to discuss this with the Zoning and Annexation Committee on August 28th, at which time I will be able to answer any questions, comments or concerns about this effort.

Sincerely,

Larry Magliozzi

RE-ALIGNMENT AND TRANSFER OF ZONING-RELATED ACTIVITIES AND PROCESSES
TO THE
ST. JOSEPH COUNTY AREA PLAN COMMISSION
FROM THE
BUILDING DEPARTMENT



Summary

The *Area Plan Commission* has provided planning services for its member jurisdictions since 1966. Among those services is the administration of the rezoning and subdivision process, interpretive support to the Zoning Administrators, general land use planning support to the member jurisdictions, and ordinance text changes.

The *Building Commissioner* of the South Bend/St. Joseph County Building Department is the Zoning Administrator (ZA) for the City of South Bend and the unincorporated areas of St. Joseph County. The member towns each have their own ZA. The ZA is the individual designated as having the responsibility for the interpretation and administration of the Zoning Ordinance, which includes the pursuit of zoning violations. Successful pursuit of zoning violations are a particular concern.

It is unusual that most, if not all aspects, of land use planning functions are not organized under one department. The benefits are obvious in that having land use planning, policy, management and implementation is a more efficient approach to conducting those activities. In researching surrounding communities, we are the only jurisdiction that follows our current structure.

The goal of the proposal outlined herein, is to enhance planning services to the public and development community, by unifying all land use-related administrative functions under one department. In brief:

1. Assuming ABZA administration would require the services of a PTE.
2. Assuming the general responsibilities of the Zoning Administrator relative to interpretation of the Zoning Ordinance, can be absorbed by existing staff.
3. Assuming the responsibilities of zoning violations will require the services of one FTE.
4. All fees associated with ABZA and zoning verification would be new income.
5. Implementation of Improvement Location Permit fees would be new income.
6. Capital expenses: workstation(s); desk(s); cubicle partitions; vehicle for zoning violations

This proposal does not address code enforcement. Code enforcement requires specialized staffing skills, in-depth training, a dedicated administrative process, and considerable capital support. There have been some discussions with South Bend Code Enforcement to contract this service out.

Recommendation

The general recommendation is to pursue to the fullest extent possible the integration of planning services. Depending on the level of support that the County is willing to provide, there are several options on how to accomplish this. Those options are detailed at the end of this analysis, but at a minimum:

1. Transfer the administrative function of the ABZA from the Building Department to the APC staff;
2. Transfer the position of Zoning Administrator from the Building Commissioner to the Executive Director of the Area Plan Commission.

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Area Board of Zoning Appeals

Statutory Basis: The Area Board of Zoning Appeals (ABZA) is established by I.C. 36-7-4-901. Since zoning ordinances are in place for the member jurisdictions of the Area Plan Commission (APC), the legislative bodies of those jurisdictions must establish a board of zoning appeals - I.C. 36-7-4-901 (a).

History: Between 1966 and June of 2009, there were two boards. A South Bend Board of Zoning Appeals, which heard appeals (variances) within the city limits of South Bend, and an Area Board of Zoning Appeals, which heard appeals for unincorporated St. Joseph County and the member towns of the APC. The boards were combined to ease the administrative burden of coordinating two boards, which met on different dates every month.

In 2012, the APC implemented a Combined Hearing Procedure where petitioners seeking a zoning change could also request a special use and variances.

Responsibilities: The ABZA hears petitions for variances from the development standards of the Zoning Ordinance, special uses/special use exceptions and conditional uses within the established zoning districts. Use variances are not permitted as long as a jurisdiction is a member of the Area Plan Commission.

Administration: The Building Department administers the appeals process, from intake of petitions to file closure.

Bldg. Dept. Tasks: Address initial owner inquiries that could result in an application for relief from the development standards – height, area and bulk; process applications; staff review; site visits; notifications and agendas; ABZA meetings; transcribe minutes; post-meeting tasks.

Current APC Tasks: Coordinates with the Building Department to ensure sufficiency of the application; provide a staff report to the ABZA, and attend the meetings.

Increased Tasks for Staff: Staff would assume all administrative duties relative to the application process, administrative duties, ABZA meetings, minutes, and file closure.

The added burden is in the administrative duties and the time involved in transcribing the minutes.

Support & Task Requirements:

1. Develop a proprietary data base. Will require IT support.
2. Additional PTE to attend meetings and transcribe minutes.
3. Possibly change meeting date and time of ABZA meetings.
4. Increase filing fees for 2018.

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Budget Impact:

1. The Department (County) will see an increase in income through application fees. Current Fee structure is \$85 for the first variance, and \$45 for each additional variance. Some variances are “bundled” by the Building Department. Staff would change that policy providing a slight increase in income. ABZA fees bring in approximately \$15,000/year.
2. The hiring of a PTE will increase Personnel costs. ABZA and the implementation of an Improvement Location Permit Fee (see separate discussion on this process) will pay for the added administrative position.
3. Capital expenses would include one workstation, desk and chair.

Other Considerations

South Bend is considering re-establishing a separate board of zoning appeals to hear City petitions. Approximately half of the petitions are City petitions. A City BZA would be comprised of individuals better informed of the uniqueness of the zoning ordinance and land use issues facing the City. If the City chooses to proceed, the administrative burden would fall on City staff, relieving the APC staff from those responsibilities. Fewer petitions would result in less staff time needed to administer the ABZA process, but it would also reduce income. As noted earlier, “unbundling” variances and increasing fees would cover some of the losses in income.

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Zoning Administrator/Zoning Administration

Statutory Basis: The position of Zoning Administrator (ZA) is established in the respective zoning ordinances - Chapter 154.582 of the St. Joseph County Zoning Ordinance and Section 21-09.04 of the South Bend Zoning Ordinance. The Towns appoint their own ZAs.

History: Prior to the merging of the South Bend and St. Joseph County building departments, the respective Building Commissioners also held the position of ZA. The Building Commissioner of the South Bend/St. Joseph County Building Department is the ZA for South Bend and unincorporated St. Joseph County.

Responsibilities: The Zoning Ordinance establishes the duties of the ZA:

1. Enforce and administer the zoning ordinance
2. Investigate matters relative to the zoning ordinance (interpret & investigate)
3. Receive and review applications to the ABZA (administrative process)
4. Provide technical advice to the ABZA
5. Maintain ABZA records
6. Issue improvement location permits

Administration: The Building Commissioner performs the duties of ZA. Two FTEs spend the majority of their time assisting the ZA in his duties. One on the tasks associated with the ABZA, and one on the enforcement of the zoning ordinances. As noted earlier, the Building Department does not perform zoning administration tasks for the towns.

Bldg. Dept. Tasks: Make interpretations on permitted uses and development standards of the Zoning Ordinances; accept and process ABZA petitions including administrative tasks such as correspondence, agendas, meeting attendance and minutes; answer inquiries on variance and special exception filing requirements; investigate zoning violations and pursue fines when needed.

Current APC Tasks: Offers opinions on interpretation issues; confirms zoning district boundaries and the zoning of properties. Since APC keeps records of past zoning actions, does research and zoning confirmation of those actions.

Increased Tasks for Staff: Staff would assume all the responsibilities of the ZA, noted above. The ABZA burden was addressed in the previous section. Since the tasks associated with the balance of the responsibilities are varied, each requires a separate discussion.

Task #1. Zoning interpretation – Staff works on a daily basis with the zoning ordinance and drafts all of the text amendments, and participates in

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many discussions dealing with interpretation issues. This task can be easily absorbed with current staff and within the normal workday.

Task #2. Zoning inquiries – Staff receives many inquiries, approximately 11 per day, ranging from property zoning verification, questions on development standards and rezoning potential. The Building Department fields approximately 25 zoning-related calls per day. The increased call volume will substantially increase our daily work load, and impact the amount of time necessary to process petitions filed with the department.

Task #3. Written requests – this task involves responding in writing (letter or form) to zoning verifications and State approvals (@100/year), business license reviews (@700/year), and legal non-conforming certificates (@11/year). This task, in combination with Task #2, will substantially increase our daily work load, impact the amount of time necessary to process petitions filed with the department.

Task #4. Plan review – Twice a week, staff goes over to the Building Department to review project site plans that have filed for a building permit; one review session for the County and one session for South Bend. Staff, at this point, does not see an increase in time required to perform this task.

Task #5. Zoning violations – This new task would become the responsibility of the Staff, unless the County contracts with South Bend for Code Enforcement. The Building Department responds to about 1,000 violations a year. Violations mostly involve inappropriate land uses and junk vehicles. Site plan violations have historically not been addressed due to lack of staff time. This task would result in a significant increase in staff time, and cannot be accomplished without an additional FTE.

- Support & Task Requirements:*
1. An electronic tracking system would be needed. It is not known at this time whether the South Bend system can be used.
 2. Additional FTE to accomplish Tasks #3 and #5.
 3. Implement an Improvement Location Permit Fee (Commercial only) to help cover the Staff time for Task #4.

Budget Impact:

1. The Department (County) will see an increase in income from the implementation of an Improvement Location Permit (ILP) fee and zoning verification fees. Zoning verification letters are currently \$30 or \$50 depending on the amount of research required. At @ 100 requests per year, that equals \$300 to \$500. ILP fees could range from \$10 to \$100. Between site plan reviews and sign permit reviews, a conservative estimate of \$35,000 (\$100/ILP), could be collected.

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2. The hiring of a FTE will increase personnel costs. The skill requirements of this position is different that the skill level of the one PTE noted in the ABZA discussion. Whether existing personnel could be re-organized to cover zoning administration duties is still being studied.
3. Capital costs: workstation, desk, chair, office panels, vehicle

Other Considerations

South Bend has had some brief discussions with Staff on them withdrawing their membership from the Area Plan Commission. If the City chooses to proceed, it most likely will not happen until 2019 or 2020, or after the adoption of a new zoning ordinance, whichever occurs first. The administrative burden of a City plan commission, City Board of Zoning Appeal, and Zoning Interpretation for the City will transfer to City staff, relieving the APC staff from those responsibilities. Fewer petitions would result in less staff time needed to administer the zoning and subdivision process, but it would also reduce income. On the other hand, it is possible that staff will have more time available to perform zoning enforcement.

As indicated, zoning enforcement is a concern for the staff. Without a FTE, enforcement would VERY LIMITED, if non-existent.

Code Enforcement, as envisioned by the Council, is not possible with the scenarios discussed here. Code is a specific task that requires specialized skills and a distinct process.

Additional Information

Status of Zoning Ordinances: Staff has been diligently pursuing modernization of the seven zoning ordinances it oversees: New Carlisle - January 2010; Osceola – January 2015; Lakeville – projected July 2017; North Liberty – projected November 2017.

The South Bend ordinance will be updated, potentially next year, via a City contract. Staff will begin working on the County ordinance in 2018/19.

The County subdivision ordinance is currently being re-drafted, and is scheduled to be completed by the end of the year. The subdivision ordinances of the other jurisdictions will reviewed for potential replacement in 2019.

Comprehensive Plans: Due to staff reductions over the past decade, the Comprehensive Plan (April 2002) and targeted, neighborhood-oriented land use plans have not been done. The age of the Comprehensive Plan is a concern, especially with the new focus on economic development in the County.

Code Enforcement: Staff would encourage that if the County desires to implement a strong code enforcement effort, then a fair and equitable contract with the City of South Bend be pursued. APC does not available staff or expertise to perform that function.

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Recommended Action *(Revised 7/24/2017)*

APC staff is committed to merging all aspects of zoning activity within one department. It is our belief that this is the appropriate path to provide a more efficient service for planning-related functions. Keys to accomplishing this goal, is to transfer ABZA administration and ZA responsibilities to the APC staff.

ABZA fees would be increased to cover the addition personnel costs of one PTE. Additional income generated by new fees could support one FTE that would assist in zoning violation tasks.

Scenarios:

Scenario One – Transfer ABZA administration to the Area Plan Commission. Will require one PTE to be supported by ABZA filing fees. Leave ZA responsibilities with Building Department.

Income: \$15,000 - \$20,000 (Increase fees from \$85/\$45 to \$100/\$45)

Scenario Two – Transfer ABZA administration and ZA responsibilities to the Area Plan Commission. Will require one PTE and one FTE, to be supported by ABZA filing fees and commercial ILP fees. Zoning violation fees would provide more than adequate additional revenue to cover the FTE.

Income:	ABZA:	\$15,000 - \$20,000
	ILP:	\$35,000 (new \$100 plan review fees)
	Business Licenses:	\$7,000 (new \$10 verification fee)
	Auto & Alcohol License Verifications:	\$1,000
	Other Zoning Verifications:	\$600 (\$35 current fee)

Scenario Three – Same as Scenario Two, but hire two PTEs. One for ABZA and one for zoning enforcement tasks. This scenario would provide 100% coverage of ABZA administration and limited/selected zoning enforcement.

Income: Same as above



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

COMMUNITY INVESTMENT COMMITTEE

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

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

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

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

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

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

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.

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE

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

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, 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, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

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.

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, 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.01-4-17)

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
Public Works & Property Vacation, Vice Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson
Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, 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

Community Relations Committee, Member
Council Rules Committee, Member
Health & Public Safety Committee, Member

JOHN VOORDE, AT LARGE Council Member

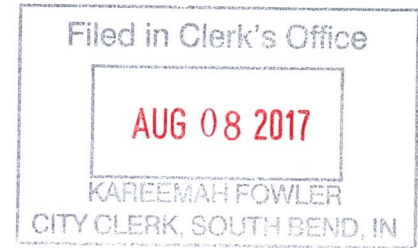
Public Works & Property Vacation, Chairperson
Health and Public Safety, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

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



August 1, 2017

Rich Estes
 City of South Bend
 227 W. Jefferson Blvd.
 South Bend, IN 46601



RE: Vacation request of Williams Street Cul-de-sac

Dear Rich,

The purpose of this letter is to provide a formal request for the vacation of the Williams Street Cul-de-sac and the reason for such request. As an organization, it is always our intent to provide a 1st class experience for our guests while providing a facility that is second to none. With the new development under way for The Ivy at Berlin Place, we feel it for us to provide that 1st class experience we need to relocate our current fun zone, "inflatable area", due to the height of many of the inflatables. Several of these inflatables would obstruct the view for many of the new apartments that will face the field. In addition to the visual obstructions, the opportunity to relocate the inflatables will provide us a chance to layout out the area that will be more guest friendly.

It is our desire to relocate the inflatables to the south end of Williams street, the area that dead ends at Four Winds Field. Ultimately, we would extend the current fence line and concourse to the north where it would be in front of the west side of the team store. In addition to extending the concourse we would financially invest in raising the height of this new area so it would match the current height of the stadium concourse. We have been working with JPR along with Ancon Construction to develop a plan that allows for the fun zone to seamlessly fit in the area to the west of the current team store. The section of Williams street is currently dead ends at the ballpark fence line and it not currently used for anything significant as it relates to the ballpark.

Thank you for your help with this request and if you have any addition comments or need me to clarify anything further please let me know.

Sincerely,

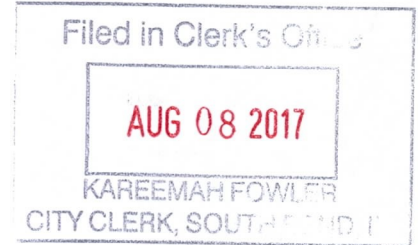
Joe Hart
 President
 South Bend Cubs

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)

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:
N/A

B. THE STREET DESCRIBED AS:

A portion of Williams Street, being a part of Coveleski Park Minor Subdivision First Replat, the plat of which is recorded in Instrument No. 1706730, in the Office of the Recorder of St. Joseph County, Indiana, located in the Southeast Quarter of Section 11 and the Southwest Quarter of Section 12, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southwest corner of Lot B in said Subdivision and being the east boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds east 5.45 feet along said east boundary to the point of beginning of this description; thence continuing South 1 degree 12 minutes 58 seconds East 66.50 feet along said east boundary to an 'x' scribed in concrete at a corner of Lot A in said Subdivision; thence South 89 degrees 39 minutes 18 seconds West 95.01 feet along the north line of said Lot A and being the south boundary of Williams Street to an 'x' scribed in concrete at the southwest corner of Williams Street; thence North 1 degree 12 minutes 58 seconds West 116.20 feet along the west boundary of Williams Street to a Currier bar and cap at the northwest corner of said Street; thence North 89 degrees 17 minutes 40 seconds East 28.86 feet along the north boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds East 50.26 feet; thence North 89 degrees 19 minutes 29 seconds East 66.14 feet to the point of beginning, and containing 7,740 square feet, more or less.

NAME (signed & printed)	ADDRESS	LOT #
<u></u> (signature)		018-3014-0515
City of South Bend	227 E. Jefferson Blvd., Suite 1400s	
Department of Community Investment	South Bend, IN 46601	

By Richard M. Estes (print name)

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTHERN PORTION OF THE NORTH/SOUTH STREET EAST 213 FEET OF EAST RIGHT OF WAY OF SOUTH TAYLOR ST. AND RUNNING SOUTH 250 FEET FROM SOUTH RIGHT OF WAY OF WEST WESTERN AVE, TO INCLUDE A PORTION RUNNING 34 FEET FROM WEST RIGHT OF WAY OF WILLIAM ST TO SOUTH RIGHT OF WAY OF SOUTH WILLIAM ST.

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:

A portion of Williams Street, being a part of Coveleski Park Minor Subdivision First Replat, the plat of which is recorded in Instrument No. 1706730, in the Office of the Recorder of St. Joseph County, Indiana, located in the Southeast Quarter of Section 11 and the Southwest Quarter of Section 12, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southwest corner of Lot B in said Subdivision and being the east boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds east 5.45 feet along said east boundary to the point of beginning of this description; thence continuing South 1 degree 12 minutes 58 seconds East 66.50 feet along said east boundary to an 'x' scribed in concrete at a corner of Lot A in said Subdivision; thence South 89 degrees 39 minutes 18 seconds West 95.01 feet along the north line of said Lot A and being the south boundary of Williams Street to an 'x' scribed in concrete at the southwest corner of Williams Street; thence North 1 degree 12 minutes 58 seconds West 116.20 feet along the west boundary of Williams Street to a

Currier bar and cap at the northwest corner of said Street; thence North 89 degrees 17 minutes 40 seconds East 28.86 feet along the north boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds East 50.26 feet; thence North 89 degrees 19 minutes 29 seconds East 66.14 feet to the point of beginning, and containing 7,740 square feet, more or less.

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)

018-3013-0468;

018-3014-0515

Section IV. The purpose of the vacation of the real property is

South Bend Cubs wish to vacate the following described street to relocate their fun zone to the west side of the team store and extend the ball park concourse into the vacated portion of William Street.

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:

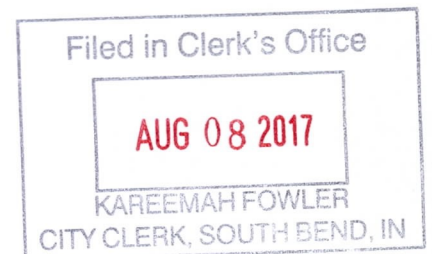
City Clerk

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



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

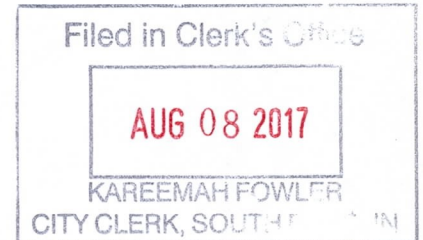


PHONE 574/ 235-9251
FAX 574/ 235-9171

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

August 8, 2017

Joe Hart
South Bend Cubs
501 W South Street
South Bend, IN 46601



RE: Street Vacation – Williams Street Cul De Sac (Preliminary Review)

Dear Mr. Hart:

The Board of Public Works, at its August 8, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

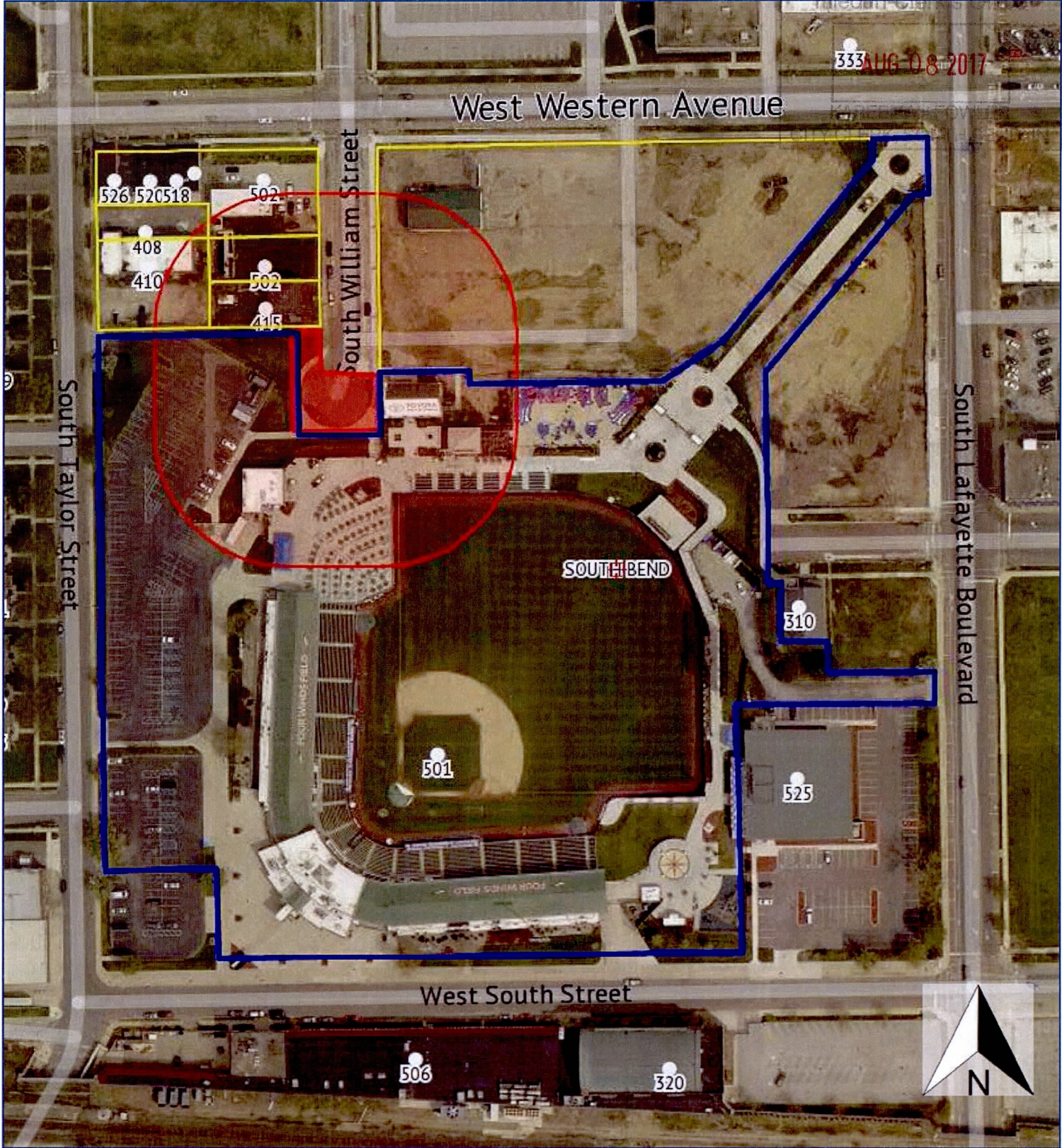
Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Alkeyna Aldridge, City Clerk's Office

333 AUG 08 2017



City of South Bend
 Dept. of Public Works
 227 W Jefferson Blvd. #1316
 South Bend, IN 46601
 Phone: (574) 235-9251

150' Buffer
 *Address List attached

Date Prepared: 7/27/2017

Alley Vacation 150' Radius Map Joe Hart/South Bend Cubs

The street portion to be vacated is the southern portion of the N/S street E 213' of E. RoW of S. Taylor St. and running S 250' from S. RoW of W. Western Ave, to include a portion running 34' from W RoW of William St to S Row of S. William St.



City of South Bend Common Council

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

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

August 9, 2017

Oliver Davis
Vice-President

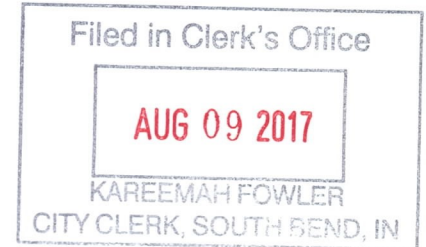
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: *Proposed Tax Abatement Amendment*

Tim Scott
First District

Dear Council Members:



Regina Williams Preston
Second District

I am filing the attached proposed ordinance amendment for section 2, Article 6, section 2-76.3 of the municipal code with the Office of the City Clerk. The proposed amendment adds the requirement that applicants for a base abatement be required to pay all company employees (full-time, part-time, seasonal and temporary) a minimum wage at least as high as the minimum wage paid to all employees of the City of South Bend.

Randy Kelly
Third District

Jo M. Broden
Fourth District

The proposed ordinance will have first reading by the Common Council on August 14, 2017.

David Varner
Fifth District

Thank you for your consideration.

Oliver Davis
Sixth District

Sincerely Yours,

Gavin Ferlic
At Large

John Voorde
At Large

Regina Williams-Preston
South Bend Common Council Member

Karen White
At Large

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING A SECTION OF CHAPTER 2, ARTICLE 6 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO TAX ABATEMENTS

STATEMENT OF PURPOSE AND INTENT

The Mayor of South Bend has stated that “Raising the minimum wage of our city employees can increase morale and productivity, while cutting turnover. It’s also good economics, since city workers are consumers at local businesses. . . Most importantly, it's the right thing to do for hardworking public servants.” The Mayor noted that this wage applies to all City employees, part-time, temporary, and seasonal, as well as full-time employees. Since a tax abatement is a subsidy to employers from the City and is intended to improve the economic environment of the City of South Bend, it is incumbent upon companies receiving tax abatements from the City to pay their employees at least as well as the City pays its employees.

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

SECTION I. Chapter 2, Article 6, Section 2-76.3 is hereby amended by adding paragraph (6), to read as follows:

Sec. 2-76.3. Base abatement.

A base abatement ("base abatement") is an abatement for three (3) years in the case of real property other than single-family residential, five (5) years in the case of real property that is single-family residential, and five (5) years in the case of personal property. The Council may grant a base abatement to an applicant who fulfills the following requirements:

.....

(6) The applicant must pay all company employees (full-time, part-time, seasonal, and temporary) a minimum wage at least as high as the minimum wage paid to all employees of the City of South Bend.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana
this _____ day of _____, 2017.

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 _____, 2017, 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 _____, 2017.

Pete Buttigieg, Mayor





City of South Bend Common Council

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

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbend.in.gov>

Tim Scott
President

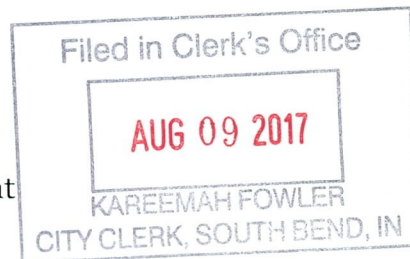
August 9, 2017

Oliver Davis
Vice-President

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

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: Proposed Scrap Metal Ordinance Amendment



Tim Scott
First District

Dear Council Members:

Regina Williams Preston
Second District

We are filing the attached proposed scrap metal ordinance amendment with the Office of the City Clerk. The proposed amendment eliminates the prohibition of Sunday business hours for scrap metal dealers, junk dealers, valuable metal dealers and recycling operations thereby permitting such business on Sundays.

Randy Kelly
Third District

The proposed amendment also updates the ordinance to correct outdated statutory references and to make the ordinance comply with current state definitional statutes. The proposed ordinance amendment will have first reading by the Common Council of August 14, 2017.

Jo M. Broden
Fourth District

Thank you for your consideration.

David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

Sincerely Yours,

John Voorde
At Large

Karen White
At Large

Oliver Davis, Jr. and John Voorde
South Bend Common Council Members

BILL NO. 49-17

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, AMENDING SECTION 4-51 OF CHAPTER 4, ARTICLE 4 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO LICENSING AND REGULATION OF SCRAP METAL, JUNK DEALERS, VALUABLE METAL DEALERS AND RECYCLING OPERATIONS

STATEMENT OF PURPOSE AND INTENT

The City of South Bend's regulation of the City's Scrap Metal Dealers, Junk Dealers, Valuable Metal Dealers and Recycling Operations does not reflect the current community business standards relating to the permitted business hours of these businesses. Most businesses, unless prohibited by state statute are permitted to operate on Sundays. This amendment is intended to eliminate the prohibition of Sunday business hours for these businesses. The amendment is also intended to update the state statutory references to comply with current statutes now in effect.

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

Section I. Chapter 4, Article 4, Section 4-51 is hereby amended to read as follows:

Sec. 4-51. - Scrap metal dealers, junk dealers, valuable metal dealers and recycling operations.

(a) *Definitions.* As used in this section:

- (1) *Business records* mean the records of any purchase, trade, barter or other transaction that involves the receipt of scrap metal and/or valuable metals which are required as part of the licensing procedures addressed herein, but do not include correspondence, tax returns or financial statements.
- (2) *Ferrous metals* mean those metals which will attract a magnet.
- (3) *Junk dealer means* any person who keeps or maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used materials, bottles, glassware, paper, bagging, rags or rope, or any other type of material commonly referred to as "junk."
- (4) *Nonferrous metals* mean those metals which will not normally attract a magnet, including copper, brass and aluminum.
- (5) *Purchase* means acquiring an item of value where consideration is to be paid.

- (6) *Purchase of valuable metal* means acquiring a valuable metal product or products by a valuable metal dealer in a single transaction of less than one hundred dollars (\$100.00), but does not include purchases between scrap metal processing facilities which are defined in IC 8-12-1-3(d).
- (7) *Recycling operators* means any person who keeps or maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used materials, junk, scrap metals, or scrap materials.
- (8) *Scrap metal dealer* means any person who keeps and maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used metals, tinware, brass, copper, iron, lumber, old automobiles, or any other such type of material commonly called and referred to as "scrap metals."
- (9) *Scrap metals* include insulated and uninsulated metallic cables.
- (10) *Scrap or junk materials* means any used metal, both ferrous and nonferrous, lumber, old automobiles, bottles, old glassware, old tinware, paper, rags, iron, lumber or any other such materials commonly called and referred to as "scrap or junk materials"; with aluminum beverage cans or tin cans being excluded.
- (11) *Scrap or junkyard* means any yard, area, space or place, either covered or uncovered, enclosed or unenclosed, maintained and actually used for the purpose of the accumulation or the buying or selling, storing or exchanging of any such scrap metals, junk or scrap materials.
- (12) *Transfer station* means a place or location where scrap metals, junk, trash or garbage or scrap materials are deposited and then transferred in larger quantities by a different carrier, which are governed by extensive state and federal regulations and further regulated by the Indiana Department of Environmental Management (IDEM), the Solid Waste Management Board and the Environmental Protection Agency (EPA) and exempt from the provisions of this Section.
- (13) *Valuable metal* means any product made of metal that readily may be resold. The term:
- (1) includes metal bossies and small component motor vehicle parts; and
 - (2) does not include the following:
 - (A) A beverage can.
 - (B) Used jewelry regulated under IC 24-4-13.
 - (C) Precious metal regulated under IC 24-4-19.
- (14) *Valuable metal dealer* means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks. The term includes a core buyer. The term does not include a person who purchases a vehicle and obtains title to the vehicle.
- (b) *Rule-making authority of Board of Public Works.* The Board of Public Works may have the authority to adopt rules and regulations related to the monitoring and enforcement of this Section, pursuant to the following procedure:
- (1) The Board shall give at least two (2) weeks' written notice of the meeting date, time and location at which any rules or regulations may be considered for adoption. Said notice shall be sent to the City Clerk, Common Council Members, Fire Prevention Bureau, and the Neighborhood Code Enforcement Office; and such notice must be conspicuously posted on the City's website.
 - (2) The Board shall enclose a verbatim copy of all proposed rules and regulations with each notice sent pursuant to this subsection; and must conspicuously post such proposed rules and regulations verbatim on the City's website.

- (3) No rule or regulation shall be adopted which would in effect amend the procedures included in Section 4-51 of this Code; nor shall the Board adopt any rule or regulation which broadens the intent of that section.
 - (4) Upon the adoption of any rule or regulation, the Clerk of the Board of Public Works shall send a copy of the same to the City Clerk, Common Council Members, Fire Prevention Bureau, and the Neighborhood Code Enforcement Office; with this taking place within twenty-four (24) hours after the Board's action. The Clerk of the Board of Public Works shall also be required to post such rules or regulations on the City's website within twenty-four (24) hours after the Board's action. Rules and/or regulations which are not in compliance with this subsection shall be null and void.
- (c) *Resolution required.* No person shall engage in the scrap or junk material business or hold himself forth as a dealer in scrap materials or scrap metals, or as a valuable metal dealer, or keep or maintain a scrap or junkyard, or recycling operation within the City without first procuring from the Common Council, a resolution approving the issuance of a license for the conduct of such business and the maintenance and operation of such metal yard, junkyard or recycling operation.
- (d) *Application; zoning restrictions.*
- (1) An application for a license under this section shall be filed with the Office of the City Clerk and it shall be accompanied by a drawing or diagram showing the property lines of the proposed scrap or junkyard, or recycling operation. Filing of this application with the Office of the City Clerk shall satisfy the requirements of Section 4-6 of this Chapter.
 - (2) No license shall be issued to any proposed scrap or junkyard, recycling operation or transfer station for a location within one thousand (1,000) feet of any lot being lawfully used, entirely or in part, as a single-family, two-family or multifamily dwelling, or any of the following zoning use districts as defined by the zoning chapter of this Code:
 - a. SF1 Single-Family and Two-Family District
 - b. SF2 Single-Family and Two-Family District
 - c. MF1 Urban Corridor Multifamily District
 - d. MF2 High-Density Multifamily District
 - e. OB Office Buffer District
 - f. MU Mixed Use District
 - g. "O" Office District
 - h. LB Local Business District
 - i. CB Community Business District
 - j. CBD Central Business District
 - k. GB General Business District

unless such footage requirement is waived by specific resolution of the Common Council. Such resolution must incorporate one of the following considerations for such a waiver: that the majority of the business operation would take place within an enclosed structure, that the business would be located beyond one-half ($\frac{1}{2}$) of the footage requirement or that a majority of the owners affected by the new business which are within the one thousand-foot requirement give approval.
 - (3) The foregoing subsection (2) shall not apply to any scrap or junkyard licensed as of the effective date of this section. If the license for the scrap or junkyard lapses for any period of time, is revoked or is not renewed for any reason, then the provisions of the foregoing subsection (2) shall apply to the scrap or junkyard.
- (e) *Approvals required.*

- (1) Upon receipt of an application for the issuance of a license for the maintenance and operation of a scrap or junkyard, or recycling operation at a location not previously licensed, the Office of the City Clerk shall upon receipt, date-stamp the application and immediately submit the application to the Fire Prevention Bureau and the Department of Code Enforcement for their inspections; and also provide notice of the filing of said application via email to the Department of Administration and Finance and the Common Council. The Bureau and Department of Code Enforcement shall cause the premises where such proposed scrap or junkyard, or recycling operation is to be located to be visited and inspected for the purpose of determining whether such premises are fit and proper for the maintenance and operation of such a business. All inspections must be completed by the Code Enforcement and the Fire Department's Fire Prevention Bureau within ten (10) business days of the receipt of an application by the City.
- (2) The application shall also be referred to the South Bend Police Department for review and recommendation. The Police Department shall conduct an investigation of each applicant and make a recommendation as to whether the application should be granted. In making its recommendation, the Police Department shall consider the criminal history of the applicant, if any, and the likelihood that granting the application will endanger the health, safety or welfare of the public. A report of the investigation and a copy of the traffic and police record of the applicant, if any, and the recommendation of the Police Department shall be attached to the application and forwarded to the Office of the City Clerk.
- (3) The Office of the City Clerk shall forward to the Common Council President with a copy to the City Controller, the recommendation of the Police Department, and all information provided with or in support of the application in determining whether the application should be granted. Upon receipt of the application and comments or recommendations of the South Bend Departments of Police, Fire and Code Enforcement, the Common Council by resolution shall approve or disapprove such application at its next regular meeting.

In the event that an applicant does not meet current Code requirements as evidenced in writing through the City Administration's inspection process, the Office of the City Clerk may recommend an interim license for such an applicant, with notice being given to the City Controller and the Common Council. The Controller may issue the interim license upon the Clerk's recommendation. Interim licenses shall expire within sixty (60) days, unless the applicant can prove to the Office of the City Clerk that there are extenuating circumstances requiring an extension, which shall require notice to the City Clerk and Council of the date of expiration.

(f) *License procedure; posting of license required.*

- (1) In determining whether to approve and adopt a resolution to issue a permit under this section, the Common Council shall consider the effect or appropriateness of a scrap or junkyard upon the surrounding area, as well as any comments or recommendations provided by the Fire Prevention Bureau, the Department of Code Enforcement or the Board of Public Works. No license application shall be approved without the written approval endorsed upon the application by the Fire Prevention Bureau and Department of Code Enforcement.
- (2) Upon final approval of the application by the Common Council, the Office of the City Controller shall issue or renew the license for maintenance and operation of a scrap or junkyard, or recycling operation. All licenses issued by the Office of the City Controller shall be conspicuously displayed by the applicant by the check-out area of their business. If such application is disapproved by the Fire Prevention Bureau, the Department of Code Enforcement, the Board of Public Works, or the Common Council, the license shall not be issued. The issuance of all licenses under this section shall be subject to compliance with all applicable rules and regulations.
- (3) Any applicant may appeal a denial of a license pursuant to the procedures set forth in Section 4-16 of this chapter.

(g) *License fee.*

- (1) The fee for an annual license to operate a scrap or junkyard, or recycling operation shall be, two hundred fifty dollars (\$250.00) payable to the Office of the City Controller at the time of the issuance of such license.
 - (2) The fee for an interim license to operate a scrap or junkyard, or recycling operation shall be seventy-five dollars (\$75.00).
 - (3) The fee for each sixty-day extension of an interim license to operate a scrap or junkyard, or recycling operation shall be fifty dollars (\$50.00).
- (h) *Business hours.* No person licensed under this section shall receive or purchase any property whatever from any person between the hours of 8:00 p.m. and 7:00 a.m., or on legal holidays.
- (i) *Purchases from and sales by minors.*
- (1) No person licensed under this article shall receive or purchase any property whatever from a minor at any time, except rags, paper and/or aluminum beverage cans or tin cans.
 - (2) No minor shall sell or offer for sale to any person having a license as a junk dealer any of the articles mentioned in this article as coming under the term "junk," except the sale of rags, paper, and/or aluminum beverage cans or tin cans as provided in subsection (i)(1).
- (j) *Business records of purchases required; information required; notice to law enforcement agencies; exceptions for aluminum beverage cans and/or tin cans.*
- (1) Every dealer or operator required to be licensed under this section shall keep at his place of business a record of all purchases in accordance with accepted accounting practices. Each dealer or operator shall maintain at the place of business a bound book with consecutively numbered pages, in which the dealer or operator shall enter or cause to be entered in writing using permanent ink.
 - (2) Every transaction involving ferrous or nonferrous metal where a single transaction involves less than one hundred dollars (\$100.00), but does not include purchases between scrap metal processing facilities which are defined in IC 8-23-1-36 shall require the following to be obtained from each person involved in bringing such terms for the transaction on a form signed under pains and penalties of perjury. Said form shall be provided by the Department of Administration and Finance to all dealers or operators licensed under this section. All such dealers or operators shall retain completed forms for a period of two (2) years. The following information shall be entered on the forms:
 - a. Date, time of purchase and street address where the ferrous and/or nonferrous metal was located prior to being brought to the licensed business for remuneration;
 - b. Name, address, telephone (landline and cell, if any) of the individual or individuals from whom the scrap metal and/or valuable metal was purchased;
 - c. Copy of individual(s) driver's license or other government issued identification card which has a picture of the individual or individuals from whom the scrap metal and/or valuable metal was purchased;
 - d. Thumbprint impressions from the individual or from whom the scrap metal and/or valuable metal was purchased;
 - e. Motor vehicle license number of the vehicle or conveyance on which the scrap metal and/or valuable metal was delivered and the year, make and model thereof;
 - f. The price paid for the scrap metal and/or valuable metal;
 - g. A description and weight of the scrap metal and/or valuable metal purchased;
 - h. In the alternative, the dealer or operator may maintain the information required by this subsection in a computer program compatible with a program maintained by the South Bend Police Department or pre-approved by the South Bend Police Department. All business records shall be required to be retained for a period of two (2) years.

- (3) *Exceptions for aluminum beverage cans and/or tin cans.* Dealers or operators shall not be required to maintain records for aluminum beverage cans and/or tin cans, nor shall such items be required to be held for seven (7) or three (3) days under subsection (k)(3).
 - (4) *Exceptions for scraping of motor vehicles.* Any municipality who brings in a motor vehicle(s) for scraping shall be exempt from the completion of the form addressed in this section with such municipality complying with all applicable provisions of IC 9-22-1 and other applicable State and/or Federal law requirements.
- (k) *Electronic Report to Police and Records Required for Inspection and Holding Requirements for Scrap Metal and/or Valuable Metals; Ferrous and/or Nonferrous Metal.* ¹⁵

- (1) Every dealer or operator shall maintain a physical sales report of scrap metal and/or valuable metals. Each dealer or operator shall keep and preserve data on or through an electronic or computer data system database on a daily basis for the preceding twenty-four-hour period of all purchases of any scrap metal and valuable metal items, unless exempted by this section. Such information shall be sent via electronic forms of transmission to the South Bend Police Department using the Records Management System being used by the South Bend Police Department for the preceding twenty-four-hour period on a daily basis. The data shall include the time of purchase of any article of any scrap metal and/or valuable metals and include whether any is marked with a serial number or marked with an owner's engraving or mark. The reports must contain the seller's full legal name, physical address, date of birth, gender, race, height and width, the price paid for each item, the purchase date and time, a description of each article purchased, including identifying marks, engravings, the manufacturer of the item, model number of the item, the serial number of the item, and the seller's driver's license number or the number of any other identification issued by a governmental authority bearing the sellers' photograph with the dealer or operator being required to make a photocopy of the photographic identification presented at the time of transaction. Every dealer or operator is further required to record the motor vehicle license number of the vehicle of conveyance that delivered the valuable metal, the address from where the valuable metal was located before being brought to the dealer or operator, and a photograph of the valuable metal being sold, as well as a photograph of the person from whom the valuable metal is being purchased. The form shall also bear a digital photograph of the items being purchased and a clear, inked, or digital, impression of the seller's right thumb print and the same transaction number as recorded in the dealer's record book as required by paragraph (2) below.

If the right thumb is missing any of the customers' fingerprints may be used with an identification of what finger is used in the right thumb's absence written adjacent to the inked or digital fingerprint on the form. The inked or digital fingerprint shall be made in a manner readable by the Police Department and shall not be blurred or obliterated.

- (2) Any dealer or operator who is required to be licensed under this section and who has a record with the City of having violated any of the provisions of this section within the past calendar year, shall be required to place a hold on all ferrous and/or nonferrous metal purchased for a minimum period of five (5) business days after notification to the local law enforcement agency required by subsection (1) above, with any additional holding period required for enforcement and investigative purposes being determined on a case by case basis by the South Bend Police Department. The license issued under this section shall specify the amount of time the items are to be held.
 - (3) The dealer or operator shall also record the seller's physical description and a description of the property purchased, as required by this section, and shall retain the physical sales report and information for three (3) years from the date of the last purchase recorded therein.
 - (4) Any records required to be kept or maintained under this section shall be available at all times for inspection by the Police Chief or person duly authorized by him or her to inspect the records.
- (l) *Operation and maintenance rules and regulations.*

- (1) All scrap and junkyards, and recycling operations, shall be maintained and operated in compliance with all applicable fire, health and public safety laws of the State and the provisions of this Code and other ordinances of the City.
- (2) The operators of such yards shall conform with the following rules and regulations:
 - a. Minimum lot area for new yards: All new scrap and junkyards, and recycling operations shall have a minimum lot area of five (5) acres and shall be zoned GI General Industrial District pursuant to the zoning provisions of this Code.
 - b. Fencing: There shall be two (2) types of fencing required to enclose all scrap and junkyards, and recycling operations:
 1. Type A fencing shall consist of fireproof material and shall be a minimum of six (6) feet in height, and constructed so that it can retain all scrap and junk materials within such yards. This fencing shall be of uniform material and color and shall be kept in good repair at all times. Type A fencing shall be used except when Type B fencing is specifically required.
 2. Type B fencing shall consist of opaque or solid fireproof material, and shall be a minimum of eight (8) feet in height. It shall be erected along or near the outside edges of the scrap or junkyard, or recycling operation, and shall completely surround the scrap or junk materials to be stored on the premises. Such fencing shall be of uniform material and color, and shall be kept in good repair at all times. Provided, that any Type B fencing which shall be erected, as required by this section, shall be a minimum of eight (8) feet in height. All new businesses or existing businesses which expand or replace Type B fencing in its entirety after October 1, 1990, shall have opaque fencing which, for purposes of this section, shall mean a barrier of solid material such as wood, metal, or similar material whereby one cannot see through such opaque fence, thereby screening the operation from public view. A chain link fence of said height with metal, wood, or other opaque material through it which entirely blocks the view of the operation is an example of the minimum required opaque fence, as used in this section.
 - c. Buffer strip: All new businesses or existing businesses which expand after July 1, 1980, shall have a buffer planting strip of at least fifteen (15) feet in depth and shall be provided and maintained between the property lines and Type B fencing which abuts public streets, highways and alleys. Such buffer planting strip shall include a compact hedge, row of shrubbery or row of evergreen trees and the property lines shall be planted in grass, other suitable ground cover and/or shrubbery, maintained in good condition, and kept free of litter. Said area may also include pedestrian walkways, driveways, flagpoles and off-street parking subject to the off-street parking regulations of this Code. Any existing scrap or junkyards may provide and maintain a buffer strip as described in this section.
 - d. Storage location restrictions: No scrap or junk materials shall be placed or stored outside of the fencing required by this section. Such junk or scrap stored in such yard, if combustible or inflammable, shall not be stored closer than three (3) feet to such fence enclosing such yard.
 - e. Maintenance of premises: The operators of such businesses shall:
 1. Remove therefrom all combustible materials and all inflammable rubbish, leaves, grass, dead trees, brush and other materials not being stored thereon as a part of the business conducted thereon.
 2. Keep storerooms and garages free from rubbish, waste materials and old rags and paper not being stored thereon as a part of the business conducted thereon.
 3. Keep all oil, gasoline, oily waste and other greasy material in metal waste cans.
 4. Install and keep available fire extinguishers in close proximity to areas within such scrap or junkyards, and recycling operations wherein trash, metal or other waste materials

- may be burned, and keep and maintain therein an unobstructed fire truck lane of at least ten (10) feet in width into such yard from the main entrance thereof.
5. Cause such scrap or junkyard, and recycling operations to be checked and serviced at reasonable intervals for the effective extermination of rodents in accordance with Health Department standards.
 6. Papers, rags and other loose scrap and junk material shall be handled, stored and maintained in such a way as to prevent the same from being loose in such junk or scrap yard, and recycling operations.
- f. Compliance with all noise regulations: Compliance with all stationary noise regulations set forth in Section 13-82 of the South Bend Municipal Code addressing loud and unreasonable noise.
- (m) *Semi-annual inspection by Fire Prevention Bureau.* The Fire Prevention Bureau shall inspect each junk or scrap yard, and recycling operations once every six (6) months for the purpose of determining whether or not the owner or operator is in compliance with this Code, and report such findings to the Department of Administration and Finance and the Office of the City Clerk.
- (n) *Applications to be filed.* All persons required to be licensed under this section must file an application or renewal application with the Office of the City Clerk. Any specific requirements of the rules and regulations herein which cannot be met by the applicant due to unusual hardship, such as adverse weather conditions, may be granted a thirty-day grace period to complete such requirement(s), however such applicant shall be subject to complying with the interim licensing provisions during such period of time. Such additional time shall be upon proper resolution being petitioned for before the City Clerk's Office setting forth in detail the reasons needed for the additional time. The City Clerk's Office shall notify promptly the Department of Administration and Finance of any such resolution being filed along with a recommendation about granting such interim license. In no event shall more than two (2), sixty-day interim license extensions be granted by the City Controller to any applicant in one (1) licensing year.
- (o) *Penalty.* Any violation of the provisions of this section shall be deemed an offense and, upon conviction, the offender shall be fined not less than two hundred dollars (\$200.00), nor more than two thousand five hundred dollars (\$2,500.00). Each violation shall constitute a separate offense and be punishable as such. The imposition of a fine shall be in addition to the exercise by the Department of Administration and Finance or the City of any other right or remedy available in law or equity to address such violation(s).
- (p) *License denial and/or revocation.* Suspension or revocation of any license issued under this section shall be governed by the provisions set forth in Section 4-16 of the South Bend Municipal Code.
- (q) *Video surveillance.* Effective September 1, 2006, all businesses required to be licensed under this section shall be required to have a video surveillance system monitoring all business transactions which records on video tape when a person tenders his or her signed and verified completed form required by subsection (j)(2) herein, receives remuneration for items regulated under this section, and videos the vehicle in which the scrap metal/valuable metal was delivered to the dealer. Video cameras shall date and time-stamp the video tape. Such tapes shall be retained for thirty (30) days from the date of transaction. Such video surveillance systems shall be operable during all regular business hours when the dealer is accepting valuable metals and/or scrap metals for purchase and shall be available for any member of the South Bend Police Department to review during the hours of ordinary business. Violation of this subsection shall be considered a separate offense.
- (r) *Providing of false information.* If a person or persons who apply for a license under this section provides false information, such action shall be considered a violation of this section. Such action shall be grounds for suspension, revocation or a denial of a license, in addition to being considered a separate offense for which a citation may be issued.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2017.

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 _____, 2017, 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 _____, 2017.

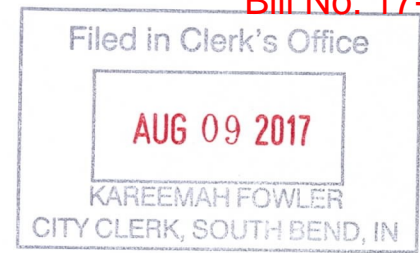
Pete Buttigieg, Mayor

(Ord. No. 8998-81, § 1; Ord. No. 7027-82, § 1; Ord. No. 7182-83, § 1; Ord. No. 7723-86, § 2; Ord. No. 8117-90, §§ 1, 2; Ord. No. 8813-97, § I, 7-28-97; Ord. No. 9093-00, § XVIII; Ord. No. 9673-06, § I, 4-27-06; Ord. No. 9888-08, §§ I—IV, 12-8-08; Ord. No. 10287-14, § II, 2-10-14)

Footnotes:

--- (5) ---

State Law reference— IC 25-37.5 sets forth the State of Indiana's regulations addressing "Dealers in Valuable Metals" which includes provisions updated by the passage of Public Law 224-2013. Local regulations are supplemental to the state law provisions.



CITY OF SOUTH BEND COMMUNITY INVESTMENT

August 7, 2017

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

RE: Submission of Resolution Approving Waiver of Noncompliance for Real Property
Tax Abatement for CBK Land Development, LLC

Dear Council Member Ferlic,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for CBK Land Development, LLC (the "Company"). The South Bend Common Council (the "Common Council") adopted its Confirming Resolution 4406-14 confirming the designation of a certain area in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting a ten (10) year tax abatement for real property in conjunction with the construction of a distribution by the Company. The St. Joseph County Assessor's Office distributed a Notice of Assessment on January 1, 2016. The Company filed a Form CF-1/Real Property with the City of South Bend on or about March 11, 2016, however, the Company inadvertently did not file the Form 332/RE with the Auditor's office. The Company subsequently received a Tax Bill in April 2017 providing that the spring installment of 2016 property taxes on the Parcel was due May 10, 2017. Upon receipt of the Tax Bill, the Company filed Form 322/RE with the Auditor's office on or about May 9, 2017. The Company timely remitted payment of \$61,392.57 to St. Joseph County Treasurer prior to the May 10, 2017 due date for Spring Taxes. The Company is requesting that the Common Council waive noncompliance with the filing deadline for the Form 322/RE.

The Department of Community Investment endorses and supports this waiver as the Company has exceeded their abatement milestones. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$4,885,376 and the actual cost was \$5,634,953, which sum is made up of a land acquisition cost of \$484,663.38 and construction costs of \$5,150,300. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.

OK

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on August 14, 2017. Mr. Hoff, Business Process Manager, will be presenting at the meetings. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Hoff', with a long horizontal line extending to the right.

Director
Economic Resources & Business Development
Department of Community Investment

Attachments

cc: Robert Hoff, CBK Land Development
Aladean DeRose
Dawn M. Macaddino
Lacie Andrew

Bill No. 17-44

RESOLUTION NO.

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH
TAX ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY
KNOWN AS
5245 DYLAN DRIVE, SOUTH BEND, INDIANA
FOR
CBK LAND DEVELOPMENT, LLC**

WHEREAS, the Common Council of the City of South Bend, Indiana (the "**Common Council**") at its meeting held on **November 10, 2014** adopted its Confirming Resolution 4406-14 (the "**Confirming Resolution**") confirming the designation of a certain area within the City of South Bend, Indiana (the "**City**") commonly known as 5245 Dylan Drive, South Bend, Indiana (the "**Real Property**") pursuant to Indiana Code 6-1.1-12.1 (the "**Act**"), as an Economic Revitalization Area for the purposes of granting an ten (10) year tax abatement for real property to **CBK Land Development, LLC**; and

WHEREAS, the Real Property was more particularly described as follows:

613.6' E.n. N.e. & 613.6' E Side S.e.n.e Ex: 4.718 Ac to State and
Ex Irr Tract Nel/4 Nel/4 And ex Irr tract cont 5.26 ac +/- 18-38N-
2E 9.155 ac tot

12/13 split to 025-1010-017002 Per 1111301/08/09 missed and
fixed in 2013 Split to 04-1010-017001 00-01 Split Trans 12204
2/9/1998 Annxd 06-07 per Ord 9587-05 09/10 Pt to Ptg Prairie
Manor #2 10/11 pt to ptg Prairie Minor #3

Beg 910.31' from the NW ¼ of 38 2e thence Ne 345.46' Thence Se
919.19 thence SW 958.27' Thence Nw 731.96 thence Ne 445.17'
Thence Nw 187.23' thence Ne 167.04 To point of Beg cont 5.26 Ac
+/- RP 1732 04-03-08

and which has Parcel ID Numbers 025-1010-0170, 025-1010-
016902, and 025-1010-017002.

WHEREAS, the Common Council determined that **CBK Land Development LLC** (the "**Company**") qualified for and the Common Council granted a real property tax

deduction for a period of ten (10) years as provided in the alternate abatement schedule pursuant to the Section 17 of the Act set forth below:

<u>Year</u>	<u>Real Property Abatement</u>
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

WHEREAS, the St. Joseph County Assessor's office issued a Notice of Assessment dated as of January 1, 2016 with respect to the Parcel; and

WHEREAS, an Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (Form 322/RE) ("**Form 322/RE**") must be filed with the St. Joseph County Auditor (the "**Auditor**") before May 10 in the year in which the addition to assessed valuation (or new assessment) is made, or not later than thirty (30) days after the Notice of Assessment of Land and Improvements (Form 11) (the "**Notice of Assessment**") is mailed to the property owner if it is mailed after April 10; and

WHEREAS, Form 322/RE requires that Form CF-1/Real Property (Form CF-1) ("**Form CF-1**") must be attached to the Form 322/RE; and

WHEREAS, the Company filed a Form CF-1/Real Property with the City of South Bend on or about March 11, 2016, however, the Company mistakenly and inadvertently did not file the Form 322/RE with the Auditor; and

WHEREAS, the Company subsequently received a Tax Bill in April 2017 (the "**Tax Bill**") providing that the spring installment of 2016 property taxes on the Parcel was due May 10, 2017; and

WHEREAS, upon receipt of the Tax Bill, the Company filed Form 322/RE with the Auditor's office on or about May 9, 2017; and

WHEREAS, the Tax Bill, without the application of the abatement previously approved by the Common Council, results in a tax being due of \$122,785.14; and

WHEREAS, the Company timely remitted payment of \$61,392.57 to St. Joseph County Treasurer prior to the May 10, 2017 due date for Spring Taxes; and

WHEREAS, the Indiana General Assembly enacted Ind. Code § 6-1.1-12.1-11.3 as the expression of this State's policy authorizing a local designating body to waive tax abatement noncompliance events such as the untimely or erroneous filing of an application form; and

WHEREAS, the Company is requesting this Common Council to exercise its authority as the designated body to waive compliance by adopting a resolution pursuant to Ind. Code § 6-1.1-12.1-11.3 to enable the Company to receive the benefit of the approved tax abatement for 2016 (Pay 2017).

WHEREAS, the noncompliance event has been corrected, and, pursuant to IC 6-1.1-12.1-11.3(c), a public hearing of the Common Council has been held on the subject of this Resolution.

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

SECTION I. The above recitals are incorporated herein by reference, and the Common Council finds that petitioner has specifically presented supporting testimonial evidence of the following facts in support of this resolution:

- A. The petitioner states that while the Company did file a Form CF-1/Real Property Form with the City of South Bend, the Company mistakenly and inadvertently failed to file a Form 322/RE with the Auditor's office before May 10, 2016.
- B. Upon receipt of the 2016 Tax Bill in April 2017, the Company filed with the County Auditor the Form 322/RE on or about May 9, 2017.
- C. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$4,885,376.00 and the actual cost was \$5,634,953.90, which sum is made up of a land acquisition cost of \$484,663.38 and construction costs of \$5,150,300.52. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.
- D. The project is a positive development to this community. The Company continues to improve the project and the Parcel through an addition to the project of a patio constructed entirely with funds of the Company.
- E. All other required documentation has been received from the Company by the required dates.

SECTION II. The foregoing facts, taken together, lead the Common Council to conclude that compelling reasons exist to waive the filing deadline.

SECTION III. The Common Council hereby reaffirms that the ten-year tax abatement previously granted to CBK Land Development, LLC in Resolution No. 4406-14 remains in effect, and it further waives the filing deadline of Form 322/RE by May 10, 2016, and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

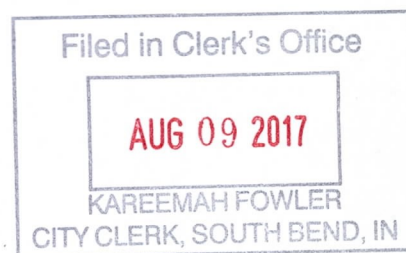
SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

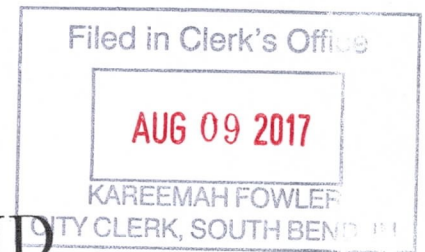
Member of the Common Council

PRESENTED

~~NOT APPROVED~~

~~ADOPTED~~





CITY OF SOUTH BEND COMMUNITY INVESTMENT

August 7, 2017

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

RE: Submission of Resolution Approving Waiver of Noncompliance for Real Property
Tax Abatement for Vida Realty, LLC

Dear Council Member Ferlic,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for Vida Realty, LLC (the "Company"). The South Bend Common Council (the "Common Council") adopted its Confirming Resolution 4350-14 confirming the designation of a certain area in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting a two (2) year tax abatement for vacant real property in conjunction with investment in improvements to existing building construction along with purchase of new machinery & equipment, special tooling/retooling and new computer/IT hardware.

The St. Joseph County Assessor's Office distributed a Notice of Assessment on January 1, 2016. The Company filed a Form CF-1/VBD with the City of South Bend in 2017, however, the Company inadvertently did not file the Forms CF-1/VBD and 322/VBD in 2015 and 2016 with the Auditor's office. The Company received Tax Bills in 2015 and 2016 but was under assumption that since they were granted a tax abatement those bills were sent mistakenly. Then the Company received a Tax Bill in April 2017 providing that the spring installment of 2016 personal property taxes was due May 10, 2017. That time the Company remitted payment of \$10,964.04 to the St. Joseph County Treasurer but it still owes \$19,559.71 of delinquent taxes for the previous years.

The Company is requesting that the Common Council waive noncompliance with the filing deadline for the Form 322/VBD for 2015 and 2016.

The Department of Community Investment endorses and supports this waiver as the Company has met and/or exceeded their abatement milestones. The Company exceeded the project cost stated in the original petition for tax abatement. The initial cost of the project was estimated to be \$100,000 over two years and the actual cost was \$184,368.

Year to date, the company has invested \$220,675 compared to a projected amount of \$250,000 through 2020. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on August 14, 2017. Mr. Vida, Managing Member of Vida Realty, LLC, will be presenting at the meetings. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dane Vida', with a long horizontal line extending to the right.

Director
Economic Resources & Business Development
Department of Community Investment

Attachments

cc: Dane Vida, Vida Realty, LLC
Aladean DeRose
Thomas M. Walz

Bill No. 17-45

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH
TAX ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY
KNOWN AS
1902 WEST SAMPLE STREET, SOUTH BEND, INDIANA
FOR
VIDA REALTY, LLC**

WHEREAS, the Common Council of the City of South Bend, Indiana (the “Common Council”) at its meeting held on the 28th day of April, 2014 adopted its Confirming Resolution No. 4350-14 (the “Confirming Resolution”) confirming the designation of a certain area within the City of South Bend, Indiana (the “City”), commonly known as 1902 West Sample Street, South Bend, Indiana (the “Real Property”) pursuant to Indiana Code 6-1.1-12.1 (the “Act”), as an Economic Revitalization Area for the purposes of granting a two (2) year tax abatement for real property to Vida Realty, LLC, an Indiana Limited Liability Company (the “Company”); and

WHEREAS, the Real Property was more particularly described as follows:

Beg. 603.53’ E of Inter of
E Right of Way of Olive Street &
N Right of Way of Western Avenue
W 1/2 NE 1/4 Sec 10-37-2E
Cont Approx 6.622 Act +-

and which has Key Number 018-4096-35810.

WHEREAS, the Common Council determined that the Company qualified for and the Common Council granted a real property tax abatement for the period of two (2) years as provided in the alternate abatement schedule pursuant to Section 17 of the Act; and

WHEREAS, the Company inadvertently failed to file Form 322/VBD for 2015 and 2016 and Form CF-1/VBD for 2015 and 2016; and

WHEREAS, the principals of the Company were unclear and unaware of the requisite ongoing procedures required to gain the tax abatement granted by the above referenced Resolution; and

WHEREAS, the following facts support approval of this resolution:

- A. The Petitioner states that the Company was unclear of the necessity to file Form 322/VBD and Form CF-1/VBD, which need to be filed with the Auditor's Office within thirty (30) days of September 14, 2015 and September 14, 2016;
- B. Petitioner failed to file its requisite forms due to its confusion and misunderstanding about its filing responsibilities;
- C. Upon learning of its mistake and receipt of a tax bill, the Company filed with the Company auditor a Form 322/VBD and Form CF-1/VBD in 2017;
- D. Petitioner has taken steps to avoid this problem in the future;
- E. The Company exceeded the estimates stated in the original Petition for Tax Abatement, in light of the fact that eight (8) new, permanent, full-time employment positions have been added since the granting of the tax abatement;
- F. That annual payroll for 2015 was Three Hundred Fifty-five Thousand Nine Hundred Two Dollars and Nine Cents (\$355,902.09);
- G. That annual payroll for 2016 was Three Hundred Forty-four Thousand Three Hundred Thirty-three Dollars and Thirty-five Cents (\$344,333.35);
- H. To date in 2017 payroll is Two Hundred Twenty-five Thousand Four Hundred Sixty-five Dollars and Ninety-nine Cents (\$225,465.99), and annualized to Three Hundred Eighty-six Thousand Five Hundred Thirteen dollars and Twelve Cents (\$386,513.12);
- I. Additionally, the Company has been able to retain twelve (12) current full-time positions of employment;
- J. Petitioner invested One Hundred Eighty-four Thousand Three Hundred and Sixty-eight Dollars (\$184,368.00) in the subject real property and improvements in 2014 and 2015, and a total of Two Hundred Twenty Thousand Six Hundred and Seventy-five Dollars (\$220,675.00) year to date;
- K. The project in question is a positive development to this community, especially in light of the location of the improvements and real property in question, being a

revitalization area. The Company continues to improve the project and the parcel to additional improvements;

- L. All other required documentation has been filed by the Company by the required dates; and.

WHEREAS, due to the inadvertent lack of activity by the Company, unabated taxes were assessed against the property and outstanding billings are owed; and

WHEREAS, the Company has been advised that its current liability for real property taxes is approximately Twenty Thousand Eight Hundred Twenty-seven Dollars (\$20,827.00); and

WHEREAS, the Indiana General Assembly enacted Ind. Code § 6-1.1-12.1-11.3 as the expression of this State's policy authorizing a local designating body to waive tax abatement noncompliance events such as the untimely or erroneous filing of an application form; and

WHEREAS, the Company is requesting this Common Council to exercise its authority as the designated body to waive compliance by adopting a resolution pursuant to Section 11.3 of the Act; and

WHEREAS, the noncompliance event has been corrected, and, pursuant to IC 6-1.1-12.1-11.3(c), a public hearing of the Common Council has been held on the subject of this Resolution.

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

SECTION I. The above recitals are incorporated herein by reference, and the Common Council specifically finds that petitioner has presented supporting testimonial evidence of the those facts identified above and previously as "A" through "L" in support of this resolution.

SECTION II. The facts as stated in the recitals, taken together, lead the Common Council to conclude that compelling reasons exist to waive the filing deadline.

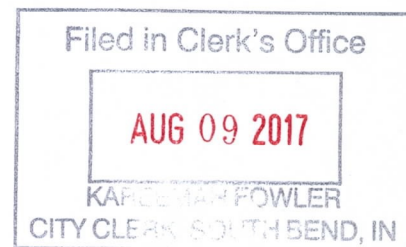
SECTION III. The Common Council hereby reaffirms that the two-year tax abatement previously granted to Vida Realty, LLC in Resolution No. 4350-14 remains in effect, and it further waives the filing deadline of Form 322/VBD and Form CF-1/VBD within thirty (30) days of September 14, 2015 and September 14, 2016, for both years (2015 and 2016) and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common council and approval by the Mayor.

Member of the Common Council

PRESENTED
~~NOT APPROVED~~
ADOPTED

Filed in Clerk's Office
AUG 09 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 7, 2017

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

RE: Submission of Resolution Approving Waiver of Noncompliance for Personal Property Tax Abatement for Chase Plastic Services, Inc.

Dear Council Member Ferlic,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for Chase Plastic Services, Inc. (the "Company"). The South Bend Common Council (the "Common Council") adopted its Confirming Resolution 4405-14 confirming the designation of a certain area in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting a five (5) year tax abatement for personal property in conjunction with the purchase and installation of new equipment at their new distribution center. The St. Joseph County Assessor's Office distributed a Notice of Assessment on January 1, 2016. The Company filed a Form CF-1/Real Property with the City of South Bend on or about March 11, 2016, however, the Company inadvertently did not file the Form 103/ERA and required attachments with the Assessor's office. The Company subsequently received a Tax Bill in April 2017 providing that the spring installment of 2016 personal property taxes on the Parcel was due May 10, 2017. The Company timely remitted payment of \$2,749.20 to the St. Joseph County Treasurer prior to the May 10, 2017 due date for Spring Taxes.

The Company is requesting that the Common Council waive noncompliance with the filing deadline for the Form 103/ERA along with the Form 103/EL.

The Department of Community Investment endorses and supports this waiver as The Company has met and/or exceeded their abatement milestones. The Company exceeded the capital expenditure cost stated in the original petition for tax abatement. The initial projection associated with the purchase of new equipment for the Company was \$265,000 and the actual cost through December 31, 2016, was \$738,568.00. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on August 14, 2017. Mr. Hoff, Business Process Manager of Chase Plastic Services, will be presenting at the meetings. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'DMB', with a long horizontal line extending to the right.

Director
Economic Resources & Business Development
Department of Community Investment

Attachments

cc: Robert Hoff, Chase Plastic Services
Aladean DeRose
Dawn M. Macaddino
Lacie Andrew

Bill No. 17-46

RESOLUTION NO.

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH
TAX ABATEMENT PROCEDURES FOR PERSONAL PROPERTY LOCATED
AT
5245 DYLAN DRIVE, SOUTH BEND, INDIANA
FOR
CHASE PLASTIC SERVICES, INC.**

WHEREAS, the Common Council of the City of South Bend, Indiana (the "**Common Council**") at its meeting held on **November 10, 2014** adopted its Confirming Resolution 4406-14 (the "**Confirming Resolution**") confirming the designation of a certain area within the City of South Bend, Indiana (the "**City**") commonly known as 5245 Dylan Drive, South Bend, Indiana (the "**Real Property**") pursuant to Indiana Code 6-1.1-12.1 (the "**Act**"), as an **Economic Revitalization Area** for the purposes of granting a five (5) year tax abatement for personal property to **Chase Plastic Services, Inc.** (the "**Company**"); and

WHEREAS, the Personal Property is located upon real property more particularly described as follows:

613.6' E.n. N.e. & 613.6' E Side S.e.n.e Ex: 4.718 Ac to State and
Ex Irr Tract Nel/4 Nel/4 And ex Irr tract cont 5.26 ac +/- 18-38N-
2E 9.155 ac tot

12/13 split to 025-1010-017002 Per 1111301/08/09 missed and
fixed in 2013 Split to 04-1010-017001 00-01 Split Trans 12204
2/9/1998 Annxd 06-07 per Ord 9587-05 09/10 Pt to Ptg Prairie
Manor #2 10/11 pt to ptg Prairie Minor #3

Beg 910.31' from the NW ¼ of 38 2e thence Ne 345.46' Thence Se
919.19 thence SW 958.27' Thence Nw 731.96 thence Ne 445.17'
Thence Nw 187.23' thence Ne 167.04 To point of Beg cont 5.26 Ac
+/- RP 1732 04-03-08

and which has Parcel ID Numbers 025-1010-0170, 025-1010-
016902, and 025-1010-017002.

WHEREAS, the Common Council determined that the Company, which is the tenant of property owner **CBK Land Development, LLC**, qualified for and the Common Council granted a personal property tax deduction for a period of five (5) years as provided in the alternate abatement schedule pursuant to the Section 17 of the Act set forth below:

<u>Year</u>	<u>Personal Property Abatement</u>
1	100%
2	80%
3	60%
4	40%
5	20%

WHEREAS, St. Joseph County Assessor's office issued a Notice of Assessment dated as of January 1, 2016 with respect to the Personal Property; and

WHEREAS, the Company filed a timely Business Tangible Personal Assessment Return (Form 103- Long) with the Assessor for St. Joseph County prior to the deadline of May 15, 2016.

WHEREAS, a Schedule of Deduction from Assessed Valuation Personal Property In Economic Revitalization Area ("**Form 103-ERA**") must be filed with the St. Joseph County Assessor (the "**Assessor**") before May 15 in the year in which the addition to assessed valuation (or new assessment) is made, or not later than thirty (30) days after the Notice of Assessment of Land and Improvements (Form 11) (the "**Notice of Assessment**") is mailed to the property owner if it is mailed after April 10; and

WHEREAS, along with the Form 103-ERA, a Form CF-1/Personal Property is required to be attached, and in the case of first-time filings, the applicable SB-1 and Resolution from the South Bend Common Council must be filed with the Assessor; and

WHEREAS, the Company filed a Form CF-1/Personal Property with the City of South Bend on or about March 11, 2016, however, the Company inadvertently did not file with the Assessor the Form 103-ERA and required attachments with it; and

WHEREAS, the Company subsequently received a Tax Bill in April 2017 (the "**Tax Bill**") providing that the spring installment of 2016 personal property taxes on the Parcel was due May 10, 2017; and

WHEREAS, the Tax Bill, without the application of the abatement previously approved by the Common Council, results in a personal property tax being due of \$5,498.40; and

WHEREAS, the Company timely remitted payment of \$2,749.20 to the St. Joseph County Treasurer prior to the May 10, 2017 due date for Spring Taxes; and

WHEREAS, the Company filed the Form 103- ERA, along with a Form 103-EL, with the Assessor on July 18, 2017, and

WHEREAS, the Indiana General Assembly enacted Ind. Code § 6-1.1-12.1-11.3 as the expression of this State's policy authorizing a local designating body to waive tax abatement noncompliance events such as the untimely or erroneous filing of an application form; and

WHEREAS, the Company requests this Common Council to exercise its authority as the designated body to waive compliance by adopting a resolution pursuant to Ind. Code § 6-1.1-12.1-11.3 to enable the Company to receive the benefit of the approved tax abatement for 2016/ Pay 2017; and

WHEREAS, the noncompliance event has been corrected, and, pursuant to IC 6-1.1-12.1-11.3(c), a public hearing of the Common Council has been held on the subject of this Resolution.

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

SECTION I. The above recitals are incorporated herein by reference, and the Common Council specifically finds that petitioner has presented supporting testimonial evidence of the following facts in support of this resolution:

- A. The petitioner states that while the Company did file a timely Form 103-Long with the Assessor and a CF-1/Personal Property Form with the City of South Bend, the Company mistakenly and inadvertently failed to file a Form 103/ERA with attachments with the Assessor's office before May 10, 2016.
- B. The Company exceeded the capital expenditure cost stated in the original petition for tax abatement. The initial projection associated with the purchase of new equipment for the Company was \$265,000 and the actual cost through December 31, 2016, was \$738,568.00. The project has met the employment representation stated in the original petition for tax abatement from when the project began operating, until the present date.
- C. The project is a positive development to this community. The Company continues to improve the project and add equipment.
- D. All other required documentation has been received from the Company by the required dates.

SECTION II. The foregoing facts, taken together, lead the Common Council to conclude that compelling reasons exist to waive the filing deadline.

SECTION III. The Common Council hereby reaffirms that the five-year personal property tax abatement previously granted to Chase Plastic Services, Inc. in Resolution No. 4406-14 remains in effect, and it further waives the filing deadline of Form 103-RE by

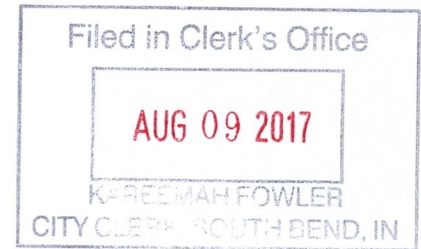
May 10, 2016, and pursuant to Section 4.8 of the Act and Section 11.3 of the Act, adopts this resolution that authorizes acceptance.

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

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED

Filed in Clerk's Office
AUG 09 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 7, 2017

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

RE: Submission of Resolution Approving Waiver of Noncompliance for Real Property
 Tax Abatement for Manufacturing Technology, Inc.

Dear Council Member Ferlic,

Attached please find a proposed form of resolution approving a waiver of noncompliance, pursuant to Indiana Code 6-1.1-12.1-11.3, for Manufacturing Technology, Inc. (the "Company"). The South Bend Common Council (the "Common Council") adopted its Confirming Resolution 4491-15 confirming the designation of a certain area in the City of South Bend, Indiana as an Economic Revitalization Area for the purposes of granting a two (2) year tax abatement for vacant real property in conjunction with investment in improvements to existing building construction along with purchase of new machinery & equipment, special tooling/retooling and new computer/IT hardware.

The St. Joseph County Assessor's Office distributed a Notice of Assessment on January 1, 2016. The Company filed a Form CF-1/Real Property with the City of South Bend in 2016, however, the Company inadvertently did not file the Form 322/VBD with the Auditor's office. The Company subsequently received a Tax Bill in April 2017 providing that the spring installment of 2016 personal property taxes was due May 10, 2017. The Company remitted timely payment of \$28,854.36 to the St. Joseph County Treasurer prior to the May 10, 2017 due date for Spring Taxes.

The Company is requesting that the Common Council waive noncompliance with the filing deadline for the Form 322/VBD.

The Department of Community Investment endorses and supports this waiver as the Company has been on track with their abatement milestones. The initial projection associated with building improvements was \$929,000 and the actual cost through December 31, 2016, was \$718,962. The company is planning to invest around \$650,000 in the roof over the next five to eight year. That investment is contingent upon getting more business into the building. The project has met the employment representation stated in the

original petition for tax abatement from when the project began operating, until the present date. In 2015 the company was also granted a personal tax abatement and it has appropriately and fully complied with reporting requirements.

We ask that the attached resolution be referred to the Community Investment Committee for an advisory recommendation and then heard at the Common Council meeting to be held on August 14, 2017. Mr. Laiman, Vice President and General Manager of Manufacturing Technology, will be presenting at the meetings. Should you require additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. DeRose', with a long horizontal line extending to the right.

Director
Economic Resources & Business Development
Department of Community Investment

Attachments

cc: Michael Laiman, Manufacturing Technology, Inc.
Aladean DeRose

Bill No. 17-47

RESOLUTION NO.

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, WAIVING NONCOMPLIANCE WITH TAX
ABATEMENT PROCEDURES FOR REAL PROPERTY COMMONLY KNOWN AS
402 NORTH SHERIDAN STREET, SOUTH BEND, INDIANA
FOR
MANUFACTURING TECHNOLOGY, INC.**

WHEREAS, on August 24, 2015, the Common Council of the City of South Bend (the “Common Council”) adopted Resolution No. 4491-15 (the “2015 Resolution”), approving a two (2) year real property tax abatement for the purchase and improvement of the vacant building located at 402 North Sheridan Street, South Bend, Indiana 46619 (the “Building”) by Manufacturing Technology, Inc. (“MTI” or “Taxpayer”), within an area located in the City of South Bend that had been designated an economic revitalization area in accordance with IND. CODE § 6-1.1-12.1-1, et seq.;

WHEREAS, as part of MTI’s abatement application, MTI described for the Common Council that MTI would by the end of the two (2) year abatement period (a) invest \$929,000 on capital improvements to the Building, (b) create at least seven (7) new, permanent full time jobs with a total estimated annual payroll of \$300,000, and (c) maintain twenty five (25) existing permanent full time jobs representing an annual payroll of \$895,000;

WHEREAS, MTI purchased and commenced operations in the former vacant Building and has made progress on meeting the objectives in its abatement application;

WHEREAS, while MTI submitted its Application for Deduction from Assessed Valuation Real Property Vacant Building Deduction (“Form 322/VBD”) and related Compliance Statement of Benefits Vacant Building Deduction (“CF-1/VBD,” and collectively with Form 322/VBD the “Application Forms”) to the City of South Bend Department of Community Investment in 2016, MTI may have inadvertently failed to timely and properly file Application Forms with the City Clerk and the St. Joseph County Auditor;

WHEREAS, the Taxpayer timely filed Application Forms to claim benefits of the property tax abatement for the second year of the tax deduction 2017 (Pay 2018 tax year);

WHEREAS, the Common Council recognizes that (a) MTI has fulfilled its pledge to purchase the Building and has made progress in meeting its capital improvement and employment goals, both of which enhances the tax base and supports employment in the City of South Bend; (b) MTI has requested a waiver of its inadvertent oversight for filing of the Application Forms in the wrong office to claim benefits of the tax deduction for the first year of the tax deduction, which

the Common Council has the power and authority to approve under Indiana law, and (c) MTI would have been entitled to receive the tax deduction for the first year of the deduction had no noncompliance event occurred;

WHEREAS, the Indiana General Assembly enacted Ind. Code § 6-1.1-12.1-11.3 as the expression of this State's policy authorizing a local designating body, i.e., the South Bend Common Council, to waive tax abatement noncompliance events such as the untimely or erroneous filing of an application form; and

WHEREAS, the noncompliance event has been corrected, and, pursuant to IC 6-1.1-12.1-11.3(c), a public hearing of the Common Council has been held on the subject of this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, AS FOLLOWS:

SECTION I. The Taxpayer has presented testimonial and documentary evidence supporting the Taxpayer's (a) progress towards satisfying its obligations detailed in its original Statement of Benefits and its application for tax abatement related to the purchase and improvement of the Building located at 402 North Sheridan Street, South Bend, Indiana (the "Property"), and (b) inadvertent oversight leading to a belated filing or filing in the incorrect office of the Form 322/VBD "Application for Deduction from Assessed Valuation Real Property Vacant Building Deduction" to claim the benefits of a tax deduction for the January 1, 2016 assessment date of the Property.

SECTION II. The foregoing facts, taken together, lead the Common Council to conclude that the Taxpayer has substantially fulfilled its projected plans to purchase, improve, and conduct operations at the Property contemplated as part of the 2015 Resolution (the "Deduction") and that its belated/errant filing of an application required to claim the benefits of the Deduction as of for taxes due and payable in 2016 was inadvertent.

SECTION III. The Common Council hereby waives all matters of noncompliance that may be waived under State and local law regarding the late filing of applicable abatement applications in order for the Taxpayer to claim and receive the benefit of the abatement on its investment contemplated as part of the 2015 Resolution as of the January 1, 2016 assessment date, all as is permitted under IND. CODE § 6-1.1-12.1-11.3 (including specific waiver of any and all nonconformities relating to the requirement, under IND. CODE § 6-1.1-12.1-5 that economic revitalization area deduction applications be timely filed with the county auditor to claim property tax deductions for the 2016 (Pay-2017) tax year.

SECTION IV. The Common Council incorporates herein by reference, and hereby ratifies and reaffirms: (a) the 2015 Resolution; (b) the tax abatement application and statements of benefits of the Taxpayer; and (c) the recitals of this Resolution. The Common Council and the Clerk of the City of South Bend are authorized to take all such further acts and execute and deliver all such further documents for the St. Joseph County Auditor or otherwise as may be reasonably necessary to give effect to this Resolution, all without further application to or formal action by the Common Council.

SECTION V. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Member of the Common Council

DMS 9958433v4

PRESENTED
NOT APPROVED
~~ADOPTED~~

Filed in Clerk's Office
AUG 09 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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



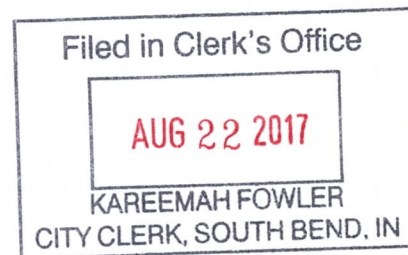
PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

August 23, 2017



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

RE: Amendment to Office Lease Agreement with 207 North Main, LLC

Dear President Scott,

We request Council's approval of an Amendment to the Lease Agreement between the City of South Bend and 207 North Main, LLC. The purpose of this lease is to provide office space to accommodate the City's waterworks utility administrative offices at 209 North Main Street, South Bend, Indiana 46601. The relevant terms of the lease agreement are as follows:

- Lease was approved by Board of Public Works at a public meeting on August 22, 2017
- Space has been leased by the City since August 1, 2009
- Yearly rent of \$52,450.50 with slight increases for Years 2 and 3
- Lease allows for early termination with minimal consequences should the City elect to relocate or construct a new facility for the waterworks utility administration

I will present this resolution to the Council at its Committee meeting and at its regular meeting on August 28, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-5860.

Yours Truly,

Michael J. Schmidt

BILL NO. 17-52

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE AMENDMENT TO THE LEASE OF A BUILDING LOCATED AT 209 N. MAIN STREET, SUITE 207, SOUTH BEND, INDIANA

WHEREAS, the City of South Bend (“City”) wishes to extend its current lease of a building located at 209 N. Main Street, Suite 207, South Bend, IN 46601 (“Property”) owned by 207 North Main, LLC (“Landlord”); and

WHEREAS, the City currently leases the Property for use by the City’s water works utility for use as administrative office space; and

WHEREAS, the proposed lease extension is for three (3) years with a six (6) month notice for early termination; and

WHEREAS, the Board of Public Works held a public hearing with respect to the appropriateness of the proposed lease renewal at its August 22, 2017 meeting; and

WHEREAS, pursuant to I.C. § 36-1-10-7, the City instructed its water works utility department to collect signatures from fifty (50) City property owners indicating their support of the lease of the Property. Said petition is attached hereto as **Exhibit A** and incorporated herein; and

WHEREAS, pursuant to I.C. § 36-1-10-7, the Common Council must determine that the structure is needed and approve said lease of the Property.

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

SECTION I. The Common Council deems it necessary for the City, through its Water Works Utility, to extend its lease of the Property located at 209 North Main Street, Suite 207 for administrative office space, and approves the extension of that lease.

SECTION II. The City of South Bend is hereby authorized to renew its lease of the Property.

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

Member of the Common Council

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

Filed in Clerk's Office
AUG 22 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

AUG 22 2017

PETITION REQUESTING THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA TO ENTER INTO A LEASE AGREEMENT FOR THE OFFICE SPACE AT 209 N. MAIN STREET, SUITE 207, KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA:

The undersigned, owners of taxable real estate in the City of South Bend, Indiana, petition the Board of Public Works of the City of South Bend, Indiana, pursuant to I.C. 36-1-10-7, to provide office space for South Bend Water Works by entering into a lease agreement with 207 North Main, LLC for approximately 3,883 square feet. The lease shall be in effect for an additional Thirty-six (36) months commencing August 1, 2017 and ending July 31, 2020. Beginning annual base rental rate is \$52,421 with a minimal modified gross rate thereafter.

ONLY SOUTH BEND PROPERTY OWNERS CAN SIGN

SIGN AND PRINT YOUR LEGAL NAME

Darlene Pugh

SIGNATURE

Darlene Pugh

PRINTED NAME

1709 MASS DR.

ADDRESS OF PROPERTY OWNED IN SOUTH BEND

TITLE

Glady's Fields

SIGNATURE

Glady's Fields

PRINTED NAME

252 Burbank Ave

ADDRESS OF PROPERTY OWNED IN SOUTH BEND

TITLE

Edgar Romo

SIGNATURE

Edgar Romo

PRINTED NAME

1202 Dunham St

ADDRESS OF PROPERTY OWNED IN SOUTH BEND

TITLE

Dawn Slack-Ward

SIGNATURE

Dawn Slack-Ward

PRINTED NAME

928 N. Sheridan

ADDRESS OF PROPERTY OWNED IN SOUTH BEND

TITLE

Linda Paw

SIGNITURE

TITLE

Antonio Sery

SIGNITURE

TITLE

Nancy Yarbrough (Bill)

SIGNITURE

TITLE

Al Greck

SIGNITURE

TITLE

Manuel Bueno

SIGNITURE

Pretreatment Manager

TITLE

LINDA PAATZ

PRINTED NAME

1344 E. South St.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

ANTONIO SERGIO

PRINTED NAME

1202 Academy Place

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

1333 Sussex Dr

PRINTED NAME

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

4304 Hunter Run Cir S.B.

PRINTED NAME

Al Greck

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Manuel Bueno

PRINTED NAME

313621 Elwood Ave

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

PETITION REQUESTING THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA TO ENTER INTO A LEASE AGREEMENT FOR THE OFFICE SPACE AT 209 N. MAIN STREET, SUITE 207,

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA:

The undersigned, owners of taxable real estate in the City of South Bend, Indiana, petition the Board of Public Works of the City of South Bend, Indiana, pursuant to I.C. 36-1-10-7, to provide office space for South Bend Water Works by entering into a lease agreement with 207 North Main, LLC for approximately 3,883 square feet. The lease shall be in effect for an additional Thirty-six (36) months commencing August 1, 2017 and ending July 31, 2020. Beginning annual base rental rate is \$52,421 with a minimal modified gross rate thereafter.

ONLY SOUTH BEND PROPERTY OWNERS CAN SIGN

SIGN AND PRINT YOUR LEGAL NAME

R. J. Krol

SIGNATURE

ROBERT J. KROL

PRINTED NAME

TITLE

4224 Cross Creek Dr

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Martín Silva

SIGNATURE

MARTIN SILVA

PRINTED NAME

TITLE

521 S Summit Dr

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Joe Buzalski

SIGNATURE

JOE BUZALSKI
1529 BELMONT AVE.

PRINTED NAME

TITLE

Travis Waits

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Jonathan Gurnin

SIGNATURE

4550 MacDougal Ct.

PRINTED NAME JONATHAN Gurnin

TITLE

17817 Tollview Dr

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Andre R. Baldwin

SIGNATURE

ANDRE R. BALDWIN

PRINTED NAME

1232 W. NAPIER ST. SOUTH BEND, IN.

ADDRESS OF PROPERTY OWNED IN SOUTH
BEND

TITLE

~~*Andre R. Baldwin*~~

SIGNATURE

PRINTED NAME

TITLE

Andre R. Baldwin

ADDRESS OF PROPERTY OWNED IN SOUTH
BEND

Brian Demig

SIGNATURE

1922 Penfrew Dr.

PRINTED NAME

Brian Demig

TITLE

ADDRESS OF PROPERTY OWNED IN SOUTH
BEND

Barry C Kazmiercki

SIGNATURE

BARRY C KAZMIERSKI

PRINTED NAME

1811 SHERMAN AVE.

TITLE

ADDRESS OF PROPERTY OWNED IN SOUTH

Row Cehner

SIGNATURE

BEND

1611 N. ILLINOIS ST

PRINTED NAME

Row Cehner

TITLE

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

PETITION REQUESTING THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA TO ENTER INTO A LEASE AGREEMENT FOR THE OFFICE SPACE AT 209 N. MAIN STREET, SUITE 207,

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA:

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ONLY SOUTH BEND PROPERTY OWNERS CAN SIGN

SIGN AND PRINT YOUR LEGAL NAME

Mark J. Rzepnicki

SIGNATURE

Utility Safety Director

TITLE

[Signature]

SIGNATURE

System Specialist

TITLE

Paula A. Martinez

SIGNATURE

Lead Chemist

TITLE

Lauren Trapp

SIGNATURE

Pretreatment Coordinator

TITLE

Mark J. Rzepnicki

PRINTED NAME

701 S. Philippa St.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Alex Ulrich-Wahl

PRINTED NAME

1843 Crestwood Blvd

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Paula A. Martinez

PRINTED NAME

1401 W. Sample

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Lauren Trapp

PRINTED NAME

5338 Miami St. 46614

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

SIGNITURE

TITLE

SIGNITURE

TITLE

SIGNITURE

TITLE

SIGNITURE

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SIGNITURE

TITLE

PRINTED NAME

ADDRESS OF PROPERTY OWNED IN SOUTH
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BEND

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TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA:

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ONLY SOUTH BEND PROPERTY OWNERS CAN SIGN

SIGN AND PRINT YOUR LEGAL NAME

Ryan T Grentman

SIGNATURE

Senior Wastewater Operator

TITLE

Susan M. Grentman

SIGNATURE

TITLE

Theresa S. Luczek

SIGNATURE

TITLE

Mark Hoipkempter

SIGNATURE

TITLE

Ryan T Grentman

PRINTED NAME

824 Lindsey Street

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Susan M. Grentman

PRINTED NAME

824 Lindsey St.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Theresa S. Luczek

PRINTED NAME

1010 Finch Dr.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

MARK HOIPKEMTER

PRINTED NAME

615 COTTAGE GROVE

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Laura Althoff

SIGNATURE

TITLE

Cynthia Simmons-Taylor

SIGNATURE

Director of 311

TITLE

Elizabeth obed

SIGNATURE

Bldg. Dept. Secretary

TITLE

Mary Ramsdell

SIGNATURE

Admin. Asst. - WR

TITLE

Shannon Fredline

SIGNATURE

AP Supervisor

Sheryll L. Harris

SIGNATURE

Payroll Supervisor

TITLE

Laura Althoff

PRINTED NAME

230 DEVONSHIRE PR. S. BEND, IN 46615

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Cynthia Simmons-Taylor

PRINTED NAME

5223 FLORA PL, SB 46619

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Elizabeth obed

PRINTED NAME

1506 N. Wellington St

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

1315 Huffman Drive

PRINTED NAME

Mary Ramsdell

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Shannon Fredline

PRINTED NAME

2922 Sampson St.


Sheryll L. Harris

PRINTED NAME


604 S. Liberty South Bend IN 46619

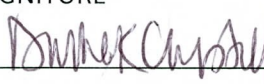
ADDRESS OF PROPERTY OWNED IN SOUTH

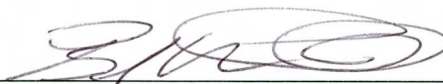
BEND


SIGNATURE
Programmer

TITLE

Dir. of Treasury
SIGNATURE

TITLE

Assistant City Attorney
SIGNATURE

TITLE


SIGNATURE OPERATION MANAGER
~~BRAD VAN OOSTERUM~~
TITLE

SIGNATURE

SIGNATURE

TITLE

Kheron Joseph
PRINTED NAME

1440 Sunnyvale Ave
ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

728 Pennsylvania Ave. 46601
PRINTED NAME

Rahman Johnson
ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

1421 E. South St.
PRINTED NAME

Danielle Campbell
ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

1713 S WALNUT ST.
PRINTED NAME

BRAD VAN OOSTERUM
ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

PRINTED NAME

PRINTED NAME

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Naomi C. Hoipkemier

SIGNATURE

TITLE

Naomi Hoipkemier

PRINTED NAME

615 Cottage Grove Ave.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Kelly Bain-Contain

SIGNATURE

TITLE

Kelly Bain-Contain

PRINTED NAME

711 Cottage Grove Ave.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Cassie Haw

SIGNATURE

TITLE

Cassie Haw

PRINTED NAME

718 Cottage Grove Ave

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Barbara Devereaux

SIGNATURE

TITLE

629 CUSHING ST

PRINTED NAME

BARBARA DEVEREAUX

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Jay Moore

SIGNATURE

TITLE

Jay Moore

PRINTED NAME

717 Cottage Grove Ave

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Gary Muston

SIGNATURE

TITLE

Cory Escobedo

SIGNATURE

TITLE

Tim McCoy

SIGNATURE

TITLE

Gary Pickens

SIGNATURE

TITLE

JEFF SIERADSKI

SIGNATURE

TITLE

Jennifer Sabin

SIGNATURE

Gary Muston

PRINTED NAME

312 Fulton CT SB

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Cory Escobedo

PRINTED NAME

2322 Solomon Ave

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Tim McCoy

PRINTED NAME

237 E woodside

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

Gary Pickens

PRINTED NAME

836 Parkway

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

JEFF SIERADSKI

PRINTED NAME

1127 E. VICTORIA

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

JENNIFER SABIN

PRINTED NAME

4217 YORK RD SB IN 46414

Debra Jennings
SIGNATURE

TITLE

Donald W Brown
SIGNATURE

TITLE

[Signature]
SIGNATURE

TITLE

[Signature]
SIGNATURE

TITLE

[Signature]
SIGNATURE

TITLE

Debra Jennings
PRINTED NAME

701 Cottage Grove Ave.
ADDRESS OF PROPERTY OWNED IN SOUTH

BEND
DONALD BROWN

PRINTED NAME
725 W Scott St.

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND
1221 BYRON DR

PRINTED NAME
ROBERT DE JAEGER

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND
Joe Voss

PRINTED NAME
721 S. Ironwood DR

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND
1206 E. Victoria

PRINTED NAME
Darwin Snipley

ADDRESS OF PROPERTY OWNED IN SOUTH

BEND

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

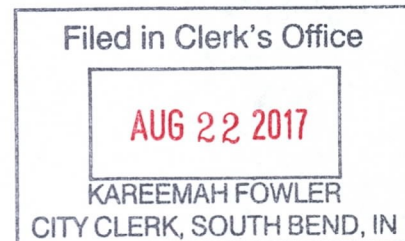
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

August 23, 2017

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



RE: Indiana Task Force One Memorandum of Agreement between the City of South Bend and its Fire Department and the City of Indianapolis Department of Public Safety

Dear President Scott,

We request Council's approval of a Memorandum of Agreement ("MOU") between the City of South Bend and its Fire Department and the City of Indianapolis' Department of Public Safety. This MOU will allow for selected personnel from our City's Fire Department to be trained and utilized by an emergency task force known as "Indiana Task Force" should a natural disaster strike Indiana. The City will receive compensation for use of its staff as well as the costs for overtime associated with covering shifts due to absences created by the natural disaster.

Either I or Chief Cox will present this resolution to the Council at its Committee meeting and at its regular meeting on August 28, 2017.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-5860.

Yours Truly,
Michael J. Schmidt
Michael J. Schmidt

cc: Chief Steve Cox

ELLIOT A. ANDERSON
BENJAMIN J. DOUGHERTY

DANIELLE K. CAMPBELL
MICHAEL J. SCHMIDT

ASHLEY MILLS COLBORN
MICHAEL J. SCHMIDT

BILL NO. 17-53

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF INDIANAPOLIS, INDIANA, DEPARTMENT OF PUBLIC SAFETY AND CITY OF SOUTH BEND FIRE DEPARTMENT REGARDING INDIANA TASK FORCE ONE

WHEREAS, the City of South Bend Fire Department, acting through the Board of Public Works, (“City”) wishes to execute a Memorandum of Agreement (“Exhibit A”) with the Department of Public Safety for the City of Indianapolis which shall establish a response team known as Indiana Task Force One for natural disasters throughout Indiana (“MOU”); and

WHEREAS, the MOU will allow certain qualified members of the City’s fire department to participate in Indiana Task Force One to assist in public safety activities throughout Indiana after the occurrence of a natural disaster; and

WHEREAS, the MOU provides a federal source of funding to the City when its service members are called into duty; and

WHEREAS, the City’s Board of Public Works approved the MOU at a public meeting held on August 17, 2017; and

WHEREAS, Indiana Code § 36-1-7 et al. permits Interlocal agreements between governmental entities such as the MOU contemplated herein.

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

SECTION I. The Common Council hereby approves the Memorandum of Agreement incorporated herein as Exhibit A between the City and the Department of Safety for the City of Indianapolis regarding Indiana Task Force One.

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

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED

Filed in Clerk's Office

AUG 22 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office
AUG 22 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

EXHIBIT A

MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF INDIANAPOLIS, INDIANA, DEPARTMENT OF PUBLIC
SAFETY AND CITY OF SOUTH BEND FIRE DEPARTMENT REGARDING
INDIANA TASK FORCE ONE

(This portion intentionally left blank)

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

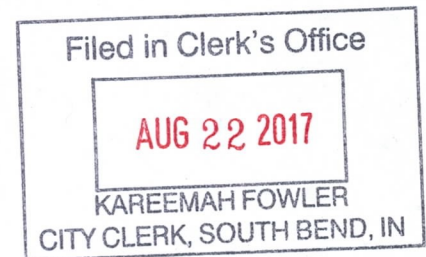


PHONE 574/235-9251
FAX 574/235-9171

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

August 17, 2017

David Wantz
Department of Public Safety of Indianapolis
Room E270 City-County Bldg.
200 East Washington Street
Indianapolis, IN 46204



RE: Agreement

Dear Mr. Wantz:

The Board of Public Works, at its meeting held on August 17, 2017, approved the above referenced agreement to provide trained personnel throughout Indiana when an emergency response team is needed.

Enclosed please find the original of the agreement for your signature. Please sign and return the original agreement to our office and retain a copy for your records.

If you have any further questions regarding this matter, please call this office at (574) 235-9251.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Martin".

Linda M. Martin, Clerk

Enclosure

c: Michael Schmidt, Legal Dept.
Chief Steve Cox, Fire Dept.

AUG 22 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN.

MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF INDIANAPOLIS, INDIANA, DEPARTMENT OF PUBLIC
SAFETY AND CITY OF SOUTH BEND FIRE DEPARTMENT
REGARDING INDIANA TASK FORCE ONE

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as "Agreement"), entered into by and between the Department of Public Safety of the City of Indianapolis, Indiana (hereinafter referred to as "DPS"), and City of South Bend, Indiana, a political subdivision of the State of Indiana, acting through its Board of Public Works, and on behalf of the South Bend Fire Department ("SBFD").

RECITALS:

WHEREAS, pursuant to federal law, principally the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 through 5206 (hereinafter referred to as the "Stafford Act"), the U.S. Department of Homeland Security, acting through the Federal Emergency Management Agency (hereinafter referred to as "FEMA"), operates the National Urban Search & Rescue Response System (hereinafter referred to as "System") in conjunction with State and local governments; and

WHEREAS, the DPS is the sponsoring agency for Indiana Task Force One (hereinafter referred to as "Task Force"), an urban search and rescue task force of the System, established in 1992 pursuant to an agreement between FEMA and the City of Indianapolis, Indiana; and

WHEREAS, the DPS in its capacity as sponsoring agency is responsible for recruiting and organizing the Task Force such that the Task Force consists of individuals occupying certain specified positions plus additional support personnel, all of whom have been properly trained with the requisite skills and capabilities required for urban search and rescue operations and/or deployment of the Task Force; and

WHEREAS, the Task Force may be deployed as a single unit or it may be reorganized into teams for purposes of modularized responses for limited or specialized activations, and members of the Task Force may also be deployed as members of a management or other technical team; and

WHEREAS, the DPS in the performance of its responsibilities may enter into cooperative arrangements with federal, state, or local government entities, or non-profit or for-profit entities, to serve as participating agencies in the Task Force, and with individuals to serve as affiliated personnel of the Task Force; and

WHEREAS, the DPS in its capacity as sponsoring agency is obligated to enter into written agreements with those participating agencies and affiliated personnel setting forth the relationship between the parties; and

WHEREAS, the SBFD desires to be a participating agency in the Task Force, subject to all of the provisions of this Agreement;

NOW, THEREFORE, the DPS and SBFD (hereinafter referred to as "Participating Agency"), in consideration of the foregoing recitals and the following promises, hereby agree as follows.

I. CONSTRUCTION

1.01 With respect to National Urban Search & Rescue Response System activities of the Participating

Agency and its employees under this Agreement, the provisions of Interim Final Rule, "National Urban Search and Rescue Response System," 70 Fed. Reg. 9182 (Feb. 24, 2005) 44 CFR Part 208 (hereinafter referred to as "Interim Final Rule"), hereby are incorporated and made applicable.

- 1.02 To the extent it may be applicable, the Interim Final Rule will prevail and govern this Agreement; and upon the effective date of a final rule that supplants the Interim Final Rule governing this subject (hereinafter referred to as "Final Rule"), the Final Rule shall supersede the Interim Final Rule and shall prevail over any contrary provisions in the governance of this Agreement.
- 1.03 This Agreement is entered into by and between the parties, who agree that subject to all of the provisions of this Agreement, SBF D will serve as Participating Agency for the Task Force. Each party further agrees that it assumes all of the duties and responsibilities assigned to that party under this Agreement, and that so long as this Agreement remains in effect, the party will fully perform all of those duties and responsibilities.

II. TERM AND TERMINATION

- 2.01 This Agreement shall be effective when it has been duly and regularly authorized and executed by both parties. For purposes of reference and convenience, the parties have agreed that the effective date of the Agreement is June 27, 2017.
- 2.02 The Agreement shall continue in effect unless and until it is terminated as provided in this Agreement.
- 2.03 The Agreement may be terminated by either party upon thirty (30) days written notice, except that the Participating Agency may not terminate this Agreement without the written consent of the DPS during any time interval when the Task Force has been placed on alert status or has been activated, if the alert or activation affects participants of the Participating Agency.

III. CONDITIONS OF AGENCY PARTICIPATION

- 3.01 The Participating Agency hereby agrees to commit at least one (1) individual employee(s) of the Participating Agency (hereinafter referred to as "Committed Personnel") to serve in designated positions on the Task Force as determined by the DPS and Task Force.
- 3.02 The Participating Agency further agrees that the Committed Personnel shall be able to deploy within one (1) hour after notification, on a twenty-four (24) hour per day and three hundred and sixty-five (365) days per year basis.
- 3.03 The Parties agree that on an ongoing basis the Task Force shall provide any and all required training of the Committed Personnel to satisfy such conditions of preparedness and response as may be required by the Task Force. The Participating Agency shall not be required to mandate the Committed Personnel to participate in the training.
- 3.04 Upon execution of this Agreement, the Participating Agency shall provide the DPS and Task Force with a written list of the names, addresses, and appropriate contact information of the Committed Personnel; thereafter, the Participating Agency shall also provide the DPS and Task Force with immediate written notification of any additions to or deletions from such list. All Committed Personnel shall be subject to approval and acceptance by the Task Force Administrator.

- 3.05 The Parties will cooperate with each other so as to facilitate achievement of the goals and objectives of the System as fully and completely as possible, and as further provided in Section VIII of the Agreement.

IV. TORT LIABILITY AND WORKERS' COMPENSATION

- 4.01 The Participating Agency and the Committed Personnel shall be afforded such coverage for tort liability and workers' compensation as is afforded all Task Forces and their System members under federal law.
- 4.02 Except as afforded by the Federal Government, the responsibility for risks associated with claims for tort liability and workers' compensation arising out of participation in the Task Force, shall be the responsibility of the DPS and not under any circumstances, the responsibility of the Participating Agency. At all times, the DPS and Task Force shall maintain in full force and effect, for the benefit of the Committed Personnel, coverage for workers' compensation to provide coverage for risks associated with and/or arising out of the Committed Personnel's participation in the Task Force and/or the Committed Personnel's responsibilities under this Agreement.

V. FINANCIAL PROVISIONS

5.01 Preparedness Funds

- 5.01.1 In its sole discretion, the DPS may distribute to the Participating Agency such preparedness grant funding as the DPS shall be eligible to and does receive from FEMA. Any such distributions shall be subject to the requirements of the preparedness grants and the needs of the Task Force generally.
- 5.01.2 Any other funding received by the DPS from sources other than the federal government may also be made available as the DPS determines in its discretion. The DPS shall make such distributions fairly and equitably taking into account the mission, goals and objectives of the Task Force and the needs of the DPS as compared to other proper needs and demands.

5.02 Response Funds

- 5.02.1 The DPS shall promptly reimburse the Participating Agency for response expenses that are authorized to be incurred by or for the benefit of the Committed Personnel engaged in Task Force activities, upon receiving reimbursement for such expenses from the federal government. Such expenses must be properly ascertained, accumulated and reported to the DPS, and the funds to be utilized for payment must have been reimbursed by or on behalf of FEMA to the DPS.
- 5.02.2 After an alert or activation, the Participating Agency shall provide the DPS with a complete cost reimbursement package to be submitted by the DPS as part of an overall claim package which the DPS is obliged to submit to FEMA. The Participating Agency's cost reimbursement package shall be submitted to the DPS within thirty (30) days after the end of the Personal Rehabilitation Period established by FEMA. The Participating Agency's cost reimbursement package shall be prepared in conformance with applicable federal directives which the DPS shall disseminate to the Participating Agency.
- 5.02.3 The Participating Agency shall provide the DPS with the established hourly or daily rates

of pay of each of the Committed Personnel. Such information shall be stated on "Exhibit A" to this Agreement, attached hereto and incorporated herein by reference. Throughout the term of the Agreement, the Participating Agency also shall notify the DPS immediately of any changes to such established hourly or daily rates of pay by providing a substitute "Exhibit A" that contains the new information.

- 5.02.4 In order to ensure proper reimbursement from FEMA, the compensation of Committed Personnel on the Task Force shall be in accordance with established pay schedules and policies, during an alert, and from the time of activation and until the Task Force returns, is deactivated, and Committed Personnel are returned to regular work schedules.
- 5.03 All financial commitments of the DPS are subject to the availability and receipt of funds by the DPS from FEMA and other sources.
- 5.04 Neither the Participating Agency nor any Committed Personnel shall be reimbursed for costs incurred outside the scope of this Agreement.
- 5.05 The parties agree that in the event the DPS makes an overpayment to a Participating Agency and the DPS is required to reimburse FEMA for such overpayment, then the Participating Agency shall be responsible for collecting any overpayment from the Committed Personnel and shall promptly reimburse the DPS for such overpayment.

VI. MANDATORY MINIMUM REQUIREMENTS FOR COMMITTED PERSONNEL

- 6.01 Each individual in the Committed Personnel must satisfy all of the requirements for participation in the Task Force as listed in this Section VI of the Agreement.
- 6.02 The Committed Personnel shall be employees of the Participating Agency in good standing. Entry-level employees who are probationary or in a similar status are not eligible.
- 6.03 The Committed Personnel shall be of good moral character and shall not have been convicted of a felony or of any other criminal offense involving moral turpitude.
- 6.04 The Committed Personnel serving in a Task Force position that requires the individual member to hold a license, registration, certificate or other similar authorization to lawfully engage in an activity must hold the appropriate authorization, which must be current and validly issued.
- 6.05 Subject to any applicable FEMA standards, each Committed Personnel member must meet the medical/fitness standards mutually agreed upon by the DPS and the Participating Agency, and further must not have any medical condition or disability that will prevent performance of the duties of the Task Force position he/she occupies.
- 6.06 Each Committed Personnel member must be able to respond on a mission for a duration of at least fourteen (14) days.
- 6.07 Each Committed Personnel member must be capable of improvising and functioning for long hours under adverse working conditions.
- 6.08 Each Committed Personnel member must receive such inoculations as are specified by the DPS.
- 6.09 Each Committed Personnel member must be aware of the signs, symptoms and corrective

measures of Critical Incident Stress Syndrome.

- 6.10 Each Committed Personnel member must understand and adhere to safe working practices and procedures as required in the urban disaster environment.
- 6.11 Each Committed Personnel member must have a working knowledge of the US&R System and the Task Force's organizational structure, operating procedures, safety practices, terminology and communication protocols.
- 6.12 Each Committed Personnel member must have completed such courses of education and training and other requirements as the DPS and Task Force shall specify.
- 6.13 The DPS has authority to suspend or terminate a Committed Personnel member's participation on the Task Force for failure to satisfy any mandatory minimum requirement.

VII. CLOTHING AND EQUIPMENT

- 7.01 The DPS and/or Task Force will issue to each Committed Personnel member certain items of personal protective clothing and equipment for use in Task Force activities and operations. In the event of activation, the Committed Personnel shall provide certain additional items of personal clothing and equipment. Items of clothing and equipment supplied by the DPS and/or Task Force shall remain the property of the DPS and/or Task Force and shall be returned promptly whenever a person ceases to be a Committed Personnel member.
- 7.02 Subject to FEMA requirements, all uniforms will display the official patch of the Task Force and the official patch of the System, as specified by the DPS. The DPS shall specify the design of the uniform and any identifying insignia or markings.

VIII. COMMAND, CONTROL AND COORDINATION

- 8.01 When the Committed Personnel have been activated or have otherwise been placed at the direction, control and funding of FEMA (e.g., during participation in FEMA-sponsored training), the ultimate authority for command, control and coordination of the service of the Committed Personnel reposes with FEMA. Subject to the principle just stated, the following provisions of this Section VIII govern the responsibilities of the parties with respect to supervisory, disciplinary and other specified aspects of the employment of the Committed Personnel within the context of his/her participation on the Task Force.
- 8.02 Nothing in this Agreement is intended to, nor does it, establish the creation of a joint venture or joint enterprise between the DPS and Participating Agency. Nor shall anything herein be deemed to create or affect the employer-employee relationship between the Participating Agency and its employees who are members of the Committed Personnel, and the Participating Agency shall at all times continue to be fully responsible for all of its employment obligations to its employees, including the compensation and benefits that the Participating Agency has agreed to provide.
- 8.03 While participating in System activities conducted by the Task Force, all Committed Personnel shall be subject to and observe and comply with all lawful orders and directions of the authorized representatives of the DPS and the Task Force. Sponsoring Agency retains the right to suspend or exclude any Participant from participation on the Task Force for cause including failure to abide by the provisions of this Agreement.
- 8.04 The DPS and/or the Task Force shall exercise direct supervisory authority with respect to Participants during activations, deployments and other activities of the Task Force conducted by

the DPS, but for disciplinary purposes, that authority is limited to temporary suspension or permanent exclusion from participation. In all other instances where disciplinary action may be necessary, the DPS shall report the pertinent circumstances to the Participating Agency, who shall cooperate with the DPS and shall administer discipline as appropriate in accordance with the Participating Agency's established rules and regulations.

IX. MEDIA AND INFORMATION POLICY

- 9.01 Subject to applicable law, including FEMA regulations, all photographs and video taken on deployments will be kept under the control of the DPS and/or Task Force until the use of such materials in internal or external education programs or other dissemination is approved.
- 9.02 All applicable federal, state, and local media policies will be strictly enforced and followed.
- 9.03 Subject to applicable rules and regulations, the DPS and/or Task Force will have the primary responsibility for coordination of media coverage and liaison with media sources and representatives concerning activities of the Task Force.

X. RULES OF CONDUCT

- 10.01 Committed Personnel will be expected to abide by the rules of conduct established by the DPS.
- 10.02 The failure of a Committed Personnel member to abide by the rules of conduct constitutes good cause for suspension or exclusion from the Task Force under Section VIII of this Agreement.

XI. PREPAREDNESS ACTIVITIES

- 11.01 The DPS shall conduct Task Force management, administration, training, equipment procurement and other preparedness activities required by FEMA. The Participating Agency and its Committed Personnel shall cooperate with the DPS and shall participate in the activities as necessary to achieve Task Force preparedness goals and objectives.
- 11.02 As established by System directives but subject to the availability of federal funding, the DPS shall procure and maintain required caches of equipment and supplies. The contents of these caches shall be utilized for deployments of the Task Force and, subject to federal rules and regulations, will be made available for training activities of the DPS and the Participating Agency. Committed Personnel shall use Task Force cache equipment and supplies only for authorized purposes and shall exercise reasonable care to protect and preserve the property against loss or damage. The Participating Agency shall be financially accountable for any Task Force property that is lost or damaged due to negligence or unauthorized use by the Participating Agency or its Committed Personnel.

XII. NOTIFICATION PROCEDURES AND OTHER COMMUNICATIONS

12.01 Alerts and Activation

12.01.1 The DPS Director or such Director's designee shall determine whether the Task Force is capable of and will respond to activation orders.

12.01.2 The Participating Agency at all times shall maintain a ready means to be contacted (hereinafter referred to as "Point of Notification") by the DPS and/or Task Force

regarding possible deployments of the Task Force. The Point of Notification shall include 24-hour telephonic and electronic capabilities.

12.01.3 Upon receipt of alert or activation orders, the DPS shall give prompt telephonic and electronic notice to the Participating Agency's Point of Notification. The notice shall designate the Task Force positions for which the Participating Agency's Committed Personnel are being requisitioned, the location of the assembly point, and to the extent known, the nature and character of the activation.

12.01.4 The Participating Agency shall at all times maintain the capability of providing requisitioned Committed Personnel for participation on a deployment of the Task Force.

12.01.5 Upon receipt of an activation order for the Task Force, the Participating Agency shall cause the required Committed Personnel to respond to the assembly point designated in the notice.

12.02 Mobilization

12.02.1 All requisitioned Committed Personnel will respond to the designated assembly point within one (1) hour of notification with all required personal clothing and equipment and required documentation.

12.02.2 The Participating Agency will select its Committed Personnel through a pre-established selection system that ensures the requisition is promptly filled with fully qualified individuals.

12.02.3 Selected members of the Committed Personnel will be subject to a medical pre-screening for deployment. Any such member who fails the screening will not be deployed.

12.02.4 The DPS retains the sole right to determine which Committed Personnel, if any, will respond with the Task Force when activated.

12.03 Other Communications. The DPS will remain in contact with the Participating Agency through the Participating Agency's Point of Notification during the period of activation.

XIII. CRITICAL INCIDENT STRESS SYNDROME AND MANAGEMENT

13.01 The DPS will have primary responsibility to offer critical incident stress syndrome intervention and support during and after activation.

13.02 Costs incurred for unauthorized critical incident stress syndrome activities are not eligible for reimbursement.

XIV. GENERAL PROVISIONS

14.01 Authority. As more specifically indicated above and below, this Agreement is made (a) pursuant to the provisions of the Interim Final Rule or the Final Rule; and (b) under the authority of Indiana law, in furtherance of the purposes of the National Urban Search and Rescue Response System.

14.02 Amendments. Except as otherwise expressly provided, this Agreement may be modified or

amended only by another written agreement approved and executed by both parties, and all such amendments will be attached to this Agreement.

- 14.03 Delegation. The obligations of the Participating Agency set forth in this Agreement are non-delegable and may not be assigned to or assumed by any other person without the prior written consent of the DPS.
- 14.04 Controlling Law. Except and to the extent federal law controls, this Agreement shall be construed and enforced as between the parties according to the laws of the State of Indiana.
- 14.05 Conflict of Interest. No party shall engage in any conduct or activity in the performance of this Agreement or participation in the System that constitutes a conflict of interest under applicable federal, state or local law.
- 14.06 Compliance with Law. Each party shall at all times observe and comply with all applicable federal, state and local laws.
- 14.07 Notice. Except as provided otherwise with respect to emergency notifications, if it is necessary for the purposes of this Agreement for one of the named parties to give notice to the other named party, notice shall be in writing with the expenses of delivery or mailing fully prepaid and shall be delivered by personal service or a form of public or private mail service requiring proof of delivery. Notice is effective upon personal delivery, or by mail service, on the date of either actual receipt or five days after posting, whichever is first. Unless changed in writing in accordance with this Section, notice shall be served on the party at the following address:

<p><i>to the DPS:</i></p> <p>Department of Public Safety Rm. E270, City-County Building 200 East Washington Street Indianapolis, IN 46204</p>	<p><i>to the Task Force:</i></p> <p>Administrator, Indiana Task Force One 2650 Fortune Circle East Drive Indianapolis, IN 46241</p>
---	---

<p><i>to the Participating Agency:</i></p> <p>City of South Bend – Fire Department c/o – Chief of Fire Department 1222 S. Michigan Street South Bend, IN 46601</p>	<p>City of South Bend – Legal Department 1200 County City Building 227 West Jefferson Blvd. South Bend, IN 46601</p>
--	--

- 14.08 Titles and Section Headings. Titles and section headings are for convenience only and are not a part of the parties' Agreement.
- 14.09 Severability. Should any provision of this Agreement be determined to be invalid or unenforceable under applicable law, the provision shall, to the extent required, be severed from

the remainder of the Agreement which shall continue in full force and effect.

- 14.10 Successors and Assigns. This Agreement and its provisions are binding upon and inure to the benefit of the parties and to their respective successors in interest; provided, however, this Agreement does not and will not bestow any rights or remedies upon persons to whom an unlawful delegation or assignment has been made by the Participating Agency.
- 14.11 Indemnification. To the full extent permissible under applicable law, each of the named parties shall defend, indemnify and hold the other party harmless of and from any and all losses and liabilities of any kind or nature arising out of or related to this Agreement that are due to the indemnifying party's errors, omissions, negligence, willful or intentional misconduct or other legal fault except and to the extent the harm suffered is due to comparative fault of the party on whose behalf the claim of indemnification is made.
- 14.12 Non-discrimination. The DPS and the Participating Agency shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to her or his hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of her or his race, sex, sexual orientation, gender identity, religion, color, national origin, ancestry, age, disability, or United States military service veteran status. Breach of this section shall be regarded as a material breach of this Agreement.
- 14.13 Third Party Beneficiaries. This Agreement is made for the sole and exclusive benefit of the named parties and their lawful successors in interest, and no other person or entity is intended to, nor shall such other person or entity acquire or be entitled to receive any rights or benefits as a third-party beneficiary of this Agreement.
- 14.14 Non-parties. Neither the United States of America nor the State of Indiana is a party to this Agreement.
- 14.15 Assurances of Understanding. Each party represents to the other the following: that the party has fully read and understood all of the provisions of this Agreement; that the party has secured and considered such legal advice and other expert counsel as the party deemed necessary and advisable for these purposes; and, that in agreeing to execute and become a signatory to this Agreement the party has deemed itself adequately informed and advised as to all of the risks assumed and obligations undertaken pursuant to this Agreement.
- 14.16 Signatory Authority. Each person executing this Agreement represents the following: that he/she was and is lawfully authorized to sign the Agreement on behalf of the party he/she represents; that execution of the Agreement was duly and regularly authorized by the party's governing body; and, that to the person's best knowledge and belief the Agreement is a binding and enforceable obligation of the party on whose behalf he/she executed his/her signature.
- 14.17 Signatures. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement. A signature made be delivered by facsimile transmission or by e-mail of a ".pdf" format data file, such signature shall create a valid and binding obligation on the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.
- 14.18 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter, and it supersedes any prior agreements on this matter.

*(Reminder of page left blank
signature pages to follow)*

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement between the Department of Public Safety of Indianapolis, and the City of South Bend, acting through its Board of Public Works on behalf of its Fire Department as of the dates shown below.

Department of Public Safety of Indianapolis, Indiana ("DPS")

By: _____ Date: _____
David Wantz, Acting Director, DPS

Approved as to legal form:

By: _____ Date: _____
Richard McDermott, Assistant Corporation Counsel
Indianapolis, Indiana

Approved for execution:

By: _____ Date: _____
Fady Qaddoura, City Controller
Indianapolis, Indiana

**CITY OF SOUTH BEND,
BOARD OF PUBLIC WORKS**

Gary A. Schlot

Edith M. M...

M. J. ...

ATTEST:

Linda Martin
Signature

Linda Martin



City of South Bend Common Council

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

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams Preston
Second District

Randy Kelly
Third District

Jo M. Broden
Fourth District

David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

August 23, 2017

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

Re: *Firefighter Negotiations Agent*

Dear Council Members:

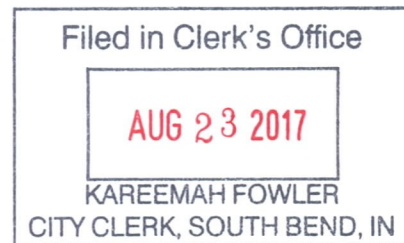
I am filing the attached proposed resolution which names our attorney, Bob Palmer, as the Council's agent, chief spokesperson and negotiator for the upcoming labor negotiations with the South Bend Firefighters' Association Local No. 362 of the International Association of Firefighters AFL-CIO.

The proposed resolution will have first and only reading by the Common Council at the Council meeting August 28, 2017.

Thank you for your consideration.

Sincerely Yours,

Tim Scott



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA, APPOINTING
AN AGENT/NEGOTIATOR TO REPRESENT THE COMMON COUNCIL
FOR THE UPCOMING FIRE DEPARTMENT NEGOTIATIONS**

WHEREAS, the Board of Public Safety is the administrator of the Fire Department and has the “exclusive control over all matters and property relating” to it and the authority to adopt the rules governing the Fire Department pursuant to Indiana Code §36-8-3-2; and

WHEREAS, pursuant to Indiana Code §36-8-3-3(d), the Common Council has the exclusive authority to fix by ordinance the annual compensation for all members of the South Bend Fire Department and other appointees by the Board of Public Safety until November 1, 2017; and

WHEREAS, such ordinance may grade the members of the Fire Department and regulate their pay by rank as well as by length of service; and

WHEREAS, the 2016-2017 Collective Bargaining Agreement between the City of South Bend and the South Bend Firefighters Association Local No. 362 of the International Association of Firefighters AFL-CIO will expire at 11:59 p.m. on December 31, 2017; and

WHEREAS, the Common Council desires to appoint a Chief Negotiator who would appoint as his or her own advisory Common Council Negotiating Team to represent it and to provide updates during executive sessions called for the purpose of discussing strategy with regard to collective bargaining pursuant to Indiana Code §5-14-1.5-6.1(b)(2)(A); and

WHEREAS, the Advisory Common Council Negotiating Team shall not be considered a “governing body” or “public agency” under Indiana Code §5-14-1.5-2; and

WHEREAS, the Common Council believes that this Resolution is in the best interest of promoting positive and harmonious labor negotiations.

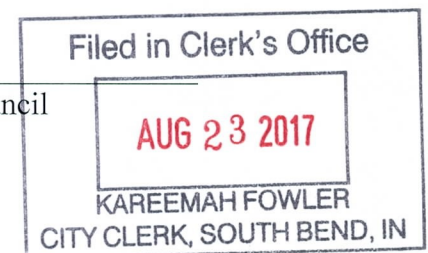
NOW, THEREFORE, BE IS RESOLVED, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council of the City of South Bend, Indiana hereby appoints Robert J. Palmer as its Agent for the upcoming labor negotiations with the South Bend Firefighter’s Association Local No. 362 of the International Association of Firefighters AFL-CIO. Mr. Palmer shall be the Common Council’s Chief Spokesperson and Negotiator concerning all matters related to the Common Council’s right to establish the compensation of the Firefighters by ordinance.

Section II. This resolution shall be in full force and effect from this date until an ordinance regarding the Firefighters’ compensation is passed by the Common Council.

Dated this 28th day of August, 2017.

Member of the Common Council

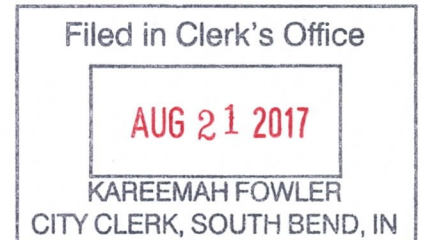




CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

August 20, 2017

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



Re: Ordinance Levying taxes and fixing the rate of Property Taxation to meet City Expenses for the fiscal year ending December 31, 2018

Dear Council President Scott:

Attached herewith please find a bill for consideration by the Common Council of the City of South Bend fixing the property tax rate for the City of South Bend for the fiscal year commencing January 1, 2018 and ending December 31, 2018. This tax rate will apply for property tax assessments in fiscal 2017 with taxes payable in fiscal 2018.

Similar to prior years, this bill has been filed with estimated property tax rates. The final property tax rates for each municipality in the State of Indiana are determined by the Department of Local Government Finance (DLGF) as part of the "1782" budget review process which, according to the state budget calendar, must be completed in February, 2017. The actual property tax rates will depend on the 2017/pay 2018 net assessed valuation of property in South Bend.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on August 28, 2017, 2nd reading and public hearing at the council meeting on September 25, 2017, with 3rd reading and council vote at the council meeting on October 9, 2017.

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,

Jennifer C. Hockenhull
City Controller

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA, LEVYING TAXES
AND FIXING THE RATE OF TAXATION FOR THE PURPOSE OF RAISING
REVENUE TO MEET THE NECESSARY EXPENSES OF THE CIVIL CITY
OF SOUTH BEND FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2018

STATEMENT OF PURPOSE AND INTENT

It is necessary to pass this Ordinance in order to levy taxes and fix the rate of taxation for the purpose of raising revenue to meet the necessary expenses for 2018.

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

SECTION I. There shall be levied upon each One Hundred Dollars of Assessed Valuation of Taxable Property of the City of South Bend, Indiana, for the fiscal year 2017 to be collected in the year 2018 the following:

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

For PARK AND RECREATION FUND, the sum of \$0.xxxx on each one hundred dollars of Taxable Property.

For CUMULATIVE CAPITAL DEVELOPMENT FUND, the sum of \$0.xxxx on each one hundred dollars of Taxable Property.

Total Civil City Rate \$xxxxx

For REDEVELOPMENT BOND (COLLEGE FOOTBALL HALL OF FAME), the sum of \$0.xxxx on each one hundred dollars of Taxable Property.

Total Redevelopment Rate \$0.xxxx

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

Member of the Common Council

Attest:

City Clerk

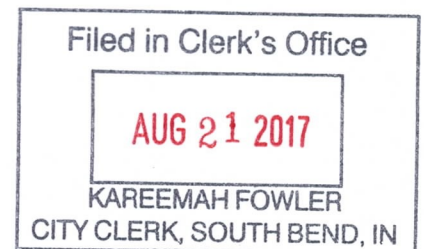
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day
of _____, 2_____, at _____ o'clock __. m.

City Clerk

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

Mayor, City of South Bend, Indiana

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



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



Bill No. 51-17

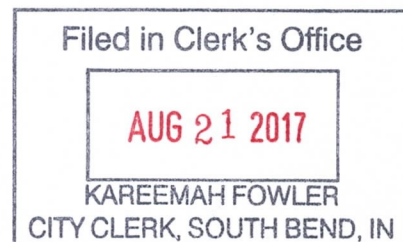
PHONE 574/ 235-9822
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

August 20, 2017

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, 2018

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, 2018 and ending December 31, 2018.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on August 28, 2017, 2nd reading and public hearing at the council meeting on September 25, 2017, with 3rd reading and council vote at the council meeting on October 9, 2017.

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,

A handwritten signature in black ink, appearing to read "JCH".

Jennifer C. Hockenhill
City Controller

Handwritten initials "OK" and a signature in blue ink.

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, 2018 AND ENDING DECEMBER 31, 2018 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 2018.

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, 2018, 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, 2018, 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
- (273) Morris PAC/Palais Royale Marketing Fund
- (274) Morris PAC Self Promotion Fund
- (278) Police Take Home Vehicle Fund
- (279) IT / Innovation / 311 Call Center Fund
- (289) Hazmat Fund

- (291) Indiana River Rescue 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
- (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
- (714) Parental Leave Fund
- (730) City Cemetery Trust Fund
- (750) Equipment/Vehicle Leasing Fund
- (751) Parks Bond Capital Fund
- (753) Smart Streets Bond Capital Fund
- (755) South Bend Building Corporation Fund
- (757) Parks Bond Debt Service Fund
- (759) Eddy Street Commons Phase II Capital Fund
- (760) Eddy Street Commons Phase II 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

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

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
AUG 21 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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

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



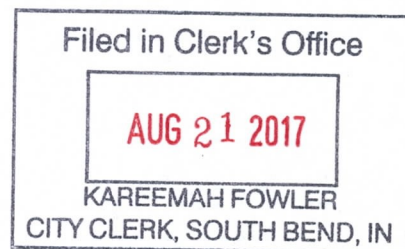
Bill No. 52-17
PHONE 574/ 235-9822
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

August 20, 2017

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, 2018

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, 2018 and ending December 31, 2018.

This bill is respectfully submitted for 1st reading filing with the Common Council for the council meeting on August 28, 2017, 2nd reading and public hearing at the council meeting on September 25, 2017, with 3rd reading and council vote at the council meeting on October 9, 2017.

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,


Jennifer C. Hockenhill
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, 2018 AND ENDING DECEMBER 31, 2018 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 2018.

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, 2018, 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, 2018 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.

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 21 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

227 W. JEFFERSON BOULEVARD
SUITE 1316
SOUTH BEND, IN 46601-1830

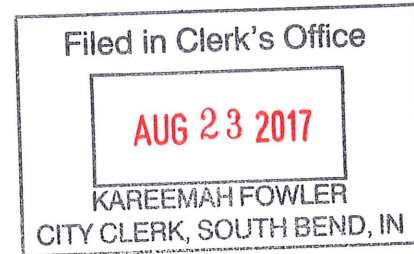


PHONE: 574/235-9251
FAX: 574/235-9171

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

August 23, 2017

Tim Scott
Council President
South Bend Common Council
227 West Jefferson Blvd.; Suite 400 S
South Bend, Indiana 46601



Council President Tim Scott,

I am pleased to submit to you amendments to Chapter 16 of the Municipal Code to address procedures and fees related to Trash, Refuse and other Solid Waste collection and disposal. These changes to the Ordinance will allow City staff to be more responsive to the needs of our residents.

The primary purpose of the proposed changes to Section 16 are:

- 1- To make the current fee structure easier to understand,
- 2- To add service fees that help eliminate the abuse of the program; and
- 3- To clarify and improve the language of pertinent sections of the South Bend Municipal Code

I will be presenting this ordinance to the Council at its Committee and regular meetings, accompanied by Michael Bronstetter, Director of Solid Waste, who can answer operational questions.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,

Jitin Kain
Deputy Director, Public Works

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

STATEMENT OF PURPOSE AND INTENT

In recent years, the City enacted changes to its trash, refuse and solid waste ordinance, contained within Chapter 16 of the South Bend Municipal Code, most recently, in 2015 (Ord. No. 10400-15 and 10401-15) to require use of yard waste containers. Since these recent ordinance amendments, the City has identified abuses and imperfections with the collection and disposal process. This ordinance, by introducing fees for special trash collection, special yard waste collection, return trips by the City, among others, is intended to address some of the problems that have arisen.

This ordinance also clarifies and improves the language of pertinent sections of the South Bend Municipal Code.

It is in the best interest of the City that this ordinance be adopted.

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

SECTION I. Chapter 16, Article 2, Sections 16-6 through 16-9 and Section 16-12 of the South Bend Municipal Code shall be amended to read in their entirety as follows:

CHAPTER 16 - REFUSE

ARTICLE 2. - COLLECTION AND DISPOSAL

Sec. 16-6. - Collection of residential refuse; exceptions; fees.

- (a) The City shall have exclusive jurisdiction over and the exclusive right to control the collection and disposal of residential refuse within the boundaries of the City of South Bend. The City

may exercise its exclusive jurisdiction and right to control residential refuse by providing collection and disposal services itself, or the City may, through its Board of Public Works, contract with or formally permit others to provide collection and disposal services on its behalf. No residential refuse, as defined in this Chapter, shall be collected or disposed of except by the City or by a person or company under contract with or permitted by the City to provide such services.

(b) Exceptions and exemptions:

(1) Nothing in this Chapter shall prevent any person who generates or produces residential refuse on property owned or leased by such person from separating recyclable materials from such residential refuse and either; (1) maintaining title to such recyclable materials for ~~his~~ **their** own use; or (2) disposing of such recyclable materials **by participating in a recycling program; or by** sale or gift; provided, however, that such separation and disposition neither creates a public nuisance, nor is otherwise injurious to the public health, welfare and safety.

~~(2) Nothing in this Chapter shall prevent a person from purchasing or receiving by gift recyclable materials for processing or other use; provided, however, that it shall be a violation of this section for any person to scavenge or remove recyclables from or near bins placed for removal of recyclables by the City or its contractor.~~

~~(2)(3)~~ Nothing in this Chapter shall prevent the removal from residential premises of discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services; provided, however, that such residential refuse so removed that falls within the definition of yard waste shall either be disposed of at the City's Organic Resource Facility as provided in article 4, below, **collected by the City** or shall be otherwise recycled in a manner approved by the Director of the Department of Public Works.

~~(3)(4)~~ Nothing in this Chapter shall prevent a person from contracting with a private contractor for the removal of appliances, furniture, tree limbs, demolition debris or other waste that would require special equipment or special scheduling for removal by the **Bureau Division** of Solid Waste.

(c) The City shall charge the owner or occupant of each occupied residence within the City for the collection and disposal of residential refuse according to the following schedule:

(1) Rates and Charges

MONTHLY RATES		
	2016	2017*
Within City of South Bend Limits:		
Family Dwellings:		

One-family dwelling	\$11.52 (1)	\$12.48
<u>One-family dwelling Outside City of South Bend Limits</u>		\$16.22
Two-family dwelling**	18.06 (1)	\$19.57
Three-Family dwelling**	24.61 (1)	\$26.66
Four Family Dwelling**	31.16 (1)	\$33.76
Senior rate***	6.91 (1)	\$7.49
<u>Senior rate*** Outside City of South Bend Limits</u>		\$9.36
Commercial	13.82	\$16.22
<u>Yard Waste weekly collection****</u>		\$2.00
<u>— Outside City of South Bend Limits:</u>		
<u>— Residential — Outside City of South Bend Limits:</u>	13.82	\$16.22
<u>— Residential Senior***</u>	8.64	\$9.36
Additional Trash Container (per container)	6.55	\$7.09
<u>Additional Yard Waste Bin Container (per container) ****</u>	16.00	\$2.00
<u>Tote Replacement Fee</u>		\$50.00
<u>Special Trash Collection per cubic yard</u>		\$20.00
<u>Special Yard Waste Collection per cubic yard</u>		\$10.00
<u>Return Trip fee</u>		\$10.00
<u>Contamination Fee</u>		\$10.00

<u>Administrative Fee</u>	<u>\$10.00</u>
---------------------------	----------------

* Until further amended.

** With one water meter.

*** Where one resident/occupant of the account the head of the household has submitted to the Board of Public Works proof of address and proof of being age sixty-five (65) or older.

**** Annual eCharge for the yard waste season which is billed monthly for weekly service during the months of April through November eight (8) months of the year.

(2) The City shall provide, contract with others, or, by permit, allow others to provide specialized collection services, which allow for collection of residential refuse from areas other than curbside or alley side. If the City provides specialized collection services, itself, or by contract with others, the monthly charge for such service shall be set by the South Bend Common Council. If specialized collection services are provided by a permittee of the City, the monthly charge shall be subject to negotiation between the customer and the permittee; and such fee shall be collected by the permittee. The services provided by the permittee shall be governed by rules and regulations adopted by the Board of Public Works.

(3) The City may provide or contract with others to provide curbside collection of recyclables. If such collection is performed by the City, the fee for such service may be set by the Board of Public Works after a public hearing to a fee reflective of the actual cost to the City of providing such service. If the service is performed by a contractor selected pursuant to a public bid process, the monthly fee for such service to the public may be determined by the bid or may be set by the Board of Public Works as set-out above.

(4) Special Collection, such as the pick-up of appliances, furniture and other miscellaneous items: Appliances, furniture and other miscellaneous items which, in the opinion of the Director manager of the Division of Solid Waste Bureau of Solid Waste, require special equipment or special scheduling, shall be picked up by the City from residential customers subject to the following charges:

(1) Each month, the first large item or cubic yard (for example, appliance, sofa, etc.) shall be free. Each additional item or cubic yard shall follow the rate structure set forth in Sec. 16-6(c)(1).No Charge

~~(2) Second large item or 1/2 cubic yard of construction and demolition debris\$ 10.00~~

~~(3) Per cubic yard20.00~~

~~(4) Per truck load (18 cubic yards)420.00~~

The Director of the Division of Solid Waste Manager of the Bureau of Solid Waste shall, upon request, provide the customer with an estimated removal cost. In such a case,

the items will be removed by the Division ~~Bureau~~ only after acceptance by the customer of the estimated removal costs.

- (d) ~~If the City elects to charge a fee for the collection of recyclables, the City may do so in a manner set forth in Sec. 16(e)(1). The City shall charge the owner or occupant of each occupied single-family residence and individual unit within a multifamily residence of up to four (4) units the sum of one dollar and ninety-seven cents (\$1.97) per month for the collection of recyclables.~~
- (e) ~~Charges for City collection of residential refuse and recyclables shall be added to the residential unit's water meter charges and collected as are bills for water services.~~
- (d) ~~(f)~~ It is the responsibility of the owners, occupants or tenants of abutting property to keep all alleys used by any sanitation vehicles clean, orderly and passable at all times.

Sec. 16-7. - Collection of refuse; commercial and industrial.

- (a) The collection of refuse and a proper system for disposal of the same may be undertaken by any person, organization or corporation for all commercial, retail, industrial, professional, apartment, institutional or governmental units subject to the provisions of this Chapter and under the supervision of the Department of Public Works. The term "apartment units" as used in this section refers to multi-building apartment complexes and to individual apartment buildings with more than four (4) separate apartments or living units per building.
- (b) It is the responsibility of every owner, tenant or lessee to provide a proper system for collection and disposal of refuse for all commercial, retail, industrial, professional, apartment, institutional, or governmental units at least once a week subject to the provisions of this Chapter.
- (c) The collection of commercial or industrial waste, refuse, trash and garbage of any kind, type or nature shall not be the responsibility of the City, but if the City elects to may engage in such collection activities, the fee shall be set by the Board of Public Works.

Sec. 16-8. - Use of any City-furnished refuse containers required; disabled customer exception; nonrecurring charge for new users; separation of yard waste; and required use of City-furnished yard waste containers; paper or other biodegradable bags.

- (a) ~~Each single-family, two-family, three-family and four-family dwelling shall be provided by the City with one (1) solid waste container for each family unit.~~ It shall be the duty of the dwelling occupant to keep the cover of ~~the this~~ container tightly fitted when refuse is contained in the container, and to remove the container from the collection site promptly after collection by the City and no later than twenty-four (24) hours thereafter. No container other than the one provided by the City shall be used for solid waste removal, and all refuse must be placed in the container and moved to the place of pickup by 6:00 a.m. on the designated collection date. If the customer does not receive the regularly scheduled weekly service through no fault of the City, customer shall be charged a "Return Trip" fee as set forth in Sec. 16-6(c)(1). Should the solid waste refuse of a dwelling habitually exceed the limits of the furnished solid waste container, the City may require the dwelling occupant to use a second City-furnished container ~~or the dwelling unit occupant may choose to use a second City-furnished container~~

~~at the rate set forth in Sec. 16-6(c)(1) additional charge of six dollars and fifty-five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter) on a mandatory year to year basis as provided in Subsection (d) of this section.~~

- (b) No person shall deposit refuse in any solid waste container in a manner which prevents complete closure of the container's cover or deposit refuse on top of such container in a manner that interferes with opening of the container, nor shall any person pile or stack refuse against such a container. ~~No person shall deposit refuse in any solid waste container that will contaminate the waste stream. Should it be determined by the City's Solid Waste Division that the customer deposited contaminate in the solid waste container, the customer shall receive a warning from the City's Solid Waste Division. If the customer continues to deposit such contaminate, customer shall be charged a contamination fee as set forth in Sec. 16-6(c)(1).~~
- (c) It is the duty of a dwelling occupant to maintain the container in clean condition after each removal of container contents and to remove any litter from the area surrounding the container.
- (d) The initial container furnished to owners, agents or occupants of dwellings as provided in this section shall be free of charge. New or subsequent dwelling owners, agents or occupants, shall pay an initial nonrecurring service ~~fee of ten dollars (\$10.00) set forth in Sec. 16-6(c)(1),~~ to cover the City's administrative cost of delivery and furnishing the refuse container. Should a container become substantially damaged or otherwise incapable of effective use through no fault of the City, a new container may be provided at ~~the actual tote replacement fee set forth in Sec. 16-6(c)(1), cost.~~ Any dwelling unit using more than one (1) refuse container or habitually having refuse exceeding capacity of the furnished container ~~shall be required to use lease a second container at the rate set forth in Sec. 16-6(c)(1). In the event that a tote is stolen, and the resident is able to provide evidence of a police report related to such theft, the City shall supply one (1) free replacement tote per calendar year. The tote is expected to remain at the dwelling. Should the customer move, the customer is expected to either contact the City's Solid Waste Division and arrange for a pick-up of the tote or leave the tote at the dwelling. for a year to year term at the lease rate of six dollars and fifty-five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter).~~
- (e) Disabled persons ~~or persons needing assisted service~~ who satisfy the following conditions are exempt from the requirement that refuse containers be taken to the curb for emptying on the designated collection dates, and for such persons, the containers may be placed at the front of the dwelling. To be exempt a disabled person ~~or a person needing assisted collection must provide the following to the Director of Solid Waste within one (1) year of seeking assisted service:~~
- (1) Submit physician's written statement attesting to customer's inability to physically move container to the curb for collection and return it after collection; and
 - (2) Submit customer's written, signed statement that there is no person in the household who is able to physically move the container to the curb for collection and return it after collection.
- (f) Yard waste as defined herein, shall be collected by the City on a weekly basis for disposal and recycling at the City's Organic Resource Facility provided it is placed in containers ~~furnished by leased from~~ the City. Each owner, occupant or lessee of any single or multifamily dwelling

shall separate and keep separate any yard waste from the remainder of the residential refuse for collection. ~~As of April 1, 2016~~ Yard waste shall not be placed in plastic bags for collection. Such yard waste shall be placed in containers ~~furnished by leased from~~ the City, or may be placed for special pick up only, in paper or other biodegradable bags. Additionally, special pick up may be scheduled for any tree limbs and brush of a diameter of less than four (4) inches which shall be bundled together in lengths of forty-eight (48) inches or less, ~~or for tree limbs and brush in excess of these dimensions~~, or for large quantities of yard waste, excluding tree limbs in excess of six inches in diameter and stumps. Nothing in this section shall prohibit any person from recycling yard wastes on their own property for their own use or from giving such yard waste to another for recycling or use; provided, however, that such recycling neither creates a public nuisance nor is otherwise injurious to the public health, welfare or safety. Nothing in this section shall be construed to prohibit the deposit of leaves in a neat and careful manner in the tree lawn or any street in the autumn during the period designated by the Department of Public Works for collection.

- (g) ~~Commencing January 1, 2016 the owner, Occupant~~ or lessee of any single or multifamily dwelling who desires City service of weekly yard waste pick up and removal must participate in the City's yard waste program and use a City issued yard waste container. ~~lease from the City a yard waste container with capacity for either forty-five (45) or ninety-six (96) gallons of yard waste. The fee lease rate no matter which size container shall be two dollars (\$2.00) per month for the months of April through November, or sixteen dollars (\$16.00) per year. Should such container become substantially damaged or otherwise incapable of effective use through no fault of the City, the resident lessee may be responsible for the replacement of the container at actual cost.~~ Yard waste not placed in a City issued containers leased from the City will not be eligible for weekly pick up and will be eligible only for special pick up scheduled by the owner, occupant or lessee of any single or multifamily dwelling.
- (h) The owner, occupant or lessee of any single or multifamily dwelling who desires special pick up of yard waste shall schedule such pick up with the City's Solid Waste Division Organic Resource Facility through the 311 Call Center subject to the following charges set forth in Sec. 16-6(c)(1). ~~on a per month basis:~~

- (1) Each month, the first large item or cubic yard (equates to 10 thirty-gallon paper bags) shall be free of charge. Each additional item or cubic yard shall follow the rate set forth in Sec. 16-6(c)(1).
- (1) ~~Up to one (1) cubic yard (equivalent of ten (10) thirty (30) gallon garbage bags).....No charge~~
- (2) ~~Subsequent pick up(s) of up to one half (1/2) cubic yard\$ 10.00~~
- (3) ~~Each cubic yard or more than one half (1/2) cubic yard thereafter20.00~~
- (4) ~~Per truckload (18 cubic yards)420.00~~

Sec. 16-9. – All residential waste collections excluding special trash or yard waste., including garbage-Garbage and trash to be collected in containers only.

Collections by the City shall be made only of residential refuse that is contained in City issued containers or as otherwise set out in section 16-8, above. In no event shall City collectors pick up,

rake or sweep up garbage or household trash from the ground, except as provided in section 16-57.

Sec. 16-12. - Placement of garbage, yard waste, recycling and trash containers for collection.

- (a) Containers for residential refuse shall be placed in such places as to be readily accessible for the removal or emptying by the City and placed in such a manner and in such a place that such containers will not constitute a public nuisance in any respect.
- (b) Where alley collections are to be made as exceptions to curbside collection, such containers shall be placed within **five (5)** two (2) feet of the alley line at the time and day of collection, but shall not at any time be placed within the limits of the alley itself. ~~In those areas where, in the opinion of the Department of Public Works, collection by alley is not practical or feasible, or in those areas where no alleys exist at all, the containers shall be placed for collection in compliance with the rules and regulations that shall be adopted by the Department of Public Works.~~
- (c) ~~In those areas where alley collection is not available and~~ curbside collection refuse containers are allowed to be placed within two (2) feet of the curb, on the front yard or tree lawn for collection, such containers shall not be placed on the front yard or tree lawn area before 12:00 noon on the day prior to collection, and must be removed from the front yard or tree lawn area on the day of collection. Placing or leaving refuse containers on such areas at any other times shall constitute a public nuisance under Section 16-53 of this Chapter.
- (d) Residential refuse shall be placed for collection at the residence at which it was generated. It shall be a violation of this section for any person to place refuse for collection by the City or its contractor that was not generated at that residence or by the occupants or guests of that residence.

SECTION II. Chapter 16, Article 6, Sections 16-48(m) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

ARTICLE 6. - DISPOSAL SITES AND SANITARY LANDFILLS

(Sections. 16-40-47 No changes)

Sec. 16-48. - Sanitary landfill operation requirements.

(Subparts (a) through (l), and (n) through (q)—no changes)

- (m) Scavenging shall be permitted only if salvaged material is removed from the site daily and does not interfere with the orderly operation of the landfill. This Section in no way precludes the right of a landfill operator to prevent scavenging as a part of their his operational standards.

SECTION III. Chapter 16, Article 8, Sections 16- 55, 56, and Section 59 (b) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 16-55. - Notice prior to abatement by City.

The Board of Public Works or its designee shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City any object or condition which is deemed to be a public nuisance under Section 16-53 of this article. Such notice shall be given to the owner of record or their his agent, and to any tenant or occupant of the property upon which nuisance exists. Notice to the record owner may be mailed to their his last known address. Notice to any tenant or occupant may be given by posting same in a prominent place upon the premises where the nuisance is located.

Sec. 16-56. - Failure to comply with notice to abate.

Failure, neglect, or refusal by the record owner or their his agent, or the tenant or occupant, to comply with the terms of the notice given pursuant to Section 16-55 shall constitute a violation of this article. Each day's failure, neglect or refusal to abate the nuisance following notice pursuant to Section 16-55 shall constitute a separate offense under this Article.

Sec. 16-59. - Removal of vegetation.

- (a) *Definitions.* As used in this section, "weeds and rank vegetation" means grass and weeds over nine (9) inches high, but not including small trees and bushes.
- (b) *Notice.* The Department of Code Enforcement shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City weeds and rank vegetation. Such notice shall be given to the owner of record or their his agent and to any tenant or occupant of the property upon which the weeds and rank vegetation exists. Notice to the record owner may be mailed to the last known address of the record owner. Notice to any tenant or occupant may be given by posting the same in a prominent place upon the premises where the weeds and rank vegetation exists.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

Member, South Bend Common Council

Attest:

City Clerk

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

City Clerk

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

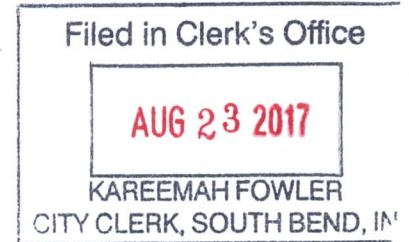
Mayor, City of South Bend, Indiana

Filed in Clerk's Office
AUG 23 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



transpo

south bend public
transportation corporation



Via Hand Delivery

August 22, 2017

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

Dear President Scott:

Enclosed please find an original and several copies of:

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION'S 2018 BUDGET AND LEVYING THE TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF RAISING REVNUUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018

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

Transpo's Board of Directors will vote to approve the budget and levy on September 18, 2017. The scheduled public hearing of the budget with South Bend Common Council is scheduled to be on September 25, 2017.

Transpo's budget was filed with the Common Council on August 22, 2017. Transpo will present this Ordinance to the Council by its Controller, Christopher Kubaszak. Tranpsos General Counsel, Jamie C. Woods, may also attend along with Members of Transpo's Board of Directors.

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

Sincerely,

David Cangany
General Manager and Chief Executive Officer

Bill No. 54-17
ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROPRIATING, ADOPTING AND APPROVING THE SOUTH BEND
PUBLIC TRANSPORTATION CORPORATION'S 2018 BUDGET AND LEVYING THE
TAX AND FIXING THE RATE OF THE TAXATION FOR THE PURPOSE OF
RAISING REVENUE TO FUND THE SOUTH BEND PUBLIC TRANSPORTATION
CORPORATION, SOUTH BEND, INDIANA, FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2018**

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

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

SECTION 1. The South Bend Public Transportation Corporation's budget for the year ending December 31, 2018 in the sum of **\$13,505,827.00**, as shown on Budget Form 4-A, filed with the Common Council on August 22, 2017, is appropriated, adopted, approved and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purpose of raising revenue to meet the necessary expenses of the South Bend Public Transportation Corporation, a total property tax levy of **\$4,481,065.00** and a total tax rate of **0.1422** as shown on Budget Form 4-B are also appropriated, approved and adopted.

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

Member, South Bend Common Council

Attest:

City Clerk

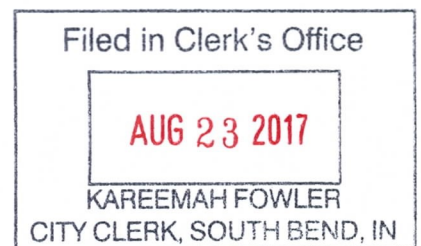
Presented by me to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2017, at _____ o'clock ____ . m

City Clerk, Deputy

Approved and signed by me on the ____ day of _____, 2017,
at _____ o'clock, ____ .m

Mayor, City of South Bend, Indiana

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



SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

SOUTH BEND, INDIANA

2018 FISCAL YEAR BUDGET REQUEST

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**BUDGET ESTIMATE FOR 2017
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SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

2018 REVENUE PROJECTION

SOURCE	% CHANGE - 2017 BUDGET VS. Actual			
	2018 BUDGET	2017 BUDGET	2016 ACTUAL	2018 BUDGET
FAREBOX	\$ 1,642,051	\$ 1,469,079	\$ 1,364,468	11.77%
CHARTER	\$ -	\$ -	-	0.00%
ADVERTISING	\$ 79,497	\$ 72,000	\$ 72,000	10.41%
LEASE REVENUE	\$ 2,400	\$ 2,400	\$ 253,150	0.00%
CONCESSIONS AND MISCELLANEOUS	\$ 34,311	\$ 23,500	\$ 27,860	46.00%
INTEREST INCOME	\$ 13,045	\$ 12,985	\$ 2,713	0.46%
PROPERTY TAX	\$ 2,954,329	\$ 2,883,701	\$ 2,844,454	2.45%
LICENSE EXCISE TAX	\$ 208,548	\$ 227,789	\$ 228,762	-8.45%
FINANCIAL INSTITUTION TAX	\$ -	\$ -	-	0.00%
OPTION INCOME TAX	\$ 547,130	\$ 433,262	\$ 685,597	26.28%
STATE ASSISTANCE	\$ 2,130,958	\$ 2,029,483	\$ 1,984,401	5.00%
FEDERAL PREVENTIVE MAINTENANCE	\$ 1,440,000	\$ 1,640,000	\$ 1,202,592	-12%
FEDERAL ASSISTANCE	\$ 1,410,000	\$ 1,875,000	\$ 1,344,600	-25%
LEASE PAYMENT FROM CITY	\$ 200,000	\$ 200,000	\$ 200,000	0%
TOTAL	\$10,662,269	\$ 10,869,199	\$ 10,210,597	-1.90%
				4.42%

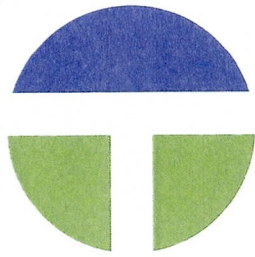
SOUTH BEND PUBLIC TRANSPORTATION CORPORATION

2018 EXPENSE PROJECTION

Expense Category	% CHANGE - 2018 BUDGET VS. Actual			
	2018 BUDGET	2017 BUDGET	2016 AUDITED	2016 AUDITED
Tangible Property / Fixed Assets	\$ -	\$ -	\$ -	N/A
Salaries & Wages	\$ 5,801,603	\$ 5,806,671	\$ 5,214,135	-0.09%
Fringe Benefits	\$ 2,204,108	\$ 2,438,603	\$ 2,326,561	-9.62%
Services	\$ 479,200	\$ 502,661	\$ 808,875	-4.67%
Materials & Supplies	\$ 1,015,465	\$ 1,029,736	\$ 1,278,078	-1.39%
Utilities	\$ 299,223	\$ 278,857	\$ 232,241	7.30%
Insurance	\$ 230,477	\$ 230,477	\$ 215,543	0.00%
Other Taxes	\$ -	\$ -		N/A
Miscellaneous	\$ 132,192	\$ 132,192	\$ 157,975	0.00%
SUB-TOTAL	\$ 10,162,269	\$10,419,199	\$ 10,233,408	-2.47%
Transfer - Capital Improvements / Reserve for Liability	\$ 500,000	\$ 450,000	\$ -	11.11%
TOTAL	\$ 10,662,269	\$10,869,199	\$ 10,233,408	-1.90%
				4.19%

TRANSPO
Budgeted Appropriations

Category	Operating Budget		Capital Budget		Total 2018 Appropriations
	2018	2017	2018	2017	
Personnel Services	8,005,711	8,245,274			8,005,711
Other Services and Charges	1,641,092	1,594,187			1,641,092
Supplies	1,015,466	1,029,736			1,015,466
Capital Outlays	239,620	181,310	1,087,860	1,043,138	1,327,480
Total Appropriations	\$ 10,901,888	\$ 11,050,507	\$ 1,087,860	\$ 1,043,138	\$ 11,989,748



transpo

2018 OPERATING BUDGET ASSUMPTIONS

REVENUES:

Federal, State, and Local: In the past, Transpo has been successful in securing adequate funding through Federal Capital Grants for major capital projects; however, funding opportunities are decreasing. Transpo is able to continue to avail ourselves of annual federal capital formula grant funds toward preventative maintenance and operating assistance, such funds available to the operations budget. In 2018, the State of Indiana has fixed PMTF rate for the next two years and has made it a line item in the State's Budget. We based the 2018 PMTF revenue on discussion with Indiana Department of Transportation. This caused our budget figure to be increase by \$101,475 from the 2017 budget. Property Tax revenue was budgeted at \$51,386 increase from the prior year.

Ridership and Revenue: Transpo has entered into new contracts with Notre Dame and St. Mary's College's in 2017 that have provided increases in farebox revenues. Transpo is also looking into other options to increase future revenues, for example the DTSB Game Day express that will begin this fall. Transpo Access has realized an increase in ridership since 2008 and is expected to continue this trend in future years

EXPENSES:

Employee Wages and Benefits: For 2018, Transpo budgeted, a slight decrease in wages for employees. Employee benefits reflect an estimated decrease of 10.63% from 2017 budget. This decrease is mainly due to changing health insurance carriers in 2017.

Vehicular and Operating: Vehicular and other insurances costs will be maintained at the 2017 budget. Diesel fuel has been budgeted at an average of \$2.00 per gallon and gasoline at \$2.00 per gallon. In 2017, Transpo received an additional three CNG fueled vehicles, increasing our total CNG vehicles to twenty-two. Transpo budgeted a decrease, in its overall fuel cost, of \$86,605. This decrease in fuel expenses should continue to as more of fixed route vehicles are converted to CNG.

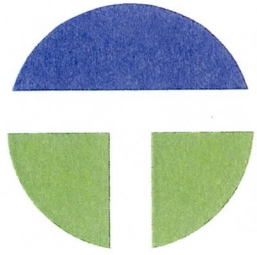
Utilities: Utility costs were budgeted with an increased from the 2017 forecasted levels.

Marketing: Marketing contracts, services, and advertising placement accounts have not been changed from 2017 budgeted figures.

Training: The 2018 budgeted amounts increased from 2017 budgeted provisions. Transpo plans to use federal grants to offset most of the cost associated with training. The current budget provides continued opportunities for all positions.

Transfer – Capital Improvement Fund/Restricted Liability Reserve: The 2018 budget provides the opportunity to transfer up to \$500,000 to the Capital Improvements fund for future capital expenditures or deposit up to \$500,000 into a restricted liability reserve account, to be used pay off the second year installments on sixteen fixed route vehicles.

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



transpo

2018 OPERATING BUDGET POLICY STATEMENTS

FINANCIAL CAPACITY:

1. Management will continue to search for investment, grant and funding opportunities so as to maximize revenues.
2. Management will assure cash handling practices to safeguard funds in its protection and toward timely collection of funds owed.

SERVICE POLICY:

3. A review of current services levels will be conducted and recommendations will follow based upon the results of the analysis.
4. Access service will be provided in accordance with all applicable FTA guidelines.

MANAGEMENT:

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

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Salaries & Wages Summary

2016 ACTUAL	<u>\$ 5,036,056</u>	2018 BUDGET REQUEST	<u>\$ 5,801,603</u>
2017 MONTHLY AVERAGE	<u>\$ 444,901</u>	2017 APPROVED BUDGET	<u>\$ 5,806,671</u>
2017 EST EXPENSE	<u>\$ 5,338,806</u>	BUDGET CHANGE	<u>\$ (5,068)</u>

<u>Account Title</u>	<u>2017</u>	<u>2018</u>
Operators	\$3,548,243	\$ 3,486,899
Access Drivers & Clerk	460,277	472,854
Operations Administration	457,724	525,115
Revenue-Vehicle Maintenance	722,279	686,318
Maintenance Administration	123,792	127,216
Non-Revenue-Vehicle Maintenance	73,064	74,136
General Administration	<u>421,292</u>	<u>429,065</u>
Total	<u>\$5,806,671</u>	<u>\$ 5,801,603</u>

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Fringe Benefits Summary

2016 ACTUAL	<u>\$ 1,779,272</u>	2018 BUDGET REQUEST	<u>\$ 2,204,108</u>
2017 MONTHLY AVERAGE	<u>\$ 163,404</u>	2017 APPROVED BUDGET	<u>\$ 2,438,604</u>
2017 EST EXPENSE	<u>\$ 1,960,847</u>	BUDGET CHANGE	<u>\$ (234,496)</u>

<u>Account Title</u>	<u>2017</u>	<u>2018</u>
FICA	\$ 444,211	\$ 443,822
Pension plan	248,694	257,216
Medical Insurance	1,492,087	1,245,731
Dental Insurance	53,878	54,464
Life Insurance	27,221	28,000
Short-Term Disability	20,664	21,420
Unemployment Insurance	10,925	11,246
Worker's Compensation	89,805	89,654
Uniforms	47,119	48,555
Tool Allowance	4,000	4,000
Total	<u>\$2,438,604</u>	<u>\$ 2,204,108</u>

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Services Summary

2016 ACTUAL	\$	<u>984,072</u>	2018 BUDGET REQUEST	\$	<u>479,200</u>
2017 MONTHLY AVERAGE	\$	<u>45,751</u>	2017 APPROVED BUDGET	\$	<u>502,661</u>
2017 EST EXPENSE	\$	<u>551,509</u>	BUDGET CHANGE	\$	<u>(23,461)</u>

<u>Account Title</u>	<u>2017</u>	<u>2018</u>
Professional & Technical	\$ 240,939	\$ 205,939
Board Travel	10,000	10,000
Temporary Help	2,500	2,500
Contract Services Operations	12,050	12,050
Contract Services Maintenance	118,582	130,121
Contract Services Administration	54,540	54,540
Security Services	64,050	64,050
Physical Damage Repairs	20,000	20,000
Recoveries of Physical Damage Repairs	(20,000)	(20,000)
	<u>502,661</u>	<u>479,200</u>
	Total \$	\$
	<u>502,661</u>	<u>479,200</u>

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Materials & Supplies Summary

2016 ACTUAL	\$ 1,479,781	2018 BUDGET REQUEST	\$ 1,015,465
2017 MONTHLY AVERAGE	\$ 52,285	2017 APPROVED BUDGET	\$ 813,732
2017 EST EXPENSE	\$ 627,425	BUDGET CHANGE	\$ 201,733

Account Title	2017	2018
Fuel & Lubricants	\$ 511,118	\$ 640,517
Fuel & Lubricants	11,954	10,981
Tires & Tubes	2,560	2,560
Materials & Supplies	25,000	25,000
Materials & Supplies	210,000	285,307
Materials & Supplies	35,600	33,600
Other Materials & Supplies	4,500	4,500
Other Materials & Supplies	2,600	2,600
Other Materials & Supplies	10,400	10,400
Total	\$ 813,732	\$ 1,015,465

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: Administration & Maintenance

ACCOUNT TITLE: Utilities

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

2016 ACTUAL	<u>\$ 209,394</u>	2018 BUDGET REQUEST	<u>\$ 299,223</u>
2017 MONTHLY AVERAGE	<u>\$ 21,906</u>	2017 APPROVED BUDGET	<u>\$ 278,857</u>
2017 EST EXPENSE	<u>\$ 262,868</u>	BUDGET CHANGE	<u>\$ 20,366</u>

<u>Account Title</u>	<u>2017</u>	<u>2018</u>
Electricity	\$ 98,014	\$ 98,014
Electricity-CNG	\$ 45,941	\$ 65,307
Water & Sewage	\$ 16,654	\$ 16,654
Trash Collection	\$ 5,000	\$ 6,000
Telephone	\$ 34,000	\$ 34,000
Natural Gas	\$ 79,248	\$ 79,248
Totals	<u>\$ 278,857</u>	<u>\$ 299,223</u>

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Insurance Summary

2016 ACTUAL	<u>\$ 190,051</u>	2018 BUDGET REQUEST	<u>\$ 230,477</u>
2017 MONTHLY AVERAGE	<u>\$ 17,592</u>	2017 APPROVED BUDGET	<u>\$ 230,477</u>
2017 EST EXPENSE	<u>\$ 211,108</u>	BUDGET CHANGE	<u>\$ -</u>

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

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Miscellaneous Summary

2016 ACTUAL	<u>\$ 151,083</u>	2018 BUDGET REQUEST	<u>\$ 132,192</u>
2017 MONTHLY AVERAGE	<u>\$ 15,522</u>	2017 APPROVED BUDGET	<u>\$ 132,192</u>
2017 EST EXPENSE	<u>\$ 188,537</u>	BUDGET CHANGE	<u>\$ -</u>

Account Title	2017	2018
Dues & Subscriptions	\$ 25,192	\$ 25,192
Travel & Meetings	30,000	30,000
Community Services	15,000	15,000
Promotion	6,000	6,000
Advertising Placements	45,500	45,500
Interest Expense on Tax Warrants/Loans	10,500	10,500
	<u>\$ 132,192</u>	<u>\$ 132,192</u>
Total	<u>\$ 132,192</u>	<u>\$ 132,192</u>

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Transfer - Capital Improvement Fund/Reserve for Liability

ACCOUNT NUMBER: 301-0101-00

2016 ACTUAL	<u>\$ -</u>	2018 BUDGET REQUEST	<u>\$ 500,000</u>
2017 MONTHLY AVERAGE	<u>\$ 41,667</u>	2017 APPROVED BUDGET	<u>\$ 450,000</u>
2017 EST EXPENSE	<u>\$ 500,000</u>	BUDGET CHANGE	<u>\$ 50,000</u>

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

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

TRANSP0

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Capital Fund Requirements

ACCOUNT NUMBER: 301-0101-00

2016 ACTUAL	<u>\$ 6,121,744</u>	2018 BUDGET REQUEST	<u>\$ 1,087,860</u>
2017 MONTHLY AVERAGE	<u>\$ 173,785</u>	2017 APPROVED BUDGET	<u>\$ 1,043,138</u>
2017 EST EXPENSE	<u>\$ 2,085,425</u>	BUDGET CHANGE	<u>\$ 44,722</u>

<u>Grant Number</u>	<u>\$\$\$ Available</u>	<u>FTA/State Funded</u>	<u>Total Required</u>
Grant- IN-34-019	\$ 56,391	\$ 45,113	\$ 11,278
Grant- IN-95-0048	\$ 185,097	\$ 148,078	\$ 37,019
Grant- IN-04-0053	\$ 1,600,000	\$ 1,290,200	\$ 309,800
Grant IN-16-21	\$ 26,000	\$ 26,000	
Grant-IN-90-X650	\$ 100,000	\$ 80,000	\$ 20,000
Grant-IN-90-X685	\$ 200,000	\$ 160,000	\$ 400,000
Grant- IN- 90-X694	\$ 100,000	\$ 80,000	\$ 20,000
2016-2017 FTA GRANT	\$ 2,000,000	\$ 1,600,000	\$ 400,000
Total	<u>\$ 4,267,488</u>	<u>\$ 3,429,390</u>	<u>\$ 1,198,098</u>

TRANSPO

2018 BUDGET SUBMISSION

DEPARTMENT: All

ACCOUNT TITLE: Passenger Fares Summary

ACCOUNT NUMBER: 413-0100-00

2016 ACTUAL:	<u>\$ 1,408,767</u>	2018 BUDGET REQUEST	<u>\$ 1,642,051</u>
2017 AVERAGE:	<u>\$ 117,420</u>	2017 APPROVED BUDGET	<u>\$ 1,504,253</u>
2017 ESTIMATED:	<u>\$ 1,409,034</u>	BUDGET CHANGE:	<u>\$ 137,798</u>

<u>Account Title</u>	<u>2017</u>	<u>2018</u>
Passenger Revenue	\$ 802,698	\$ 778,419
Access Passenger Revenue	51,187	63,013
Access Punch Card Revenue	73,321	104,770
Passport Revenue	166,075	189,840
Student Pass Revenue	41,130	47,320
Tripper Revenue	9,623	9,676
Two Week Pass	90,048	133,254
One Day Pass	263,721	311,860
Student Summer Pass	6,450	3,900
	<u>\$ 1,504,252</u>	<u>\$ 1,642,051</u>

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT**

1206 DUNHAM ST.

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

1206 DUNHAM ST.

in order to permit

A special Exception to allow a duplex in a "SF2" District

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

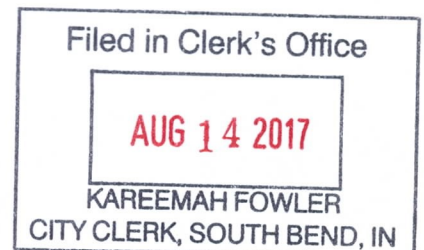
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

RECORDED



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT 4321 S. Michigan St,
South Bend, IN 46614

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at: 4321 S. Michigan St,
South Bend, IN 46614

in order to permit A tattoo parlor in a "CB" district and variances

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

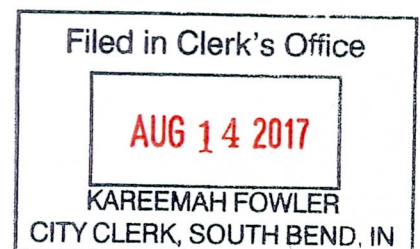
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE
AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT

315 N. Main Street

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

315 North Main Street South Bend IN 46601

in order to permit

A Special Exception to operate a "Group Residence" in a CBD zone.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

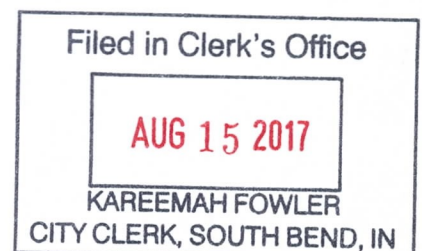
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE
AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
602 W. Colfax Ave. South Bend, Indiana 46601**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

602 W. Colfax Ave. South Bend, Indiana 46601

in order to permit

a special exception to allow a single family residence in a "mixed use district" and a variance from the required 1 off street parking space to none.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED

