



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, March 26, 2018

7:00 P.M.

1. **INVOCATION-** (THE REV. CANON) HUGH R. PAGE, JR. - VICE PRESIDENT AND ASSOCIATE PROVOST FOR UNDERGRADUATE AFFAIRS, UNIVERSITY OF NOTRE DAME
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
BILL NO.
18-11 A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL HONORING THE SOUTH BEND RILEY BOYS' BASKETBALL TEAM FOR ITS SUCCESS IN THE 2017-2018 BASKETBALL SEASON
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME:** _____
BILL NO.
08-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF WESTERN AND WILLIAM AND THE SOUTHWEST CORNER OF WAYNE AND WILLIAM COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA
09-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT THE EAST SIDE OF OLIVE STREET BETWEEN CALVERT STREET AND DELAWARE STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

15-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2018

16-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2018 OF \$37,500 FROM STUDEBAKER/OLIVER REVITALIZATION GRANT FUND (#209), \$10,000 FROM CENTRAL SERVICES FUND (#222), \$900,000 FROM LIABILITY INSURANCE RESERVE FUND (#226), \$2,000,000 FROM LOCAL ROAD & BRIDGE GRANT (#265), \$20,000 FROM PARKS NONREVERTING CAPITAL FUND (#405), AND \$91,412 FROM 2015 PARKS BOND CAPITAL FUND (#751).

17-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2018 OF \$77,000 FROM PARKING GARAGE FUND (#601), \$52,250 FROM WATER WORKS O&M FUND (#620), AND \$20,000 FROM CENTURY CENTER CAPITAL FUND (#671).

18-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH NEW FUNDS: FIRE STATION NO. 9 DEBT SERVICE FUND (#350), FIRE STATION NO. 9 CAPITAL FUND (#451), 2018 TIF PARKS BOND DEBT SERVICE FUND (#351), AND 2018 TIF PARKS BOND CAPITAL FUND (#452)

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

08-18 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF WESTERN AND WILLIAM AND THE SOUTHWEST CORNER OF WAYNE AND WILLIAM COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

09-18 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY

LOCATED AT THE EAST SIDE OF OLIVE STREET BETWEEN CALVERT STREET AND DELAWARE STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[15-18](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2018

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9. **RESOLUTIONS**

BILL NO.

[18-03](#) 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 915 27TH STREET

[18-12](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, AND ST. JOSEPH COUNTY, INDIANA, FOR THE MUTUAL OPERATION OF SPECIAL LAW

ENFORCEMENT UNITS KNOWN AS METRO UNITS ADDRESSING
CRIMES OF SPECIAL GRAVITY IN ST. JOSEPH COUNTY

10. **BILLS ON FIRST READING**

BILL NO.

19-18 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: FIRST NORTH/SOUTH ALLEY EAST OF ARTHUR STREET, RUNNING FROM CAMPEAU STREET ON THE SOUTH TO THE FIRST EAST-WEST ALLEY ON THE NORTH COVERING A DISTANCE OF APPROXIMATELY 156 FEET, ALL IN SOUTH BEND, INDIANA

20-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, ADDING SECTION 20-4 OF CHAPTER 20, ARTICLE 1 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH PARKING RESTRICTIONS ON SOUTH BEND CITY STREETS.

21-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE TO INCLUDE A NEW ARTICLE 13 ESTABLISHING RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS ON PUBLIC WORKS PROJECTS

11. **UNFINISHED BUSINESS**

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 CLERK
KAREEMAH N. FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: MARCH 22, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, MARCH 26, 2018:**

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

- 3:50 P.M.** **HEALTH & PUBLIC SAFETY** **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 18-12](#)- Interlocal Agreement between the City of South Bend and St. Joseph County Metro Units.
- 4:05 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No. 15-18](#)- March 2018 Transfer Ordinance
2. [Substitute Bill No. 16-18](#)- March 2018 Appropriation Ordinance- Civil City Funds
3. [Substitute Bill No. 17-18](#)- March 2018 Appropriation Ordinance- Enterprise Funds
4. [Bill No. 18-18](#)- Ordinance Establishing New TIF Park Bond Debt, Capital Funds/Fire Station Debt Service and Capital Funds
- 4:25 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 08-18](#)- Rezoning for Property at the Northwest and Northeast Corners of Western & William and the Southwest corner of Wayne & William
2. [Bill No. 09-18](#)- Rezoning for Property at the East Side of Olive Street between Calvert Street and Delaware Street
3. [Bill No. 18-03](#)- Special Exception for at Property 915 27th Street

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

- INFORMAL MEETING OF THE COMMON COUNCIL** **TIM SCOTT, PRESIDENT**
1. Discussion of Council Agenda
2. Update and Announcements
3. New Position and Pictures
4. Adjournment

- 5:00 P.M.** **EXECUTIVE SESSION** **COMMON COUNCIL**

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



cc: Mayor Pete Buttigieg
Committee Meeting List
Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 02-26-18)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver J. Davis, Member

Sharon L. McBride, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Sharon L. McBride, Vice-Chairperson

Gavin Ferlic, Member

Karen L. 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*.

Dr. David Varner, Chairperson

Tim Scott, Member

Gavin Ferlic, Member

Karen L. 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 M. Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver J. Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 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 and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dr. David Varner, Member

Sharon L. McBride, Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Sharon L. McBride, Chairperson

Dr. David Varner, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-3-18)

PERSONNEL AND FINANCE COMMITTEE

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

John Voorde, Chairperson
Sharon L. McBride, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Jo M. 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 J. Davis, Vice-Chairperson

Sharon L. McBride, 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 J. Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo M. 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



2018 COMMON COUNCIL STANDING COMMITTEES (Rev.02-26-18)

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

SHARON L. MCBRIDE, 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 M. BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

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

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson

Council Rules Committee, Chairperson

PARC Committee, Vice-Chairperson

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

OLIVER J. DAVIS, 6TH District Council Member

Vice President

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
Council Rules 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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

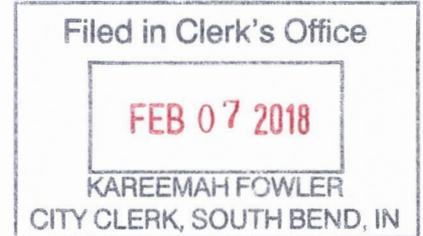
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

February 7, 2018

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



RE: Northwest and Northeast corners of Western & William and the Southwest corner of Wayne & William
APC# 2861-18

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your February 12, 2018 Council meeting, and set it for public hearing at your March 26, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the March 20, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 08-18

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF
WESTERN AND WILLIAM AND THE SOUTHWEST CORNER OF WAYNE AND
WILLIAM COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

To allow for uses in the MU and CBD District consistent with the surrounding area and Comprehensive Plans.

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

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

Lots 1-6 and Lots 10-12 of Block 6 of Vail's Subdivison and the east half of the vacated alley adjacent to Lots 2-6 and the west half of the vacated alley adjacent to lots 10-12, excluding the first east-west alley north of Western

be and the same is hereby established as MU Mixed Used District.

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

Lot B, Outlot A, and Outlot B of Vail's Subdivision First Replat

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

SECTION III.

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

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock _____ .m.

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

Approved and signed by me on the _____ day of _____, 2018, at _____ o'clock _____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

Property 1: Portion of city block bounded by W. Wayne Street to the North; S. Taylor Street to the West; W. Western Avenue to the South: and S. William Street to the East. - South Bend, IN 46601

Property 2: 331-333 W. Western Avenue and 401 N. Lafayette Street. - South Bend, IN 46601

2) The property Tax Key Number(s) is/are:

Property 1: 018-3012-0412;018-3012-0420.01;018-3012-0421;018-3012-0422;018-3012-0424;018-3012-0425;

Property 2: 018-3012-0440.02;018-3012-0440.04;018-3012-0440.05

3) Legal Descriptions:

Property 1: Lots 10 Thru 12 & W 1/2 Vac Alley E & Adj Vails Sub Block 6 07/08 Split to 041201 5052WD 7/18/06; Lots 1, 2 & 3 Vails Sub Of Block 6; 3 Rds S End Ea Lots 2 & 3 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 4 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 5 & W 49.5' Lot 6 & E 1/2 Vac Alley W & Adj Vails Block 6; 66 Ft E End Lot 6 Vails Sub Block 6

Property 2: Lot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot A Vails Sub First Replat 14/15 NP#8037 10-04-2013

4) Total Site Area:

Property 1: 1.50 +/- Acres

Property 2: 1.75 +/- Acres

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

*South Bend Redevelopment Commission
227 W. Jefferson Boulevard
1400 County-City Building
South Bend, IN 46601
574-235-5836
drelos@southbendin.gov*

Name and address of additional property owners, if applicable: N/A

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

N/A

Name and address of additional property owners, if applicable: N/A

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

Property 1

Property 2

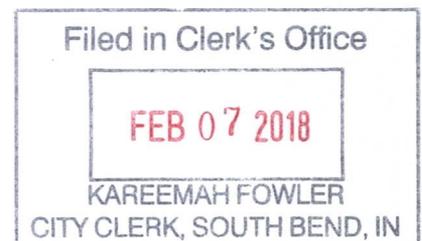
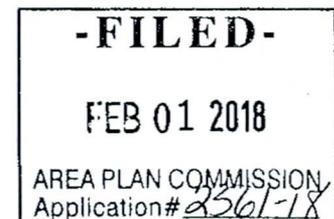
From: GB General Business District

GB General Business District

To: MU Mixed Use District

CBD Central Business District

8) This rezoning is requested to allow the following use(s): *All uses allowed within the Mixed Use and Central Business districts.*



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

- 1) *N/A*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *N/A*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *N/A*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *N/A*

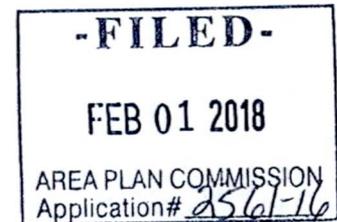
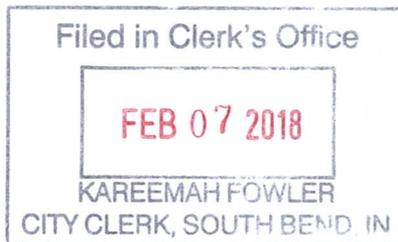
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

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

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

CONTACT PERSON:

Chris Dressel
 227 W. Jefferson Blvd.
 South Bend, IN 46615
 574-235-5847
 cdressel@southbendin.gov



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

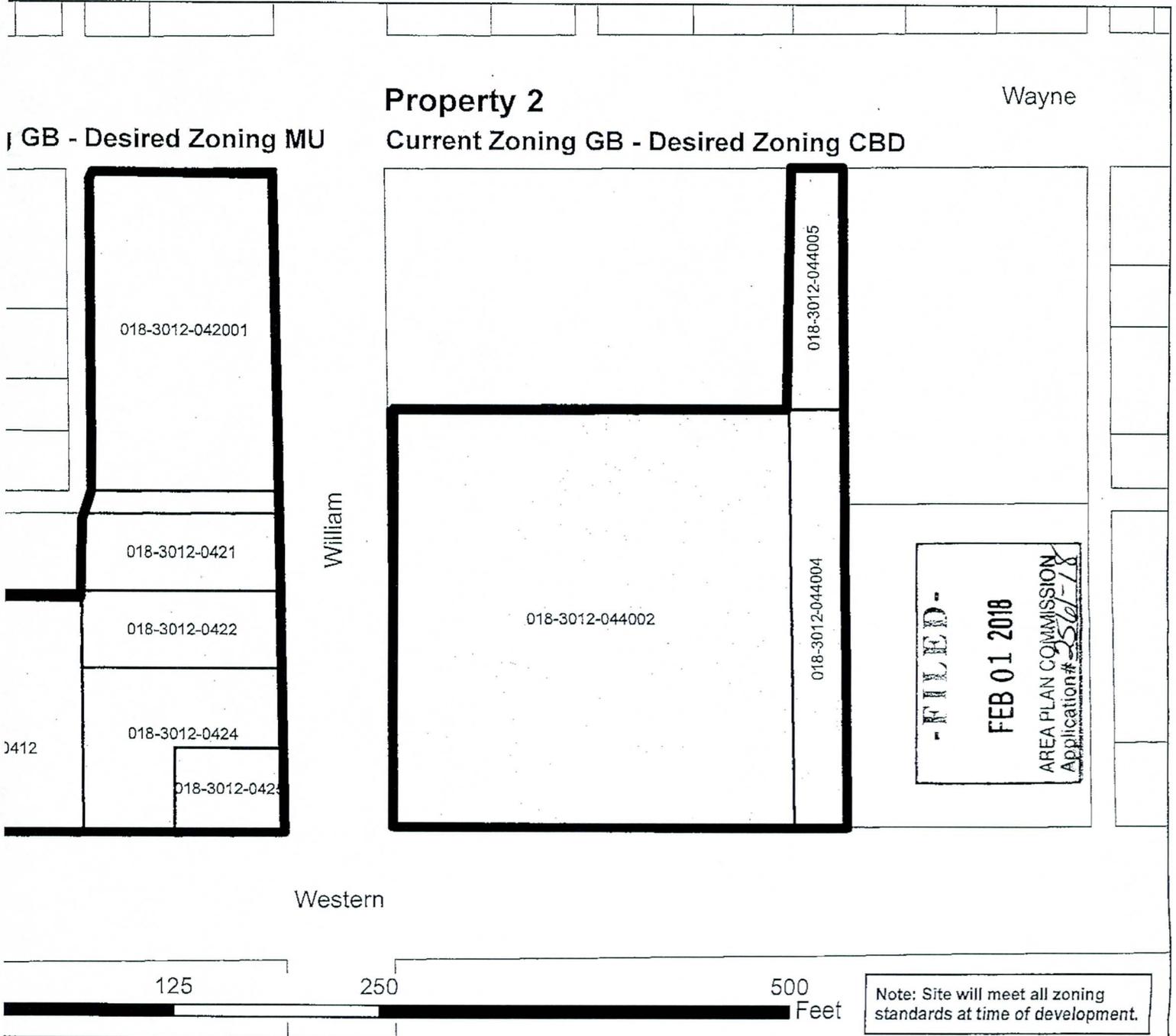
Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Chris Dressel

Preliminary Site Plan

Taylor/Wayne/Lafayette/Western Block

N



Filed in Clerk's Office
FEB 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

Property 1: Portion of city block bounded by W. Wayne Street to the North; S. Taylor Street to the West; W. Western Avenue to the South; and S. William Street to the East. - South Bend, IN 46601

Property 2: 331-333 W. Western Avenue and 401 N. Lafayette Street. - South Bend, IN 46601

2) The property Tax Key Number(s) is/are:

Property 1: 018-3012-0412;018-3012-0420.01;018-3012-0421;018-3012-0422;018-3012-0424;018-3012-0425;

Property 2: 018-3012-0440.02;018-3012-0440.04;018-3012-0440.05

3) Legal Descriptions:

Property 1: *Lots 10 Thru 12 & W 1/2 Vac Alley E & Adj Vails Sub Block 6 07/08 Split to 041201 5052WD 7/18/06; Lots 1, 2 & 3 Vails Sub Of Block 6; 3 Rds S End Ea Lots 2 & 3 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 4 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 5 & W 49.5' Lot 6 & E 1/2 Vac Alley W & Adj Vails Block 6; 66 Ft E End Lot 6 Vails Sub Block 6*

Property 2: *Lot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot A Vails Sub First Replat 14/15 NP#8037 10-04-2013*

4) Total Site Area:

Property 1: 1.50 +/- Acres

Property 2: 1.75 +/- Acres

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

*South Bend Redevelopment Commission
227 W. Jefferson Boulevard
1400 County-City Building
South Bend, IN 46601
574-235-5836
drelos@southbendin.gov*



Name and address of additional property owners, if applicable: N/A

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

N/A

Name and address of additional property owners, if applicable: N/A

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

Property 1

Property 2

From: GB General Business District

GB General Business District

To: MU Mixed Use District

CBD Central Business District

8) This rezoning is requested to allow the following use(s): *All uses allowed within the Mixed Use and Central Business districts.*

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

- 1) *N/A*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *N/A*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *N/A*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *N/A*

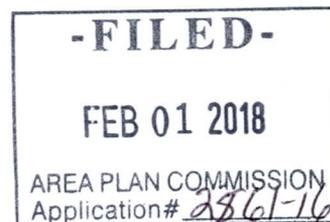
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

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

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

CONTACT PERSON:

Chris Dressel
 227 W. Jefferson Blvd.
 South Bend, IN 46615
 574-235-5847
 cdressel@southbendin.gov



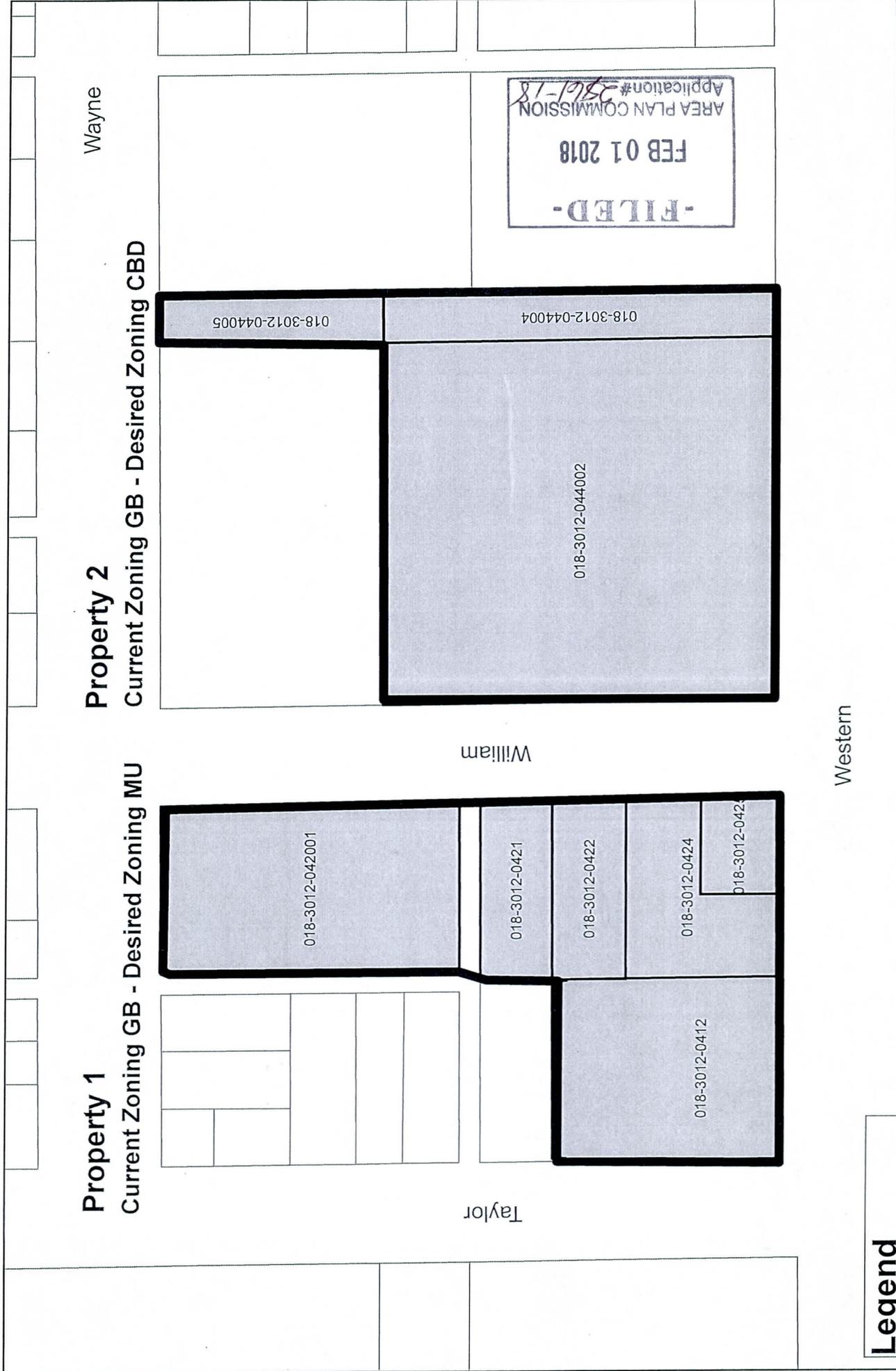
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Chris Dressel

Preliminary Site Plan

Taylor/Wayne/Lafayette/Western Block



-FILED-
FEB 01 2018
AREA PLAN COMMISSION
Application # 2561-18

Legend

- Petition Properties



500 Feet

Note: Site will meet all zoning standards at time of development.



LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

Angela M. Smith

Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, March 21, 2018

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

RE: A proposed ordinance of South Bend Redevelopment Commission to zone from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District, property located at the Northwest and Northeast Corners of Western and William and the Southwest Corner of Wayne and William, City of South Bend - APC# 2861-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of South Bend Redevelopment Commission was legally advertised on March 8, 2018 and that the Area Plan Commission at its public hearing on March 20, 2018 took the following action:

Upon a motion by John McNamara, being seconded by John DeLee and unanimously carried, a proposed ordinance of South Bend Redevelopment Commission to zone from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District, property located at the Northwest and Northeast Corners of Western and William and the Southwest Corner of Wayne and William, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning these sites to MU: Mixed Use District and CBD: Central Business District would correspond to, and enhance, the surrounding properties and trends of the area.

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

Sincerely,

A handwritten signature in black ink that reads 'Lawrence P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: South Bend Redevelopment Commission

Jennifer Parcell

From: Shelly & Kevin Baumgartner <skgambit@gmail.com>
Sent: Monday, March 12, 2018 3:05 PM
To: Jennifer Parcell

We would like to express our approval for the petition to rezone the area sited in application APC# 2861-18.

Thank you,
Shelly and Kevin Baumgartner

Staff Report

3/9/2018

APC # 2861-18
Owner: South Bend Redevelopment Commission
Location: the Northwest and Northeast Corners of Western and William and the Southwest Corner of Wayne and William
Jurisdiction: City of South Bend
Public Hearing Date: 3/20/2018

Requested Action:

The petitioner is requesting a zone change from GB General Business District and MU Mixed Use District to MU Mixed Use District and CBD Central Business District

Land Uses and Zoning:

- On site: On the west site are vacant lots. On the east site is a parking lot and a vacated street.
- North: To the north, across Wayne, are residential properties zoned MU: Mixed Use District.
- East: To the east is an office building zoned CBD: Central Business District.
- South: To the south, across Western, is Four Winds Field zoned CBD: Central Business District, and a community center zoned MU: Mixed Use District and GB: General Business District.
- West: To the west, across Taylor, is a church zoned MU: Mixed Use District.

District Uses and Development Standards:

The MU Mixed Use District is established to promote the development of a dense urban neighborhood center environment. The regulations are intended to encourage all the elements of a traditional neighborhood center, including: storefront retail; professional offices; and dwelling units located either in townhouse developments or in the upper stories or rear of mixed-use buildings. The development standards in this district are designed to: encourage a pedestrian oriented design throughout the district; and, maintain an appropriate pedestrian scale, massing and relationship between buildings and structures within the district. The CBD Central Business District is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this district are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The development standards in this district, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas.

Site Plan Description:

There's no proposed site plan for development at this time. Future development will need to adhere to development standards for the appropriate districts.

Zoning and Land Use History And Trends:

A portion of Four Winds Field, to the south, was rezoned CBD in 2015. The parcel to the north of the existing parking lot was rezoned to CBD in 2016.

Traffic and Transportation Considerations:

Wayne, Taylor, William, and Western are all two lanes with on-street parking. Wayne and Western have designated left turn lanes at the intersections.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

There are no agency comments at this time.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 3: Increase the urban density of the Central Business District.

Land Use Plan:

The future Land Use Plan identifies this area as mixed use.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

The properties in the area around the site act as a transition zone from the Central Business District to the single-family homes to the west. Mixed-use developments help provide this buffer between the two densities of development.

3. Most Desirable Use:

The most desirable uses for these site are mixed use developments that will compliment the Central Business District.

4. Conservation of Property Values:

Rezoning these sites to MU: Mixed Use District and CBD: Central Business District will not affect adjacent property's land values.

5. Responsible Development And Growth:

It is responsible development and growth to rezone these sites to MU: Mixed Use District and CBD: Central Business District. This would allow for developments that are consistent with the surrounding area.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

Based on information available prior to the public hearing, the staff recommends sending the rezoning petition to the Common Council with a favorable recommendation.

Analysis:

Rezoning these sites to MU: Mixed Use District and CBD: Central Business District would correspond to, and enhance, the surrounding properties and trends of the area.



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

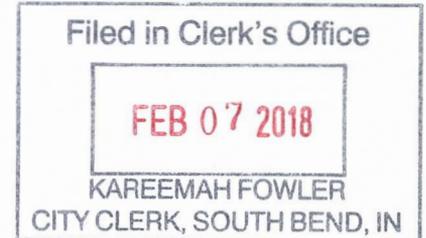
Angela M. Smith
Deputy Director

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

BILL NO. 09-18

February 7, 2018

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



RE: East Side of Olive Street between Calvert Street and Delaware Street
APC# 2862-18

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your February 12, 2018 Council meeting, and set it for public hearing at your March 26, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the March 20, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 09-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT THE EAST SIDE OF OLIVE STREET BETWEEN CALVERT STREET AND DELAWARE STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LI to GI for vehicle removal and storage.

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

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

Lots 247 through 258 of Highland Park 2nd Addition and the vacated alley between Lots 252 and 253 therein.

be and the same is hereby established as GI: General Industrial District.

SECTION II. That a Special Exception Use for *Vehicle Storage and Outdoor Storage in Excess of 50% of the Total Lot Area* in a *GI: General Industrial District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

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

*1906 S. Olive St.
South Bend, IN 46613*

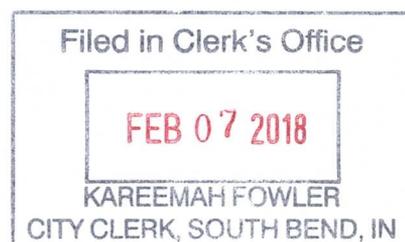
2) The property Tax Key Number(s) is/are: *018-8100-3806; 018-8100-3793; 018-8100-3792; 018-8100-3814; 018-8100-3815.*

3) Legal Descriptions: *Lots 251 252 253 254 255 256 257 258 and Vac Alley Btwn Lots 252 & 253 Highland Park 2nd Pro Sec 15 37 2e 17/18 Cons w/018-8100-3794,3804,3805,3807,3808,3809,3810 Per Owners Req.; Lots 250, 249, 248, 247 (2nd prop and 2nd address)*

4) Total Site Area: *1.18 acre*

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

*Paul J. Walters
921 Dale Ave.
Mishawaka, IN 46544
574-288-2727, 574-220-3160
asaptowingrecovery@yahoo.com*



Name and address of additional property owners, if applicable: John C. Cocquyt, The 4000 Group, 703 W. 16th St., Mishawaka, IN 46544

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



Name and address of additional property owners, if applicable:

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

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

To: *GI General Industrial District*

8) This rezoning is requested to allow the following use(s): *Vehicle removal and storage*

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

1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Please explain how your variance petition addresses this criteria*

(b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Please explain how your variance petition addresses this criteria*

(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

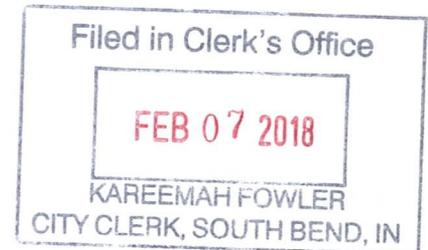
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: *Vehicle removal and storage.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *These lots are secured from the public with appropriate fencing and an electronic gate that can only be opened from inside the building or via remote(s).*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *An easement is already in place so that adjacent property will not be affected.*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *The majority of Olive St. is zoned as GI.*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Removal of the building listed as 2010 to be demolished at a later date as well as new fencing and clearing of the lot line due to these structures being an eyesore to the neighborhood. All lots to be combined at a later date to one address, 1906.*

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

CONTACT PERSON:

*Paul Walters / Becki Badders
1906 S. Olive St.
South Bend, In 46613
574-288-2727
asaptowingrecovery@yahoo.com*

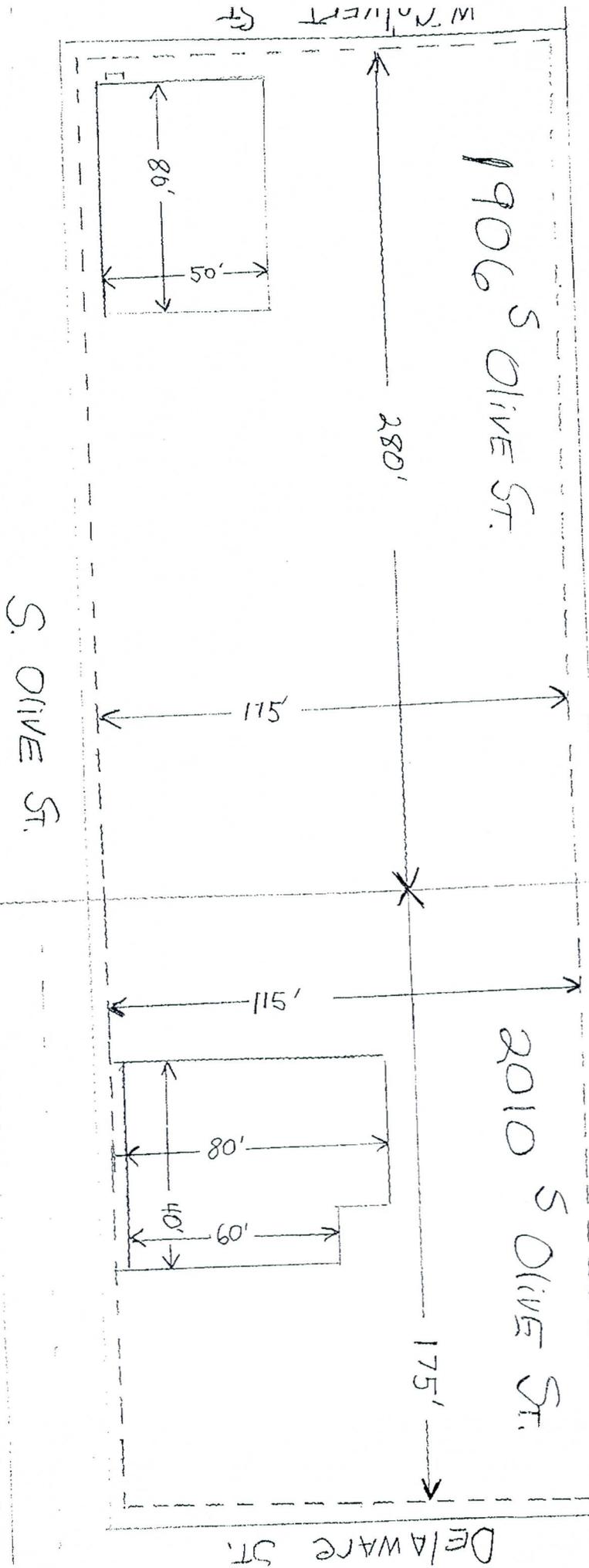
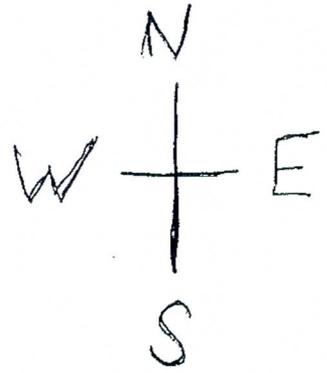


BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Paul Walters
John C. Cocquyt





Filed in Clerk's Office
FEB 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
FEB 02 2018
AREA PLAN COMMISSION
Application# 2862-18

2010 S. Olive St. building to be demolished at a later date.

PETITION FOR ZONE MAP AMENDMENT

City of South Bend, Indiana

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

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

*1906 S. Olive St.
South Bend, IN 46613*

2) The property Tax Key Number(s) is/are: *018-8100-3806; 018-8100-3793; 018-8100-3792; 018-8100-3814; 018-8100-3815.*

3) Legal Descriptions: *Lots 251 252 253 254 255 256 257 258 and Vac Alley Btwn Lots 252 & 253 Highland Park 2nd Pro Sec 15 37 2e 17/18 Cons w/018-8100-3794,3804,3805,3807,3808,3809,3810 Per Owners Req.; Lots 250, 249, 248, 247 (2nd prop and 2nd address)*

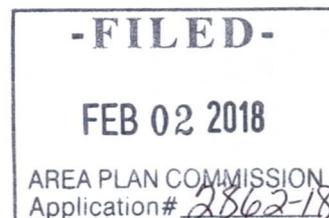
4) Total Site Area: *1.18 acre*

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

*Paul J. Walters
921 Dale Ave.
Mishawaka, IN 46544
574-288-2727, 574-220-3160
asaptowingrecovery@yahoo.com*

Name and address of additional property owners, if applicable: John C. Cocquyt, The 4000 Group, 703 W. 16th St., Mishawaka, IN 46544

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



Name and address of additional property owners, if applicable:

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

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

To: *GI General Industrial District*

8) This rezoning is requested to allow the following use(s): *Vehicle removal and storage*

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

1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*

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- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

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

- 1) The Special Exception Use(s) being requested: *Vehicle removal and storage.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *These lots are secured from the public with appropriate fencing and an electronic gate that can only be opened from inside the building or via remote(s).*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *An easement is already in place so that adjacent property will not be affected.*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *The majority of Olive St. is zoned as GI.*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Removal of the building listed as 2010 to be demolished at a later date as well as new fencing and clearing of the lot line due to these structures being an eyesore to the neighborhood. All lots to be combined at a later date to one address, 1906.*

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

CONTACT PERSON:

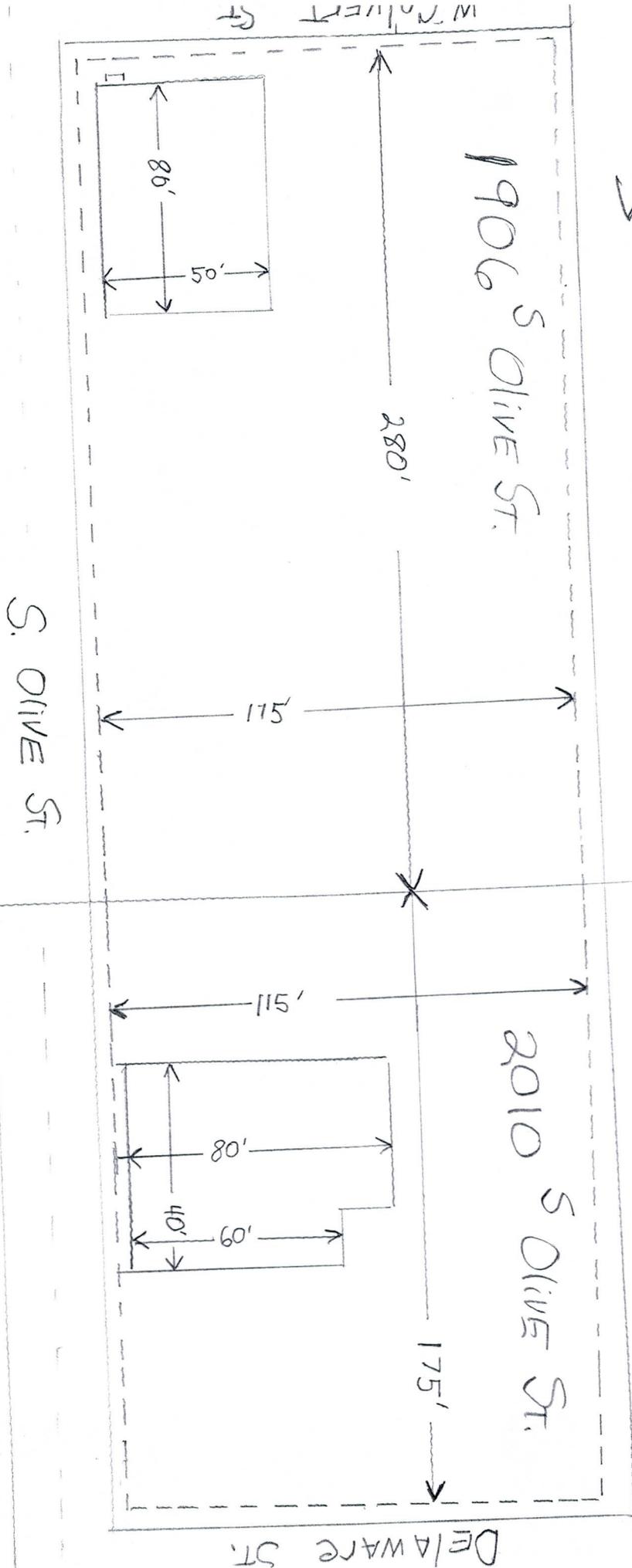
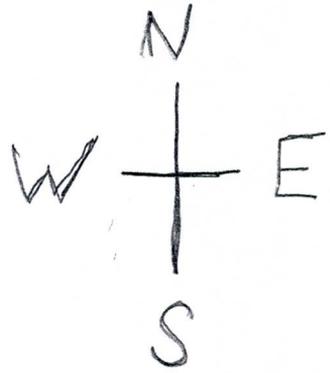
*Paul Walters / Becki Badders
1906 S. Olive St.
South Bend, In 46613
574-288-2727
asaptowingrecovery@yahoo.com*

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

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

Paul Walters
John C. Cozquyt





2010 S. Olive St. building
to be demolished at a later
date.

-FILED-
FEB 02 2018
AREA PLAN COMMISSION
Application# 2862-18



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

Wednesday, March 21, 2018

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

RE: A proposed ordinance of PKJ Leasing, LLC., and The 4000 Group to zone from LI Light Industrial District to GI General Industrial District and seeking a Special Exception Use to allow vehicle removal and storage / outdoor storage in excess of 50%, property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend - APC# 2862-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of PKJ Leasing, LLC. and was legally advertised on March 8, 2018 and that the Area Plan Commission at its public hearing on March 20, 2018 took the following action:

Upon a motion by John McNamara, being seconded by Elizabeth Maradik and carried, a proposed ordinance of PKJ Leasing, LLC., The 4000 Group to zone from LI Light Industrial District to GI General Industrial District, property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to a written commitment to limit permitted uses to those found in the LI: Light Industrial District plus wrecker service. Rezoning the site to GI: General Industrial will follow the trend of uses to the north of the site. The approval of the variances and special exception use would allow the site to continue to function as it already has.

Upon a motion by John McNamara, being seconded by John Lesczynski and unanimously carried, a Special Exception Use for vehicle removal and storage / outdoor storage in excess of 50% property located at the East Side of Olive Street between Calvert Street and Delaware Street, City of South Bend, was approved, subject to the rezoning being approved by the Common Council.

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

Sincerely,

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

Lawrence P. Magliozzi

Attachment

CC: PKJ Leasing, LLC.
The 4000 Group

Staff Report

3/12/2018

APC # 2862-18
Owner: PKJ Leasing, LLC., The 4000 Group
Location: the East Side of Olive Street between Calvert Street and Delaware Street
Jurisdiction: City of South Bend
Public Hearing Date: 3/20/2018

Requested Action:

The petitioner is requesting a zone change from LI Light Industrial District to GI General Industrial District, a Special Exception Use, and nine variances from the development standards.

Land Uses and Zoning:

- On site: On site are two structures that house offices, storage, and vehicle repair. The remainder of the site is used for vehicle storage.
- North: To the north, across Calvert, are industrial properties zoned LI: Light Industrial District.
- East: To the east are single-family homes zoned SF2: Single Family & Two Family District.
- South: To the south, across Delaware, are single-family homes zoned SF2: Single Family & Two Family District.
- West: To the west, across Olive, are single-family homes zoned SF1: Single Family & Two Family District.

District Uses and Development Standards:

The GI General Industrial District is established to provide for development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations. Permitted uses in this district tend to generate heavy traffic and require extensive community facilities. Permitted uses in this district may require extensive amounts of outdoor storage or outdoor operations. The permitted uses provided for in this district should be separated from residential districts or low intensity commercial / mixed use districts by less intense industrial districts.

Site Plan Description:

The site plan shows no change to the current structures. The building located in the northwest corner of the site is 4000 square feet. Another building located in the southwest corner is 3000 square feet and is planned to be demolished at a later date. The site is surrounded by an 8 foot tall chain-link fence with an additional foot of barbed wire.

Zoning and Land Use History And Trends:

Historically, the properties along Olive Street have been industrial bordering residential neighborhoods.

Traffic and Transportation Considerations:

Olive Street to the west of the site is two lanes with on street parking. Calvert and Delaware are two lanes. Improvements to Olive Street are planned for 2020.

Utilities:

The site is on municipal sewer and water.

Agency Comments:

The Department of Public works notes that the practices of right angle parking and parking across the sidewalk zone are violations of the Code provisions. It is expected that the right angle parking in the right-of-way on the northern portion of the site to be removed. The Department of Community Investment recommends the petitioner offer a written commitment to limit permitted uses to those found in the LI: Light Industrial District plus wrecker service.

Commitments:

The staff is requesting a written commitment to limit permitted uses to those found in the LI: Light Industrial District plus wrecker service.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 7.3: Support neighborhood-economic opportunities as identified in area-specific plans.

Land Use Plan:

The future Land Use Plan identifies this area for light industrial uses.

Plan Implementation/Other Plans:

Rum Village Neighborhood Plan (1995) indicates the location of this site to be used for low intensity industrial uses.

2. Current Conditions and Character:

The Olive Street Corridor has developed as an industrial corridor, with heavier industrial to the north of the site.

3. Most Desirable Use:

The most desirable use for the site would be light industrial uses.

4. Conservation of Property Values:

Existing uses on the site will not change thus preserving the existing properties value of surrounding properties.

5. Responsible Development And Growth:

It is responsible development and growth to allow the continued use of the site as a tow service and vehicle storage.

Combined Public Hearing

The petitioner is seeking a Special Use to allow:

vehicle removal and storage / outdoor storage in excess of 50%

A Special Use may only be granted upon making a written determination, based upon the

evidence presented at a public hearing, that:

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

The proposed use, which has currently existed on the site, will have no impact on the public health, safety and, general welfare of the community.

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

The current use, which will continued to be allowed by the approval of this special use, and adoption of the written commitment to limit uses to those found in the LI: Light Industrial District plus wrecker service will not have any additional adverse affect on the use and value of the adjacent properties.

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

The use will be consistent with the industrial nature of the Olive Street Corridor.

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

The use is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 7.3: Support neighborhood-economic opportunities as identified in area-specific plans.

The petitioner is seeking the following variance(s):

- 1) from the required 30' minimum front yard and building setback to 0'
- 2) from the required 100' minimum side residential bufferyard to 0'
- 3) from the required screening of outdoor storage to none
- 4) to allow barbed wire on a fence located between the front façade of the primary building and the front lot line
- 5) to allow a fence and storage area within the minimum 10' clear sight area
- 6) from the required landscaping of required perimeter yards and residential bufferyards to none
- 7) from the required foundation landscaping to none
- 8) from the required parking area screening to none
- 9) from the required 11 parking spaces to 0

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

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

The proposed variances will not be injurious to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance

will not be affected in a substantially adverse manner;

Approving the variances to continue to let the site function as it currently has will not adversely affect the use or value of adjacent properties.

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

The strict application of the landscaping, parking, and setbacks would create an undo hardship on the property owner to dramatically alter their site after it has been used in its existing state for some time.

Staff Comments:

The right angle (perpendicular) parking could be replaced with parallel parking suitable for the use and area. When the Olive Street improvements are made, the petitioner is encouraged to establish the appropriate sidewalk along their portion of Calvert street in order to properly connect the neighborhood to the pedestrian path created.

Recommendation:

Based on information available prior to the public hearing the staff recommends sending the rezoning petition and Special Exception Use to the Common Council with a favorable recommendation subject to the written commitment. The staff recommends approval of the variances, subject to removing the right angle (perpendicular) parking in the public right-of-way.

Analysis:

Rezoning the site to GI: General Industrial will follow the trend of uses to the north of the site. The approval of the variances and special exception use would allow the site to continue to function as it already has.

REZONING
#2862-18

DUBAIL

PHILLIPA

CARLISLE

CALVERT

MEADE

WABASH

DELAWARE



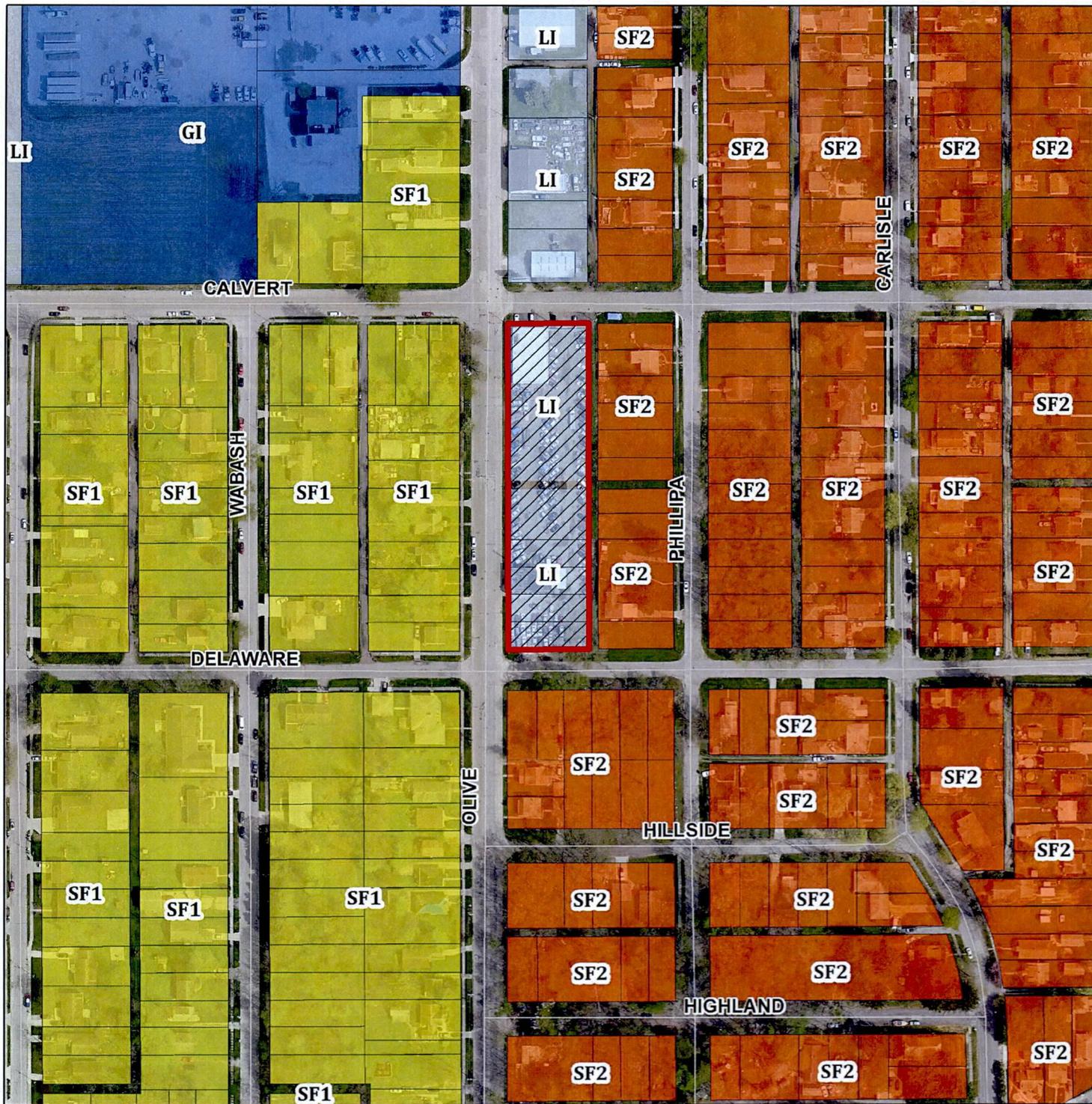
HILLSIDE

OLIVE

HIGHLAND

Portage Township
1 inch = 200 feet

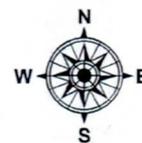




Rezoning from: CITY OF SOUTH BEND
LI: Light Industrial District to GI: General Industrial District

MASTER ZONING KEY

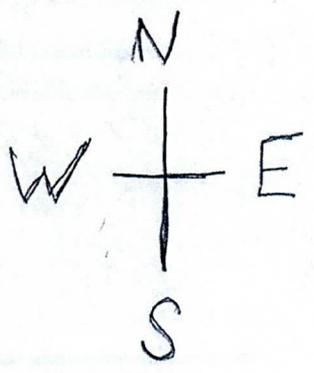
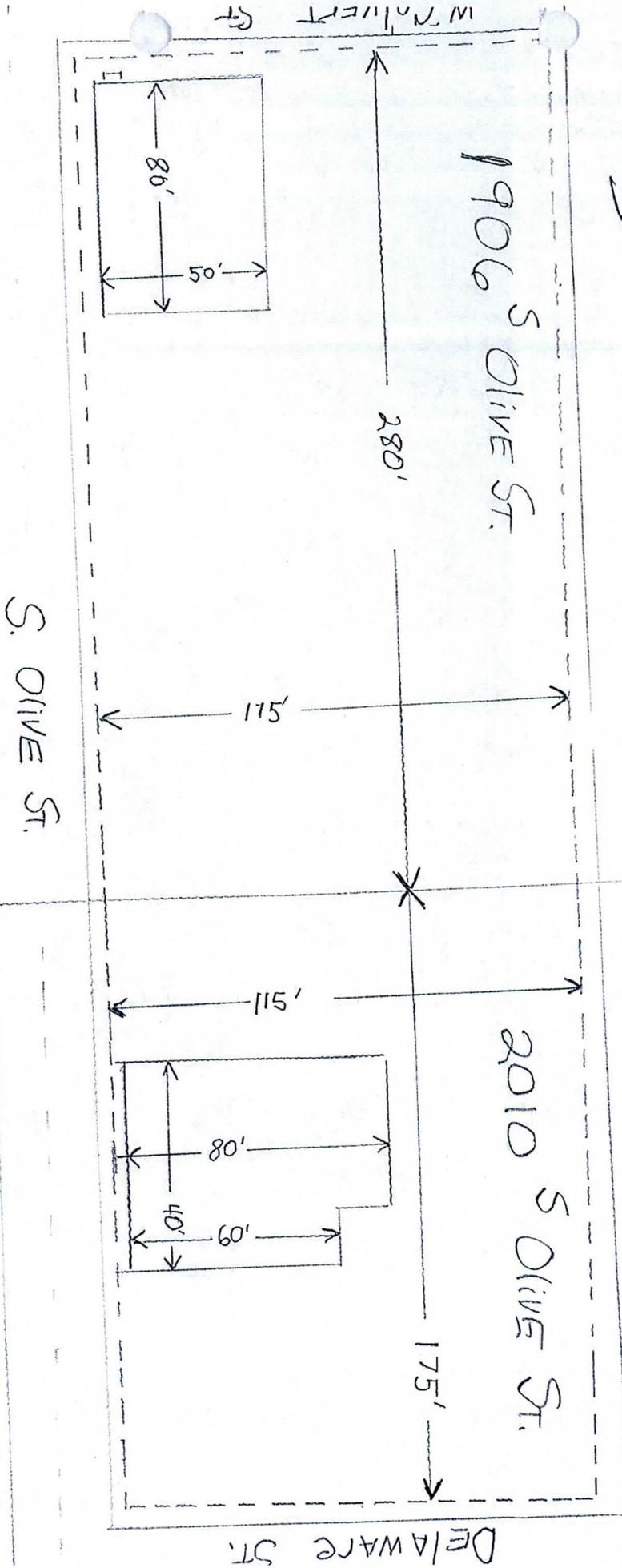
-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
-  SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2862-18

Olive plan



2010 S. Olive St. building to be demolished at a later date.

-FILED-
FEB 02 2018
AREA PLAN COMMISSION
Application# 2862-18



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

March 21, 2018

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

RE: Bill #09-18
Rezoning: APC #2862-18 – East side of Olive Street between Calvert St. and Delaware St.

Dear Council Members:

The Area Plan Commission held a public hearing on March 20, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, March 26, 2018.

Ordinance & Petition Amendments:

The petition was updated to add the variance requests.

Public Hearing Summary:

There were 3 people that spoke in opposition to the petition. Their concerns included pollution, parking in the right-of-way, blocking the intersection for loading/unloading vehicles, unsightly business affecting property values, traffic, pedestrian safety, potential higher use of the site, noise, and dust.

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

Sincerely,

A handwritten signature in cursive script that reads "Angela M. Smith".

Angela M. Smith
Deputy Director

CC: Bob Palmer

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREAPLAN

Staff Report

3/12/2018

APC # 2862-18
Owner: PKJ Leasing, LLC., The 4000 Group
Location: the East Side of Olive Street between Calvert Street and Delaware Street
Jurisdiction: City of South Bend
Public Hearing Date: 3/20/2018

Requested Action:

The petitioner is requesting a zone change from LI Light Industrial District to GI General Industrial District, a Special Exception Use, and nine variances from the development standards.

Land Uses and Zoning:

- On site: On site are two structures that house offices, storage, and vehicle repair. The remainder of the site is used for vehicle storage.
- North: To the north, across Calvert, are industrial properties zoned LI: Light Industrial District.
- East: To the east are single-family homes zoned SF2: Single Family & Two Family District.
- South: To the south, across Delaware, are single-family homes zoned SF2: Single Family & Two Family District.
- West: To the west, across Olive, are single-family homes zoned SF1: Single Family & Two Family District.

District Uses and Development Standards:

The GI General Industrial District is established to provide for development of manufacturing and processing facilities or facilities which may require substantial amounts of outdoor storage or outdoor operations. Permitted uses in this district tend to generate heavy traffic and require extensive community facilities. Permitted uses in this district may require extensive amounts of outdoor storage or outdoor operations. The permitted uses provided for in this district should be separated from residential districts or low intensity commercial / mixed use districts by less intense industrial districts.

Site Plan Description:

The site plan shows no change to the current structures. The building located in the northwest corner of the site is 4000 square feet. Another building located in the southwest corner is 3000 square feet and is planned to be demolished at a later date. The site is surrounded by an 8 foot tall chain-link fence with an additional foot of barbed wire.

Zoning and Land Use History And Trends:

Historically, the properties along Olive Street have been industrial bordering residential neighborhoods.

Traffic and Transportation Considerations:

Olive Street to the west of the site is two lanes with on street parking. Calvert and Delaware are two lanes. Improvements to Olive Street are planned for 2020.

Utilities:

The site is on municipal sewer and water.

Agency Comments:

The Department of Public works notes that the practices of right angle parking and parking across the sidewalk zone are violations of the Code provisions. It is expected that the right angle parking in the right-of-way on the northern portion of the site to be removed. The Department of Community Investment recommends the petitioner offer a written commitment to limit permitted uses to those found in the LI: Light Industrial District plus wrecker service.

Commitments:

The staff is requesting a written commitment to limit permitted uses to those found in the LI: Light Industrial District plus wrecker service.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 7.3: Support neighborhood-economic opportunities as identified in area-specific plans.

Land Use Plan:

The future Land Use Plan identifies this area for light industrial uses.

Plan Implementation/Other Plans:

Rum Village Neighborhood Plan (1995) indicates the location of this site to be used for low intensity industrial uses.

2. Current Conditions and Character:

The Olive Street Corridor has developed as an industrial corridor, with heavier industrial to the north of the site.

3. Most Desirable Use:

The most desirable use for the site would be light industrial uses.

4. Conservation of Property Values:

Existing uses on the site will not change thus preserving the existing properties value of surrounding properties.

5. Responsible Development And Growth:

It is responsible development and growth to allow the continued use of the site as a tow service and vehicle storage.

Combined Public Hearing

The petitioner is seeking a Special Use to allow:

vehicle removal and storage / outdoor storage in excess of 50%

A Special Use may only be granted upon making a written determination, based upon the

evidence presented at a public hearing, that:

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

The proposed use, which has currently existed on the site, will have no impact on the public health, safety and, general welfare of the community.

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

The current use, which will continued to be allowed by the approval of this special use, and adoption of the written commitment to limit uses to those found in the LI: Light Industrial District plus wrecker service will not have any additional adverse affect on the use and value of the adjacent properties.

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

The use will be consistent with the industrial nature of the Olive Street Corridor.

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

The use is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy ED 7.3: Support neighborhood-economic opportunities as identified in area-specific plans.

The petitioner is seeking the following variance(s):

- 1) from the required 30' minimum front yard and building setback to 0'
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- 9) from the required 11 parking spaces to 0

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

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

The proposed variances will not be injurious to the public health, safety, morals and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance

Staff Report

3/12/2018

will not be affected in a substantially adverse manner;

Approving the variances to continue to let the site function as it currently has will not adversely affect the use or value of adjacent properties.

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

The strict application of the landscaping, parking, and setbacks would create an undo hardship on the property owner to dramatically alter their site after it has been used in its existing state for some time.

Staff Comments:

The right angle (perpendicular) parking could be replaced with parallel parking suitable for the use and area. When the Olive Street improvements are made, the petitioner is encouraged to establish the appropriate sidewalk along their portion of Calvert street in order to properly connect the neighborhood to the pedestrian path created.

Recommendation:

Based on information available prior to the public hearing the staff recommends sending the rezoning petition and Special Exception Use to the Common Council with a favorable recommendation subject to the written commitment. The staff recommends approval of the variances, subject to removing the right angle (perpendicular) parking in the public right-of-way.

Analysis:

Rezoning the site to GI: General Industrial will follow the trend of uses to the north of the site. The approval of the variances and special exception use would allow the site to continue to function as it already has.

REZONING
#2862-18

DUBAIL

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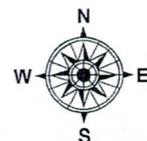




Rezoning from: CITY OF SOUTH BEND
 LI: Light Industrial District to GI: General Industrial District

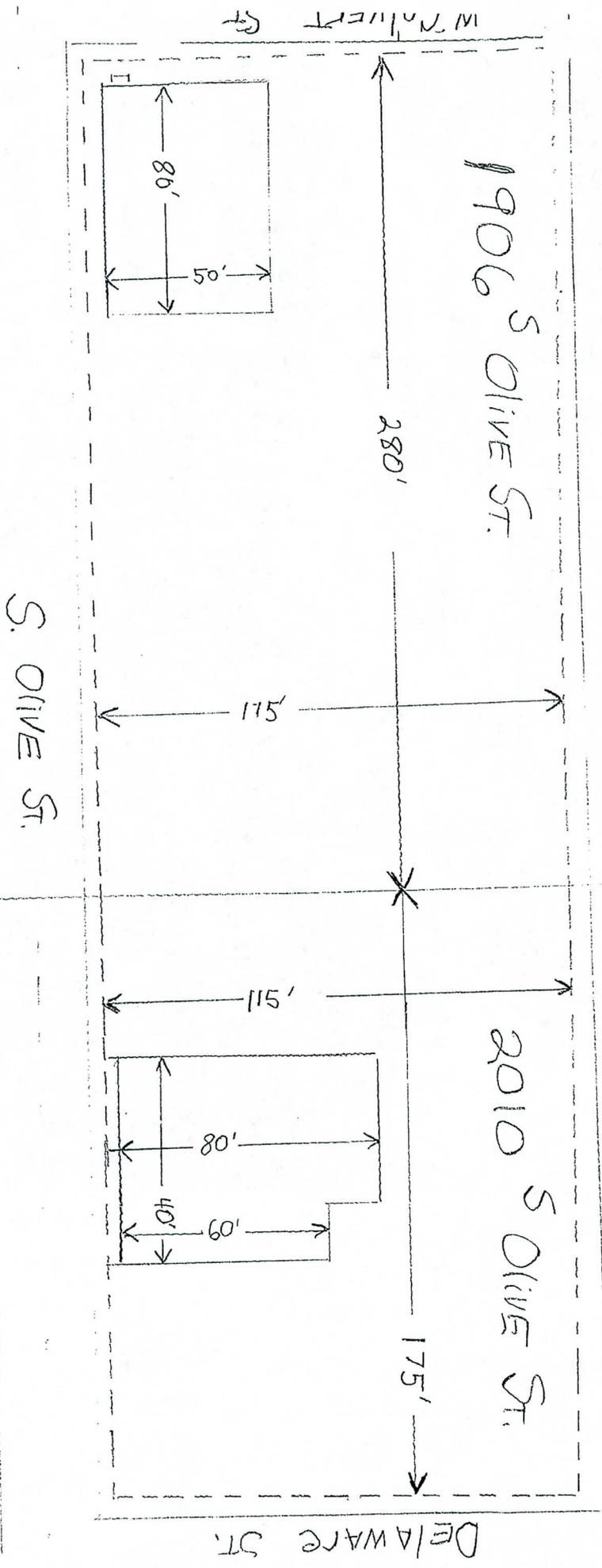
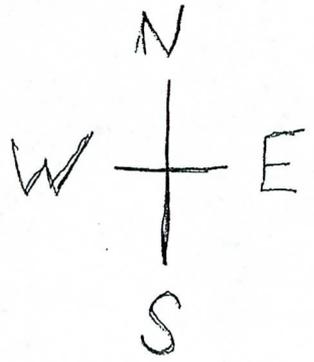
MASTER ZONING KEY

-  SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
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-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT
-  SOUTH BEND "GI" GENERAL INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2862-18



Site plan

2010 S. Olive St. building to be demolished at a later date.

- FILED -
FEB 02 2018
AREA PLAN COMMISSION
Application # 2862-18



BILL NO. 15-18

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

March 1, 2018

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

RE: March 2018 Transfer Ordinance

Dear President Scott,

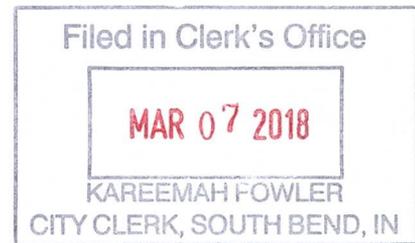
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 12, 2018 with 2nd reading, public hearing and 3rd reading scheduled for March 26, 2018.

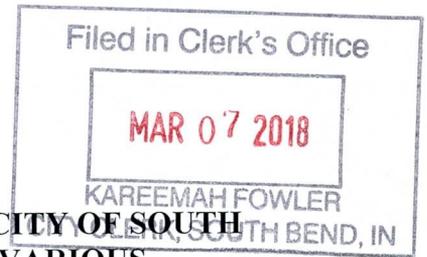
Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenhull
City Controller



BILL NO. 15-18
ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2018

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10499-17 and 10537-17 passed on October 23, 2017) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2018.

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

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

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at _____
o'clock____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

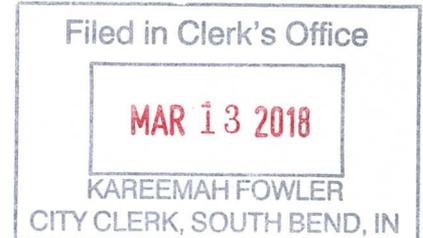


SUBSTITUTE BILL NO. 16-18

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

March 12, 2018

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



RE: March 2018 Appropriation Ordinance – Civil City Funds – SUBSTITUTE BILL #16-18

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration. The substitute version includes an additional request for Parks, Capital Projects and the Liability Fund which were inadvertently left off of the original version.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 12, 2018 with 2nd reading, public hearing and 3rd reading scheduled for March 26, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller

SUBSTITUTE BILL NO. 16-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2018 OF \$37,500 FROM STUDEBAKER/OLIVER REVITALIZATION GRANT FUND (#209), \$10,000 FROM CENTRAL SERVICES FUND (#222), \$900,000 FROM LIABILITY INSURANCE RESERVE FUND (#226), \$2,000,000 FROM LOCAL ROAD & BRIDGE GRANT (#265), \$20,000 FROM PARKS NONREVERTING CAPITAL FUND (#405), AND \$91,412 FROM 2015 PARKS BOND CAPITAL FUND (#751).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2018 operating and capital budgets in 2017 (Ordinance #10499-17 passed on October 23, 2017), which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2018 and set apart within the following designated funds for expenditures as follows:

FUND	Amount
Studebaker/Oliver Revitalization Grant (#209)	\$ 37,500
Central Services (#222)	10,000
Liability Insurance Reserve (#226)	900,000
Local Road & Bridge Grant (#265)	2,000,000
Parks Nonreverting Capital (#405)	20,000
2015 Parks Bond Capital (#751)	91,412
TOTAL	\$ 3,058,912

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

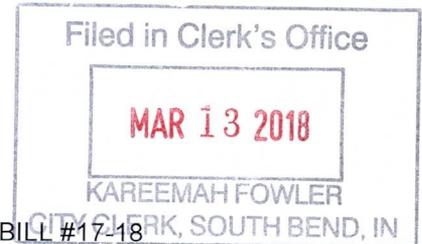


SUBSTITUTE BILL NO. 17-18

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

March 12, 2018

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



RE: March 2018 Appropriation Ordinance – Enterprise Funds – SUBSTITUTE BILL #17-18

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration. The substitute includes an additional request for Century Center which was inadvertently left off the original version.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 12, 2018 with 2nd reading, public hearing and 3rd reading scheduled for March 26, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller

SUBSTITUTE BILL NO. 17-18
ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2018 OF \$77,000 FROM PARKING GARAGE FUND (#601), \$52,250 FROM WATER WORKS O&M FUND (#620), AND \$20,000 FROM CENTURY CENTER CAPITAL FUND (#671).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2018 operating and capital budgets in 2017 (Ordinance #10537-17 passed on October 23, 2017), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2018 and set apart within the following designated funds for operational expenses as follows:

FUND	Amount
Parking Garage Fund (#601)	\$ 77,000
Water Works O&M (#620)	52,250
Century Center Capital (#671)	20,000
TOTAL	\$ 149,250

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

City of South Bend, Indiana
March 2018 Additional Appropriation Requests - Enterprise Funds
 (Increase or decrease in total fund expenditures)
 March 1, 2018

Common Council Approved - ##/##/18 - Bill No. ## - Substitute

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Parking Garage Fund	Main/Coffax Parking Garage	Utility Services / Electric	Kimberly Williams	601-0460-645.35-01		\$ 24,000	Establish budget for electric, was missed in the original budget
Parking Garage Fund	Leighton Parking Garage	Utility Services / Electric	Kimberly Williams	601-0462-645.35-01		32,000	Establish budget for electric, was missed in the original budget
Parking Garage Fund	Wayne St Parking Garage	Utility Services / Electric	Kimberly Williams	601-0464-645.35-01		21,000	Establish budget for electric, was missed in the original budget
						\$ 77,000	
Water Works O&M	Public Works - Water Works	Interfund Transfer	Roxanne Lawson	620-0640-658.50-02		\$ 52,250	Transferred funds to Water Works Debt Reserve O&M Fund 629 in order to meet cash reserve requirements for Fund 629. Reserve requirement is 16.67% of the annual amended operating budget of Fund 620.
Century Center Capital	Century Center	Capital Improvements / Bldg Improv	Brandon Gerlach	671-0406-645.42-02		10,000	Establish budget for 2018 Century Center capital expenditures
Century Center Capital	Century Center	Equip Purchases / Materials & Equip	Brandon Gerlach	671-0406-645.43-09		10,000	Establish budget for 2018 Century Center capital expenditures
						\$ 20,000	
				Grand Total		\$ 149,250	

Filed in Clerk's Office
MAR 13 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

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



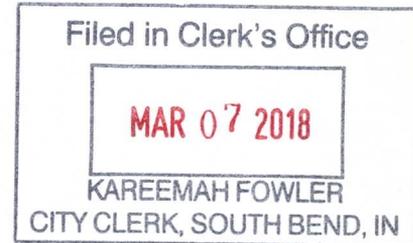
PHONE 574/ 235-9822
FAX 574/ 235-9928

BILL NO. 18-18

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

March 5, 2018

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



Re: Ordinance Establishing New TIF Park Bond Debt Service and Capital Funds and Fire Station Debt Service and Capital Funds for the City of South Bend

Dear Council President Scott:

During the preparation and adoption of the 2018 City budget, the need has arisen to add four additional funds to properly account for revenue and expenditures of the City of South Bend's TIF Parks Bond Debt Service and Capital Funds as well as the Fire Station Capital and Debt Service Funds. These funds will collect the bond proceeds to fund capital expenditures and collect revenues to fund debt service payments.

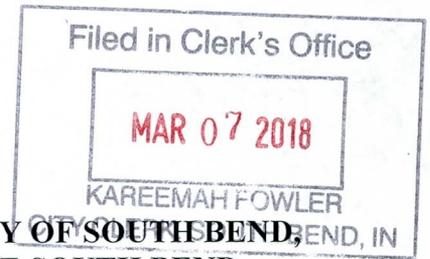
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 12th, and 2nd and 3rd readings on March 26th, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Respectfully submitted,

Jennifer C. Hockenull
City Controller

BILL NO. 18-18
ORDINANCE NO. _____



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND
MUNICIPAL CODE TO ESTABLISH NEW FUNDS: FIRE STATION NO. 9 DEBT
SERVICE FUND (#350), FIRE STATION NO. 9 CAPITAL FUND (#451), 2018 TIF
PARKS BOND DEBT SERVICE FUND (#351), AND 2018 TIF PARKS BOND CAPITAL
FUND (#452)**

STATEMENT OF PURPOSE AND INTENT

In connection with the issuance of certain debt obligations approved by the South Bend Common Council related to the construction of certain public facilities and improvements, the need has arisen to create four (4) funds to properly account for revenue and expenditures of the City of South Bend.

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

SECTION I. Effective January 1, 2018, the following funds are established, and Chapter 2, Article 14, of the South Bend Municipal Code is hereby amended to add new sections, which shall read in their entirety as follows:

Section 2-170.31. Fire Station No. 9 Debt Service Fund

The Fire Station No. 9 Debt Service Fund (No. 350) is established to account for revenues to fund debt service payments related to the General Obligation Bonds, Series 2018 (Fire Station No. 9).

Section 2-170.32. Fire Station No. 9 Capital Fund

The Fire Station No. 9 Capital Fund (No. 451) is established to account for the proceeds of the sale of the General Obligation Bonds, Series 2018 (Fire Station No. 9).

Section 2-170.33. 2018 TIF Parks Bond Debt Service Fund

The 2018 TIF Parks Bond Debt Service Fund (No. 351) is established to account for revenues to fund debt service payments related to the Redevelopment District Bonds of 2018.

Section 2-170.34. 2018 TIF Parks Bond Capital Fund

The 2018 TIF Parks Bond Capital Fund (No. 452) is established to account for the proceeds of the sale of the Redevelopment District Bonds of 2018.

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.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

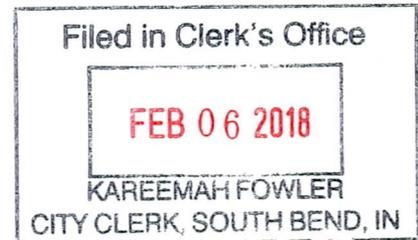
Bianca Tirado

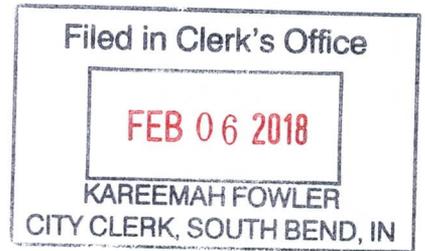
From: Angela Smith <ASmith@sjcindiana.com>
Sent: Tuesday, February 06, 2018 12:21 PM
To: Bianca Tirado
Cc: Kareemah Fowler; Bob Palmer
Subject: Special Exception Use
Attachments: 915 27th ordinance.docx; 2602 mishawka ordinance.docx

Attached are 2 Resolutions for Special Exception Uses. Please place them on your agenda for first reading at your February 12, 2018 Common Council Meeting. They will be heard by the ABZA at the February 14th meeting (1:30 in Council Chambers), with recommendation being forwarded on April 15th. The petitions should be ready for public hearing at your February 26th Council meeting.

Please let me know if you have any questions or if you need paper copies.

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





BILL NO. 18-03

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
915 27TH 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 property located at:

915 27TH STREET

In order to permit a Child Caring Institution in the OB Office Buffer 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 of 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.

Tim Scott, Council President
South Bend Common Council

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813

Friday, February 16, 2018

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

RE: The petition of Rite of Passage seeking a Special Use for a Child Caring Institution in the OB Office Buffer District for property located at 915 27TH, City of South Bend

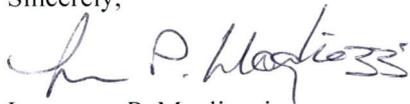
Dear Council Members:

I hereby Certify that the above referenced ordinance of Rite of Passage was legally advertised on February 1, 2018 and that the Area Board of Zoning Appeals at its public hearing on February 14, 2018 took the following action:

Upon a motion by John Leszcynski, being seconded by Jack Young and carried, a petition by Rite of Passage seeking a Special Use for a Child Caring Institution for property located at 915 27TH, City of South Bend, was sent to the Council with a favorable recommendation.

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

Sincerely,



Lawrence P. Magliozzi

Attachment

CC: Rite of Passage
Dr. William Bruinsma, Regional Director
Brendan Crumlish

PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE**PROPERTY INFORMATION:**

The property Tax Key Number(s) is/are: Tax ID# 018-6038-1198
Parcel #71-0917-126-015.000-026

The property address:
915 S. 27th
South Bend, IN 46615

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:
Lot 155 & Lot 154 Ex W 70' of N 40' of River Park. Also Lot 3 Ex W 20' Muia's Replat

VARIANCE INFORMATION:

- 1) V1 From required 14 parking spaces to 12.
- V2 From required 15' side building setback to 4'-0" .
- V3 From required rear and side parking setback of 15' to 0' on west side and south side.
- V4 From maximum gross floor area of 5,000 SF to 9,550 SF.
- V5 From required perimeter landscaping to none.
- V6 From required Parking screening to none.
- V7 From required 25' front building setback to 20'-0".
- V8 From required vehicle maneuvering space of 24'-0" along alley to zero.

2) A statement on how each of the following standards for the granting of variances is met:

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: because the child care institution is a very similar operation to the previous nursing home at this address.
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: virtually no changes shall occur to the exterior of the existing building.
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not allowing the owners the most applicable use of their property.

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

1) The Special Exception Use(s) being requested: To allow a Child Care Institution in an 'Office Buffer' district.

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

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: because the proposed residential use for children is very similar to the previous nursing home operation at this address.
- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: because the Owner intends to maintain the existing 40-year old building in the same or better condition than previously. The new residents will have jobs and

schooling in the community, but will use public transportation, only, and will not create any more vehicular traffic than the previous nursing home.

- (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: The proposed uses (combined offices and residential) will be consistent with the character of the district in which it is located and the land uses authorized for Office Buffer districts, including facilities that naturally transition from office-to-residential, such as the previous nursing home, and now the proposed new child care institution.
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because it involves the adaptive reuse of an existing structure.

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

PETITIONER INFORMATION:

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

Rite of Passage
Rusty Alexander, Business Managing Director (Property Owner)
2560 Business Parkway, Suite A
Minden, NV 89423
775-392-2639
rusty.alexander@rop.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner(s):

Rite of Passage
Dr. William Bruinsma, Regional Director (Petitioner & Presenter)
2560 Business Parkway, Suite A
Minden, NV 89423
775-392-2639
william.bruinsma@rop.com

Name and address of additional property owners, if applicable:

CONTACT PERSON:

Brendan Crumlish (Preparer)
Crumlish & Crumlish Architects, Inc.
3215-B Sugar Maple Ct.
South Bend, IN 46628
574-282-2998
crumlisharchitects@gmail.com

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

Signature(s) of all property owner(s):

Rusty E. Alexander, PM
William Bruinsma, Regional Director, ROP



January 17, 2018

St. Joseph County Area Plan Commission
Angela Smith, Deputy Zoning Director
227 W. Jefferson Blvd.
4th Floor City County Building
South Bend, IN 46601

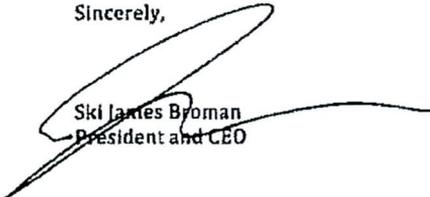
Dear Mrs. Smith:

I hereby grant authorization for Rusty Alexander and William Bruinsma to act as representatives for Rite of Passage, Inc. in its Petition for Variance and Special Exception Use with the South Bend Area Plan Commission for our proposed project located at 915 S. 27th Street, South Bend, IN 46615. These individuals may both sign documents related to the Petition and act as representatives at formal hearings.

Please let me know if you have any questions or would like to discuss this matter further.

Rite of Passage, Inc. looks forward to helping meet the needs of Indiana's youth.

Sincerely,



Ski James Byoman
President and CEO

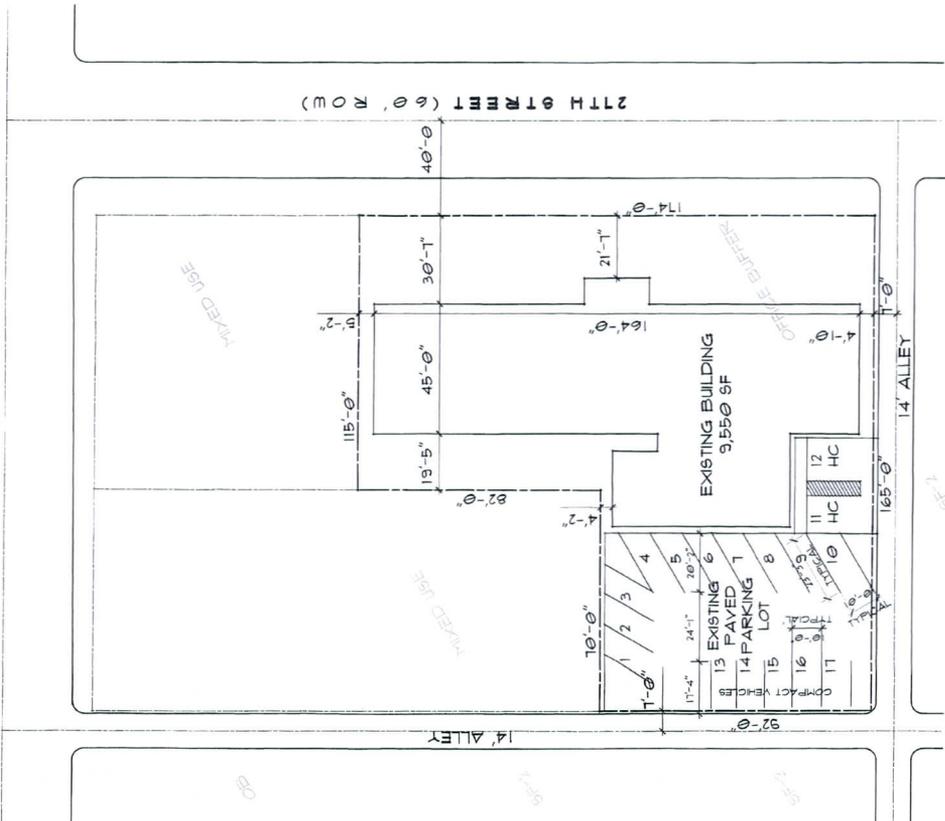
RITE OF PASSAGE

"Celebrating Thirty Years of Improving the Lives of Youth"

2560 BUSINESS PARKWAY, SUITE A • MINDEN • NV • 89423 • 775-267-9411 • FAX 775-267-9420 • INFO@RITEOFPASSAGE.COM

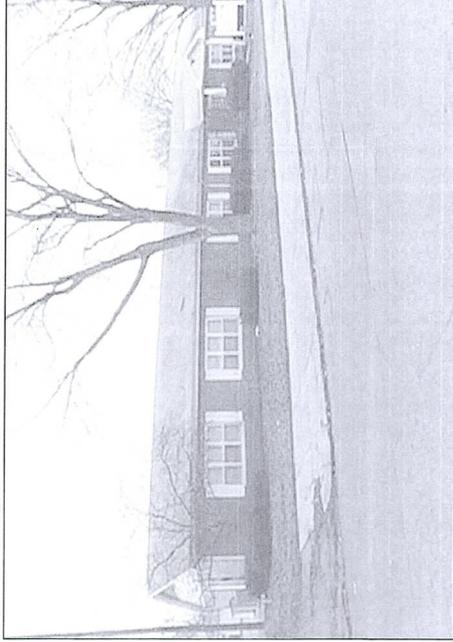
LEGAL DESCRIPTION
 LOT 155 & LOT 154 EX W 10' OF N 40' OF RIVER PARK. ALSO LOT 3 EX W 20'.
 MUA'S REPLAT

MISHAWAKA AVENUE (60' ROW)



SITE PLAN
 1" = 20'-0"

NOT A LEGAL SURVEY. INFO OBTAINED FROM PUBLIC SOURCES AND FIELD SURVEY. DIMENSIONS AND AREAS ARE ONLY APPROXIMATE. FIELD VERIFY ACTUAL PROPERTY LINE LOCATIONS.



VIEW FROM SOUTHEAST

PARKING REQUIREMENTS

- A. OFFICES (2450 SQ FT) = 9 SPACES
 - B. CHILDCARE INSTITUTION (6 ROOMS) = 4 SPACES
- TOTAL SPACES PROVIDED = 12 SPACES
 TOTAL SPACES REQUIRED = 13 SPACES

VARIANCES REQUESTED

- V1 FROM REQUIRED 14 PARKING SPACES TO 12.
- V2 FROM REQUIRED 15' SIDE BUILDING SETBACK TO 4'-0" .
- V3 FROM REQUIRED REAR AND SIDE PARKING SETBACK OF 15' TO 0'-0" ON WEST SIDE AND SOUTH SIDE.
- V4 FROM MAXIMUM GROSS FLOOR AREA OF 5,000 SF TO 9,550 SF.
- V5 FROM REQUIRED PERIMETER LANDSCAPING TO NONE.
- V6 FROM REQUIRED PARKING SCREENING TO NONE.
- V7 FROM REQUIRED 25' FRONT BUILDING SETBACK TO 20'-0" .
- V8 FROM REQUIRED VEHICLE MANEUVERING SPACE OF 24'-0" ALONG ALLEY TO ZERO.



CRUMLISH AND CRUMLISH ARCHITECTS INCORPORATED
 3715-B SUGAR MAPLE CT
 SOUTH BEND, IN 46629
 514-787-7338
 A SQUARE DEAL SINCE 1968
 WWW.CRUMLISHANDCRUMLISH.COM



WOODFORD CHILD CARE INSTITUTION
 915 S 27TH ST
 SOUTH, BEND
 46615

SITE PLAN

Drawn: B.C. CS
 Approved: B.C.
 ISSUED FOR: DATE: 01/15/2018
 Variances:

Do Not Scale Drawings
 Use Printed Dimensions
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CRIC File 17-488
 January 15, 2018



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

BILL NO. 18-12

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

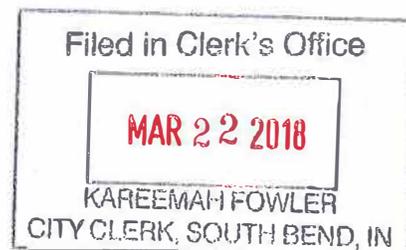
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

March 21, 2018

Mr. Tim Scott, President
South Bend Common Council
227 West Jefferson Blvd., 4th Floor
South Bend, IN 46601



Re: Resolution Approving Interlocal Agreement
For Law Enforcement Special Units

Dear Council President Scott:

Attached for filing with the South Bend Common Council is a Resolution to approve an Interlocal Agreement between the City of South Bend and the St. Joseph County Prosecutor concerning the mutual operation of special law enforcement units known as Metro Units (the Agreement). This Resolution grows out of a history of City Police Department cooperation with the St. Joseph County Prosecutor for crimes of particular high impact on the safety and welfare of City citizens.

The Metro Units covered by the Interlocal Agreement are the St. Joseph County Metro Homicide Unit ("CMHU"), the St. Joseph County Special Victims Unit ("SVU"), and the St. Joseph County Drug Investigation Unit ("DIU").

By this Agreement the City will cooperatively assist the Metro Units' operation by providing South Bend Police Department officers to serve as investigators, and additionally by providing funds for the cost and expenses of three additional investigators at approximately \$103,000 annually per officer, or about \$308,500 in total. Sufficient funds exist within the City's 2018 Budget to cover this service program.

Mr. Tim Scott, President
March 21, 2018
Page 2

Placement of this Resolution on the Council's agenda for its meeting on March 26, 2018 is requested. At this time we believe the presenter of this Resolution will be a member of the City Legal Department.

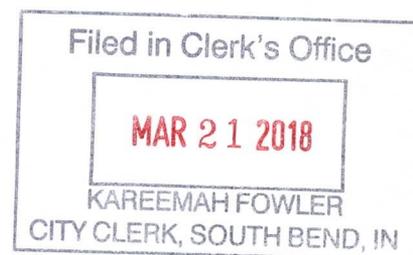
Thank you for your consideration.

Sincerely,



Aladean DeRose
City Attorney

BILL NO. 18-12
RESOLUTION NO. _____



**A RESOLUTION OF
THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
APPROVING AN INTERLOCAL AGREEMENT BETWEEN
THE CITY OF SOUTH BEND, INDIANA, AND ST. JOSEPH COUNTY, INDIANA,
FOR THE MUTUAL OPERATION OF SPECIAL LAW ENFORCEMENT UNITS
KNOWN AS METRO UNITS
ADDRESSING CRIMES OF SPECIAL GRAVITY IN ST. JOSEPH COUNTY**

WHEREAS, the City of South Bend, Indiana, through the South Bend Police Department (“SBPD”) has a history of cooperating with the St. Joseph County Prosecutor in the investigation and prosecution of crime within the City of South Bend; and

WHEREAS, St. Joseph County, Indiana, has created three special units that conduct criminal investigations of certain crimes deemed to have high impact upon the safety and welfare of citizens of St. Joseph County, Indiana, and which further provide services to victims of certain crimes. These are the St. Joseph County Metro Homicide Unit (“CMHU”); the St. Joseph County Special Victims Unit (SVU); and the St. Joseph County Drug Investigation Unit (DIU), collectively known as the “Metro Units”; and

WHEREAS, the CMHU presently combines the expertise of highly skilled and trained law enforcement officers from the St. Joseph County Police Department, the SBPD, the Mishawaka Police Department and the Notre Dame Security Police Department, as well as the technical and support services of Indiana University South Bend, to among other things investigate, gather and report data, and share information with the SBPD concerning crimes involving death or deadly force and other connected crimes. The SVU conducts criminal investigations and provides services to victims of domestic violence, child abuse and sexual assault in St. Joseph County, and the DIU investigates and prosecutes drug related crimes within St. Joseph County particularly those involving overdose deaths, and armed drug traffickers.

WHEREAS, Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, pursuant to IC 36-1-7, the City will cooperatively assist the Metro Units operation by providing South Bend Police Department officers to serve as Investigators, by providing each of these Investigators with a vehicle and requisite equipment, and by providing funds to pay for the cost and expenses of three additional Investigators of approximately \$103,000 per officer annually, for an annual total of about \$308,500. The Prosecutor of St. Joseph County will provide for the facilities needed for the Metro Unit operations subject to a separate cost sharing arrangement with the City, and the cost of the Metro Unit command staff, among other things; and

WHEREAS, The City of South Bend and St. Joseph County, Indiana, have entered into an Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit A, containing all the governing provisions for South Bend's participation in the cooperative Metro Units crime investigation and service program; and

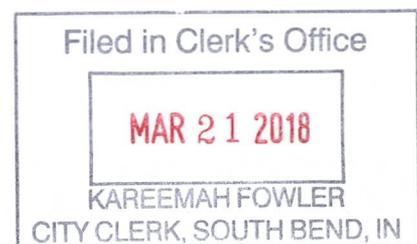
WHEREAS, sufficient funds exist within the City's 2018 Budget to cover the City's costs of participation in the cooperative Metro Units crime investigation and service program during calendar year 2018.

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

Section I. The Common Council of the City of South Bend, Indiana, has considered and hereby ratifies, confirms, and approves the Interlocal Agreement attached as Exhibit A to this Resolution, governing the City of South Bend Police Department's participation in the Metro Unit crime investigation and service program in St. Joseph County, Indiana.

Section II. This Resolution shall be given retroactive effect as of January 1, 2018 from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council



ST. JOSEPH COUNTY METRO UNITS INTERLOCAL AGREEMENT

This St. Joseph County Metro Units Interlocal Agreement (this "Agreement") is entered into on _____, 2018, by and between the Board of Commissioners of St. Joseph County, Indiana (the "County") and the City of South Bend, Indiana (the "City") (collectively, the "parties") as it relates to the South Bend Police Department's (the "SBPD") participation in the St. Joseph County Metro Homicide Unit ("CMHU"), the St. Joseph County Special Victims Unit (the "SVU"), and the St. Joseph County Drug Investigation Unit (the "DIU") (collectively, the "Metro Units").

RECITALS

A. The SBPD is a public safety and law enforcement unit supervised by the Chief of Police (the "Chief") and operating within the City in St. Joseph County, Indiana, in accordance with its legal authority and jurisdiction; and

B. The St. Joseph County Prosecutor's Office is tasked with prosecuting individuals who are charged with committing crimes within the County of State Joseph, Indiana supervised by the Prosecuting Attorney (the "Prosecutor"); and

C. The parties desire to continue past and ongoing efforts to cooperate and coordinate their functions and expertise and agree that the terms, conditions, and operations provided for in this Agreement will be in the best interest of their respective communities; and

D. The parties are governmental entities and political subdivisions organized and existing pursuant to the laws of the State of Indiana; and

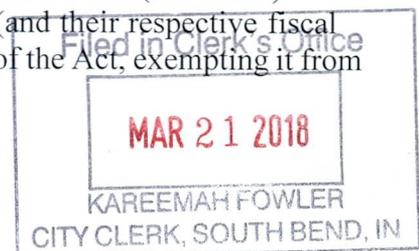
E. Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

F. The parties agree that it is desirable, advantageous, and in the public interest to enter into an Agreement for joint and cooperative action as embodied herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and pursuant to the authority granted the parties under Ind. Code 36-1-7, the County and the City agree as follows:

Article I. Statutory Authority; Purpose and Duration of Agreement; Unit Missions; Physical Locations

Section 1.01 Authority. The parties make this Agreement under the authority and subject to the terms and provisions of the Interlocal Cooperation Act, Ind. Code 36-1-7 (the "Act"). The parties agree that, upon its full approval by the City and the County (and their respective fiscal bodies), this Agreement will satisfy each requirement of Section 4(a) of the Act, exempting it from the necessity of approval by the Indiana Attorney General.



Section 1.02. Purpose. Pursuant to Section 3(a)(2) of the Act, the parties agree that the purpose of this agreement is to define the mutual responsibilities of the parties concerning the functions and management of the Metro Units.

Section 1.03. Duration. Pursuant to Section 3(a)(1) of the Act, the parties agree that this Agreement shall become effective January 1, 2018, and will continue until it is terminated in writing by the parties.

Section 1.04. Termination. Pursuant to Section 3(a)(4) of the Act, the parties may, at any time, mutually agree in writing to terminate the Agreement. Before June 1 of any year, a party may unilaterally terminate the Agreement for the following year by providing written notice that the Agreement will not continue beyond December 31 of that year. Within sixty (60) days, or a reasonable time mutually agreed upon, following the parties' termination of this Agreement, each Metro Unit will return all of the SBPD's property and assets to the SBPD in good working order and condition, ordinary wear and tear excepted.

Section 1.05. Unit Missions and Objectives. The parties mutually acknowledge that the Metro Units have and pursue the following missions and objectives, respectively:

(a) The CMHU's mission is to promote community welfare and lessen the burdens on government policing authorities by facilitating the expertise of highly skilled, well-trained law enforcement officers from the SBPD, the St. Joseph County Police Department, the Mishawaka Police Department, and the Notre Dame Security Police Department, coupled with the technical and support services of Indiana University South Bend, to focus on solving past and future crimes of special gravity within St. Joseph County. The initial primary objectives of the CMHU are as follows:

- (i) ensure that all scenes of a suspicious, unusual or unnatural death are properly investigated;
- (ii) investigate incidents in which deadly force was employed by or against a law enforcement officer;
- (iii) investigate other criminal offenses where jurisdiction is invoked by the Commander and by agreement with the Chief Law Enforcement Officer from that jurisdiction
- (iv) gather and report data relating to homicides in St. Joseph County; and
- (iii), share information between the CMHU and the SBPD to aid in the investigation of other connected crimes with consideration given to the confidential nature of CMHU investigations.

(b) The SVU is responsible for conducting criminal investigations in all cases of domestic violence, child abuse, and sexual assault within St. Joseph County as set forth in Appendix 1. The objective of the SVU shall be to provide professional, compassionate, and competent assistance to victims and their families by specializing in the investigation of these classifications of cases and providing additional victim services when needed and appropriate.

(c) The DIU is responsible for the investigation and prosecution of specific drug-related crimes in St. Joseph County. The initial primary objective of the DIU is to investigate overdose deaths within St. Joseph County. Secondary objectives include investigating armed drug traffickers within St. Joseph County.

Section 1.06. Physical Locations. The Metro Units are located at the following addresses, respectively:

- (a) The CMHU is located at 523 East Jefferson Boulevard, South Bend, Indiana 46617.
- (b) The SVU is located at 533 N. Niles Avenue, South Bend, Indiana 46617.
- (c) The DIU is located at 523 East Jefferson Boulevard, South Bend, Indiana 46617.

Article II. Administration

Section 2.01. Joint Board. Pursuant to Section 3(a) (5) (b), the Parties agree that this Agreement shall be administered through a joint board consisting of six (6) members (the "Joint Board") who shall be:

- a. The Prosecuting Attorney of St. Joseph County, Indiana;
- b. The Sheriff of St. Joseph County, Indiana;
- c. The Chief of Police of South Bend, Indiana;
- d. The Chief of Police of Mishawaka, Indiana;
- e. The Chief of Police of Notre Dame Security Police Department;
- f. The Chief of Police of Indiana University Police Department; and
- g. A civilian member to be appointed by a majority vote of the second in command for the agencies represented by the joint board. Elections for this member shall take place every two (2) years.

The Joint Board shall meet bi-monthly on the first Friday following the first Thursday of the month in the Office of the Prosecuting Attorney at 9:30 a.m., or as otherwise mutually agreed and shall be chaired by the Prosecuting Attorney.

Article III. South Bend Police Metro Units Personnel Assignments

Section 3.01. Assignment Authority. In furtherance of the Units' missions and objectives, the parties acknowledge and agree that the Chief, in his sole discretion, will have the authority to assign SBPD officers to the Metro Units.

Section 3.02. Applications for Assignment. Any SBPD officer interested in assignment to a Metro Unit will be required to comply with all posting, application, and interview requirements of the SBPD, including, without limitation, the following procedure:

(a) The SBPD will require officers interested in being assigned to a Metro Unit to complete an interview with an interview committee as part of the application process. The Human Resources Department and the Office of Risk Management will screen applicants for qualifications prior to the interview. Officers not meeting all SBPD or City requirements will not be granted an interview and will not proceed further in the application process. Whenever possible, the interview

committee will include the relevant Metro Unit commander and/or assistant commander, the Prosecutor or his designee, one (1) SBPD officer who was formerly assigned to the relevant Metro Unit, one (1) member of the SBPD command staff, and a member of the South Bend Human Resources Department. Interview committee members must remain consistent for the entire round of interviews. The interview committee will score and rank the applicants based on the interview portion of the application.

(b) After the interview committee has completed all interviews and have scored and ranked all of the interviewees, the interview committee will submit the names of the top three (3) to five (5) applicants to the Chief of the SBPD. The Chief, based on SBPD needs and resources, will give the names of the top three (3) to five (5) candidates to the Prosecutor. The Prosecutor shall then, from those three (3) to five (5) candidates select the candidate(s) to be assigned to the open position(s) in the relevant Metro Unit. If the Prosecutor determines that none of those candidates qualify for the open position, he/she may end the hiring process at that time. Within ninety (90) days, the Prosecutor may ask for the hiring process to be re-started. The City will have forty-five (45) days from the date of notice by the Prosecutor to restart the hiring process.

(c) Any interview recordings, or papers/forms used for scoring, ranking, or evaluating applicants shall remain confidential. The City may disclose them as required by law, in defense of any claim or complaint, or in the course of any legal proceeding.

Section 3.03. Officer Expectations. The parties expect all SBPD officers assigned to a Metro Unit to strive to act in a professional manner in order to inspire the public trust and confidence. All officers are public servants and shall keep all contacts with the public professional and courteous. All officers have a responsibility to the community, to the SBPD, and to themselves. Additionally, all officers are expected and required to comply with all policies, procedures, orders, chain of command, and rank structure of the SBPD. Nothing in this Agreement shall be construed as a waiver of the policies, procedures, orders, chain of command, and rank structure of the SBPD.

Section 3.04. Term of Assignment. Officers assigned to a Metro Unit are limited to a three (3) year term, with continual assignment assessments/performance reviews completed by the officer's supervisors within the SBPD. The SBPD supervisors may ask for input from the Metro Unit commander for assessments and/or performance reviews. At his/her sole discretion, the Chief may extend an officer's assignment to the Metro Unit for no more than one (1) year, making it a potential maximum of four (4) years. However, interested officers may re-apply and repeat the entire application process if they would like to be considered for re-assignment to a Metro Unit.

Section 3.05. Complaints. Complaints or administrative advisories regarding SBPD officers assigned to a Metro Unit may originate from the Metro Unit or elsewhere. If a complaint or administrative advisory originates from the Metro Unit, it shall be directed to the SBPD Office of Professional Standards (the "SBPD OPS"). The SBPD shall proceed with the investigation and recommendation to the Chief of the SBPD for discipline or corrective action.

Section 3.06. Officer Removal. Upon no less than thirty (30) days' written notice to the commander of the affected Metro Unit, the Chief, in his sole discretion, may remove from any Metro Unit any officer appointed to serve such Metro Unit. Notwithstanding the foregoing

sentence, the parties understand that discipline or termination may require an officer's immediate removal from the Metro Unit, and the commander of each Metro Unit will cooperate with any such requirements. The position lost by this removal shall be filled under the requirements of Section 3.02, et.al. and shall be subject to personnel availability.

Section 3.07. Alternates. In cases of injury or medical leave, the commander of a Metro Unit may request an alternate officer to be assigned from the SBPD as a temporary or part-time assignment, with the SBPD bearing all expenses of the alternate officer. The SBPD's referral is subject to the commander's acceptance. The alternate officer will be allowed to train and work with the Metro Unit subject to any duty restrictions he or she is under.

Section 3.08. Bi-Annual Review of Needs. The SBPD agrees to review and evaluate its personnel needs and its Metro Unit assignments on at least a bi-annual basis. The bi-annual review should include an analysis of personnel distribution, staff needs or shortages, types of cases handled, and efficiency of case investigation flow. The Metro Units agree to provide a monthly statistical classification update to the SBPD for reporting to the Board of Public Safety and other agencies as required by state and federal law.

Section 3.09 "Investigators." SBPD officers assigned to the Metro Units will be referred to as "Investigators." Some Investigators may also function as crime scene technicians, or other roles as the need arises. The designation of "Investigator" or any additional roles, titles, or responsibilities within a Metro Unit does not equate to or necessitate a promotion or salary increase from the SBPD. The day-to-day supervision and administrative control over the Investigators, with respect to the Metro Unit investigations and prosecutions, will be the responsibility of the Metro Unit commander and/or the assistant commander. With regard to matters related to the Metro Unit, the Investigators will also be subject to the Metro Unit regulations and policies including those related to tactics, investigative procedures, and performance. In case of conflict between SBPD policies and the Metro Unit policies, SBPD policies will supersede conflicting Metro Unit policies for all SBPD officers assigned to the Metro Unit. Each SBPD Investigator shall remain subject to SBPD supervision and policies, with direct supervision to be administered by the Commander or Assistant Commander of the Metro Unit. Each SBPD Investigator shall report to the SBPD regarding matters including, but not limited to caseload size, directions concerning policies and procedures that are given by the Investigative Bureau of the SBPD, including matters related to standards of conduct, sexual harassment, and equal opportunity. Failure to comply with any of the foregoing may result in the Investigator's removal from the Metro Unit. Administrative advisories, recommendations, commendations or complaints regarding officers assigned to Metro Units will be directed to the SBPD in a timely manner so that the SBPD may determine what, if any, investigation is required, and act accordingly.

Section 3.10. Overtime. The parties understand that SBPD officers assigned to the Metro Unit may have "on-call" responsibilities and may be required to work after-hours to conduct investigations. The Chief or his/her designee will coordinate with the Metro Unit commander to set overtime guidelines. The Chief will review overtime usage on a monthly basis. If the Chief sets a specific limit on the number of overtime hours which may be worked, overtime hours surpassing that number set by the Chief will not be approved. The Chief or his/her designee will notify the Metro Unit commander if budgetary concerns arise or there is need to reduce the number of overtime hours previously established by the Chief.

Section 3.11 Reports and Files. A Metro Unit supervisor must review and approve all investigative reports, which are prepared and submitted by Metro Unit Investigators. Once approved, all investigative reports will become a part of a numbered investigative file. The Metro Unit Investigators may utilize their own investigative report format provided they conform to the criteria outlined by the Metro Unit commander. All investigative reports and related documents, civil or criminal, will be considered permanent records of the Metro Unit. The Metro Unit is responsible for maintaining a readily accessible copy of every Metro Unit-generated investigative report. Any public requests for access to the records or any disclosures of information obtained by Metro Unit Investigators will be handled by the Prosecutor, in accordance with applicable statutes, regulations, and policies pursuant to the Freedom of Information Act and the Privacy Act, Access to Public Records Act, and other applicable State and federal statutes or regulations. Reports properly requested by Internal Affairs or the City Legal Department will be provided by the Metro Unit and will be protected with the same level of confidentiality the Metro Unit and Prosecutor require. During the course of the investigation, information relating to persons involved, locations, vehicles used and any other relevant information deemed law enforcement actionable intelligence will be shared via the Crime Portal, CIB, e-mail, Law Enforcement Strategy Sessions (L.E.S.S.) meeting dissemination, and in person to fellow law enforcement officers from SBPD. Intelligence regarding the identity of confidential sources, informants, undercover officers or any other information which could compromise safety of such person(s) or any officer or the integrity of an investigation will be withheld when necessary. Such information will only be released to the Chief or his designee.

Article IV. Unit-Specific Provisions

Section 4.01. CMHU-Specific Provisions. The provisions set forth in this Section 4.01 pertain to the CMHU alone. In the event of any conflict between the terms of this Section 4.01 and any other Section or provision of this Agreement, the terms of Section 4.01 will prevail.

(a) The Prosecutor will provide a commander to serve as the head of the CMHU. The commander will report on a monthly basis to the Chief or his/her designee concerning the status of the investigations and case assignments.

(b) The SBPD agrees to make available to its assigned CMHU Investigators any equipment, including encrypted 800 MHz radios and batteries, ordinarily assigned for use in the course of CMHU investigations, provided, however, that such equipment is exclusively designated for use by SBPD officers. Any equipment donated or loaned by SBPD to CMHU is the responsibility of the Prosecutor for maintenance, repairs, service agreements, and any injuries or damages arising out of the CMHU's use of such equipment unless otherwise agreed to by the parties at that time. It will be the responsibility of the CMHU to provide any other equipment, including, but not limited to, cellular communication devices and office supplies, to all assigned Investigators.

(c) The SBPD will assign police, preferably unmarked, vehicles to be used solely by SBPD officers for use in the course of investigations. A limited number of spare police vehicles are maintained at the SBPD for use when SBPD officers are having maintenance done to

their assigned vehicles. These vehicles shall be checked out/in through the SBPD Support/Investigative Division.

(d) SBPD will continue to cooperate with the Prosecutor to share in the costs of the training for its officers assigned to the CMHU. Pursuant to SBPD policy, SBPD officers will be required to submit all training requests for approval by the SBPD. Approval for such requests is at the discretion of the Chief.

(e) Officers shall follow the time off scheduling and requesting procedures as outlined in the Collective Bargaining Agreement with the Fraternal Order of Police and the South Bend Police Department Duty Manual.

Section 4.02. SVU-Specific Provisions. The provisions set forth in this Section 4.02 pertain to the SVU alone. In the event of any conflict between the terms of this Section 4.02 and any other Section or provision of this Agreement, the terms of Section 4.02 will prevail.

(a) The Prosecutor will provide the command structure for the SVU consisting of a commander and an assistant commander. The commander or the assistant commander will report on a monthly basis to the Chief or his/her designee concerning the status of the investigations and case assignments. The assignment of investigations related to domestic violence, child abuse, and sex crimes occurring in the City shall follow the general policies and procedures set forth in the protocol attached hereto as Appendix 1.

(b) The Prosecutor agrees to provide the physical building, office supplies, and investigative equipment necessary for the SVU's existence, subject to any cost-sharing arrangement entered into by and between the Prosecutor and the SBPD under the terms of a separate written agreement. The SVU shall be located in a neutral location, and it shall not be housed in any building otherwise occupied by another law enforcement agency participating in the SVU.

(c) The salaries and benefits of the commander, assistant commander, and all support staff will be the responsibility of the Prosecutor. The Prosecutor will also provide the appropriate number of deputy prosecuting attorneys and support staff within for the SVU. The deputy prosecutors and support staff provided shall be dedicated to the prosecution of crimes.

(d) The salaries and benefits of any SBPD officer assigned to the SVU shall be the responsibility of the SBPD.

(e) Officers assigned to the SVU shall function in a rotational "on-call" capacity, according to their specialty of investigation, for after-hours emergency response. The overtime cost of the "on-call" hours worked by each assigned officer shall be paid by the SBPD, regardless of the jurisdiction in which the "call out" originated. The call out protocol is established and included in the SVU protocol. On-call supervisors will be the first contact for on-call response and the decision, in consultation with on-duty supervision of a jurisdiction, is their responsibility as it relates to protocol and the incident being dealt with at the time. Officers shall follow the time off scheduling and requesting procedures as outlined in the Collective Bargaining Agreement with the Fraternal Order of Police and the South Bend Police Department Duty Manual.

(g) The SVU will provide to the officers specialty equipment used in the investigative function of their job responsibilities. This equipment shall include digital cameras, photo supplies, recorders, computer work stations, cellular telephones, pagers, and all appropriate office supplies necessary to conduct their investigations. The SBPD agrees to provide a vehicle, police radio, and the basic departmental issued equipment for its personnel.

(h) Specialty training will be provided to SBPD officers assigned to the SVU to enhance their job skills and further develop their specialty expertise. The costs of this training for each officer shall be shared between the SBPD and the Prosecutor. Training opportunities for individual officers within the SVU will be subject to approval by both the commander of the SVU and the training bureau of the SBPD.

Section 4.03. DIU-Specific Provisions. The provisions set forth in this Section 4.03 pertain to the DIU alone. In the event of any conflict between the terms of this Section 4.03 and any other Section or provision of this Agreement, the terms of Section 4.03 will prevail.

(a) The Prosecutor will provide a commander to serve as the head of the DIU for fulfilling the obligations of the DIU under this Agreement. The commander report on a monthly basis to the Chief or his/her designee concerning the status of the investigations and case assignments.

(b) The SBPD will cooperate with the Prosecutor to share in the costs of appropriate training for all SBPD officers assigned to the DIU.

(c) Officers shall follow the time off scheduling and requesting procedures as outlined in the Collective Bargaining Agreement with the Fraternal Order of Police and the South Bend Police Department Duty Manual.

Article V. Personnel Support

Section 5.01. Current City Participation. The Parties mutually acknowledge and agree that, as of the Effective Date of this Agreement, a total of sixteen (16) employees of the City are assigned to serve in the Metro Units on a full-time basis and zero (0) employees of the City are assigned to serve in the Metro Units on a less-than-full-time basis.

Section 5.02. Temporary Reduction of City Participation. Within ninety (90) days after the Effective Date of this Agreement, the City, acting through the Chief of the City's Police Department, will remove from service in the Metro Units three (3) City employees, who shall be selected by the Prosecutor. Upon the later of (a) the end of the Term of this Agreement or (b) two (2) years after the last new employee is hired by the Prosecutor's Office under the terms of Section 4 below, the Parties will negotiate in good faith concerning the return of three (3) City employees to service in the Metro Units, in light of the Personnel needs of the Metro Units and, as the City may determine in its reasonable discretion, the availability of City employees to serve in the Metro Units at that time. For each City employee returned to a Metro Unit, one (1) person

hired under Section 5.03 shall be released from service.

Section 5.03. Hiring by the Prosecutor's Office; Limitations. During the Term of this Agreement, the Prosecutor's Office agrees to hire the number of full-time employees necessary to offset the City's removal of City employees from service in the Metro Units under Section 5.02 as mentioned above, which number will not exceed three (3). Unless specifically approved by the Chief and City Legal, the Prosecutor's Office agrees that it will not hire:

- (a) any current City employee;
- (b) any former City employee who is involved, as a party or witness adverse to the City (or the City's officers or employees), in any pending litigation, dispute, or controversy concerning any subject matter; or
- (c) any former City employee, unless his or her employment by the City terminated at least two (2) years prior to the proposed date of hiring by the Prosecutor's Office and he or she has waived in writing any and all past and future claims against the City (and the City's officers and employees).

Any person hired by the Prosecutor's Office in accordance with this Agreement will be an employee of the Prosecutor's Office and not an employee of the City. Notwithstanding the payments contemplated in Section 5.04 below, the County (through the Prosecutor's Office) will directly bear all costs and expenses of hiring and employing its new employees.

Section 5.04. City Payments; Maximum Liability Upon the decision to hire a new investigator by the Prosecutor's Office under Section 4 above, the Prosecutor's Office will notify the City of the name, salary, length of the service contract and provisions for paid time off for vacation, sick and personal days of the prospective employee in writing. After receiving such notice from the Prosecutor's Office, the City will have up to twenty-one (21) days in which to ensure that the new employee qualifies under Section 5.03. In the event the City determines that the Prosecutor's Office has complied with Section 5.03, then within thirty (30) days after such determination the City will submit to the Prosecutor's Office a check payable to the St. Joseph County Treasurer in the amount as shown in **Appendix II** which is equal to the expected annual salary expense for the prospective employee, and transfer to the Prosecutor's Office ownership of one (1) unmarked vehicle for the use by that investigator.

In light of the salary limitations stated in Appendix II, the City's payments for each investigator hired under this Agreement will not exceed the total annual salaries of the investigators as stated at Appendix II. The Parties mutually agree and acknowledge that any payment by the City under Article 5 will be applied for the sole purpose of offsetting the costs and expenses of new employees hired in accordance with Section 4 above, which costs and expenses will at all times remain the responsibility of the County through the Prosecutor's Office. The parties also agree that except for compliance with Section 3 the decision to employ or not employ any applicant is within the sole discretion of the Prosecuting Attorney.

Each year on the anniversary date of the hire of each investigator the County shall prepare and

provide to the Chief or his/her designee a statement detailing the expenses expended under this agreement for that investigators. Notwithstanding any provision to the contrary, in the event the employment of a new investigator hired by the Prosecutor's Office ceases for any reason, then the Prosecutor's Office will prepare the statement for the period since the last anniversary date and pay back to the City the unpaid portion of the expected annual salary, including any overtime compensation.

If the Prosecutor decides to continue the employment of an investigator for a new term then it shall notify the Chief or his/her designee of this intent.

Section 5.05. Additional Personnel Option. During the duration of this Agreement, the parties, by agreement, may remove from service one (1) additional officer from the Metro Units for return to the SBPD. If this option is utilized, the Prosecutor is authorized to hire one (1) additional officer utilizing the hiring process established in Section 3. Upon the decision to hire a new investigator by the Prosecutor's Office and providing notice to the City, the City will have up to twenty-one (21) days in which to ensure that the new employee qualifies under Section 5.03. In the event the City determines that the Prosecutor's Office has complied with Section 5.03, then within thirty (30) days after such determination the City will submit to the Prosecutor's Office a check payable to the St. Joseph County Treasurer in the amount of \$92,000 and transfer to the Prosecutor's Office ownership of one (1) unmarked vehicle for the use by that investigator. The other stipulations and requirements listed in Article V apply to the hiring of an additional Metro Unit officer under this section.

Section 5.06. Equipment Reimbursement. Upon the hiring of an officer under Article 5, the Prosecutor may secure the purchase of a police handgun, a protective vest, and a computer device for each officer hired as outlined in Appendix II. After that purchase, the Prosecutor will have thirty (30) days to submit to the City a request for reimbursement of the costs associated with the equipment purchase, complete with an itemized receipt(s). Upon receiving a request for reimbursement, the City will have thirty (30) days to submit to the Prosecutor's Office a check payable to the St. Joseph County Treasure in the amount shown on the itemized receipt(s) up to \$2,750.00 per officer hired.

Section 5.07. Subject to Appropriations. Notwithstanding any provision to the contrary, the City's payments required under this Agreement are subject to the appropriation of sufficient funds in accordance with I.C. 6-1.1-18.

Section 5.08. No Third-Party Beneficiaries. The Parties expressly disclaim the existence of any third-party beneficiaries of this Agreement. Nothing in this Agreement, express or implied, is intended or will be construed to confer upon any person or entity, other than the Parties hereto and their respective successors or assigns, any remedy or claim under or by reason of this Agreement or any term, covenant, or condition hereof, as third-party beneficiaries or otherwise, and all of the terms, covenants, and conditions hereof will be for the sole and exclusive benefit of the Parties.

Section 5.09. Relationship. Nothing in this Agreement will be construed to create an agency or joint-venture relationship between the City and the Prosecutor's Office, and no

employee of the Prosecutor's Office, including any new employee solicited or hired in accordance with Section 4 above, will be deemed an employee of the City.

Section 5.10. Indemnification. The Prosecutor's Office agrees to defend, indemnify, and hold harmless the City (and the City's officers and employees) from and against any and all claims of any nature which arise from the performance by the Prosecutor's Office under this Agreement and from all costs and attorney fees in connection therewith, except for claims arising out of the negligence of the City (or the City's officers or employees). The obligations of the Prosecutor's Office under this Section 10 will survive the expiration or termination of this Agreement.

Article VI. Storage, Transportation, and Destruction of Evidence

Section 6.01. Storage. The SBPD agrees to store all drugs, firearms, currency, and other evidence taken through a Metro Unit investigation originating within its jurisdictional area in accordance with SBPD's guidelines for the handling of evidence and property.

Section 6.02. NIBIN. All firearm evidence taken in connection with a Metro Unit investigation within the corporate boundaries of the City shall be submitted to the SBPD Crime Laboratory for National Integrated Ballistics Information Network (NIBIN) examination.

Section 6.03. Transportation. Metro Unit officers or investigators will be responsible for transporting to court proceedings all evidence collected in connection with a Metro Unit investigation, as requested by the deputy prosecuting attorney assigned to an associated prosecution. The same Metro Unit officers or investigators will also be responsible for collecting such evidence at the conclusion of the court proceeding, as directed by the court or the deputy prosecuting attorney.

Section 6.04. Destruction. The SBPD will be responsible for the authorized and timely destruction of any evidence (including drug evidence and firearm evidence) once authorized by the Prosecutor or a court order collected in connection with a Metro Unit investigation or prosecution that was seized within the jurisdictional area of the SBPD, according to State and federal law and the SBPD's own policies and procedures.

Article VII. Media

Section 7.01. Media Relations. All media relations with respect to a Metro Unit investigation or prosecution will be handled by the Metro Unit's commander or a designee of the commander. Information for press releases will be reviewed and disseminated by the Prosecutor. No SBPD officer will give a statement to the media concerning any ongoing investigation or prosecution without the concurrence of the Metro Unit's commander, the Prosecutor, and the Chief.

Article VIII. Unit Conflict Resolution

Section 8.01. Conflict Resolution. In the event any matter not addressed by the terms of this Agreement or any dispute between the parties concerning the scope or meaning of the terms of this Agreement arises, the commander of the Metro Unit in question will cooperate in good faith to confer with the Chief (or the Chief's designee(s)) to mutually determine (a) the proper manner in which to handle the matter or dispute that has arisen and (b) whether an amendment

modifying the terms of this Agreement is appropriate to memorialize the mutual determination, to avoid future disputes, or otherwise to clarify the parties' practices and expectations.

Article IX. General Provisions

Section 9.01. Amendments. This Agreement may be amended, modified, or supplemented at any time by a written instrument signed by an authorized representative of each party. The failure of any party to enforce at any time any provision of this Agreement shall not be construed as a waiver of such provision, nor in any way to affect the validity of this Agreement or any part hereof or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach.

Section 9.02. Assignment. No Party may assign this Agreement or any of its rights, interests, obligations, or duties hereunder, whether by operation of law or otherwise, without the express written consent of the other Party.

Section 9.02. Severability. Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as a whole, invalid. Those rights, interests, obligations, and duties hereunder, which by their nature should survive, shall remain in effect after termination, suspension, or expiration hereof.

Section 9.03. Non-Discrimination. Pursuant to Ind. Code § 22-9-1-10, neither the City, the County, nor any of their contractors or subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

Section 9.04. Counterparts. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same Agreement.

Section 9.05. Governing Law and Jurisdiction. This Agreement shall be governed by the laws of the State of Indiana, and any dispute relating to the subject of or arising out of this Agreement shall be subject to the sole and exclusive jurisdiction of the Circuit and Superior Courts of St. Joseph County, Indiana.

Section 9.06. Further Assurances. The Parties agree that they will each undertake in good faith, as permitted by law, any action and execute and deliver any document reasonably required to carry out the intents and purposes of this Agreement.

Section 9.07. Exhibits. All exhibits described herein and attached hereto are

incorporated into the Agreement by reference.

Section 9.08. Entire Agreement. This Agreement, as it may be amended from time to time, encompasses the entire agreement of the Parties concerning its subject matter, and no

understanding, discussion, negotiation, or agreement will be binding on the Parties unless it is set forth herein. This Agreement supersedes and replaces all previous agreements, memorandums of understanding, contracts, or other documents concerning the Metro Units. All previous agreements, memorandums of understanding, contracts, or other documents concerning the Metro Units are here forth terminated.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

ST. JOSEPH COUNTY, INDIANA

CITY OF SOUTH BEND, INDIANA

Andrew T. Kostielney, President of the
Board of Commissioners

Pete Buttigieg, Mayor

Deborah Fleming, D.M.D., Vice President of
the Board of Commissioners

ATTEST:

Kareemah Fowler, City Clerk

Dave Thomas, Member of the
Board of Commissioners

ATTEST:

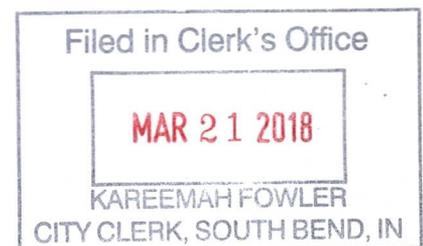
Michael J. Hamann, St. Joseph County
Auditor

APPROVED pursuant to St. Joseph County
Council Resolution No. _____:

APPROVED pursuant to South Bend
Common Council Resolution No.
_____:

Rafael Morton, President of the
St. Joseph County Council

Tim Scott, President of the South Bend
Common Council



APPENDIX 1

This investigative report shall include all investigative facts of the case and current case disposition/closure. Case evidence shall be preserved and stored within the law enforcement agency's property room where the incident occurred. No evidence will be permanently stored or housed in the building of the Special Victim's Unit.

Domestic violence criminal offenses handled by the Special Victims Unit should be those incidents that involve a violent act or behavior, physical assault and/or injury between intimate relationship partners as defined above, with the primary focus being "violence against women."

1. FAMILY OR HOUSEHOLD MEMBER DEFINED

For purposes of investigation, the SVU shall investigate certain crimes involving "family or household member" as defined by IC 31-9-2-44 .5, when the following relationships occur:

- a. When the perpetrator is a current or former spouse of the other person;
- b. When the perpetrator is dating or has dated the other person within the past year;
- c. When the perpetrator is engaged or was engaged in a sexual relationship with the other person within the past year; or
- d. When the perpetrator has a child in common with the other person.

2. CASE RESPONSIBILITIES OF THE ST. JOSEPH COUNTY SPECIAL VICTIMS UNIT:

a. The St. Joseph County Special Victim Unit shall accept and investigate all incidents involving:

- 1) Domestic Violence under IC 35-42-2-1.3,
- 2) Rape under IC 35-42-4-1,
- 3) Child Molesting under IC 35-42-4-3,
- 4) Vicarious Sexual Gratification under IC 35-42-4-5,
- 5) Child Seduction under IC 35-42-4-7,
- 6) Sexual Battery under IC 35-42-4-8,
- 7) Sexual Misconduct with a Minor under IC 35-42-4-13,
- 8) Inappropriate Communication with a Child under IC 35-42-4-13,
- 9) Incest under IC 35-46-1-3,
- 10) Neglect of a Dependent under IC 35-46-1-4, and
- 11) Battery to a Child by a Parent, Step-Parent, Guardian, or Caretaker under IC 35- 4

b. The Special Victims Unit will investigate "crime[s] involving domestic or family violence" (as defined herein) when the incident fits into at least one of the following:

- 1) A battery offense under IC 35-42 2,
- 2) Kidnapping or confinement under IC 35-42-3,
- 3) A sex offense under IC 35-42-4,
- 4) Intimidation under IC 35-45-2,
- 5) Stalking under IC 35-45-10, and/or

- 6) An offense against the family under
 - a) 35-46-1-2.....Bigamy
 - b) 35-46-1-3.....Incest
 - c) 35-46-1-4.....Neglect, Child Selling
 - d) 35-46-1-4.1.....Reckless Supervision
 - e) 35-46-1-5.....Non-Support of a Child
 - f) 35-46-1-6.....Non-Support of a Spouse
 - g) 35-46-1-7.....Non-Support of a Parent
 - h) 35-46-1-8.....Contributing to Delinquency of Minor
 - i) 35-46-1-12.....Exploitation of Dependent or Endangered Adult
 - j) 35-46-1-15.1.....Invasion of Privacy

c. The SVU will not accept for investigations the following cases:

- 1) Harassing or anonymous telephone calls, text messages, or social media postings, unless there exists an active, ongoing investigation of a domestic violence case(s), an open, charged case waiting adjudication with the same individuals involved, or a recent (one year) documented incident of domestic violence), will not be investigated by the Unit
- 2) Property crime cases that do not involve domestic violence (e.g. burglary, theft, criminal mischief, etc.);
- 3) Intimidation or verbal threat cases that do not involve domestic violence,;
- 4) Ungovernable or incorrigible juvenile cases;
- 5) Battery or property damage cases between a present or former intimate partner and a third party;
- 6) Fighting between siblings;
- 7) APS cases that do not involve domestic violence;
- 8) Public indecency under IC 35-45-4; or
- 9) Child exploitation and child pornography cases.

As a more specific explanation of assignment, domestic violence criminal offenses handled by the Special Victims Unit does not include the investigation of property crimes of burglary, theft, auto theft, unauthorized control of a vehicle, vandalism, criminal mischief, or fraud, unless there exists an active, ongoing investigation of domestic violence case(s) with the same individual(s) involved or a recent (one year) documented incident of domestic violence. Cases of harassing/threatening telephone calls (unless there exists an active, ongoing investigation of domestic violence case(s), an open, charged case waiting adjudication with the same individuals involved, or a recent (one year) documented incident of domestic violence), will not be investigated by the Unit.

The SVU is responsible for the investigation of criminal cases occurring within St. Joseph County involving domestic violence, child abuse and sex offenses. This responsibility has been established through the partnership established by this Protocol. This Protocol is created to clarify case investigation responsibilities. It will help to define and limit the referrals of cases to SVU which are better served within the partner agencies. The assignment of investigations related to domestic violence, child abuse and sex crimes occurring in St. Joseph County shall follow the

general policies and procedures set forth in this Protocol.

Please also refer to the following protocols regarding responding to incidents of domestic violence, sexual offenses and child abuse:

Law Enforcement Protocol in Response to Sexual Assault

Law Enforcement Protocol in Response to Domestic Violence; and

Call Out Protocol for SVU

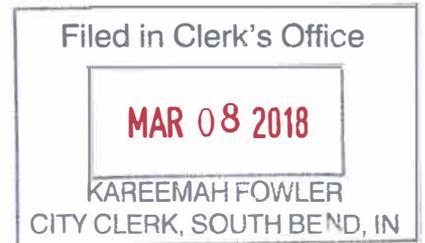
1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



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

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

February 27, 2018



Michael Danch
Danch, Harner and Associates, Inc.
1643 Commerce Drive
South Bend, IN 46628

RE: Alley Vacation – First North/South Alley ~14’ in Width Running North ~156’ from North Right-of-Way of Campeau St., East of N. Arthur St., and West of Walsh St. (Preliminary Review)

Dear Mr. Danch:

The Board of Public Works, at its February 27, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Street Department, and the Solid Waste Division. Per IC 36-7-3-13 criteria, all departments gave favorable recommendations regarding the vacation of this alley.

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

DHIA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

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

1643 Commerce Drive ■ South Bend, IN 46628

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

February 12, 2018

RE: Alley Vacation – First North/South Alley East of Arthur Street, running from Campeau Street on the South to the First East-West Alley on the North covering a distance of approximately 156 feet, South Bend, Indiana;

Dear Council Members:

On behalf of our clients we are requesting approval of the vacation of a portion of the First North-South Alley East of Arthur Street, running from Campeau Street on the South to the First East-West Alley on the North covering a distance of approximately 156 feet, being in South Bend, Indiana.

The reason for this request is to allow for the properties located on either side of the proposed alley to be enlarged and to close a public right-of-way which allows for vehicles using the alley to come within a few feet of the two existing adjacent homes. Both homes are owned by the petitioners, and they desire to increase the safety in the use of their properties through the proposed vacation.

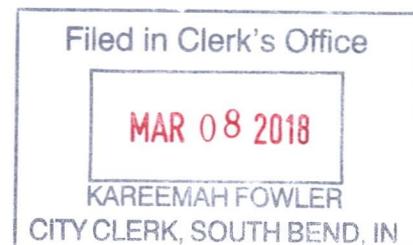
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates

File No. 180104



BILL NO. 19-18

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

FIRST NORTH/SOUTH ALLEY EAST OF ARTHUR STREET, RUNNING FROM CAMPEAU STREET ON THE SOUTH TO THE FIRST EAST-WEST ALLEY ON THE NORTH COVERING A DISTANCE OF APPROXIMATELY 156 FEET, ALL IN SOUTH BEND, INDIANA,

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 properties:

- 1). Alley Vacation – First North/South Alley East of Arthur Street, running from Campeau Street on the South to the First East-West Alley on the North covering a distance of approximately 156 feet, all in South Bend, Indiana,

hereby determines that it is desirable to vacate said properties.

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 Tax Key Numbers may be injuriously or beneficially affected by such vacating:

18-5092-3250 18-5092-3251 18-5092-3249 18-5092-3248 18-5092-3247 18-5092-3235
18-5092-3236 18-5092-3237 18-5092-3238 18-5092-3240 18-5092-3241 18-5092-3242
18-5092-3252 18-5092-3253 18-5087-3122

SECTION IV. The purpose of the vacation of the real properties is to vacate that portion

of all the Public Alley in the described area to allow for the safer use of the adjacent properties.

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.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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

To the Common Council
of the City of South Bend, Indiana

Date: 2-12-18

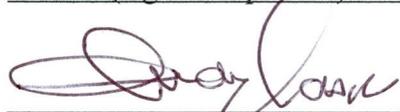
We, the undersigned property owner(s), petition you to vacate:

1). Alley Vacation – First North/South Alley East of Arthur Street, running from Campeau Street on the South to the First East-West Alley on the North covering a distance of approximately 156 feet, South Bend, Indiana

Tax Key Numbers owned by the Petitioners:

18-5092-3250 18-5092-3251

NAME (signed & printed) & ADDRESS



Andrew Caspers
3553 Bear Drive
San Diego, CA 92103

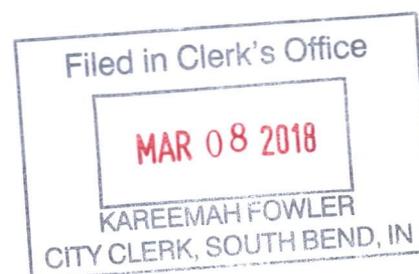


Amanda Shutts
3553 Bear Drive
San Diego, CA 92103

For- The Casper Shutts Family Trust
3553 Bear Drive
San Diego, CA 92103

Office of the City Clerk
Kareemah Fowler, City Clerk
Room 455-County-City Building
South Bend, IN 46601
574-235-9221

CONTACT PERSON NAME:
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
574-234-4003
e-mail: mdanch@danchharner.com





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: 2/12/2018 DCH

**Alley Vacation 150' Radius Map
 Danch Harner/Casper
 1221 E. Campeau**

First NS alley ~14' in width running north ~156'
 from N right of way of Campeau, east of N.
 Arthur Street and west of Walsh Street.

Filed in Clerk's Office

MAR 08 2018

CITY CLERK, SOUTH BEND, IN

Property Owners
Within 300 Feet

City of South Bend
1200 County City Building
South Bend, IN. 46601
Tax Key # 018-5092-3254

Rick B Young
1317 Chimes Blvd
South Bend, IN. 46615
Tax Key # 018-5092-3253

Casper Shutts Family Trust
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3249

Casper Shutts Family Trust
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3247

Shutts Casper Family Trust
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3248

Andrew & Casper & Amanda Shutts
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3250

Casper Shutts Family Trust
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3251

Ronald Little
1229 Campeau
South Bend, IN. 46617
Tax Key # 018-5092-3252

Housing Authority of South Bend
501 S Scott
South Bend, IN. 46613
Tax Key # 018-5092-3235

City of South Bend
215 S. St. Joseph
South Bend, IN. 46601
Tax Key # 018-5087-3122

Andrew & Casper & Amanda Shutts
3555 Bear Dr
San Diego, CA. 92103
Tax Key # 018 5092 3241

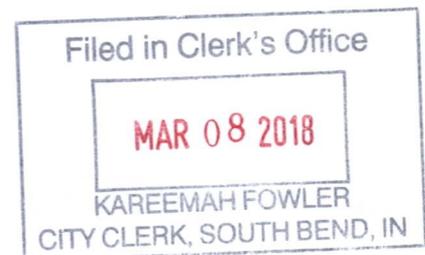
Five Corners LLC
814 Marietta St
South Bend, IN. 46601
Tax Key # 018-5092-3236

Five Corners LLC
814 Marietta St
South Bend, IN. 46601
Tax Key # 018-5092-3237

Alpine Construction Inc
1616 S Olive St
South Bend, IN. 46619
Tax Key # 018-5092-3238

Judith Ann James
1236 E Corby Blvd
South Bend, IN. 46617
Tax Key # 018-5092-3240

South Bend Housing Authority
501 S Scott
South Bend, IN. 46613
Tax Key # 018-5092-3242





City of South Bend Common Council

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

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

BILL NO. 20-18

Tim Scott
President

March 21, 2018

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: New Parking Restriction Ordinance

Tim Scott
First District

Dear Council Members:

Regina Williams-Preston
Second District

We are filing the attached proposed ordinance to establish parking restrictions on South Bend Streets. This ordinance would be added as section 20-4 of the Municipal Code. This proposed ordinance incorporates many of the restrictions placed by state statute, but adds a restriction prohibiting parking within 4 feet of either side of driveways.

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

The proposed is being submitted pursuant to Ind.Code 9-21-1-3 which permits local authorities to pass ordinances regulating parking in the interest of safety and the expediting of traffic flow.

Dr. David Varner
Fifth District

Please schedule this for first reading on March 26, 2018 with public hearing, second and third readings on April 9, 2018.

Oliver Davis
Sixth District

Thank you for your consideration.

Gavin Ferlic
At Large

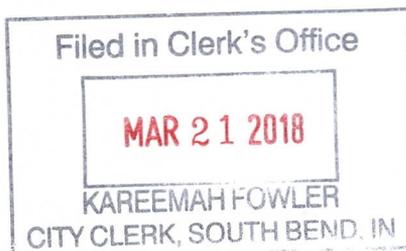
John Voorde
At Large

Karen White
At Large

Sincerely Yours,

Tim Scott, South Bend Common Council
President

Karen L. White, South Bend Common
Council Member at Large



Filed in Clerk's Office
MAR 21 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 20-18

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA,
ADDING SECTION 20-4 OF CHAPTER 20, ARTICLE 1 OF THE SOUTH BEND
MUNICIPAL CODE TO ESTABLISH PARKING RESTRICTIONS ON SOUTH BEND
CITY STREETS.**

STATEMENT OF PURPOSE AND INTENT

Indiana Code 9-21-1-3 provides local authorities, with respect to private roads and highways under the authority's jurisdiction, and within the reasonable exercise of the police power of the authority, the power to regulate the standing or parking of vehicles for the purposes of safety and the expediting of traffic flow.

In the interests of both expediting the flow of traffic and the safety of: 1) persons operating vehicles on such private roads and highways; 2) persons operating vehicles entering onto such private roads and highways from alleys or driveways; and 3) pedestrians, the standing, stopping, or parking of motor vehicles should be prohibited in designated areas. This ordinance adds § 20-4 to the South Bend Municipal Code and identifies those areas in which standing, stopping, or parking vehicles is prohibited.

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

SECTION I. Chapter 20, Article 4 is hereby amended to include Section 20-4 to read as follows:

Sec. 20-4 Designated Areas Where Stopping, Standing, or Parking Prohibited

No person may stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with law or the directions of a police officer or traffic control device, in any of the following places:

- 1) On any sidewalk or parkway.
- 2) In front, or within four (4) feet, of either side of a public or private driveway as defined in Section 14-41 of the South Bend Municipal Code.
- 3) Within an intersection.

- 4) Within fifteen (15) feet of a fire hydrant.
- 5) On a crosswalk.
- 6) Within twenty (20) feet of a crosswalk at an intersection.
- 7) Within thirty (30) feet of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
- 8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings.
- 9) At any place where an official sign prohibits parking, stopping, or standing.
- 10) Within fifty (50) feet of the nearest rail of a railroad crossing.
- 11) Within twenty (20) feet of the driveway entrance to a fire station, and on the side of a street opposite the entrance to a fire station, within seventy-five (75) feet of the entrance.
- 12) Alongside or opposite a street excavation or obstruction if stopping, standing or parking would obstruct traffic.
- 13) On the roadway side of a vehicle stopped or parked at the edge or a curb of a street.
- 14) Upon a bridge or other elevated structure upon a highway or within a highway tunnel.
- 15) At any place where official signs prohibit stopping, standing or parking.
- 16) At any place designated by a yellow curb line, except for emergency vehicles or other City or County vehicles on official business.
- 17) At any place upon a street or in an alley under such conditions as to create a traffic hazard. For purposes of this section, a traffic hazard will be deemed to exist when the vehicle is parked in such a fashion as to impede normal vehicle traffic through the street or alley or the vehicle blocks the driveway entrance to any abutting property.

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

Tim Scott, Council President
South Bend Common Council

Attest:

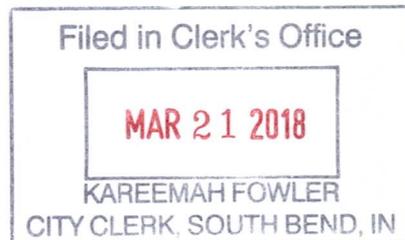
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ .m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana





City of South Bend Common Council

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

BILL NO. 21-18

(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

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Dr. David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

March 21, 2018

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

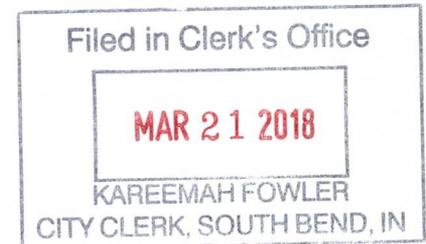
Re: Amended Ordinance to Establish Responsible Bidding Practices and
Submission Requirements on Public Works Projects

Dear Council Members:

We are filing the attached proposed amended ordinance to establish responsible bidding practices and submission requirements by contractors on Public Works projects. The ordinance is being proposed to comply with state law to award capital improvement contracts to the “lowest responsive and responsible” bidder. This ordinance reflects the factors the City will consider in determining whether a bidder is a responsive bidder in submitting a bid. The ordinance also establishes factors the City will consider in determining if a bidder is a “responsible” bidder.

This ordinance reflects the City’s experience in factors it has determined to meet minimum requirements to be a “responsive and responsible” bidder. The goal is to assure the efficient use of taxpayer dollars and to promote public safety. The ordinance will also ensure that no contractor or subcontract working on Public Works projects will engage in payroll fraud, tax fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers’ compensation insurance, unemployment insurance premiums and failing to pay overtime and wages as required by law.

Please schedule this for first reading on March 26, 2018 with public hearing, second and third readings on April 9, 2018.





City of South Bend Common Council

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

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

Thank you for your consideration.

Sincerely Yours,

Tim Scott, South Bend Common Council
President

Jo M. Broden, South Bend Common
Council Member, District 4

Karen L. White, South Bend Common
Council Member at Large

Bill No. 21-18

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE
TO INCLUDE A NEW ARTICLE 13 ESTABLISHING RESPONSIBLE BIDDING
PRACTICES
AND SUBMISSION REQUIREMENTS ON PUBLIC WORKS PROJECTS**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend (“City”) is required by State law to award capital improvement contracts to the “lowest responsive and responsible” bidder (IC §36-1-12-4(b)(8)). The City pursuant to (IC 36-1-12-4(b)(10)) considers the following factors when determining whether a bidder is a “responsive” bidder: (a) whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications; (b) whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders; and (c) whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract. The City pursuant to Indiana Code 36-1-12-4(b)(11) considers the following factors when determining whether a bidder is a “responsible” bidder: (a) the ability and capacity of the bidder to perform the work; (b) the integrity, character, and reputation of the bidder; and (c) the competence and experience of the bidder. State law also requires that bidders meet certain minimum requirements in order to be a “responsive and responsible” bidder.

The City, based upon its experience, has determined that quality workmanship, efficient operation, safety, and timely completion of projects requires all bidders to meet minimum requirements in order to be a “responsive and responsible” bidder. The City seeks to enhance its ability to identify “responsive and responsible” bidders on all City public works projects by instituting more comprehensive submission requirements which are in compliance with State law.

This “Responsible Bidding Practices and Submission Requirements” Ordinance will assure efficient use of taxpayer dollars, will promote public safety, and is in the public interest. This Ordinance will also help ensure that no contractor awarded work under this Ordinance, or any subcontractor working on a project award pursuant to this Ordinance, engages in payroll fraud, tax fraud, including the misclassification of employees as independent contractors to avoid paying state, federal or local payroll taxes, workers’ compensation insurance, unemployment insurance premiums and failing to pay overtime and wages as required by law.

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

SECTION I. Chapter 6 (Building) of the South Bend Municipal Code is hereby amended to add a new Article 13 that shall read in its entirety as follows:

ARTICLE 13. RESPONSIBLE BIDDING PRACTICES AND SUBMISSION
REQUIREMENTS ON PUBLIC WORKS PROJECTS

Sec. 6-63. Bid submission requirements.

(a) Contractors proposing to submit bids on any City project estimated to be at least one-hundred fifty thousand dollars (\$150,000.00) or more must, prior to the opening of bids, submit a statement made under oath and subject to perjury laws, on a form designated by the City and must include:

(1) A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within sixty (60) days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership, this subsection shall not apply;

(2) A list identifying all former business names;

(3) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Bacon and related Acts, within the preceding five years;

(4) A statement on staffing capabilities, including labor sources. This statement shall include whether the bidder has sufficient employees on staff to complete the work it is bidding. If not, the bidder shall outline how it intends to meet the staffing needs of the work;

(5) A statement that individuals who will perform work on the public work project on behalf of the bidder will be properly classified as an employee or as an independent contractor under all applicable state and federal laws and local ordinances;

(6) Evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. Copies of all applicable apprenticeship certificates or standards for these training programs may be requested at any time and shall be furnished upon request;

(7) A copy of a written plan for employee drug testing that: (i) covers all employees of the bidder who will perform work on the public work project; and (ii) meets, or exceeds, the requirements set forth in IC 4-13-18-5 or IC 4-13-18-6;

(8)(i) A statement that the contractor submitting a bid or quote on a public work project of the City; and all subcontractors from whom the bidder has accepted a bid and/or intends to hire to perform work, on the public work project, are properly licensed;

(ii) A bidder not so licensed shall be rejected as nonresponsive to the bid or quote request, or the bidder or quoter shall be determined to be a nonresponsible bidder or quoter. It shall be the bidder's or quoter's responsibility to check with the City Building Department to make sure it and all subcontractors have all necessary licenses to

undertake the work called for in the bid or quote The bidder shall immediately remove any subcontractor not so licensed;

(9) Evidence that the contractor is utilizing a surety company which is on the United States Department of Treasury's Listing of Approved Sureties as required in the bid specifications or contract;

(10) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the preceding three years; and,

(11) A list of projects of similar size and scope of work that the bidder has performed in all areas, including the State of Indiana, within three (3) years prior to the date on which the bid is due.

(b) The City reserves the right to request supplemental information from the bidder, additional verification of any information provided by the bidder, and may also conduct random inquiries of the bidder's current and prior customers.

Sec. 6-64. Post-bid submissions.

(a) All bidders shall collect, maintain, and provide upon request, a current written list that discloses the name, address, licensing status, and type of work for any subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the public work project, including individuals performing work as independent contractors.

(b) Each subcontractor, whose portion of the project is estimated to be at least one-hundred fifty thousand dollars (\$150,000.00), shall be required to adhere to the requirements of Section I of this Ordinance as though it were bidding directly to the City, except that the subcontractor shall submit the required information (including the name, address, and type of work) to the successful bidder prior to the commencement of work.

(c) Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, the City may withhold all payments otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the City approves such information.

(d) The disclosure of a subcontractor list ("Disclosed Subcontractor(s)") to the City by a bidder shall not create any rights in the Disclosed Subcontractor(s). Thus, a bidder may substitute another subcontractor for a Disclosed Subcontractor by giving the City, upon request, written notice of the name, address, licensing status, and type of work of the substitute subcontractor.

Sec. 6-65. Validity of pre-qualification classification.

Upon designation by the City that a contractor's submission in anticipation of a bid is complete and timely, and upon any further consideration deemed necessary by the City, the contractor may be pre-qualified for future City public works projects. A contractor's classification as "qualified" shall exempt the contractor from the comprehensive submission requirements outlined in Section 6.63(a) of this Article for a period of twelve (12) months, excepting subsections 6.63(a)(1), (a)(4), (a)(9) and (a)(11) which shall be submitted for every bid

submission . Thereafter, contractors who are pre-qualified must submit a complete application for continuation of "pre-qualified" standing, on a form provided by the City, (also referred to as the "short form") by December 31st for the upcoming calendar year. Failure by any pre-qualified contractor to timely submit its complete application for continuation of "pre-qualified" standing shall result in automatic removal of the designation, effective January 1 of the upcoming year. However, the "removed" contractor or subcontractor shall still be permitted to bid on City public works projects.

Sec. 6-66. Incomplete submissions by bidders.

It is the sole responsibility of the potential bidder to comply with all submission requirements applicable to the bidder in Section 6.63 of this Article by no later than the public bid opening. Post-bid submissions must be submitted in accordance with foregoing Section 6.65 of this Article. Submissions deemed inadequate, incomplete, or untimely by the City may result in the automatic disqualification of the bid.

Sec. 6-67. Responsive and responsible bidder determination.

The City, after review of complete and timely submissions, shall, in its sole discretion, after taking into account all information in the submission requirements, determine whether a bidder is responsive and responsible. The City specifically reserves the right to utilize all information provided in the contractor's submission or any information obtained by the City through its own independent verification of the information provided by the contractor.

Sec. 6-68. Certified payroll.

For any projects estimated to be at least one-hundred fifty thousand dollars (\$150,000.00) or more, the successful bidder and all subcontractors working on a public works project are required to submit to the awarding agency, and general contractor if applicable, a detailed certified payroll utilizing the federal form now known as WH-347 or a similar form on a biweekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract. The certified payroll must be prepared on a biweekly basis and submitted to the City within ten (10) calendar days after the end of each biweekly payroll period in which the bidder or subcontractor performed its work on the public works. The certified payroll reports shall identify the job title and craft of each employee on the project.

The City may withhold payments due for work performed by a bidder if the bidder or subcontractor fails to submit its certified payroll reports timely or until such certified payroll reports are submitted.

Sec. 6-69. Public records

All information submitted by a bidder or a subcontractor pursuant to this Article, including certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records Act (IC 5-14-3) and any other applicable disclosure laws.

Sec. 6-70. Penalties for false, deceptive, or fraudulent statements/information

(a) Any bidder that willfully makes, or willfully causes to be made, a false, deceptive or

fraudulent statement, or willfully submits false, deceptive or fraudulent information in connection with any submission made to the City shall be disqualified from bidding on all City projects for a period of three (3) years.

(b) For projects that fall under the requirements of Section 6-68 of this Article, the City may engage in an audit and/or verification process of the information provided. To the extent that material errors are identified, the City may do the following;

- (i) Require the bidder to reimburse the City the actual cost of the audit;
- (ii) Assess a penalty of up to \$2,500, it being determined that each material error constitutes a separate violation of this Ordinance.

Secs. 6-71 –6.73. Reserved.

SECTION II. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

SECTION III. Implementation Date.

The Board of Public Works shall apply this ordinance on all applicable bids advertised on or after July 1, 2018.

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

Tim Scott, Council President
South Bend Common Council

Karen L. White, At Large Council Member
South Bend Common Council

Jo M. Broden, 4th District Council Member
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana